



AGENDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
CITY OF PORT ORANGE

Meeting Date: Wednesday, May 27, 2015

Time: 9:00 AM

Type of Meeting: Regular

Location: Council Chambers
City Hall, 1000 City Center Circle

A. CALL TO ORDER

1. Roll Call
2. Attorney Overview of Special Magistrate Code Enforcement Process
3. Consideration of Minutes - April 22, 2015

B. FORMAL HEARING (COMPLIANCE OR NON-COMPLIANCE)

4. **CEB Case No.:** 15-222

Respondent: RRRAC LLC

Address of Violation: 5080 Ridgewood Avenue, Port Orange, FL 32129

Code Officer: Deborah Faircloth

First Notified: 03/24/2015

Compliance: No

Cited for violation(s) - 2009 International Property Maintenance Code as adopted by the City of Port Orange Code of Ordinances, Chapter 14, Article II.

Chapter 3, Sections 305.3, 304.7, 304.14

Chapter 5, Sections 502.1, 506.2, 507.1

Chapter 6, Sections 602.3, 604.3

Chapter 7, Sections 702.3, 704.1, 704.2

City of Port Orange Land Development Code, Chapter 12, Section 6(f)(1), Section 2(b)(3)(a), Section 3(c)

City of Port Orange Code of Ordinances, Chapter 42, Article II, Section 42-26 (c)(f)

2010 Florida Building Code as adopted by the City of Port Orange Land Development Code, Chapter 8, Section 1

2012 NFPA 101 – Adopted by City of Port Orange Land Development Code, Chapter 8, Section 2

2011 NFPA 10 and 2012 NFPA 101 – Adopted by City of Port Orange Land Development Code, Chapter 8, Section 2

305.3 The ceiling is falling and there is visible water damage in room #5

304.7 The roof is leaking, collapsing and visibly deteriorated allowing water to enter the building. Fascia and soffit is rotted and needs to be replaced. Roof needs repaired/replaced.

304.14 Window screens are required. Replace all damaged or missing screens.

502.1 Toilets and sinks must be in good working order. Repair.

506.2 Repair sewage line break on back side of motel along Orange Avenue.

507.1 Repair trench on back side of property where ground has eroded from run-off along Orange Avenue. Remove PVC piping along fence that appears to be unused.

5. **CEB Case No.:** 15-039

Respondent: Andreas M. Schill

Address of Violation: 5831 Wales Avenue, Port Orange, FL 32127

Code Officer: Deborah Faircloth

First Notified: 04/09/2015

Compliance: No

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

City of Port Orange Code of Ordinances, Chapter 42, Article II, Section 42-32 2015.

International Property Maintenance Code, Chapter 3, 302.7 Accessory Structures, as adopted by the City of Port Orange Code of Ordinances, Chapter 14, Article II, Section 14-26.

6. **CEB Case No.:** 14-2217

Respondent: Dana L. Dech

Address of Violation: 4469 Chalmette Court, Port Orange, FL 32127

Code Officer: Amanda Bonin

First Notified: 02/13/2015

Compliance: No

Cited for violation(s) - Failure to Obtain a Building Permit This is a violation of the 2010 Florida Building Code Section 105.1. (A permit must be obtained before construction.)

7. **CEB Case No.:** 15-103

Respondent: Thomas Barrie

Address of Violation: 1144 Meditation Loop, Port Orange, FL 32129

Code Officer: Amanda Bonin

First Notified: 04/10/2015

Compliance: No

Cited for violation(s) - Chapter 3, Section 304 Exterior Structure, 304.2 Protective treatment of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Land Development Code.

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.

City of Port Orange Code of Ordinances Chapter 42 Nuisances, Section 42-32 Storage of vehicles, furniture, etc.

8. **CEB Case No.:** 15-276

Respondent: Jeffery E. Rivers ETAL

Address of Violation: 98 Stone Gate Lane, Port Orange, FL 32129

Code Officer: Amanda Bonin

First Notified: 04/09/2015

Compliance: No

Cited for violation(s) - 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), (d) Maintenance of improved residential lots and (f) Garbage, waste, trash, etc., prohibited.

City of Port Orange Code of Ordinances Chapter 42 Nuisances, Section 42-32 Storage of vehicles, furniture, etc.

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

9. **CEB Case No.:** 15-513

Respondent: Valerie Potter

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

Code Officer: Amanda Bonin

First Notified: 04/09/2015

Compliance: No

Cited for violation(s) - Chapter 1, Section 108 Unsafe Structures and Equipment, 108.1.1 Unsafe Structures of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Land Development Code.

Chapter 1, Section 108 Unsafe Structures and Equipment, 108.1.3 Structure unfit for human occupancy of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Land Development Code.

Chapter 1, Section 108 Unsafe Structures and Equipment, 108.1.5 Dangerous Structure or premises of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Land Development Code.

Chapter 3, Section 301 General, 301.3 Vacant Structures and Land of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Land Development Code.

Chapter 3, Section 302 Exterior property areas, 302.8 Motor Vehicles of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Land Development Code.

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

Chapter 3, Section 304 Exterior Structure, 304.15 Doors of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Land Development Code.

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

10. **CEB Case No.:** 15-0199

Respondent: David M. Powell

Address of Violation: 775 Sugar Cane Lane, Port Orange, FL 32129

Code Officer: Dena Joseph

First Notified: 04/16/2015

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.

11. **CEB Case No.:** 15-464

Respondent: Michael Viala

Address of Violation: 49 Elda Lane, Port Orange, FL 32127

Code Officer: Scott Allman

First Notified: 04/22/2015

Compliance: No

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

12. **CEB Case No.:** 15-476

Respondent: Patricia Manos

Address of Violation: 226 Pinerock Place, Port Orange, FL 32127

Code Officer: Scott Allman

First Notified: 04/23/2015

Compliance: No

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

Chapter 42, (Storage of vehicles, furniture, etc.), Article II Section 42-32 of the City of Port Orange Code of Ordinances.

Chapter 70, (Traffic), Article II (Stopping, standing, parking), Section 70-49 (Restrictions on disabled or abandoned vehicles), of the City of Port Orange Code of Ordinances.

13. **CEB Case No.:** 15-0661

Respondent: Susan Ann Brynes

Address of Violation: 1006 3rd Street, Port Orange, FL 32129

Code Officer: Dena Joseph

First Notified: 04/24/2015

Compliance: Yes

Cited for violation(s) - Chapter 42 (Nuisances) of the City of Port Orange Code of Ordinances, Article II (Garbage, Junk and Undergrowth), Section 42-26 (Cleanliness of Property Generally-Duty of Owner), (d) as it pertains to the maintenance of improved residential lots.

14. **CEB Case No.:** 15-270

Respondent: Milton Jesus Corchado

Address of Violation: 5278 Plantation Home Way, Port Orange, FL 32128

Code Officer: Amanda Bonin

First Notified: 04/18/2015

Compliance: No

Cited for violation(s) - Chapter 42 (Nuisances), Article II (Garbage, Junk and Undergrowth), Section 42-26 (Cleanliness of Property Generally-Duty of Owner), (d) Maintenance of improved residential lots and (f) Garbage, waste, trash, etc., prohibited of the City of Port Orange Code of Ordinances.

15. **CEB Case No.:** 15-503

Respondent: Elizabeth & Jonathan Harold

Address of Violation: 5280 Plantation Home Way, Port Orange, FL 32128

Code Officer: Amanda Bonin

First Notified: 04/18/2015

Compliance: No

Cited for violation(s) - Chapter 42 (Nuisances), Article II (Garbage, Junk and Undergrowth), Section 42-26 (Cleanliness of Property Generally-Duty of Owner), (d) Maintenance of improved residential lots and (f) Garbage, waste, trash, etc., prohibited of the City of Port Orange Code of Ordinances.

16. CEB Case No.: 15-415

Respondent: James A. & Mildred C. Kitchell

Address of Violation: 1103 Squirrel Nest Lane, Port Orange, FL 32129

Code Officer: Amanda Bonin

First Notified: 04/18/2015

Compliance: No

Cited for violation(s) - Chapter 42 (Nuisances), Article II (Garbage, Junk and Undergrowth), Section 42-26 (Cleanliness of Property Generally-Duty of Owner), (d) Maintenance of improved residential lots and (f) Garbage, waste, trash, etc., prohibited of the City of Port Orange Code of Ordinances.

Chapter 42 Nuisances, Section 42-32 Storage of vehicles, furniture, etc. of the City of Port Orange Code of Ordinances.

17. CEB Case No.: 15-418

Respondent: Wayne V. Smith

Address of Violation: 1096 York Way, Port Orange, FL 32129

Code Officer: Amanda Bonin

First Notified: 04/18/2015

Compliance: No

Cited for violation(s) - Failure to Obtain a Building Permit of the 2010 Florida Building Code Section 105.1.

18. CEB Case No.: 15-272

Respondent: Renee M. Ransom

Address of Violation: 1243 Eddie Drive, Port Orange, FL 32129

Code Officer: Amanda Bonin

First Notified: 04/18/2015

Compliance: No

Cited for violation(s) - Chapter 42 (Nuisances), Article II (Garbage, Junk and Undergrowth), Section 42-26 (Cleanliness of Property Generally-Duty of Owner), (d) Maintenance of improved residential lots and (f) Garbage, waste, trash, etc., prohibited of the City of Port Orange Code of Ordinances.

Chapter 42 Nuisances, Section 42-32 Storage of vehicles, furniture, etc. of the City of Port Orange Code of Ordinances.

19. **CEB Case No.:** 15-137

Respondent: Banta Scott Trust

Address of Violation: 5249 Sydney Street, Port Orange, FL 32127

Code Officer: Deborah Faircloth

First Notified: 04/27/2015

Compliance: No

Cited for violation(s) - 2015 International Property Maintenance Code, Chapter 1, Section 108, 108.1.1 Unsafe Structures, 108.1.3 Structure unfit for human occupancy, 108.1.5 Dangerous structure or premises (2)(3)(6)(7)(8)(10), as adopted by the City of Port Orange Code of Ordinances.

Chapter 14, Article II, Section 14-26 of the City of Port Orange Code of Ordinances.

Chapter 42, Article II, Section 42-26(d)(f)(h) of the City of Port Orange Code of Ordinances.

C. ORDER IMPOSING FINE/LIEN

20. **CEB Case No.:** 15-0174

Respondent: Mikel Chase Skinner

Address of Violation: 820 Sugar House Blvd., Port Orange, FL 32129

Code Officer: Dena Joseph

First Notified: 01/01/1900

Compliance: No

Cited for violation(s) - Chapter 70 (Traffic), Article II (Stopping, Standing Parking), Section 70-49 (Restrictions on disabled or abandoned vehicles), (c) Restrictions, 1 (a) & (b), and (2).

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

21. **CEB Case No.:** 15-0018

Respondent: Linda Kennedy, Maureen Kennedy, and John Kennedy

Address of Violation: 5204 Sydney Street, Port Orange, FL 32127

Code Officer: Scott Allman

First Notified: 01/01/1900

Compliance: No

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

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

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

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

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

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

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

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 32127, TELEPHONE NUMBER 386.321.5533, WITHIN A WORKING DAY OF YOUR RECEIPT OF THIS

CODE ENFORCEMENT SPECIAL MAGISTRATE MINUTES
COUNCIL CHAMBERS
1000 CITY CENTER CIRCLE
APRIL 22, 2015

THE SPECIAL MAGISTRATE HEARING of the City of Port Orange was called to order by Special Magistrate Branch at 9:15 a.m.

PRESENT: Raymond Branch, Special Magistrate

ALSO PRESENT: Chris Hutchison, Code Enforcement Supervisor
Michael Cochetti, Code Enforcement Legal Counsel
Scott Allman, Code Enforcement Inspector
Dena Joseph, Code Enforcement Inspector
Deborah Faircloth, Code Enforcement Inspector
Amanda Bonin, Code Enforcement Inspector
Theresa Gutierrez, Deputy City Clerk

Special Magistrate Branch reviewed the Code Enforcement hearing process.

Consideration of Minutes from April 8, 2015

Special Magistrate Branch approved the April 8, 2015 meeting minutes with minor grammatical error change on pg. 2.

Oaths

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

B. FORMAL HEARING (COMPLIANCE OR NON-COMPLIANCE)

4. **CEB Case No.:** 15-165

Respondent: Arlene Skeliski

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

Code Officer: Deborah Faircloth

First Notified: 02/24/2015

Compliance: Yes

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

Ms. Faircloth request for case no. 15-165 be dismissed due to the fact that the property owner came in compliance with the notice. Special Magistrate Branch dismissed case no. 15-165.

5. **CEB Case No.:** 15-049
Respondent: Flavio G. Forzanti
Address of Violation: 402 Needles Drive, Port Orange, FL 32127
Code Officer: Deborah Faircloth
First Notified: 02/25/2015

Compliance: No

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

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

The violation was first observed on January 22, 2015. The alleged violator was given Notice of Violation/Notice of Hearing on February 25, 2015 by property posting at 402 Needles Drive, Port Orange, FL 32127. Additionally, the notice was also sent via certified mail and posted at City Hall on February 26, 2015. The violation was to be corrected on March 13, 2015. Upon re-inspection on April 2, 2015 by Mr. Allman, on behalf of Ms. Faircloth, the site was not in compliance. The front yard has been mowed but the back yard had not been. There is still yard debris present and the fence has not been repaired. The most recent inspection was on April 20, 2015 resulting in non-compliance.

Ms. Faircloth said she has worked with Mr. Forzanti on different violations in the past. The house did go into pre foreclosure.

Ms. Faircloth stated that Mr. Allman inspected the location at her request on April 2, 2015 due to an absence. At the time of re-inspection, the site was not in compliance. The front yard had been mowed within the last few days but the backyard had still remained the same, the yard debris was still present, and the fence had not been repaired. To date, the City does not know who mowed the front property.

Ms. Faircloth presented photos dated February 9, 2015. The pictures indicated the side yard and back fence with yard debris and high weeds and grass. All photos were taken from the public right-of-way. Pictures dated April 20, 2015 were presented by Ms. Faircloth. The pictures indicate the property being in the same condition as the pictures dated February 9, 2015. Special Magistrate Branch submitted the photos into evidence.

Based on the information presented in case no. 15-049, Ms. Faircloth is requesting the Special Magistrate to find that Flavio G. Forzanti, property owner of 402 Needles Drive, Port Orange, FL 32127, be found in violation of Chapter 42, Article II, Section 42-26(d)(f)(h) of the City of Port Orange Code of Ordinances and Chapter 16, Section 3(4)(b)(d) of the City of Port Orange Land Development Code.

Special Magistrate Branch found case no. 15-049 in violation of Chapter 42, Article II, Section 42-26(d)(f)(h) of the City of Port Orange Code of Ordinances and Chapter 16, Section 3(4)(b)(d) of the City of Port Orange Land Development Code.

Ms. Faircloth request the violations be corrected on or before May 1, 2015. If the accused does not comply with this Order, a fine of \$100 will be imposed for each day the violation continues past May 1, 2015. Ms. Faircloth also

request the City have the ability to abate the violations and lien the property for all costs incurred. The accused is further ordered to contact this code enforcement officer to arrange for a re-inspection of the property to verify compliance with the Order. Any future violations under this ordinance shall be considered repeat violations.

Additionally, as per Chapter 2, Section 2-214, Code of Ordinances: "In addition to any fines, the Special Magistrate may impose additional fines to cover all costs incurred by the City in enforcing its codes and all costs or repairs pursuant to sub section (a)." The cost to date is \$40.65 as indicated on this cost sheet submitted into evidence. The respondent will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion.

Special Magistrate Branch asked if Ms. Faircloth had any contact with the property owner with this case. Ms. Faircloth said she had called and left voicemails. She did contact Mr. Forzanti one time regarding this matter. Mr. Forzanti advised Ms. Faircloth that he would do what he can to take care of it. Nothing has been done after the phone call was made. Ms. Faircloth suspected that Mr. Forzanti went out and mowed the front yard but is not 100% on it.

Ms. Faircloth also request for the violations be considered a serious health, safety, and welfare concern to the public. Special Magistrate Branch believes the fence is a hazard.

Special Magistrate Branch accepted Ms. Faircloth's recommendation. A referral to the City Council shall be made for possible abatement.

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

Respondent: Robert T. Cox

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

Code Officer: Deborah Faircloth

First Notified: 03/03/2015

Compliance: No

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

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

Chapter 42 (Nuisances), Article II (Garbage, junk, and undergrowth), Section 42-32 (Storage of vehicles, furniture, etc.) of the City of Port Orange Code of Ordinances.

The violation was first observed on February 18, 2015. The Notice of Hearing/Notice of Violation was given on March 3, 2015 by property posting at 4863 Orange Blvd., Port Orange, FL 32129. Additionally, the notice was also mailed via certified mail on March 9, 2015 and posted at City Hall. The mail was returned to City Hall not deliverable. The violation was to be corrected on March 18, 2015. Upon re-inspection on March 14, 2015, the site had been mowed but the fence had not been repaired nor has the outside storage been properly stored and there are still some items that appear to be trash. The most recent inspection was on April 20, 2015 resulting in non-compliance. The property is not in compliance as the fence has not been repaired, there still appears to be some trash, and the outside storage has not been properly stored. Safeguard Properties had their information on the property (window) and will now be

mowing. Ms. Faircloth spoke with Tina at Safeguard on April 15, 2015 and explained this case was to be heard by the Special Magistrate on April 22, 2015, and emailed a copy of the notice. Tina stated she will send it to their client for review. Safeguards only work that they are approved from their client to just to mow and maintain the property. It is not to do anything with the fencing or outside storage.

Ms. Faircloth presented photos dated April 14, 2015 and April 20, 2015. The photos indicated the property being mowed. Ms. Faircloth said there is still outside storage present. The yard is continuing to grow but according to Safeguard, they have a regular mow schedule for this property. Special Magistrate Branch submitted the photos into evidence.

Based on the information presented in case no. 15-183, Ms. Faircloth is requesting the Special Magistrate to find that Robert T. Cox, property owner of 4863 Orange Blvd., Port Orange, FL 32127, be found in violation of Chapter 42, Article II, Section 42-26 (f) and Section 42-32 of the City of Port Orange Code of Ordinances and Chapter 16, Section 3, (b)(4)(b)(d) of the City of Port Orange Land Development Code. Ms. Faircloth request to dismiss Chapter 42-26 (d) and (f) originally stated in the notice. Special Magistrate Branch dismissed Chapter 42-26 (d) and (f).

Special Magistrate Branch found case no. 15-183 in violation of Chapter 42, Article II, Section 42-26 (f) and Section 42-32 of the City of Port Orange Code of Ordinances and Chapter 16, Section 3, (b)(4)(b)(d) of the City of Port Orange Land Development Code.

Ms. Faircloth request that the violation be corrected on or before May 1, 2015. If the accused does not comply with this Order, a fine of \$100 be imposed for each day the violation continues past May 1, 2015. Ms. Faircloth also request the accused is further ordered to contact this Code Enforcement Officer to arrange for a re-inspection of the property to verify compliance with the Order. Any future violations under this ordinance shall be considered repeat violations.

Additionally, as per Chapter 2, Section 2-214, Code of Ordinances: "In addition to any fines, the Special Magistrate may impose additional fines to cover all costs incurred by the city in enforcing its codes and all costs or repairs pursuant to sub section (a)." The cost to date is \$40.65 as indicated on this cost sheet submitted into evidence. The respondent will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion.

Special Magistrate Branch accepted Ms. Faircloth's recommendation.

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

Respondent: Malcolm G. Scott

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

Code Officer: Dena Joseph

First Notified: 03/09/2015

Compliance: No

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

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

Chapter 70 (Traffic), Article II (Stopping, Standing, and Parking), Section 70-49 (Restrictions on disabled or abandoned vehicles, (c) Restrictions, (1) and (2) of the City of Port Orange Code of Ordinances.

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

Ms. Joseph requested for 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 and Chapter 70 (Traffic), Article II (Stopping, Standing, and Parking), Section 70-49 (Restrictions on disabled or abandoned vehicles, (c) Restrictions, (1) and (2) of the City of Port Orange Code of Ordinances be dismissed due to compliance with the order. Special Magistrate Branch dismissed the violations.

The violation was first observed on February 12, 2015 after receiving a complaint. The alleged violator was given the notice of violation on March 9, 2015 by posting the notice on the property located at 740 Herbert Street, Port Orange, FL 32129 at 12:35 PM and by certified mail on March 10, 2015. The grievance card was received signed by Malcolm G. Scott on March 13, 2015. The violation was to be corrected March 24, 2015. Ms. Joseph re-inspected the location on March 26, 2015. The inspection resulted in non-compliance. The most recent inspection was on April 21, 2015, the property was still in non-compliance. Ms. Joseph said some of the violations have been corrected. The van has been removed from the property, the overgrowth has been cut back off the sidewalk along Lex Court, and there are no visible vines on the building.

Ms. Joseph showed Mr. Scott the pictures that she will be presenting. Mr. Scott objected to three (3) photos that he is saying that aren't his property.

Ms. Joseph said there was a complaint that was received concerning an unregistered/abandoned vehicle on property, garbage and debris, outside storage, and high weeds and grass and overgrowth while she was out on medical leave. Ms. Faircloth had inspected the complaint on behalf of Ms. Joseph being out on medical leave. Ms. Faircloth left 10 day door hanger asking resident to contact her with options to remedy the violations on the property.

Ms. Faircloth presented three (3) photos dated February 10, 2015 taken from Herbert Street. The photos indicated garbage, trash, junk, and debris along with an inoperable/unregistered vehicle. There were no objections to the photos presented. Special Magistrate Branch submitted the photos into evidence.

Ms. Joseph conducted the re-inspection on February 23, 2015 and no corrections had been made to the property in accordance with Ms. Faircloth's observations. Ms. Joseph witnessed a broken down, unregistered van on site with flat tires along with multiple bags of trash and numerous pots being stored behind the van. There was still overgrowth over the sidewalk along Lex Court. The block building in the back of the property is still covered with overgrowth and vines.

Ms. Joseph received a letter from Mr. Scott dated March 23, 2015 stating that the unregistered/inoperable van on site had been sold and removed from the property and that the remaining violations would be addressed at the April 22, 2015 Special Magistrate hearing.

Ms. Joseph presented photos taken March 9, 2015. The pictures were taken from Herbert Street. The photos indicate full bags of mulch, wood against the back of the house, etc. There were no objections to the photos presented. Special Magistrate Branch submitted the photos into evidence.

Mr. Clark, citizen, said he is tired of looking at the debris on Mr. Scott's property. He believes it affects everyone's property values.

Mr. Scott was duly sworn by Special Magistrate Branch. Mr. Scott presented a certified receipt that showed that the letter was sent to Ms. Joseph along with a tracking number.

Mr. Scott explained the pile of debris. He does not believe that the pile of debris is trash. Ms. Joseph explained how the debris is considered outside storage. Mr. Scott said he took the photos on February 12, 2015. The photos were admitted into evidence without objection. Mr. Scott mentioned that he has an open roof permit currently. That is why he has wood, supplies, etc. located at the property.

Based on the information presented in case no. 15-0139, Ms. Joseph is requesting the Special Magistrate to find that Malcolm G. Scott, property owner of 740 Herbert Street, Port Orange, FL 32129, be found in violation of Chapter 42 (Nuisances), Article II (Garbage, Junk and Undergrowth), Section 42-26 (Cleanliness of property generally-duty of owner, (f) Garbage, waste, trash, etc. prohibited of the City of Port Orange Code of Ordinances and 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.

Special Magistrate Branch dismissed 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.

Special Magistrate Branch found case no. 15-0139 in violation of 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.

Ms. Joseph request the violation be corrected on or before May 3, 2015. If the accused does not comply with this Order, a fine of \$100 be imposed for each day the violation continues past May 3, 2015. Ms. Joseph also request the accused is further ordered to contact this Code Enforcement Officer to arrange for a re-inspection of the property to verify compliance with the Order. Any future violations under this ordinance shall be considered repeat violations.

Additionally, as per Chapter 2, Section 2-214, Code of Ordinances: "In addition to any fines, the Special Magistrate may impose additional fines to cover all costs incurred by the City in enforcing its codes and all costs or repairs pursuant to sub section (a)." The cost to date is \$40.65 as indicated on this cost sheet submitted into evidence. The respondent will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion.

Special Magistrate Branch accepted Ms. Joseph's recommendation.

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

Respondent: Carroll Gertrude Est.

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

Code Officer: Dena Joseph

First Notified: 03/13/2015

Compliance: Yes

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

Ms. Joseph request for case no. 14-2556 be dismissed due to the property owner being in compliance with the notice. Special Magistrate Branch dismissed case no. 14-2556.

9. **CEB Case No.:** 15-511
Respondent: Sandy J. Barnes
Address of Violation: 5645 Palm Avenue, Port Orange, FL 32127
Code Officer: Deborah Faircloth
First Notified: 04/16/2015

Compliance: No

Cited for violation(s) - 2015 International Property Maintenance Code, Chapter 1, Section 108, 108.1.1 Unsafe Structures, 103.1.3 Structure unfit for human occupancy, 108.1.5 Dangerous structure or premises, 108.6 Abatement methods. Chapter 42, Section 4226 (d)(f)(h) Cleanliness of property generally duty of owner of the City of Port Orange Code of Ordinance.

Michael Cochetti, Attorney for Code Enforcement, said this property was involved in a house fire. Sandy Barnes, respondent, had perished in the fire. The Notice of Violation/Notice of Hearing was issued via certified mail and posted at the property on April 16, 2015. Mr. Cochetti conducted a property management search and a background check on Mr. Barnes to locate potential heirs. Mr. Cochetti got in contact with the deceased brother and daughter. The brother advised Mr. Cochetti that he had no interest in the property. The daughter also advised that she had no interest in the property. The daughter said she would discuss the property interest with her siblings. The deceased has two (2) daughters and one (1) son.

Special Magistrate Branch asked if the City has done anything to secure the property. Ms. Faircloth said the entire property is wrapped up with caution tape. The neighbors are concerned with hurricane season coming up.

Ms. Faircloth said there was an inspection on March 30, 2015. The violation presents a serious health to the public health, safety, and welfare. A subsequent fire inspection was finalized on February 22, 2015. The fire was deemed accidental.

Ms. Faircloth presented pictures dated April 14, 2015 and April 16, 2015.

Mr. Cochetti requested to adjourn case no. 15-511 until May 6, 2015. At that time, City Staff will have more evidence and witnesses to back up the case. Special Magistrate Branch adjourned case no. 15-511 to the May 6, 2015 Special Magistrate hearing.

C. ORDER IMPOSING FINE/LIEN

10. **CEB Case No.:** 14-2722
Respondent: Ronald B. Sr. & Barbara J. Roark
Address of Violation: 5404 Wood Street, Port Orange, FL 32127
Code Officer: Scott Allman
First Notified: 06/04/2014

Compliance: No

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

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

This case was first heard on July 9, 2014. The respondents were to have taken corrective action on or before July 31, 2014. Mr. Allman re-inspected the property on August 1, 2014 resulted in non-compliance. An affidavit of non-compliance has been submitted to the Clerk along with the order set fine/lien. The fine was issued for \$100 per day starting August 1, 2014.

Mr. Allman presented photos dated March 16, 2015. The photos indicate the property still remaining in non-compliance and the property posting. Special Magistrate Branch submitted the photos into evidence.

Special Magistrate Branch asked how long the property has been vacant. Mr. Allman said it has been vacant for at least one (1) to two (2) years.

The cost to date is \$112.64 as indicated on the cost sheet submitted into evidence.

Special Magistrate Branch ordered a fine of \$100 per day be assessed starting on August 1, 2015 and shall accrue each day until the violations come into compliance. Cost in the amount of \$112.64 are also ordered.

11. CEB Case No.: 14-2624

Respondent: Juan F. & Mary L. Galarza

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

Code Officer: Scott Allman

First Notified: 06/04/2014

Compliance: No

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

This property was found in repeat violation. The City was granted the ability to abate under health and safety issues. There was no daily fine. The cost of abatement was \$100. Mr. Allman said the property was mowed yesterday. He has not received the invoice yet. He requested to submit the fine/lien in lei off the Magistrate receiving the invoice along with the updated cost sheet.

Special Magistrate Branch approved Mr. Allman's request. Once the invoice and cost sheet is submitted to the Magistrate, the Magistrate will sign off on the order imposing fine/lien.

12. CEB Case No.: 15-89

Respondent: James E. Redmond

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

Code Officer: Scott Allman

First Notified: 02/05/2015

Compliance: No

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

This property was found in repeat violation for high weeds and grass. Prior to the hearing, the owner had mowed it. A fine is in the amount of \$150 per day beginning on January 28, 2015 through February 5, 2015 totaling \$1,350. The cost to date is \$59.63. The total amount of the fine would equal to \$1,409.63.

Special Magistrate Branch ordered a fine in the amount of \$1,409.63.

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

Respondent: Peter J. Renko

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

Code Officer: Scott Allman

First Notified: 02/20/2015

Compliance: No

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

This case was first heard on March 11, 2015. A re-inspection on April 10, 2015 resulted in non-compliance. A fine in the amount of \$50 per day shall be assessed starting April 1, 2015 and continue to accrue until compliance has been achieved. The cost to date is \$78.65.

Special Magistrate ordered a \$50 per day fine commencing on April 1, 2015 and shall continue to accrue until compliance has been achieved. Cost in the amount of \$78.65 is ordered as well.

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

Respondent: James E. Redmond

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

Code Officer: Scott Allman

First Notified: 02/05/2015

Compliance: No

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

Mr. Allman request to dismiss the set fine/lien in this case. The property owner was in compliance with the order. Special Magistrate Branch dismissed case no. 15-90.

15. **CEB Case No.:** 14-2623

Respondent: Tommy & Lynn Chesser

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

Code Officer: Scott Allman

First Notified: 01/19/2015

Compliance: No

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

Mr. Allman said Staff does not want to move forward with setting a fine/lien on this case and request for dismissal.
Special Magistrate Branch dismissed case no. 14-2623.

D. PUBLIC COMMENTS

E. ADJOURNMENT: 11:48 a.m.

Special Magistrate Raymond Branch

Case Cost Sheet Log

Case No. 15-222

Name	Activity	Activity_Date	Status	Cost
RRRAC LLC	Notice of Violation/Notice of Hearing hand delivered to Ram Managar on March 24, 2015 at 9:10 a.m.	03/24/2015	Hand Delivered	\$0.00
RRRAC LLC	Mailing Finding of Fact/Conclusion of Law & Order to 1559 Town Park Drive, Port Orange, FL 32129	05/27/2015		\$6.48
Clerk of Court	Recording Fee - Finding of Fact/Conclusion of Law & Order	05/27/2015		\$27.00

Total: \$33.48



**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 14-2217

To:
Dana L Dech
4469 Chalmette Court
Port Orange, FL 32127

Re: 4469 Chalmette Court
Port Orange, FL 32127
Parcel ID: 6309-26-00-0150

LEGAL DESCRIPTION: LOT 15 JACKSON SQUARE MB 42 PG 130 PER OR 3939 PG 3953 & OR3966 PG 2129 PER OR 5713 PGS 4279-4287 PER OR 5721 PG 0375 PER OR 6038 PG 0999 PER OR 6325 PG 0454 PER OR 6787 PG 2303 PER OR 7015 PG 0349

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:

Failure to Obtain a Building Permit This is a violation of the 2010 Florida Building Code Section 105.1. (A permit must be obtained before construction.)

The shed and concrete slab were constructed without a building permit. A permit is required for this type of construction. Mr. Deck was informed of this and on September 22, 2014, he stated he would be in town and would come to City Hall to apply for a permit. To date there is not permit for this work.

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 \$ 60,109 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 at 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 13th 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 Dana L Dech 4469 Chalmette Court Port Orange, FL 32127, was

- ☐ Hand-delivered
☒ Posted at the property

Time: approx.. 3:10pm

this 18th day of February, 2015.

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 Dana L Dech 4469 Chalmette Court, Port Orange, FL 32127, was

- ☒ Posted at City Hall
☒ Sent via certified

this 19th day of February, 2015.

Theresa Butler
Secretary, Special Magistrate

RIGHT TO APPEAL

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

ACCOMMODATIONS

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



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

Last Updated: 02-10-2015 Today's Date: 2-13-2015		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		09-16-33-26-00-0150 6309-26-00-0150		Mill Group 402 Port Orange	
Alternate Key		5082814		2014 Final Millage Rate 21.15960	
Parcel Status		Active Parcel		PC Code 01	
Date Created		03 MAR 1989			
Owner Name		DECH DANA L		GO TO ADD'L OWNERS	
Owner Name/Address 1					
Owner Address 2		4469 CHALMETTE CT			
Owner Address 3		PORT ORANGE FL			
Owner Zip Code		32127			
Owner Percentage		100		Ownership Type Fee Simple	
Location Address		4469 CHALMETTE CT PORT ORANGE 32127			

LEGAL DESCRIPTION		GO TO ADD'L LEGAL	
LOT 15 JACKSON SQUARE MB 42 PG 130 PER OR 3939 PG 3953 & OR			
3966 PG 2129 PER OR 5713 PGS 4279-4287 PER OR 5721 PG 0375 P			

SALES HISTORY						GO TO ADD'L SALES	
#	BOOK	PAGE	DATE	INSTRUMENT	QUALIFICATION	IMPROVED?	SALE PRICE
1	7015	0349	6/2014	Warranty Deed	Qualified Sale	Yes	120,000
2	6787	2303	11/2012	Quit Claim Deed	Unqualified Sale	Yes	100
3	6325	0454	2/2009	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	14,280	65,214	0	79,494	79,494	79,494	79,494	0	79,494	79,494	0	79,494
2013	16,320	70,689	0	87,009	87,009	87,009	87,009	0	87,009	87,009	0	87,009

LEGAL DESCRIPTION**LOT 15 JACKSON SQUARE MB 42 PG 130 PER OR 3939 PG 3953 & OR****3966 PG 2129 PER OR 5713 PGS 4279-4287 PER OR 5721 PG 0375 P****ER OR 6038 PG 0999 PER OR 6325 PG 0454 PER OR 6787 PG 2303 P****ER OR 7015 PG 0349**

Prepared by:
Leigh Frederick
Summit Title Group
15 E. Granada Blvd., Suite 6
Ormond Beach, Florida 32176

File Number: 14-0208

General Warranty Deed

Made this June 20, 2014 A.D. By **Barbara A Davis**, 1312 Fairfax Circle East, Boynton Beach, FL 33436, hereinafter called the grantor, to **Dana L. Dech**, whose post office address is: 4469 Chalmette Court, Port Orange, Florida 32127, 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 Ten Dollars, (\$10.00) and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee, all that certain land situate in Volusia County, Florida, viz:

Lot 15, Jackson Square, according to the Plat thereof as recorded in Plat Book 42, page(s) 130, of the Public Records of Volusia County, Florida.

Said property is not the homestead of the Grantor(s) under the laws and constitution of the State of Florida in that neither Grantor(s) or any members of the household of Grantor(s) reside thereon.

Parcel ID Number: 6309-2600-0150

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, 2014.

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:

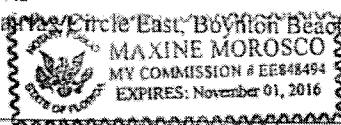
Susan Hazzard
Witness Printed Name SUSAN HAZZARD

Maxine Morosco
Witness Printed Name MAXINE MOROSCO

State of Florida Adm Seal
County of

Barbara A Davis (Seal)
Barbara A Davis

Address: 1312 Fairfax Circle East, Boynton Beach, FL 33436



Address:

he foregoing instrument was acknowledged before me this 20th day of June, 2014, by Barbara A Davis, who is/are personally known to me or who has produced Drivers license as identification.

Notary Public

Print Name: MAXINE MOROSCO

104.11 Alternative materials, design and methods of construction and equipment. The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material, design or method of construction shall be approved where the building official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety. When alternate life safety systems are designed, the *SFPE Engineering Guide to Performance-Based Fire Protection Analysis and Design of Buildings*, or other methods approved by the building official may be used. The building official shall require that sufficient evidence or proof be submitted to substantiate any claim made regarding the alternative.

104.11.1 Research reports. Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall consist of valid research reports from approved sources.

104.11.2 Tests. Whenever there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, the building official shall have the authority to require tests as evidence of compliance to be made at no expense to the jurisdiction. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the building official shall approve the testing procedures. Tests shall be performed by an approved agency. Reports of such tests shall be retained by the building official for the period required for retention of public records.

104.11.3 Accessibility. Alternate designs and technologies for providing access to and usability of a facility for persons with disabilities shall be in accordance with Section 11-2.2.

104.12 Requirements not covered by code. Any requirements necessary for the strength, stability or proper operation of an existing or proposed building, structure, electrical, gas, mechanical or plumbing system, or for the public safety, health and general welfare, not specifically covered by this or the other

technical codes, shall be determined by the building official.

SECTION 105 PERMITS

105.1 Required. Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any required impact-resistant coverings, electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.

105.1.1 Annual facility permit. In lieu of an individual permit for each alteration to an existing electrical, gas, mechanical, plumbing or interior nonstructural office system(s), the building official is authorized to issue an annual permit for any occupancy to facilitate routine or emergency service, repair, refurbishing, minor renovations of service systems or manufacturing equipment installations/relocations. The building official shall be notified of major changes and shall retain the right to make inspections at the facility site as deemed necessary. A annual facility permit shall be assessed an annual fee and shall be valid for one year from date of issuance. A separate permit shall be obtained for each facility and for each construction trade, as applicable. The permit application shall contain a general description of the parameters of work intended to be performed during the year.

105.1.2 Annual permit records. The person to whom an annual permit is issued shall keep a detailed record of alterations made under such annual permit. The building official shall have access to such records at all times or such records shall be filed with the building official as designated.

105.1.3 Food permit. As per §500.12, Florida Statutes, a food permit from the Department of Agriculture and Consumer Services is required of any person who operates a food establishment or retail store.

105.2 Work exempt from permit. Exemptions from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code. Permits shall not be required for the following:

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner,

vs.

CASE NO: 14-2217

DANA L DECH,

Respondent.

Property Address: 4469 Chalmette Ct
Port Orange, FL 32127
Parcel ID: 6309-26-00-0150

AFFIDAVIT OF PROPERTY POSTING
NOTICE OF VIOLATION AND
NOTICE FOR HEARING

STATE OF FLORIDA
COUNTY OF VOLUSIA

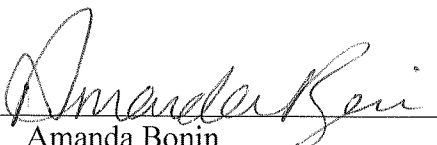
BEFORE ME, the undersigned authority, personally appeared Amanda Bonin, Code Compliance Inspector, City of Port Orange, Florida, who after being duly sworn, deposes and says:

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 4469 Chalmette Ct, Port Orange, Florida 32127, is owned by Dana L Dech.
4. That 4469 Chalmette 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 4469 Chalmette Ct, Port Orange, Florida 32127, at approx. 3:10 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 18th day of February, 2015.

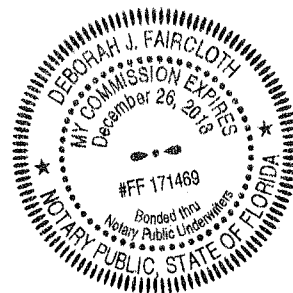

Amanda Bonin
Code Compliance Inspector

**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. 15-039

Name	Activity	Activity_Date	Status	Cost
Andreas M. Schill	Mailing Notice of Violation/Notice of Hearing to 5831 Wales Avenue, Port Orange, FL 32127	04/14/2015		\$6.69
Andrea M. Schill	Mailing Finding of Fact/Conclusion of Law & Order to 5831 Wales Avenue, Port Orange, FL 32127	05/27/2015		\$6.48
Clerk of Court	Recording Fee - Finding of Fact/Conclusion of Law & Order	05/27/2015		\$27.00

Total: \$40.17



**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 15-039

To: Schill, Andreas M
5831 Wales Ave.
Port Orange, FL 32127

Re: 5831 Wales Ave
Port Orange, FL 32127
Parcel ID: 6322-06-00-0160

LEGAL DESCRIPTION: LOT 16 CAMBRIDGE VILLAS UNIT II MB 34 PG 133 PER OR 3035 PG 1430 PER OR 6053 PG 1408 PER D/C 6053 PG 1409 PER OR 6795 PG 0663 PER OR 6998 PG 4660

Volusia County Public Records
Volusia County, FL

An inspection of the premises on January 14, 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, Article II, Section 42-26 (d)(f)(h)

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

2015 International Property Maintenance Code, Chapter 3, 302.7 Accessory Structures, as adopted by the City of Port Orange Code of Ordinances, Chapter 14, Article II, Section 14-26.

I received a citizen complaint and inspected the property on January 14, 2015. I observed that the entire property is overgrown and needs to be mowed, there is trash and debris to be removed, garbage cans and other items in front of the garage and beside the house need to be properly stored, a shed in the back yard is dilapidated and the door is hanging by one hinge and needs to be removed, and there are numerous items stored around the shed and the yard that need to be removed or properly stored out of view. I contacted Mike Schill on January 15, 2015, who stated he will have the yard mowed and cleaned up and that he will have an architect draw plans for him to build a new shed so that he can store all of his items out of view. A reinspection on April 7, 2015, showed that the yard has been mowed but there is still some tall undergrowth in the back yard, and all outside stored items and condition of the shed remains the same. As of April 9, 2015, a permit for the new shed has not been submitted.

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 27, 2015, at 9:00 a.m., or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The **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 27, 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 July 8, 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 9th day of April, 2015.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: Deborah J Faircloth
Deborah Faircloth

X I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Andreas M Schill, 5831 Wales Ave., Port Orange, FL 32127, was

☐ Hand-delivered

☒ Posted at the property

Time: 12:30pm

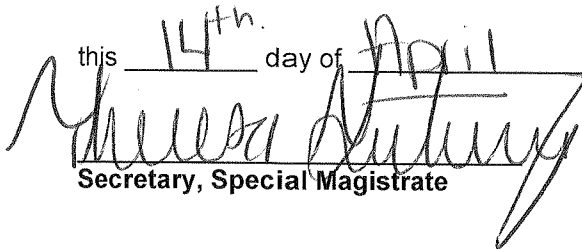
this 9th day of April, 2015.

Deborah J 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 Andreas M Schill, 5831 Wales Ave., Port Orange, FL 32127, was

☒ Posted at City Hall

☒ Sent via certified

this 14th 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: 04-07-2015 Today's Date: 4-8-2015		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		22-16-33-06-00-0160 6322-06-00-0160		Mill Group 402 Port Orange	
Alternate Key		3665210		2014 Final Millage Rate 21.15960	
Parcel Status		Active Parcel		PC Code 01	
Date Created		31 DEC 1981			
Owner Name		SCHILL ANDREAS M		GO TO ADD'L OWNERS	
Owner Name/Address 1					
Owner Address 2		5831 WALES AVE			
Owner Address 3		PORT ORANGE FL			
Owner Zip Code		32127			
Owner Percentage		100		Ownership Type Fee Simple	
Location Address		5831 WALES AV PORT ORANGE 32127			

LEGAL DESCRIPTION	GO TO ADD'L LEGAL
LOT 16 CAMBRIDGE VILLAS UNIT II MB 34 PG 133 PER OR 3035 PG	
1430 PER OR 6053 PG 1408 PER D/C 6053 PG 1409 PER OR 6795 PG	

SALES HISTORY						GO TO ADD'L SALES	
#	BOOK	PAGE	DATE	INSTRUMENT	QUALIFICATION	IMPROVED?	SALE PRICE
1	6998	4660	3/2014	Warranty Deed	Unqualified Sale	Yes	55,700
2	6795	0663	11/2012	Warranty Deed	Qualified Sale	Yes	57,100
3	6053	1408	4/2007	Warranty Deed	Qualified Sale	Yes	170,000

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	19,387	54,745	1,808	75,940	75,940	75,940	75,940	0	75,940	75,940	0	75,940
2013	19,387	48,758	1,864	70,009	70,009	70,009	70,009	0	70,009	70,009	0	70,009

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

LEGAL DESCRIPTION
LOT 16 CAMBRIDGE VILLAS UNIT II MB 34 PG 133 PER OR 3035 PG
1430 PER OR 6053 PG 1408 PER D/C 6053 PG 1409 PER OR 6795 PG
0663 PER OR 6998 PG 4660

Prepared by:
John F. Pyle
Equity Closing and Title Corporation
159 W. Granada Blvd.
Ormond Beach, Florida 32174

Diane M. Matousek, Volusia County, Clerk of Court

File Number: P-4544

General Warranty Deed

Made this **March 12, 2014 A.D.** By
Arthur F. Graham a married man,
whose address is:
144 Mallard Lane, Daytona Beach, Florida 32119,
hereinafter called the grantor, to
Andreas M. Schill, an unmarried man,
whose address is:
5831 Wales Ave., Port Orange, Florida 32127,
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 Ten Dollars, (\$10.00) and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee, all that certain land situate in Volusia County, Florida, viz:

Lot 16, Cambridge Villas Unit II, according to the plat thereof, recorded in Plat Book 34, Page 133, of the Public Records of Volusia County, Florida.

Said property is not the homestead of the Grantor(s) under the laws and constitution of the State of Florida in that neither Grantor(s) or any members of the household of Grantor(s) reside thereon.

Parcel ID Number: **632206000160**

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.

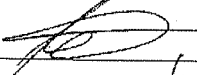
And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances except taxes accruing subsequent to **December 31, 2013**.

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:

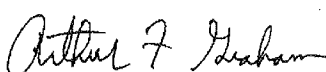


Witness Printed Name **John F. Pyle**



Witness Printed Name **C. We. Amara**

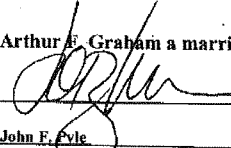
State of **Florida**
County of **Volusia**



Arthur F. Graham (Seal)
Address: 144 Mallard Lane, Daytona Beach, Florida 32119

(Seal)
Address:

The foregoing instrument was acknowledged before me this **12th** day of **March, 2014**, by **Arthur F. Graham a married man**, who is/are personally known to me or who has produced **drivers license** as identification.



Notary Public
Print Name: **John F. Pyle**
My Commission Expires: _____



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

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

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

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

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

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

No property maintenance permit required; other restrictions and requirements applicable. No permit shall be required for the limited property maintenance required by this section; however, the requirements, restrictions and limitations imposed by other sections of this Code and applicable provisions of the land development code pertaining to environmental preservation, tree removal, change of grade, etc., shall be effective. In the event of any conflict between this section and any other provision of this Code or applicable provision of the land development code, the other sections of this Code or applicable provisions of the land development code shall prevail and govern.

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

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

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

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

(Code 1981, § 10-7)

ARTICLE V. - UNSAFE CONDITIONS

FOOTNOTE(S):

--- (4) ---

Editor's note— Section 1 of an ordinance adopted Oct. 17, 2000, added provisions designated as §§ 42-1—42-5. For better categorizing and indexing, said provisions have been redesignated as §§ 42-101—42-105, at the discretion of the editor.

DIVISION 1. - GENERALLY

Secs. 42-91—42-100. - Reserved.

DIVISION 2. - NUISANCE TREES

Sec. 42-101. - Purpose.

This article establishes regulations and standards necessary to ensure that the city continues to safely realize the benefits provided by naturally existing and cultivated trees. It is not intended to resolve or regulate disputes over trees on private property that do not affect general public safety.

(Ord. No. 2000-40, § 1, 10-17-00)

CHAPTER 3

GENERAL REQUIREMENTS

SECTION 301 GENERAL

301.1 Scope. The provisions of this chapter shall govern the minimum conditions and the responsibilities of persons for maintenance of structures, equipment and *exterior property*.

301.2 Responsibility. The *owner* of the *premises* shall maintain the structures and *exterior property* in compliance with these requirements, except as otherwise provided for in this code. A person shall not occupy as owner-occupant or permit another person to occupy *premises* that are not in a sanitary and safe condition and that do not comply with the requirements of this chapter. *Occupants* of a *dwelling unit*, *rooming unit* or *housekeeping unit* are responsible for keeping in a clean, sanitary and safe condition that part of the *dwelling unit*, *rooming unit*, *housekeeping unit* or *premises* which they occupy and control.

301.3 Vacant structures and land. Vacant structures and *premises* thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

SECTION 302 EXTERIOR PROPERTY AREAS

302.1 Sanitation. *Exterior property* and *premises* shall be maintained in a clean, safe and sanitary condition. The *occupant* shall keep that part of the *exterior property* that such *occupant* occupies or controls in a clean and sanitary condition.

302.2 Grading and drainage. *Premises* shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon.

Exception: *Approved* retention areas and reservoirs.

302.3 Sidewalks and driveways. Sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions.

302.4 Weeds. *Premises* and *exterior property* shall be maintained free from weeds or plant growth in excess of [JURISDICTION TO INSERT HEIGHT IN INCHES]. Noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.

Upon failure of the *owner* or agent having charge of a property to cut and destroy weeds after service of a notice of violation, they shall be subject to prosecution in accordance with Section 106.3 and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of viola-

tion, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the *owner* or agent responsible for the property.

302.5 Rodent harborage. Structures and *exterior property* shall be kept free from rodent harborage and *infestation*. Where rodents are found, they shall be promptly exterminated by *approved* processes that will not be injurious to human health. After pest elimination, proper precautions shall be taken to eliminate rodent harborage and prevent reinfestation.

302.6 Exhaust vents. Pipes, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly upon abutting or adjacent public or private property or that of another *tenant*.

→ **302.7 Accessory structures.** Accessory structures, including *detached* garages, fences and walls, shall be maintained structurally sound and in good repair.

302.8 Motor vehicles. Except as provided for in other regulations, no inoperative or unlicensed motor vehicle shall be parked, kept or stored on any *premises*, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an *approved* spray booth.

Exception: A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and *approved* for such purposes.

302.9 Defacement of property. No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti.

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

SECTION 303 SWIMMING POOLS, SPAS AND HOT TUBS

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

303.2 Enclosures. Private swimming pools, hot tubs and spas, containing water more than 24 inches (610 mm) in depth shall be completely surrounded by a fence or barrier not less than 48 inches (1219 mm) in height above the finished ground level measured on the side of the barrier away from the pool. Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is not less than 54 inches (1372 mm) above the bottom of the

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner,

vs.

CASE NO: 15-039

Andreas M. Schill
5831 Wales Ave.
Port Orange, FL 32127
6322-06-00-0160,

Respondent.

Property Address: 5831 Wales Ave., Port Orange, FL 32127
Parcel ID: 6322-06-00-0160

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 5831 Wales Ave., Port Orange, Florida 32127, is owned by Andreas M. Schill.
4. That 5831 Wales Ave., 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 5831 Wales Ave., Port Orange, Florida 32127, at 12:30 p.m. on the 9th day of April, 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 9th day of April, 2015.

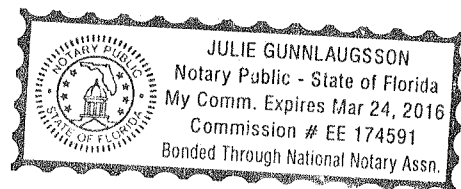

Deborah Faircloth
Code Compliance Inspector

**STATE OF FLORIDA
COUNTY OF VOLUSIA**

The foregoing instrument was sworn to before me on the 9th day of April, 2015, by Deborah Faircloth, who is personally known to me.


Notary Public, State of Florida

Commission No. _____



Case Cost Sheet Log

Case No. 14-2217

Name	Activity	Activity_Date	Status	Cost
Dana L. Dech	Mailing Notice of Violation/Notice of Hearing to 4469 Chalmette Court, Port Orange, FL 32127	02/19/2015	Certified Mail returned to City Clerk's Office on March 11, 2015 marked "unclaimed/unable to forward".	\$6.69
Dana L. Dech	Mailing Finding of Fact/Conclusion of Law & Order to 4469 Chalmette Court, Port Orange, FL 32127	05/27/2015		\$6.96
Clerk of Court	Recording Fee - Finding of Fact/Conclusion of Law & Order	05/27/2015		\$27.00

Total: \$40.65



**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 14-2217

To:
Dana L Dech
4469 Chalmette Court
Port Orange, FL 32127

Re: 4469 Chalmette Court
Port Orange, FL 32127
Parcel ID: 6309-26-00-0150

LEGAL DESCRIPTION: LOT 15 JACKSON SQUARE MB 42 PG 130 PER OR 3939 PG 3953 & OR3966 PG 2129 PER OR 5713 PGS 4279-4287 PER OR 5721 PG 0375 PER OR 6038 PG 0999 PER OR 6325 PG 0454 PER OR 6787 PG 2303 PER OR 7015 PG 0349

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:

Failure to Obtain a Building Permit This is a violation of the 2010 Florida Building Code Section 105.1. (A permit must be obtained before construction.)

The shed and concrete slab were constructed without a building permit. A permit is required for this type of construction. Mr. Deck was informed of this and on September 22, 2014, he stated he would be in town and would come to City Hall to apply for a permit. To date there is not permit for this work.

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 \$ 60,109 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 at 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 13th 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 Dana L Dech 4469 Chalmette Court Port Orange, FL 32127, was

- ☐ Hand-delivered
☒ Posted at the property

Time: approx.. 3:10pm

this 18th day of February, 2015.

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 Dana L Dech 4469 Chalmette Court, Port Orange, FL 32127, was

- ☒ Posted at City Hall
☒ Sent via certified

this 19th day of February, 2015.

Theresa Butler
Secretary, Special Magistrate

RIGHT TO APPEAL

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

ACCOMMODATIONS

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



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

Last Updated: 02-10-2015 Today's Date: 2-13-2015		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		09-16-33-26-00-0150 6309-26-00-0150		Mill Group 402 Port Orange	
Alternate Key		5082814		2014 Final Millage Rate 21.15960	
Parcel Status		Active Parcel		PC Code 01	
Date Created		03 MAR 1989			
Owner Name		DECH DANA L		GO TO ADD'L OWNERS	
Owner Name/Address 1					
Owner Address 2		4469 CHALMETTE CT			
Owner Address 3		PORT ORANGE FL			
Owner Zip Code		32127			
Owner Percentage		100		Ownership Type Fee Simple	
Location Address		4469 CHALMETTE CT PORT ORANGE 32127			

LEGAL DESCRIPTION		GO TO ADD'L LEGAL
LOT 15 JACKSON SQUARE MB 42 PG 130 PER OR 3939 PG 3953 & OR		
3966 PG 2129 PER OR 5713 PGS 4279-4287 PER OR 5721 PG 0375 P		

SALES HISTORY						GO TO ADD'L SALES	
#	BOOK	PAGE	DATE	INSTRUMENT	QUALIFICATION	IMPROVED?	SALE PRICE
1	7015	0349	6/2014	Warranty Deed	Qualified Sale	Yes	120,000
2	6787	2303	11/2012	Quit Claim Deed	Unqualified Sale	Yes	100
3	6325	0454	2/2009	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	14,280	65,214	0	79,494	79,494	79,494	79,494	0	79,494	79,494	0	79,494
2013	16,320	70,689	0	87,009	87,009	87,009	87,009	0	87,009	87,009	0	87,009

LEGAL DESCRIPTION**LOT 15 JACKSON SQUARE MB 42 PG 130 PER OR 3939 PG 3953 & OR****3966 PG 2129 PER OR 5713 PGS 4279-4287 PER OR 5721 PG 0375 P****ER OR 6038 PG 0999 PER OR 6325 PG 0454 PER OR 6787 PG 2303 P****ER OR 7015 PG 0349**

Prepared by:
Leigh Frederick
Summit Title Group
15 E. Granada Blvd., Suite 6
Ormond Beach, Florida 32176

File Number: 14-0208

General Warranty Deed

Made this June 20, 2014 A.D. By **Barbara A Davis**, 1312 Fairfax Circle East, Boynton Beach, FL 33436, hereinafter called the grantor, to **Dana L. Dech**, whose post office address is: 4469 Chalmette Court, Port Orange, Florida 32127, 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 Ten Dollars, (\$10.00) and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee, all that certain land situate in Volusia County, Florida, viz:

Lot 15, Jackson Square, according to the Plat thereof as recorded in Plat Book 42, page(s) 130, of the Public Records of Volusia County, Florida.

Said property is not the homestead of the Grantor(s) under the laws and constitution of the State of Florida in that neither Grantor(s) or any members of the household of Grantor(s) reside thereon.

Parcel ID Number: 6309-2600-0150

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, 2014.

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:

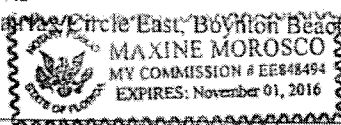
Susan Hazzard
Witness Printed Name SUSAN HAZZARD

Maxine Morosco
Witness Printed Name MAXINE MOROSCO

State of Florida Adm Seal
County of

Barbara A Davis (Seal)
Barbara A Davis

Address: 1312 Fairfax Circle East, Boynton Beach, FL 33436



Address:

he foregoing instrument was acknowledged before me this 20th day of June, 2014, by Barbara A Davis, who is/are personally known to me or who has produced Drivers license as identification.

Notary Public

Print Name: MAXINE MOROSCO

104.11 Alternative materials, design and methods of construction and equipment. The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material, design or method of construction shall be approved where the building official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety. When alternate life safety systems are designed, the *SFPE Engineering Guide to Performance-Based Fire Protection Analysis and Design of Buildings*, or other methods approved by the building official may be used. The building official shall require that sufficient evidence or proof be submitted to substantiate any claim made regarding the alternative.

104.11.1 Research reports. Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall consist of valid research reports from approved sources.

104.11.2 Tests. Whenever there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, the building official shall have the authority to require tests as evidence of compliance to be made at no expense to the jurisdiction. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the building official shall approve the testing procedures. Tests shall be performed by an approved agency. Reports of such tests shall be retained by the building official for the period required for retention of public records.

104.11.3 Accessibility. Alternate designs and technologies for providing access to and usability of a facility for persons with disabilities shall be in accordance with Section 11-2.2.

104.12 Requirements not covered by code. Any requirements necessary for the strength, stability or proper operation of an existing or proposed building, structure, electrical, gas, mechanical or plumbing system, or for the public safety, health and general welfare, not specifically covered by this or the other

technical codes, shall be determined by the building official.

SECTION 105 PERMITS

105.1 Required. Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any required impact-resistant coverings, electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.

105.1.1 Annual facility permit. In lieu of an individual permit for each alteration to an existing electrical, gas, mechanical, plumbing or interior nonstructural office system(s), the building official is authorized to issue an annual permit for any occupancy to facilitate routine or emergency service, repair, refurbishing, minor renovations of service systems or manufacturing equipment installations/relocations. The building official shall be notified of major changes and shall retain the right to make inspections at the facility site as deemed necessary. A annual facility permit shall be assessed an annual fee and shall be valid for one year from date of issuance. A separate permit shall be obtained for each facility and for each construction trade, as applicable. The permit application shall contain a general description of the parameters of work intended to be performed during the year.

105.1.2 Annual permit records. The person to whom an annual permit is issued shall keep a detailed record of alterations made under such annual permit. The building official shall have access to such records at all times or such records shall be filed with the building official as designated.

105.1.3 Food permit. As per §500.12, Florida Statutes, a food permit from the Department of Agriculture and Consumer Services is required of any person who operates a food establishment or retail store.

105.2 Work exempt from permit. Exemptions from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code. Permits shall not be required for the following:

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner,

vs.

CASE NO: 14-2217

DANA L DECH,

Respondent.

Property Address: 4469 Chalmette Ct
Port Orange, FL 32127
Parcel ID: 6309-26-00-0150

AFFIDAVIT OF PROPERTY POSTING
NOTICE OF VIOLATION AND
NOTICE FOR HEARING

STATE OF FLORIDA
COUNTY OF VOLUSIA

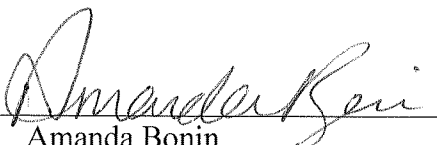
BEFORE ME, the undersigned authority, personally appeared Amanda Bonin, Code Compliance Inspector, City of Port Orange, Florida, who after being duly sworn, deposes and says:

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 4469 Chalmette Ct, Port Orange, Florida 32127, is owned by Dana L Dech.
4. That 4469 Chalmette 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 4469 Chalmette Ct, Port Orange, Florida 32127, at approx. 3:10 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 18th day of February, 2015.

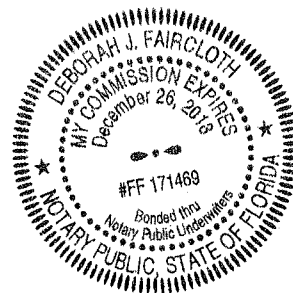

Amanda Bonin
Code Compliance Inspector

**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. 15-103

Name	Activity	Activity_Date	Status	Cost
Thomas Barrie	Notice of Violation/Notice of Hearing hand delivered to Thomas Barrie on April 10, 2015 at 10:30 a.m. at 3648 Donna Street, Port Orange, FL 32129	04/10/2015	Hand Delivered	\$0.00
Thomas Barrie	Mailing Finding of Fact/Conclusion of Law & Order to 3648 Donna Street, Port Orange, FL 32129	05/27/2015		\$6.96
Clerk of Court	Recording Fee - Finding of Fact/Conclusion of Law & Order	05/27/2015		\$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. 15-103

To:
Thomas Barrie
3648 Donna Street
Port Orange, FL 32129

Re: 1144 Meditation Loop
Port Orange, FL 32129
Parcel ID: 6305-09-00-0040

LEGAL DESCRIPTION: LOT 4 TRACT II BENNETTS HAMMOCK REPLAT MB 42 PG 138 PER OR 5023 PG 1693 PER
OR 6541 PG 0048

Volusia County Public Records
Volusia County, FL

An inspection of the premises on January 30, 2015, indicates that certain violation(s) of the City of Port Orange Code exists. Briefly stated, the property is in violation of the following:

Chapter 3, Section 304 Exterior Structure, 304.2 Protective treatment of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Land Development Code.

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.

The City of Port Orange Code of Ordinances Chapter 42 Nuisances, Section 42-32 Storage of vehicles, furniture, etc.

On January 30, 2015, I spoke with the property owner Thomas Barrie and explained to him that the side of the home needs to be painted, all trash and debris needs to be picked up and removed, and all outside storage needs to be placed in an enclosed building. This information was also left on a door hanger which was handed to the resident while the property owner was still there. Upon further inspection on February 20, 2015, the property had been cleaned up and the only outstanding violation was the painting of the one side of the structure. On March 31, 2015, another complaint was received for trash and outside storage on the property.

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 24, 2015.

Failure to comply after this date may result in the commencement of appropriate code enforcement action and/or possible fine of up to \$1,000.00 per day for a first violation, \$5,000.00 per day per violation for a repeat violation, and up to \$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 27, 2015, at 9:00 a.m.**, or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The **Special Magistrate** will receive testimony and evidence at said PUBLIC HEARING and shall make such findings of facts and conclusions of law as supported by the testimony and evidence pertaining to the matter alleged below, and shall issue a Final Order affording the proper relief. A certified copy of the Final Order may be recorded in the public records of the county and shall constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property, and the findings therein shall be binding upon the violator and, if the violation concerns real property, upon any subsequent purchasers, successors in interest, or assigns. If you fail to appear at the Hearing, the **Special Magistrate** may base any findings solely on the testimony and evidence presented by the Code Enforcement Inspector. Please govern yourself accordingly.

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

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

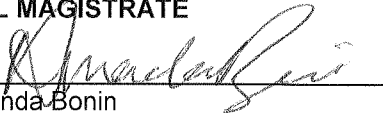
NOTICE OF HEARING SETTING FINE AND LIEN

In the event the **Special Magistrate**, during the hearing on **May 27, 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 **July 8, 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 10th day of April, 2015.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: 
Amanda Bonin

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Thomas Barrie 3648 Donna Street, Port Orange, FL 32129, was

- ☒ Hand-delivered
☐ Posted at the property

Time: approx. 10:30 am

this 10th day of April, 2015.


Amanda Bonin

☐ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Thomas Barrie 3648 Donna Street, Port Orange, FL 32129, was

- ☐ Posted at City Hall
☐ Sent via certified

this _____ day of _____, 2015.

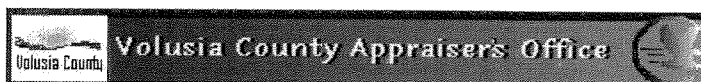
Secretary, Special Magistrate

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.



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

Last Updated: 04-07-2015 Today's Date: 4-9-2015		Volusia County Property Appraiser's Office		
		Property Record Card (PRC) Morgan B. Gilreath Jr., M.A., A.S.A., C.F.A. Property Appraiser		
Full Parcel ID	05-16-33-09-00-0040	Mill Group	402 Port Orange	
Short Parcel ID	6305-09-00-0040			
Alternate Key	5088260	2014 Final Millage Rate	21.15960	
Parcel Status	Active Parcel	PC Code	01	
Date Created	06 APR 1989			
Owner Name	BARRIE THOMAS		GO TO ADD'L OWNERS	
Owner Name/Address 1				
Owner Address 2	3648 DONNA ST			
Owner Address 3	PORT ORANGE FL			
Owner Zip Code	32129			
Owner Percentage	100	Ownership Type		
Location Address	1144 MEDITATION LOOP PORT ORANGE 32129			

LEGAL DESCRIPTION

LOT 4 TRACT II BENNETTS HAMMOCK REPLAT MB 42 PG 138 PER OR 5

023 PG 1693 PER OR 6541 PG 0048

SALES HISTORY						GO TO ADD'L SALES	
#	BOOK	PAGE	DATE	INSTRUMENT	QUALIFICATION	IMPROVED?	SALE PRICE
1	6541	0048	11/2010	Warranty Deed	Institutional / bank	Yes	67,000
2	5023	1693	1/2003	Warranty Deed	Creative financing	Yes	107,000
3	4541	2994	4/2000	Quit Claim Deed	Unqualified Sale	Yes	10

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	13,500	80,106	0	93,606	93,606	93,606	93,606	0	93,606	93,606	0	93,606
2013	13,500	72,683	0	86,183	86,183	86,183	86,183	0	86,183	86,183	0	86,183

12/01/2010 08:23 AM
Doc stamps 469.00
(Transfer Amt \$ 67000)
Instrument# 2010-216087 # 1
Book: 6541
Page: 48
Diane M. Matousek
Volusia County, Clerk of Court

Prepared by and Return to:
Tammy Chiriani
Clear Title Solutions, Inc.
505 Wekiva Springs Road, Suite 500
Longwood, Florida 32779

File Number: 10-1011

General Warranty Deed

Made this November 24, 2010 A.D. By **Jeffery S. Erb and Felicia F. Erb, husband and wife**, whose address is: 104 Commerce St., Harrington, DE 19952, hereinafter called the grantor, to **Thomas Barrie**, whose post office address is: 3648 Donna St., Port Orange, FL 32129, hereinafter called the grantee:

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

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

Lot 4, Tract II, Bennetts Hammock Replat, according to the plat thereof, recorded in Map Book 42, page 138, of the public records of Volusia County, Florida.

Parcel ID Number: 05-16-33-09-00-0040

Consideration Paid: \$ 67000.00

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, 2010.

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:



Witness Printed Name JULIE DALE

Witness Printed Name JULIE DALE +

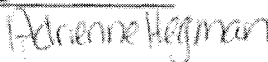
State of Florida
County of Seminole



Jeffery S. Erb (Seal)
Address: 104 Commerce St., Harrington, DE 19952



Felicia F. Erb (Seal)
Address: 104 Commerce St., Harrington, DE 19952



gate, the release mechanism shall be located on the pool side of the gate. Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when released from an open position of 6 inches (152 mm) from the gatepost. No existing pool enclosure shall be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier.

Exception: Spas or hot tubs with a safety cover that complies with ASTM F 1346 shall be exempt from the provisions of this section.

SECTION 304 EXTERIOR STRUCTURE

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

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

1. The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength;
2. The *anchorage* of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects;
3. Structures or components thereof that have reached their limit state;
4. Siding and masonry joints including joints between the building envelope and the perimeter of windows, doors and skylights are not maintained, weather resistant or water-tight;
5. Structural members that have evidence of *deterioration* or that are not capable of safely supporting all nominal loads and load effects;
6. Foundation systems that are not firmly supported by footings, are not plumb and free from open cracks and breaks, are not properly *anchored* or are not capable of supporting all nominal loads and resisting all load effects;
7. Exterior walls that are not *anchored* to supporting and supported elements or are not plumb and free of holes, cracks or breaks and loose or rotting materials, are not properly *anchored* or are not capable of supporting all nominal loads and resisting all load effects;
8. Roofing or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any portion of the roof framing that is not in good repair with signs of *deterioration*, fatigue or without proper anchorage and incapable of supporting all nominal loads and resisting all load effects;
9. Flooring and flooring components with defects that affect serviceability or flooring components that show signs of *deterioration* or fatigue, are not properly *anchored* or are incapable of supporting all nominal loads and resisting all load effects;
10. Veneer, cornices, belt courses, corbels, trim, wall facings and similar decorative features not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects;
11. Overhang extensions or projections including, but not limited to, trash chutes, canopies, marquees, signs, awnings, fire escapes, standpipes and exhaust ducts not properly *anchored* or that are *anchored* with connections not capable of supporting all nominal loads and resisting all load effects;
12. Exterior stairs, decks, porches, balconies and all similar appurtenances attached thereto, including *guards* and handrails, are not structurally sound, not properly *anchored* or that are *anchored* with connections not capable of supporting all nominal loads and resisting all load effects; or
13. Chimneys, cooling towers, smokestacks and similar appurtenances not structurally sound or not properly *anchored*, or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects.

Exceptions:

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

304.2 Protective treatment. Exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences, shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. Siding and masonry joints, as well as those between the building envelope and the perimeter of windows, doors and skylights, shall be maintained weather resistant and water tight. Metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion, and surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

[F] 304.3 Premises identification. Buildings shall have *approved* address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be not less than 4 inches (102 mm) in height with a minimum stroke width of 0.5 inch (12.7 mm).

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

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

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

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

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

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

of this Code or applicable provisions of the land development code shall prevail and govern.

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

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

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

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

(Code 1981, § 10-7)

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner,

vs.

CASE NO: 15-103

THOMAS BARRIE,

Respondent.

Property Address: 1144 Meditation Loop
Port Orange, FL 32129

Parcel ID: 6305-09-00-0040

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 1144 Meditation Loop, Port Orange, Florida 32129, is owned by Thomas Barrie.
4. That 1144 Meditation Loop, 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 1144 Meditation Loop, Port Orange, Florida 32129, at 10:30 a.m. on the 10th day of April, 2015, to Thomas Barrie (owner), who is 15 years of age or over, at 3648 Donna Street Port Orange, FL 32129 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 10th day of April, 2015.

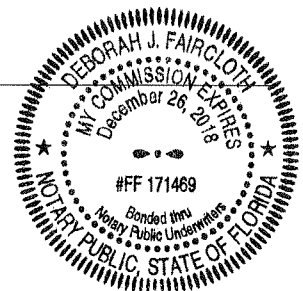
Amanda Bonin
Amanda Bonin
Code Compliance Inspector

**STATE OF FLORIDA
COUNTY OF VOLUSIA**

The foregoing instrument was sworn to before me on the 10th day of April, 2015, by Amanda Bonin, who is personally known to me.

Deborah J. Faircloth
Notary Public, State of Florida

Commission No. _____



Case Cost Sheet Log

Case No. 15-276

Name	Activity	Activity_Date	Status	Cost
Jeffery E. Rivers ETAL	Mailing Notice of Violation/Notice of Hearing to 98 Stone Gate Lane, Port Orange, FL 32129	04/14/2015	Certified Mail returned to the City Clerk's Office marked "Unclaimed/Unable to Forward".	\$6.69
Jeffrey E. Rivers	Mailing Finding of Fact/Conclusion of Law & Order to 98 Stone Gate Lane, Port Orange, FL 32129	05/27/2015		\$6.96
Clerk of Court	Recording Fee - Finding of Fact/Conclusion of Law & Order	05/27/2015		\$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. 15-276

To:
Jeffery E Rivers Etal
98 Stone Gate Lane
Port Orange, FL 32129

Re: 98 Stone Gate Lane
Port Orange, FL 32129
Parcel ID: 6308-02-00-0980
LEGAL DESCRIPTION: LOT 98 TWINGATES MOBILE ESTS MB 33 PG 48 PER OR 4907 PG 1416

Volusia County Public Records
Volusia County, FL

An inspection of the premises on March 4, 2015, indicates that certain violation(s) of the City of Port Orange Code exists. Briefly stated, the property is in violation of the following:

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), (d) Maintenance of improved residential lots and (f) Garbage, waste, trash, etc., prohibited.

The City of Port Orange Code of Ordinances Chapter 42 Nuisances, Section 42-32 Storage of vehicles, furniture, etc.

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

Upon inspection on March 4, 2015, I left a five day door hanger to remove all outside storage, trash, and debris. Upon re-inspection the property remained in the same condition and now the grass/weeds have become overgrown. It was brought to my attention that the home is vacant and infested with roaches. I attempted to make contact with the owner but that phone number was disconnected.

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 24, 2015.

Failure to comply after this date may result in the commencement of appropriate code enforcement action and/or possible fine of up to \$1,000.00 per day for a first violation, \$5,000.00 per day per violation for a repeat violation, and up to \$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 27, 2015, at 9:00 a.m.**, or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The **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 \$ 6,609 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.

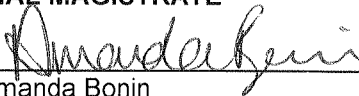
NOTICE OF HEARING SETTING FINE AND LIEN

In the event the **Special Magistrate**, during the hearing on **May 27, 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 **July 8, 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 9th day of April, 2015.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: 
Amanda Bonin

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Jeffery E Rivers Etal 98 Stone Gate Lane, Port Orange, FL 32129, was

☐ Hand-delivered

☒ Posted at the property

Time: approx. 12:53 pm

this 9th day of April, 2015.

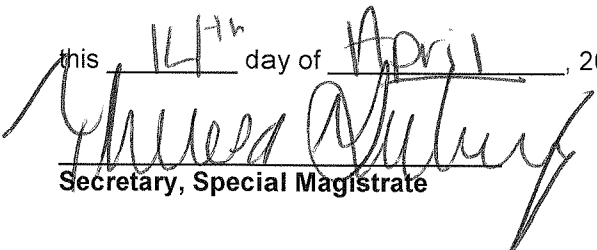

Amanda Bonin

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Jeffery E Rivers Etal 98 Stone Gate Lane, Port Orange, FL 32129, was

☒ Posted at City Hall

☐ Sent via certified

this 14th 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.



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: 04-07-2015 Today's Date: 4-9-2015	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	08-16-33-02-00-0980 6308-02-00-0980	Mill Group	402 Port Orange
Alternate Key	3599829	2014 Final Millage Rate	21.15960
Parcel Status	Active Parcel	PC Code	02
Date Created	30 DEC 1981		
Owner Name	RIVERS JEFFERY E ETAL		GO TO ADD'L OWNERS
Owner Name/Address 1			
Owner Address 2	98 STONEGATE LN		
Owner Address 3	PORT ORANGE FL		
Owner Zip Code	32129		
Owner Percentage	100	Ownership Type	
Location Address	98 STONE GATE LN PORT ORANGE 32129		

LEGAL DESCRIPTION

LOT 98 TWINGATES MOBILE ESTS MB 33 PG 48 PER OR 4907 PG 1416

SALES HISTORY

[GO TO ADD'L SALES](#)

#	BOOK	PAGE	DATE	INSTRUMENT	QUALIFICATION	IMPROVED?	SALE PRICE
1	4907	1416	7/2002	Quit Claim Deed	Unqualified Sale	Yes	10
2	4677	1692	4/2001	Warranty Deed	Qualified Sale	Yes	55,000
3	4621	0843	12/2000	Warranty Deed	Qualified Sale	Yes	46,000

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	4,820	26,994	0	31,814	28,881	28,881	28,881	25,000	3,881	3,881	0	3,881

08/06/2002 16:10
Doc stamps 0.70
(Transfer Amt \$ 10)
Instrument # 2002-177761
Book: 4907
Page: 1416
Diane M. Matousek
Volusia County, Clerk of Court

Prepared by:
Return to:
BRUCE S. KAUFMAN, ESQ.
400 W. Granada Blvd.
Ormond Beach, FL 32174

Parcel 6308-02-00-0980

QUIT CLAIM DEED

THIS QUIT CLAIM DEED, Executed this 26th of July 2002, by DORIS C. GIBBS, a single person, whose address is 98 Stonegate Lane, Port Orange, Florida 32119, GRANTOR, to JEFFERY E. RIVERS and CATHERINE A. RIVERS, as tenants by the entirety, GRANTEE;

(Wherever used herein the terms "grantor" and "grantee" shall include singular and plural, heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, wherever the context so admits or requires.)

WITNESSETH, That the said grantor, for and in consideration of the sum of \$10.00, in hand paid by the said grantee, the receipt whereof is hereby acknowledged, does hereby remise, release and quit-claim unto the said grantee forever, all the right, title, interest, claim and demand which the said grantor has in and to the following described lot, piece or parcel of land, situate, lying and being in County of Volusia, State of Florida, to-wit:

Lot 98, TWIN GATES MOBILE ESTATES SUBDIVISION, according to the plat thereof, recorded in Map Book 33, Page 48 of the Public Records of VOLUSIA County, Florida; together with 1978 National Mobile Home ID# 15312 Title Number [REDACTED]

TO HAVE AND TO HOLD the same together with all and singular the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever of the said grantor, either in law or equity, to the only proper use, benefit and behoof of the said grantee forever.

IN WITNESS WHEREOF, The said grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered
in the presence of:

Sign: [Signature]
Print: BRUCE S. KAUFMAN

Doris C. Gibbs
DORIS C. GIBBS

Sign: [Signature]
Print: CAROL A. BROWN

STATE OF FLORIDA)
COUNTY OF VOLUSIA)

The foregoing instrument was acknowledged before me this 26th day of July, 2002, by DORIS C. GIBBS, a single person, who

() is personally known to me or
(X) produced BRUCE S. KAUFMAN LICENSE as identification.

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

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

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

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

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

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

of this Code or applicable provisions of the land development code shall prevail and govern.

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

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

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

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

(Code 1981, § 10-7)

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. Where substantiated otherwise by an *approved* method.
2. Demolition of unsafe conditions shall be permitted where *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 that is more than 30 inches (762 mm) above the floor or grade below shall have *guards*. Handrails shall be not less than 30 inches (762 mm) in height or more than 42 inches (1067 mm) in height measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces. *Guards* shall be not less than 30 inches (762 mm) in height 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. *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. Structures shall be kept free from insect and rodent *infestation*. Structures in which insects or rodents are found shall be promptly exterminated by *approved* processes that will not be injurious to human health. After pest elimination, proper precautions shall be taken to prevent reinfestation.

309.2 Owner. The *owner* of any structure shall be responsible for pest elimination 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 pest elimination on the *premises*.

309.4 Multiple occupancy. The *owner* of a structure containing two or more *dwelling units*, a multiple *occupancy*, a

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner,

vs.

CASE NO: 15-276

JEFFERY E RIVERS ETAL,

Respondent.

Property Address: 98 Stone Gate Ln

Parcel ID: 6308-02-00-0980

AFFIDAVIT OF PROPERTY POSTING
NOTICE OF VIOLATION AND
NOTICE FOR 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 98 Stone Gate Ln, Port Orange, Florida 32129, is owned by Jeffery E Rivers Etal.
4. That 98 Stone Gate Ln, Port Orange, Florida 32129 is the location where the alleged code violation is or was occurring.
5. That I posted a Notice of Violation and Request for Hearing on the property at 98 Stone Gate Ln, Port Orange, Florida 32129, at 12:53 p.m. on the 9th day of April, 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 10th day of April, 2015.

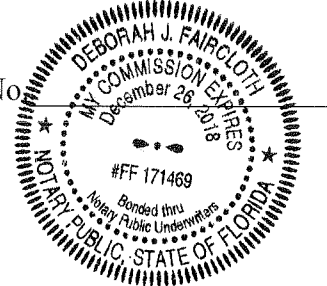
Amanda Bonin
Amanda Bonin
Code Compliance Inspector

**STATE OF FLORIDA
COUNTY OF VOLUSIA**

The foregoing instrument was sworn to before me on the 10th day of April, 2015, by Amanda Bonin, who is personally known to me.

Deborah J. Faircloth
Notary Public, State of Florida

Commission No. _____



Case Cost Sheet Log

Case No. 15-513

Name	Activity	Activity_Date	Status	Cost
Valerie Potter	Mailing Notice of Violation/Notice of Hearing to 299 Morningside Avenue, Daytona Beach, FL 32118	04/14/2015	Certified Mail returned to City Clerk's Office marked "Unable to Forward" on 5/7/15.	\$6.90
Valerie Potter	Mailing Finding of Fact/Conclusion of Law & Order to 299 Morningside Avenue, Daytona Beach, FL 32118	05/27/2015		\$6.96
Clerk of Court	Recording Fee - Finding of Fact/Conclusion of Law & Order	05/27/2015		\$27.00

Total: \$40.86



**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 15-513

To:
Valerie Potter
299 Morningside Avenue
Daytona Beach, FL 32118

Re: 176 Iron Gate Ln
Port Orange, FL 32129
Parcel ID: 6308-02-00-1760
LEGAL DESCRIPTION: LOT 176 TWINGATES MOBILE ESTS MB 33 PG 48 PER OR 3764 PG2347

Volusia County Public Records
Volusia County, FL

An inspection of the premises on March 31, 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 1, Section 108 Unsafe Structures and Equipment, 108.1.1 Unsafe Structures of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Land Development Code.

Chapter 1, Section 108 Unsafe Structures and Equipment, 108.1.3 Structure unfit for human occupancy of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Land Development Code.

Chapter 1, Section 108 Unsafe Structures and Equipment, 108.1.5 Dangerous Structure or premises of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Land Development Code.

Chapter 3, Section 301 General, 301.3 Vacant Structures and Land of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Land Development Code.

Chapter 3, Section 302 Exterior property areas, 302.8 Motor Vehicles of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Land Development Code.

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

Chapter 3, Section 304 Exterior Structure, 304.15 Doors of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Land Development Code.

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

On March 31, 2015, I observed high weeds and grass along with trash and debris on the property. I noticed damaged flooring which has also fallen through from looking at the underside of the mobile home unit and from the opened door. The home is unsecured. This home is abandoned and from what neighbors have stated kids are coming into the home. To correct the violations, the entire property needs to be mowed, all high weeds and grass trimmed, and all garbage needs to be removed from the property, all doors and windows must be repaired, operable, and secured, the flooring needs to be repaired, it appears as though there are some type of rodent feces in the home that needs to be cleaned up. The abandoned, unlicensed, inoperable car in the driveway needs to be removed from the property.

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 May 8, 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 27, 2015, at 9:00 a.m.**, or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The **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 \$ 6.90 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 27, 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 **July 8, 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 9th day of April, 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 Valerie Potter 176 Iron Gate Circle Port Orange, FL 32129, was

- ☐ Hand-delivered
☒ Posted at the property

Time: approx. 12:58 pm

this 9th day of April, 2015.

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 Valerie Potter 299 Morningside Avenue Daytona Beach, FL 32118, was

- ☒ Posted at City Hall
☒ Sent via certified

this 14th day of April, 2015.

Theresa D. Dickey
Secretary, Special Magistrate

RIGHT TO APPEAL

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

ACCOMMODATIONS

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



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

Last Updated: 04-07-2015 Today's Date: 4-9-2015		Volusia County Property Appraiser's Office			
		<u>Property Record Card (PRC)</u>			
		<u>Morgan B. Gilreath Jr., M.A., A.S.A., C.F.A.</u>			
		Property Appraiser			
Full Parcel ID	08-16-33-02-00-1760	Mill Group	402 Port Orange		
Short Parcel ID	6308-02-00-1760				
Alternate Key	3600614	2014 Final Millage Rate	21.15960		
Parcel Status	Active Parcel	PC Code	02		
Date Created	31 DEC 1981				
Owner Name	POTTER VALERIE			GO TO ADD'L OWNERS	
Owner Name/Address 1					
Owner Address 2	299 MORNINGSIDE AVE				
Owner Address 3	DAYTONA BEACH FL				
Owner Zip Code	321183317				
Owner Percentage	100	Ownership Type			
Location Address	176 IRON GATE CIR PORT ORANGE 32129				

LEGAL DESCRIPTION**LOT 176 TWINGATES MOBILE ESTS MB 33 PG 48 PER OR 3764 PG****2347****SALES HISTORY**[GO TO ADD'L SALES](#)

#	BOOK	PAGE	DATE	INSTRUMENT	QUALIFICATION	IMPROVED?	SALE PRICE
1	3764	2347	8/1992	Personal Representative	Unqualified Sale	Yes	100
2	2666	0173	3/1985	Warranty Deed	Unqualified Sale	Yes	100
3	2507	1507	11/1983	Quit Claim Deed	Multi parcel 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	4,820	11,161	0	15,981	15,981	15,981	15,981	0	15,981	15,981	0	15,981
2013	4,820	10,242	0	15,062	15,062	15,062	15,062	0	15,062	15,062	0	15,062

10-50
10-70

BOOK PAGE
3764 2347
VOLUSIA CO. FL

IN THE CIRCUIT COURT FOR
VOLUSIA COUNTY, FLORIDA
PROBATE DIVISION

IN RE: ESTATE OF

File Number 92-10742 PRDL

EDWARD WALTER SCHAUB GREENE,
a/k/a EDWARD S. GREENE,
a/k/a EDWARD GREENE,

Division D

Deceased

PERSONAL REPRESENTATIVE'S RELEASE OF REAL PROPERTY

The undersigned Personal Representative hereby acknowledges that title to the real property located in VOLUSIA County, Florida, owned by the above decedent at the time of death described as follows:

Lot 176, Twin Gates Mobile Estates, according to map or plat thereof recorded in Map Book 33, page 48, Public Records of Volusia County, Florida. TOGETHER with 1972 Flamingo mobile home, bearing identification number 1403945, which is located thereon.

PROPERTY APPRAISER'S PARCEL IDENTIFICATION NO. 6308-02-00-1760

The property vested in VALERIE POTTER-ALBERT, a/k/a VALERIE POTTER (the "Beneficiary") by operation of law, subject to rights of the Personal Representative under Sections 733.607 and 733.608 of the Florida Probate Code to take possession of the Property, or to use, sell, encumber or otherwise exercise control over the Property (1) for the payment of devises, debts, family allowance, estate and inheritance taxes, claims, charges, and expenses of administration, (2) to enforce contribution and equalize advancement, or (3) for distribution.

Having determined that the Property is not needed for any of the foregoing purposes, except distribution, and that the Property should

FILED FOR RECORD
RECORD VERIFIED

108062

[Signature]
CLERK OF THE CIRCUIT
COURT VOLUSIA CTY., FL.

92 AUG 11 PM 1:46

RECEIVED \$ 10.50 RECORD PAYMENT AS
DOCT \$.70 INDICATED FOR CLASS
INTAX \$ _____ "C" INTANGIBLE & DOC
PENALTY \$ _____ STAMP TAXES SIGNED
INTEREST \$ _____
[Signature]
Clerk Circuit Court Volusia Co. Florida

be released and distributed to the Beneficiary or Beneficiaries, the Personal Representative hereby releases the Property from all rights and powers of the Personal Representative and acknowledges that the Property is vested in VALERIE POTTER-ALBERT, a/k/a VALERIE POTTER, free of all rights of the Personal Representative.

Under penalties of perjury, I declare that I have read the foregoing, and the facts alleged are true, to the best of my knowledge and belief.

Signed this 10th day of August, 1992.

Executed in the presence of:

Helen M. Berendt
HELEN M. BERENDT, Witness

Mary Ann Ballard
MARY ANN BALLARD, Witness

Nicholas A. George
NICHOLAS A. GEORGE
As Personal Representative of
The Estate of EDWARD WALTER SCHAUB
GREENE, a/k/a EDWARD S. GREENE,
a/k/a EDWARD GREENE, Deceased.

State of FLORIDA
County of VOLUSIA

I hereby certify that the foregoing instrument was acknowledged before me, under oath, this 10th day of August, 1992, by NICHOLAS A. GEORGE, as Personal Representative of the estate of EDWARD WALTER SCHAUB GREENE, a/k/a EDWARD S. GREENE, a/k/a EDWARD GREENE, deceased and who is personally known to me.

Cathy S. Miller
Notary Public

This Instrument Was Prepared By:

GARY L. BALLARD
500 North Oleander Avenue
Daytona Beach, FL 32118



CATHY S. MILLER
MY COMMISSION # CC 175412 EXPIRES
February 15, 1998
BONDED THRU TROY FARM INSURANCE, INC.

BOOK PAGE
3764 2348
VOLUSIA CO FL

108062

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

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

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

SECTION 108 UNSAFE STRUCTURES AND EQUIPMENT

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 109 EMERGENCY MEASURES

[A] 109.1 Imminent danger. When, in the opinion of the *code official*, there is *imminent danger* of failure or collapse of a building or structure that endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building *occupants* or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the *code official* is hereby authorized and empowered to order and require the *occupants* to vacate the *premises* forthwith. The *code official* shall cause to be posted at each entrance to such structure a notice reading as follows: "This Structure Is Unsafe and Its Occupancy Has Been Prohibited by the Code Official." It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition or of demolishing the same.

[A] 109.2 Temporary safeguards. Notwithstanding other provisions of this code, whenever, in the opinion of the *code official*, there is *imminent danger* due to an unsafe condition, the *code official* shall order the necessary work to be done,

CHAPTER 3

GENERAL REQUIREMENTS

SECTION 301 GENERAL

301.1 Scope. The provisions of this chapter shall govern the minimum conditions and the responsibilities of persons for maintenance of structures, equipment and *exterior property*.

301.2 Responsibility. The *owner* of the *premises* shall maintain the structures and *exterior property* in compliance with these requirements, except as otherwise provided for in this code. A person shall not occupy as owner-occupant or permit another person to occupy *premises* that are not in a sanitary and safe condition and that do not comply with the requirements of this chapter. *Occupants* of a *dwelling unit*, *rooming unit* or *housekeeping unit* are responsible for keeping in a clean, sanitary and safe condition that part of the *dwelling unit*, *rooming unit*, *housekeeping unit* or *premises* which they occupy and control.

301.3 Vacant structures and land. Vacant structures and *premises* thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

SECTION 302 EXTERIOR PROPERTY AREAS

302.1 Sanitation. *Exterior property* and *premises* shall be maintained in a clean, safe and sanitary condition. The *occupant* shall keep that part of the *exterior property* that such *occupant* occupies or controls in a clean and sanitary condition.

302.2 Grading and drainage. *Premises* shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon.

Exception: *Approved* retention areas and reservoirs.

302.3 Sidewalks and driveways. Sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions.

302.4 Weeds. *Premises* and *exterior property* shall be maintained free from weeds or plant growth in excess of [JURISDICTION TO INSERT HEIGHT IN INCHES]. Noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.

Upon failure of the *owner* or agent having charge of a property to cut and destroy weeds after service of a notice of violation, they shall be subject to prosecution in accordance with Section 106.3 and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of viola-

tion, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the *owner* or agent responsible for the property.

302.5 Rodent harborage. Structures and *exterior property* shall be kept free from rodent harborage and *infestation*. Where rodents are found, they shall be promptly exterminated by *approved* processes that will not be injurious to human health. After pest elimination, proper precautions shall be taken to eliminate rodent harborage and prevent reinfestation.

302.6 Exhaust vents. Pipes, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly upon abutting or adjacent public or private property or that of another *tenant*.

302.7 Accessory structures. Accessory structures, including *detached* garages, fences and walls, shall be maintained structurally sound and in good repair.

302.8 Motor vehicles. Except as provided for in other regulations, no inoperative or unlicensed motor vehicle shall be parked, kept or stored on any *premises*, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an *approved* spray booth.

Exception: A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and *approved* for such purposes.

302.9 Defacement of property. No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti.

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

SECTION 303 SWIMMING POOLS, SPAS AND HOT TUBS

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

303.2 Enclosures. Private swimming pools, hot tubs and spas, containing water more than 24 inches (610 mm) in depth shall be completely surrounded by a fence or barrier not less than 48 inches (1219 mm) in height above the finished ground level measured on the side of the barrier away from the pool. Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is not less than 54 inches (1372 mm) above the bottom of the

304.4 Structural members. Structural members shall be maintained free from *deterioration*, and shall be capable of safely supporting the imposed dead and live loads.

304.5 Foundation walls. Foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pests.

304.6 Exterior walls. Exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent *deterioration*.

304.7 Roofs and drainage. The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or *deterioration* in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

304.8 Decorative features. Cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

304.9 Overhang extensions. Overhang extensions including, but not limited to, canopies, marquees, signs, metal awnings, fire escapes, standpipes and exhaust ducts shall be maintained in good repair and be properly *anchored* so as to be kept in a sound condition. Where required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

304.10 Stairways, decks, porches and balconies. Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.

304.11 Chimneys and towers. Chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair. Exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

304.12 Handrails and guards. Every handrail and *guard* shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

304.13 Window, skylight and door frames. Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.

304.13.1 Glazing. Glazing materials shall be maintained free from cracks and holes.

304.13.2 Openable windows. Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.

304.14 Insect screens. During the period from [DATE] to [DATE], every door, window and other outside opening required for *ventilation* of habitable rooms, food preparation areas, food service areas or any areas where products to be

included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with *approved* tightly fitting screens of minimum 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition.

Exception: Screens shall not be required where other *approved* means, such as air curtains or insect repellent fans, are employed.

304.15 Doors. Exterior doors, door assemblies, operator systems if provided, and hardware shall be maintained in good condition. Locks at all entrances to dwelling units and sleeping units shall tightly secure the door. Locks on means of egress doors shall be in accordance with Section 702.3.

304.16 Basement hatchways. Every *basement* hatchway shall be maintained to prevent the entrance of rodents, rain and surface drainage water.

304.17 Guards for basement windows. Every *basement* window that is openable shall be supplied with rodent shields, storm windows or other *approved* protection against the entry of rodents.

304.18 Building security. Doors, windows or hatchways for *dwelling units*, room units or *housekeeping units* shall be provided with devices designed to provide security for the *occupants* and property within.

304.18.1 Doors. Doors providing access to a *dwelling unit*, *rooming unit* or *housekeeping unit* that is rented, leased or let shall be equipped with a deadbolt lock designed to be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort and shall have a minimum lock throw of 1 inch (25 mm). Such deadbolt locks shall be installed according to the manufacturer's specifications and maintained in good working order. For the purpose of this section, a sliding bolt shall not be considered an acceptable deadbolt lock.

304.18.2 Windows. Operable windows located in whole or in part within 6 feet (1828 mm) above ground level or a walking surface below that provide access to a *dwelling unit*, *rooming unit* or *housekeeping unit* that is rented, leased or let shall be equipped with a window sash locking device.

304.18.3 Basement hatchways. *Basement* hatchways that provide access to a *dwelling unit*, *rooming unit* or *housekeeping unit* that is rented, leased or let shall be equipped with devices that secure the units from unauthorized entry.

304.19 Gates. Exterior gates, gate assemblies, operator systems if provided, and hardware shall be maintained in good condition. Latches at all entrances shall tightly secure the gates.

SECTION 305 INTERIOR STRUCTURE

305.1 General. The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. *Occupants* shall keep that part of

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. 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)

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner,

vs.

CASE NO: 15-513

VALERIE POTTER,

Respondent.

Property Address: 176 Iron Gate Circle
Port Orange, FL 32129

Parcel ID: 6308-02-00-1760

AFFIDAVIT OF PROPERTY POSTING
NOTICE OF VIOLATION AND
NOTICE FOR HEARING

STATE OF FLORIDA
COUNTY OF VOLUSIA

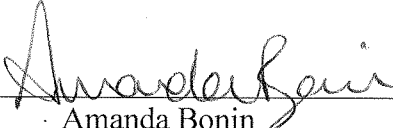
BEFORE ME, the undersigned authority, personally appeared Amanda Bonin, Code Compliance Inspector, City of Port Orange, Florida, who after being duly sworn, deposes and says:

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 176 Iron Gate Circle, Port Orange, Florida 32129, is owned by Valerie Potter.
4. That 176 Iron Gate Circle, Port Orange, Florida 32129 is the location where the alleged code violation is or was occurring.
5. That I posted a Notice of Violation and Request for Hearing on the property at 176 Iron Gate Circle, Port Orange, Florida 32129, at 12:58 p.m. on the 9th day of April, 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 10th day of April, 2015.

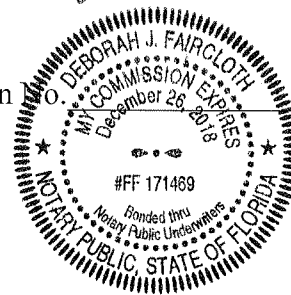

Amanda Bonin
Code Compliance Inspector

**STATE OF FLORIDA
COUNTY OF VOLUSIA**

The foregoing instrument was sworn to before me on the 10th day of April, 2015, by Amanda Bonin, who is personally known to me.


Notary Public, State of Florida

Commission



Case Cost Sheet Log

Case No. 15-0199

Name	Activity	Activity_Date	Status	Cost
David M. Powell	Mailing Notice of Violation/Notice of Hearing to 775 Sugar Cane Lane, Port Orange, FL 32129	04/20/2015		\$6.48

Total: \$6.48



NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 15-0199

To: David M. Powell
Property Owner
775 Sugar Cane Lane
Port Orange, FL 32129

Re: 775 Sugar Cane Lane
Port Orange, FL 32129
Parcel ID: 6337-08-03-0920

LEGAL DESCRIPTION: LOT 92 SUGAR FOREST PHASE III MB 35 PG 1 PER OR 3326 PG 1302
PER D/C 6194 PG 0689 PER OR 6194 PG 0694

Volusia County Public Records
Volusia County, FL

An inspection of the premises on February 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 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

An inspection of the property was conducted on February 23, 2015 after receiving a complaint regarding the condition of the property. Inspection revealed that the grass and weeds are very high. I left a 3 day door hanger asking residents to mow and maintain the property. A re-inspection was conducted on March 11, 2015 and only the front yard had been mowed; nothing was done to the sides of the home or the back side of the house. Due to the extreme height of the grass, case is to be considered a health and safety violation due to the possible harboring of snakes, insects, and rodents

(Narrative)

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 26, 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 27, 2015 at 9:00 a.m.**, or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The **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 \$ 6.48 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 27, 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 **July 8, 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 16th day of April, 2015.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: Dena Joseph
Dena Joseph

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to David M. Powell, 775 Sugar Cane Lane, Port Orange, FL 32129, was

☐ Hand-delivered

☒ Posted at the property

Time: 12:33 PM

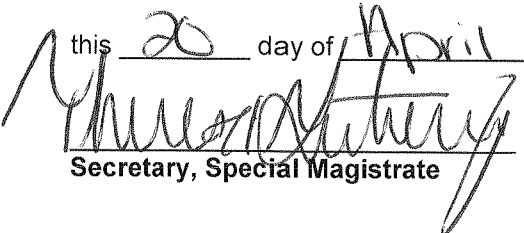
this 16th day of April, 2015.

Dena Joseph
Dena Joseph

I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to David M. Powell, 775 Sugar Cane Lane, Port Orange, FL 32129, was

☒ Posted at City Hall

☒ Sent via certified

this 20 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.



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: 04-14-2015 Today's Date: 4-16-2015		Volusia County Property Appraiser's Office Property Record Card (PRC) Morgan B. Gilreath Jr., M.A., A.S.A., C.F.A. Property Appraiser			
Full Parcel ID Short Parcel ID		37-16-33-08-03-0920 6337-08-03-0920		Mill Group 402 Port Orange	
Alternate Key		3684303		2014 Final Millage Rate 21.15960	
Parcel Status		Active Parcel		PC Code 01	
Date Created		31 DEC 1981			
Owner Name		POWELL DAVID M		GO TO ADD'L OWNERS	
Owner Name/Address 1					
Owner Address 2		775 SUGAR CANE LN			
Owner Address 3		PORT ORANGE FL			
Owner Zip Code		32127			
Owner Percentage		100		Ownership Type	
Location Address		775 SUGAR CANE LN PORT ORANGE 32129			

LEGAL DESCRIPTION

LOT 92 SUGAR FOREST PHASE III MB 35 PG 1 PER OR 3326 PG 1302

PER D/C 6194 PG 0689 PER OR 6194 PG 0694

SALES HISTORY

#	BOOK	PAGE	DATE	INSTRUMENT	QUALIFICATION	IMPROVED?	SALE PRICE
1	6194	0694	2/2008	Warranty Deed	Distress sale	Yes	168,000
2	3326	1302	6/1989	Warranty Deed	Qualified Sale	Yes	88,000
3	2025	0448	10/1978	Warranty Deed	Qualified Sale	No	9,500

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	25,300	85,999	653	111,952	111,952	111,952	111,952	0	111,952	111,952	0	111,952
2013	26,237	84,116	680	111,033	111,033	111,033	111,033	0	111,033	111,033	0	111,033

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	90.0	117.0	90.00	FRONT FEET	270.00	104	100	100	100	25,300

NEIGHBORHOOD

02/18/2008 04:01 PM
Doc stamps 1176.00
(Transfer Amt \$ 168000)
Instrument# 2008-033373 # 1
Book: 6194
Page: 694
Diane M. Matousek
Volusia County, Clerk of Court

This Warranty Deed

Made this 15th day of February A.D. 2008
by Richard A. Belcher, Sr., a single person by
Eileen M. Lindley, his Attorney-in-Fact

hereinafter called the grantor, to
David M. Powell, a single person

whose post office address is:
**775 Sugar Cane Lane
Port Orange, Florida 32127**
hereinafter called the grantee:

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

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

Lot 92, SUGAR FOREST PHASE III, according to the plat thereof as recorded in Map Book 35, Pages 1 and 2, Public Records of Volusia County, Florida.

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

Parcel Identification Number: 6337-08-03-0920

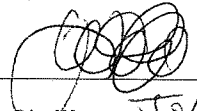
Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

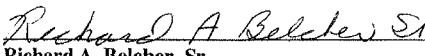
To Have and to Hold, the same in fee simple forever.

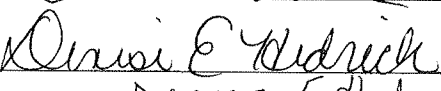
And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances except taxes accruing subsequent to December 31, 2007.

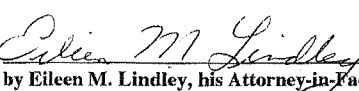
In Witness Whereof, The said grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in our presence:


Witness Printed Name John Wolfe

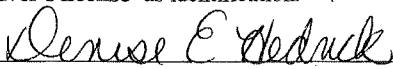

Richard A. Belcher, Sr., (Seal)
Address:

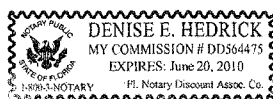

Witness Printed Name DENISE E Hedrick


by Eileen M. Lindley, his Attorney-in-Fact (Seal)
Address:

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

The foregoing instrument was acknowledged before me this **15th** day of **February, 2008**, by
Eileen M. Lindley, Attorney-in-Fact for Richard A. Belcher, Sr., a single person
who is/are personally known to me or who has produced **driver's license** as identification.


Notary Public
Print Name: _____
My Commission Expires: _____



PREPARED BY: Denise E. Hedrick
RECORD AND RETURN TO:
Columbia Title Research Corporation
200 Forest Lake Blvd.
Daytona Beach, Florida 32119
FILE No.: 08-0080

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.

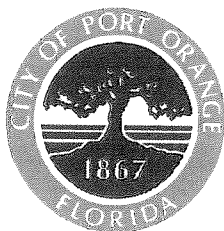
- (b) *Purpose and intent.* The city recognizes the need to protect the health, safety and welfare of the citizens of the city through control and elimination of aesthetically displeasing and potentially dangerous accumulations of garbage, waste, trash, debris, junk and undergrowth. It is, therefore, 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

Case Cost Sheet Log

Case No. 15-464

Name	Activity	Activity_Date	Status	Cost
Michael Viala	Mailing Notice of Violation/Notice of Hearing to 49 Elda Lane, Port Orange, FL 32127	04/27/2015	Certified Mail Returned to the City Clerk's Office marked "Unclaimed" on 5/14/15.	\$6.48
Michael Viala	Mailing Finding of Fact/Conclusion of Law & Order to 49 Elda Lane, Port Orange, FL 32127	05/27/2015		\$6.96
Clerk of Court	Recording Fee - Finding of Fact/Conclusion of Law & Order	05/27/2015		\$27.00

Total: \$40.44



**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 15-464

To: Michael Viala
49 Elda Lane
Port Orange, FL 32127

Re: 49 Elda Ln
Port Orange, FL 32127
Parcel ID: 6315-08-00-0490

LEGAL DESCRIPTION: LOT 49 SOUTHERN PINES SUB MB 33 PG 47 PER OR 3014 PG 1692 PER OR 4328 PG 4798.
Volusia County Public Records
Volusia County, FL

An inspection of the premises on **March 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 42, Article II, Section 42-26 (d), of the City of Port Orange Code of Ordinances.

On March 23, 2015 I observed that the lawn was not being mowed and was very high. I contacted the owner Michael Viala and notified him of the violation. Mr. Viala was given five days for compliance. A re-inspection was conducted on April 13, 2015 to find the property in the same condition. To correct the violation, the entire property needs to be mowed and all high weeds trimmed.

Attachments: ☒ Copy of code

☒ Copy of Deed

☒ Copy of Tax Roll

This correspondence will serve as official notification that the above stated violation(s) must be corrected by **May 4, 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 27, 2015 at 9:00 a.m.**, or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The **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 \$ 6.48 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 27, 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 July 8, 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 22 day of April, 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 Michael Viala, 49 Elda Ln, Port Orange, FL 32127, was

☐ Hand-delivered

☒ Posted at the property

Time: 3:59 p.m.

this 22 day of April, 2015.

J. Scott Allman
J. SCOTT ALLMAN

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Michael Viala, 49 Elda Ln, Port Orange, FL 32127, was

☐ Posted at City Hall

☒ Sent via certified

this 27 day of April, 2015.

Theresa Stuber
Secretary, Special Magistrate

RIGHT TO APPEAL

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

ACCOMMODATIONS

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



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

Last Updated: 04-21-2015 Today's Date: 4-21-2015		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	15-16-33-08-00-0490	Mill Group	402 Port Orange		
Short Parcel ID	6315-08-00-0490				
Alternate Key	3638433	2014 Final Millage Rate	21.15960		
Parcel Status	Active Parcel	PC Code	02		
Date Created	31 DEC 1981				
Owner Name	VIALA MICHAEL		GO TO ADD'L OWNERS		
Owner Name/Address 1					
Owner Address 2	49 ELDA LANE				
Owner Address 3	PORT ORANGE FL				
Owner Zip Code	32127				
Owner Percentage	100	Ownership Type			
Location Address	49 ELDA LN PORT ORANGE 32127				

LEGAL DESCRIPTION
LOT 49 SOUTHERN PINES SUB MB 33 PG 47 PER OR 3014 PG 1692 PE
R OR 4328 PG 4798

SALES HISTORY						GO TO ADD'L SALES	
#	BOOK	PAGE	DATE	INSTRUMENT	QUALIFICATION	IMPROVED?	SALE PRICE
1	4328	4798	7/1998	Warranty Deed	Unqualified Sale	Yes	100
2	3014	1692	7/1987	Warranty Deed	MH not assessed	Yes	32,000
3	2957	0012	3/1987	Warranty Deed	MH not assessed	Yes	28,500

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	14,295	0	22,545	19,113	19,113	19,113	19,113	0	0	0	0

Prepared By:

PROFESSIONAL TITLE AGENCY, INC.

2763 S. RIDGEWOOD AVENUE, SUITE C SOUTH DAYTONA, FL 32119

incidental to the issuance of a title insurance policy.

File No.: **0463*P6929**

Parcel ID # **6315-08-00-0400**

Grantee(s) SS # **[REDACTED]**

07/22/1998 09:35

Doc stamps 0.70

(Transfer Amt \$ 10)

Instrument # 98135102

Book: 4328

Page: 4798

Diane M. Matousek

Volusia County, Clerk of Court

**WARRANTY DEED
(INDIVIDUAL)**

This WARRANTY DEED, dated **July 14, 1998**
by
Letitia Newman, a single woman.

whose post office address is

49 Elda Lane, Port Orange, Florida 32127

hereinafter called the GRANTOR, to

LETITIA E. NEWMAN and MICHAEL VIALA, as joint tenants with rights of survivorship.

whose post office address is

49 Elda lane, Port Orange, Florida 32127

hereinafter called the GRANTEE:

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

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

Lot 49, SOUTHERN PINES, according to the plat thereof, recorded in Map Book 33, Page 47 of the Public Records of VOLUSIA County, Florida.

SUBJECT TO covenants, conditions, restrictions, reservations, limitations, easements and agreements of record, if any; taxes and assessments for the year _____ and subsequent years; and to all applicable zoning ordinances and/or restrictions and prohibitions imposed by governmental authorities, if any,

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 except as above noted, 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.

IN WITNESS WHEREOF, GRANTOR has signed and sealed these presents the date set forth above.

SIGNED IN THE PRESENCE OF THE FOLLOWING WITNESSES:

Signature: _____

Print Name: _____

Pam Yingling

Signature: _____

Print Name: _____

YVONNE S. FERRARA

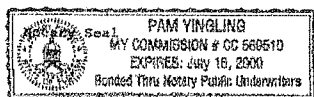
Letitia E. Newman

Letitia newman

**State of Florida
County of Volusia**

I am a notary public of the state of Florida, and my commission expires: _____
THE FOREGOING INSTRUMENT was acknowledged before me on July 14, 1998 by _____

who is personally known to me or who has produced _____ as identification and who _____ take an oath.
(type of identification) (did/did not)



Signature: _____

Print Name: _____

Notary Public

Pam Yingling

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.

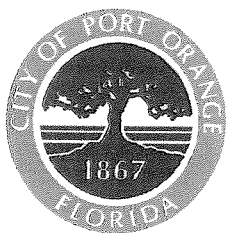
- (b) *Purpose and intent.* The city recognizes the need to protect the health, safety and welfare of the citizens of the city through control and elimination of aesthetically displeasing and potentially dangerous accumulations of garbage, waste, trash, debris, junk and undergrowth. It is, therefore, 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)

Case Cost Sheet Log

Case No. 15-476

Name	Activity	Activity_Date	Status	Cost
Patricia Manos	Mailing Notice of Violation/Notice of Hearing to 226 Pinerock Place, Port Orange, FL 32127	04/27/2015	Certified Mail Returned to the City Clerk's Office marked "Unclaimed" on 5/13/15.	\$6.69
Patricia Manos	Mailing Finding of Fact/Conclusion of Law & Order to 226 Pinerock Place, Port Orange, FL 32127	05/27/2015		\$6.96
Clerk of Court	Recording Fee - Finding of Fact/Conclusion of Law & Order	05/27/2015		\$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. 15-476

To: Patricia Manos
226 Pinerock Place
Port Orange, FL 32127

Re: 226 Pinerock Place
Port Orange, FL 32127
Parcel ID: 6322-04-00-0260

LEGAL DESCRIPTION: LOT 26 LEISURE VILLAS SUB UNIT II MB 34 PG 76 PER OR 4023 PG 4693 PER OR 5610 PG 2206 PER OR 5988 PGS 0481-0482
Volusia County Public Records, Volusia County, FL

An inspection of the premises on **March 24, 2015**, indicates that certain violation(s) of the City of Port Orange Code exists. Briefly stated, the property is in violation of the following:

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

Chapter 42, (Storage of vehicles, furniture, etc.), Article II Section 42-32 of the City of Port Orange Code of Ordinances.

Chapter 70, (Traffic), Article II (Stopping, standing, parking), Section 70-49 (Restrictions on disabled or abandoned vehicles), of the City of Port Orange Code of Ordinances.

An inspection of the property was conducted on March 24, 2015. During that inspection I observed the following violation; an overgrown lawn, an unregistered vehicle in the driveway, and items stored in front of the home that are viewable from the adjacent property. I left a five day door hanger for compliance. A re-inspection was conducted on April 6, 2015 showing no compliance. To correct the violations, the entire property needs to be mowed and all high weeds trimmed, the unregistered vehicle must be properly registered, covered with an approved car cover or removed from the property and all outdoor stored items removed or properly stored.

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 **May 8, 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 **May 27, 2015, at 9:00 a.m.**, or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The 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 \$ 6,691 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 27, 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 **July 8, 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 23rd day of April, 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 Michael & Patricia Manos, 226 Pinerock Place, Port Orange, FL 32127, was

☐ Hand-delivered

☒ Posted at the property

Time: 11:20 AM

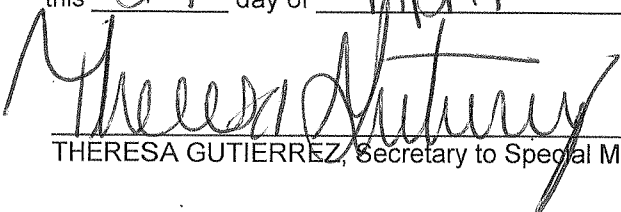
this 23rd day of April, 2015.

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 Michael & Patricia Manos, 226 Pinerock Place, Port Orange, FL 32127, was

- ☒ Posted at City Hall
☒ Sent via certified

this 27 day of April, 2015.


THERESA GUTIERREZ, Secretary to Special Magistrate

RIGHT TO APPEAL

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

ACCOMMODATIONS

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



Volusia County Appraisers Office



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

Last Updated: 04-21-2015 Today's Date: 4-22-2015		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		22-16-33-04-00-0260 6322-04-00-0260		Mill Group 402 Port Orange	
Alternate Key		3664124		2014 Final Millage Rate 21.15960	
Parcel Status		Active Parcel		PC Code 01	
Date Created		31 DEC 1981			
Owner Name		MANOS PATRICIA		GO TO ADD'L OWNERS	
Owner Name/Address 1					
Owner Address 2		226 PINEROCK PL			
Owner Address 3		PORT ORANGE FL			
Owner Zip Code		32127			
Owner Percentage		100		Ownership Type Estate	
Location Address		226 PINEROCK PL PORT ORANGE 32127			

LEGAL DESCRIPTION

LOT 26 LEISURE VILLAS SUB UNIT II MB 34 PG 76 PER OR 4023 PG

4693 PER OR 5610 PG 2206 PER OR 5988 PGS 0481-0482

SALES HISTORY

[GO TO ADD'L SALES](#)

#	BOOK	PAGE	DATE	INSTRUMENT	QUALIFICATION	IMPROVED?	SALE PRICE
1	5988	0481	12/2006	Warranty Deed	Qualified Sale	Yes	155,000
2	5610	2204	5/2005	Death Certificate	Unqualified Sale	Yes	100
3	4023	4693	7/1995	Warranty Deed	Qualified Sale	Yes	69,900

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	16,317	58,516	0	74,833	72,069	72,069	72,069	25,500	46,569	46,569	22,069	24,500
2013	16,317	57,131	0	73,448	71,004	71,004	71,004	25,500	45,504	45,504	21,004	24,500

LAND DATA

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

Prepared By and Returned To:
Kathi A. Noll
Watson Title Services, Inc.
1435 West S.R. 434, Suite 109
Longwood, FL 32750
(407) 645-1310

File Number: **263945**

Incident to the issuance of a title insurance contract.

01/10/2007 03:24 PM

Doc stamps 1085.00

(Transfer Amt \$ 155000)

Instrument# [REDACTED] # 1

Book: 5988

Page: 481

This Warranty Deed

Made this **27th day of December, 2006** by
GLADYS I. LENIHAN, A SINGLE WOMAN

hereinafter called the grantor, to
**PATRICIA MANOS AND MICHAEL MANOS, JR., WIFE
AND HUSBAND**

whose post office address is:
**226 PINEROCK PLACE
PORT ORANGE, FL 32127**

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

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

**LOT 26, LEISURE VILLAS SUBDIVISION, UNIT II, ACCORDING TO THE PLAT THEREOF
AS RECORDED IN MAP BOOK 34, PAGE 76, OF THE PUBLIC RECORDS OF VOLUSIA
COUNTY, FLORIDA.**

Subject to covenants, restrictions, easements of record and taxes for the current year.

Parcel Identification Number: 632204000260

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, 2006**.

IN WITNESS WHEREOF, the said grantor has signed and sealed these presents the day and year first above written.

Instrument# 2007-007394 # 2
Book: 5988
Page: 482
Diane M. Matousek
Volusia County, Clerk of Court

Signed, sealed and delivered in our presence:

Janet Fuller
Witness #1: (Signature)
Print Name: Janet Fuller

[Signature]
Witness #2: (Signature)
Print Name: [Signature]

Gladys I. Lenihan
GLADYS I. LENIHAN
C/O 3001 LORELI LANE
LAWRENCEVILLE, GA 30044

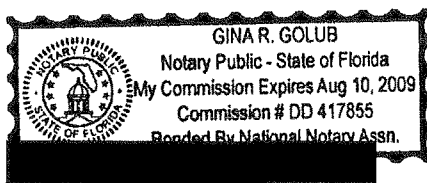
Witness: (Signature)
Print Name: _____

Witness: (Signature)
Print Name: _____

State of Florida
County of VOLUSIA

The foregoing instrument was acknowledged before me this 27th day of December, 2006, by
GLADYS I. LENIHAN, A SINGLE WOMAN,
who is personally known to me or who has produced **A VALID PHOTO ID** as identification.

[Signature]
NOTARY PUBLIC (signature)
Print Name:
My Commission Expires: **GINA R. GOLUB**
Stamp/Seal: 8/10/09



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

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

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

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

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

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

No property maintenance permit required; other restrictions and requirements applicable. No permit shall be required for the limited property maintenance required by this section; however, the requirements, restrictions and limitations imposed by other sections of this Code and applicable provisions of the land development code pertaining to environmental preservation, tree removal, change of grade, etc., shall be effective. In the event of any conflict between this section and any other provision of this Code or applicable provision of the land development code, the other sections of this Code or applicable provisions of the land development code shall prevail and govern.

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

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

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

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

(Code 1981, § 10-7)

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.

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.

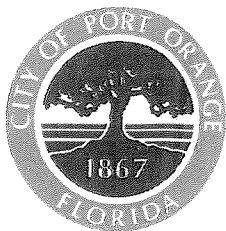
(Ord. No. 1998-23, § 1, 7-21-98)

Case Cost Sheet Log

Case No. 15-0661

Name	Activity	Activity_Date	Status	Cost
Susan Ann Brynes	Mailing Notice of Violation/Notice of Hearing to 1006 3rd Street, Port Orange, FL 32129	04/27/2015		\$6.69

Total: \$6.69



NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 15-0661

To: Susan Ann Byrnes
Property Owner
1006 3rd Street
Port Orange, FL 32129

Re: 1006 3rd Street
Port Orange, FL 32129
Parcel ID: 6304-02-06-0170

LEGAL DESCRIPTION: S 30 FT OF LOT 16 & N 40 FT OF LOT 17 BLK 6 PORTONA PER OR
4223 PG 1198

Volusia County Public Records
Volusia County, FL

An inspection of the premises on **April 17, 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) of the City of Port Orange Code of Ordinances, Article II (Garbage, Junk and Undergrowth), Section 42-26 (Cleanliness of Property Generally-Duty of Owner), (d) as it pertains to the maintenance of improved residential lots

This property is severely overgrown and needs to be mowed, trimmed, edged, and maintained on a regular basis.

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 **May 4, 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 27, 2015, at 9:00 a.m.**, or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The **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.

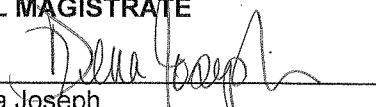
NOTICE OF HEARING SETTING FINE AND LIEN

In the event the **Special Magistrate**, during the hearing on **May 27, 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 **July 8, 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 24th day of April, 2015.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: 
Dena Joseph

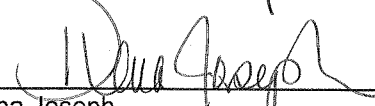
☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Susan Ann Byrnes, Property Owner, 1006 3rd Street, Port Orange, FL 32129, was

☐ Hand-delivered

☒ Posted at the property

Time: 10:47

this 24th day of April, 2015.

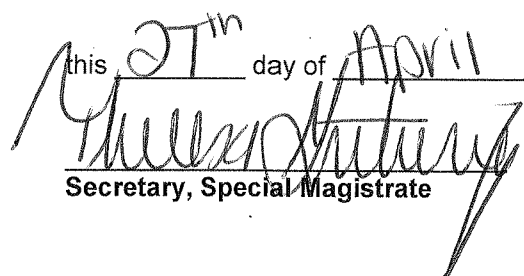

Dena Joseph

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Susan Ann Byrnes, Property Owner, 1006 3rd Street, Port Orange, FL 32129, was

☐ Posted at City Hall

☒ Sent via certified

this 27th 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: 04-21-2015 Today's Date: 4-21-2015		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		04-16-33-02-06-0170 6304-02-06-0170		Mill Group 402 Port Orange	
Alternate Key		3581300		2014 Final Millage Rate 21.15960	
Parcel Status		Active Parcel		PC Code 01	
Date Created		30 DEC 1981			
Owner Name		BYRNES SUSAN ANN		GO TO ADD'L OWNERS	
Owner Name/Address 1					
Owner Address 2		1006 3RD ST			
Owner Address 3		PORT ORANGE FL			
Owner Zip Code		32119			
Owner Percentage		100		Ownership Type	
Location Address		1006 3RD ST PORT ORANGE 32129			

LEGAL DESCRIPTION

S 30 FT OF LOT 16 & N 40 FT OF LOT 17 BLK 6 PORTONA PER OR
4223 PG 1198

SALES HISTORY[GO TO ADD'L SALES](#)

#	BOOK	PAGE	DATE	INSTRUMENT	QUALIFICATION	IMPROVED?	SALE PRICE
1	4223	1198	8/1997	Warranty Deed	Qualified Sale	Yes	62,000
2	3823	3610	4/1993	Warranty Deed	Unqualified Sale	Yes	100
3	3542	0999	10/1990	Warranty Deed	Qualified Sale	Yes	54,500

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

YEAR	LAND	BLDG (S)	MISC	JUST	ASD	SCH ASD	NS ASD	EXEMPT	TXBL	SCH TXBL	ADD'L EX	NS TXBL
2014	14,700	58,698	104	73,502	63,069	63,069	63,069	25,000	38,069	38,069	13,069	25,000
2013	14,000	50,187	104	64,291	62,137	62,137	62,137	25,000	37,137	37,137	12,137	25,000

LAND DATA

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

08/04/1997 14:50
Doc stamps 434.00
(Transfer Amt \$ 62000)
Instrument # 97127799
Book: 4223
Page: 1198

2

This Instrument Prepared by and Return to:
CECELIA C EITNIEAR-FULLER
AAA TITLE INSURANCE CORPORATION, INC.
807 BEVILLE ROAD
SOUTH DAYTONA, FLORIDA 32119

Property Appraisers Parcel Identification (Folio) Numbers:

Grantee SS #: 075566338

SPACE ABOVE THIS LINE FOR RECORDING DATA

THIS WARRANTY DEED, made the **31st** day of **July**, A.D. 1997 by **CARLOTTA G. IANNELLO** herein called the grantor, whose post office address is **1006 THIRD STREET, PORT ORANGE, FL 32119**, to **SUSAN ANN BYRNES, A SINGLE WOMAN** whose post office address is **413 TURTON STREET, PORT ORANGE, FL 32127**, hereinafter called the Grantee:

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

WITNESSETH: That the grantor, for and in consideration of the sum of TEN AND 00/100'S (\$10.00) 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, State of Florida, viz:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

Subject to easements, restrictions and reservations of record and to taxes for the year 1997 and thereafter.

GRANTOR WARRANTS THAT THE ABOVE DESCRIBED PREMISES IS NOT AND NEVER HAS BEEN THE CONSTITUTIONAL HOMESTEAD OF THE GRANTOR HEREIN AND HAS NEVER BEEN CONTIGUOUS TO GRANTORS HOMESTEAD.

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/are lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land, and hereby warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 1996.

IN WITNESS WHEREOF, the said grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in the presence of:

Signature Julia M. Fannello
Printed Signature Julia M. Fannello
Signature Ross P. Iannello
Printed Signature ROSS P. IANNELLO

Signature Carlotta G. Iannello
CARLOTTA G. IANNELLO

STATE OF NEW YORK
COUNTY OF CHENANGO

The foregoing instrument was acknowledged before me this 30TH day of JULY, 19 97 by CARLOTTA G. IANNELLO who is/are personally known to me or has produced (5) AS identification.

PATRICIA A. PERRY #4523528
Notary Public, State of New York

SEAL **Qualified in Chenango County**
My Commission Expires 12/31/98

My Commission Expires: 12/31/98

Signature Patricia A. Perry
Notary Signature PATRICIA A. PERRY
Printed Notary Signature

BOOK: 4223
PAGE: 1179
Diane M. Matousek
Volusia County, Clerk of Court

EXHIBIT "A"

THE SOUTHERLY THIRTY (30) FEET OF LOT SIXTEEN (16) AND THE NORTHERLY FORTY (40) FEET OF LOT SEVENTEEN (17), BLOCK SIX (6), PORTONA SUBDIVISION, AS PER MAP IN MAP BOOK 10, PAGE 107 OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

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

Case Cost Sheet Log

Case No. 15-270

Name	Activity	Activity_Date	Status	Cost
Milton Jesus Corchado	Mailing Notice of Violation/Notice of Hearing to 5278 Plantation Home Way, Port Orange, FL 32128	04/23/2015	Certified Mail Returned to City Clerk's Office marked "Not Deliverable as Addressed" on 4/26/15.	\$6.69
Milton Jesus Corchado	Mailing Finding of Fact/Conclusion of Law & Order to 5278 Plantation Home Way, Port Orange, FL 32128	05/27/2015		\$6.96
Clerk of Court	Recording Fee - Finding of Fact/Conclusion of Law & Order	05/27/2015		\$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. 15-270

To:
Milton Jesus Corchado
5278 Plantation Home Way
Port Orange, FL 32128

Re: 5278 Plantation Home Way
Port Orange, FL 32128

Parcel ID: 6213-07-00-2280

LEGAL DESCRIPTION:

LOT 228 PORT ORANGE PLANTATION PHASE III MB 54 PGS 117-120 I
NC EXC 100 PC SUBSURFACE RTS PER OR 6289 PG 1251 PER OR 6304
PG 4522 PER OR 6340 PG 2450 PER OR 6564 PGS 0818-0824 INC P
ER OR 6596 PG 2388

Volusia County Public Records
Volusia County, FL

An inspection of the premises on March 3, 2015 indicates that certain violation(s) of the City of Port Orange Code exists. Briefly stated, the property is in violation of the following:

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), (d) Maintenance of improved residential lots and (f) Garbage, waste, trash, etc., prohibited.

Inspected this property on March 3, 2015, to find that the yard is overgrown and needs to be mowed and maintained and all trash and debris needs to be removed from the property.

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 27, 2015, at 9:00 a.m.**, or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The **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.

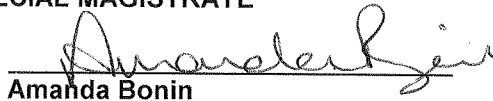
NOTICE OF HEARING SETTING FINE AND LIEN

In the event the **Special Magistrate**, during the hearing on **May 27, 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 **July 8, 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 18th day of April, 2015.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: 
Amanda Bonin

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Milton Jesus Corchado 5278 Plantation Home Way, Port Orange, FL 32128, was

☐ Hand-delivered

☒ Posted at the property

Time: 3:45 pm

this 18th day of April, 2015.

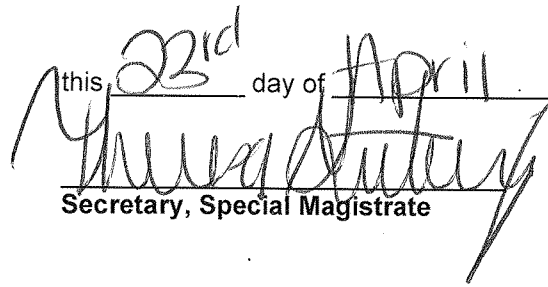

Amanda Bonin

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Milton Jesus Corchado 5278 Plantation Home Way, Port Orange, FL 32128, was

☒ Posted at City Hall

☐ Sent via certified

this 23rd 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.



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: 04-14-2015 Today's Date: 4-18-2015	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	13-16-32-07-00-2280 6213-07-00-2280	Mill Group	402 Port Orange
Alternate Key	6812535	2014 Final Millage Rate	21.15960
Parcel Status	Active Parcel	PC Code	01
Date Created	21 JUN 2007		
Owner Name	CORCHADO MILTON JESUS		GO TO ADD'L OWNERS
Owner Name/Address 1			
Owner Address 2	5278 PLANTATION HOME WAY		
Owner Address 3	PORT ORANGE FL		
Owner Zip Code	32128		
Owner Percentage	100	Ownership Type	
Location Address	5278 PLANTATION HOME WAY PORT ORANGE 32128		

LEGAL DESCRIPTION	GO TO ADD'L LEGAL
LOT 228 PORT ORANGE PLANTATION PHASE III MB 54 PGS 117-120 I	
NC EXC 100 PC SUBSURFACE RTS PER OR 6289 PG 1251 PER OR 6304	

SALES HISTORY						GO TO ADD'L SALES	
#	BOOK	PAGE	DATE	INSTRUMENT	QUALIFICATION	IMPROVED?	SALE PRICE
1	6596	2388	5/2011	Warranty Deed	Qualified Sale	Yes	235,000
2	6564	0818	2/2011	Warranty Deed	Qualified Sale	No	25,000
3	6340	2450	9/2008	Warranty Deed	Multi parcel sale		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	20,520	186,491	0	207,011	186,755	186,755	186,755	25,000	161,755	161,755	25,000	136,755
2013	20,520	163,475	0	183,995	183,995	183,995	183,995	25,000	158,995	158,995	25,000	133,995

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

LEGAL DESCRIPTION
LOT 228 PORT ORANGE PLANTATION PHASE III MB 54 PGS 117-120 I
NC EXC 100 PC SUBSURFACE RTS PER OR 6289 PG 1251 PER OR 6304
PG 4522 PER OR 6340 PG 2450 PER OR 6564 PGS 0818-0824 INC P
ER OR 6596 PG 2388

Prepared By and Return To:
M Seabaugh
DHI Title of Florida, Inc.
9456 W. Philips Highway, Suite #1
Jacksonville, Florida 32256

05/27/2011 09:04 AM
Doc stamps 1645.00
(Transfer Amt \$ 235000)
Instrument# 2011-088349 # 1
Book : 6596
Page : 2388
Diane M. Matousek
Volusia County, Clerk of Court

File No. 120-110100223-074

Property Appraiser's Parcel I.D. (folio) Number(s)
[REDACTED]

Sales Price: \$ 235,000.00

Documentary Stamps: \$ 1,645.00

SPECIAL CORPORATE WARRANTY DEED

THIS SPECIAL CORPORATE WARRANTY DEED is made this 23rd day of May, 2011, by D.R. Horton, Inc.- Jacksonville, a Delaware Corporation, hereinafter called Grantor, and whose address is 9456 Philips Highway, Suite 1, Jacksonville, Florida 32256, to Milton Jesus Corchado, an unmarried man, hereinafter called Grantee and whose address is [REDACTED] Plantation Home Way, Port Orange, FL 32128.

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

WITNESSETH:

THAT the Grantor, for and in consideration of the sum of Ten and No/100 (\$10.00) Dollars and other valuable considerations, in hand paid by the Grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to said Grantee, the following described land situated, lying and being in the COUNTY OF VOLUSIA, STATE OF FLORIDA, to wit:

Lot 228, of PORT ORANGE PLANTATION PHASE 3, according to the Plat thereof, as recorded in Plat Book 54, at Page 117 the Public Records of Volusia County, Florida.

5278 Plantation Home Way, Port Orange, FL 32128

SUBJECT TO Covenants, Conditions, Restrictions, Reservations, Limitations, Easements and Agreements of Record, if any.

SUBJECT TO taxes accruing subsequent to December 31, 2010.

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

AND the said Grantor does hereby fully warrant the title to said land, and will defend the same against the lawful claims arising by and through or under the Grantor.

IN WITNESS WHEREOF, the Grantor has caused this instrument to be executed in its name by its duly authorized officer(s) and caused its corporate seal to be hereto affixed the day and year first above written.

Signed, sealed and delivered in our presence:


Witness Signature


Witness Printed Signature


Witness Signature


Witness Printed Signature

D.R. Horton, Inc. - Jacksonville, a Delaware Corporation by:


Patti C. Starr, Assistant Secretary

STATE OF Florida

COUNTY OF Duval

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)

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner,

vs.

CASE NO: 15-270

MILTON JESUS CORCHADO,

Respondent.

Property Address: 5278 Plantation Home Way
Port Orange, FL 32128

Parcel ID: 6213-07-00-2280

AFFIDAVIT OF PROPERTY POSTING
NOTICE OF VIOLATION AND
NOTICE FOR 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 5278 Plantation Home Way, Port Orange, Florida 32128, is owned by Milton Jesus Corchado.
4. That 5278 Plantation Home Way, Port Orange, Florida 32128 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 5278 Plantation Home Way, Port Orange, Florida 32128, at 3:45 p.m. on the 18th day of April, 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 21st day of April, 2015.

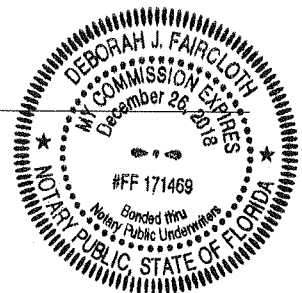

Amanda Bonin
Code Compliance Inspector

**STATE OF FLORIDA
COUNTY OF VOLUSIA**

The foregoing instrument was sworn to before me on the 21st day of April, 2015, by Amanda Bonin, who is personally known to me.


Notary Public, State of Florida

Commission No. _____



Case Cost Sheet Log

Case No. 15-503

Name	Activity	Activity_Date	Status	Cost
Elizabeth Harold	Mailing Notice of Violation/Notice of Hearing to 5280 Plantation Home Way, Port Orange, FL 32128	04/23/2015	Certified Green Card Signed on 5/1/15 and Returned to the City Clerk's Office by Elizabeth Harold.	\$6.69
Jonathan Harold	Mailing Notice of Violation/Notice of Hearing to 5280 Plantation Home Way, Port Orange, FL 32128	04/23/2015	Certified Green Card Signed on 5/1/15 and Returned to the City Clerk's Office by Elizabeth Harold.	\$6.69
Elizabeth Harold	Mailing Finding of Fact/Conclusion of Law & Order to 5280 Plantation Home Way, Port Orange, FL 32128	05/27/2015		\$6.96
Jonathan Harold	Mailing Finding of Fact/Conclusion of Law & Order to 5280 Plantation Home Way, Port Orange, FL 32128	05/27/2015		\$6.96
Clerk of Court	Recording Fee - Finding of Fact/Conclusion of Law & Order	05/27/2015		\$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. 15-503

To:
Elizabeth & Johnathan Harold
5280 Plantation Home Way
Port Orange, FL 32128

Re: 5280 Plantation Home Way
Port Orange, FL 32128
Parcel ID: 6213-07-00-2270
LEGAL DESCRIPTION:

LOT 227 PORT ORANGE PLANTATION PHASE III MB 54 PG 117 EXC 10
0 PC SUBSURFACE RTS PER OR 6289 PG 1251 PER OR 6304 PG 4522
PER OR 6340 PG 2450 & PER OR 6526 PG 1060 & PER OR 6550 PG 4
288

Volusia County Public Records
Volusia County, FL

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

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), (d) Maintenance of improved residential lots and (f) Garbage, waste, trash, etc., prohibited.

Inspected this property on March 27, 2015, to find that the yard is overgrown and needs to be mowed and maintained and all trash and debris needs to be removed from the property.

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 27, 2015, at 9:00 a.m.**, or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The **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.

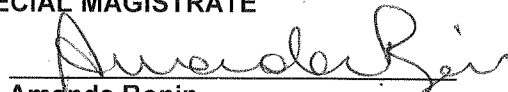
NOTICE OF HEARING SETTING FINE AND LIEN

In the event the **Special Magistrate**, during the hearing on **May 27, 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 **July 8, 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 18th day of April, 2015.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: 
Amanda Bonin

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Elizabeth & Johnathan Harold 5280 Plantation Home Way, Port Orange, FL 32128, was

☐ Hand-delivered

☒ Posted at the property

Time: 3:45pm

this 18th day of April, 2015.

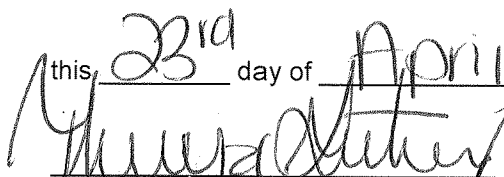

Amanda Bonin

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Elizabeth & Johnathan Harold 5280 Plantation Home Way, Port Orange, FL 32128, was

☐ Posted at City Hall

☐ Sent via certified

this 23rd 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.



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: 04-14-2015 Today's Date: 4-18-2015		Volusia County Property Appraiser's Office			
		Property Record Card (PRC)			
		Morgan B. Gilreath Jr., M.A., A.S.A., C.F.A.			
		Property Appraiser			
Full Parcel ID	Short Parcel ID	Mill Group	402 Port Orange		
	13-16-32-07-00-2270 6213-07-00-2270				
Alternate Key	6812527	2014 Final Millage Rate	21.15960		
Parcel Status	Active Parcel	PC Code	01		
Date Created	21 JUN 2007				
Owner Name	HAROLD ELIZABETH & JOHNATHAN			GO TO ADD'L OWNERS	
Owner Name/Address 1					
Owner Address 2	5280 PLANTATION HOME WAY				
Owner Address 3	PORT ORANGE FL				
Owner Zip Code	32128				
Owner Percentage	100	Ownership Type			
Location Address	5280 PLANTATION HOME WAY PORT ORANGE 32128				

LEGAL DESCRIPTION	GO TO ADD'L LEGAL
LOT 227 PORT ORANGE PLANTATION PHASE III MB 54 PG 117 EXC 10	
0 PC SUBSURFACE RTS PER OR 6289 PG 1251 PER OR 6304 PG 4522	

SALES HISTORY						GO TO ADD'L SALES	
#	BOOK	PAGE	DATE	INSTRUMENT	QUALIFICATION	IMPROVED?	SALE PRICE
1	6550	4288	12/2010	Warranty Deed	Qualified Sale	Yes	162,100
2	6526	1060	10/2010	Warranty Deed	Addition after Sale	Yes	250,000
3	6340	2450	9/2008	Warranty Deed	Multi parcel sale		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	20,520	139,608	0	160,128	145,347	145,347	145,347	25,000	120,347	120,347	25,000	95,347
2013	20,520	122,679	0	143,199	143,199	143,199	143,199	25,000	118,199	118,199	25,000	93,199

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

LEGAL DESCRIPTION
LOT 227 PORT ORANGE PLANTATION PHASE III MB 54 PG 117 EXC 10
0 PC SUBSURFACE RTS PER OR 6289 PG 1251 PER OR 6304 PG 4522
PER OR 6340 PG 2450 & PER OR 6526 PG 1060 & PER OR 6550 PG 4
288

Prepared By and Return To:
M Seabaugh
DHI Title of Florida, Inc.
9456 W. Philips Highway, Suite #1
Jacksonville, Florida 32256

12/30/2010 01:28 PM
Doc stamps 1134.70
(Transfer Amt \$ 162005)
Instrument# 2010-234327 # 1
Book : 6550
Page : 4288
Diane M. Matousek
Volusia County, Clerk of Court

File No. 120-100100641-074

Property Appraiser's Parcel I.D. (folio) Number(s)
[REDACTED]

Sales Price: \$ 162,005.00

Documentary Stamps: \$ 1,134.70

SPECIAL CORPORATE WARRANTY DEED

THIS SPECIAL CORPORATE WARRANTY DEED is made this 23rd day of December, 2010, by D.R. Horton, Inc. - Jacksonville, a Delaware Corporation, hereinafter called Grantor, and whose address is 9456 Philips Highway, Suite 1, Jacksonville, Florida 32256, to Elizabeth Harold and Johnathan Harold, wife and husband, hereinafter called Grantee and whose address is [REDACTED] Plantation Home Way, Port Orange, FL 32128.

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

WITNESSETH:

THAT the Grantor, for and in consideration of the sum of Ten and No/100 (\$10.00) Dollars and other valuable considerations, in hand paid by the Grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to said Grantee, the following described land situated, lying and being in the COUNTY OF VOLUSIA, STATE OF FLORIDA, to wit:

Lot 227, of PORT ORANGE PLANTATION PHASE 3, according to the Plat thereof, as recorded in Plat Book 54, at Page 117 the Public Records of Volusia County, Florida.

5280 Plantation Home Way, Port Orange, FL 32128

SUBJECT TO Covenants, Conditions, Restrictions, Reservations, Limitations, Easements and Agreements of Record, if any.

SUBJECT TO taxes accruing subsequent to December 31, 2010.

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

AND the said Grantor does hereby fully warrant the title to said land, and will defend the same against the lawful claims arising by and through or under the Grantor.

IN WITNESS WHEREOF, the Grantor has caused this instrument to be executed in its name by its duly authorized officer(s) and caused its corporate seal to be hereto affixed the day and year first above written.

Signed, sealed and delivered in our presence:


Witness Signature


Witness Printed Signature


Witness Signature

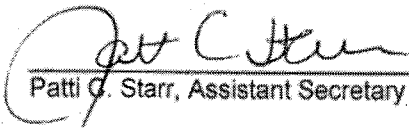
Randy Dietzel

Witness Printed Signature

STATE OF Florida

COUNTY OF VOLUSIA

D.R. Horton, Inc. - Jacksonville, a Delaware Corporation by:


Patti C. Starr, Assistant Secretary

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

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

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

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

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

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

of this Code or applicable provisions of the land development code shall prevail and govern.

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

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

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner,

vs.

CASE NO: 15-503

ELIZABETH & JOHNATHAN HAROLD,

Respondent.

Property Address: 5280 Plantation Home Way
Port Orange, FL 32128

Parcel ID: 6213-07-00-2270

AFFIDAVIT OF PROPERTY POSTING
NOTICE OF VIOLATION AND
NOTICE FOR 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 5280 Plantation Home Way, Port Orange, Florida 32128, is owned by Elizabeth & Johnathan Harold.
4. That 5280 Plantation Home Way, Port Orange, Florida 32128 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 5280 Plantation Home Way, Port Orange, Florida 32128, at 3:45 p.m. on the 18th day of April, 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 21st day of April, 2015.

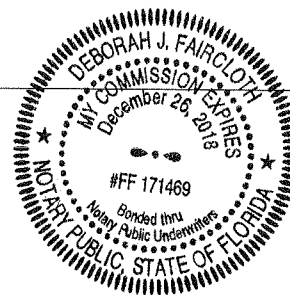
Amanda Bonin
Amanda Bonin
Code Compliance Inspector

**STATE OF FLORIDA
COUNTY OF VOLUSIA**

The foregoing instrument was sworn to before me on the 21st day of April, 2015, by Amanda Bonin, who is personally known to me.

Deborah J. Faircloth
Notary Public, State of Florida

Commission No. _____



Case Cost Sheet Log

Case No. 15-415

Name	Activity	Activity_Date	Status	Cost
James A. Kitchell	Notice of Violation/Notice of Hearing	04/18/2015	Hand Delivered to Mildred C. Kitchell on April 18, 2015 at 1103 Squirrel Nest Lane, Port Orange, FL 32129 at 3:00 PM	\$0.00
Mildred C. Kitchell	Notice of Violation/Notice of Hearing	04/18/2015	Hand Delivered to Mildred C. Kitchell on April 18, 2015 at 1103 Squirrel Nest Lane, Port Orange, FL 32129 at 3:00 PM	\$0.00
James A. Kitchell	Mailing Finding of Fact/Conclusion of Law & Order to 1103 Squirrel Nest Lane, Port Orange, FL 32129	05/27/2015		\$6.96
Mildred C. Kitchell	Mailing Finding of Fact/Conclusion of Law & Order to 1103 Squirrel Nest Lane, Port Orange, FL 32129	05/27/2015		\$6.96
Clerk of Court	Recording Fee - Finding of Fact/Conclusion of Law & Order	05/27/2015		\$27.00

Total: \$40.92



**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

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

CITY OF PORT ORANGE,

Petitioner

CASE NO. 15-415

To:
James A & Mildred C Kitchell
1103 Squirrel Nest Lane
Port Orange, FL 32129

Re: 1103 Squirrel Nest Lane
Port Orange, FL 32129
Parcel ID: 6308-20-00-0020

LEGAL DESCRIPTION: LOT 2 SOUTHERN OAKS SUB MB 41 PG 181 PER OR 3075 PG 1744 PERD/C 6255 PG 1047
PER OR 6255 PG 1049

Volusia County Public Records
Volusia County, FL

An inspection of the premises on March 17, 2015, indicates that certain violation(s) of the City of Port Orange Code exists. Briefly stated, the property is in violation of the following:

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), (d) Maintenance of improved residential lots and (f) Garbage, waste, trash, etc., prohibited.

The City of Port Orange Code of Ordinances Chapter 42 Nuisances, Section 42-32 Storage of vehicles, furniture, etc.

Upon inspection on March 17, 2015, I noticed outside storage on site. I left a door hanger to remove all outside storage and to place it in an enclosed building. Upon re-inspection on March 26, 2015, the majority of the items were removed from the front of the house however there were still some items that needed to be placed in an enclosed building and removed from the front, I also noticed along the side of the home the grass/weeds were overgrown. I left a final notice door hanger on April 1, 2015, stating that the grass/weeds needed to be mowed and the outside storage removed and placed in an enclosed building. Upon further inspection, April 17, 2015, the property remained 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 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 27, 2015, at 9:00 a.m.**, or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The **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 **May 27, 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 **July 8, 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 18th day of April, 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 James A & Mildred C Kitchell 1103 Squirrel Nest Lane, Port Orange, FL 32129, was

- ☒ Hand-delivered
☐ Posted at the property

Time: 3:00 pm

this 18th day of April, 2015.

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 James A & Mildred C Kitchell 1103 Squirrel Nest Lane, Port Orange, FL 32129, 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: 04-14-2015 Today's Date: 4-18-2015		Volusia County Property Appraiser's Office			
		Property Record Card (PRC) Morgan B. Gilreath Jr., M.A., A.S.A., C.F.A. Property Appraiser			
Full Parcel ID	08-16-33-20-00-0020	Mill Group	402 Port Orange		
Short Parcel ID	6308-20-00-0020				
Alternate Key	4978364	2014 Final Millage Rate	21.15960		
Parcel Status	Active Parcel	PC Code	01		
Date Created	13 JAN 1988				
Owner Name	KITCHELL JAMES A & MILDRED C			GO TO ADD'L OWNERS	
Owner Name/Address 1					
Owner Address 2	1103 SQUIRREL NEST LN				
Owner Address 3	PORT ORANGE FL				
Owner Zip Code	32129				
Owner Percentage	100	Ownership Type			
Location Address	1103 SQUIRREL NEST LN PORT ORANGE 32129				

LEGAL DESCRIPTION

LOT 2 SOUTHERN OAKS SUB MB 41 PG 181 PER OR 3075 PG 1744 PER

D/C 6255 PG 1047 PER OR 6255 PG 1049

SALES HISTORY

#	BOOK	PAGE	DATE	INSTRUMENT	QUALIFICATION	IMPROVED?	SALE PRICE
1	6255	1049	7/2008	Warranty Deed	Qualified Sale	Yes	100,000
2	3075	1744	12/1987	Warranty Deed	Qualified Sale	Yes	56,800

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	8,673	53,407	0	62,080	61,073	61,073	61,073	25,000	36,073	36,073	11,073	25,000
2013	8,673	53,231	0	61,904	60,170	60,170	60,170	25,000	35,170	35,170	10,170	25,000

LAND DATA

3

Prepared By: Mary W. Ralstin
Professional Title Agency, Inc.
5111 Ridgewood Ave., Suite 200
Port Orange, Florida 32127
incidental to the issuance of a title insurance policy.
File Number: P-15972
Parcel ID# 6308-20-00-0020

07/16/2008 08:14 AM
Doc stamps 700.00
(Transfer Amt \$ 100000)
Instrument# 2008-142602 # 1
Book: 6255
Page: 1049
Diane M. Matousek
Volusia County, Clerk of Court

**WARRANTY DEED
(INDIVIDUAL)**

This **WARRANTY DEED**, dated 7-10-08 by
GEORGE R. LEWIS, a single person

Whose post office address is
2764 Old Yorktown Road, Yorktown Heights, New York [REDACTED]
hereinafter called the GRANTOR, to
James A. Kitchell and Mildred C. Kitchell, Husband and Wife
whose post office address is:
1103 Squirrel Nest Lane, Port Orange, FL 32129
hereinafter called the GRANTEE:

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

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

Lot 2, SOUTHERN OAKS, according to the map thereof, as recorded in Map Book 41, Page 181, of the Public Records of Volusia County, Florida.

SUBJECT TO covenants, conditions, restrictions, reservations, limitations, easements and agreements of record, if any; taxes and assessments for the year 2008 and subsequent years; and to all applicable zoning ordinances and/or restrictions and prohibitions imposed by governmental authorities, if any,

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 except as above noted, 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.

IN WITNESS WHEREOF, GRANTOR has signed and sealed these presents the date set forth above.

SIGNED IN THE PRESENCE OF THE FOLLOWING WITNESSES:

Witness #1 Signature: [Signature]
Witness #1 Print Name: Andrew W. [REDACTED]

Witness #2 Signature: [Signature]
Witness #2 Print Name: Clara Peracotti

[Signature]
GEORGE R. LEWIS

STATE OF NEW YORK)
COUNTY OF Westchester) ss

I am a notary public of the state of New York and my commission expires:

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

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

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

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

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

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

of this Code or applicable provisions of the land development code shall prevail and govern.

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

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

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

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

(Code 1981, § 10-7)

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner,

vs.

CASE NO: 15-415

JAMES A & MILDRED C KITCHELL,

Respondent.

Property Address: 1103 Squirrel Nest Lane

Port Orange, FL 32129

Parcel ID: 6308-20-00-0020

AFFIDAVIT OF HAND DELIVERY
NOTICE OF VIOLATION AND
NOTICE OF HEARING

STATE OF FLORIDA
COUNTY OF VOLUSIA

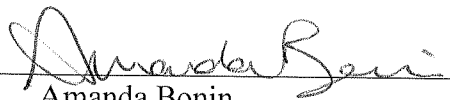
BEFORE ME, the undersigned authority, personally appeared Amanda Bonin, Code Compliance Inspector, City of Port Orange, Florida, who after being duly sworn, deposes and says:

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 1103 Squirrel Nest Lane, Port Orange, Florida 32129, is owned by James A & Mildred C Kitchell.
4. That 1103 Squirrel Nest Lane, 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 1103 Squirrel Nest Lane, Port Orange, Florida 32129, at 3:00 p.m. on the 18th day of April, 2015, to Mildred C Kitchell (property owner), who is 15 years of age or over, as required by Florida Statute Section 162.12(2)(b)(1). A copy of the Notice and Request is attached hereto and made a part hereof.

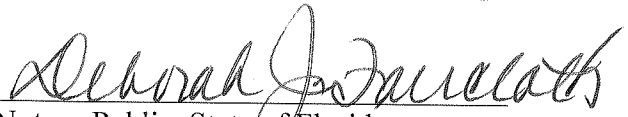
FURTHER AFFIANT SAYETH NOT.

DATED this 21st day of April, 2015.

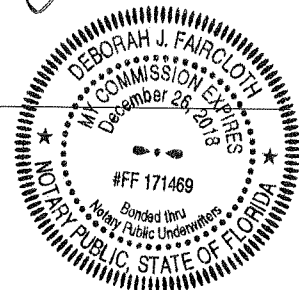

Amanda Bonin
Code Compliance Inspector

**STATE OF FLORIDA
COUNTY OF VOLUSIA**

The foregoing instrument was sworn to before me on the 21st day of April, 2015, by Amanda Bonin, who is personally known to me.


Notary Public, State of Florida

Commission No. _____



Case Cost Sheet Log

Case No. 15-418

Name	Activity	Activity_Date	Status	Cost
Wayne V. Smith	Notice of Violation/Notice of Hearing	04/18/2015	Hand Delivered to Myrtle Young on April 18, 2015 at 1096 York Way, Port Orange, FL 32129 at 3:15 p.m.	\$0.00
Wayne V. Smith	Mailing Finding of Fact/Conclusion of Law & Order to 1096 York Way, Port Orange, FL 32129	05/27/2015		\$6.96
Clerk of Court	Recording Fee - Finding of Fact/Conclusion of Law & Order	05/27/2015		\$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. 15-418

To:
Wayne V Smith
1096 York Way
Port Orange, FL 32129

Re: 1096 York Way
Port Orange, FL 32129
Parcel ID: 6308-05-00-0530

LEGAL DESCRIPTION: LOT 53 KINGSWOOD SUB MB 35 PGS 113-114 INC PER OR 4904 PG 2211 PER OR 6692 PGS 2143-2144

Volusia County Public Records
Volusia County, FL

An inspection of the premises on March 17, 2015, indicates that certain violation(s) of the City of Port Orange Code exists. Briefly stated, the property is in violation of the following:

Failure to Obtain a Building Permit This is a violation of the 2010 Florida Building Code Section 105.1. (A permit must be obtained before construction.)

Upon inspection on March 17, 2015, I spoke with Wayne and Myrtle, residents at this address. I told them we received a complaint about work being completed without a permit and asked if I could view their back yard. They brought me to the back yard and I noticed a walkway made of wood and concrete and a wooden shed that Wayne stated was built a few years ago. I explained to them that a permit is needed and put them in touch with Cathi in our building department. When I spoke with Cathi on March 18, 2015, she stated that Myrtle came in the office for a permit application and to speak with her regarding what drawings etc they would need if any. Upon further inspection on April 17, 2015, a permit has not been applied for.

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 27, 2015, at 9:00 a.m.**, or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The **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 **May 27, 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 **July 8, 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 18th day of April, 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 Wayne V Smith 1096 York Way, Port Orange, FL 32129, was

- ☒ Hand-delivered
☐ Posted at the property

Time: 3:15pm

To: Myrtle Young

this 18th day of April, 2015.

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 Wayne V Smith 1096 York Way, Port Orange, FL 32129, 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: 04-14-2015 Today's Date: 4-18-2015		Volusia County Property Appraiser's Office			
		Property Record Card (PRC)			
		Morgan B. Gilreath Jr., M.A., A.S.A., C.F.A.			
		Property Appraiser			
Full Parcel ID	08-16-33-05-00-0530	Mill Group	402 Port Orange		
Short Parcel ID	6308-05-00-0530				
Alternate Key	3604032	2014 Final Millage Rate	21.15960		
Parcel Status	Active Parcel	PC Code	01		
Date Created	31 DEC 1981				
Owner Name	SMITH WAYNE V			GO TO ADD'L OWNERS	
Owner Name/Address 1					
Owner Address 2	1096 YORK WAY				
Owner Address 3	PORT ORANGE FL				
Owner Zip Code	32129				
Owner Percentage	100	Ownership Type			
Location Address	1096 YORK WAY PORT ORANGE 32129				

LEGAL DESCRIPTION

LOT 53 KINGSWOOD SUB MB 35 PGS 113-114 INC PER OR 4904 PG 22

11 PER OR 6692 PGS 2143-2144

SALES HISTORY

[GO TO ADD'L SALES](#)

#	BOOK	PAGE	DATE	INSTRUMENT	QUALIFICATION	IMPROVED?	SALE PRICE
1	6692	2143	3/2012	Warranty Deed	Qualified Sale	Yes	112,900
2	4904	2211	7/2002	Warranty Deed	Qualified Sale	Yes	105,500
3	4430	0242	4/1999	Warranty Deed	Qualified Sale	Yes	80,000

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	16,755	82,957	0	99,712	90,224	90,224	90,224	25,000	65,224	65,224	25,000	40,224
2013	15,994	72,897	0	88,891	88,891	88,891	88,891	25,000	63,891	63,891	25,000	38,891

LAND DATA

03/21/2012 01:47 PM
Doc stamps 790.30
(Transfer Amt \$ 112900)
Instrument# 2012-049323 # 1
Book: 6692
Page: 2143

Prepared By and Return To:
Tracey Crotty Portigo
Fidelity National Title of Florida, Inc.
2244 State Road 44
New Smyrna Beach, FL 32168

File No. FT15-15-12-000095

Property Appraiser's Parcel I.D. (folio) Number(s)
[REDACTED]

For Documentary Stamp Tax purposes
the consideration is \$ 112,900.00

WARRANTY DEED (INDIVIDUAL)

This WARRANTY DEED, dated March 19, 2012 by
JUSTIN P. WHITE, A MARRIED MAN, JOINED BY HIS SPOUSE, KIMBERLY J. WHITE
whose post office address is:
2917 S. Atlantic Ave., Daytona Beach Shores, FL 32118
hereinafter called GRANTOR, to
WAYNE V. SMITH, A SINGLE PERSON
whose post office address is:
1096 York Way, Port Orange, FL 32129
hereinafter called the GRANTEE:

(Wherever used herein the terms "Grantor" and "Grantee" include all parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successor and assigns of corporations.)
WITNESSETH: That the grantor, for and in consideration of the sum of \$10.00 and other valuable consideration, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys, and confirms unto the GRANTEE, all that certain land situated in Volusia County, Florida, viz:

Lot 53, Kings Wood Subdivision, according to the map or plat thereof, as recorded in Plat Book 35, Page(s) 113 through 114, inclusive, of the Public Records of Volusia County, Florida.

SUBJECT TO covenants, conditions, restrictions, reservations, limitations, easements and agreements of record, if any; taxes and assessments for the year 2012 and subsequent years; and to all applicable zoning ordinances and/or restrictions and prohibitions imposed by governmental authorities, if any.

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.

WARRANTY DEED
(Continued)

AND the grantor hereby covenants with said GRANTEE that except as above noted, 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.

IN WITNESS WHEREOF, GRANTOR has signed and sealed these presents the date set forth above.

SIGNED AND SEALED IN THE PRESENCE OF THE FOLLOWING WITNESSES:

White RJ
(Witness Signature)

URAKE REYN
(Print Name of Witness)

[Signature]
(Witness Signature)

TRACEY C. PORTIGO
(Print Name of Witness)

[Signature]
Justin P. White

[Signature]
Kimberly J. White

(Address)

(Address)

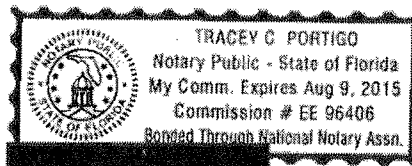
State of
County of

Florida
Volusia

THE FOREGOING INSTRUMENT was sworn and acknowledged before me on 3/19/2012
by: Justin P. White, a married man, joined by his spouse,
Kimberly J. White who is personally known to me or has produced
valid as identification.
all.

Signature: [Signature]
Print Name: _____

TRACEY C. PORTIGO



104.11 Alternative materials, design and methods of construction and equipment. The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material, design or method of construction shall be approved where the building official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety. When alternate life safety systems are designed, the *SFPE Engineering Guide to Performance-Based Fire Protection Analysis and Design of Buildings*, or other methods approved by the building official may be used. The building official shall require that sufficient evidence or proof be submitted to substantiate any claim made regarding the alternative.

104.11.1 Research reports. Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall consist of valid research reports from approved sources.

104.11.2 Tests. Whenever there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, the building official shall have the authority to require tests as evidence of compliance to be made at no expense to the jurisdiction. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the building official shall approve the testing procedures. Tests shall be performed by an approved agency. Reports of such tests shall be retained by the building official for the period required for retention of public records.

104.11.3 Accessibility. Alternate designs and technologies for providing access to and usability of a facility for persons with disabilities shall be in accordance with Section 11-2.2.

104.12 Requirements not covered by code. Any requirements necessary for the strength, stability or proper operation of an existing or proposed building, structure, electrical, gas, mechanical or plumbing system, or for the public safety, health and general welfare, not specifically covered by this or the other

technical codes, shall be determined by the building official.

SECTION 105 PERMITS

105.1 Required. Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any required impact-resistant coverings, electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.

105.1.1 Annual facility permit. In lieu of an individual permit for each alteration to an existing electrical, gas, mechanical, plumbing or interior nonstructural office system(s), the building official is authorized to issue an annual permit for any occupancy to facilitate routine or emergency service, repair, refurbishing, minor renovations of service systems or manufacturing equipment installations/relocations. The building official shall be notified of major changes and shall retain the right to make inspections at the facility site as deemed necessary. A annual facility permit shall be assessed an annual fee and shall be valid for one year from date of issuance. A separate permit shall be obtained for each facility and for each construction trade, as applicable. The permit application shall contain a general description of the parameters of work intended to be performed during the year.

105.1.2 Annual permit records. The person to whom an annual permit is issued shall keep a detailed record of alterations made under such annual permit. The building official shall have access to such records at all times or such records shall be filed with the building official as designated.

105.1.3 Food permit. As per §500.12, Florida Statutes, a food permit from the Department of Agriculture and Consumer Services is required of any person who operates a food establishment or retail store.

105.2 Work exempt from permit. Exemptions from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code. Permits shall not be required for the following:

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner,

vs.

CASE NO: 15-418

WAYNE V SMITH,

Respondent.

Property Address: 1096 York Way
Port Orange, FL 32129
Parcel ID: 6308-05-00-0530

AFFIDAVIT OF HAND DELIVERY
NOTICE OF VIOLATION AND
NOTICE OF HEARING

STATE OF FLORIDA
COUNTY OF VOLUSIA

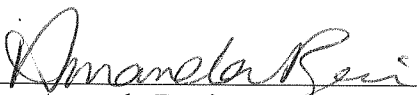
BEFORE ME, the undersigned authority, personally appeared Amanda Bonin, Code Compliance Inspector, City of Port Orange, Florida, who after being duly sworn, deposes and says:

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 1096 York Way, Port Orange, Florida 32129, is owned by Wayne V Smith.
4. That 1096 York Way, Port Orange, Florida 32129 is the location where the alleged code violation is or was occurring.

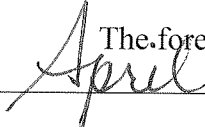
5. That I hand delivered a Notice of Violation and Request for Hearing on the property at 1096 York Way, Port Orange, Florida 32129, at 3:15 p.m. on the 18th day of April, 2015, to Myrtle Young, who is 15 years of age or over, as required by Florida Statute Section 162.12(2)(b)(1). A copy of the Notice and Request is attached hereto and made a part hereof.

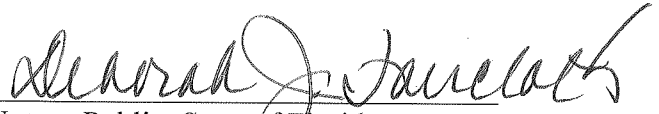
FURTHER AFFIANT SAYETH NOT.

DATED this 21st day of April, 2015.

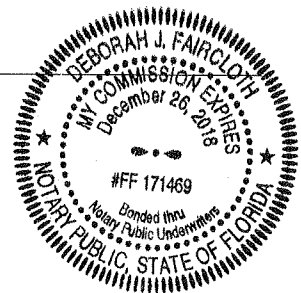

Amanda Bonin
Code Compliance Inspector

**STATE OF FLORIDA
COUNTY OF VOLUSIA**

 The foregoing instrument was sworn to before me on the 21st day of April, 2015, by Amanda Bonin, who is personally known to me.


Notary Public, State of Florida

Commission No. _____

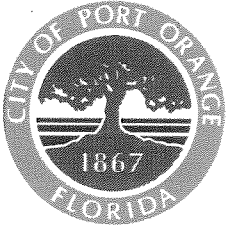


Case Cost Sheet Log

Case No. 15-272

Name	Activity	Activity_Date	Status	Cost
Renee M. Ransom	Mailing Notice of Violation/Notice of Hearing to 1243 Eddie Drive, Port Orange, FL 32129	04/23/2015	Certified Green Card Signed on 4/25/15 by Stephanie Ransom and Returned to the City Clerk's Office.	\$6.69
Renee M. Ransom	Mailing Finding of Fact/Conclusion of Law & Order to 1243 Eddie Drive, Port Orange, FL 32129	05/27/2015		\$6.96
Clerk of Court	Recording Fee - Finding of Fact/Conclusion of Law & Order	05/27/2015		\$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. 15-272

To:
Renee M Ransom
1243 Eddie Drive
Port Orange, FL 32129

Re: 1243 Eddie Drive
Port Orange, FL 32129
Parcel ID: 6307-03-00-0550

LEGAL DESCRIPTION: LOT 55 WILLOW RUN UNIT 2 MB 36 PGS 16-18 INC PER OR 4430 PG4442 PER OR 6230 PGS
4691-4693 INC

Volusia County Public Records
Volusia County, FL

An inspection of the premises on March 3, 2015, indicates that certain violation(s) of the City of Port Orange Code exists. Briefly stated, the property is in violation of the following:

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), (d) Maintenance of improved residential lots and (f) Garbage, waste, trash, etc., prohibited.

The City of Port Orange Code of Ordinances Chapter 42 Nuisances, Section 42-32 Storage of vehicles, furniture, etc.

I inspected this property on March 3, 2015, to find that there was trash on the property such as old papers, outside storage of carpet on the side of the home, and high weeds and grass around a car and boat that were both parked in the yard. At this time I spoke with Stephanie who stated she resides at this residence, and informed her of the violations. Stephanie stated they will move the car into the garage, her mom's boyfriend will be coming to remove the boat from the property and that they will clean up the yard by mowing and either removing the carpet or placing it in the garage. Upon further inspection on April 17, 2015, the car was relocated into the garage, the carpet remained on the side of the home and the grass/weeds are still overgrown around the boat.

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 27, 2015 at 9:00 a.m.**, or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The **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 \$ 10.69 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 27, 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 **July 8, 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 18th day of April, 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 Renee M Ransom 1243 Eddie Drive, Port Orange, FL 32129, was

- ☐ Hand-delivered
☒ Posted at the property

Time: 3:30 pm

this 18th day of April, 2015.

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 Renee M Ransom 1243 Eddie Drive, Port Orange, FL 32129, was

- ☒ Posted at City Hall
☐ Sent via certified

this 23rd day of April, 2015.

Theresa Tuttle
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 Appraiser's 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: 04-14-2015 Today's Date: 4-18-2015		Volusia County Property Appraiser's Office <u>Property Record Card (PRC)</u> <u>Morgan B. Gilreath Jr., M.A., A.S.A., C.F.A.</u> Property Appraiser			
Full Parcel ID		07-16-33-03-00-0550		Mill Group	
Short Parcel ID		6307-03-00-0550		402 Port Orange	
Alternate Key		3594347		2014 Final Millage Rate	
Parcel Status		Active Parcel		21.15960	
PC Code		01			
Date Created		30 DEC 1981			
Owner Name		RANSOM RENEE M			GO TO ADD'L OWNERS
Owner Name/Address 1					
Owner Address 2		1243 EDDIE DR			
Owner Address 3		PORT ORANGE FL			
Owner Zip Code		32129			
Owner Percentage		100		Ownership Type	
Location Address		1243 EDDIE DR PORT ORANGE 32129			

LEGAL DESCRIPTION

LOT 55 WILLOW RUN UNIT 2 MB 36 PGS 16-18 INC PER OR 4430 PG

4442 PER OR 6230 PGS 4691-4693 INC

SALES HISTORY

GO TO ADD'L SALES

#	BOOK	PAGE	DATE	INSTRUMENT	QUALIFICATION	IMPROVED?	SALE PRICE
1	6230	4691	4/2008	Quit Claim Deed	Unqualified Sale	Yes	100
2	4430	4442	4/1999	Warranty Deed	Qualified Sale	Yes	85,000
3	3583	1013	1/1991	Warranty Deed	Qualified Sale	Yes	60,000

HISTORY OF VALUES

GO TO ADD'L HISTORY

YEAR	LAND	BLDG(\$)	MISC	JUST	ASD	SCH ASD	NS ASD	EXEMPT	TXBL	SCH TXBL	ADD'L EX	NS TXBL
2014	21,886	68,515	0	90,401	79,117	79,117	79,117	25,000	54,117	54,117	25,000	29,117
2013	21,886	60,696	0	82,582	77,948	77,948	77,948	25,000	52,948	52,948	25,000	27,948

LAND DATA

05/14/2008 11:20 AM
Doc stamps .70
(Transfer Amt \$ 10)
Instrument# 2008-098329 # 1
Book : 6230
Page : 4691

RECORDING REQUESTED BY

NationalLink 163674
400 Corporation Drive
Aliquippa, PA 15001 3
[REDACTED]

Prepared By:
Suesan Gardner
NationalLink
4000 Industrial Blvd.
Aliquippa, PA 15001

QUITCLAIM DEED

THIS INDENTURE, Made this 14th day of April, 2008,

by and between Robert M. Ransom Jr. and Renee M. Ransom, who took title as husband and wife, of 1243 Eddie Drive Port Orange, FL 32129 hereinafter collectively referred to as "Grantor", and Renee M. Ransom of 1243 Eddie Drive Port Orange, FL 32129, of the County of VOLUSIA, in the State of FL hereinafter collectively referred to as "Grantee",

WITNESSETH: That Grantor, for and in consideration of the sum of \$10.00 Dollars, and other valuable considerations, lawful money of the United States of America, to Grantor in hand paid by the Grantee, the receipt whereof is hereby acknowledged, has remised, released and quitclaimed to the Grantee, Grantee's heirs and assigns forever, all the rights, title, interest and claim of the Grantor in and to the following described land in VOLUSIA County, Florida, to-wit:

See Exhibit A attached hereto and made a part hereof

TAX EXEMPT PER FLORIDA STATE STATUTE 201.02(7) pursuant to a divorce decree

BEING the same premises which Keith J. Poulsen and Karen L. Poulsen, Husband and Wife in deed dated April 30, 1999 and recorded May 5, 1999 in the VOLUSIA County Recorder's Office in Deed Book 4430, page 4442, granted and conveyed to Robert M. Ransom, Jr. and Renee M. Ransom, Husband and Wife, the Grantors herein.

TO HAVE AND TO HOLD, the above described premises, with the appurtenances, unto Grantee, Grantee's heirs and assigns forever.

IN WITNESS WHEREOF, Grantor has executed this deed under seal on the date aforesaid.
Signed, Sealed and Delivered in Our Presence:

Elizabeth P. James
Witness
ELIZABETH P. JAMES
James F. Marshall
Witness
James F. Marshall

Robert M. Ransom, Jr.
ROBERT M RANSOM, JR.
Renée M. Ransom
RENEE M. RANSOM

Dated: April 14, 2008

County of Volusia

State of Florida SS.

On April 14, 2008 before me, ELIZABETH P. JAMES C. SA. Notary
Public in and for said County and State, personally appeared
ROBERT M. RANSOM, JR. + RENEE M. RANSOM Personally known to me
(or proved to me on the satisfactory evidence) to be the person(s) whose name(s) is/are subscribed in the
within instrument and acknowledged to me that he/she/they executed the name in his/her/their authorized
capacity(ies), and that by his/her/their signature(s) on the instrument the person(s) or the entity upon behalf of
which the person(s) noted, executed the instrument.
WITNESS my hand and official seal

SIGNATURE Elizabeth P. James C.S.A.
My Commission expires: October 5, 2009

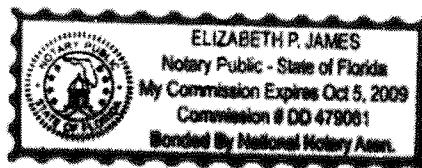


Exhibit "A"

Legal Description

All that certain Condominium Unit situated in the County of Volusia, State of Florida, being known and designated as Lot 55, Willow Run, Unit 2, according to plat thereof, recorded in Map Book 36, Pages 16 through 18, inclusive, of the public Records of Volusia County, Florida.

Tax ID: [REDACTED]

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

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

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

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

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

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

of this Code or applicable provisions of the land development code shall prevail and govern.

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

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

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

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

(Code 1981, § 10-7)

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner,

vs.

CASE NO: 15-272

RENEE M RANSOM,

Respondent.

Property Address: 1243 Eddie Drive
Port Orange, FL 32129
Parcel ID: 6307-03-00-0550

AFFIDAVIT OF PROPERTY POSTING
NOTICE OF VIOLATION AND
NOTICE FOR 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 1243 Eddie Drive, Port Orange, Florida 32129, is owned by Renee M Ransom.
4. That 1243 Eddie Drive, Port Orange, Florida 32129 is the location where the alleged code violation is or was occurring.

5. That I posted a Notice of Violation and Request for Hearing on the property at 1243 Eddie Drive, Port Orange, Florida 32129, at 3:30 p.m. on the 18th day of April, 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 21st day of April, 2015.

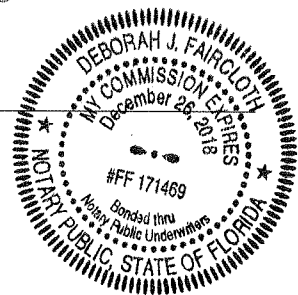
Amanda Bonin
Amanda Bonin
Code Compliance Inspector

**STATE OF FLORIDA
COUNTY OF VOLUSIA**

April The foregoing instrument was sworn to before me on the 21st day of April, 2015, by Amanda Bonin, who is personally known to me.

Deborah J. Faircloth
Notary Public, State of Florida

Commission No. _____



Case Cost Sheet Log

Case No. 15-137

Name	Activity	Activity_Date	Status	Cost
Banta Scott Trust	Mailing Notice of Violation/Notice of Hearing to 5249 Sydney Street, Port Orange, FL 32127	04/27/2015	Certified Green Card Signed by K. Sherman and Returned to the City Clerk's Office.	\$6.69
Banta Scott Trust	Mailing Finding of Fact/Conclusion of Law & Order to 5249 Sydney Street, Port Orange, FL 32127	05/27/2015		\$6.96
Clerk of Court	Recording Fee - Finding of Fact/Conclusion of Law & Order	05/27/2015		\$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. #15-137

To: BANTA SCOTT TR
5249 Sydney PO Trust
P.O. Box 520021
Longwood, FL 32752-002

Re: 5249 Sydney St.
Port Orange, FL 32127
Parcel ID: 6315-07-22-0020

LEGAL DESCRIPTION: LOT 2 BLK 22 COMMONWEALTH MOBILE ESTATES 2ND ADD MB 31 PGS 104 TO 106 INC PER
OR 4317 PG 3847 PER OR 6979 PG 0487

Volusia County Public Records
Volusia County, FL

An inspection of the premises on February 10, 2015, indicates that certain violation(s) of the City of Port Orange Code exists. Briefly stated, the property is in violation of the following:

The 2015 International Property Maintenance Code, Chapter 1, Section 108, 108.1.1 Unsafe Structures, 108.1.3 Structure unfit for human occupancy, 108.1.5 Dangerous structure or premises (2)(3)(6)(7)(8)(10), as adopted by the City of Port Orange Code of Ordinances, Chapter 14, Article II, Section 14-26.

City of Port Orange Code of Ordinances, Chapter 42, Article II, Section 42-26(d)(f)(h).

Briefly stated, the mobile home is unsafe, not fit for human occupancy, and a danger to the public health and safety. The entire property needs to be mowed and all trash and debris removed.

On February 10, 2015, a complaint was entered via the Citizen Connection link on the Port Orange website that work is being performed without an approved permit being displayed, a worker is spending the night in an unsafe structure and work is being done at night. I inspected the property with Building Inspector Mike Green and Officer Mulligan of the Port Orange Police Department on that same date. There was no permit on site. A permit had been applied for but not issued. The permit was for the replacement of sub-flooring in the mobile home. The entire floor in most of the home is rotten (sub-flooring and floor joists) and has been mostly torn out and some replaced. Additionally, Inspector Green found a new electrical panel with the electricity on. FPL does not have an active account at this location. A Stop Work Order was placed on the job and the workers were advised to pack up their tools and leave the job. On February 11, 2015, the owner came in and picked up the permit. On that same date, the permit was cancelled by the Building Official, Kerry Leuzinger. The reason for the cancellation is the use of unlicensed contractors, working beyond the scope of the permit, and starting work before the permit was issued. There has been no work on the property since February 10, 2015, nor will the owner return calls. An inspection on April 13, 2015, showed the structure in the same condition. The entire site remains overgrown with high grass and weeds and trash and debris needs to be removed from site.

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 May 18, 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 27, 2015 at 9:00 a.m.**, or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The **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 27, 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 **July 8, 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 27th day of April, 2015.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By:

Deborah Faircloth
DEBORAH FAIRCLOTH

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Banta Scott TR, 5249 Sydney PO Trust, P.O. Box 520021, Longwood, FL 32752-002, was

☐ Hand-delivered

☒ Posted at the property (5249 Sydney Street, Port Orange, FL 32127)

Time: 1:15 pm

this 27th day of April, 2015.

Deborah Faircloth
DEBORAH FAIRCLOTH

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Banta Scott TR, 5249 Sydney PO Trust, P.O. Box 520021, Longwood, FL 32752-002, was

☒ Posted at City Hall

☐ Sent via certified

this 27 day of April, 2015.

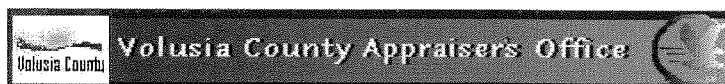
Shirley Stutney
Secretary, Special Magistrate

RIGHT TO APPEAL

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

ACCOMMODATIONS

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



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

Last Updated: 04-07-2015 Today's Date: 4-13-2015		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		15-16-33-07-22-0020 6315-07-22-0020		Mill Group 402 Port Orange	
Alternate Key		3637704		2014 Final Millage Rate 21.15960	
Parcel Status		Active Parcel		PC Code 02	
Date Created		31 DEC 1981			
Owner Name		BANTA SCOTT TR		GO TO ADD'L OWNERS	
Owner Name/Address 1		5249 SYDNEY PO TRUST			
Owner Address 2		P O BOX 520021			
Owner Address 3		LONGWOOD FL			
Owner Zip Code		32752-002			
Owner Percentage		100		Ownership Type Trust	
Location Address		5249 SYDNEY ST PORT ORANGE 32127			

LEGAL DESCRIPTION

LOT 2 BLK 22 COMMONWEALTH MOBILE ESTATES 2ND ADD MB 31 PGS 1

04 TO 106 INC PER OR 4317 PG 3847 PER OR 6979 PG 0487

SALES HISTORY

[GO TO ADD'L SALES](#)

#	BOOK	PAGE	DATE	INSTRUMENT	QUALIFICATION	IMPROVED?	SALE PRICE
1	6979	0487	4/2014	Tax Deed	Unqualified Sale	Yes	10,200
2	4317	3847	6/1998	Warranty Deed	Qualified Sale	Yes	43,500
3	2343	0839	3/1982	Warranty Deed	Unqualified Sale	Yes	36,000

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	15,514	12,457	0	27,971	27,971	27,971	26,286	0	27,971	27,971	0	26,286
2013	13,724	10,172	0	23,896	23,896	23,896	23,896	0	23,896	23,896	0	23,896

LAND DATA

04/16/2014 08:30 AM
Doc stamps 71.40
(Transfer Amt \$ 10200)
Instrument# 2014-066514 # 1
Book: 6979
Page: 487

DR-506

Tax Deed File No. 15632-11
Property Identification No. [REDACTED]

TAX DEED

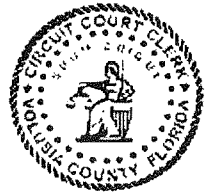
State of Florida
County of Volusia

The following Tax Sale Certificate Numbered 15632-11 issued on 06/01/2011 was filed in the office of the tax collector of this County and application made for the issuance of the tax deed, the applicant having paid or redeemed all other taxes or tax sale certificates on the land described as required by law to be paid or redeemed, and the costs and expenses of this sale, and due notice of the sale having been published as required by law, and no person entitled to do so having appeared to redeem said land; such land was on 04/15/2014, offered for sale as required by law for cash to the highest bidder and was sold to SCOTT BANTA, AS TRUSTEE FOR THE 5249 SYDNEY PO TRUST whose address is PO BOX 520021 LONGWOOD, FL 32752-0021 being the highest bidder and having paid the sum of their bid as required by the Laws of Florida.

On this 16TH day of APRIL, 2014, in the County of Volusia, State of Florida, in consideration of the sum of (\$10,200.00) Ten Thousand Two Hundred Dollars, being the amount paid pursuant to the Laws of Florida does hereby sell the following lands situated in the County and State aforesaid and described as follows:
LOT 2 BLK 22 COMMONWEALTH MOBILE ESTATES 2ND ADD MB 31 PGS 104-106 INC PER OR 4317 PG 3847

Diane M. Matousek
Clerk of the Circuit Court of Volusia County

By: D L Ruegger
D L RUEGGER, Deputy Clerk
Volusia County, Florida



Witness:

Bonnie Clark
BONNIE CLARK

Amanda Earnest
AMANDA EARNEST

STATE OF FLORIDA
COUNTY OF VOLUSIA

On this 16TH day of APRIL, 2014 before me LORI DIGGS personally appeared D L RUEGGER Deputy Clerk of the Circuit Court in and for the State and this County known to me to be the person described in, and who executed the foregoing instruments, and the acknowledged the execution of this instrument to be their own free act and deed for the use and purposes therein mentioned.

Witness my hand and official seal date aforesaid.

Lori Diggs
LORI DIGGS



STATE OF FLORIDA
COUNTY OF VOLUSIA

Instrument# 2014-066514 # 2
Book : 6979
Page : 488
Diane M. Matousek
Volusia County, Clerk of Court

CERTIFICATE NO. 15632-11

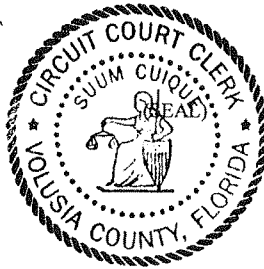
CERTIFICATE OF MAILING

I, DIANE M MATOUSEK, Clerk of the Circuit Court in and for the State and County aforesaid, do hereby certify that on 21ST of FEBRUARY AD, 2014, I mailed a copy of the attached Notice of Application for Tax Deed, addressed to:

JAMES A CERRONE EST at 5249 SYDNEY STREET, PORT ORANGE FL 32127,
* JAMES A CERRONE at 5249 SYDNEY STREET, PORT ORANGE FL 32127,
* DELORES J CERRONE at 5249 SYDNEY STREET, PORT ORANGE FL 32127,
BANK OF AMERICA NA at P O BOX 4148, TALLAHASSEE FL 32315,
COUNTY OF VOLUSIA at ATTN PROPERTY APPRAISER/HOMESTEAD EXEMPTION, 123 W
INDIANA AVE, DELAND FL 32720
CITY OF PORT ORANGE at UTILITY SERVICES, 1000 CITY CENTER CIRCLE, PORT ORANGE
FL 32129

Witness my hand and official seal this 21ST of FEBRUARY, 2014.

THE HOLDER OF THIS TAX CERTIFICATE APPLIED FOR TAX DEED SALE. PER FLORIDA STATUTE §197.512, THE CERTIFICATE OF MAILING AND PROOF OF PUBLICATION ARE BEING RECORDED IN THE PUBLIC RECORD.



DIANE M MATOUSEK
CLERK OF THE CIRCUIT COURT

BY: Lori Diggs
LORI DIGGS, Deputy Clerk

NOTICE OF APPLICATION FOR TAX DEED SALE
NOTICE IS HEREBY GIVEN, that TITLAD LLC the holder of the following certificate has filed a tax deed for a tax deed to be in the County of Volusia, State of Florida. The certificate number is 15632-11 and the tax deed is being recorded in the public record in which it reads as follows:
07-22-0220 LOT 2 BLK 22 COMMON-WEALTH MOBILE ESTATES 2ND ADD MB 31 PGS 104-108 INC PER OR 4317 PG 3847
Name in which assessed: JAMES A CERRONE EST
Said property being in the County of Volusia, State of Florida.
Unless such certificate shall be redeemed according to law the property described in such certificate shall be sold to the highest bidder at public auction to be held on the 21ST day of APRIL 2014 at 10:00 O'CLOCK A.M.
Dated this 21ST day of FEBRUARY 2014.
DIANE M. MATOUSEK
CLERK OF THE CIRCUIT COURT OF VOLUSIA COUNTY
BY: /s/ LORI DIGGS
Deputy Clerk
Attention: Persons with Disabilities: If you are a person with a disability who needs an accommodation in order to participate in this proceeding, you are entitled at no cost to you, to the provision of certain assistance. Please contact Human Resources at 101 N. Alachua Avenue, Deland, FL 32724 (386) 422-5753, or call (7) working days of this bid date, if you are hearing or voice impaired, call 711.
March 3, 10, 17 & 24, 2014

The Beacon
PUBLISHED WEEKLY
State of Florida
COUNTY OF VOLUSIA SS

Before the undersigned authority personally appeared Barb Shepherd, who on oath says that he/she is the Legal Advertising Representative of The Beacon, a weekly newspaper published at DeLand, in Volusia County, Florida; that the attached copy of advertisement, being a Tax Deed in the matter of Certificate #15632-11 in James A Cerrone Est in the Circuit Court, was published in said newspaper, in the issue(s) of March 3, 10, 17 & 24, 2014

Affiant further says that the said Beacon is a newspaper published at DeLand, in said Volusia County, Florida, and that the said newspaper has heretofore been continuously published in said Volusia County, Florida, each week and has been entered as second-class mail matter at the post office in DeLand in said Volusia County, Florida, for a period of one year preceding the first publication of the attached copy of advertisement; and affiant further says that he/she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Barb Shepherd

Sworn to and subscribed before me this 24th day of March, 2014.

Michael M. Robinson

(SEAL)

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

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

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

SECTION 108 UNSAFE STRUCTURES AND EQUIPMENT

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

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

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

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

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

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

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

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

ARTICLE II. - GARBAGE, JUNK AND UNDERGROWTH

FOOTNOTE(S):

--- (2) ---

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

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

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

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

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

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

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

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

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

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

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

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

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner,

vs.

CASE NO: 15-137

**Banta Scott TR
5249 Sydney PO Trust
P.O. Box 520021
Longwood, FL 32752-002,**

Respondent.

Property Address: 5249 Sydney Street, Port Orange, FL 32127
Parcel ID: 6315-07-22-0020

**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 5249 Sydney Street, Port Orange, Florida 32127, is owned by Banta Scott TR.
4. That 5249 Sydney Street, 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 5249 Sydney Street, Port Orange, Florida 32127, at 1:15 a.m.(p.m.) on the 27th day of April, 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.

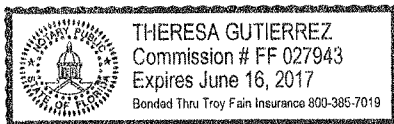
DATED this 27th day of April, 2015.

Deborah Faircloth

Deborah Faircloth
Code Compliance Inspector

**STATE OF FLORIDA
COUNTY OF VOLUSIA**

The foregoing instrument was sworn to before me on the 27 day of April, 2015, by Deborah Faircloth, who is personally known to me.



Theresa Gutierrez
Notary Public, State of Florida

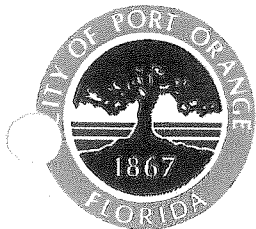
Commission No. _____

Case Cost Sheet Log

Case No. 15-0174

Name	Activity	Activity_Date	Status	Cost
Mikel Chase Skinner	Mailing Notice of Violation/Notice of Hearing to 820 Sugar House Blvd., Port Orange, FL 32129	03/09/2015	Notice Left (No Authorized Recipient Available) - Certified Mail not returned to City Clerk's Office	\$6.69
Mikel Chase Skinner	Mailing Finding of Fact/Conclusion of Law & Order to 820 Sugar House Blvd., Port Orange, FL 32129	04/08/2015	Certified Mail Returned to City Clerk's Office Marked "Unclaimed" on 5/14/15.	\$6.96
Clerk of Court	Recording Fee - Finding of Fact/Conclusion of Law & Order	04/08/2015	BK: 7106 PG: 77	\$27.00
Mikel Chase Skinner	Mailing Order Imposing Fine/Lien w/ Affidavit of Non-Compliance to 820 Sugar House Blvd., Port Orange, FL 32129	05/27/2015		\$0.69
Clerk of Court	Recording Fee - Order Imposing Fine/Lien w/ Affidavit of Non-Compliance	05/27/2015		\$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. 15-0174

To: Mikel Chase Skinner
Property Owner
820 Sugar House Boulevard
Port Orange, FL 32129

Re: 820 Sugar House Boulevard
Port Orange, FL 32129

Parcel ID: 6337-08-01-0040

LEGAL DESCRIPTION: LOT 4 SUGAR FOREST PHASE I PER OR 1885 PGS 910 TO 942 INC MB
34 PG 123 PER OR 3890 PG 3007 PER OR 7018 PG 2137

Volusia County Public Records
Volusia County, FL

An inspection of the premises on **February 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:

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

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

Property was originally inspected on **February 16, 2015** after receiving a complaint regarding disabled/unregistered vehicles in the driveway and trash and debris on site. Inspection revealed (2) unregistered and disabled vehicles in the driveway with flat tires and in an obvious state of disuse – white Volvo with flat tires has a tag that expired October 2012 and black Thunderbird with flat tires and no tag. There was garbage in front of the vehicles along with numerous bags of trash inside the porch area. Left 3 day door hanger informing resident to properly license, remove, store in an enclosed building or cover with approved car cover in good condition. In addition, resident was informed that vehicles must appear operable at all times to include no flat tires. Resident informed that all trash in the porch area and outside of home must be removed and placed out to the trash on day of collection and that all trash containers must contain lids. A re-inspection was conducted on **February 25, 2015** and no corrections had been made. There was still trash on the outside of the home and nothing had been done with the vehicles. As of this date, the violations continue to exist.

Attachments: ☒ Copy of code

☒ Copy of Deed

☒ Copy of Tax Roll

This correspondence will serve as official notification that the above stated violation(s) must be corrected by
March 15, 2015.

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

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

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

NOTICE OF HEARING AS TO VIOLATION(S) ALLEGED

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

Pursuant to Chapter 2, Article V, Code of Ordinances and Section 162.06, Florida Statutes, you are hereby called upon to take notice that a PUBLIC HEARING will be conducted in the above-styled cause by the **Special Magistrate April 8, 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 n.

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 **April 8, 2015** enters a Final Order finding a violation as alleged, pursuant to Chapter 7, Code of Ordinances, City of Port Orange, Florida, you are hereby called upon to take notice that a 2nd PUBLIC HEARING will be conducted in the above-styled cause by the Code Enforcement Special Magistrate on **May 27, 2015, at 9:00 a.m.**, or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The Code Enforcement Special Magistrate will consider setting fine lien on the above referenced case at said PUBLIC HEARING. Please govern yourself accordingly.

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

DATED this 5th day of March, 2015.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: Dena Joseph
Dena Joseph

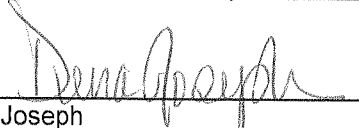
☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to **Mikel Chase Skinner, Property Owner, 820 Sugar House Boulevard, Port Orange, FL 32129**, was

☐ Hand-delivered

☒ Posted at the property

Time: 11:45 AM

this 5th day of March, 2015.

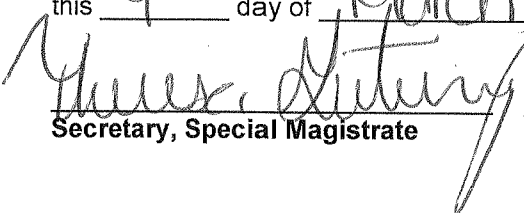

Dena Joseph

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to **Mikel Chase Skinner, Property Owner, 820 Sugar House Boulevard, Port Orange, FL 32129** was

☒ Posted at City Hall

☐ Sent via certified

this 9th day of March, 2015.


Secretary, Special Magistrate

RIGHT TO APPEAL

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

ACCOMMODATIONS

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



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

Last Updated: 03-03-2015 Today's Date: 3-4-2015		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		37-16-33-08-01-0040 6337-08-01-0040		Mill Group 402 Port Orange	
Alternate Key		3683412		2014 Final Millage Rate 21.15960	
Parcel Status		Active Parcel		PC Code 01	
Date Created		31 DEC 1981			
Owner Name		SKINNER MIKEL CHAS		GO TO ADD'L OWNERS	
Owner Name/Address 1					
Owner Address 2		820 SUGAR HOUSE BLVD			
Owner Address 3		PORT ORANGE FL			
Owner Zip Code		32129			
Owner Percentage		100		Ownership Type Fee Simple	
Location Address		820 SUGAR HOUSE BLVD PORT ORANGE 32129			

LEGAL DESCRIPTION

LOT 4 SUGAR FOREST PHASE I PER OR 1885 PGS 910 TO 942 INC MB

34 PG 123 PER OR 3890 PG 3007 PER OR 7018 PG 2137

SALES HISTORY

#	BOOK	PAGE	DATE	INSTRUMENT	QUALIFICATION	IMPROVED?	SALE PRICE
1	7018	2137	8/2014	Quit Claim Deed	Unqualified Sale	Yes	100
2	3890	3007	1/1994	Warranty Deed	Qualified Sale	Yes	53,000
3	3198	1561	9/1988	Warranty Deed	Qualified Sale	Yes	47,000

HISTORY OF VALUES

YEAR	LAND	BLDG (S)	MISC	JUST	ASD	SCH ASD	NS ASD	EXEMPT	TXBL	SCH TXBL	ADD'L EX	NS TXBL
2014	3,500	48,018	0	51,518	48,460	48,460	48,460	25,000	23,460	23,460	0	23,460
2013	4,000	43,744	0	47,744	47,744	47,744	47,744	25,000	22,744	22,744	0	22,744

08/07/2014 12:32 PM
Doc stamps .70
(Transfer Amt \$ 10)
Instrument# 2014-140724 # 1
Book: 7018
Page: 2137
Diane H. Matousek
Volusia County, Clerk of Court

PREPARED BY:
Ann W. Rogers, Esq.
595 N. Nova Road, Suite 115
Ormond Beach, FL 32174

RETURN TO:
Mikel Skinner
820 Sugar House Blvd.
Port Orange, FL 32129

THIS QUIT-CLAIM DEED, Executed this 6th day of August, 23014 by
Linda Maxine Skinner, an Unmarried Woman, whose address is 1369 Virginia Avenue,
Daytona Beach, Florida 32114 as **grantor** to Mikel Skinner, an Unmarried man,
address is 820 Sugar House Blvd, Port Orange, Florida 32129 as grantee.

WITNESSETH, That said Grantor for and in consideration of the sum of \$10.00 and other good
and valuable consideration to said Grantor in hand paid by said
Grantee, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the Grantee and
Grantee's heirs forever the following described land located in the County of Volusia, State of Florida, to-
wit:

Lot 4, Sugar Forest, Phase 1, according to the map or plat thereof as recorded in Map Book 34, Page 123 of
Public Records of Volusia County, Florida

**This quitclaim was done at the request of the grantee without benefit of title search pursuant to the
Final Judgment of Dissolution of Marriage dated February 5, 2004.
This is not the homestead property of the grantor.**

IN WITNESS WHEREOF, The said Grantor have signed and sealed these presents the day and
year first above written.

Signed, Sealed and Delivered in the presence of:

Witness #1 print: TONY CALDERONI Linda Maxine Skinner

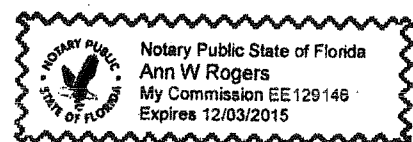
Witness #2 print: Ann W. Rogers

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this 6th day of August, 2014 by
Linda Maxine Skinner who is personally known to me or produced
FL DMARS as identification.

5560-53361-966-0

Notary Public



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. 42-26. - 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)

**CITY OF PORT ORANGE, FLORIDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
CASE NO. 15-0174**

CITY OF PORT ORANGE,
a Florida municipal corporation,

Petitioner,

Mikel Chase Skinner
820 Sugar House Blvd.
Port Orange, FL 32129
6337-22-01-22-12

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 April 8, 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), Mikel Chase Skinner, whose mailing address is 820 Sugar House Blvd., Port Orange, FL 32129, is/are the owner(s) of the property located at 820 Sugar House Blvd., Port Orange, FL 32129, and more particularly described as:

LOT 4 SUGAR FOREST PHASE I PER OR 1885 PGS 910 TO 942 INC MB
34 PG 123 PER OR 3890 PG 3007 PER OR 7018 PG 2137

B. There are disabled/unregistered vehicles in the driveway and trash and debris on site. This condition was first observed at the real property described above on February 16, 2015; re-inspections made on March 23, 2015 and April 7, 2015 confirmed the condition as being the same. Respondent(s), Mikel Chase Skinner, received notice via certified mail and posted at City Hall on March 9, 2015. The notice was also posted on the property on March 5, 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), (f) garbage, waste, trash, etc. Prohibited) and Chapter 70 (traffic), Article II (stopping, standing, parking), Section 70-49 (restrictions on disabled or abandoned vehicles), (c) restrictions, 1 (a) & (b) and 2, and was to be corrected by March 15, 2015.

C. At the time of the hearing on April 8, 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), Mikel Chase Skinner, 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), (f) garbage, waste, trash, etc. Prohibited) and Chapter 70 (traffic), Article II (stopping, standing, parking), Section 70-49 (restrictions on disabled or abandoned vehicles), (c) restrictions, 1 (a) & (b) and 2, in that the Respondent(s) failed, on or before the date set in the notice of violation, to remedy the conditions of the disabled/unregistered vehicles in the driveway and trash and debris on site, 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 properly registering, storing, or covering the unlicensed/inoperable vehicle in the driveway and by removing all trash on site to include outside the property and inside the porch area on or before April 19, 2015. In the event that the property is not brought into compliance on or before April 19, 2015, and/or not maintained in a state of compliance, a daily fine of \$250 per day will be assessed for each day the property is in violation beyond April 19, 2015. If paragraph D. above is checked and the Respondent(s) has/have not abated the condition by April 19, 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 8 day of April, 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), Mikel Chase Skinner, 820 Sugar House Blvd., Port Orange, FL 32129 by Certified and Regular Mail this 14 day of April, 2015

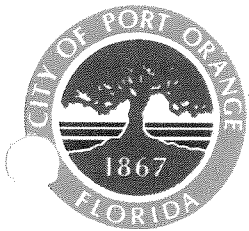
[Signature]
Secretary, Code Enforcement Special Magistrate

Case Cost Sheet Log

Case No. 15-0018

Name	Activity	Activity_Date	Status	Cost
Linda Kennedy	Mailing Notice of Violation/Notice of Hearing to 40 Burlison Ave. Apt. 2, Ellenville, NY 12428	03/09/2015	Certified Mail Returned to City Clerk's Office marked "Not Deliverable as Addressed/Unable to Forward"	\$6.69
Maureen Kennedy	Mailing Notice of Violation/Notice of Hearing to 40 Burlison Ave. Apt. 2, Ellenville, NY 12428	03/09/2015	Certified Mail Returned to City Clerk's Office marked "Not Deliverable as Addressed-Return to Sender"	\$6.69
John Kennedy	Mailing Notice of Violation/Notice of Hearing to 17 Brook Trail, Wurtsboro, NY 12790	03/09/2015	Notice Left (No Authorized Recipient Available) - Certified Mail not returned to City Clerk's Office	\$6.69
Linda Kennedy	Mailing Finding of Fact /Conclusion of Law & Order to 40 Burlison Ave. Apt. 2, Ellenville, NY 12428	04/08/2015	Certified Mail Returned to City Clerk's Office marked "Not Deliverable as Addressed-Return to Sender" on 4/23/15.	\$6.96
Maureen Kennedy	Mailing Finding of Fact /Conclusion of Law & Order to 40 Burlison Ave. Apt. 2, Ellenville, NY 12428	04/08/2015	Certified Mail Returned to City Clerk's Office marked "Not Deliverable as Addressed-Return to Sender" on 4/23/15.	\$6.96
John Kennedy	Mailing Notice of Violation/Notice of Hearing to 17 Brook Trail, Wurtsboro, NY 12790	04/09/2015	Certified Mail Returned to the Clerk's Office Marked "Unclaimed" on 5/7/15.	\$6.96
Clerk of Court	Recording Fee - Finding of Fact/Conclusion of Law & Order	04/08/2015	BK: 7106 PG: 80	\$35.50
Linda Kennedy	Mailing Order Imposing Fine/Lien w/ Affidavit of Non-Compliance to 40 Burlison Ave. Apt. 2, Ellenville, NY 12428	05/27/2015		\$0.69
Maureen Kennedy	Mailing Order Imposing Fine/Lien w/ Affidavit of Non-Compliance to 40 Burlison Ave. Apt. 2, Ellenville, NY 12428	05/27/2015		\$0.69
John Kennedy	Mailing Order Imposing Fine/Lien w/ Affidavit of Non-Compliance to 17 Brook Trail, Wurtsboro, NY 12790	05/27/2015		\$0.69
Clerk of Court	Recording Fee - Order Imposing Fine/Lien w/ Affidavit of Non-Compliance	05/27/2015		\$44.00

Total: \$122.52



**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO.:15-0018

To: Linda Kennedy and Maureen Kennedy
Property Owners
40 Burlison Ave Apt 2
Ellenville, NY 12428

John Kennedy
Property Owner
17 Brook Trail
Wurtsboro, NY 12790

Re: 5204 Sydney Street
Port Orange, FL 32127

Parcel ID: 6315-07-21-0080

LEGAL DESCRIPTION: LOT 8 BLK 21 COMMONWEALTH MOBILE ESTS 2ND ADD MB 31 PGS 104-106 INC PER OR 4644
PGS 1030-1031 PER OR 6447 PGS 1442-1443

Volusia County Public Records

Volusia County, FL

An inspection of the premises on January 8, 2015, indicates that certain violation(s) of the City of Port Orange Code exists. Briefly stated, the property is in violation of the following:

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

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

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

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

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

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

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

On January 8, 2015, I observed high weeds and grass overgrowth along with garbage in front of the home on the property located at 5204 Sydney Street. Upon further inspection, I noticed damaged and unsecured metal pans on the car port, unsecured doors to the garage and porch, roof and soffit damage, and a partial collapse of

the ceiling inside the home. I attempted to contact the property owners, however the property is abandoned. On February 26, 2015, I conducted a re-inspection of the premises and the condition of the property was the same. To correct the violations, the entire property needs to be mowed, all high weeds trimmed, and all garbage needs to be removed from the property, all doors must be secured, the metal pans must be removed or repaired along with repairing the roof, soffit, and the ceiling inside the home.

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 **April 6, 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 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 the **8th day of April 2015 at 9:00 a.m.**, or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The Special Magistrate will receive testimony and evidence at said PUBLIC HEARING and shall make such findings of facts and conclusions of law as supported by the testimony and evidence pertaining to the matter alleged below, and shall issue a Final Order affording the proper relief. A certified copy of the Final Order may be recorded in the public records of the county and shall constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property, and the findings therein shall be binding upon the violator and, if the violation concerns real property, upon any subsequent purchasers, successors in interest, or assigns. If you fail to appear at the Hearing, the Special Magistrate may base any findings solely on the testimony and evidence presented by the Code Enforcement Inspector. Please govern yourself accordingly.

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

As per *Chapter 2, Section 2-214, Code of Ordinances and Section 162.09(2)(d), Florida Statutes*: "In addition to such fines, a code enforcement board or special magistrate may impose additional fines to cover all costs incurred by the local government in enforcing its codes and all costs of repairs." The costs incurred to date are \$ 20.07 as indicated on the cost sheet submitted into evidence. The respondent will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion.

NOTICE OF HEARING SETTING FINE AND LIEN

In the event the Special Magistrate, during the hearing on the **8th day of April 2015**, enters a Final Order finding a violation 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 **27th day of May 2015, at 9:00 a.m.**, or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The 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 6th day of March, 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 John and Maureen Kennedy, 5204 Sydney Street, Port Orange, FL 32127 was

- ☐ Hand-delivered
☒ Posted at the property

Time: 11:25 A.M.

this 6th day of March, 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 Linda Kennedy and Maureen Kennedy, 40 Burlison Ave., Apt 2, Ellenville, NY 12428 and John Kennedy, 17 Brook Trail, Wurtsboro, NY 12790 was

- ☒ Posted at City Hall
☐ Sent via certified

this 9th day of March, 2015.

Theresa Gutierrez
THERESA GUTIERREZ, Secretary to Special Magistrate

RIGHT TO APPEAL

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

ACCOMMODATIONS

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



Volusia County Appraisers Office



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

Last Updated: 03-03-2015 Today's Date: 3-3-2015		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	15-16-33-07-21-0080	Mill Group	402 Port Orange		
Short Parcel ID	6315-07-21-0080				
Alternate Key	3637674	2014 Final Millage Rate	21.15960		
Parcel Status	Active Parcel	PC Code	02		
Date Created	31 DEC 1981				
Owner Name	KENNEDY LINDA &		GO TO ADD'L OWNERS		
Owner Name/Address 1					
Owner Address 2	40 BURLISON AVE APT 2				
Owner Address 3	ELLENVILLE NY				
Owner Zip Code	12428				
Owner Percentage	33.3	Ownership Type			
Location Address	5204 SYDNEY ST PORT ORANGE 32127				

LEGAL DESCRIPTION

LOT 8 BLK 21 COMMONWEALTH MOBILE ESTS 2ND ADD MB 31 PGS 104-

106 INC PER OR 4644 PGS 1030-1031 PER OR 6447 PGS 1442-1443

SALES HISTORY						GO TO ADD'L SALES	
#	BOOK	PAGE	DATE	INSTRUMENT	QUALIFICATION	IMPROVED?	SALE PRICE
1	6447	1442	12/2009	Personal Rep	Unqualified Sale	Yes	100
2	4644	1030	1/2001	Warranty Deed	Qualified Sale	Yes	42,912
3	4110	0099	5/1996	Warranty Deed	Qualified Sale	Yes	42,500

HISTORY OF VALUES									GO TO ADD'L HISTORY			
YEAR	LAND	BLDG (S)	MISC	JUST	ASD	SCH ASD	NS ASD	EXEMPT	TXBL	SCH TXBL	ADD'L EX	NS TXBL
2014	18,470	16,059	0	34,529	34,529	34,529	29,195	0	34,529	34,529	0	29,195
2013	16,339	10,202	0	26,541	26,541	26,541	26,541	0	26,541	26,541	0	26,541

LAND DATA												

ADDITIONAL OWNERS

OWNER NAME	OWNER PERCENTAGE	OWNERSHIP TYPE
KENNEDY JOHN &	33.30	
KENNEDY MAUREEN &	33.30	

Prepared by and return to:

Janet M. Strickland

Attorney at Law

Law Office of Janet M. Strickland, P.A.

4643 Clyde Morris Boulevard Suite 307

Port Orange, FL 32129

File Number: B08-031

Will Call No.: [REDACTED]

[Space Above This Line For Recording Data]

Personal Representative's Deed

This Personal Representative's Deed made this 31 day of December, 2009, between John Kennedy, Personal Representative of the Estate of Joseph O'Dwyer, deceased whose post office address is 17 Brook Trail, Wurtsboro, NY 12790, grantor, and Linda Kennedy, a married person and John Kennedy, a single person and Maureen Kennedy, a single person whose post office address is 40 Burlison Ave., Apt. 2, Ellenville, NY 12428, 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 grantees heirs and assigns forever, the following described land, situate, lying and being in Volusia County, Florida, to-wit:

LOT 8, BLOCK 21, COMMONWEALTH MOBILE ESTATES-2ND ADDITION, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 31, PAGE 104, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, TOGETHER WITH A 1973 TAHO DOUBLE WIDE MANUFACTURED HOME HAVING IDENTIFICATION NUMBERS 3T60LJ35122A&B.

Parcel Identification Number: 6315-07-21-0080

Subject to taxes for 2008 and subsequent years; covenants, conditions, restrictions, easements, reservations and limitations of record, if any.

This document was prepared at the request of the Grantor(s) and no title search was requested or rendered.

More Commonly Known As: 5204 Sydney Street, Port Orange, FL 32127.

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 has good right and lawful authority to sell and convey said land; that the grantor warrants the title to said land for any acts of Grantor and will defend the title against the lawful claims of all persons claiming by, through, or under Grantor.

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:

Marta Rivas
Witness Name: MARTA RIVAS

Linda Rivas
Witness Name: LINDA RIVAS

John Kennedy
John Kennedy, Personal Representative

State of Florida
County of Volusia

The foregoing instrument was acknowledged before me this 16th day of JANUARY, 2010 by John Kennedy, Personal Representative of the Estate of Joseph O'Dwyer, deceased, who ☐ is personally known to me or ☒ has produced a driver's license as identification.

[Notary Seal]

Robert Gomez Jr.
Notary Public

Printed Name: Robert Gomez Jr.

My Commission Expires: October 31, 2010

ROBERT GOMEZ, JR.
Notary Public, State of New York
Qualified in Ulster County
No. 4943623
Commission Expires October 31, 2010

shall be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier.

Exception: Spas or hot tubs with a safety cover that complies with ASTM F 1346 shall be exempt from the provisions of this section.

SECTION 304 EXTERIOR STRUCTURE

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

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

1. The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength;
2. The *anchorage* of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects;
3. Structures or components thereof that have reached their limit state;
4. Siding and masonry joints including joints between the building envelope and the perimeter of windows, doors and skylights are not maintained, weather resistant or water tight;
5. Structural members that have evidence of *deterioration* or that are not capable of safely supporting all nominal loads and load effects;
6. Foundation systems that are not firmly supported by footings, are not plumb and free from open cracks and breaks, are not properly *anchored* or are not capable of supporting all nominal loads and resisting all load effects;
7. Exterior walls that are not *anchored* to supporting and supported elements or are not plumb and free of holes, cracks or breaks and loose or rotting materials, are not properly *anchored* or are not capable of supporting all nominal loads and resisting all load effects;
8. Roofing or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any portion of the roof framing that is not in good repair with signs of *deterioration*, fatigue or without proper anchorage and incapable of supporting all nominal loads and resisting all load effects;
9. Flooring and flooring components with defects that affect serviceability or flooring components that show signs of *deterioration* or fatigue, are not properly *anchored* or are incapable of supporting all nominal loads and resisting all load effects;
10. Veneer, cornices, belt courses, corbels, trim, wall facings and similar decorative features not properly *anchored* or that are *anchored* with connections not capable of supporting all nominal loads and resisting all load effects;
11. Overhang extensions or projections including, but not limited to, trash chutes, canopies, marquees, signs, awnings, fire escapes, standpipes and exhaust ducts not properly *anchored* or that are *anchored* with connections not capable of supporting all nominal loads and resisting all load effects;
12. Exterior stairs, decks, porches, balconies and all similar appurtenances attached thereto, including *guards* and handrails, are not structurally sound, not properly *anchored* or that are *anchored* with connections not capable of supporting all nominal loads and resisting all load effects; or
13. Chimneys, cooling towers, smokestacks and similar appurtenances not structurally sound or not properly *anchored*, or that are *anchored* with connections not capable of supporting all nominal loads and resisting all load effects.

Exceptions:

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

304.2 Protective treatment. All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences, shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints, as well as those between the building envelope and the perimeter of windows, doors and skylights, shall be maintained weather resistant and water tight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion, and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

[F] 304.3 Premises identification. Buildings shall have *approved* address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of 4 inches (102 mm) high with a minimum stroke width of 0.5 inch (12.7 mm).

304.4 Structural members. All structural members shall be maintained free from *deterioration*, and shall be capable of safely supporting the imposed dead and live loads.

304.5 Foundation walls. All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be

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

304.6 Exterior walls. All exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent *deterioration*.

304.7 Roofs and drainage. The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or *deterioration* in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

304.8 Decorative features. All cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

304.9 Overhang extensions. All overhang extensions including, but not limited to canopies, marquees, signs, metal awnings, fire escapes, standpipes and exhaust ducts shall be maintained in good repair and be properly *anchored* so as to be kept in a sound condition. When required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

304.10 Stairways, decks, porches and balconies. Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.

304.11 Chimneys and towers. All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

304.12 Handrails and guards. Every handrail and *guard* shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

304.13 Window, skylight and door frames. Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.

304.13.1 Glazing. All glazing materials shall be maintained free from cracks and holes.

304.13.2 Openable windows. Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.

304.14 Insect screens. During the period from [DATE] to [DATE], every door, window and other outside opening required for *ventilation* of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with *approved* tightly fitting screens of not less than 16 mesh per inch (16

mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition.

Exception: Screens shall not be required where other *approved* means, such as air curtains or insect repellent fans, are employed.

304.15 Doors. All exterior doors, door assemblies and hardware shall be maintained in good condition. Locks at all entrances to *dwelling units* and *sleeping units* shall tightly secure the door. Locks on means of egress doors shall be in accordance with Section 702.3.

304.16 Basement hatchways. Every *basement* hatchway shall be maintained to prevent the entrance of rodents, rain and surface drainage water.

304.17 Guards for basement windows. Every *basement* window that is openable shall be supplied with rodent shields, storm windows or other *approved* protection against the entry of rodents.

304.18 Building security. Doors, windows or hatchways for *dwelling units*, room units or *housekeeping units* shall be provided with devices designed to provide security for the *occupants* and property within.

304.18.1 Doors. Doors providing access to a *dwelling unit*, *rooming unit* or *housekeeping unit* that is rented, leased or let shall be equipped with a deadbolt lock designed to be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort and shall have a lock throw of not less than 1 inch (25 mm). Such deadbolt locks shall be installed according to the manufacturer's specifications and maintained in good working order. For the purpose of this section, a sliding bolt shall not be considered an acceptable deadbolt lock.

304.18.2 Windows. Operable windows located in whole or in part within 6 feet (1828 mm) above ground level or a walking surface below that provide access to a *dwelling unit*, *rooming unit* or *housekeeping unit* that is rented, leased or let shall be equipped with a window sash locking device.

304.18.3 Basement hatchways. *Basement* hatchways that provide access to a *dwelling unit*, *rooming unit* or *housekeeping unit* that is rented, leased or let shall be equipped with devices that secure the units from unauthorized entry.

SECTION 305 INTERIOR STRUCTURE

305.1 General. The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. *Occupants* shall keep that part of the structure which they occupy or control in a clean and sanitary condition. Every *owner* of a structure containing a *rooming house*, *housekeeping units*, a hotel, a dormitory, two or more *dwelling units* or two or more nonresidential occupancies, shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and *exterior property*.

305.1.1 Unsafe conditions. The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the *International Building Code* or the *Inter-*

national Existing Building Code as required for existing buildings:

1. The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength;
2. The anchorage of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects;
3. Structures or components thereof that have reached their limit state;
4. Structural members are incapable of supporting nominal loads and load effects;
5. Stairs, landings, balconies and all similar walking surfaces, including *guards* and handrails, are not structurally sound, not properly *anchored* or are *anchored* with connections not capable of supporting all nominal loads and resisting all load effects;
6. Foundation systems that are not firmly supported by footings are not plumb and free from open cracks and breaks, are not properly *anchored* or are not capable of supporting all nominal loads and resisting all load effects.

Exceptions:

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

305.2 Structural members. All structural members shall be maintained structurally sound, and be capable of supporting the imposed loads.

305.3 Interior surfaces. All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking or abraded paint shall be repaired, removed or covered. Cracked or loose plaster, decayed wood and other defective surface conditions shall be corrected.

305.4 Stairs and walking surfaces. Every stair, ramp, landing, balcony, porch, deck or other walking surface shall be maintained in sound condition and good repair.

305.5 Handrails and guards. Every handrail and *guard* shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

305.6 Interior doors. Every interior door shall fit reasonably well within its frame and shall be capable of being opened and closed by being properly and securely attached to jambs, headers or tracks as intended by the manufacturer of the attachment hardware.

SECTION 306 COMPONENT SERVICEABILITY

306.1 General. The components of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition.

306.1.1 Unsafe conditions. Where any of the following conditions cause the component or system to be beyond its limit state, the component or system shall be determined as unsafe and shall be repaired or replaced to comply with the *International Building Code* as required for existing buildings:

1. Soils that have been subjected to any of the following conditions:
 - 1.1. Collapse of footing or foundation system;
 - 1.2. Damage to footing, foundation, concrete or other structural element due to soil expansion;
 - 1.3. Adverse effects to the design strength of footing, foundation, concrete or other structural element due to a chemical reaction from the soil;
 - 1.4. Inadequate soil as determined by a geotechnical investigation;
 - 1.5. Where the allowable bearing capacity of the soil is in doubt; or
 - 1.6. Adverse effects to the footing, foundation, concrete or other structural element due to the ground water table.
2. Concrete that has been subjected to any of the following conditions:
 - 2.1. *Deterioration*;
 - 2.2. *Ultimate deformation*;
 - 2.3. Fractures;
 - 2.4. Fissures;
 - 2.5. Spalling;
 - 2.6. Exposed reinforcement; or
 - 2.7. *Detached*, dislodged or failing connections.
3. Aluminum that has been subjected to any of the following conditions:
 - 3.1. *Deterioration*;
 - 3.2. Corrosion;
 - 3.3. Elastic deformation;
 - 3.4. *Ultimate deformation*;
 - 3.5. Stress or strain cracks;
 - 3.6. Joint fatigue; or
 - 3.7. *Detached*, dislodged or failing connections.

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

FOOTNOTE(S):

--- (2) ---

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

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

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

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

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

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

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

(e)

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

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

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

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

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

**CITY OF PORT ORANGE, FLORIDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
CASE NO. 15-0018**

CITY OF PORT ORANGE,
a Florida municipal corporation,

Petitioner,

Linda Kennedy
Maureen Kennedy
John Kennedy
5204 Sydney Street
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 April 8, 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), Linda Kennedy and Maureen Kennedy, whose mailing address is 40 Burlison Avenue, Apt. 2, Ellenville, NY 12428 and John Kennedy, whose mailing address is 17 Brook Trail, Wurtsboro, NY 12790 is/are the owner(s) of the property located at 5204 Sydney Street, and more particularly described as:

LOT 8 BLK 21 COMMONWEALTH MOBILE ESTS 2ND ADD MB 31 PGS 104-
106 INC PER OR 4644 PGS [REDACTED] PER OR 6447 PGS [REDACTED]

B. There are high weeds and grass, overgrowth along with garbage in front of the home, damaged and unsecure metal pans on the car port, unsecured doors to the garage and porch, roof and soffit damage, and a partial collapse of the ceiling inside the home observed at 5204 Sydney Street, Port Orange, FL 32127. This condition was first observed at the real property described above on January 8, 2015; re-inspections made on April 6, 2015 confirmed the condition as being the same. Respondent(s), Linda Kennedy, Maureen Kennedy, and John Kennedy, received notice via certified mail on March 9, 2015 and posted at City Hall. The notice was also posted on the property on March 6, 2015. The aforesaid conditions constituted a violation of Chapter 3, Section 304.1.1 (Unsafe Conditions) of the 2009 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port

Orange Land Development Code, Chapter 3, Section 304.7 (Roofs and Drainage) of the 2009 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Land Development Code, Chapter 3, Section 304.9 (Overhanging Extensions) of the 2009 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Land Development Code, Chapter 3, Section 304.18 (Building Security) of the 2009 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Land Development Code, Chapter 3, Section 305.1.1 (Unsafe Conditions) of the 2009 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Land Development Code, Chapter 3, Section 305.3 (Interior Surfaces) of the 2009 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Land Development Code, and Chapter 42 (Nuisances), Article II (Garbage, junk, and undergrowth), Section 42-26 (Cleanliness of property generally-duty of owner), §§(d) (Maintenance of improved residential lots) & §§(f) (Garbage, waste, trash, etc., prohibited) of the City of Port Orange Code of Ordinances, and was to be corrected by April 6, 2015.

C. At the time of the hearing on April 8, 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), Linda Kennedy, Maureen Kennedy, and John Kennedy, by reason of the foregoing, has/have violated Chapter 3, Section 304.1.1 (Unsafe Conditions) of the 2009 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Land Development Code, Chapter 3, Section 304.7 (Roofs and Drainage) of the 2009 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Land Development Code, Chapter 3, Section 304.9 (Overhanging Extensions) of the 2009 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Land Development Code, Chapter 3, Section 304.18 (Building Security) of the 2009 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Land Development Code, Chapter 3, Section 305.1.1 (Unsafe Conditions) of the 2009 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Land Development Code, Chapter 3, Section 305.3 (Interior Surfaces) of the 2009 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Land Development Code, and Chapter 42 (Nuisances), Article II (Garbage, junk, and undergrowth), Section 42-26 (Cleanliness of property generally-duty of owner), §§(d) (Maintenance of improved residential lots) & §§(f) (Garbage, waste, trash, etc., prohibited) of the City of Port Orange Code of Ordinances, in that the Respondent(s) failed, on or before the date set in the notice of violation, to remedy the conditions of the high weeds and grass, overgrowth along with garbage in front of the home on the property, damaged and unsecure metal pans on the car port, unsecured doors to the garage and porch, roof and soffit damage, an a partial collapse of the ceiling inside the home that was observed at 5204 Sydney Street, Port Orange, FL 32127 is therefore subject to the provisions of the City of Port Orange Municipal Code 2.207.

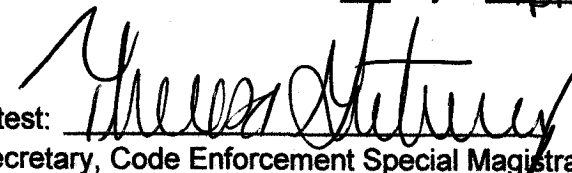
ORDER:

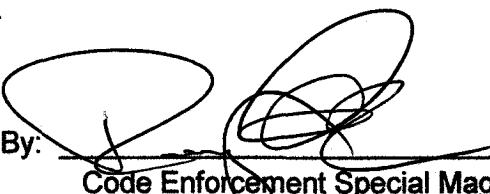
A. Respondent(s) shall correct the aforesaid violations by repairing all roof and soffit damage, by removing all loose and unsecured metal, by securing all doors and windows, by repairing all damaged walls, ceilings and rotted wood inside the mobile home, by mowing the entire property and trimming all high weeds and by removing all garbage and debris from the property on or before April 15, 2015. Additionally, the respondents are required to contact code compliance inspector Allman to discuss permitting for the repairs or demolition of the mobile home. If paragraph D. above is checked and the Respondent(s) has/have not abated the condition by April 15, 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 \$76.45 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 8 day of April, 2015.

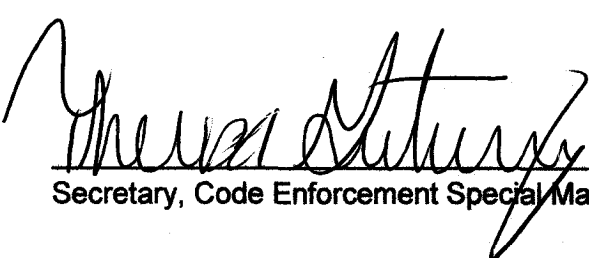
Attest: 
Secretary, Code Enforcement Special Magistrate

By: 
Code Enforcement Special Magistrate

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


Code Compliance Inspector

I HEREBY CERTIFY that a true and correct copy of the foregoing Findings of Fact, Conclusion of Law, and Order have been furnished to Respondent(s), Linda Kennedy and Maureen Kennedy at 40 Burlison Avenue, Apt. 2, Ellenville, NY 12428 and John Kennedy at 17 Brook Trail, Wurtsboro, NY 12790, by Certified and Regular Mail this 14 day of April, 2015.


Secretary, Code Enforcement Special Magistrate