



AGENDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
CITY OF PORT ORANGE

Meeting Date: Wednesday, July 22, 2015

Time: 9:00 AM

Type of Meeting: Regular

Location: Council Chambers
City Hall, 1000 City Center Circle

A. CALL TO ORDER

1. Roll Call
2. Attorney Overview of Special Magistrate Code Enforcement Process
3. Consideration of Minutes - May 27, 2015

B. FORMAL HEARING (COMPLIANCE OR NON-COMPLIANCE)

4. CEB Case No.: 15-1048

Respondent: Antoun Kassab

Address of Violation: 5687 Ridgewood Avenue, Port Orange, FL 32127

Code Officer: Scott Allman

First Notified: 06/11/2015

Compliance: No

Cited for violation(s) - Chapter 16, Section 1 (e), (3) (c), of the City of Port Orange Land Development Code pertaining to outside storage of vehicles. (Commercial uses)

5. CEB Case No.: 15-963

Respondent: Melvy D. Dowling, Heather Ann Moore, & David Aaron Dowling

Address of Violation: 403 Herbert Street, Port Orange, FL 32127

Code Officer: Amanda Bonin

First Notified: 06/17/2015

Compliance: No

Cited for violation(s) - City of Port Orange Land Development Code Chapter 16 Miscellaneous, Section 3 Fences and Walls, 4 Design and Maintenance (b) & (d).

6. CEB Case No.: 15-1017

Respondent: Joseph A. Adamo Sr

Address of Violation: 120 Aloha Terrace, Port Orange, FL 32129

Code Officer: Amanda Bonin

First Notified: 06/17/2015

Compliance: No

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

Chapter 42 (Nuisances), Article V (Unsafe Conditions), Division 2 Nuisance Trees, Section 42-104 Nuisance Abatement Requirements of the City of Port Orange Code of Ordinances.

7. **CEB Case No.:** 15-0951

Respondent: Alan Douglas Jones & Ann Deborah Jones H & W

Address of Violation: 214 Ocean Avenue, Port Orange, FL 32129

Code Officer: Dena Joseph

First Notified: 06/19/2015

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.

8. **CEB Case No.:** 15-1027

Respondent: Pacem, LLC

Address of Violation: 873 Samms Avenue, Port Orange, FL 32129

Code Officer: Dena Joseph

First Notified: 06/19/2015

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.

9. **CEB Case No.:** 15-1067

Respondent: MHC Lighthouse Pointe, LLC

C/o Equity Property Tax Group

Address of Violation: 3450 Nova Road, Port Orange, FL 32129

Code Officer: Dena Joseph

First Notified: 07/22/2015

Compliance: No

Cited for violation(s) - Chapter 16 (Miscellaneous Regulations), Section 3 (Fences and Walls), (b) General Provisions, (4) Design and Maintenance, (b), (d), (e) and (f) of the City of Port Orange Land Development Code as it pertains to the maintenance of fences and walls.

10. **CEB Case No.:** 15-937

Respondent: Corrine A. Baker

Address of Violation: 1206 Isthmus Drive, Port Orange, FL 32127

Code Officer: Deborah Faircloth

First Notified: 06/11/2015

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

11. **CEB Case No.:** 15-942

Respondent: Bonnie L. Smola

Address of Violation: 27 Cedar Street, Port Orange, FL 32127

Code Officer: Deborah Faircloth

First Notified: 06/11/2015

Compliance: Yes

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

12. **CEB Case No.:** 15-801

Respondent: White Fawn, LLC

C/o Yiz Gong, Registered Agent

Address of Violation: 5596 S. Lancewood Circle, Port Orange, FL 32127

Code Officer: Deborah Faircloth

First Notified: 06/15/2015

Compliance: No

Cited for violation(s) - 2010 Florida Building Code, Chapter 1, Section 105 Permits, 105.1 Required as adopted by the City of Port Orange Land Development Code, Chapter 1.

13. **CEB Case No.:** 15-927

Respondent: Donald L. Bailey

Address of Violation: 5035 Palmetto Street, Port Orange, FL 32127

Code Officer: Deborah Faircloth

First Notified: 06/18/2015

Compliance: No

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

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

2015 International Property Maintenance Code, Chapter 3, Section 304 Exterior Structure, 304.7 Roofs and drainage.

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

Respondent: RRRAC LLC

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

Code Officer: Deborah Faircloth

First Notified: 05/27/2015

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.

602.3, Heat supply during the period from October 15th to March 15th Amendment to IPMC adopted by City of Port Orange Code of Ordinances. Repair all heating units in each tenant space (baseboard, window, etc.).

604.3 All electrical receptacle covers (interior and exterior) shall be installed or replaced if damaged.

702.3 Access/egress must be provided to each door. Back door in room #5 is locked and tenant does not have a key.

704.1 Fire extinguishers must be charged or replaced and maintained in an operable condition according to the International Fire Code.

704.2 All tenant spaces (each rented unit) must have working smoke detectors.

2010 Florida Building Code, Chapter 3, R303.8 Required heating. Every dwelling unit shall be provided with heating facilities. Space heaters do not fulfill this requirement.

2010 FBC Chapter 4, 402.1.2.1 Electric space heating. Space heaters are prohibited.

2012 NFPA 101 – battery operated smoke alarms required in each unit. A log detailing the weekly testing of each room alarm shall be logged and available to the fire inspector upon request.

2011 NFPA 10 and 2012NFPA 101 – Replace missing/out of date fire extinguishers.

Port Orange Code of Ordinances, Chapter 42, Article II, Section 42-26 (c)(f) All high weeds and grass along with any undergrowth must be maintained according to code and property shall be kept free of all garbage, waste, trash, etc. (return grocery carts to store).

Chapter 12, Section 6(f)(1).

Chapter 12, Section 2(b)(3)(a).

Chapter 12, Section 3(c).

C. ORDER IMPOSING FINE/LIEN

15. **CEB Case No.:** 15-678

Respondent: Troy Loprimo & Susan Plebanek

Address of Violation: 5357 Christiancy Avenue, Port Orange, FL 32127

Code Officer: Deborah Faircloth

First Notified: 05/04/2015

Compliance: Yes

Cited for violation(s) - Chapter 18 (Businesses), Article II (Local business tax), Section 18-33 (Duration, expiration of business tax receipt; delinquent business tax payment, penalties; doing business without business tax receipt, penalty), (b) of the City of Port Orange Code of Ordinances.

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

Chapter 70 (Traffic), Article II (Stopping, standing, or parking), Section 70-36 (Stopping, standing, or parking), (a)(1)(k) of the City of Port Orange Code of Ordinances.

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

2015 International Property Maintenance Code, Chapter 3, Section 304, 304.13 (Window, skylight and door frames) as adapted by the City of Port Orange Code of Ordinances, Chapter 14, Article II, Section 14-26.

16. **CEB Case No.:** 15-488

Respondent: Dorothy B. Phillips

Address of Violation: 4528 Nettle Creek Ct., Port Orange, FL 32127

Code Officer: Dena Joseph

First Notified: 05/11/2015

Compliance: No

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

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

D. PUBLIC COMMENTS

E. ADJOURNMENT

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

CODE ENFORCEMENT SPECIAL MAGISTRATE MINUTES
COUNCIL CHAMBERS
1000 CITY CENTER CIRCLE
MAY 27, 2015

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

PRESENT: Raymond Branch, Special Magistrate

ALSO PRESENT: Scott Allman, Code Enforcement Inspector
Dena Joseph, Code Enforcement Inspector
Deborah Faircloth, Code Enforcement Inspector
Amanda Bonin, Code Enforcement Inspector
Kerry Luezing, Building Official
Theresa Gutierrez, Deputy City Clerk

Special Magistrate Branch reviewed the Code Enforcement hearing process.

Consideration of Minutes from April 22, 2015

Special Magistrate Branch approved the April 22, 2015 meeting minutes.

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.: 15-222

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.

602.3, Heat supply during the period from October 15th to March 15th Amendment to IPMC adopted by City of Port Orange Code of Ordinances. Repair all heating units in each tenant space (baseboard, window, etc.).

604.3 All electrical receptacle covers (interior and exterior) shall be installed or replaced if damaged.

702.3 Access/egress must be provided to each door. Back door in room #5 is locked and tenant does not have a key.

704.1 Fire extinguishers must be charged or replaced and maintained in an operable condition according to the International Fire Code.

704.2 All tenant spaces (each rented unit) must have working smoke detectors.

2010 Florida Building Code, Chapter 3, R303.8 Required heating. Every dwelling unit shall be provided with heating facilities. Space heaters do not fulfill this requirement.

2010 FBC Chapter 4, 402.1.2.1 Electric space heating. Space heaters are prohibited.

2012 NFPA 101 – battery operated smoke alarms required in each unit. A log detailing the weekly testing of each room alarm shall be logged and available to the fire inspector upon request.

2011 NFPA 10 and 2012NFPA 101 – Replace missing/out of date fire extinguishers.

Port Orange Code of Ordinances, Chapter 42, Article II, Section 42-26 (c)(f) All high weeds and grass along with any undergrowth must be maintained according to code and property shall be kept free of all garbage, waste, trash, etc. (return grocery carts to store).

Chapter 12, Section 6(f)(1).

Chapter 12, Section 2(b)(3)(a).

Chapter 12, Section 3(c).

The violation was first observed on February 24, 2015. Ms. Faircloth received a complaint on this property from a tenant on this property. Kerry Leuzinger, Building Official, Chris Weir, Fire Marshall, and Chris Hutchison, Code Enforcement Supervisor, and Ms. Faircloth inspected the property. At the time of inspection the violations above were noted.

Special Magistrate Branch asked if Ms. Faircloth had photos to each violations that exist. Ms. Faircloth said no. She had a malfunction on her camera and only has a few photos. Ms. Faircloth has photos taken on May 26, 2015.

Ms. Faircloth said she established the ownership by the Volusia County Tax Roll. The Division of Corporations had Ram Mangar listed as the registered agent.

The respondent received Notice of Violation/Notice of Hearing via hand delivered at City Hall on March 24, 2015 at 9:10 a.m. to Ram Mangar. Ms. Faircloth received a call from Ram Mangar asking for an extension of time as he has not completed the required repairs as noted in the notice. Mr. Mangar stated he had made some of the repairs and had sealed the roof. Ms. Faircloth said the Building Official will require the roof replacement/repair to be completed by a licensed roofing contractor. He asked for Mr. Leuzinger's number which Ms. Faircloth supplied and stated he would call him for direction. To date, Mr. Leuzinger has not received a call.

Ms. Faircloth said she only has photos taken from May 26, 2015 due to an issue with the camera.

The violation was to be corrected on April 20, 2015. On April 20, 2015, Ms. Faircloth received a call from Mr. Mangar as he did not complete the required repairs. He had stated that he had made some repairs. Ms. Faircloth said she was not called for a re-inspection.

Ms. Faircloth reviewed the violations cited.

Special Magistrate Branch asked if the toilets were tested. Ms. Faircloth said no. There was a bucket sitting in the toilet with feces. That's how Ms. Faircloth determined that the toilets were inoperable.

Special Magistrate Branch asked about the trench and where it is taking place at. Ms. Faircloth said it is

running west along Orange Avenue.

Special Magistrate Branch asked if a copy of the "heat" code was provided to Mr. Mangar with the specific dates required to provide heat to residents. Ms. Faircloth said no. The amendment of the code was not provided but was state in the notice with the dates of October 15 through March 15.

Special Magistrate Branch asked if Ms. Faircloth met with Mr. Mangar on site. Ms. Faircloth said no. She had met with the onsite property manager. The onsite property manager indicted herself as "grandma".

Special Magistrate Branch asked how many tenant spaces are in the building. Ms. Faircloth said 14. She does not know if they are all occupied. Ms. Faircloth inspected Unit No. 5 and Unit No. 9.

Special Magistrate Branch struck the 2012 NFPA 101 and 2011 NFPA 10 due to Mr. Mangar not receiving a copy of the code within the notice.

Ms. Faircloth said it appeared that the lawn was not mowed on February 24, 2015. As of yesterday, there is still garbage and trash.

Ms. Faircloth presented pictures dated May 26, 2015 to Mr. Mangar. There were no objections by Mr. Mangar. Ms. Faircloth explained the photos in detail.

Ms. Faircloth spoke with Mr. Mangar yesterday. She advised him that she would be happy to meet him on site. Ms. Faircloth said there was no way she could have determined if anything was in compliance.

Mr. Leuzinger was duly sworn by Special Magistrate Branch. Mr. Leuzinger said the testimony that Ms. Faircloth provided was correct. He said they spoke with some tenants at the property. The amendment was included on the adoption of the International Property Maintenance Code (IPMC). The 2010 Florida Building Code is still in effect.

Ms. Faircloth said there have been several violations in the past but she is not looking for a repeat violation.

Mr. Mangar was duly sworn by Special Magistrate Branch. Mr. Mangar asked for clarification on the codes. He said she had contacted Ms. Faircloth for a re-inspection. Ms. Faircloth said Mr. Mangar indicated that he was not in compliance as he did not complete everything for the roof repairs. Mr. Mangar said he has most of the work completed.

Special Magistrate Branch asked if the phone call was before April 20, 2015. Mr. Mangar said yes. Ms. Faircloth said she had spoken with him on April 20, 2015 (day of compliance). She made a record which is kept on the system for recording purposes.

Special Magistrate Branch asked Mr. Mangar if he was told to apply for a permit. Mr. Mangar said no. He was not sure on the procedure. Ms. Faircloth said that she had advised Mr. Mangar that Mr. Leuzinger had an issue with the roof and required work from a licensed contractor. The owner is not to do the work. A regular licensed contractor would be required because the public is exposed to the property. Mr. Mangar said he is doing the roof repair himself.

Mr. Mangar presented photos. He said it was room no. 7 that has the damages. Mr. Mangar said some of

his tenants caused the damage. He has not initiated any proceedings against Mr. Day. Mr. Day is the occupant in room no. 7 (Thomas Day).

Special Magistrate Branch asked about the damage conducted in room no. 7 with the roof. Mr. Mangar said Mr. Day conducted the damage before Ms. Faircloth did the first inspection. Mr. Mangar said there was a slight leak. He said there was no ceiling collapsed.

Ms. Faircloth said he has many things that have been completed. Without the verification, she has no way of knowing that. Ms. Faircloth request for case no. 15-222 to be continued until the July 8, 2015 Special Magistrate hearing.

Special Magistrate Branch continued case no. 15-222 until the July 8, 2015 Special Magistrate hearing.

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.

The violation was first observed on January 14, 2015. Ms. Faircloth has had conversations with Mr. Schill. The notice was posted on the property on April 9, 2015. Additionally, the notice was mailed certified and posted at City Hall on April 14, 2015. The certified green card was returned to the City Clerk's Office signed by M. Schill. The violation was to be corrected on April 30, 2015. Upon re-inspection on April 29, 2015, Ms. Faircloth found that all the violations are still active besides the yard being mowed. The most recent inspection was on May 26, 2015 resulting in non-compliance. There is outside storage behind the house consisting of buckets, containers, and new stack of plywood. The plywood may be for the new shed but there has not been a permit application submitted for it. Outside storage is also between the trailer parked in the driveway and the garage door. The high weeds and grass violation has been abated.

Ms. Faircloth presented photos dated January 13, 2015, May 19, 2015, and May 26, 2015. The pictures indicate outside storage. Special Magistrate Branch admitted the photos into evidence.

Ms. Faircloth said Mr. Schill had taken the door off of the shed. It does not appear to be unsafe at this time.

Ms. Faircloth requested for Chapter 42, Article II, Section 42-26 (d)(f)(h) and the 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 be dismissed due to compliance. Special Magistrate Branch dismissed Chapter 42, Article II, Section 42-26 (d)(f)(h) and the 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.

Based on the information presented in case no. 15-039, Ms. Faircloth is requesting the Special Magistrate to find that Andreas M. Schill, property owner of 5831 Wales Ave., Port Orange, FL 32127, be found in violation of the City of Port Orange Code of Ordinances, Chapter 42, Article II, Section 42-32.

Special Magistrate Branch found case no. 15-039 in violation of the City of Port Orange Code of Ordinances, Chapter 42, Article II, Section 42-32.

Ms. Faircloth requested the violation be corrected on or before June 5, 2015. If the accused does not comply with this Order, a fine of \$100 shall be imposed for each day the violation continues past June 5, 2015. Ms. Faircloth also requested that the accused is further ordered to contact this Code Enforcement Officer to arrange for a re-inspection of the property to verify compliance with the Order. Any future violations under this ordinance shall be considered repeat violations.

Additionally, as per Chapter 2, Section 2-214, Code of Ordinances: "In addition to any fines, the Special Magistrate may impose additional fines to cover all costs incurred by the City in enforcing its codes and all costs or repairs pursuant to sub section (a)." The cost to date is \$40.17 as indicated on this cost sheet submitted into evidence. The respondent will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion.

Special Magistrate Branch ordered Ms. Faircloth's recommendation.

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.)

Ms. Bonin presented photos dated February 13, 2015 and September 16, 2015. The pictures indicate a shed on top of a concrete slab. The violation was first observed on September 16, 2014. The violation was posted at the property on February 13, 2015 at 3:10 p.m. for a correction date of February 20, 2015. Ms. Bonin re-inspected the property on February 20, 2015 resulting in non-compliance.

Ms. Bonin has spoken to Mr. Dech on several occasions. Ms. Bonin submitted a copy of a proposal contract agreement supplied by Mr. Dech. Mr. Dech has contacted a contractor to get the concrete pad and shed moved so he can apply for a permit. The building department will not issue a permit until the

shed and concrete slab meet the setback requirements.

Special Magistrate Branch asked Mr. Dech how much additional time he will need to bring the violation into compliance. Mr. Dech said he has contacted Halifax Demolition. Mr. Dech was advised that it would be a challenge and would not know when they could get to it.

Special Magistrate Branch asked if Mr. Dech had contacted anyone else besides Halifax Demolition. Mr. Dech said he had contacted every major construction company in the phone book. The companies advised Mr. Dech that they couldn't come out in a considerable amount of time or they couldn't do the work.

Special Magistrate Branch asked if there was a signed agreement for the work to be performed. Mr. Dech said no. The secretary of the company had forwarded Mr. Dech the agreement that will be executed shortly.

Special Magistrate Branch continued case no. 14-2217 until the June 10, 2015 Special Magistrate hearing. If the contract has been signed on or before June 10, 2015 and provides a date certain when the work will be done before July 8, 2015, then case no. 14-2217 will be continued until July 8, 2015.

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: Yes

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.

Ms. Bonin requested that case no. 15-103 be dismissed due to the property owner coming into compliance with the notice. Special Magistrate Branch dismissed case no. 15-103.

8. CEB Case No.: 15-276

Respondent: Jeffery E. Rivers, et al

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—

Ms. Bonin requested that 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 be dismissed. Special Magistrate Branch dismissed the above referenced codes.

The violation was first observed on March 4, 2015. The alleged violator was given notice on April 9, 2015 by property posting. The violation was to be corrected on April 24, 2015. Upon re-inspection on April 28, 2015, the property was in non-compliance. The most recent inspection was on May 15, 2015 resulting in non-compliance. The notice was also posted at City Hall and mailed certified on April 14, 2015.

Ms. Bonin presented pictures taken March 26, 2015, April 28, 2015, and May 15, 2015. High weeds and grass and outside storage are still present at the property on April 28, 2015. On May 15, 2015 the pictures indicate that the yard had been mowed but there are still outside storage and debris that has not been moved. Special Magistrate Branch admitted the photos into evidence.

Based on the information presented in case no. 15-276, Ms. Bonin is requesting the Special Magistrate to find that Jeffery E Rivers et al, property owner of 98 Stone Gate Lane Port Orange, FL 32129, be found in violation 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), (d) Maintenance of improved residential lots and (f) Garbage, waste, trash, etc., prohibited and the City of Port Orange Code of Ordinances, Chapter 42 Nuisances, Section 42-32 Storage of vehicles, furniture, etc.

Ms. Bonin requested the violation be corrected by mowing and maintaining the lawn, removing or properly storing all outside storage, and removing all trash and debris on site on or before June 10, 2015. If the accused does not comply with this Order, a fine of \$100 be imposed for each day the violation continues past June 10, 2015. Ms. Bonin also requested the accused be 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, Ms. Bonin request that the City of Port Orange have the option to abate the violation as this is a health and safety concern for the surrounding neighbors in that they have been seeing rats around the home and an increase of a roach infestation.

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

Special Magistrate Branch ordered Ms. Bonin's recommendation excluding the city having the option to abate the violation. He does not believe this is a health and safety concern.

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).

The violation was first observed on March 31, 2015. The alleged violator was given notice of April 19, 2015 by property posting. Additionally, the notice was posted at City Hall and mailed certified on April 14, 2015. The violation was to be corrected on May 8, 2015. Upon re-inspection on May 12, 2015, the property remained in non-compliance. The most recent inspection was on May 22, 2015 resulting in non-compliance.

Ms. Bonin presented photos dated March 31, 2015, April 1, 2015, May 12, 2015, and May 26, 2015. The pictures indicate high weeds and grass along with trash and debris on the property. There is 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. Additionally, 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 vehicle in the driveway needs to be removed from the property. Special Magistrate Branch admitted the photos into evidence.

Ms. Bonin read allowed a letter from an adjacent neighbor concerned about the mobile home. Special Magistrate Branch admitted the letter into evidence.

Special Magistrate Branch asked Ms. Bonin if she is seeking demolition. Ms. Bonin said yes. Special Magistrate believes the violations needs to be addressed. He requested the City Attorney be involved to get more direction. He is unaware with the process of demolition.

Special Magistrate Branch reviewed section 108.6 and Section 109 of the International Property Maintenance Code.

Based on the information presented in case no. 15-513, Ms. Bonin is requesting the Special Magistrate to find that Valerie Potter property owner of 176 Iron Gate Circle, Port Orange, FL 32129, be found in violation of 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, and Chapter 70 (Traffic), Article II (Stopping, Standing Parking), Section 70-49 (Restrictions on disabled or abandoned vehicles), (c) Restrictions, 1 (a) & (b), and (2).

Special Magistrate Branch found case no. 15-513 in violation of the above referenced codes.

Ms. Bonin requested the violation be corrected by mowing the entire property, cleaning up all trash and debris, removing the abandoned inoperable and unlicensed vehicle, obtain a permit to repair the home and secure it or demolish it as it is an unsafe structure, on or before June 10, 2015. If the accused does not comply with this Order, a fine of \$100 be imposed for each day the violation continues past June 10, 2015. Ms. Bonin also requested that the accused be 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. In the event the property is not brought into compliance, the City of Port Orange shall have the option to abate all violations. This property is a health and safety concern in that the structure is unsafe, there have been complaints of kids going in and out of the home and of rats around the property.

Additionally, as pursuant to sub section (a).” The cost to date is \$40.86 as indicated on this cost sheet submitted into evidence. The respondent will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion.

Special Magistrate Branch ordered Ms. Bonin’s recommendation excluding demolition. He would like to seek direction from the City Attorney on demolition options. Additionally, Special Magistrate Branch requested that the property be secured properly if not taken care of by the property owner on or before June 10, 2015.

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.

Ms. Joseph requested that case no. 15-0199 be dismissed due to the property owner coming into compliance with the notice. Special Magistrate Branch dismissed case no. 15-0199.

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.

The violation was first observed on March 23, 2015. The alleged violator was given notice by property posting on April 22, 2015. Additionally, the notice was also mailed certified and posted at City Hall on April 27, 2015. The certified mail was returned to the City Clerk's office marked unclaimed. The violation was to be corrected by May 4, 2015. Upon re-inspection on May 6, 2015, the property was in compliance. Due to a previous case, Mr. Allman left the case open to make sure the violations would not reoccur prior to the hearing stated in the notice. An inspection on May 21, 2015 resulted in non-compliance.

Mr. Allman presented photos dated April 22, 2015 indicating high weeds and grass. Photos dated May 21, 2015 were also presented. The May 21, 2015 photos indicated that the grass was still over 10' maximum. Special Magistrate Branch admitted the photos into evidence.

Based on the information presented in case no. 15-464, Mr. Allman is requesting the Special Magistrate to find that Michael Viala property owner of 49 Elda Ln, Port Orange, FL 32127, be found in violation of Chapter 42, Article II, Section 42-26 (d), of the City of Port Orange Code of Ordinances.

Special Magistrate Branch found case no. 15-464 in violation of Chapter 42, Article II, Section 42-26 (d), of the City of Port Orange Code of Ordinances.

Mr. Allman requested the violation be corrected on or before June 7, 2015. If the accused does not comply with this Order, a fine of \$50 shall be imposed for each day the violation continues beyond June 7, 2015. Mr. Allman also requested that the accused is further ordered to contact this Code Enforcement Officer to arrange for a re-inspection of the property to verify compliance with the Order. Any future violations under this ordinance shall be considered repeat violations.

Additionally, as per Chapter 2, Section 2-214, Code of Ordinances: "In addition to any fines, the Special Magistrate may impose additional fines to cover all costs incurred by the City in enforcing its codes and all costs or repairs pursuant to sub section (a)." The cost to date is \$40.44 as indicated on this cost sheet submitted into evidence. The respondent will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion.

Special Magistrate Branch ordered Mr. Allman's recommendation.

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.

The violation was first observed on March 23, 2015. The alleged violator was given notice on April 23, 2015 by property posting. Additionally, the notice was also mailed certified and posted at City hall on April 27, 2015. The certified mail was returned to the City Clerk's Office marked unclaimed. The violation was to be corrected on May 8, 2015. Mr. Allman re-inspected the location on May 19, 2015 resulting in non-compliance. The most recent inspection was on May 25, 2015 resulting in non-compliance.

Mr. Allman presented photos dated April 23, 2015 and May 19, 2015. The photos indicate high weeds and grass. Mr. Allman said there is a lot of different items stored behind the trailer. They are not viewable from the right of way but are from the adjacent properties. Special Magistrate Branch admitted the photos into evidence.

Based on the information presented in case no. 15-476, Mr. Allman is requesting the Special Magistrate to find that Patricia Manos property owner of 226 Pinerock PI, Port Orange, FL 32127, be found in violation of Chapter 42, (Nuisances), Article II (Garbage, junk, and undergrowth), Section 42-26 (Cleanliness of property generally-duty of owner), §§ (d) (Maintenance of improved residential lots) & §§ (f) (Garbage, waste, trash, etc., prohibited) of the City of Port Orange Code of Ordinances, Chapter 42, (Storage of vehicles, furniture, etc.), Article II Section 42-32 of the City of Port Orange Code of Ordinances, and 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.

Special Magistrate Branch found case no. 15-476 in violation of the above referenced codes.

Mr. Allman requested the violation be corrected on or before June 7, 2015. If the accused does not comply with this Order, a fine of \$100 shall be imposed for each day the violation continues past June 7, 2015. Mr. Allman requested that if compliance is not met by June 7, 2015, the City of Port Orange shall have the option to abate any health and safety violations which are high grass and all garbage trash, junk and debris. Mr. Allman also requested that the accused be further ordered to contact this Code Enforcement Officer to arrange for a re-inspection of the property to verify compliance with the Order. Any

future violations under this ordinance shall be considered repeat violations.

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

Special Magistrate Branch ordered Mr. Allman's recommendation.

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.

Ms. Joseph request for case no. 15-0661 be dismissed due to the property owner coming into compliance with the notice. Special Magistrate Branch dismissed case no. 15-0661.

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.

Ms. Bonin said the violation was first observed on March 3, 2015. The violator was given notice on April 18, 2015 by property posting. The violation was to be corrected on April 30, 2015. Ms. Bonin re-inspected the location on April 30, 2015 resulting in non-compliance. The most recent inspection was on May 21, 2015 resulting in non-compliance.

Ms. Bonin presented photos dated March 3, 2015 and March 19, 2015. The photos indicate high weeds and grass. Special Magistrate Branch admitted the photos into evidence.

Ms. Bonin said the property preservation company was notified that the property needed to be mowed.

Based on the information presented in case no. 15-270, Ms. Bonin is requesting the Special Magistrate to find that Milton Jesus Corchado property owner of 5278 Plantation Home Way, Port Orange, FL 32128, be found in violation 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), (d) Maintenance of improved residential lots and (f) Garbage, waste, trash, etc., prohibited.

Special Magistrate Branch found case no. 15-270 in violation of the above referenced code violations.

Ms. Bonin requested the violation be corrected by mowing and weed eating the entire property on or before June 10, 2015. If the accused does not comply with this Order, a fine of \$100 shall be imposed for each day the violation continues past June 10, 2015. Ms. Bonin also request that the accused is further ordered to contact this Code Enforcement Officer to arrange for a re-inspection of the property to verify compliance with the Order. Any future violations under this ordinance shall be considered repeat violations. In the event this property is not brought into compliance by June 10, 2015, the City of Port Orange shall have the option to abate the violation as this is a health and safety concern in that the property is over grown, is continuing to get worse, and could cause potential habitat for rodents.

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

Special Magistrate Branch ordered Ms. Bonin's recommendation.

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

Ms. Bonin requested that case no. 15-503 be dismissed due to the property owners coming into compliance with the notice. Special Magistrate Branch dismissed case no. 15-503.

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: 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 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.

Ms. Bonin requested that case no. 15-415 be dismissed due to the property owners coming into compliance with the notice. Special Magistrate Branch dismissed case no. 15-415.

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: Yes

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

Ms. Bonin requested that case no. 15-418 be dismissed due to the property owner coming into compliance with the notice. Special Magistrate Branch dismissed case no. 15-418.

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: 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 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.

Ms. Bonin requested that case no. 15-272 be dismissed due to the property owner coming into compliance with the notice. Special Magistrate Branch dismissed case no. 15-272.

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.

Ms. Faircloth requested that case no. 15-137 be continued until the July 8, 2015 hearing due to the owner of the property being out of the country. Special Magistrate Branch continued case no. 15-137 until the July 8, 2015 hearing.

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: 04/08/2015

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.

This case was first heard on April 8, 2015. The property owner was found in violation of the above referenced codes. The owner was to have made corrective action by April 19, 2015 or a fine of \$250 per day shall be assessed for each day the violation continued past April 19, 2015. Ms. Joseph re-inspected the property on April 21, 2015 resulting in non-compliance. An affidavit of non-compliance has been filed with the City Clerk's Office. Ms. Joseph is requesting a fine in the amount of \$250 per day beginning on April 20, 2015 and shall continue to accrue until the property comes into compliance. 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 \$85.34 as indicated on this cost sheet submitted into evidence.

Special Magistrate Branch ordered a fine of \$250 per day starting April 20, 2015 and shall continue to accrue until the property comes into compliance. Additionally, costs in the amount of \$85.34 are ordered.

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: 03/06/2015

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.

Mr. Allman said this case was first heard on April 8, 2015. The respondents were found in violation of the above referenced codes. Mr. Allman said there is an abatement order that is pending that will be going to City Council. Cost in the amount of \$122.52 are requested by Mr. Allman.

Special Magistrate Branch ordered cost in the amount of \$122.52. Additionally cost of abatement shall be ordered pursuant to the referral for abatement to City Council.

22. 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.

Ms. Faircloth requested that case no. 15-183 be dismissed. Special Magistrate Branch dismissed case no. 15-183.

23. 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.

Ms. Faircloth said this case was heard on April 22, 2015. The abatement was on May 26, 2015. Ms. Faircloth is requesting a fine in the amount of \$100 per day beginning on May 2, 2015 and continuing through May 26, 2015 for a total of \$2,500, vendor cost totaling \$200, and cost of prosecution totaling \$85.13 shall be imposed.

Special Magistrate Branch ordered a fine of \$100 per day beginning on May 2, 2015 and continuing through May 26, 2015 for a total of \$2,500. Additionally, vendor cost in the amount of \$200 and prosecution cost in the amount of \$85.13 shall be imposed.

D. **PUBLIC COMMENTS**: There were none.

E. **ADJOURNMENT**: 2:01 p.m.

Special Magistrate Raymond Branch

Case Cost Sheet Log

Case No. 15-1048

Name	Activity	Activity_Date	Status	Cost
Antoun Kassab	Mailing Notice of Violation/Notice of Hearing to 2783 Viabaya Lane, Jacksonville, FL 32223	06/16/2015	Certfied Green Card signed on 6/18/2015 by "Randa Sayegh" and returned to the City Clerk's Office.	\$6.95
Sai Food Stores, Inc. (Tenant) C/o Nilesh M. Gandhi (Registered Agent)	Mailing Notice of Violation/Notice of Hearing to 3400 Poseidon Way, Idialantic, FL 32903	06/16/2015	Item was delivered at 11:49 am on June 18, 2015 in INDIALANTIC, FL 32903 - No Certfied Green Card Returned Signed	\$6.95
Antoun Kassab	Mailing Finding of Fact/Conclusion of Law & Order to 2783 Viabaya Lane, Jacksonville, FL 32223	07/22/2015		\$7.21
Sai Food Stores, Inc. (Tenant) C/o Nilesh M. Gandhi (Registered Agent)	Mailing Finding of Fact/Conclusion of Law & Order to 2783 Viabaya Lane, Jacksonville, FL 32223	07/22/2015		\$7.21
Clerk of Court	Recording Fee - Finding of Fact/Conclusion of Law & Order	07/22/2015		\$27.00

Total: \$55.32



**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 15-1048

To: Antoun Kassab
2783 Viabaya Ln
Jacksonville, FL 32223

Sai Food Stores Inc. (Tenant)
C/O Niles M. Gandhi (Registered Agent)
3400 Poseidon Way
Indialantic, FL 32903

Re: 5687 Ridgewood Ave
Port Orange, FL 32127
Parcel ID: 6314-01-12-0060

LEGAL DESCRIPTION: 14 16 33 IRREG PARCEL IN BLK 12 HARBOR POINT & GOVT LOT 2 SEC 14 16 33 E OF AND
MEASURING 155 FT ON US 1 & N OF AND MEASURING 154.44 FT ON SEMINOLE AVE PER
OR 4684 PGS 2817- 2818 PER OR 6115 PG 3891.

Volusia County Public Records
Volusia County, FL

An inspection of the premises on June 11, 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 16, Section 1 (e), (3) (c), of the City of Port Orange Land Development Code pertaining to outside storage of vehicles. (Commercial uses)

On June 11, 2015 I observed U-Haul trucks being stored on the property. I contacted the owner Antoun Kassab. I notified him that all U-Hauls and vehicles that would be stored at this location would have to be properly stored or removed. Additionally, I notified him that I would be sending a Notice of hearing. To correct the violation, all u-hauls and vehicles stored at the location must be stored according to the above referenced code.

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 **July 13, 2013**.

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

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

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

NOTICE OF HEARING AS TO VIOLATION(S) ALLEGED

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

Pursuant to Chapter 2, Article V, Code of Ordinances and Section 162.06, Florida Statutes, you are hereby called upon to take notice that a PUBLIC HEARING will be conducted in the above-styled cause by the **Special Magistrate July 22, 2015, at 9:00 a.m.**, or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The **Special Magistrate** will receive testimony and evidence at said PUBLIC HEARING and shall make such findings of facts and conclusions of law as supported by the testimony and evidence pertaining to the matter alleged below, and shall issue a Final Order affording the proper relief. A certified copy of the Final Order may be recorded in the public records of the county and shall constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property, and the findings therein shall be binding upon the violator and, if the violation concerns real property, upon any subsequent purchasers, successors in interest, or assigns. If you fail to appear at the Hearing, the **Special Magistrate** may base any findings solely on the testimony and evidence presented by the Code Enforcement Inspector. Please govern yourself accordingly.

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

As per Chapter 2, Section 2-214, Code of Ordinances and Section 162.09(2)(d), Florida Statutes: "In addition to such fines, a code enforcement board or special magistrate may impose additional fines to cover all costs incurred by the local government in enforcing its codes and all costs of repairs." The costs incurred to date are \$ 13.90 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 **July 22, 2015** enters a Final Order finding a violation as alleged, pursuant to Chapter 7, Code of Ordinances, City of Port Orange, Florida, you are hereby called upon to take notice that a 2nd PUBLIC HEARING will be conducted in the above-styled cause by the Code Enforcement Special Magistrate on **August 26, 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 11th day of JUNE, 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 Antoun Kassab, 5687 Ridgewood Ave Port Orange, FL 32127, was

☐ Hand-delivered

☒ Posted at the property

Time: approx. 12:50 pm

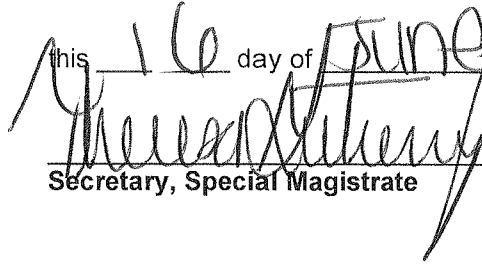
this 11th day of JUNE, 2015.

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 Antoun Kassab, 2783 Viabaya Ln, Jacksonville, FL 32223 and Niles M. Gandhi, (Registered Agent) 3400 Poseidon Way, Indian Shores, FL 32903 was

☐ Posted at City Hall

☐ Sent via certified

this 16 day of JUNE, 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: 06-09-2015 Today's Date: 6-11-2015		Volusia County Property Appraiser's Office Property Record Card (PRC) Morgan B. Gilreath Jr., M.A., A.S.A., C.F.A. Property Appraiser			
Full Parcel ID	14-16-33-01-12-0060	Mill Group	402 Port Orange		
Short Parcel ID	6314-01-12-0060				
Alternate Key	4840036	2014 Final Millage Rate	21.15960		
Parcel Status	Active Parcel	PC Code	11		
Date Created	15 APR 1986				
Owner Name	KASSAB ANTOUN		GO TO ADD'L OWNERS		
Owner Name/Address 1					
Owner Address 2	2783 VIABAYA LN				
Owner Address 3	JACKSONVILLE FL				
Owner Zip Code	32223				
Owner Percentage	100	Ownership Type			
Location Address	5687 RIDGEWOOD AV PORT ORANGE 32127				

LEGAL DESCRIPTION	GO TO ADD'L LEGAL
14 16 33 IRREG PARCEL IN BLK 12 HARBOR POINT & GOVT LOT 2 SE	
C 14 16 33 E OF AND MEASURING 155 FT ON US 1 & N OF AND MEAS	

SALES HISTORY							GO TO ADD'L SALES	
#	BOOK	PAGE	DATE	INSTRUMENT	QUALIFICATION	IMPROVED?	SALE PRICE	
1	6115	3891	8/2007	Warranty Deed	Personal property / business	Yes	550,000	
2	4684	2817	5/2001	Quit Claim Deed	Multi parcel sale	Yes	10	
3	3681	0605	8/1991	Warranty Deed	Multi parcel sale	Yes	165,000	

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	77,818	74,167	12,575	164,560	164,560	164,560	164,560	0	164,560	164,560	0	164,560
2013	77,818	67,138	12,768	157,724	157,724	157,724	157,724	0	157,724	157,724	0	157,724

LAND DATA												
CODE	TYPE OF LAND USE	FRONTAGE	DEPTH	# OF UNITS	UNIT TYPE	RATE	DPH	LOC	SHP	PHY	JUST VAL	
1110	CONV. STORE	No Data	No Data	23944.00	SQUARE FEET	3.25	100	100	100	100	77,818	
C5508		PORT ORANGE- US HWY 1										

LEGAL DESCRIPTION
14 16 33 IRREG PARCEL IN BLK 12 HARBOR POINT & GOVT LOT 2 SE
C 14 16 33 E OF AND MEASURING 155 FT ON US 1 & N OF AND MEAS
URING 154.44 FT ON SEMINOLE AVE PER OR 4684 PGS 2817- 2818 P
ER OR 6115 PG 3891

**FLORIDA DEPARTMENT OF STATE
DIVISION OF CORPORATIONS****Detail by Entity Name****Florida Profit Corporation**

SAI FOOD STORES, INC.

Filing Information

Document Number	P08000029107
FEI/EIN Number	113838502
Date Filed	03/19/2008
Effective Date	04/19/2008
State	FL
Status	ACTIVE

Principal Address217 WEST HIBISCUS BLVD
MELBOURNE, FL 32901**Mailing Address**217 WEST HIBISCUS BLVD
MELBOURNE, FL 32901**Registered Agent Name & Address**GANDHI, NILESH M
3400 POSEIDON WAY
INDIALANTIC, FL 32903**Officer/Director Detail****Name & Address**

Title P

GANDHI, NILESH
3400 POSEIDON WAY
INDIALANTIC, FL 32903

Title VP

GANDHI, SNEHAL
939-A CATHERINE STREET
HOLLYHILL, FL 32117

Title SEC

GANDHI, PRAVIN

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-16177
Parcel ID# 6314-01-12-0060

**WARRANTY DEED
(INDIVIDUAL)**

This **WARRANTY DEED**, dated **08/20/2007** by
ROGER A. NORMAN and OLIVIA S. NORMAN, Husband and Wife
Whose post office address is
2960 Lantern Drive, South Daytona, Florida 32119
hereinafter called the GRANTOR, to
ANTOUN KASSAB
whose post office address is
3727 Sunrise Oaks Drive, Port Orange, Florida 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:

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

SUBJECT TO covenants, conditions, restrictions, reservations, limitations, easements and agreements of record, if any; taxes and assessments for the year **2007** 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: Mary W. Ralstin

Witness #1 Print Name: MARY W. RALSTIN

ROGER A. NORMAN

Witness #2 Signature: Yvonne S. Ferrara

Witness #2 Print Name: YVONNE S. FERRARA

OLIVIA S. NORMAN

STATE OF FLORIDA)

) ss

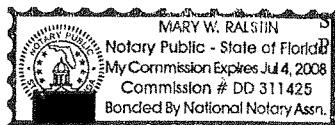
COUNTY OF VOLUSIA)

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

THE FOREGOING INSTRUMENT was acknowledged before me on 08/20/2007 by:

ROGER A. NORMAN and OLIVIA S. NORMAN, Husband and Wife
who is personally known to me or who has produced drivers license as identification.

Notary Seal



Signature: Mary W. Ralstin

Print Name: Mary W. Ralstin, Notary Public

LEGAL DESCRIPTION

EXHIBIT "A"

PARCEL 1:

A portion of Government Lot 2, Section 14, Township 16 South, Range 33 East, also a portion of Block 12, HARBOR POINT, as per map recorded in Map Book 11, Page 91, Public Records of Volusia County, Florida, the same being also a portion of that triangular tract of land as shown on map recorded in Map Book 9, Page 199, Public Records of Volusia County, Florida, described as follows:

Commence at the intersection of the East line of Ridgewood Avenue (a 100 foot road) with the North line of said Government Lot 2; thence Southeasterly along the Easterly line of said Ridgewood Avenue a distance of 95.1 feet to the Place of Beginning; thence North 75 deg 08 min 30 sec East a distance of 50.34 feet; thence North 64 deg 49 min East a distance of 103.33 feet; thence South 7 deg 33 min East a distance of 160.02 feet to a point in the Northerly line of Seminole Street; thence South 62 deg 45 min 30 sec West a distance of 100.94 feet, said measurement being along the Northerly line of said Seminole Street; thence South 84 deg 29 min 30 sec West a distance of 53.50 feet to a point in the Easterly line of said Ridgewood Avenue; thence North 7 deg 51 min 30 sec West along the Easterly line of said Ridgewood Avenue a distance of 155 feet to the Place of Beginning.

Section 1: - Accessory uses and structures.

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

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

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

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

(c) *General provisions.*

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

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

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

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

(1) *Residential uses.*

- (a) Outside storage of materials and equipment shall be restricted to the rear yard area and screened by an opaque fence or hedge so that such materials are not visible from any public right-of-way or adjoining lot.

(b)

Materials and equipment such as appliances, unlicensed or inoperable motor vehicles, motor vehicle parts, and equipment and materials used as part of a business conducted off-site shall not be stored outside. This prohibition shall not apply to licensed and operable motor vehicles, boats, recreational vehicles and other such vehicles which are merely being parked on-site. However, such vehicles shall be subject to other provisions of this code, such as those relating to driveways, which may regulate or restrict their location on site.

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

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner,

Vs.

CASE NO: 15-1048

Antoun Kassab,

Respondent,

5687 Ridgewood Ave,
Port Orange, FL 32127
Parcel ID: 6314-01-12-0060

AFFIDAVIT OF PROPERTY POSTING
NOTICE OF VIOLATION AND
NOTICE FOR HEARING

STATE OF FLORIDA
COUNTY OF VOLUSIA

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

1. That the statements set forth herein are based upon personal knowledge.
2. That I am a resident of the State of Florida, over twenty-one years of age, and not a party to this action.
3. That, according to the records of the Volusia County Property Appraisers Office, the property located at 5687 Ridgewood Ave, Port Orange, Florida 32127, is owned by Antoun Kassab.
4. That 5687 Ridgewood 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 5687 Ridgewood Ave, Port Orange, Florida 32127, at 12:50 p.m. on the 11th day of June,

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 12th day of June, 2015.

J. Scott Allman

J. Scott Allman
Code Compliance Inspector

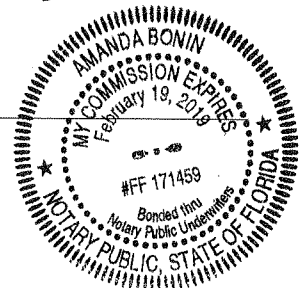
**STATE OF FLORIDA
COUNTY OF VOLUSIA**

The foregoing instrument was sworn to before me on the 12th day of
June, 2015, by J. Scott Allman, who is personally known to me.

Amanda Bonin

Notary Public, State of Florida

Commission No. _____



Case Cost Sheet Log

Case No. 15-963

Name	Activity	Activity_Date	Status	Cost
Melvy D. Dowling	Mailing Notice of Violation/Notice of Hearing to 403 Herbert Street, Port Orange, FL 32129	06/18/2015	USPS attempted to deliver item at 12:23 pm on June 22, 2015 in PORT ORANGE, FL 32129 and a notice was left because an authorized recipient was not available.	\$6.95
David A. Dowling	Mailing Notice of Violation/Notice of Hearing to 403 Herbert Street, Port Orange, FL 32129	06/18/2015	USPS attempted to deliver item at 12:23 pm on June 22, 2015 in PORT ORANGE, FL 32129 and a notice was left because an authorized recipient was not available.	\$6.95
Heather A. Moore	Mailing Notice of Violation/Notice of Hearing to 425 N. Willow Avenue, Port Orange, FL 32127	06/18/2015	Certified Green Card Signed and Returned to the City Clerk's Office	\$6.95
Melvy D. Dowling	Mailing Finding of Fact/Conclusion of Law & Order to 403 Herbert Street, Port Orange, FL 32129	07/22/2015		\$7.21
David A. Dowling	Mailing Finding of Fact/Conclusion of Law & Order to 403 Herbert Street, Port Orange, FL 32129	07/22/2015		\$7.21
Heather A. Moore	Mailing Finding of Fact/Conclusion of Law & Order to 403 Herbert Street, Port Orange, FL 32129	07/22/2015		\$7.21
Clerk of Court	Recording Fee - Finding of Fact/Conclusion of Law & Order	07/22/2015		\$27.00

Total: \$69.48



**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 15-963

To: MELVY D. DOWLING (DECEASED);
UNKNOWN SPOUSE OF MELVY D.
DOWLING IF LIVING, DAVID AARON DOWLING,
HEATHER ANN MOORE, ANY AND ALL
UNKNOWN PARTIES CLAIMING BY, THROUGH,
UNDER AND AGAINST THE ABOVE NAMED
DEFENDANT(S) WHO ARE NOT KNOWN TO BE
DEAD OR ALIVE, WHETHER SAID UNKNOWN
PARTIES MAY CLAIM AN INTEREST AS
SPOUSE, HEIRS, DEVISEES, GRANTEES, OR
OTHER CLAIMANTS:

Re: 403 Herbert Street
Port Orange, FL 32127
Parcel ID: 6303-07-00-0070

☐ GAL DESCRIPTION: LOT G EXC N 60 FT & W 45 FT OF LOT H EXC N 60 FT & INC LOT F SUB LOTS 1 & 2 BLK 6
OLSON'S PORT ORANGE PER OR 4363 PG 928 PER UNREC D/C.
Volusia County Public Records
Volusia County, FL

An inspection of the premises on **September 30, 2014**, 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 Land Development Code Chapter 16 Miscellaneous, Section 3 Fences and Walls, 4 Design and Maintenance (b) & (d)

The entire fence is deteriorating and needs to be repaired to its original and upright condition or replaced.

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 July 3, 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 July 22, 2015, at 9:00 a.m.**, or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The **Special Magistrate** will receive testimony and evidence at said PUBLIC HEARING and shall make such findings of facts and conclusions of law as supported by the testimony and evidence pertaining to the matter alleged below, and shall issue a Final Order affording the proper relief. A certified copy of the Final Order may be recorded in the public records of the county and shall constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property, and the findings therein shall be binding upon the violator and, if the violation concerns real property, upon any subsequent purchasers, successors in interest, or assigns. If you fail to appear at the Hearing, the **Special Magistrate** may base any findings solely on the testimony and evidence presented by the Code Enforcement Inspector. Please govern yourself accordingly.

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

As per Chapter 2, Section 2-214, Code of Ordinances and Section 162.09(2)(d), Florida Statutes: "In addition to such fines, a code enforcement board or special magistrate may impose additional fines to cover all costs incurred by the local government in enforcing its codes and all costs of repairs." The costs incurred to date are \$ 20.85 as indicated on the cost sheet submitted into evidence. The respondent will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion.

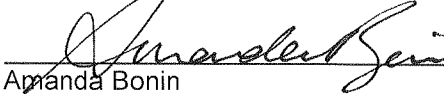
NOTICE OF HEARING SETTING FINE AND LIEN

On the event the **Special Magistrate**, during the hearing on **July 22, 2015**, enters a Final Order finding a violation as alleged, pursuant to Chapter 7, Code of Ordinances, City of Port Orange, Florida, you are hereby called upon to take notice that a 2nd PUBLIC HEARING will be conducted in the above-styled cause by the Code Enforcement Special Magistrate on **August 26, 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 17th day of June, 2015.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

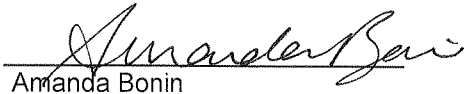
By: 
Amanda Bonin

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Melvy D. Dowling (Deceased), David A. Dowling and Heather A. Moore, 403 Herbert St, Port Orange, FL 32129, was

- ☐ Hand-delivered
☒ Posted at the property

Time: approx 1:30 pm

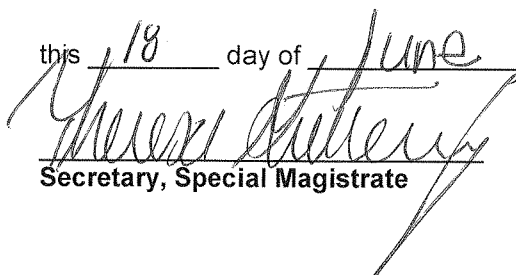
this 17th day of June, 2015.


Amanda Bonin

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Melvy D. Dowling (Deceased), 403 Herbert St, Port Orange, FL 32129, David A. Dowling, 403 Herbert St, Port Orange, FL 32129 and Heather A. Moore, 425 N. Willow Ave, Port Orange, FL 32127, was

- ☒ Posted at City Hall
☐ Sent via certified

this 18 day of June, 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: 05-26-2015 Today's Date: 5-26-2015		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		03-16-33-07-00-0070		Mill Group	
Short Parcel ID		6303-07-00-0070		402 Port Orange	
Alternate Key		3576861		2014 Final Millage Rate	
Parcel Status		Active Parcel		21.15960	
PC Code		01			
Date Created		30 DEC 1981			
Owner Name		DOWLING MELVY D			GO TO ADD'L OWNERS
Owner Name/Address 1					
Owner Address 2		403 HERBERT ST			
Owner Address 3		PORT ORANGE FL			
Owner Zip Code		32129			
Owner Percentage		100		Ownership Type	
Estate					
Location Address		403 HERBERT ST PORT ORANGE 32129			

LEGAL DESCRIPTION	GO TO ADD'L LEGAL
LOT G EXC N 60 FT & W 45 FT OF LOT H EXC N 60 FT & INC LOT F	
SUB LOTS 1 & 2 BLK 6 WILSONS PORT ORANGE PER OR 4363 PG 09	

SALES HISTORY							
#	BOOK	PAGE	DATE	INSTRUMENT	QUALIFICATION	IMPROVED?	SALE PRICE
1	4363	0928	10/1998	Quit Claim Deed	Affiliated Parties	Yes	22,000
2	4326	3482	7/1998	Warranty Deed	Unqualified Sale	Yes	8,000
3	2411	0678	12/1982	Warranty Deed	Qualified Sale	Yes	32,000

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	35,235	20,076	3,409	58,720	58,720	58,720	58,720	0	58,720	58,720	0	58,720
2013	31,168	20,938	3,527	55,633	55,633	55,633	55,633	0	55,633	55,633	0	55,633

LAND DATA

THIS INSTRUMENT PREPARED BY
AND RETURN TO: J. MOODY
TRANSCONTINENTAL TITLE COMPANY
8081 PHILLIPS HIGHWAY, SUITE 3
JACKSONVILLE, FLORIDA 32256
J126670

11/02/1998 10:20
Doc stamps 154.00
(Transfer Amt \$ 22000)
Instrument # 98207498
Book: 4363
Page: 928
Diane M. Matousek
Volusia County, Clerk of Court

QUIT CLAIM DEED

This QUIT CLAIM DEED, dated October 19, 1998

by MATTIE B. DOWLING F/K/A MATTIE B. RACHOW, A MARRIED PERSON JOINED BY
HER HUSBAND, MELVY D. DOWLING

hereinafter called GRANTOR,

to MELVY D. DOWLING AND MATTIE B. DOWLING, HIS WIFE

whose address is: 403 HERBERT ST APT ORANGE FL 32119

hereinafter called 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.)

WITNESSED: That GRANTOR, for and in consideration of the sum of Ten Dollars (\$10.00), the receipt of which is hereby acknowledged, does hereby remiss, release and quit-claim unto GRANTEE forever, all the right, title, interest, claim and demand which GRANTOR has in and to the following described lot, piece or parcel of land, situate, lying and being in VOLUSIA County, Florida, viz:

LOT G, EXCEPT THE NORTHERLY 60 FEET THEREOF, AND LOT H, EXCEPT THE NORTHERLY 60 FEET THEREOF AND THE EASTERLY 10 FEET OF LOT H THEREOF, MARTINS SUBDIVISION AS PER MAP IN MAP BOOK 2, PAGE 177, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

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 behalf of the said GRANTEE forever.

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

SIGNED IN THE PRESENCE OF
THE FOLLOWING WITNESSES:

J.D. McNulty
Witness (Signature)

J.D. McNulty
Witness (Print Name)

N.C. Ammon
Witness (Signature)

N.C. Ammon
Witness (Print Name)

Mattie B. Dowling f/k/a Mattie B. Rachow
MATTIE B. DOWLING F/K/A MATTIE B.
RACHOW

Melvy D. Dowling
MELVY D. DOWLING

STATE OF FL

COUNTY OF VOLUSIA

THE FOREGOING INSTRUMENT was acknowledged before me on October 19, 1998 by MATTIE B. DOWLING F/K/A MATTIE B. RACHOW, A MARRIED PERSON JOINED BY HER HUSBAND, MELVY D. DOWLING who did produce drivers license(s) as identification and did not take an oath.

J.D. McNulty
NOTARY PUBLIC FOR THE STATE OF FLORIDA

(SEAL)

J.D. McNULTY
Notary Public, State of Florida
My Comm. Exp. May 22, 2001 - No. CC650019
Bonded thru Troy Fain Insurance Co

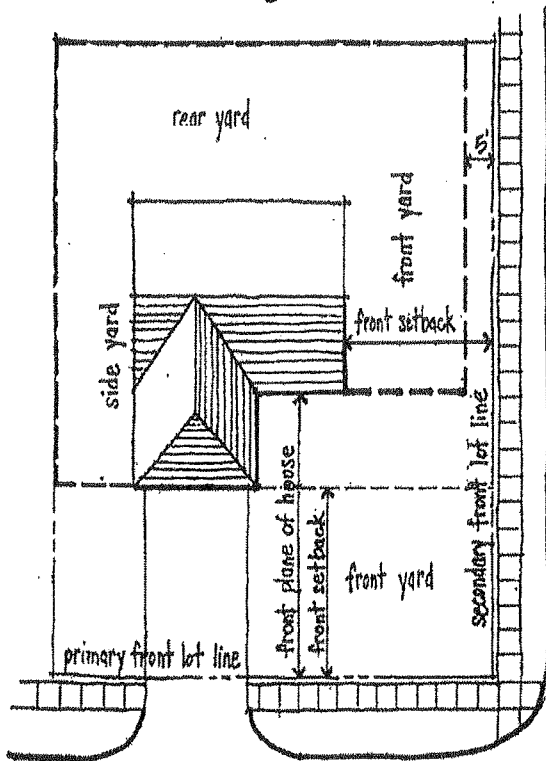
Section 3: - Fences and walls.

- (a) *In general.* All fences and walls shall be constructed in compliance with applicable building codes and in accordance with the following dimensional and use regulations.
- (b) *General provisions.*
 - (1) *Restrictions.*
 - (a) No barbed wire, razor wire or similar material shall be allowed for residential uses.
 - (b) Barbed wire, razor wire, or similar material shall be prohibited for commercial and industrial uses, except when installed at an eight-foot height or greater.
 - (c) Temporary construction fencing.
 - (1) Temporary construction fencing shall be allowed for sites in all zoning districts that have been issued a development order by the city.
 - (2) The city shall require the installation of a temporary construction fence in areas where construction activities create impacts to adjoining properties and rights-of-way such as debris, glare, and noise, which cannot otherwise be mitigated.
 - (3) A building permit shall be obtained prior to the erection of the temporary construction fence.
 - (4) The fence shall be constructed according to the adopted standard construction detail for a temporary construction fence. Approved fence materials shall include opaque privacy fencing or other semipermanent materials deemed appropriate by the administrative official.
 - (5) If the fence or gate is not properly maintained in an upright position with all fabric materials fully attached, or the fence or gates are not in working order, a stop work order shall be issued for the construction site until the fence is determined to be in proper working order as originally permitted.
 - (6) The temporary construction fence is intended to remain no longer than necessary to mitigate the conflict with other construction infrastructure for the project. Before a certificate of occupancy is issued, the temporary construction fence shall be removed and replaced with the permanent fence and/or wall as required by chapter 13, section 3.5 of this code.
 - (7) In the event that the property remains cleared and vacant for a period of one year after the issuance of a development order or a development permit, whichever is in force at the time, the temporary construction fence shall be removed. If vegetation has not been established by the expiration date, the property must be seeded and mulched, or sodded, and vegetation established prior to the removal of the fence. The removal of the fence and established of vegetation shall be required prior to approval of any requested development order or development permit extension.
 - (8) If the city in its discretion deems it necessary, the city may upon notice to the property owner, install or remove a temporary construction fence to comply with the requirements of this code at the expense of the property owner. The expense shall be recorded as a lien against the property in noncompliance and the lien shall have such priority as prescribed by ordinance.
 - (9) A temporary construction fence shall in no way relieve the property owner from performing other construction-related activities that are required by this code or requirements from other jurisdictional agencies.

(2) *Height.*

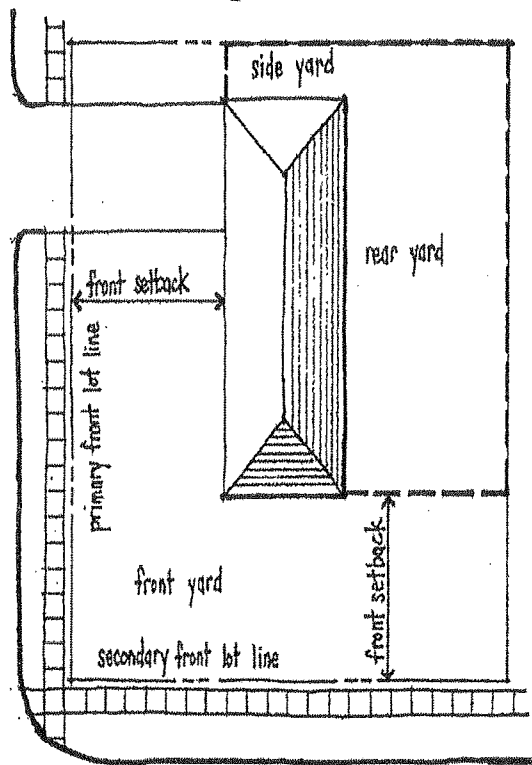
- (a) For individual single-family and two-family residential lots, no permanent fence or wall shall exceed six feet in height in rear or side yards, except as provided in subparagraph (e) below. In addition, fences and walls shall not exceed four feet in height when erected on an atypical lot within the required rear yard setback, except as provided in subparagraph (h) below.
- (b) For individual single-family and two-family residential lots, no permanent fence or wall shall exceed four feet in height in required front yards abutting rights-of-way, except as provided in subparagraphs (e), (f), and (g) below.
- (c) For nonresidential uses, no permanent fence or wall shall exceed ten feet in height unless approved as part of a development plan to meet the buffering requirements between different types of uses, per chapter 13, section 3.5.
- (d) No permanent fence or wall located adjacent to any public right-of-way and designed to be an integral part of a new or existing subdivision improvement, including but not limited to subdivision entrances and subdivision walls, shall exceed 12 feet in height, including columns.
- (e) For residential uses adjacent to Interstate 95 right-of-way, no permanent fence or wall shall exceed 12 feet in height adjacent to any property line abutting such right-of-way.
- (f) For individual single-family and two-family residential corner lots with a secondary front lot line abutting a local street, a six-foot-tall privacy fence may be placed up to the front plane of the house. For corner lots with a secondary front lot line abutting an arterial or collector road, the six-foot-tall fence may further encroach into the required front yard to within five feet of the secondary front lot line. Fence placement per this subparagraph shall also be allowed on legal non-conforming lots, provided visual clearance requirements of section 6 of this chapter can still be met. Please see Figure 16:A below.

Conforming Lot & Structure

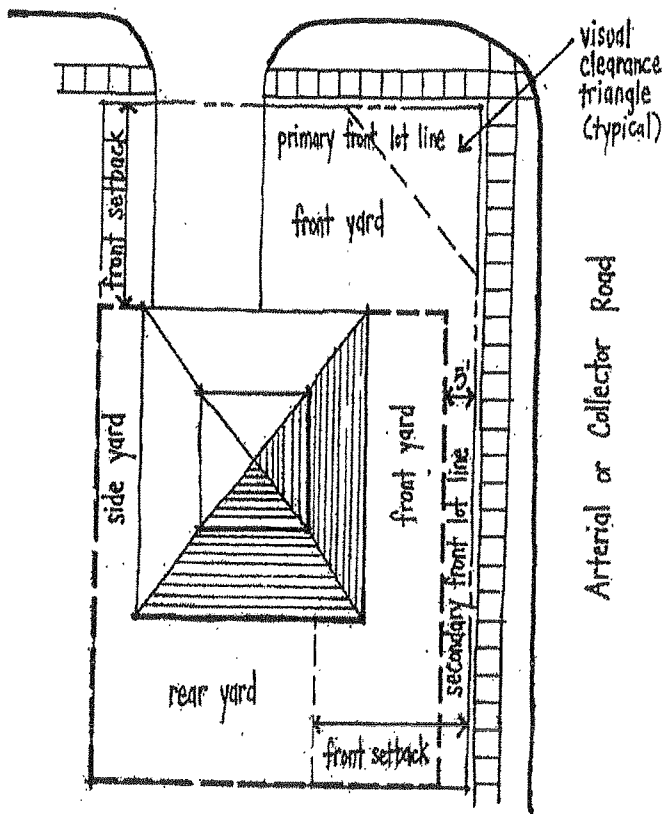


Local Street

Conforming Lot & Structure



Local Street



Arterial or Collector Road

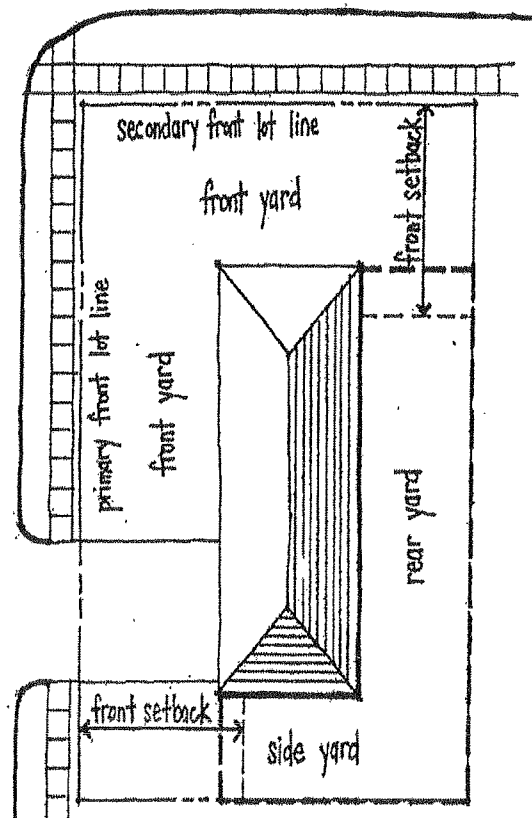


figure16A

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

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

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner,

vs.

CASE NO: 15-963

MELVY D. DOWLING (DECEASED);
UNKNOWN SPOUSE OF MELVY D.
DOWLING IF LIVING, DAVID AARON DOWLING,
HEATHER ANN MOORE, ANY AND ALL
UNKNOWN PARTIES CLAIMING BY, THROUGH,
UNDER AND AGAINST THE ABOVE NAMED
DEFENDANT(S) WHO ARE NOT KNOWN TO BE
DEAD OR ALIVE, WHETHER SAID UNKNOWN
PARTIES MAY CLAIM AN INTEREST AS
SPOUSE, HEIRS, DEVISEES, GRANTEEES, OR
OTHER CLAIMANTS.;

Respondents.

Property Address: 403 Herbert Street
Port Orange, FL 32129
Parcel ID: 6303-07-00-0070

AFFIDAVIT OF PROPERTY POSTING
NOTICE OF VIOLATION AND
NOTICE FOR HEARING

STATE OF FLORIDA
COUNTY OF VOLUSIA

BEFORE ME, the undersigned authority, personally appeared 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.

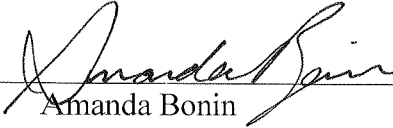
3. That, according to the records of the Volusia County Property Appraisers Office, the property located at 403 Herbert Street, Port Orange, Florida 32129, is owned by Melvy D. Dowling.

4. That 403 Herbert Street, 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 403 Herbert Street, Port Orange, Florida 32129, at approx. 1:30 p.m. on the 17th day of June, 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 June, 2015.

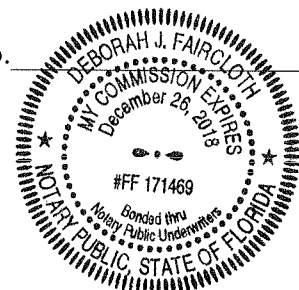

Amanda Bonin
Code Compliance Inspector

**STATE OF FLORIDA
COUNTY OF VOLUSIA**

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


Notary Public, State of Florida

Commission No. _____



Case Cost Sheet Log

Case No. 15-1017

Name	Activity	Activity_Date	Status	Cost
Joseph A. Adamo Sr.	Mailing Notice of Violation/Notice of Hearing to 120 Aloha Terrance, Port Orange, FL 32129	06/18/2015	USPS attempted to deliver item at 3:35 pm on June 22, 2015 in PORT ORANGE, FL 32129 and a notice was left because an authorized recipient was not available.	\$6.95
Joseph A. Adamo Sr.	Mailing Finding of Fact/Conclusion of Law & Order to 120 Aloha Terrance, Port Orange, FL 32129	07/22/2015		\$7.21
Clerk of Court	Recording Fee - Finding of Fact/Conclusion of Law & Order	07/22/2015		\$27.00

Total: \$41.16



**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 15-1017

To:
Joseph A Adamo Sr
120 Aloha Ter
Port Orange, FL 32129

Re: 120 Aloha Ter
Port Orange, FL 32129
Parcel ID: 6305-03-00-0800

LEGAL DESCRIPTION: LOT 80 BAREFOOT PARK MB 31 PG 62 PER OR 4466 PG 2921 PER OR 5364 PG 0199 PER
OR 5521 PG 4095

Volusia County Public Records
Volusia County, FL

An inspection of the premises on June 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 42-32 Storage of vehicles, furniture, etc.

The City of Port Orange Code of Ordinances Chapter 42 (Nuisances), Article V (Unsafe Conditions), Division 2 Nuisance Trees, Section 42-104 Nuisance Abatement Requirements

On June 3, 2015, I inspected the property to find a dead tree in the front yard that is classified as a nuisance tree. This tree has the potential to fall into the right of way should it come down. There is also outside storage on site that is prohibited. For this property to be in compliance the dead tree needs to be removed and the outside storage needs to be removed or properly stored in an enclosed building.

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 **July 3, 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 July 22, 2015, at 9:00 a.m.**, or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The **Special Magistrate** will receive testimony and evidence at said PUBLIC HEARING and shall make such findings of facts and conclusions of law as supported by the testimony and evidence pertaining to the matter alleged below, and shall issue a Final Order affording the proper relief. A certified copy of the Final Order may be recorded in the public records of the county and shall constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property, and the findings therein shall be binding upon the violator and, if the violation concerns real property, upon any subsequent purchasers, successors in interest, or assigns. If you fail to appear at the Hearing, the **Special Magistrate** may base any findings solely on the testimony and evidence presented by the Code Enforcement Inspector. Please govern yourself accordingly.

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

As per Chapter 2, Section 2-214, Code of Ordinances and Section 162.09(2)(d), Florida Statutes: "In addition to such fines, a code enforcement board or special magistrate may impose additional fines to cover all costs incurred by the local government in enforcing its codes and all costs of repairs." The costs incurred to date are \$ 6.95 as indicated on the cost sheet submitted into evidence. The respondent will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion.

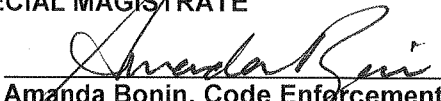
NOTICE OF HEARING SETTING FINE AND LIEN

In the event the **Special Magistrate**, during the hearing on **July 22, 2015**, enters a Final Order finding a violation as charged, pursuant to Chapter 7, Code of Ordinances, City of Port Orange, Florida, you are hereby called upon to take notice that a 2nd PUBLIC HEARING will be conducted in the above-styled cause by the Code Enforcement Special Magistrate on **August 26, 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 17th day of June, 2015.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: 
Amanda Bonin, Code Enforcement Officer

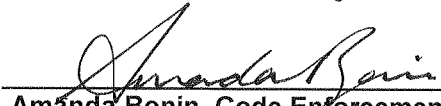
☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Joseph A Adamo Sr 120 Aloha Ter, Port Orange, FL 32129, was

☐ Hand-delivered

☒ Posted at the property

Time: approx. 1:45 pm

this 17th day of June, 2015.

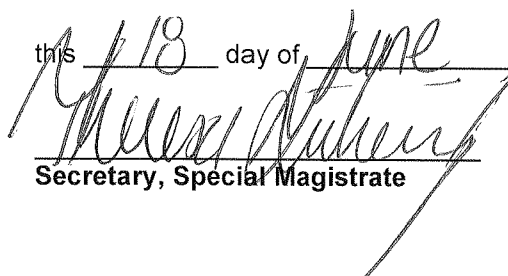

Amanda Bonin, Code Enforcement Officer

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☐ Posted at City Hall

☐ Sent via certified

this 18 day of June, 2015.


Secretary, Special Magistrate

RIGHT TO APPEAL

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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



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Last Updated: 06-16-2015 Today's Date: 6-17-2015	Volusia County Property Appraiser's Office <u>Property Record Card (PRC)</u> <u>Morgan B. Gilreath Jr., M.A., A.S.A., C.F.A.</u> Property Appraiser		
Full Parcel ID Short Parcel ID	05-16-33-03-00-0800 6305-03-00-0800	Mill Group	402 Port Orange
Alternate Key	3584783	2014 Final Millage Rate	21.15960
Parcel Status	Active Parcel	PC Code	02
Date Created	30 DEC 1981		
Owner Name	ADAMO JOSEPH A SR	GO TO ADD'L OWNERS	
Owner Name/Address 1			
Owner Address 2	120 ALOHA TERR		
Owner Address 3	PORT ORANGE FL		
Owner Zip Code	32129		
Owner Percentage	100	Ownership Type	
Location Address	120 ALOHA TER PORT ORANGE 32129		

LEGAL DESCRIPTION

LOT 80 BAREFOOT PARK MB 31 PG 62 PER OR 4466 PG 2921 PER OR

5364 PG 0199 PER OR 5521 PG 4095

SALES HISTORY

GO TO ADD'L SALES

#	BOOK	PAGE	DATE	INSTRUMENT	QUALIFICATION	IMPROVED?	SALE PRICE
1	5521	4095	3/2005	Warranty Deed	Affiliated Parties	Yes	68,500
2	5364	0199	7/2004	Quit Claim Deed	Unqualified Sale	Yes	100
3	4466	2921	6/1999	Warranty Deed	Qualified Sale	Yes	45,000

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	19,750	19,824	0	39,574	28,659	28,659	28,659	25,000	3,659	3,659	0	3,659

04/01/2005 02:06 PM
Doc stamps 479.50
(Transfer Amt \$ 68500)
Instrument# 2005-081080 # 1
Book : 5521
Page : 4095
Diane M. Matousek
Volusia County, Clerk of Court

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

SPACE ABOVE THIS LINE FOR RECORDING DATA

THIS WARRANTY DEED, made the 25th day of March, A.D. 2005 by TRACY M. BLAIR, A SINGLE MAN herein called the grantor, whose post office address is 120 ALOHA TERRACE, PORT ORANGE, FLORIDA 32129, to JOSEPH A. ADAMO, SR. whose post office address is 120 ALOHA TERRACE, PORT ORANGE, FL, hereinafter called the Grantee:

(Whoever 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:

LOT 80, IN BAREFOOT PARK MOBILE HOME SUBDIVISION, A SUBDIVISION OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 5, TOWNSHIP 16 SOUTH, RANGE 33 EAST, VOLUSIA COUNTY, FLORIDA ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 31, PAGE 62, OFFICIAL RECORDS OF VOLUSIA COUNTY, FLORIDA.

Subject to easements, restrictions and reservations of record and to taxes for the year 2005 and thereafter.

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, 2004.

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:

Lisa M McFarland
Signature

Lisa M McFarland
Printed Signature

Carolyn Brown
Signature

CAROLYN BROWN
Printed Signature

Tracy M Blair L.S.
TRACY M. BLAIR

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this 25th day of March, 2005 by TRACY M. BLAIR who is/are personally known to me or has produced Drivers License as identification.

SEAL

Lisa M McFarland
Notary Signature

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. 42-104. - Nuisance abatement requirements.

It is determined by the city council that any nuisance declared by this article that is found upon any lot, lots or adjacent lots, shall be abated by the property owner in the following manner:

If the nuisance consists of a nuisance tree or nuisance trees, the property owner shall abate the nuisance in its entirety by complete removal of the tree or trees and appropriate disposal of debris within the public property or public easement.

(Ord. No. 2000-40, § 1, 10-17-00)

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner,

vs.

CASE NO: 15-1017

JOSEPH A ADAMO SR,

Respondent.

Property Address: 120 Aloha Terrace
Port Orange, FL 32129

Parcel ID: 6305-03-00-0800

AFFIDAVIT OF PROPERTY POSTING
NOTICE OF VIOLATION AND
NOTICE FOR HEARING

STATE OF FLORIDA
COUNTY OF VOLUSIA

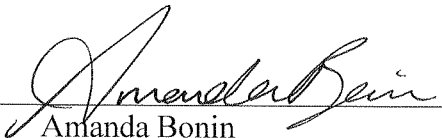
BEFORE ME, the undersigned authority, personally appeared Amanda Bonin, Code Compliance Inspector, City of Port Orange, Florida, who after being duly sworn, deposes and says:

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 120 Aloha Terrace, Port Orange, Florida 32129, is owned by Joseph A Adamo Sr.
4. That 120 Aloha Terrace, Port Orange, Florida 32129 is the location where the alleged code violation is or was occurring.

5. That I posted a Notice of Violation and Request for Hearing on the property at 120 Aloha Terrace, Port Orange, Florida 32129, at approx. 1:45 p.m. on the 17th day of June, 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.

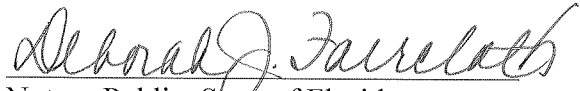
FURTHER AFFIANT SAYETH NOT.

DATED this 18th day of June, 2015.

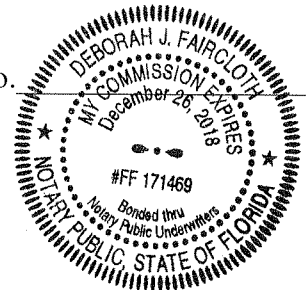

Amanda Bonin
Code Compliance Inspector

**STATE OF FLORIDA
COUNTY OF VOLUSIA**

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


Notary Public, State of Florida

Commission No. _____

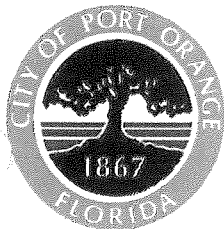


Case Cost Sheet Log

Case No. 15-0951

Name	Activity	Activity_Date	Status	Cost
Alan Douglas Jones & Ann Deborah Jones	Mailing Notice of Violation/Notice of Hearing to 63 Soleil Blvd., Aurora Ontario Canada L4G OH4	06/24/2015	unknown	\$13.90
Alan Douglas Jones & Ann Deborah Jones	Mailing Finding of Fact/Conclusion of Law & Order to to 63 Soleil Blvd., Aurora Ontario Canada L4G OH4	07/22/2015		\$0.00
Clerk of Court	Recording Fee - Finding of Fact/Conclusion of Law & Order	07/22/2015		\$27.00

Total:



NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 15-0951

To: Alan Douglas Jones & Ann Deborah Jones H & W
Property Owners
63 Soleil Blvd.
Aurora Ontario Canada L4G OH4

Re: 214 Ocean Avenue
Port Orange, FL 32129
Parcel ID: 7405-04-00-0170

LEGAL DESCRIPTION: LOT 17 INLET VILLAS MB 42 PGS 170-172 INC PER OR 4123 PG 179
8 PER OR 5390 PG 1498 PER OR 5556 PG 3357 PER OR 5776 PG 408
4 PER OR 6328 PGS 3301-3303 INC PER OR 6773 PGS 1485-1487 IN
C PER OR 6773 PG 1488 PER OR 6801 PGS 0962-0963

Volusia County Public Records
Volusia County, FL

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

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

An inspection of the premises was performed on MAY 22, 2015 after noticing the condition of the lot at this location. The grass is overgrown and the property needs to be mowed and maintained. The neighbors in the area are concerned that this lot poses a health and safety hazard due to it being a breeding area for snakes, rodents and insects. They are also concerned that it might pose a drainage issue if it floods.

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 JULY 2, 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 JULY 22, 2015 at 9:00 a.m.**, or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The **Special Magistrate** will receive testimony and evidence at said PUBLIC HEARING and shall make such findings of facts and conclusions of law as supported by the testimony and evidence pertaining to the matter alleged below, and shall issue a Final Order affording the proper relief. A certified copy of the Final Order may be recorded in the public records of the county and shall constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property, and the findings therein shall be binding upon the violator and, if the violation concerns real property, upon any subsequent purchasers, successors in interest, or assigns. If you fail to appear at the Hearing, the **Special Magistrate** may base any findings solely on the testimony and evidence presented by the Code Enforcement Inspector. Please govern yourself accordingly.

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

As per Chapter 2, Section 2-214, Code of Ordinances and Section 162.09(2)(d), Florida Statutes: "In addition to such fines, a code enforcement board or special magistrate may impose additional fines to cover all costs incurred by the local government in enforcing its codes and all costs of repairs." The costs incurred to date are \$ 13,90 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.

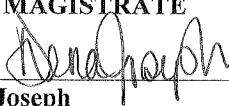
NOTICE OF HEARING SETTING FINE AND LIEN

In the event the **Special Magistrate**, during the hearing on **JULY 22, 2015** enters a Final Order finding a violation as alleged, pursuant to Chapter 7, Code of Ordinances, City of Port Orange, Florida, you are hereby called upon to take notice that a 2nd PUBLIC HEARING will be conducted in the above-styled cause by the Code Enforcement Special Magistrate on **AUGUST 26, 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 19th day of June, 2015.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: 
Dena Joseph

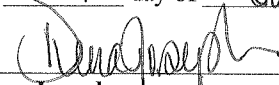
☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Alan Douglas Jones & Ann Deborah Jones H & W, 63 Soleil Blvd., Aurora Ontario, Canada L4G OH4, was

☐ Hand-delivered

☒ Posted at the property

Time: approx. 12:58 pm

this 19th day of June, 2015.

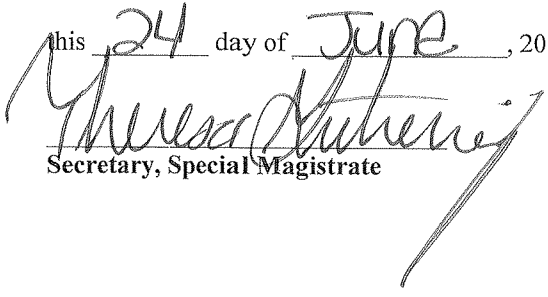

Dena Joseph

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Alan Douglas Jones & Ann Deborah Jones H & W, 63 Soleil Blvd., Aurora Ontario, Canada L4G OH4, was

☐ Posted at City Hall

☐ Sent via certified

this 24 day of June, 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.

H 15-0951

Case# 5-22-15



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: 06-16-2015 Today's Date: 6-19-2015		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	05-17-34-04-00-0170	Mill Group	601 New Smyrna Beach		
Short Parcel ID	7405-04-00-0170				
Alternate Key	5114325	2014 Final Millage Rate	22.05120		
Parcel Status	Active Parcel	PC Code	01		
Date Created	19 SEP 1989				
Owner Name	JONES ALAN DOUGLAS &		GO TO ADD'L OWNERS		
Owner Name/Address 1	ANN DEBORAH H&W				
Owner Address 2	63 SOLEIL BLVD				
Owner Address 3	AURORA ONTARIO CANADA				
Owner Zip Code	L4G 0H4				
Owner Percentage	100	Ownership Type			
Location Address	214 OCEAN DR NEW SMYRNA BEACH 32169				

LEGAL DESCRIPTION	GO TO ADD'L LEGAL
LOT 17 INLET VILLAS MB 42 PGS 170-172 INC PER OR 4123 PG 179	
8 PER OR 5390 PG 1498 PER OR 5556 PG 3357 PER OR 5776 PG 408	

SALES HISTORY							GO TO ADD'L SALES	
#	BOOK	PAGE	DATE	INSTRUMENT	QUALIFICATION	IMPROVED?	SALE PRICE	
1	6801	0962	12/2012	Warranty Deed	Unqualified Sale	Yes	100	
2	6773	1485	9/2012	Quit Claim Deed	Unqualified Sale	Yes	397,500	
3	6773	1488	9/2012	Warranty Deed	Institutional / bank	Yes	397,500	

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	149,467	411,741	0	561,208	561,208	561,208	463,740	0	561,208	561,208	0	463,740
2013	149,467	272,115	0	421,582	421,582	421,582	421,582	0	421,582	421,582	0	421,582

LAND DATA												
CODE	TYPE OF LAND USE		FRONTAGE	DEPTH	# OF UNITS	UNIT TYPE	RATE	DPH	LOC	SHP	PHY	JUST VAL
0120	IMP UNPVD TO .49 AC		75.0	115.0	75.00	FRONT FEET	1935.01	94	100	100	95	129,699
0120	IMP UNPVD TO .49 AC		10.0	115.0	10.00	FRONT FEET	1935.09	94	100	50	95	8,647

LEGAL DESCRIPTION
LOT 17 INLET VILLAS MB 42 PGS 170-172 INC PER OR 4123 PG 179
8 PER OR 5390 PG 1498 PER OR 5556 PG 3357 PER OR 5776 PG 408
4 PER OR 6328 PGS 3301-3303 INC PER OR 6773 PGS 1485-1487 IN
C PER OR 6773 PG 1488 PER OR 6801 PGS 0962-0963

Prepared by:
SID C. PETERSON, JR., ESQUIRE
P. O. Box 428
New Smyrna Beach, FL 32170
(M-2012)

TITLE NOT EXAMINED NOR APPROVED
DOCUMENT PREPARATION ONLY

WARRANTY DEED (Statutory Form - Section 689.02F.S.)

THIS INDENTURE, made this 28th day of December, 2012, **BETWEEN**

ALAN DOUGLAS JONES, joined by his wife, ANN DEBORAH JONES

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

ALAN DOUGLAS JONES and ANN DEBORAH JONES, his wife

whose post office address is 63 Soleil Boulevard, Aurora, Ontario, Canada L4G 0H4

of the Providence of ONTARIO, Country of Canada, *Grantees*,

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

Lot 17, **INLET VILLAS**, according to the map or plat thereof as recorded
in Plat Book 42, page 170, Public Records of Volusia County, Florida.

PARCEL IDENTIFICATION NO.: 7405-04-00-0170

SUBJECT TO: (A) Taxes and assessments for the year 2013 and subsequent years; (B) All covenants, restrictions, easements and limitations of records, if any, however this reference does not operate to re-impose same; (C) Zoning ordinances that may affect subject property.

THE PURPOSE OF THIS DEED IS TO CREATE A TENANCY BY THE ENTIRETIES BETWEEN THE GRANTEES HEREIN

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

"Grantor" and "Grantee" are used for singular or plural, as context requires.

IN WITNESS WHEREOF, Grantors have hereunto set Grantors' hands and seals the day and year first above written.

Signed, Sealed and delivered
in our presence:

Matthew E. Peterson
Matthew E. Peterson
(Witness - print name)

ALAN DOUGLAS JONES (SEAL)

SIDNEY C. PETERSON, II
SIDNEY C. PETERSON, II
(Witness - print name)

ANN DEBORAH JONES (SEAL)

STATE OF FLORIDA

COUNTY OF VOLUSIA

I HEREBY CERTIFY that on this day, before me, an officer duly qualified to take acknowledgments, personally appeared, **ALAN DOUGLAS JONES, joined by his wife, ANN DEBORAH JONES**, who are personally known to me or who have produced CANADIAN PASSPORTS as identification and who executed the foregoing instrument, and who acknowledged before me that they executed the same.

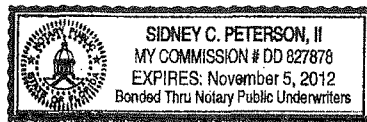
WITNESS my hand and official seal in the County and State last aforesaid this 28th day of December, 2012.

SIDNEY C. PETERSON, II
(Notary - print name)

Notary Public - State of Florida

Commission No.:

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 package most nearly abutting their properties. Parkages abutting improved residential or commercial lots shall be maintained as provided in subsection (d) of this section for improved residential lots. Parkages abutting unimproved residential lots shall be maintained as provided in subsection (e) of this section for the maintained portion of unimproved residential lots. "Package" is that space between the private property lot or survey line of the property owner and the paved or graded portion of the public street adjacent thereto and includes that area between a sidewalk and street. Every property owner shall also have the duty of removing any refuse or other debris existing within the adjacent package, but the placement of refuse for collection in a manner and in containers specified by other provisions of this Code is not prohibited.

(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: 15-0951

Alan Douglas Jones & Ann Deborah Jones H & W,
Respondent.

Property Address: 214 Ocean Avenue, Port Orange, FL 32129
Parcel ID: 7405-04-00-0170

AFFIDAVIT OF PROPERTY POSTING
NOTICE OF VIOLATION AND
NOTICE FOR HEARING

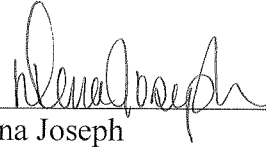
STATE OF FLORIDA
COUNTY OF VOLUSIA

BEFORE ME, the undersigned authority, personally appeared Dena Joseph, 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 214 Ocean Avenue, Port Orange, Florida 32129, is owned by Alan Douglas Jones & Ann Deborah Jones H & W.
4. That 214 Ocean Avenue, 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 214 Ocean Avenue, Port Orange, Florida 32129, at 12:58 p.m. on the 19th day of June, 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.

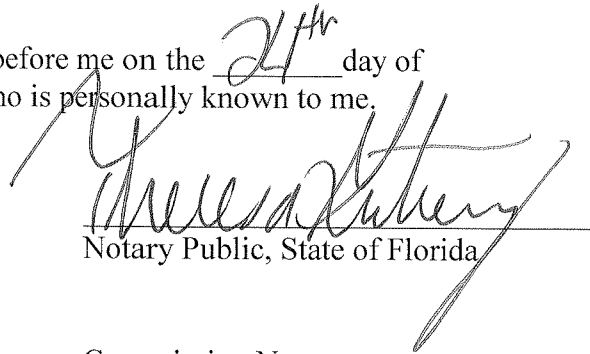
DATED this 24th day of June, 2015.



Dena Joseph
Code Compliance Inspector

**STATE OF FLORIDA
COUNTY OF VOLUSIA**

The foregoing instrument was sworn to before me on the 24th day of June, 2015, by Dena Joseph, who is personally known to me.



Notary Public, State of Florida

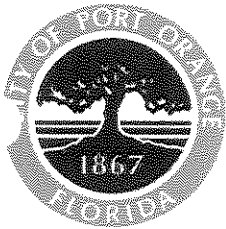
Commission No. _____

Case Cost Sheet Log

Case No. 15-1027

Name	Activity	Activity_Date	Status	Cost
Pacem, LLC	Mailing Notice of Violation/Notice of Hearing to 873 Samms Avenue, Port Orange, FL 32129	06/24/2015	Certified Mail Returned to City Clerk's Office marked "undeliverable as addressed".	\$6.73
Pacem, LLC	Mailing Finding of Fact/Conclusion of Law & Order to 873 Samms Avenue, Port Orange, FL 32129	07/22/2015		\$7.21
Clerk of Court	Recording Fee - Finding of Fact/Conclusion of Law & Order	07/22/2015		\$27.00

Total: \$40.94



**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 15-1027

To: Pacem LLC
Property Owner
873 Samms Avenue
Port Orange, FL 32129

Re: 873 Samms Avenue
Port Orange, FL 32129
Parcel ID: 6337-01-22-0047

LEGAL DESCRIPTION: S 1/2 OF W 140 FT OF E 240 FT OF LOT 4 BLK 22 DUNLAWTON MB M
PG 187 PER OR 4716 PG 0614 PER OR 6476 PG 0685

Volusia County Public Records
Volusia County, FL

An inspection of the premises on **JUNE 9, 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.

While in the area on **JUNE 9, 2015**, I noticed the condition of the yard at this location. Property is overgrown with weeds and grass. Home is vacant and being used as a rental. The real estate company that has the listing was contacted on two occasions and stated that the information was forwarded to the property owner. In addition to the phone calls, a five day door hanger was left on the front door asking that the property be mowed and maintained. As of this date, the property remains in non-compliance.

Attachments:

☒ Copy of code

☒ Copy of Deed

☒ Copy of Tax Roll

This correspondence will serve as official notification that the above stated violation(s) must be corrected by **JUNE 29, 2015** by mowing property in its entirety to include weed eating, edging, blowing etc. (yard and landscaped beds)

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

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

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

NOTICE OF HEARING AS TO VIOLATION(S) ALLEGED

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

Pursuant to Chapter 2, Article V, Code of Ordinances and Section 162.06, Florida Statutes, you are hereby called upon to take notice that a PUBLIC HEARING will be conducted in the above-styled cause by the **Special Magistrate JULY 22, 2015 at 9:00 a.m.**, or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The **Special Magistrate** will receive testimony and evidence at said PUBLIC HEARING and shall make such findings of facts and conclusions of law as supported by the testimony and evidence pertaining to the matter alleged below, and shall issue a Final Order affording the proper relief. A certified copy of the Final Order may be recorded in the public records of the county and shall constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property, and the findings therein shall be binding upon the violator and, if the violation concerns real property, upon any subsequent purchasers, successors in interest, or assigns. If you fail to appear at the Hearing, the **Special Magistrate** may base any findings solely on the testimony and evidence presented by the Code Enforcement Inspector. Please govern yourself accordingly.

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

As per Chapter 2, Section 2-214, Code of Ordinances and Section 162.09(2)(d), Florida Statutes: "In addition to such fines, a code enforcement board or special magistrate may impose additional fines to cover all costs incurred by the local government in enforcing its codes and all costs of repairs." The costs incurred to date are \$ 6.73 as indicated on the cost sheet submitted into evidence. The respondent will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion.

NOTICE OF HEARING SETTING FINE AND LIEN

In the event the **Special Magistrate**, during the hearing on **JULY 22, 2015** enters a Final Order finding a violation as alleged, pursuant to Chapter 7, Code of Ordinances, City of Port Orange, Florida, you are hereby called upon to take notice that a 2nd PUBLIC HEARING will be conducted in the above-styled cause by the Code Enforcement Special Magistrate on **AUGUST 26, 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 19th day of June, 2015.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: 
Dena Joseph, Code Enforcement Officer

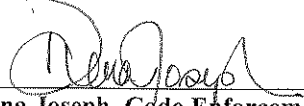
☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to **Pacem LLC, Property Owner, 873 Samms Avenue, Port Orange, FL 32129**, was

☐ Hand-delivered

☒ Posted at the property

Time: approx. 1:10 PM

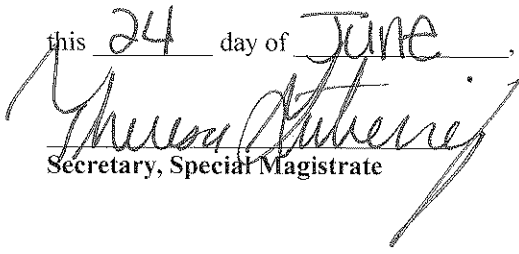
this 19th day of June, 2015.


Dena Joseph, 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 Pacem LLC, Property Owner, 873 Samms Avenue, Port Orange, FL 32129, was

- ☒ Posted at City Hall
☒ Sent via certified

this 24 day of June, 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: 06-16-2015 Today's Date: 6-19-2015		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	37-16-33-01-22-0047	Mill Group	402 Port Orange		
Short Parcel ID	6337-01-22-0047				
Alternate Key	3679199	2014 Final Millage Rate	21.15960		
Parcel Status	Active Parcel	PC Code	01		
Date Created	31 DEC 1981				
Owner Name	PACEM LLC		GO TO ADD'L OWNERS		
Owner Name/Address 1					
Owner Address 2	873 SAMMS AVE				
Owner Address 3	PORT ORANGE FL				
Owner Zip Code	32129				
Owner Percentage	100	Ownership Type			
Location Address	873 SAMMS AV PORT ORANGE 32129				

LEGAL DESCRIPTION

S 1/2 OF W 140 FT OF E 240 FT OF LOT 4 BLK 22 DUNLAWTON MB M

PG 187 PER OR 4716 PG 0614 PER OR 6476 PG 0685

SALES HISTORY

#	BOOK	PAGE	DATE	INSTRUMENT	QUALIFICATION	IMPROVED?	SALE PRICE
1	6476	0685	5/2010	Warranty Deed	Qualified Sale	Yes	180,000
2	4716	0614	7/2001	Warranty Deed	Qualified Sale	Yes	145,000
3	4716	0613	7/2001	Quit Claim Deed	Unqualified Sale	Yes	10

HISTORY OF VALUES

YEAR	LAND	BLDG(S)	MISC	JUST	ASD	SCH ASD	NS ASD	EXEMPT	TXBL	SCH TXBL	ADD'L EX	NS TXBL
2014	43,684	131,507	31,317	206,508	206,508	206,508	196,008	0	206,508	206,508	0	196,008
2013	38,389	107,680	32,120	178,189	178,189	178,189	178,189	0	178,189	178,189	0	178,189

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	140.0	330.0	140.00	FRONT FEET	330.00	111	85	100	100	43,684
NEIGHBORHOOD CODE	5308	DUNLAWTON (6337-01)									

05/17/2010 03:14 PM
Doc stamps 1260.00
(Transfer Amt \$ 180000)
Instrument# 2010-088027 # 1
Book: 6476
Page: 685
Diane M. Matousek
Volusia County, Clerk of Court

This Document Prepared By and Return to:
Tami Jo Chinn
Waterside Title Co.
1092 Ridgewood Avenue
Holly Hill, FL 32117

Parcel ID Number: 6337-01-22-0047

Warranty Deed

This Indenture, Made this 12 day of May, 2010 A.D., Between
Janet Jewell, a single woman

of the County of Cobb, State of Georgia, grantor, and
PACEM, LLC, a Florida limited liability company

whose address is: 873 SAMMS AVE, Port Orange, FL 32129

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

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

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

Parcel (1): The Southerly one-half of the Westerly 100 Feet, of the
Easterly 240 Feet, of Lot 4, Block 22, Dunlawton subdivision, as
shown on Map in Deed Book M, Page 187, of the Public Records of
Volusia County, Florida.

Parcel (2): The Westerly 40 Feet of the Easterly 140 Feet of the
southerly one-half of Lot 4, Block 22, Dunlawton, as recorded in Map
Book "M", Page 187, Public Records of Volusia County, Florida.

Subject to restrictions, reservations and easements of record, if
any, the mention of which shall not serve to reimpose the same, and
taxes subsequent to 2009.

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

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

Signed, sealed and delivered in our presence:

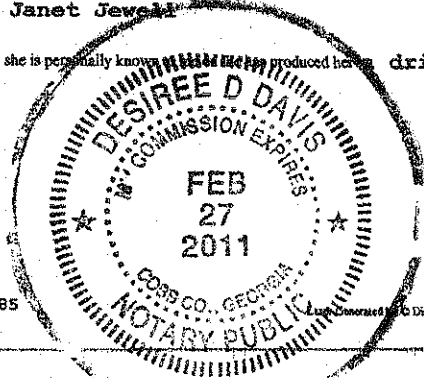
M.E. Kimbrough Janet Jewell (Seal)
Printed Name: M.E. KIMBROUGH Janet Jewell
Witness P.O. Address: 912 Verlander Trail, Mableton, GA 30126

Cathy Whitney
Printed Name: Cathy Whitney
Witness

STATE OF Georgia
COUNTY OF Cobb

The foregoing instrument was acknowledged before me this 12th day of May, 2010 by
Janet Jewell

she is personally known to me, or produced her driver's license as identification.



Desiree D. Davis
Printed Name: Desiree D. Davis
Notary Public
My Commission Expires: February 27, 2011

Florida Driver's License
J4W-432-539-42-0

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: 15-1027

Pacem LLC,

Respondent.

Property Address: 873 Samms Avenue Port Orange, FL 32129

Parcel ID: 6337-01-22-0047

AFFIDAVIT OF PROPERTY POSTING
NOTICE OF VIOLATION AND
NOTICE FOR HEARING

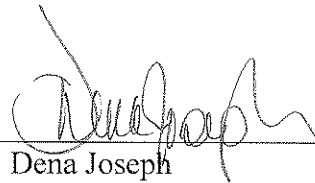
STATE OF FLORIDA
COUNTY OF VOLUSIA

BEFORE ME, the undersigned authority, personally appeared Dena Joseph, 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 873 Samms Avenue, Port Orange, Florida 32129, is owned by Pacem LLC.
4. That 873 Samms Avenue, 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 873 Samms Avenue, Port Orange, Florida 32129, at 1:10 p.m. on the 19th day of June, 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.

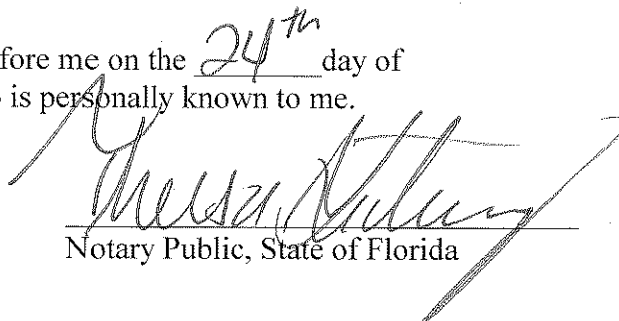
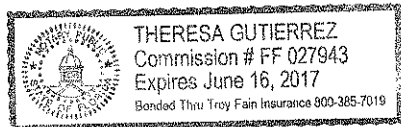
DATED this 24th day of June, 2015.



Dena Joseph
Code Compliance Inspector

**STATE OF FLORIDA
COUNTY OF VOLUSIA**

The foregoing instrument was sworn to before me on the 24th day of June, 2015, by Dena Joseph, who is personally known to me.



Notary Public, State of Florida

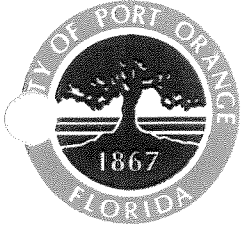
Commission No. _____

Case Cost Sheet Log

Case No. 15-1067

Name	Activity	Activity_Date	Status	Cost
MHC Lighthouse Pointe, LLC C/o Equity Property Tax Group	Notice of Violation/Notice of Hearing	06/22/2015	Hand Delivered to Sandra LoBue, Property Manager, on June 22, 2015 at 4:28 p.m.	\$0.00
MHC Lighthouse Pointe, LLC C/o Equity Property Tax Group	Mailing Finding of Fact/Conclusion of Law & Order to P.O. Box 6115, Chicago, IL 60606-6115	07/22/2015		\$7.21
Clerk of Court	Recording Fee - Finding of Fact/Conclusion of Law & Order	07/22/2015		\$27.00

Total: \$34.21



NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 15-1067

To: MHC Lighthouse Pointe LLC
Property Owner
C/O Equity Property Tax Group
P.O. Box 6115
Chicago, IL 60606-6115

Re: 3450 Nova Road
Port Orange, FL 32129
Parcel ID: 6337-01-09-0040

LEGAL DESCRIPTION: LOT 4 BLK 9 DUNLAWTON EXC E 200 FT & EXC NEW R/W FORMADELINE
AVE IN S 15.81 FT OF E 153.25 FT & INC 5-16-33 LOTS 6 & 7 SUB
LOTS 1 2 & 4 & S 1/2 GOVT LOT 3 PER OR 5195 PG 1719

Volusia County Public Records
Volusia County, FL

An inspection of the premises on **September 24, 2014** indicates that certain violation(s) of the City of Port Orange Code exists. Briefly stated, the property is in violation of the following:

Chapter 16 (Miscellaneous Regulations), Section 3 (Fences and Walls), (b) General Provisions, (4) Design and Maintenance, (b), (d), (e) and (f) of the City of Port Orange Land Development Code as it pertains to the maintenance of fences and walls

After receiving a complaint regarding the condition of the fence at this location, an inspection was performed on September 24, 2014. There are areas that are leaning and pickets missing along the length of the fence. The fence must be in its original upright condition. If replacing the fence or replacing panels on the fence, a permit will need to be obtained through the City of Port Orange Building Department.

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 **JULY 22, 2015** by repairing/replacing fence to its original upright condition, replacing all missing pickets, and turning panels around to where the side of the fence does not create an adverse visual impact on such adjoining property

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

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

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

NOTICE OF HEARING AS TO VIOLATION(S) ALLEGED

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

Pursuant to Chapter 2, Article V, Code of Ordinances and Section 162.06, Florida Statutes, you are hereby called upon to take notice that a PUBLIC HEARING will be conducted in the above-styled cause by the **Special Magistrate JULY 22, 2015 at 9:00 a.m.**, or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The **Special Magistrate** will receive testimony and evidence at said PUBLIC HEARING and shall make such findings of facts and conclusions of law as supported by the testimony and evidence pertaining to the matter alleged below, and shall issue a Final Order affording the proper relief. A certified copy of the Final Order may be recorded in the public records of the county and shall constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property, and the findings therein shall be binding upon the violator and, if the violation concerns real property, upon any subsequent purchasers, successors in interest, or assigns. If you fail to appear at the Hearing, the **Special Magistrate** may base any findings solely on the testimony and evidence presented by the Code Enforcement Inspector. Please govern yourself accordingly.

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

As per Chapter 2, Section 2-214, Code of Ordinances and Section 162.09(2)(d), Florida Statutes: "In addition to such fines, a code enforcement board or special magistrate may impose additional fines to cover all costs incurred by the local government in enforcing its codes and all costs of repairs." The costs incurred to date are \$ 7,17 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 til its conclusion.

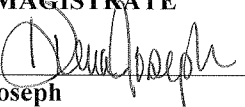
NOTICE OF HEARING SETTING FINE AND LIEN

In the event the **Special Magistrate**, during the hearing on **JULY 22, 2015** enters a Final Order finding a violation as alleged, pursuant to Chapter 7, Code of Ordinances, City of Port Orange, Florida, you are hereby called upon to take notice that a 2nd PUBLIC HEARING will be conducted in the above-styled cause by the Code Enforcement Special Magistrate on **AUGUST 26, 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 22nd day of June, 2015.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: 
Dena Joseph

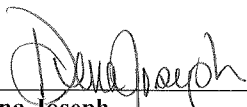
☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to **MHC Lighthouse Pointe LLC, C/O Equity Property Tax Group, P.O. Box 6115, Chicago, IL 60606-6115**, was

☒ Hand-delivered
☐ Posted at the property

Sandra LoBue - Property Manager

this 22nd day of June, 2015.

Time: approx. 4:28 pm


Dena Joseph

☐ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to **MHC Lighthouse Pointe LLC, C/O Equity Property Tax Group, P.O. Box 6115, Chicago, IL 60606-6115**, 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: 06-16-2015 Today's Date: 6-17-2015		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	37-16-33-01-09-0040	Mill Group	402 Port Orange		
Short Parcel ID	6337-01-09-0040				
Alternate Key	3678150	2014 Final Millage Rate	21.15960		
Parcel Status	Active Parcel	PC Code	28		
Date Created	31 DEC 1981				
Owner Name	MHC LIGHTHOUSE POINTE LLC		GO TO ADD'L OWNERS		
Owner Name/Address 1	C/O EQUITY PROPERTY TAX GROUP				
Owner Address 2	PO BOX 6115				
Owner Address 3	CHICAGO IL				
Owner Zip Code	606066115				
Owner Percentage	100	Ownership Type			
Location Address	3450 NOVA RD PORT ORANGE 32129				

LEGAL DESCRIPTION	GO TO ADD'L LEGAL
LOT 4 BLK 9 DUNLAWTON EXC E 200 FT & EXC NEW R/W FORMADELINE	
AVE IN S 15.81 FT OF E 153.25 FT & INC 5-16-33LOTS 6 & 7 SU	

SALES HISTORY						GO TO ADD'L SALES	
#	BOOK	PAGE	DATE	INSTRUMENT	QUALIFICATION	IMPROVED?	SALE PRICE
1	5195	1719	10/2003	Warranty Deed	Unqualified Sale	Yes	100
2	4289	0788	3/1998	Warranty Deed	Unqualified Sale	Yes	1
3	4263	0837	12/1997	Warranty Deed	Unqualified Sale	Yes	10,481,281

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	6,928,000	66,807	0	6,994,807	6,994,807	6,994,807	6,994,807	0	6,994,807	6,994,807	0	6,994,807
2013	6,452,800	50,333	0	6,503,133	6,503,133	6,503,133	6,503,133	0	6,503,133	6,503,133	0	6,503,133

LAND DATA											
CODE	TYPE OF LAND USE	FRONTAGE	DEPTH	# OF UNITS	UNIT TYPE	RATE	DPH	LOC	SHP	PHY	JUST VAL
2802	CLASS 2 M.H. RNTL PK	No Data	No Data	433.00	UNIT BUILDABLE	16800.00	100	100	100	100	7,274,400
NEIGHBORHOOD CODE	C5500	DIST 3- MH PARKS/CAMPGROUNDS									
TOTAL LAND CLASSIFIED											0
TOTAL LAND JUST											7,274,400

BUILDING CHARACTERISTICS	
BUILDING 1 OF 4	GO TO BLDG SKETCH

LEGAL DESCRIPTION
LOT 4 BLK 9 DUNLAWTON EXC E 200 FT & EXC NEW R/W FORMADELINE
AVE IN S 15.81 FT OF E 153.25 FT & INC 5-16-33LOTS 6 & 7 SU
B LOTS 1 2 & 4 & S 1/2 GOVT LOT 3 PER OR 5195 PG 1719

10/28/2003 01:39 PM
Doc stamps .70
(Transfer Amt \$ 10)
Instrument# 2003-272825
Book: 5195
Page: 1719

Mail to:

Kimberly E. Fuldauer, Esq.
Katten Muchin Zavis Rosenman
525 West Monroe Street, Suite 1600
Chicago, Illinois 60661

This instrument prepared by:

Kimberly E. Fuldauer, Esq.
Katten Muchin Zavis Rosenman
525 West Monroe Street, Suite 1600
Chicago, Illinois 60661

Address: 155 Spring Drive, Port Orange, FL 32129

Property appraisers parcel identification (Folio number(s)): [REDACTED]

Grantees S.S. #(s): [REDACTED]

SPECIAL WARRANTY DEED

This **SPECIAL WARRANTY DEED**, made the 17th day of October, 2003, by

Between **MHC FINANCING LIMITED PARTNERSHIP TWO**, a Delaware limited partnership ("Grantor"), party of the first part,

and

MHC LIGHTHOUSE POINTE, L.L.C., a Delaware limited liability company ("Grantee"), whose permanent address is c/o Manufactured Home Communities Inc., Two North Riverside Plaza, Suite 800, Chicago, Illinois 60606, party of the second part.

WITNESSETH, that, the said party of the first part, for and in consideration of the sum of ten dollars, lawful money of the United States of America, in hand paid by the said party of the second part, at or before the ensealing and delivery of these presents, the receipt whereof is hereby acknowledged, granted, bargained, sold, aliened, remised, released, conveyed and confirmed, and by these presents do grant, bargain, sell, alien, remise, release, convey and confirm unto the said party of the second part, and their heirs and assigns forever, all the following piece, parcel, or tract of land, situate, lying and being in the County of Volusia, State of Florida, and being more particularly described as follows:

SEE EXHIBIT A ATTACHED HERETO AND MADE A PART HEREOF

Doc #:CHI01 [REDACTED] 50143475v1;10/02/2003/Time:12:16

Lighthouse Pointe at Daytona Beach, Florida

RETURN TO:
CHICAGO TITLE INSURANCE CO.
601 S. LAKE DESTINY DRIVE, SUITE 200
MAITLAND, FLORIDA 32751
File # 1003 1999

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and also all the estate, right, title, interest, dower and right of dower, separate estate, property, possession, claim and demand whatsoever, as well as in equity, of the said part of the first part, of in and to the same, and every part and parcel thereof, with the appurtenances.

To have and to hold the above granted, bargained and described premises with the appurtenances, unto the said party of the second part its heirs and assigns, to its own proper use, benefit and behoof forever.

And the said party of the first part, for itself and for its heirs, personal representatives and administrators, does covenant, promise and agree to and with the said party-of the second part, its heirs and assigns, that the said party of the first part, at the time of the ensealing and delivery of these presents, its lawfully seized of and in all and singular the above granted, bargained and described premises, with the appurtenances, and has good right, full power and lawful authority to grant, bargain, sell and convey the same in manner and form aforesaid. And the said party of the second part, its heirs and assigns, shall and may at all times hereafter peaceably and quietly have, hold, use, occupy, possess and enjoy the above granted premises and every part and parcel thereof, with the appurtenances, without any let, suit, trouble, molestation, [REDACTED] or disturbance of the said party of the first part, heirs or assigns, or of any other person or persons lawfully claiming or to claim the same, by, through and under the grantor herein.

And the said party of the first part, for itself and for its heirs, warrants the above described and hereby granted and released premises, and every part and parcel thereof, with the appurtenances, unto the said party of the second part, his heirs and assigns, against the said party of the first part, his heirs, and against all and every person or persons whomsoever lawfully claiming or to claim the same, by, through and under the grantor herein, shall and will warrant and by these presents forever defend.

[EXECUTION PAGE FOLLOWS]

IN WITNESS WHEREOF, the said party of the first part has hereunto set hand and seal the day and year first above written.

Signed, sealed and delivered in the presence of

Witness signature (as to first Grantor)

Printed name

Witness signature (as to first Grantor)

Printed name

MHC FINANCING LIMITED PARTNERSHIP TWO, a Delaware limited partnership

By: MHC-QRS Two, Inc., a Delaware corporation, its general partner

By: David W. Fell

Name: David W. Fell

Title: Vice President, Associate General Counsel, Secretary

Post office address: c/o Manufactured Home Communities Inc., Two North Riverside Plaza, Suite 800, Chicago, Illinois 60606

State of Illinois)

County of Cook)

The foregoing instrument was acknowledged before me this 17th day of Oct., 2003, by David W. Fell, as Vice President, Associate General Counsel, Secretary of MHC-QRS Two, Inc., a Delaware corporation, as general partner of MHC Financing Limited Partnership Two, a Delaware limited partnership, who is personally known to me or has produced Illinois (state) driver's license as identification.

My Commission Expires:

(AFFIX NOTARY SEAL)

Notary Public (Signature)

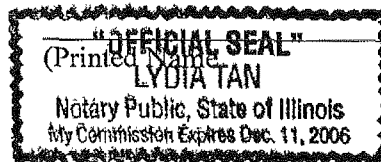


EXHIBIT A

LEGAL DESCRIPTION

All those tracts or parcels of land lying and being in Volusia County, Florida, and described as follows:

PARCEL 1:

Lot 4, Block 9, except the Easterly 200.00 feet thereof, DUNLAWTON, as per instrument recorded April 5, 1883, in Deed Book "M", Page 187, of the Public Records of Volusia County, Florida, less and except that portion deeded to State of Florida Department of Transportation as recorded May 3, 1994, in Official Records Book 3918, Page 4755, of the Public Records of Volusia County, Florida, and Lots 6 and 7, MAP OF MAGNOLIA GROVE, as per instrument recorded November 9, 1895, in Map Book 2, Page 69, of the Public Records of Volusia County, Florida.

PARCEL 2:

The Southwest 1/4 of the Northwest 1/4 of Section 5, also known as the South 1/2 of Government Lot 3, of Section 5, Township 16 South, Range 33 East, Volusia County, Florida.

PARCEL 3:

Perpetual non-exclusive easements for the benefit of Parcel 1 described as follows:

EASEMENT "1"

A perpetual non-exclusive easement for access, utilities and landscaping, 64.00 feet in width, lying 32.00 feet each side of the following described centerline: Commencing at the Northwesterly corner of Lot 4, Block 9, DUNLAWTON, according to a map recorded April 5, 1883, in Deed Book "M", Page 187, of the Public Records of Volusia County, Florida; thence North 63° 46' 18" East, along the North line thereof, 573.39 feet to the West boundary of the Florida Department of Transportation's (D.O.T.) proposed right-of-way acquisition, as shown on D.O.T.'s right-of-way map, Section 79190 (Misc.); thence South 26° 05' 20" East, along said West boundary, 208.50 feet; thence South 25° 11' 20" East, along said West boundary, 114.69 feet to the Point of Beginning of said centerline; thence South 63° 53' 24" West, 163.57 feet to the East boundary of "The Landings" Mobile Home Park and the Terminus of said centerline.

EASEMENT "2"

A perpetual non-exclusive easement for utilities, landscaping and signage over the following described property: Commencing at the Northwesterly corner of Lot 4, Block 9, DUNLAWTON, according to a map recorded April 5, 1883, in Deed Book "M", Page 187, of the Public Records of Volusia County, Florida; thence North 63° 46' 18" East, along the North line thereof, 573.39 feet to the West boundary of the Florida Department of Transportation's (D.O.T.) proposed right-of-way acquisition as shown on D.O.T.'s right-ofway map, Section 79190 (Misc.); thence South 26° 05'20" East, along said West boundary, 208.50 feet; thence South 25 ° 11' 20" East, along

said West boundary, 67.69 feet to the Point of Beginning; thence continue South 25 ° 11' 20" East, 20.00 feet; thence South 63° 53' 24" West, 20.00 feet; thence North 25 ° 11' 20" West, parallel to said West boundary, 20.00 feet; thence North 63° 53' 24" East, 20.00 feet to the Point of Beginning.

EASEMENT "3"

A perpetual non-exclusive easement for utilities, landscaping and signage over the following described property: Commencing at the Northwestern corner of Lot 4, Block 9, DUNLAWTON, according to a map recorded April 5, 1883, in Deed Book "M", Page 187, of the Public Records of Volusia County, Florida; thence North 63° 46' 18" East, along the North line thereof, 573.39 feet to the West boundary of the Florida Department of Transportation's (D.O.T.) proposed right-of-way acquisition, as shown on D.O.T.'s right-ofway map, Section 79190 (Misc.); thence South 26° 05' 20" East, along said West boundary, 208.50 feet; thence South 25° 11' 20" East, along said West boundary, 141.69 feet to the Point of Beginning; thence continue South 25° 11' 20" East, 20.00 feet; thence South 63° 53' 24" West, 20.00 feet; thence North 25° 11' 20" West, parallel to said West boundary, 20.00 feet; thence North 25° 11' 20" West, parallel to said West boundary, 20.00 feet; thence North 63° 53' 24" East, 20.00 feet to the Point of Beginning.

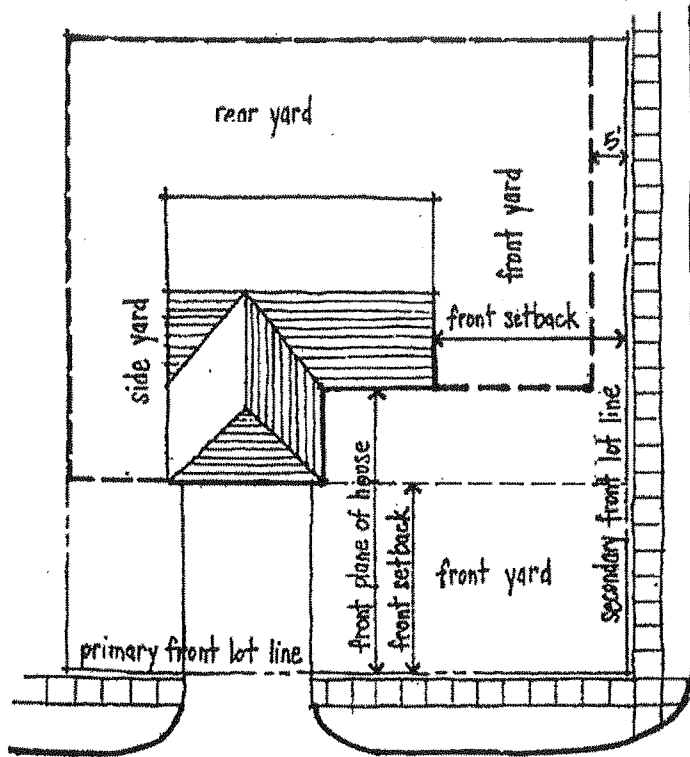
Being the same property conveyed to MHC Financing Limited Partnership Two, a Delaware limited partnership, by Special Warranty Deed from Ell-Cap/Diversified 43-Landings, a California limited partnership, dated December 17, 1997, recorded December 23, 1997, in the Public Records of Volusia County, Florida, at Official Records Book 4263, page 837, and by Corrective Special Warranty Deed recorded March 25, 1998, in the Public Records of Volusia County, Florida, at Official Records Book 4289, page 788, re-recorded June 3, 1998, in the Public Records of Volusia County, Florida, at Official Records Book 4312, page 361.

Section 3: - Fences and walls.

- (a) *In general.* All fences and walls shall be constructed in compliance with applicable building codes and in accordance with the following dimensional and use regulations.
- (b) *General provisions.*
 - (1) *Restrictions.*
 - (a) No barbed wire, razor wire or similar material shall be allowed for residential uses.
 - (b) Barbed wire, razor wire, or similar material shall be prohibited for commercial and industrial uses, except when installed at an eight-foot height or greater.
 - (c) Temporary construction fencing.
 - (1) Temporary construction fencing shall be allowed for sites in all zoning districts that have been issued a development order by the city.
 - (2) The city shall require the installation of a temporary construction fence in areas where construction activities create impacts to adjoining properties and rights-of-way such as debris, glare, and noise, which cannot otherwise be mitigated.
 - (3) A building permit shall be obtained prior to the erection of the temporary construction fence.
 - (4) The fence shall be constructed according to the adopted standard construction detail for a temporary construction fence. Approved fence materials shall include opaque privacy fencing or other semipermanent materials deemed appropriate by the administrative official.
 - (5) If the fence or gate is not properly maintained in an upright position with all fabric materials fully attached, or the fence or gates are not in working order, a stop work order shall be issued for the construction site until the fence is determined to be in proper working order as originally permitted.
 - (6) The temporary construction fence is intended to remain no longer than necessary to mitigate the conflict with other construction infrastructure for the project. Before a certificate of occupancy is issued, the temporary construction fence shall be removed and replaced with the permanent fence and/or wall as required by chapter 13, section 3.5 of this code.
 - (7) In the event that the property remains cleared and vacant for a period of one year after the issuance of a development order or a development permit, whichever is in force at the time, the temporary construction fence shall be removed. If vegetation has not been established by the expiration date, the property must be seeded and mulched, or sodded, and vegetation established prior to the removal of the fence. The removal of the fence and established of vegetation shall be required prior to approval of any requested development order or development permit extension.
 - (8) If the city in its discretion deems it necessary, the city may upon notice to the property owner, install or remove a temporary construction fence to comply with the requirements of this code at the expense of the property owner. The expense shall be recorded as a lien against the property in noncompliance and the lien shall have such priority as prescribed by ordinance.

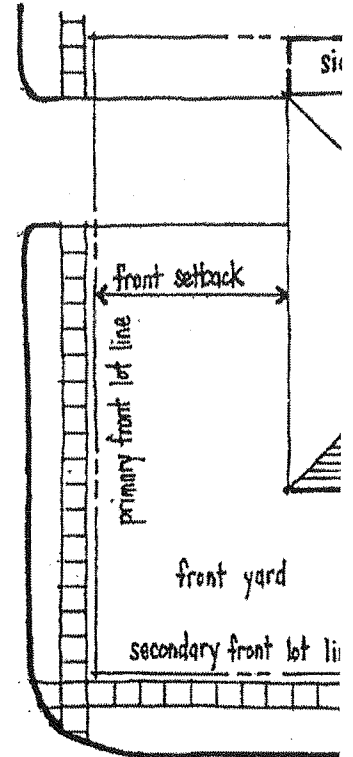
- (9) A temporary construction fence shall in no way relieve the property owner from performing other construction-related activities that are required by this code or requirements from other jurisdictional agencies.
- (2) *Height.*
- (a) For individual single-family and two-family residential lots, no permanent fence or wall shall exceed six feet in height in rear or side yards, except as provided in subparagraph (e) below. In addition, fences and walls shall not exceed four feet in height when erected on an atypical lot within the required rear yard setback, except as provided in subparagraph (h) below.
 - (b) For individual single-family and two-family residential lots, no permanent fence or wall shall exceed four feet in height in required front yards abutting rights-of-way, except as provided in subparagraphs (e), (f), and (g) below.
 - (c) For nonresidential uses, no permanent fence or wall shall exceed ten feet in height unless approved as part of a development plan to meet the buffering requirements between different types of uses, per chapter 13, section 3.5.
 - (d) No permanent fence or wall located adjacent to any public right-of-way and designed to be an integral part of a new or existing subdivision improvement, including but not limited to subdivision entrances and subdivision walls, shall exceed 12 feet in height, including columns.
 - (e) For residential uses adjacent to Interstate 95 right-of-way, no permanent fence or wall shall exceed 12 feet in height adjacent to any property line abutting such right-of-way.
 - (f) For individual single-family and two-family residential corner lots with a secondary front lot line abutting a local street, a six-foot-tall privacy fence may be placed up to the front plane of the house. For corner lots with a secondary front lot line abutting an arterial or collector road, the six-foot-tall fence may further encroach into the required front yard to within five feet of the secondary front lot line. Fence placement per this subparagraph shall also be allowed on legal non-conforming lots, provided visual clearance requirements of section 6 of this chapter can still be met. Please see Figure 16:A below.

Conforming Lot & Structure



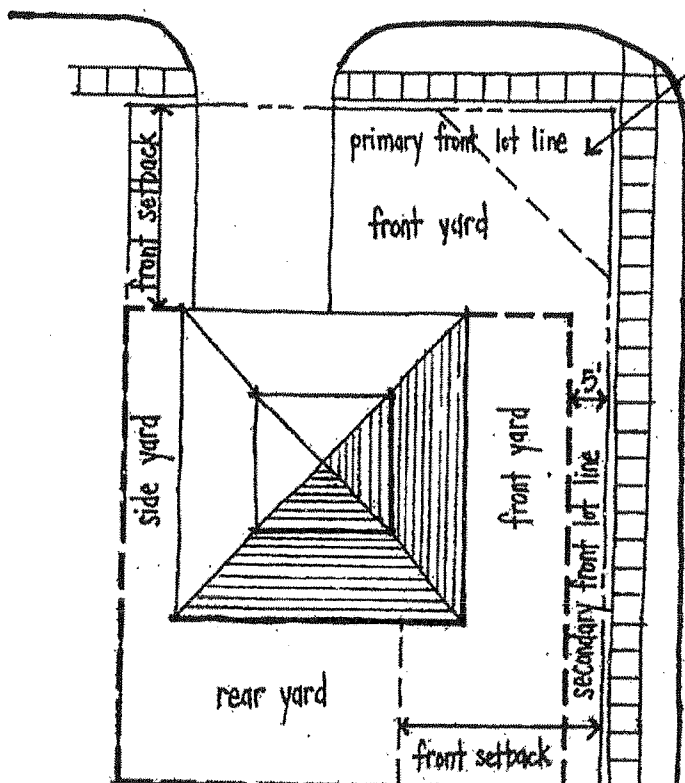
Local Street

Conforming L



Local Street

Arterial or Collector Road



visual clearance triangle (typical)

Arterial or Collector Road

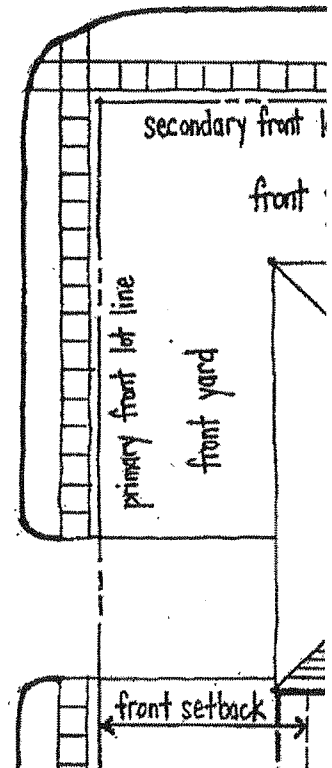


figure16A

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

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

Case Cost Sheet Log

Case No. 15-937

Name	Activity	Activity_Date	Status	Cost
Corrine A. Baker	Mailing Notice of Violation/Notice of Hearing to 1206 Isthmus Drive, Port Orange, FL 32127	06/16/2015	Certified Mail Returned to City Clerk's Office marked "Undeliverable as Addressed".	\$6.95
Corrine A. Baker	Mailing Finding of Fact/Conclusion of Law & Order to 1206 Isthmus Drive, Port Orange, FL 32127	07/22/2015		\$7.21
Clerk of Court	Recording Fee - Finding of Fact/Conclusion of Law & Order	07/22/2015		\$27.00

Total: \$41.16



NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 15-937

To: Corrine A. Baker
1206 Isthmus Dr.,
Port Orange, FL 32127

Re: 1206 Isthmus Dr.,
Port Orange, FL 32127
Parcel ID: 6314-06-00-0120

LEGAL DESCRIPTION: LOT 12 HARBOR POINT PHASE III MB 35 PG 49 PER OR 4101 PG 1203-1204
Volusia County Public Records, Volusia County, FL

An inspection of the premises on 19th day of May, 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), (f) (Garbage, waste, trash, etc., prohibited) of the City of Port Orange Code of Ordinances.

I observed that there are several old wet newspapers, pennysavers in the yard and on the driveway. Also there are several paint cans and a bucket stored on the driveway in front of the garage door. I left a three day notice to clean up all of the old newspapers and to properly store or dispose of the old paint cans and bucket. A reinspection on June 8, 2015 shows the yard is being mowed and maintained but the paint cans are still stored in front of the garage and there are wet papers on the driveway and in the front yard which is a violation of garbage trash and debris.

Attachments:

☒ Copy of code

☒ Copy of Deed

☒ Copy of Tax Roll

This correspondence will serve as official notification that the above stated violation must be corrected by the **25th day of June, 2015.**

Failure to comply after this date may result in the commencement of appropriate code enforcement action and/or possible fine of up to \$1,000.00 per day for a first violation, \$5,000.00 per day per violation for a repeat violation, and up to \$15,000.00 per violation if the Code Enforcement Board or a Code Enforcement Special Magistrate finds the violation to be irreparable or irreversible in nature. If the violation is corrected and then recurs, or if the violation is not corrected by the specified time for correction by the Code Compliance Inspector, the case shall be presented the Special Magistrate on the date set forth below, even if the violation has been corrected prior to this scheduled hearing. The burden shall rest upon the Respondent to request a re-inspection by the Code Compliance Inspector to determine whether the property is in compliance.

NOTICE OF HEARING AS TO VIOLATIONS ALLEGED

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

Pursuant to *Chapter 2, Article V, Code of Ordinances and Section 162.06, Florida Statutes*, you are hereby called upon to take notice that a PUBLIC HEARING will be conducted in the above-styled cause by the Special Magistrate the **22nd day of July, 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 \$ 6.95 as indicated on the cost sheet submitted into evidence. The respondent will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion.

NOTICE OF HEARING SETTING FINE AND LIEN

In the event the Special Magistrate, during the hearing on the **22nd day of July, 2015** enters a Final Order finding a violation as alleged, pursuant to Chapter 7, Code of Ordinances, City of Port Orange, Florida, you are hereby called upon to take notice that a 2nd PUBLIC HEARING will be conducted in the above-styled cause by the Code Enforcement Special Magistrate on the **26th day of August, 2015, at 9:00 a.m.**, or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The Code Enforcement Special Magistrate will consider setting fine lien on the above referenced case at said PUBLIC HEARING. Please govern yourself accordingly. For further information regarding this matter, you may contact the undersigned Code Compliance Officer at (386) 506- 5641.

DATED this 11th day of June, 2015.

CITY OF PORT ORANGE, FLORIDA

By: Deborah Faircloth
DEBORAH FAIRCLOTH, Code Enforcement Inspector

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Corrine A. Baker, 1206 Isthmus Dr., Port Orange, FL 32127, was

☐ Hand-delivered

☒ Posted at the property

Time: 2:45 pm

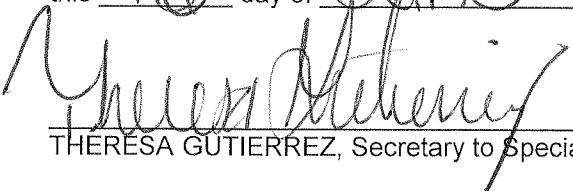
this 11th day of June, 2015.

Deborah Faircloth
DEBORAH FAIRCLOTH, Code Enforcement Inspector

I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Corrine A. Baker, 1206 Isthmus Dr., Port Orange, FL 32127, was

Posted at City Hall
Sent via certified

this 16 day of JUNE, 2015.


THERESA GUTIERREZ, Secretary to Special Magistrate

RIGHT TO APPEAL

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

ACCOMMODATIONS

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

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

FOOTNOTE(S):

--- (2) ---

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

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

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

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

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

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

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

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

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

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

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

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

03/18/2005 03:31 PM
Doc stamps 1190.00
(Transfer Amt \$ 170000)
Instrument# 2005-069687 # 1
Book: 5514
Page: 461
Diane M. Matousek
Volusia County, Clerk of Court

Prepared By and Return To:
Margaret M. Patchett
Waterside Title Co.
640 Dunlawton Avenue
Port Orange, FL 32127

Parcel ID Number: 6314-06-00-0120

Grantee #1 TIN:

Grantee #2 TIN:

Warranty Deed

This Indenture, Made this 15th day of March, 2005 A.D., Between
Genevieve F. Brinker a/k/a Florence G. Brinker, an unmarried widow

of the County of _____, State of Georgia, grantor, and
Gary Kern

whose address is: 1226 Island Ct, Port Orange, FL 32127

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

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

Lot 21, HARBOR POINT PHASE III, according to the plat thereof,
recorded in Map Book 35, Page(s) 48 and 49 of the Public Records of
Volusia County, Florida.

Subject to restrictions, reservations and easements of record, if any,
and taxes subsequent to 2005.

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

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

Signed, sealed and delivered in our presence:

SARAH BROWN
Printed Name: SARAH BROWN

Witness Richard J. Brinker
RICHARD J. BRINKER

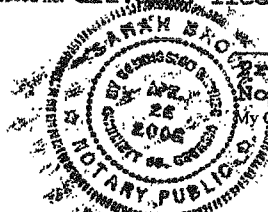
Sharon Subjballi
Printed Name: SHARON SUBJBALLI
Witness

Genevieve F. Brinker (Seal)
Genevieve F. Brinker a/k/a Florence
G. Brinker
P.O. Address: 3440 Northgate Lane, Duluth, GA 30096

STATE OF Georgia
COUNTY OF Duval

The foregoing instrument was acknowledged before me this 15th day of March, 2005 by
Genevieve F. Brinker a/k/a Florence G. Brinker, an unmarried widow

she is personally known to me or she has produced her driver's license as identification



SARAH BROWN
Printed Name: Sarah Brown
Notary Public
My Commission Expires: April 26, 2008



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: 06-02-2015 Today's Date: 6-8-2015		Volusia County Property Appraiser's Office Property Record Card (PRC) Morgan B. Gilreath Jr., M.A., A.S.A., C.F.A. Property Appraiser			
Full Parcel ID Short Parcel ID		14-16-33-06-00-0120 6314-06-00-0120		Mill Group 402 Port Orange	
Alternate Key		3632397		2014 Final Millage Rate 21.15960	
Parcel Status		Active Parcel		PC Code 01	
Date Created		31 DEC 1981			
Owner Name		BAKER CORINNE A		GO TO ADD'L OWNERS	
Owner Name/Address 1					
Owner Address 2		1206 ISTHMUS DR			
Owner Address 3		PORT ORANGE FL			
Owner Zip Code		321275610			
Owner Percentage		100		Ownership Type	
Location Address		1206 ISTHMUS DR PORT ORANGE 32127			

LEGAL DESCRIPTION

LOT 12 HARBOR POINT PHASE III MB 35 PG 49 PER OR 4101 PG

1203-1204

SALES HISTORY

#	BOOK	PAGE	DATE	INSTRUMENT	QUALIFICATION	IMPROVED?	SALE PRICE
1	4101	1203	4/1996	Warranty Deed	Qualified Sale	Yes	63,900
2	2079	0901	5/1979	Warranty Deed	Qualified Sale	Yes	39,800

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	16,218	63,037	0	79,255	79,255	79,255	79,255	0	79,255	79,255	0	79,255
2013	14,102	52,193	0	66,295	66,295	66,295	66,295	25,500	40,795	40,795	16,295	24,500

LAND DATA

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

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner,

vs.

CASE NO: 15-937

Corrine A. Baker
1206 Isthmus Dr.
Port Orange, FL 32127
6314-06-00-0120,

Respondent.

Property Address: 1206 Isthmus Drive, Port Orange, FL 32127
Parcel ID: 6314-06-00-0120

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 1206 Isthmus Drive, Port Orange, Florida 32127, is owned by Corrine A. Baker.
4. That 1206 Isthmus Drive, Port Orange, Florida 32127 is the location where the alleged code violation is or was occurring.

5. That I posted a Notice of Violation and Request for Hearing on the property at 27 Cedar Street, Port Orange, Florida 32127, at 3:00 p.m. on the 11th day of June, 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 12th day of June, 2015.

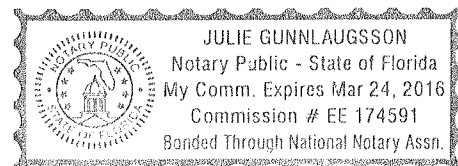

Deborah Faircloth
Code Compliance Inspector

**STATE OF FLORIDA
COUNTY OF VOLUSIA**

The foregoing instrument was sworn to before me on the 12th day of June, 2015, by Deborah Faircloth, who is personally known to me.


Notary Public, State of Florida

Commission No. _____



Case Cost Sheet Log

Case No. 15-942

Name	Activity	Activity_Date	Status	Cost
Bonnie L. Smola	Mailing Notice of Violation/Notice of Hearing to 320 Ft. Duquesne Blvd., 19G, Pittsburgh, PA 15222	06/16/2015	Certified Green Card signed on June 20, 2015 and returned to the City Clerk's Office.	\$6.95
Bonnie L. Smola	Mailing Finding of Fact/Conclusion of Law & Order to 320 Ft. Duquesne Blvd., 19G, Pittsburgh, PA 15222	07/22/2015		\$7.21
Clerk of Court	Recording Fee - Finding of Fact/Conclusion of Law & Order	07/22/2015		\$27.00

Total: \$41.16



NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 15-942

To: Bonnie L. Smola
320 Ft. Duquesne Blvd., 19G,
Pittsburgh, PA 15222

Re: 27 Cedar St.,
Port Orange, FL 32127
Parcel ID: 6314-03-07-0140

LEGAL DESCRIPTION: LOT 14 & N 10 FT OF LOT 15 BLK 7 HARBOR OAKS UNIT 1 PER OR 4 714 PG 2326 PER OR 5991
PG 3617

Volusia County Public Records, Volusia County, FL

An inspection of the premises on 21th day of May, 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 general-duty of owner), (d) (Maintenance of improved residential lots), (f) (Garbage, waste, trash, etc., prohibited) and (h) (Abutting property owner maintenance of parkages) of the City of Port Orange Code of Ordinances.

On May 21, 2015, I observed this vacant lot is overgrown and needs to be mowed and maintained. Property owner research states the lot belongs to Bonnie L. Smola, 320 Ft. Duquesne Blvd., 19G, Pittsburgh, PA 15222. Attempts to reach Ms. Smola by phone have been unsuccessful. A reinspection on June 8, 2015 shows the lot to still be overgrown.

Attachments:

☒ Copy of code

☒ Copy of Deed

☒ Copy of Tax Roll

This correspondence will serve as official notification that the above stated violation
must be corrected by the **25th day of June, 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 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 VIOLATIONS ALLEGED

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

Pursuant to *Chapter 2, Article V, Code of Ordinances and Section 162.06, Florida Statutes*, you are hereby called upon to take notice that a PUBLIC HEARING will be conducted in the above-styled cause by the Special Magistrate the **22nd day of July, 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 **\$6.95** as indicated on the cost sheet submitted into evidence. The respondent will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion.

NOTICE OF HEARING SETTING FINE AND LIEN

In the event the Special Magistrate, during the hearing on the **22nd day of July, 2015** enters a Final Order finding a violation as alleged, pursuant to Chapter 7, Code of Ordinances, City of Port Orange, Florida, you are hereby called upon to take notice that a 2nd PUBLIC HEARING will be conducted in the above-styled cause by the Code Enforcement Special Magistrate on the **26th day of August, 2015, at 9:00 a.m.**, or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The Code Enforcement Special Magistrate will consider setting fine lien on the above referenced case at said PUBLIC HEARING. Please govern yourself accordingly. For further information regarding this matter, you may contact the undersigned Code Compliance Officer at (386) 506- 5641.

DATED this 11th day of June, 2015.

CITY OF PORT ORANGE, FLORIDA

By:

Deborah Faircloth
DEBORAH FAIRCLOTH, Code Enforcement Inspector

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Bonnie L. Smola, 320 Ft. Duquesne Blvd., 19G, Pittsburgh, PA 15222, was

☐ Hand-delivered

☒ Posted at the property (27 Cedar St., Port Orange, FL 32127)

Time: 3:00 pm

this 11th day of June, 2015.

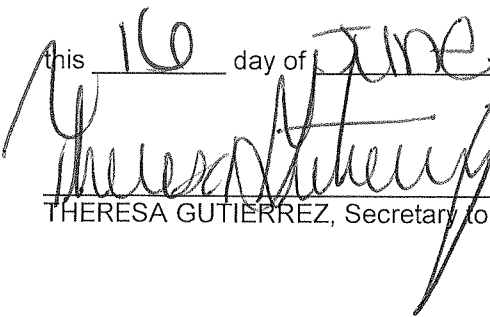
Deborah Faircloth
DEBORAH FAIRCLOTH, Code Enforcement Inspector

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☒ Posted at City Hall

☒ Sent via certified

this 16 day of JUNE, 2015.


THERESA GUTIERREZ, Secretary to Special Magistrate

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

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(e)

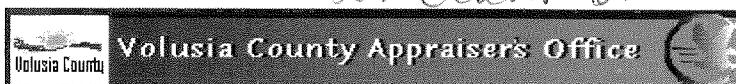
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(Code 1981, § 10-1; Ord. No. 1994-5, § 1, 3-15-94)

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- (b) If compliance is not had, the city may then cause compliance at the expense of the property owner whose property is in violation or abutting property owner when the abutting package is in violation.
- (c) A lien shall be imposed on the property in violation, or abutting property in the case of a failure to maintain package, for the costs incurred by the city in bringing the property or package into compliance with section 42-26, plus administrative costs related thereto.

#15-942
27 Cedar St.

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Last Updated: 05-19-2015 Today's Date: 5-22-2015	Volusia County Property Appraiser's Office <u>Property Record Card (PRC)</u> Morgan B. Gilreath Jr., M.A., A.S.A., C.F.A. Property Appraiser		
Full Parcel ID Short Parcel ID	14-16-33-03-07-0140 6314-03-07-0140	Mill Group	402 Port Orange
Alternate Key	3630769	2014 Final Millage Rate	21.15960
Parcel Status	Active Parcel	PC Code	00
Date Created	31 DEC 1981		
Owner Name	SMOLA BONNIE L		GO TO ADD'L OWNERS
Owner Name/Address 1			
Owner Address 2	320 FT DUQUESNE BLVD 19G		
Owner Address 3	PITTSBURGH PA		
Owner Zip Code	15222		
Owner Percentage	100	Ownership Type	
Location Address	CEDAR ST PORT ORANGE 32127		

LEGAL DESCRIPTION

LOT 14 & N 10 FT OF LOT 15 BLK 7 HARBOR OAKS UNIT 1 PER OR 4

714 PG 2326 PER OR 5991 PG 3617

SALES HISTORY

#	BOOK	PAGE	DATE	INSTRUMENT	QUALIFICATION	IMPROVED?	SALE PRICE
1	5991	3617	1/2007	Quit Claim Deed	Unqualified Sale	No	100
2	4714	2326	7/2001	Warranty Deed	Qualified Sale	No	24,900
3	1249	0509	12/1970	Warranty Deed	Qualified Sale	No	1,000

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	13,532	0	0	13,532	13,532	13,532	12,944	0	13,532	13,532	0	12,944
2013	11,767	0	0	11,767	11,767	11,767	11,767	0	11,767	11,767	0	11,767

Return to: (enclose self-addressed stamped envelope)

Name:

BONNIE L. SMOLA

Address:

320 FT. DUQUESNE BLVD.
PITTSBURGH, PA. 15222

This Instrument Prepared by:

Name:

ALBERT W. SMOLA

Address:

31 CEDAR ST
PORT ORANGE, FL 32127

Property Appraisers Parcel Identification

Folio Number(s): 4314-03-07-0140

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

163-54-7207

01/18/2007 11:57 AM

Doc stamps .70

(Transfer Amt \$ 10)

Instrument# 2007-012823 # 1

Book: 5991

Page: 3617

Diane M. Matousek

Volusia County, Clerk of Court

SPACE ABOVE THIS LINE FOR PROCESSING DATA

SPACE ABOVE THIS LINE FOR RECORDING DATA

This Quit Claim Deed, Executed the 16th day of JANUARY 2007, by ALBERT W. SMOLA,
first party, to BONNIE L. SMOLA,
whose post office address is 320 FT. DUQUESNE BLVD. PGH. PA. 15222,
second party.

(Wherever used herein the terms "first party" and "second party" include all the parties to this instrument and the heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, wherever the context so admits or requires.)

Witnesseth, That the first party, for and in consideration of the sum of \$ 0,
in hand paid by the said second party, the receipt whereof is hereby acknowledged, does hereby remise, release,
and quit claim unto the second party forever, all the right, title, interest, claim and demand which the said first
party has in and to the following described lot, piece or parcel of land, situate, lying and being in the County of
VOLUSIA, State of FLORIDA, to-wit:

LOT 14 AND THE NORTH 10 FEET OF LOT 15, BLOCK 7, HARBOR OAKS
UNIT NO. 1, ACCORDING TO THE PLAT THEREOF AS RECORDED IN
MAP BOOK 10, PAGES 145 & 146, PUBLIC RECORDS OF VOLUSIA
COUNTY, FLORIDA

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
first party, either in law or equity to the only proper use, benefit and behoof of the said second party forever.

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

Signed, sealed and delivered in the presence of:

Sherry Dupert

Witness Signature (as to first Grantor)

Sherry Dupert

Printed Name

Katherine M. Taves

Witness Signature (as to first Grantor)

Katherine M. Taves

Printed Name

Witness Signature (as to Co-Grantor, if any)

Printed Name

Witness Signature (as to Co-Grantor, if any)

Albert W. Smola

Grantor Signature

ALBERT W. SMOLA

Printed Name

31 CEDAR ST PORT ORANGE, FL

Post Office Address

Co-Grantor Signature, (if any)

Printed Name

Post Office Address

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner,

vs.

CASE NO: 15-942

Bonnie L. Smola
320 Ft. Duquesne Blvd., 19 G
Pittsburgh, PA 15222,

Respondent.

Property Address: 27 Cedar St., Port Orange, FL 32127
Parcel ID: 6314-03-07-0140

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 27 Cedar Street, Port Orange, Florida 32127, is owned by Bonnie L. Smola.
4. That 27 Cedar 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 1206 Isthmus Drive, Port Orange, Florida 32127, at 2:45 p.m. on the 11th day of June, 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 12th day of June, 2015.

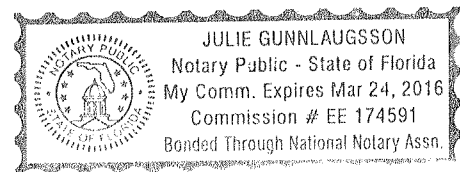

Deborah Faircloth
Code Compliance Inspector

**STATE OF FLORIDA
COUNTY OF VOLUSIA**

The foregoing instrument was sworn to before me on the 12th day of June, 2015, by Deborah Faircloth, who is personally known to me.


Notary Public, State of Florida

Commission No. _____

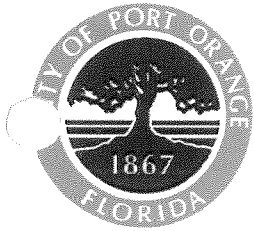


Case Cost Sheet Log

Case No. 15-801

Name	Activity	Activity_Date	Status	Cost
White Fawn, LLC C/o Yiz Gong (Registered Agent)	Mailing Notice of Violation/Notice of Hearing to 153 White Fawn Drive, Daytona Beach, FL 32114	06/18/2015	Certified Green Card Signed and Returned to City Clerk's Office	\$6.95
White Fawn, LLC C/o Yiz Gong (Registered Agent)	Mailing Finding of Fact/Conclusion of Law & Order to 153 White Fawn Drive, Daytona Beach, FL 32114	07/22/2015		\$7.21
Clerk of Court	Recording Fee - Finding of Fact/Conclusion of Law & Order	07/22/2015		\$27.00

Total: \$41.16



**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 15-801

To: White Fawn LLC
c/o Yiz Gong, Registered Agent
153 White Fawn Drive
Daytona Beach, FL 32114

Re: 5596 S. Lancewood Circle
Port Orange, FL 32127
Parcel ID: 6340-03-06-0550

LEGAL DESCRIPTION: LOT 55 BLK F BAYWOOD REPLAT MB 23 PGS 44-45 INC PER OR 2502 PG 1359 PER OR 7100
PGS 0612-0614 INC

Volusia County Public Records
Volusia County, FL

An inspection of the premises on May 5, 2015, indicates that certain violation(s) of the City of Port Orange Code exists. Briefly stated, the property is in violation of the following:

2010 Florida Building Code, Chapter 1, Section 105 Permits, 105.1 Required as adopted by the City of Port Orange Land Development Code, Chapter 1. Simply stated, a Building Permit is required 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 impact resistant coverings, electrical, gas, mechanical or plumbing system, the installation of which is regulated by the code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.

An anonymous complaint was reported that a new water heater, air conditioner, siding, front door, and miscellaneous work was done on this home without the proper permits. An inspection of the premises on May 5, 2015 indicated that a new door has been installed, siding installed in areas, the front porch mostly removed, and an old water heater was at the curb for pickup. I could not verify the new air conditioner or other interior work. I left a notice on the door to apply for the proper building permits within 10 days and placed a Stop Work order on the property. A phone call from a representative of this property after receiving the Stop Work order did not go well as cooperation was met with resistance. On May 28, 2015, an inspection of the property shows that it appears someone is living at the house. The porch has not been replaced. A plumbing permit has been applied for to cover the water heater but has not been issued and has been placed on hold due to the contractor's concerns and actions by individuals trying to obtain the permit in City Hall. As of June 15, 2015, no permit has been applied for the new door and the plumbing permit is still on hold. There is a penalty associated with both permits.

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 **July 6, 2015**, by having a licensed contractor apply for and receive all required permits associated with this property.

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

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

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

NOTICE OF HEARING AS TO VIOLATION(S) ALLEGED

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

Pursuant to Chapter 2, Article V, Code of Ordinances and Section 162.06, Florida Statutes, you are hereby called upon to take notice that a PUBLIC HEARING will be conducted in the above-styled cause by the **Special Magistrate July 22, 2015 at 9:00 a.m.**, or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The **Special Magistrate** will receive testimony and evidence at said PUBLIC HEARING and shall make such findings of facts and conclusions of law as supported by the testimony and evidence pertaining to the matter alleged below, and shall issue a Final Order affording the proper relief. A certified copy of the Final Order may be recorded in the public records of the county and shall constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property, and the findings therein shall be binding upon the violator and, if the violation concerns real property, upon any subsequent purchasers, successors in interest, or assigns. If you fail to appear at the Hearing, the **Special Magistrate** may base any findings solely on the testimony and evidence presented by the Code Enforcement Inspector. Please govern yourself accordingly.

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

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 \$ 6.95 as indicated on the cost sheet submitted into evidence. The respondent will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion.

NOTICE OF HEARING SETTING FINE AND LIEN

In the event the **Special Magistrate**, during the hearing on **July 22, 2015**, enters a Final Order finding a violation as alleged, pursuant to Chapter 7, Code of Ordinances, City of Port Orange, Florida, you are hereby called upon to take notice that a 2nd PUBLIC HEARING will be conducted in the above-styled cause by the Code Enforcement Special Magistrate on **August 26, 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 15th day of June, 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 Yiz Gong, Registered Agent, 153 White Fawn Drive, Daytona Beach, FL 32114, was

☐ Hand-delivered

☒ Posted at the property (5596 S. Lancewood Circle, Port Orange, FL)

Time: approx. 3:15 pm

this 15th day of June, 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 Yiz Gong, Registered Agent, 153 White Fawn Drive, Daytona Beach, FL 32114, Port Orange, FL 32127, was

☒ Posted at City Hall

☒ Sent via certified

this 18 day of June, 2015.

Theresa Gutierrez

Theresa Gutierrez, Secretary to the
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: 06-02-2015 Today's Date: 6-5-2015		Volusia County Property Appraiser's Office Property Record Card (PRC) Morgan B. Gilreath Jr., M.A., A.S.A., C.F.A. Property Appraiser			
Full Parcel ID	40-16-33-03-06-0550	Mill Group	402 Port Orange		
Short Parcel ID	6340-03-06-0550				
Alternate Key	3691229	2014 Final Millage Rate	21.15960		
Parcel Status	Active Parcel	PC Code	01		
Date Created	31 DEC 1981				
Owner Name	WHITE FAWN LLC		GO TO ADD'L OWNERS		
Owner Name/Address 1					
Owner Address 2	10 GLORIA CIR				
Owner Address 3	BURLINGTON MA				
Owner Zip Code	01803				
Owner Percentage	100	Ownership Type	Fee Simple		
Location Address	5596 S LANCEWOOD CIR PORT ORANGE 32127				

LEGAL DESCRIPTION

LOT 55 BLK F BAYWOOD REPLAT MB 23 PGS 44-45 INC PER OR 2502

PG 1359 PER OR 7100 PGS 0612-0614 INC

SALES HISTORY

#	BOOK	PAGE	DATE	INSTRUMENT	QUALIFICATION	IMPROVED?	SALE PRICE
1	7100	0612	4/2015	Tax Deed	Unqualified Sale	Yes	50,600
2	2502	1359	10/1983	Warranty Deed	Qualified Sale	No	9,000

HISTORY OF VALUES

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

LAND DATA

CODE	TYPE OF LAND USE	FRONTAGE	DEPTH	# OF UNITS	UNIT TYPE	RATE	DPH	LOC	SHP	PHY	JUST VAL
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**FLORIDA DEPARTMENT OF STATE
DIVISION OF CORPORATIONS****Detail by Entity Name****Florida Limited Liability Company**

WHITE FAWN LLC

Filing Information

Document Number	L13000003885
FE/EIN Number	N/A
Date Filed	01/08/2013
State	FL
Status	ACTIVE

Principal Address10 GLORIA CIRCLE
BURLINGTON, MA 01803**Mailing Address**10 GLORIA CIRCLE
BURLINGTON, MA 01803**Registered Agent Name & Address**GONG, YIZ
153 WHITE FAWN DRIVE
DAYTONA BEACH, FL 32114**Authorized Person(s) Detail****Name & Address**

Title MGRM

GONG, YIZ
10 GLORIA CIRCLE
BURLINGTON, MA 01803**Annual Reports**

Report Year	Filed Date
2014	01/22/2014
2015	02/24/2015

Document Images[02/24/2015 -- ANNUAL REPORT](#)[View image in PDF format](#)

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. Alternative designs and technologies for providing access to and usability of a facility for persons with disabilities shall be in accordance with provisions of the *Florida Building Code, Accessibility*.

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 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. An annual facility permit shall be assessed with 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 Section 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:

Gas:

1. Portable heating appliance.
2. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.

Mechanical:

1. Portable heating appliance.
2. Portable ventilation equipment.
3. Portable cooling unit.
4. Steam, hot or chilled water piping within any heating or cooling equipment regulated by this code.
5. Replacement of any part that does not alter its approval or make it unsafe.
6. Portable evaporative cooler.
7. Self-contained refrigeration system containing 10 pounds (5 kg) or less of refrigerant and actuated by motors of 1 horsepower (746 W) or less.
8. The installation, replacement, removal or metering of any load management control device.

Plumbing:

1. The stopping of leaks in drains, water, soil, waste or vent pipe, provided, however, that if any concealed trap, drain pipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a *permit* shall be obtained and inspection made as provided in this code.
2. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.

105.2.1 Emergency repairs. Where equipment replacements and repairs must be performed in an emergency situation, the *permit* application shall be submitted within the next working business day to the *building official*.

105.2.2 Minor Repairs. Ordinary minor repairs may be made with the approval of the building official without a permit, provided the repairs do not include the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or load-bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the egress requirements; additionally, ordinary minor repairs shall not include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring systems or mechanical equipment or other work affecting public health or general safety, and such repairs shall not violate any of the provisions of the technical codes.

105.2.3 Public service agencies. Reserved.

105.3 Application for permit. To obtain a permit, the applicant shall first file an application therefor in writing on a form furnished by the building department for that purpose. Permit application forms shall be in the format prescribed by a local administrative board, if applicable, and must comply with the requirements of Section 713.135(5) and (6), *Florida Statutes*.

04/01/2015 08:27 AM
Doc stamps 354.20
(Transfer Amt \$ 50600)
Instrument# 2015-057045 # 1
Book: 7100
Page: 612

DR-506

Tax Deed File No. 15425-12

Property Identification No. [REDACTED]

TAX DEED

State of Florida
County of Volusia

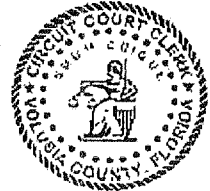
The following Tax Sale Certificate Numbered 15425-12 issued on 06/01/2012 was filed in the office of the tax collector of this County and application made for the issuance of the tax deed, the applicant having paid or redeemed all other taxes or tax sale certificates on the land described as required 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 03/31/2015, offered for sale as required by law for cash to the highest bidder and was sold to WHITE FAWN LLC whose address is 10 GLORIA CIRCLE BURLINGTON, MA 01803 being the highest bidder and having paid the sum of their bid as required by the Laws of Florida.

On this 1ST day of APRIL, 2015, in the County of Volusia, State of Florida, in consideration of the sum of (\$50,600.00) Fifty Thousand Six 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 55 BLK F BAYWOOD REPLAT MB 23 PGS 44 & 45 PER OR 2502 PG 1359

Diane M. Matousek
Clerk of the Circuit Court of Volusia County

By: Lori Diggs
LORI DIGGS, Deputy Clerk
Volusia County, Florida



Witness:

Bonnie Clark
BONNIE CLARK

Allison V Mitchell
ALLISON V MITCHELL

STATE OF FLORIDA
COUNTY OF VOLUSIA

On this 1ST day of APRIL, 2015 before me AMANDA EARNEST personally appeared LORI DIGGS 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.

Amanda Earnest
Amanda Earnest



AMANDA EARNEST
MY COMMISSION # FF 186242
EXPIRES: December 29, 2018
Bonded Thru Budget Notary Services

STATE OF FLORIDA
COUNTY OF VOLUSIA

CERTIFICATE NO. 15425-12

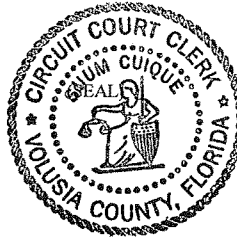
CERTIFICATE OF MAILING

I, DIANE M MATOUSEK, Clerk of the Circuit Court in and for the State and County aforesaid, do hereby certify that on 6TH of FEBRUARY AD, 2015, I mailed a copy of the attached Notice of Application for Tax Deed, addressed to:

TOMMY CHESSER at 5596 S LANCEWOOD CIR, PORT ORANGE, FL 32127,
LYNN CHESSER at 5596 S LANCEWOOD CIR, PORT ORANGE, FL 32127,
TOMMY CHESSER at 5604 LANCEWOOD CIRCLE SOUTH, HARBOR OAKS, FL 32127-6310,
LYNN CHESSER at 5604 LANCEWOOD CIRCLE SOUTH, HARBOR OAKS, FL 32127-6310,
* TOMMY CHESSER at 105 RAINS DRIVE, PONCE INLET, FL 32127,
* LYNN CHESSER at 105 RAINS DRIVE, PONCE INLET, FL 32127,
CLERK OF COURT at MISDEMEANOR DEPT 95-34989MMAES, PO BOX 6043, DELAND FL 32721-6043
BANK OF AMERICA NA at 100 NORTH TRYON STREET, CHARLOTTE, NC 28255,
CLERK OF COURT at MISDEMEANOR DEPT 98-51438MMAES, PO BOX 6043, DELAND FL 32721-6043

Witness my hand and official seal this 6TH of FEBRUARY, 2015.

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: Amanda Earnest
AMANDA EARNEST, Deputy Clerk

VOLUSIA REVIEW

Published Weekly
Daytona Beach, Volusia County, Florida

State of Florida,
County of Volusia

Before the undersigned authority personally appeared

Cynthia Anderson

who, on oath says that she is

LEGAL COORDINATOR

of the Volusia Review, a weekly newspaper, published at Daytona Beach, in Volusia County, Florida; that the attached copy of advertisement, being a

NOTICE OF APPLICATION FOR TAX DEEDS
15425-12

VR 2117830

in the Circuit Court, was published in said newspaper in the issues.

FEBRUARY 16, 23, MARCH 2, 9, 2015

Affiant further says that the Volusia Review is a newspaper published in said Volusia County, Florida, and that the said newspaper has heretofore been continuously published in said Volusia County, Florida once a week or oftener and has been entered as second-class mail matter at the post office in said Volusia County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he 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

Sworn to and subscribed before me

This 9th of MARCH A.D. 2015

Cynthia E. Maley

49D

CYNTHIA E. MALEY
MY COMMISSION #EE878470
EXPIRES: FEB 26, 2017
Bonded through 1st State Insurance

LEGAL ADVERTISEMENT

NOTICE OF APPLICATION
FOR TAX DEED

NOTICE IS HEREBY GIVEN, that PALM TREE TAX 2 PALM TREE TAX LLC CAPITAL ONE NA AS COLLATERAL ASSIGNEE the holder of the following tax deed filed and recorded in the public record to be issued thereon. The certificate number and year of issuance, the description of the property, and the names in which it was assessed are as follows:

Certificate No. 15425-12

Year of Issuance JUNE 1, 2012

Description of Property 46346 03

Parcel ID 5596 S LANCEWOOD

REPLAT MB 23 PGS 44 & 45 PER OR

2502 PG 1389

Name in which assessed TOMMY &

LYNN CHESSER

Said property being in the County of

VOLUSIA, State of Florida.

Unless such certificate shall be re-

deemed according to law the property

described in such certificate shall be sold

at public sale on the 31ST day of

MARCH, 2015 at 9:00

O'CLOCK A.M.

Dated this 8TH day of FEBRUARY, 2015.

DIANE M. MATOUSEK

Clerk of the Circuit Court

of Volusia County

By: /s/AMANDA EARNEST

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 provi-

sion of certain assistance. Please contact

Human Resources at 101 N. Alabama

Avenue, Deland, FL 32724, (386) 822-

2743, TDD (7) working hours or call

711. If you are hearing or voice

impaired call 711.

VR2117830, Feb. 16, 23, Mar. 2, 9, 2015 41

STATE OF FLORIDA
COUNTY OF VOLUSIA

CERTIFICATE NO. 15425-12

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 6TH of FEBRUARY AD, 2015, I mailed a copy of the attached Notice of Application for Tax Deed, addressed to:

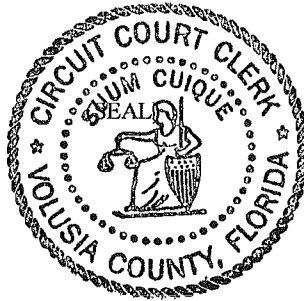
CITY OF PORT ORANGE at UTILITY SERVICES, 1000 CITY CENTER CIRCLE, PORT ORANGE
FL 32129

CITY OF PORT ORANGE at CODE ENFORCEMENT, 1000 CITY CENTER CIRCLE, PORT
ORANGE FL 32129

LORI A CHESSE at 5596 LANCEWOOD CIR S, PORT ORANGE FL 32127.

Witness my hand and official seal this 6TH of FEBRUARY, 2015.

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: Amanda Earnest
AMANDA EARNEST, Deputy Clerk

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner,

vs.

CASE NO: 15-801

**White Fawn LLC
c/o Yiz Gong, Registered Agent
153 White Fawn Drive
Daytona Beach, FL 32114,**

Respondent.

Property Address: 5596 S. Lancewood Circle, Port Orange, FL 32127
Parcel ID: 6340-03-06-0550

**AFFIDAVIT OF PROPERTY POSTING
NOTICE OF VIOLATION AND
NOTICE FOR HEARINGS**

**STATE OF FLORIDA
COUNTY OF VOLUSIA**

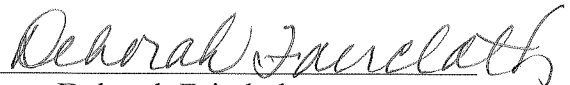
BEFORE ME, the undersigned authority, personally appeared Deborah Faircloth, Code Compliance Inspector, City of Port Orange, Florida, who after being duly sworn, deposes and says:

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 5596 S. Lancewood Circle, Port Orange, Florida 32127, is owned by White Fawn LLC.
4. That 5596 S. Lancewood Circle, 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 5596 S. Lancewood Circle, Port Orange, Florida 32127, at 3:15 p.m. on the 15th day of June, 2015, as required by Florida Statute Section 162.12(2)(b)(1). A copy of the Notice and Request is attached hereto and made a part hereof.

FURTHER AFFIANT SAYETH NOT.

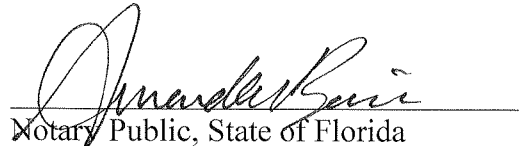
DATED this 16th day of June, 2015.



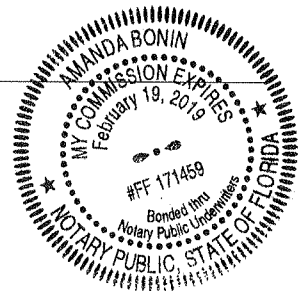
Deborah Faircloth
Code Compliance Inspector

**STATE OF FLORIDA
COUNTY OF VOLUSIA**

The foregoing instrument was sworn to before me on the 16th day of June, 2015, by Deborah Faircloth, who is personally known to me.


Notary Public, State of Florida

Commission No. _____

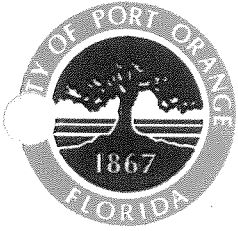


Case Cost Sheet Log

Case No. 15-927

Name	Activity	Activity_Date	Status	Cost
Donald L. Bailey	Mailing Notice of Violation/Notice of Hearing to 5035 Palmetto Street, Port Orange, FL 32127	07/19/2015	Certified Mail Returned to the City Clerk's Office marked Notice Left (No Authorized Recipient Available).	\$6.95
Donald L. Bailey	Mailing Finding of Fact/Conclusion of Law & Order to 5035 Palmetto Street, Port Orange, FL 32127	07/22/2015		\$7.21
Clerk of Court	Recording Fee - Finding of Fact/Conclusion of Law & Order	07/22/2015		\$27.00

Total: \$41.16



**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 15-927

To:
Donald L. Bailey
5035 Palmetto St.
Port Orange, FL 32127

Re: 5035 Palmetto St.
Port Orange, FL 32127
Parcel ID: 6310-12-01-0210
LEGAL DESCRIPTION: LOT 21 BLK 1 NORWOOD SUB MB 5 PG 1 PER OR 4181 PG 3814

Volusia County Public Records
Volusia County, FL

An inspection of the premises on May 20, 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) as pertains to high weeds & grass, garbage and debris, and maintenance of parkage.

City of Port Orange Code of Ordinances, Chapter 42 Article II, Section 42-32 as pertains to outside storage.

2015 International Property Maintenance Code, Chapter 3, Section 304 Exterior Structure, 304.7 Roofs and drainage, as pertains to roofs shall be sound, tight and no have defects that admit rain.

On May 20, 2015, I received a complaint from an adjacent property owner regarding what they believed to be an unsafe accessory structure, garbage, trash, junk, and debris, outside storage, and high weeds, grass, and undergrowth. I inspected the property on May 20, 2015, by viewing it from the adjacent property and noted the violations as described to me plus a hole in the roof of the main house. This property owner has been cited for the same violations previously (except the hole in house roof) and complied but has proceeded to violate the City ordinances again. An inspection from the adjacent property on June 8, 2015, with Chief Building Inspector Allan Tischler determined the accessory structure is not considered unsafe as it appears to be structurally sound. The overgrowth coming from this property on to the City right of way is impeding the line of sight along Palmetto Street. This overgrowth was previously cut back by the City approximately 3 years ago. A Notice of Violation/Notice of Hearings is warranted.

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 **July 10, 2015**.

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

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

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

NOTICE OF HEARING AS TO VIOLATION(S) ALLEGED

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

Pursuant to Chapter 2, Article V, Code of Ordinances and Section 162.06, Florida Statutes, you are hereby called upon to take notice that a PUBLIC HEARING will be conducted in the above-styled cause by the **Special Magistrate July 22, 2015, at 9:00 a.m.**, or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The **Special Magistrate** will receive testimony and evidence at said PUBLIC HEARING and shall make such findings of facts and conclusions of law as supported by the testimony and evidence pertaining to the matter alleged below, and shall issue a Final Order affording the proper relief. A certified copy of the Final Order may be recorded in the public records of the county and shall constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property, and the findings therein shall be binding upon the violator and, if the violation concerns real property, upon any subsequent purchasers, successors in interest, or assigns. If you fail to appear at the Hearing, the **Special Magistrate** may base any findings solely on the testimony and evidence presented by the Code Enforcement Inspector. Please govern yourself accordingly.

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

As per Chapter 2, Section 2-214, Code of Ordinances and Section 162.09(2)(d), Florida Statutes: "In addition to such fines, a code enforcement board or special magistrate may impose additional fines to cover all costs incurred by the local government in enforcing its codes and all costs of repairs." The costs incurred to date are \$ 6.95 as indicated on the cost sheet submitted into evidence. The respondent will be responsible for any additional costs incurred with follow-inspections and other costs associated with this case until its conclusion.

NOTICE OF HEARING SETTING FINE AND LIEN

In the event the **Special Magistrate**, during the hearing on **July 22, 2015**, enters a Final Order finding a violation as alleged, pursuant to Chapter 7, Code of Ordinances, City of Port Orange, Florida, you are hereby called upon to take notice that a 2nd PUBLIC HEARING will be conducted in the above-styled cause by the Code Enforcement Special Magistrate on **August 26, 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 18th day of June, 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 Donald L. Bailey, 5035 Palmetto St., Port Orange, FL 32127, was

☐ Hand-delivered

☒ Posted at the property

me: approx. 3:15 pm

this 18th day of June, 2015.

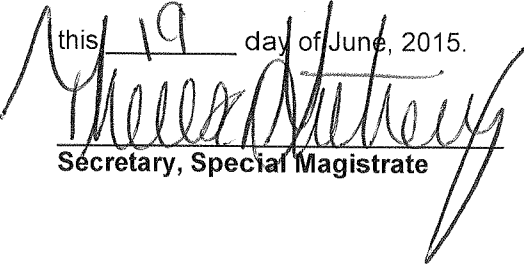
Deborah Faircloth
Deborah Faircloth

I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Donald L. Bailey, 5035 Palmetto St., Port Orange, FL 32127, was

☒ Posted at City Hall

☐ Sent via certified

this 19 day of June, 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.

#15-927



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: 06-02-2015 Today's Date: 6-3-2015		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 Short Parcel ID		10-16-33-12-01-0210 6310-12-01-0210		Mill Group 402 Port Orange	
Alternate Key		3615841		2014 Final Millage Rate 21.15960	
Parcel Status		Active Parcel		PC Code 01	
Date Created		31 DEC 1981			
Owner Name		BAILEY DONALD L		GO TO ADD'L OWNERS	
Owner Name/Address 1					
Owner Address 2		5035 PALMETTO ST			
Owner Address 3		PORT ORANGE FL			
Owner Zip Code		32127			
Owner Percentage		100		Ownership Type	
Location Address		5035 PALMETTO ST PORT ORANGE 32127			

LEGAL DESCRIPTION

LOT 21 BLK 1 NORWOOD SUB MB 5 PG 1 PER OR 4181 PG 3814

SALES HISTORY

#	BOOK	PAGE	DATE	INSTRUMENT	QUALIFICATION	IMPROVED?	SALE PRICE
1	4181	3814	2/1997	Quit Claim Deed	Unqualified Sale	Yes	1
2	4153	4895	11/1996	Certificate of Title	Unqualified Sale	Yes	100
3	3957	0240	10/1994	Warranty Deed	Qualified Sale	Yes	52,500

HISTORY OF VALUES

YEAR	LAND	BLDG (S)	MISC	JUST	ASD	SCH ASD	NS ASD	EXEMPT	TXBL	SCH TXBL	ADD'L EX	NS TXBL
2014	10,455	38,398	23,855	72,708	72,708	72,708	72,708	25,000	47,708	47,708	22,708	25,000
2013	9,091	51,440	0	60,531	57,818	57,818	57,818	25,000	32,818	32,818	7,818	25,000

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	50.0	85.0	50.00	FRONT FEET	300.01	91	100	100	100	13,637

Quit Claim Deed

Made this 28th day of February A.D. 19 97
by Don Whitfield and Donna Whitfield, his
wife

03/04/1997 15:47
Doc stamps 0.70
(Transfer Amt \$ 1)
Instrument # 97035669
Book: 4181
Page: 3814
Diane M. Matousek
Volusia County, Clerk of Court

hereinafter called the grantor, to
Donald L. Bailey

whose post office address is:

C/O P.O. Box 1401
ORMOND BEACH, FL 32175

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, does hereby remise, release, and quit claim unto the grantee forever, all the right, title, interest, claim and demand which the said grantor has in and to, all that certain land situate in Volusia County, Florida, viz:
Lot 21, Block 1, Norwood Subdivision, as per map in Map Book 5, Page 1, Public Records of Volusia County, Florida.

Parcel Identification Number: 6310-12-01-0210

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

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 our presence:

Candace Sargent
Name: CANDACE SARGENT

Don Whitfield
Name & Address: Don Whitfield LS

Misty Moore
Name: MISTY MOORE

Donna Whitfield
Name & Address: Donna Whitfield LS

Name: _____

Name & Address: _____ LS

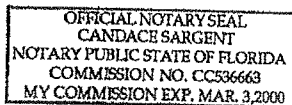
Name: _____

Name & Address: _____ LS

State of Florida
County of Volusia

The foregoing instrument was acknowledged before me this 28th day of February, 19 97, by
Don Whitfield and Donna Whitfield, his wife

who is personally known to me or who has produced personally known as identification.



Candace Sargent

Print Name: _____
Notary Public
My Commission Expires: _____

PREPARED BY: Don Whitfield
3788 Emilia Drive
Daytona Beach, FL 32127

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.
- (d) A hearing may be timely requested, generally within three days, in writing to the city manager for review of any determination made in accordance with section 42-26 or this section.
- (e) The city manager or his designee is hereby authorized to cause any property or parkage in violation of section 42-26, after notice as provided in subsection (a), to be brought into compliance and to lien the property, or abutting real property in the case of a parkage violation, for the expenses and costs thereof. The city manager or his designee shall make the sole and final

administrative determination of the correctness of the lien and the amount thereof.

- (f) The costs and expenses, as set forth in subsection (c), shall be due and payable to the city within 20 days of the mailing of the bill to the owner. Such costs shall include any public records ownership search required to determine the name and address of the record owner of the property where there is reason to believe that the name and address appearing on the latest tax roll is inaccurate. If the costs and expenses provided herein are not paid as and when due, any unpaid balance thereof, together with interest at the rate of 12 percent per annum from the due date, shall be a lien on such lot, piece or parcel of property or abutting real property, in the case of a parkage violation. Such lien shall be superior and paramount to the interest in such lands of any owner, lessee, tenant, mortgagee or other person, except the lien of state, county or municipal taxes, and shall be on a parity with lien of such state, county and municipal taxes. If any such cost, expense or charge is not paid as and when due and is in default for 30 days or more, the unpaid balance thereof and all interest accrued thereon, together with attorney's fees and costs, may be recovered and such liens may be foreclosed by the city in the manner provided by the laws of the state for foreclosure of mortgages or real property.
- (g) The procedures set forth in this section shall be cumulative and supplemental to other procedures and penalties for violation of this Code and violations of section 42-26 may be referred to the code enforcement board as provided in this Code.

(Code 1981, § 10-2)

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)

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

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner,

vs.

CASE NO: 15-927

Donald L. Bailey
5035 Palmetto St.
Port Orange, FL 32127,

Respondent.

Property Address: 5035 Palmetto St., Port Orange, FL 32127
Parcel ID: 6310-12-01-0210

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 5035 Palmetto St., Port Orange, Florida 32127, is owned by Donald L. Bailey.
4. That 5035 Palmetto St., 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 5035 Palmetto St., Port Orange, Florida 32127, at 3:15 p.m. on the 18th day of June, 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 June, 2015.



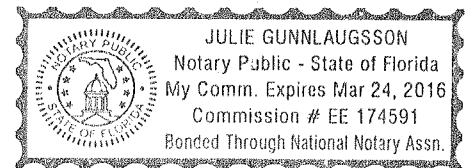
Deborah Faircloth
Code Compliance Inspector

**STATE OF FLORIDA
COUNTY OF VOLUSIA**

The foregoing instrument was sworn to before me on the 18th day of June, 2015, by Deborah Faircloth, who is personally known to me.


Notary Public, State of Florida

Commission No. _____

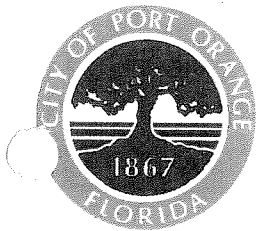


Case Cost Sheet Log

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. 15-222

To: RRRAC LLC
1559 Town Park Drive
Port Orange, FL 32129

Re: 5080 Ridgewood Avenue
Port Orange, FL 32127
Parcel ID: 6310-12-08-0010

LEGAL DESCRIPTION: LOTS 1 & 2 BLK 8 NORWOOD EXC PART IN RD PER OR 3885 PG 1557 PER OR 6954 PG
4907

Volusia County Public Records
Volusia County, FL

An inspection of the premises on February 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:

The 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

On February 24, 2015, after receiving a complaint from a tenant at this property, Kerry Leuzinger, Building Official, Chris Weir, Fire Marshal, Chris Hutchison, Code Enforcement Supervisor, and Deborah Faircloth, Code Enforcement Officer, inspected this property. At the time of inspection, the following violations were noted:

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.

602.3, *Heat supply* during the period from October 15th to March 15th Amendment to IPMC adopted by City of Port Orange Code of Ordinances. Repair all heating units in each tenant space (baseboard, window, etc.).

604.3 All electrical receptacle covers (interior and exterior) shall be installed or replaced if damaged.

702.3 Access/egress must be provided to each door. Back door in room #5 is locked and tenant does not have a key.

704.1 Fire extinguishers must be charged or replaced and maintained in an operable condition according to the International Fire Code.

704.2 All tenant spaces (each rented unit) must have working smoke detectors.

2010 Florida Building Code, Chapter 3, R303.8 Required heating. Every dwelling unit shall be provided with heating facilities. Space heaters do not fulfill this requirement.

2010 FBC Chapter 4, 402.1.2.1 Electric space heating. Space heaters are prohibited.

2012 NFPA 101 – battery operated smoke alarms required in each unit. A log detailing the weekly testing of each room alarm shall be logged and available to the fire inspector upon request.

2011 NFPA 10 and 2012NFPA 101 – Replace missing/out of date fire extinguishers.

Port Orange Code of Ordinances, Chapter 42, Article II, Section 42-26 (c)(f) All high weeds and grass along with any undergrowth must be maintained according to code and property shall be kept free of all garbage, waste, trash, etc. (return grocery carts to store).

Port Orange Land Development Code prohibits accessory driveway off of Orange Blvd. as follows:

Chapter 12, Section 6(f)(1) - All parking and loading spaces, access drives, aisles, and other means of vehicular access required under this code shall be graded and paved in accordance with the specifications described in Standard Paving and Drainage Details of the City of Port Orange, except as otherwise permitted herein. See Standard Construction Detail (SCD M-6)

Chapter 12, Section 2(b)(3)(a) - The design of access drives shall be in accordance with the following provisions: *Minor driveway entrance*. This driveway type shall be provided for a maximum daily trip end volume of 500 vehicles and/or a maximum average peak hour volume of 50 vehicles. The minimum distance from the street right-of-way line at any ingress or egress minor driveway to the outer edge of any interior service drive or parking space with direct access to such driveway shall be 25 feet, measured perpendicular from the street. The city may require a turn lane of twelve 12 feet in width, with minimum 150 feet of storage and 100 feet of transition, unless a traffic engineering study acceptable to the city demonstrates that the absence of such a lane will not adversely impact traffic conditions.

Chapter 12, Section 3(c) - Distance between access points and intersections. Access points upstream from intersections of higher or similar classification to the accessed road should be located as far as feasible from the intersection to provide for stacking and protection of left turn movements. Minimum distance from the intersecting right-of-way line to nearest edge of driveway shall be as follows:

	Arterial	Major Collector	Minor Collector	Local
Residential A	*	*	45'	30'
Residential B	*	60'	60'	45'
Light commercial	150'	120'	90'	60'

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 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 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 \$0.00 as indicated on the cost sheet submitted into evidence. The respondent will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion.

NOTICE OF HEARING SETTING FINE AND LIEN

In the event the **Special Magistrate**, during the hearing on **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 24th day of March, 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 RRRAC LLC, 1559 Town Park Dr., Port Orange, FL 32129, was

☒ Hand-delivered at City Hall

☐ Posted at the property (5080 Ridgewood Ave., Port Orange, FL)

Time: 9:10am.

this 24th day of March, 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 RRRAC LLC, 1559 Town Park Dr., Port Orange, FL 32127, was

Posted at City Hall

Sent via certified

this ____ 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.

X
Ran K mg
3/24/15 9:10 AM



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: 03-10-2015 Today's Date: 3-16-2015		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	10-16-33-12-08-0010	Mill Group	402 Port Orange		
Short Parcel ID	6310-12-08-0010				
Alternate Key	3616588	2014 Final Millage Rate	21.15960		
Parcel Status	Active Parcel	PC Code	39		
Date Created	31 DEC 1981				
Owner Name	RRRAC LLC		GO TO ADD'L OWNERS		
Owner Name/Address 1					
Owner Address 2	1559 TOWN PARK DR				
Owner Address 3	PORT ORANGE FL				
Owner Zip Code	32129				
Owner Percentage	100	Ownership Type	Fee Simple		
Location Address	5080 RIDGEWOOD AV PORT ORANGE 32127				

LEGAL DESCRIPTION

LOTS 1 & 2 BLK 8 NORWOOD EXC PART IN RD PER OR 3885 PG 1557

PER OR 6954 PG 4907

SALES HISTORY

#	BOOK	PAGE	DATE	INSTRUMENT	QUALIFICATION	IMPROVED?	SALE PRICE
1	6954	4907	5/2013	Quit Claim Deed	Unqualified Sale	Yes	100
2	3885	1557	7/1993	Warranty Deed	Qualified Sale	Yes	111,600
3	3678	0232	8/1991	Warranty Deed	Qualified Sale	Yes	200,000

HISTORY OF VALUES

YEAR	LAND	BLDG (S)	MISC	JUST	ASD	SCH ASD	NS ASD	EXEMPT	TXBL	SCH TXBL	ADD'L EX	NS TXBL
2014	78,039	16,939	2,534	97,512	97,512	97,512	97,512	0	97,512	97,512	0	97,512
2013	78,039	15,972	2,607	96,618	96,618	96,618	96,618	0	96,618	96,618	0	96,618

LAND DATA

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

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

RRRAC, LLC:

Filing Information

Document Number	L13000067433
FEI/EIN Number	05-0709837
Date Filed	05/07/2013
State	FL
Status	ACTIVE

Principal Address1559 TOWN PARK DRIVE
PORT ORANGE, FL 32129**Mailing Address**1559 TOWN PARK DRIVE
PORT ORANGE, FL 32129**Registered Agent Name & Address**MANGAR, RAM K
1559 TOWN PARK DRIVE
PORT ORANGE, FL 32129**Authorized Person(s) Detail****Name & Address**

Title MGR

MANGAR, RAM K
1559 TOWN PARK DRIVE
PORT ORANGE, FL 32129**Annual Reports**

Report Year	Filed Date
2014	04/29/2014
2015	02/11/2015

Document Images

02/11/2015 -- ANNUAL REPORT

[View image in PDF format](#)

Prepared by and Return to:

D. Michael Clower, Esq.
322 Silver Beach Avenue
Daytona Beach, FL 32118

QUIT CLAIM DEED

THIS QUIT CLAIM DEED, Executed the 2nd day of May, 2013,
by RAM K. MANGAR and RAMRAGIE MANGAR, husband and wife, first party, to RRRAC,
LLC, a Florida limited liability company, second party, whose post office address is 1559 Town Park
Drive, Port Orange, FL 32129.

*(Wherever used herein the terms "first party" and "second party" include all the parties to this
instrument and the heirs, legal representative, and assigns of individuals, and the successors and
assigns of corporations, wherever the context so admits or requires.)

WITNESSETH, That the first party, for and in consideration of the sum of ten dollars
(\$10.00), and other good and valuable consideration, paid by the party of the second part, the receipt
whereof is hereby acknowledge, does hereby remise, release and quitclaim unto the second party
forever, all the right, title, interest, claim and demand which the said first part has in and to the
following described parcel of land, and improvements and appurtenances thereto, in the County of
Volusia, State of Florida, to wit:

Lots 1 and 2, Block 8, NORWOOD SUBDIVISION, according to the official records thereof
as recorded in OR Map Book 5, Page 1, Public Records of Volusia County, Florida. Tax
Parcel I.D. No. 6310-12-08-0010.

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

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

Signed, sealed and delivered
in the presence of

Cladwaf
Witness As To Both Grantors
D.M. Clower
Witness As To Both Grantors

Ram K Mangar
Ram K. Mangar, Grantor/First Party
Ramragie Mangar
Ramragie Mangar Grantor/First Party

Instrument# 2014-020076 # 2
Book: 6954
Page: 4908
Diane M. Matousek
Volusia County, Clerk of Court

STATE OF FLORIDA)
COUNTY OF VOLUSIA)

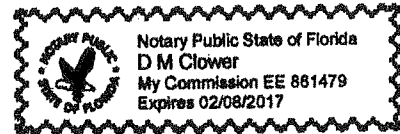
I HEREBY CERTIFY that on this day, before me, an officer duly authorized to administer oaths and take acknowledgments in the State of Florida, personally appeared RAM K. MANGAR and RAMRAGIE MANGAR, who verified under oath that they are the persons who executed the foregoing instrument for the uses and purposes set forth therein. The Deponents are personally known to me, or provided the following identification: _____.

WITNESS my hand and official seal in the County and State last aforesaid this 24th day of May, 2013.

D.M. Clower
Notary Signature

D.M. CLOWER
Printed Name of Notary

SEAL



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.

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-*

CHAPTER 5

PLUMBING FACILITIES AND FIXTURE REQUIREMENTS

SECTION 501 GENERAL

501.1 Scope. The provisions of this chapter shall govern the minimum plumbing systems, facilities and plumbing fixtures to be provided.

501.2 Responsibility. The *owner* of the structure shall provide and maintain such plumbing facilities and plumbing fixtures in compliance with these requirements. A person shall not occupy as *owner-occupant* or permit another person to occupy any structure or *premises* which does not comply with the requirements of this chapter.

[P] SECTION 502 REQUIRED FACILITIES

502.1 Dwelling units. Every *dwelling unit* shall contain its own bathtub or shower, lavatory, water closet and kitchen sink which shall be maintained in a sanitary, safe working condition. The lavatory shall be placed in the same room as the water closet or located in close proximity to the door leading directly into the room in which such water closet is located. A kitchen sink shall not be used as a substitute for the required lavatory.

502.2 Rooming houses. At least one water closet, lavatory and bathtub or shower shall be supplied for each four *rooming units*.

502.3 Hotels. Where private water closets, lavatories and baths are not provided, one water closet, one lavatory and one bathtub or shower having access from a public hallway shall be provided for each ten *occupants*.

502.4 Employees' facilities. A minimum of one water closet, one lavatory and one drinking facility shall be available to employees.

502.4.1 Drinking facilities. Drinking facilities shall be a drinking fountain, water cooler, bottled water cooler or disposable cups next to a sink or water dispenser. Drinking facilities shall not be located in *toilet rooms* or *bathrooms*.

502.5 Public toilet facilities. Public toilet facilities shall be maintained in a safe sanitary and working condition in accordance with the *International Plumbing Code*. Except for periodic maintenance or cleaning, public access and use shall be provided to the toilet facilities at all times during *occupancy* of the *premises*.

[P] SECTION 503 TOILET ROOMS

503.1 Privacy. *Toilet rooms* and *bathrooms* shall provide privacy and shall not constitute the only passageway to a hall or other space, or to the exterior. A door and interior locking device shall be provided for all common or shared *bathrooms* and *toilet rooms* in a multiple dwelling.

503.2 Location. *Toilet rooms* and *bathrooms* serving hotel units, *rooming units* or dormitory units or *housekeeping units*, shall have access by traversing not more than one flight of stairs and shall have access from a common hall or passageway.

503.3 Location of employee toilet facilities. Toilet facilities shall have access from within the employees' working area. The required toilet facilities shall be located not more than one story above or below the employees' working area and the path of travel to such facilities shall not exceed a distance of 500 feet (152 m). Employee facilities shall either be separate facilities or combined employee and public facilities.

Exception: Facilities that are required for employees in storage structures or kiosks, which are located in adjacent structures under the same ownership, lease or control, shall not exceed a travel distance of 500 feet (152 m) from the employees' regular working area to the facilities.

503.4 Floor surface. In other than *dwelling units*, every *toilet room* floor shall be maintained to be a smooth, hard, nonabsorbent surface to permit such floor to be easily kept in a clean and sanitary condition.

[P] SECTION 504 PLUMBING SYSTEMS AND FIXTURES

504.1 General. All plumbing fixtures shall be properly installed and maintained in working order, and shall be kept free from obstructions, leaks and defects and be capable of performing the function for which such plumbing fixtures are designed. All plumbing fixtures shall be maintained in a safe, sanitary and functional condition.

504.2 Fixture clearances. Plumbing fixtures shall have adequate clearances for usage and cleaning.

504.3 Plumbing system hazards. Where it is found that a plumbing system in a structure constitutes a hazard to the *occupants* or the structure by reason of inadequate service, inadequate venting, cross connection, backsiphonage, improper installation, *deterioration* or damage or for similar reasons, the *code official* shall require the defects to be corrected to eliminate the hazard.

SECTION 505 WATER SYSTEM

505.1 General. Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an *approved* private water system. All kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water in accordance with the *International Plumbing Code*.

[P] 505.2 Contamination. The water supply shall be maintained free from contamination, and all water inlets for plumb-

ing fixtures shall be located above the flood-level rim of the fixture. Shampoo basin faucets, janitor sink faucets and other hose bibs or faucets to which hoses are attached and left in place, shall be protected by an approved atmospheric-type vacuum breaker or an approved permanently attached hose connection vacuum breaker.

505.3 Supply. The water supply system shall be installed and maintained to provide a supply of water to plumbing fixtures, devices and appurtenances in sufficient volume and at pressures adequate to enable the fixtures to function properly, safely, and free from defects and leaks.

505.4 Water heating facilities. Water heating facilities shall be properly installed, maintained and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower and laundry facility at a temperature of not less than 110°F (43°C). A gas-burning water heater shall not be located in any *bathroom, toilet room, bedroom* or other occupied room normally kept closed, unless adequate combustion air is provided. An *approved* combination temperature and pressure-relief valve and relief valve discharge pipe shall be properly installed and maintained on water heaters.

[P] SECTION 506 SANITARY DRAINAGE SYSTEM

506.1 General. All plumbing fixtures shall be properly connected to either a public sewer system or to an *approved* private sewage disposal system.

506.2 Maintenance. Every plumbing stack, vent, waste and sewer line shall function properly and be kept free from obstructions, leaks and defects.

506.3 Grease interceptors. Where it has been determined that a grease interceptor is not being maintained and serviced as intended by this code and the manufacturer's instructions, an *approved* interceptor monitoring system shall be provided or a maintenance program shall be established with documentation submitted to the *code official*.

[P] SECTION 507 STORM DRAINAGE

507.1 General. Drainage of roofs and paved areas, *yards* and courts, and other open areas on the *premises* shall not be discharged in a manner that creates a public nuisance.

CHAPTER 6

MECHANICAL AND ELECTRICAL REQUIREMENTS

SECTION 601 GENERAL

601.1 Scope. The provisions of this chapter shall govern the minimum mechanical and electrical facilities and equipment to be provided.

601.2 Responsibility. The *owner* of the structure shall provide and maintain mechanical and electrical facilities and equipment in compliance with these requirements. A person shall not occupy as *owner-occupant* or permit another person to occupy any *premises* which does not comply with the requirements of this chapter.

SECTION 602 HEATING FACILITIES

602.1 Facilities required. Heating facilities shall be provided in structures as required by this section.

602.2 Residential occupancies. Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 68°F (20°C) in all habitable rooms, *bathrooms* and *toilet rooms* based on the winter outdoor design temperature for the locality indicated in Appendix D of the *International Plumbing Code*. Cooking appliances shall not be used to provide space heating to meet the requirements of this section.

Exception: In areas where the average monthly temperature is above 30°F (-1°C), a minimum temperature of 65°F (18°C) shall be maintained.

602.3 Heat supply. Every *owner* and *operator* of any building who rents, leases or lets one or more *dwelling units* or *sleeping units* on terms, either expressed or implied, to furnish heat to the *occupants* thereof shall supply heat during the period from [DATE] to [DATE] to maintain a temperature of not less than 68°F (20°C) in all habitable rooms, *bathrooms* and *toilet rooms*.

Exceptions:

1. When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in Appendix D of the *International Plumbing Code*.
2. In areas where the average monthly temperature is above 30°F (-1°C) a minimum temperature of 65°F (18°C) shall be maintained.

602.4 Occupiable work spaces. Indoor occupiable work spaces shall be supplied with heat during the period from

[DATE] to [DATE] to maintain a temperature of not less than 65°F (18°C) during the period the spaces are occupied.

Exceptions:

1. Processing, storage and operation areas that require cooling or special temperature conditions.
2. Areas in which persons are primarily engaged in vigorous physical activities.

602.5 Room temperature measurement. The required room temperatures shall be measured 3 feet (914 mm) above the floor near the center of the room and 2 feet (610 mm) inward from the center of each exterior wall.

SECTION 603 MECHANICAL EQUIPMENT

603.1 Mechanical appliances. All mechanical appliances, fireplaces, solid fuel-burning appliances, cooking appliances and water heating appliances shall be properly installed and maintained in a safe working condition, and shall be capable of performing the intended function.

603.2 Removal of combustion products. All fuel-burning equipment and appliances shall be connected to an *approved* chimney or vent.

Exception: Fuel-burning equipment and appliances which are *labeled* for unvented operation.

603.3 Clearances. All required clearances to combustible materials shall be maintained.

603.4 Safety controls. All safety controls for fuel-burning equipment shall be maintained in effective operation.

603.5 Combustion air. A supply of air for complete combustion of the fuel and for *ventilation* of the space containing the fuel-burning equipment shall be provided for the fuel-burning equipment.

603.6 Energy conservation devices. Devices intended to reduce fuel consumption by attachment to a fuel-burning appliance, to the fuel supply line thereto, or to the vent outlet or vent piping therefrom, shall not be installed unless *labeled* for such purpose and the installation is specifically *approved*.

SECTION 604 ELECTRICAL FACILITIES

604.1 Facilities required. Every occupied building shall be provided with an electrical system in compliance with the requirements of this section and Section 605.

604.2 Service. The size and usage of appliances and equipment shall serve as a basis for determining the need for additional

facilities in accordance with NFPA 70. *Dwelling units* shall be served by a three-wire, 120/240 volt, single-phase electrical service having a rating of not less than 60 amperes.

604.3 Electrical system hazards. Where it is found that the electrical system in a structure constitutes a hazard to the *occupants* or the structure by reason of inadequate service, improper fusing, insufficient receptacle and lighting outlets, improper wiring or installation, *deterioration* or damage, or for similar reasons, the *code official* shall require the defects to be corrected to eliminate the hazard.

604.3.1 Abatement of electrical hazards associated with water exposure. The provisions of this section shall govern the repair and replacement of electrical systems and equipment that have been exposed to water.

604.3.1.1 Electrical equipment. Electrical distribution equipment, motor circuits, power equipment, transformers, wire, cable, flexible cords, wiring devices, ground fault circuit interrupters, surge protectors, molded case circuit breakers, low-voltage fuses, luminaires, ballasts, motors and electronic control, signaling and communication equipment that have been exposed to water shall be replaced in accordance with the provisions of the *International Building Code*.

Exception: The following equipment shall be allowed to be repaired where an inspection report from the equipment manufacturer or *approved* manufacturer's representative indicates that the equipment has not sustained damage that requires replacement:

1. Enclosed switches, rated 600 volts or less;
2. Busway, rated 600 volts or less;
3. Panelboards, rated 600 volts or less;
4. Switchboards, rated 600 volts or less;
5. Fire pump controllers, rated 600 volts or less;
6. Manual and magnetic motor controllers;
7. Motor control centers;
8. Alternating current high-voltage circuit breakers;
9. Low-voltage power circuit breakers;
10. Protective relays, meters and current transformers;
11. Low- and medium-voltage switchgear;
12. Liquid-filled transformers;
13. Cast-resin transformers;
14. Wire or cable that is suitable for wet locations and whose ends have not been exposed to water;
15. Wire or cable, not containing fillers, that is suitable for wet locations and whose ends have not been exposed to water;
16. Luminaires that are listed as submersible;
17. Motors;

18. Electronic control, signaling and communication equipment.

604.3.2 Abatement of electrical hazards associated with fire exposure. The provisions of this section shall govern the repair and replacement of electrical systems and equipment that have been exposed to fire.

604.3.2.1 Electrical equipment. Electrical switches, receptacles and fixtures, including furnace, water heating, security system and power distribution circuits, that have been exposed to fire, shall be replaced in accordance with the provisions of the *International Building Code*.

Exception: Electrical switches, receptacles and fixtures that shall be allowed to be repaired where an inspection report from the equipment manufacturer or *approved* manufacturer's representative indicates that the equipment has not sustained damage that requires replacement.

SECTION 605 ELECTRICAL EQUIPMENT

605.1 Installation. All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and *approved* manner.

605.2 Receptacles. Every *habitable space* in a dwelling shall contain at least two separate and remote receptacle outlets. Every laundry area shall contain at least one grounded-type receptacle or a receptacle with a ground fault circuit interrupter. Every *bathroom* shall contain at least one receptacle. Any new *bathroom* receptacle outlet shall have ground fault circuit interrupter protection.

605.3 Luminaires. Every public hall, interior stairway, *toilet room*, kitchen, *bathroom*, laundry room, boiler room and furnace room shall contain at least one electric luminaire.

SECTION 606 ELEVATORS, ESCALATORS AND DUMBWAITERS

606.1 General. Elevators, dumbwaiters and escalators shall be maintained in compliance with ASME A17.1. The most current certificate of inspection shall be on display at all times within the elevator or attached to the escalator or dumbwaiter, be available for public inspection in the office of the building *operator* or be posted in a publicly conspicuous location *approved* by the *code official*. The inspection and tests shall be performed at not less than the periodic intervals listed in ASME A17.1, Appendix N, except where otherwise specified by the authority having jurisdiction.

606.2 Elevators. In buildings equipped with passenger elevators, at least one elevator shall be maintained in operation at all times when the building is occupied.

Exception: Buildings equipped with only one elevator shall be permitted to have the elevator temporarily out of service for testing or servicing.

CHAPTER 7

FIRE SAFETY REQUIREMENTS

SECTION 701 GENERAL

701.1 Scope. The provisions of this chapter shall govern the minimum conditions and standards for fire safety relating to structures and exterior *premises*, including fire safety facilities and equipment to be provided.

701.2 Responsibility. The *owner* of the *premises* shall provide and maintain such fire safety facilities and equipment in compliance with these requirements. A person shall not occupy as *owner-occupant* or permit another person to occupy any *premises* that do not comply with the requirements of this chapter.

[F] SECTION 702 MEANS OF EGRESS

702.1 General. A safe, continuous and unobstructed path of travel shall be provided from any point in a building or structure to the *public way*. Means of egress shall comply with the *International Fire Code*.

702.2 Aisles. The required width of aisles in accordance with the *International Fire Code* shall be unobstructed.

702.3 Locked doors. All means of egress doors shall be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort, except where the door hardware conforms to that permitted by the *International Building Code*.

702.4 Emergency escape openings. Required emergency escape openings shall be maintained in accordance with the code in effect at the time of construction, and the following. Required emergency escape and rescue openings shall be operational from the inside of the room without the use of keys or tools. Bars, grilles, grates or similar devices are permitted to be placed over emergency escape and rescue openings provided the minimum net clear opening size complies with the code that was in effect at the time of construction and such devices shall be releasable or removable from the inside without the use of a key, tool or force greater than that which is required for normal operation of the escape and rescue opening.

[F] SECTION 703 FIRE-RESISTANCE RATINGS

703.1 Fire-resistance-rated assemblies. The required fire-resistance rating of fire-resistance-rated walls, fire stops, shaft enclosures, partitions and floors shall be maintained.

703.2 Opening protectives. Required opening protectives shall be maintained in an operative condition. All fire and smokestop doors shall be maintained in operable condition. Fire doors and smoke barrier doors shall not be blocked or obstructed or otherwise made inoperable.

[F] SECTION 704 FIRE PROTECTION SYSTEMS

704.1 General. All systems, devices and equipment to detect a fire, actuate an alarm, or suppress or control a fire or any combination thereof shall be maintained in an operable condition at all times in accordance with the *International Fire Code*.

704.1.1 Automatic sprinkler systems. Inspection, testing and maintenance of automatic sprinkler systems shall be in accordance with NFPA 25.

704.2 Smoke alarms. Single- or multiple-station smoke alarms shall be installed and maintained in Groups R-2, R-3, R-4 and in dwellings not regulated in Group R occupancies, regardless of *occupant* load at all of the following locations:

1. On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of *bedrooms*.
2. In each room used for sleeping purposes.
3. In each story within a *dwelling unit*, including *basements* and cellars but not including crawl spaces and uninhabitable attics. In dwellings or *dwelling units* with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.

Single- or multiple-station smoke alarms shall be installed in other groups in accordance with the *International Fire Code*.

704.3 Power source. In Group R occupancies and in dwellings not regulated as Group R occupancies, single-station smoke alarms shall receive their primary power from the building wiring provided that such wiring is served from a commercial source and shall be equipped with a battery backup. Smoke alarms shall emit a signal when the batteries are low. Wiring shall be permanent and without a disconnecting switch other than as required for overcurrent protection.

Exception: Smoke alarms are permitted to be solely battery operated in buildings where no construction is taking place, buildings that are not served from a commercial power source and in existing areas of buildings undergoing alterations or repairs that do not result in the removal of interior wall or ceiling finishes exposing the structure, unless there is an attic, crawl space or *basement* available which could provide access for building wiring without the removal of interior finishes.

704.4 Interconnection. Where more than one smoke alarm is required to be installed within an individual *dwelling unit* in Group R-2, R-3, R-4 and in dwellings not regulated as Group R occupancies, the smoke alarms shall be interconnected in such a manner that the activation of one alarm will activate all of the alarms in the individual unit. The alarm shall be clearly audible

Faircloth, Deborah

From: Burman, Tim
Sent: Friday, March 13, 2015 8:53 AM
To: Faircloth, Deborah
Cc: Hutchison, Chris
Subject: Triange Motel Access Drive - Code Requiremntns
Attachments: M-6 - Driveway Apron.pdf

Deb,

Was able to find 3 code sections pertaining to the gravel driveway located off Isabelle. If this driveway was proposed, the following codes would prohibit a driveway going in at this location



- Chapter 12, Section 6(f)(1) - All parking and loading spaces, access drives, aisles, and other means of vehicular access required under this code shall be graded and paved in accordance with the specifications described in Standard Paving and Drainage Details of the City of Port Orange, except as otherwise permitted herein. See Standard Construction Detail (SCD M-6)

Chapter 12, Section 2(b)(3)(a) - The design of access drives shall be in accordance with the following provisions: *Minor driveway entrance*. This driveway type shall be provided for a maximum daily trip end volume of 500 vehicles and/or maximum average peak hour volume of 50 vehicles. The minimum distance from the street right-of-way line at any ingress or egress minor driveway to the outer edge of any interior service drive or parking space with direct access to such driveway shall be 25 feet, measured perpendicular from the street. The city may require a turn lane of twelve 12

feet in width, with minimum 150 feet of storage and 100 feet of transition, unless a traffic engineering study acceptable to the city demonstrates that the absence of such a lane will not adversely impact traffic conditions.

Chapter 12, Section 3(c) - Distance between access points and intersections. Access points upstream from intersections of higher or similar classification to the accessed road should be located as far as feasible from the intersection to provide for stacking and protection of left turn movements. Minimum distance from the intersecting right-of-way line to nearest edge of driveway shall be as follows:

	Arterial	Major Collector	Minor Collector	Local
Residential A	*	*	45'	30'
Residential B	*	60'	60'	45'
Light commercial	150'	120'	90'	60'
Heavy commercial	200'	150'	105'	60'

The gravel driveway is about 20' from the right-of-way.

Tim B.

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

The minimum *ventilation* rates shall be 50 cubic feet per minute (24 L/s) for intermittent *ventilation* or 20 cubic feet per minute (10 L/s) for continuous *ventilation*. *Ventilation* air from the space shall be exhausted directly to the outside.

R303.4 Opening location. Outdoor intake and exhaust openings shall be located in accordance with Sections R303.4.1 and R303.4.2.

R303.4.1 Intake openings. Mechanical and gravity outdoor air intake openings shall be located a minimum of 10 feet (3048 mm) from any hazardous or noxious contaminant, such as vents, chimneys, plumbing vents, streets, alleys, parking lots and loading docks, except as otherwise specified in this code. Where a source of contaminant is located within 10 feet (3048 mm) of an intake opening, such opening shall be located a minimum of 2 feet (610 mm) below the contaminant source.

For the purpose of this section, the exhaust from *dwelling* unit toilet rooms, bathrooms and kitchens shall not be considered as hazardous or noxious.

R303.4.2 Exhaust openings. Exhaust air shall not be directed onto walkways.

R303.5 Outside opening protection. Air exhaust and intake openings that terminate outdoors shall be protected with corrosion-resistant screens, louvers or grilles having a minimum opening size of 1/4 inch (6 mm) and a maximum opening size of 1/2 inch (13 mm), in any dimension. Openings shall be protected against local weather conditions. Outdoor air exhaust and intake openings shall meet the provisions for *exterior wall* opening protectives in accordance with this code.

R303.6 Stairway illumination. All interior and exterior stairways shall be provided with a means to illuminate the stairs, including the landings and treads. Interior stairways shall be provided with an artificial light source located in the immediate vicinity of each landing of the stairway. For interior stairs the artificial light sources shall be capable of illuminating treads and landings to levels not less than 1 foot-candle (11 lux) measured at the center of treads and landings. Exterior stairways shall be provided with an artificial light source located in the immediate vicinity of the top landing of the stairway. Exterior stairways providing access to a *basement* from the outside *grade* level shall be provided with an artificial light source located in the immediate vicinity of the bottom landing of the stairway.

Exception: An artificial light source is not required at the top and bottom landing, provided an artificial light source is located directly over each stairway section.

R303.6.1 Light activation. Where lighting outlets are installed in interior stairways, there shall be a wall switch at each floor level to control the lighting outlet where the stairway has six or more risers. The illumination of exterior stairways shall be controlled from inside the *dwelling* unit.

Exception: Lights that are continuously illuminated or automatically controlled.

R303.7 Required glazed openings. Required glazed openings shall open directly onto a street or public alley, or a *yard* or court located on the same *lot* as the building.

Exceptions:

1. Required glazed openings may face into a roofed porch where the porch abuts a street, *yard* or court and the longer side of the porch is at least 65 percent unobstructed and the ceiling height is not less than 7 feet (2134 mm).
2. Eave projections shall not be considered as obstructing the clear open space of a *yard* or court.
3. Required glazed openings may face into the area under a deck, balcony, bay or floor cantilever provided a clear vertical space at least 36 inches (914 mm) in height is provided.

R303.7.1 Sunroom additions. Required glazed openings shall be permitted to open into sunroom *additions* or patio covers that abut a street, *yard* or court if in excess of 40 percent of the exterior sunroom walls are open, or are enclosed only by insect screening, and the ceiling height of the sunroom is not less than 7 feet (2134 mm).

R303.8 Required heating. When the winter design temperature in Table R301.2(1) is below 60°F (16°C), every *dwelling unit* shall be provided with heating facilities capable of maintaining a minimum room temperature of 68°F (20°C) at a point 3 feet (914 mm) above the floor and 2 feet (610 mm) from exterior walls in all habitable rooms at the design temperature. The installation of one or more portable space heaters shall not be used to achieve compliance with this section.

SECTION R304 MINIMUM ROOM AREAS

R304.1 Minimum area. Every *dwelling* unit shall have at least one habitable room that shall have not less than 120 square feet (11 m²) of gross floor area.

R304.2 Other rooms. Other habitable rooms shall have a floor area of not less than 70 square feet (6.5 m²).

Exception: Kitchens.

R304.3 Minimum dimensions. Habitable rooms shall not be less than 7 feet (2134 mm) in any horizontal dimension.

Exception: Kitchens.

R304.4 Height effect on room area. Portions of a room with a sloping ceiling measuring less than 5 feet (1524 mm) or a furred ceiling measuring less than 7 feet (2134 mm) from the finished floor to the finished ceiling shall not be considered as contributing to the minimum required habitable area for that room.

SECTION R305 CEILING HEIGHT

R305.1 Minimum height. *Habitable space*, hallways, bathrooms, toilet rooms, laundry rooms and portions of *basements*

CHAPTER 4

RESIDENTIAL ENERGY EFFICIENCY

SECTION 401 GENERAL

401.1 Scope. This chapter applies to residential buildings.

401.2 Compliance. Projects shall comply with Sections 401, 402.4, 402.5, and 403.1, 403.2.2, 403.2.3, and 403.3 through 403.9 (referred to as the mandatory provisions) and either:

1. Sections 402.1 through 402.3, 403.2.1 and 404.1 (prescriptive); or
2. Section 405 (performance).

401.3 Energy performance level (EPL) display card. The building official shall require that an energy performance level (EPL) display card be completed and certified by the builder to be accurate and correct before final approval of the building for occupancy. Florida law (Section 553.9085, *Florida Statutes*) requires the EPL display card to be included as an addendum to each sales contract for both presold and nonpresold residential buildings. The EPL display card contains information indicating the energy performance level and efficiencies of components installed in a dwelling unit. The building official shall verify that the EPL display card completed and signed by the builder accurately reflects the plans and specifications submitted to demonstrate code compliance for the building. A copy of the EPL Display Card can be found in Appendix C.

SECTION 402 BUILDING THERMAL ENVELOPE

402.1 General (Prescriptive).

402.1.1 Component criteria. The *building thermal envelope* and air distribution system shall meet the requirements of Table 402.1.1.

402.1.1.1 R-value computation. Insulation material used in layers, such as framing cavity insulation and insulating sheathing, shall be summed to compute the component R-value. The manufacturer's settled R-value shall be used for blown insulation. Computed R-values shall not include an R-value for other building materials or air films.

402.1.1.2 U-factor alternative. An assembly with a U-factor equal to or less than that specified in Table 402.1.1.3 shall be permitted as an alternative to the corresponding component R-value in Table 402.1.1. All other prescriptive criteria of Table 402.1.1, the prescriptive criteria in Section 402.1.2.4 and footnotes to Table 402.1.1.3 shall be met.

402.1.1.3 Total UA alternative. If the total *building thermal envelope* UA (sum of U-factor times assembly area) is less than or equal to the total UA resulting from using the U-factors in Table 402.1.1.3 (multiplied by the same assembly area as in the proposed building), the building shall be considered in compliance with Table 402.1.1. All other prescriptive criteria of Table 402.1.1,

the prescriptive criteria in Section 402.1.2.4 and footnotes to Table 402.1.1.3 shall be met. The UA calculation shall be done using a method consistent with the ASHRAE *Handbook of Fundamentals* and shall include the thermal bridging effects of framing materials. The SHGC requirements of Table 402.1.1 shall be met in addition to UA compliance.

402.1.2 Limitations to compliance by Section 402.

402.1.2.1 Electric space heating. Electric resistance space heating systems shall not be used when complying with this code by Section 402.

402.1.2.2 Air handlers in attics. Air handlers may not be installed in attics when complying with Section 402.

402.1.2.3 Maximum percent window area. The window area as a percentage of the conditioned floor area (CFA) shall not exceed 20 percent.

Exceptions: The following exceptions apply to additions.

1. When a fenestration(s) in an existing exterior wall is being removed or enclosed by an addition, an amount equal to the total area of this fenestration may be subtracted from the total glass area prior to determining the installed glass percentage.
2. Additions of 600 square feet (56 m²) or less may have up to 50 percent glass to conditioned floor area.
3. Glass windows and doors that were previously located in an existing exterior wall that is being removed or enclosed by an addition do not have to comply with the U-factor and solar heat gain coefficient requirements in Table 402.1.1 when reinstalled as part of the addition.

402.1.2.4 Equipment efficiencies. Minimum equipment efficiencies for cooling, heating and water heating shall be code minimums as per Sections 503.

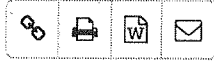
402.2 Specific insulation requirements (Prescriptive).

402.2.1 Ceilings with attic spaces. Reserved.

402.2.2 Ceilings without attic spaces. Where Section 402.1.1 would require insulation levels above R-30 and the design of the roof/ceiling assembly does not allow sufficient space for the required insulation, the minimum required insulation for such roof/ceiling assemblies shall be R-30. This reduction of insulation from the requirements of Section 402.1.1 shall be limited to 500 square feet (46 m²) or 20 percent of the total insulated ceiling area, whichever is less. This reduction shall not apply to the U-factor alternative approach in Section 402.1.1.2 and the total UA alternative in Section 402.1.1.3.

402.2.3 Access hatches and doors. Access doors from conditioned spaces to unconditioned spaces (e.g., attics

Section 2: - Fire codes.



All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

- (a) *In general.* Adopted fire codes [are necessary] for the reasonable protection of life and property from the hazards of fire and explosion due to the storage, use or handling of hazardous materials, substances and devices, and from conditions hazardous to life or property in the use or occupancy of buildings and premises.
- (b) *Adoption of Standard Fire Prevention Code.* The Florida Fire Prevention Code, current and future editions as adopted or amended by the state fire marshal, is adopted subject to all amendments, modifications

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner,

vs.

CASE NO: 15-222

**RRRAC LLC
1559 Town Park Dr.
Port Orange, FL 32127,**

Respondent.

Property Address: 5080 Ridgewood Ave., Port Orange, FL
Parcel ID: 6310-12-08-0010

**AFFIDAVIT OF HAND DELIVERY
NOTICE OF VIOLATION AND
NOTICE OF 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 5080 Ridgewood Avenue, Port Orange, Florida 32127, is owned by RRRAC LLC.
4. That 5080 Ridgewood Avenue, Port Orange, Florida 32127 is the location where the alleged code violation is or was occurring.
5. That I hand delivered a Notice of Violation and Request for Hearing on the property

at Port Orange City Hall, 1000 City Center Circle, Port Orange, Florida 32129, at 9:10 a.m. on the 24th day of March, 2015, to Ram Mangar, 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 24th day of March, 2015.

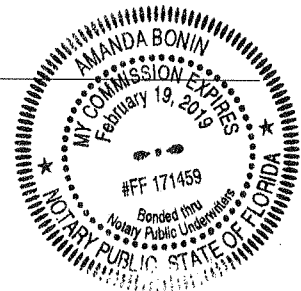
Deborah Faircloth
Deborah Faircloth
Code Compliance Inspector

**STATE OF FLORIDA
COUNTY OF VOLUSIA**

The foregoing instrument was sworn to before me on the 24th day of March, 2015, by Deborah Faircloth, who is personally known to me.

Amanda Bonin
Notary Public, State of Florida

Commission No. _____



Case Cost Sheet Log

Case No. 15-678

Name	Activity	Activity_Date	Status	Cost
Troy Loprimo & Susan Plebanek	Notice of Violation/Notice of Hearing	05/04/2015	Hand Delivered to Troy Loprimo on May 4, 2015 at 2:15 p.m.	\$0.00
Troy Loprimo	Mailing Finding of Fact/Conclusion of Law & Order to 5357 Christianity Ave., Port Orange, FL 32127	06/10/2015	USPS attempted to deliver item at 11:57 am on June 12, 2015 in PORT ORANGE, FL 32127 and a notice was left because an authorized recipient was not available.	\$6.73
Susan Plebanek	Mailing Finding of Fact/Conclusion of Law & Order to 5357 Christianity Ave., Port Orange, FL 32127	06/10/2015	USPS attempted to deliver item at 11:57 am on June 12, 2015 in PORT ORANGE, FL 32127 and a notice was left because an authorized recipient was not available.	\$6.73
Clerk of Court	Recording Fee - Finding of Fact/Conclusion of Law & Order	06/10/2015	BK: 7127 PG: 1642	\$27.00

Total: \$40.46



NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 15-678

To: Troy Loprino & Susan Plebanek
5357 Christiancy Ave.,
Port Orange, FL 32127

Re: 5357 Christiancy Ave.,
Port Orange, FL 32127
Parcel ID: 6310-07-38-0080

LEGAL DESCRIPTION: S 8 FT OF LOT 7 & LOT 8 & N 9 FT OF LOT 9 BLK 38 ALLANDALE M B 4 PG 146 PER OR 2005
PG 1142 PER OR 5382 PG 0080 PER OR 53 82 PG 0081 PER OR 6378 PG 3831
Volusia County Public Records, Volusia County, FL

An inspection of the premises on April 21, 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 18 (Businesses), Article II (Local business tax), Section 18-33 (Duration, expiration of business tax receipt; delinquent business tax payment, penalties; doing business without business tax receipt, penalty), (b) of the City of Port Orange Code of Ordinances.

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

Chapter 70 (Traffic), Article II (Stopping, standing, or parking), Section 70-36 (Stopping, standing, or parking), (a)(1)(k) of the City of Port Orange Code of Ordinances.

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

2015 International Property Maintenance Code, Chapter 3, Section 304, 304.13 (Window, skylight and door frames) as adapted by the City of Port Orange Code of Ordinances, Chapter 14, Article II, Section 14-26.

Received Cit Con that the owner is running a car repair shop out of this residential address. On April 21, 2015, I inspected and observed an unregistered van parked in the front yard, a registered vehicle parked in the side yard and 2 other vehicles parked in the row. No one was at home. I also observed that the entire property needs to be mowed and maintained and trash and debris disposed of. There are several items under the carport to be properly stored. I left a 3 day notice to correct all violations. Additionally, stated that a repair business cannot be conducted in a residential neighborhood. All garbage, trash, and debris needs to be removed from the property. The van and car needs to be removed from the front and side front yard. A reinspection on May 1, 2015 showed one car in the front yard, the van backed under the carport being worked on, yard mowed and debris removed. Outside storage is still in place. Additionally, the front window on the home is now shattered.

Attachments:

☒ Copy of code

☒ Copy of Deed

☒ Copy of Tax Roll

This correspondence will serve as official notification that the above stated violation must be corrected by the 15th day of May, 2015.

Failure to comply after this date may result in the commencement of appropriate code enforcement action and/or possible fine of up to \$1,000.00 per day for a first violation, \$5,000.00 per day per violation for a repeat violation, and up to \$15,000.00 per violation if the Code Enforcement Board or a Code Enforcement Special Magistrate finds the violation to be irreparable or irreversible in nature. If the violation is corrected and then recurs, or if the violation is not corrected by the specified time for correction by the Code Compliance Inspector, the case shall be presented the Special Magistrate on the date set forth below, even if the violation has been corrected prior to this scheduled hearing. The burden shall rest upon the Respondent to request a re-inspection by the Code Compliance Inspector to determine whether the property is in compliance.

NOTICE OF HEARING AS TO VIOLATIONS ALLEGED

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

Pursuant to *Chapter 2, Article V, Code of Ordinances and Section 162.06, Florida Statutes*, you are hereby called upon to take notice that a PUBLIC HEARING will be conducted in the above-styled cause by the Special the 10th day of June, 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 the 10th day of June, 2015, at 9:00 a.m., enters a Final Order finding a violation as alleged, pursuant to Chapter 7, Code of Ordinances, City of Port Orange, Florida, you are hereby called upon to take notice that a 2nd PUBLIC HEARING will be conducted in the above-styled cause by the Code Enforcement Special Magistrate on the 8th day of July, 2015, at 9:00 a.m., or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The Code Enforcement Special Magistrate will consider setting fine lien on the above referenced case at said PUBLIC HEARING. Please govern yourself accordingly. For further information regarding this matter, you may contact the undersigned Code Compliance Officer at (386) 506-5641.

DATED this 15th day of May, 2015.

CITY OF PORT ORANGE, FLORIDA

By:

Deborah Faircloth
DEBORAH FAIRCLOTH, Code Enforcement Inspector

X I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Troy Loprimo & Susan Plebanek, 5357 Christiancy Ave., Port Orange, FL 32127, was

- ☒ Hand-delivered
☐ Posted at the property

Time: 2:15 pm

this 4th day of May, 2015.

Deborah Faircloth
DEBORAH FAIRCLOTH, Code Enforcement Inspector

☐ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Troy Loprimo & Susan Plebanek, 5357 Christiancy Ave., Port Orange, FL 32127, was

- ☐ Posted at City Hall
☐ Sent via certified

this _____ day of _____, 2015.

THERESA GUTIERREZ, Secretary to Special Magistrate

RIGHT TO APPEAL

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

ACCOMMODATIONS

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

Sec. 18-33. - Duration, expiration of business tax receipt; delinquent business tax payment, penalties; doing business without business tax receipt, penalty.

- (a) The business tax provided herein shall be paid to the community development director or his designee beginning September 1 of each year and shall be due and payable on or before the following October 1 of such year and shall expire on September 30 of the succeeding year. No business tax receipt shall be issued for more than one year nor less than one year prior to April 1 of any year, after which date a business tax receipt for six months may be issued for one-half of the amount of the annual business tax receipt. Those business tax receipt not renewed by October 1 shall be considered delinquent and subject to a delinquency penalty of ten percent for the month of October, plus an additional five percent for each month of delinquency thereafter until paid. However, the total delinquency penalty shall not exceed 25 percent of the business tax fee for the delinquent establishment.
- (b) Any person engaging in or managing any business, profession or occupation without first obtaining a business tax receipt as required herein shall be subject to a penalty of 25 percent of the fee determined to be due, in addition to any other penalty provided by this article.

(Ord. No. 1991-2, § 5, 2-5-91; Ord. No. 2007-13, §§ 1, 9, 3-20-07)

State law reference— Similar provisions, F.S. § 205.503.

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

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

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

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

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

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

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

GENERAL REQUIREMENTS

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).

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 weathertight 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

07/24/2009 02:01 PM
Doc stamps 280.00
(Transfer Amt \$ 40000)
Instrument# 2009-135117 # 1
Book : 6378
Page : 3831
Diane M. Matousek
Volusia County, Clerk of Court

Prepared By: Robin D. Derr
Professional Title Agency, Inc.
747 S. Ridgewood Avenue, Suite 204
Daytona Beach, Florida 32114
incidental to the issuance of a title insurance policy.
File Number: P-17110
Parcel ID# 6310-07-38-0080

**WARRANTY DEED
(INDIVIDUAL)**

This **WARRANTY DEED**, dated 07/22/2009 by

Jean Newton, a Single Person

Whose post office address is

1085 Paradise Road, Alton, Virginia 24520

hereinafter called the **GRANTOR**, to

Troy V. Loprimo and Susan M. Plebanek and Susan M. Plebanek, Joint Tenants with Full Right of Survivorship

whose post office address is

5357 Christiancy Avenue, Port Orange, FL 32127

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:

The Southerly 8 feet of Lot 7, all of Lot 8 and the Northerly 9 feet of Lot 9, Block 38, Allendale, according to the Plat thereof, recorded in Map Book 4, Page 146, 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 **2009** 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:

Witness #1 Print Name:

Witness #2 Signature:

Witness #2 Print Name:

Jean Newton

Robin D. Derr

STATE OF FLORIDA

COUNTY OF VOLUSIA

)
) ss
)



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: 04-28-2015 Today's Date: 4-30-2015		Volusia County Property Appraiser's Office Property Record Card (PRC) Morgan B. Gilreath Jr., M.A., A.S.A., C.F.A. Property Appraiser			
Full Parcel ID Short Parcel ID		10-16-33-07-38-0080 6310-07-38-0080		Mill Group 402 Port Orange	
Alternate Key		3611331		2014 Final Millage Rate 21.15960	
Parcel Status		Active Parcel		PC Code 02	
Date Created		31 DEC 1981			
Owner Name		LOPRIMO TROY V JTRS &		GO TO ADD'L OWNERS	
Owner Name/Address 1					
Owner Address 2		5357 CHRISTIANCY AVE			
Owner Address 3		PORT ORANGE FL			
Owner Zip Code		32127			
Owner Percentage		100		Ownership Type	
Location Address		5357 CHRISTIANCY AV PORT ORANGE 32127			

LEGAL DESCRIPTION	GO TO ADD'L LEGAL
S 8 FT OF LOT 7 & LOT 8 & N 9 FT OF LOT 9 BLK 38 ALLANDALE M	
B 4 PG 146 PER OR 2005 PG 1142 PER OR 5382 PG 0080 PER OR 53	

SALES HISTORY						GO TO ADD'L SALES	
#	BOOK	PAGE	DATE	INSTRUMENT	QUALIFICATION	IMPROVED?	SALE PRICE
1	6378	3831	7/2009	Warranty Deed	Qualified Sale	Yes	40,000
2	5382	0081	8/2004	Warranty Deed	Qualified Sale	Yes	38,000
3	2902	1731	11/1986	Quit Claim Deed	Affiliated Parties	Yes	100

HISTORY OF VALUES									GO TO ADD'L HISTORY			
YEAR	LAND	BLDG (S)	MISC	JUST	ASD	SCH ASD	NS ASD	EXEMPT	TXBL	SCH TXBL	ADD'L EX	NS TXBL
2014	13,250	12,332	437	26,019	26,019	26,019	26,019	0	26,019	26,019	0	26,019
2013	11,250	12,129	462	23,841	23,841	23,841	23,841	0	23,841	23,841	0	23,841

LAND DATA												

ADDITIONAL OWNERS

OWNER NAME	OWNER PERCENTAGE	OWNERSHIP TYPE
PLEBANEK SUSAN M JTRS &	100.00	

L E G A L D E S C R I P T I O N
S 8 FT OF LOT 7 & LOT 8 & N 9 FT OF LOT 9 BLK 38 ALLANDALE M
B 4 PG 146 PER OR 2005 PG 1142 PER OR 5382 PG 0080 PER OR 53
82 PG 0081 PER OR 6378 PG 3831

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner,

vs.

CASE NO: 15-678

**Troy Loprimo & Susan Plebanek
5357 Christiancy Avenue
Port Orange, FL 32127
6310-07-38-0080,**

Respondent.

Property Address: 5357 Christiancy Avenue, Port Orange, FL 32127
Parcel ID: 6310-07-38-0080

**AFFIDAVIT OF HAND DELIVERY
NOTICE OF VIOLATION AND
NOTICE OF 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 5357 Christiancy Avenue, Port Orange, Florida 32127, is owned by Troy Loprimo & Susan Plebanek.
4. That 5357 Christiancy Avenue, Port Orange, Florida 32127 is the location where the alleged code violation is or was occurring.

5. That I hand delivered a Notice of Violation and Request for Hearing on the property at 5357 Christiancy Avenue, Port Orange, Florida 32127, at 2:15 p.m. on the 4th day of May, 2015, to Troy Loprimo, 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 5th day of May, 2015.

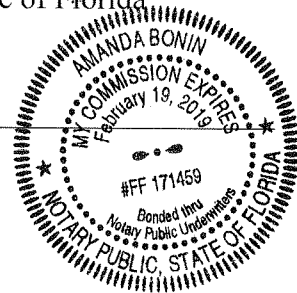
Deborah Faircloth
Deborah Faircloth
Code Compliance Inspector

**STATE OF FLORIDA
COUNTY OF VOLUSIA**

The foregoing instrument was sworn to before me on the 5th day of May, 2015, by Deborah Faircloth, who is personally known to me.

Amanda Bonin
Notary Public, State of Florida

Commission No. _____



**CITY OF PORT ORANGE, FLORIDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
CASE NO. 15-678**

CITY OF PORT ORANGE,
a Florida municipal corporation,

Petitioner,

Troy Loprimo & Susan Plebanek
5357 Christiancy Avenue
Port Orange, FL 32127
6310 [REDACTED]

Respondent.

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

THIS CAUSE came on for public hearing before the Code Enforcement Special Magistrate on June 10, 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), Troy Loprimo and Susan Plebanek, whose mailing address is 5357 Christiancy Avenue, Port Orange, FL 32127, is/are the owner(s) of the property located at 5357 Christiancy Avenue, Port Orange, FL 32127, and more particularly described as:

S 8 FT OF LOT 7 & LOT 8 & N 9 FT OF LOT 9 BLK 38 ALLANDALE M
B 4 PG 146 PER OR 2005 PG 1142 PER OR 5382 PG 0080 PER OR 53
82 PG 0081 PER OR 6378 PG 3831

B. The condition was first observed at the real property described above on April 21, 2015; re-inspections made on May 18, 2015 and June 8, 2015 confirmed the condition as being the same. Respondent(s), Troy Loprimo and Susan Plebanek, received notice via hand delivery to Troy Loprimo on May 4, 2015. The aforesaid conditions constituted a violation of the 2015 International Property Maintenance Code, Chapter 3, 304, 304.13 as adopted by the City of Port Orange Code of Ordinances, Chapter 14, Article II, Section 14-26, and was to be corrected by May 15, 2015.

C. At the time of the hearing on June 10, 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), Troy Loprimo and Susan Plebanek, by reason of the foregoing, has/have violated the 2015 International Property Maintenance Code, Chapter 3, 304, 304.13 as adopted by the City of Port Orange Code of Ordinances, Chapter 14, Article II, Section 14-26, in that the Respondent(s) failed, on or before the date set in the notice of violation, to remedy the conditions of the shattered window 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 replacing the shattered front window on or before June 24, 2015. In the event that the property is not brought into compliance on or before June 24, 2015, and/or not maintained in a state of compliance, a daily fine of \$100 per day will be assessed for each day the property is in violation beyond June 24, 2015. If paragraph D. above is checked and the Respondent(s) has/have not abated the condition by June 24, 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 \$40.46 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 10 day of JUNE, 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), Troy Loprino and Susan Plebanek, 5357 Christiancy Avenue, Port Orange, FL by Certified and Regular Mail this 10 day of JUNE, 2015

[Signature]
Secretary, Code Enforcement Special Magistrate

Case Cost Sheet Log

Case No. 15-488

Name	Activity	Activity_Date	Status	Cost
Dorothy B. Phillips	Mailing Notice of Violation/Notice of Hearing to 4528 Nettle Creek Ct., Port Orange, FL 32127	05/13/2015	USPS attempted to deliver item at 11:47 am on May 15, 2015 in PORT ORANGE, FL 32127 and a notice was left because an authorized recipient was not available. Item has not been returned to the City Clerk's Office.	\$6.69
Dorothy B. Phillips	Mailing Finding of Fact/Conclusion of Law & Order to 4528 Nettle Creek Ct., Port Orange, FL 32127	06/10/2015	USPS attempted to deliver your at 11:36 am on June 12, 2015 in PORT ORANGE, FL 32127 and a notice was left because an authorized recipient was not available.	\$6.73
Clerk of Court	Recording Fee - Finding of Fact/Conclusion of Law & Order	06/10/2015	BK: 7127 PG: 1645	\$27.00

Total: \$40.42



NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 15-488

To: Dorothy B. Phillips
4528 Nettle Creek Ct.,
Port Orange, FL 32127

Re: 4528 Nettle Creek Ct.,
Port Orange, FL 32127

Parcel ID: 6309-20-00-0150

LEGAL DESCRIPTION: LOT 15 SHALLOWBROOK AT DUNLAWTON HILLS PHASE I MB 41 PG 118 PER OR 4753 PG 4370
Volusia County Public Records, Volusia County, FL

An inspection of the premises on March 26, 2015, indicates that certain violations of the City of Port Orange Code exists. Briefly stated, the property is in violation of the following:

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

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

Self-Initiated: While in the area, I noticed a home with a disabled/abandoned vehicle in the driveway with flat tires and full of papers and various items. In addition, there is outside storage on the outside of the home (cat crates, etc.). The yard is also in violation and needs to be mowed and maintained. I left a five (5) day door hanger notice to remove all outside storage and store inside. In addition, I informed the residents that the inoperable/unlicensed vehicle in the driveway must be stored inside or covered with an approved car cover (no flat tires). I also told the residents to mow and maintain 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 must be corrected by the 21th day of May, 2015.

Failure to comply after this date may result in the commencement of appropriate code enforcement action and/or possible fine of up to \$1,000.00 per day for a first violation, \$5,000.00 per day per violation for a repeat violation, and up to \$15,000.00 per violation if the Code Enforcement Board or a Code Enforcement Special Magistrate finds the violation to be irreparable or irreversible in nature. If the violation is corrected and then recurs, or if the violation is not corrected by the specified time for correction by the Code Compliance Inspector, the case shall be presented the Special Magistrate on the date set forth below, even if the violation has been corrected prior to this scheduled hearing. The burden shall rest upon the Respondent to request a re-inspection by the Code Compliance Inspector to determine whether the property is in compliance.

NOTICE OF HEARING AS TO VIOLATIONS ALLEGED

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

Pursuant to *Chapter 2, Article V, Code of Ordinances and Section 162.06, Florida Statutes*, you are hereby called upon to take notice that a PUBLIC HEARING will be conducted in the above-styled cause by the Special the **10th day of June, 2015** or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The Special Magistrate will receive testimony and evidence at said PUBLIC HEARING and shall make such findings of facts and conclusions of law as supported by the testimony and evidence pertaining to the matter alleged below, and shall issue a Final Order affording the proper relief.

A certified copy of the Final Order may be recorded in the public records of the county and shall constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property, and the findings therein shall be binding upon the violator and, if the violation concerns real property, upon any subsequent purchasers, successors in interest, or assigns. If you fail to appear at the Hearing, the Special Magistrate may base any findings solely on the testimony and evidence presented by the Code Enforcement Inspector. Please govern yourself accordingly.

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

As per *Chapter 2, Section 2-214, Code of Ordinances and Section 162.09(2)(d), Florida Statutes*: "In addition to such fines, a code enforcement board or special magistrate may impose additional fines to cover all costs incurred by the local government in enforcing its codes and all costs of repairs." The costs incurred to date are \$ 1,669 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 **10th day of June, 2015 at 9:00 a.m.**, enters a Final Order finding a violation as alleged, pursuant to Chapter 7, Code of Ordinances, City of Port Orange, Florida, you are hereby called upon to take notice that a 2nd PUBLIC HEARING will be conducted in the above-styled cause by the Code Enforcement Special Magistrate on the **22nd day of July, 2015, at 9:00 a.m.**, or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The Code Enforcement Special Magistrate will consider setting fine lien on the above referenced case at said PUBLIC HEARING. Please govern yourself accordingly. For further information regarding this matter, you may contact the undersigned Code Compliance Officer at (386) 506- 5641.

DATED this 11th day of May, 2015.

CITY OF PORT ORANGE, FLORIDA

By:

Dena Joseph
DENA JOSEPH, Code Enforcement Inspector

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Dorothy B. Phillips, 4528 Nettle Creek Ct., Port Orange, FL 32127, was

☐ Hand-delivered

☒ Posted at the property

Time: 12:42 PM

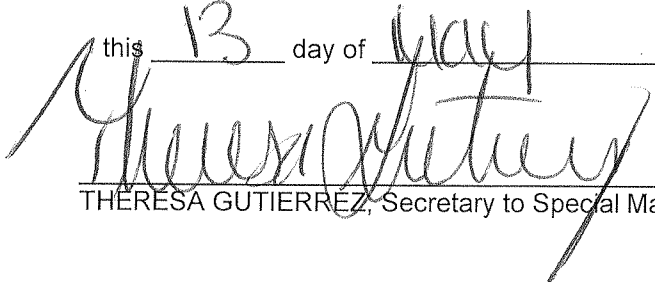
this 11th day of May, 2015.

Dena Joseph
DENA JOSEPH, Code Enforcement Inspector

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Dorothy B. Phillips, 4528 Nettle Creek Ct., Port Orange, FL 32127, was

- ☒ Posted at City Hall
☒ Sent via certified

this 13 day of May, 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.

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

(a) *Findings of fact.*

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

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

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

(c) *Restrictions.*

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

private property unless such vehicle is:

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

(Ord. No. 1998-23, § 1, 7-21-98)

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

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

(Code 1981, § 10-7)

*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)



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: 05-05-2015 Today's Date: 5-7-2015		Volusia County Property Appraiser's Office <u>Property Record Card (PRC)</u> <u>Morgan B. Gilreath Jr., M.A., A.S.A., C.F.A.</u> Property Appraiser			
Full Parcel ID Short Parcel ID		09-16-33-20-00-0150 6309-20-00-0150		Mill Group 402 Port Orange	
Alternate Key		4935665		2014 Final Millage Rate 21.15960	
Parcel Status		Active Parcel		PC Code 01	
Date Created		26 MAY 1987			
Owner Name		PHILLIPS DOROTHY B		GO TO ADD'L OWNERS	
Owner Name/Address 1					
Owner Address 2		4528 NETTLE CREEK CT			
Owner Address 3		PORT ORANGE FL			
Owner Zip Code		321279200			
Owner Percentage		100		Ownership Type	
Location Address		4528 NETTLE CREEK CT PORT ORANGE 32127			

LEGAL DESCRIPTION

LOT 15 SHALLOWBROOK AT DUNLAWTON HILLS PHASE I MB 41 PG 118

PER OR 4753 PG 4370

SALES HISTORY

[GO TO ADD'L SALES](#)

#	BOOK	PAGE	DATE	INSTRUMENT	QUALIFICATION	IMPROVED?	SALE PRICE
1	4753	4370	9/2001	Warranty Deed	Qualified Sale	Yes	84,500
2	4549	0141	5/2000	Warranty Deed	Qualified Sale	Yes	74,000
3	4164	1944	12/1996	Quit Claim Deed	Affiliated Parties	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	11,000	59,688	0	70,688	62,888	62,888	62,888	25,000	37,888	37,888	12,888	25,000
2013	11,000	50,959	0	61,959	61,959	61,959	61,959	25,000	36,959	36,959	11,959	25,000

LAND DATA

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

10/05/2001 10:17
Doc stamps 591.50
(Transfer Amt \$ 84500)
Instrument # 2001-214108
Book: 4753
Page: 4370
Diane M. Matousek
Volusia County, Clerk of Court

This Document Prepared By and Return to:
Dustin C. Shaffer
Waterside Title Co.
640 Dunlawton Ave
Port Orange, FL 32127

Parcel ID Number: 6309-20-00-0150
Grantee #1 TIN: 854-80-1160

Warranty Deed

This Indenture, Made this 28th day of September, 2001 A.D., Between
Patricia Anne Andrews, a single woman

of the County of Volusia, State of Florida, grantor, and
Dorothy B. Phillips, a single woman

whose address is: 4528 Nettle Creek Drive, Port Orange, FL 32127

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

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

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

Lot 15, SHALLOWBROOK AT DUNLAWTON HILLS, PHASE I, according to the
plat thereof, recorded in Map Book 41, Page(s) 118 of the Public
Records of Volusia County, Florida.

Subject to restrictions, reservations and easements of record, if
any, and taxes subsequent to 2000.

The subject property being conveyed herein does not constitute Grantor's
homestead real property.

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

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

Signed, sealed and delivered in our presence:

Dustin Shaffer
Printed Name: DUSTIN SHAFFER
Witness
Margaret M. Pico
Printed Name: Margaret M. Pico
Witness

Patricia Anne Andrews (Seal)
Patricia Anne Andrews
P.O. Address: 2951 Wild Pecan court, Port Orange, FL 32129

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner,

vs.

CASE NO: 15-0488

Dorothy B. Phillips, Property Owner,
Respondent.

Property Address: 4528 Nettle Creek Court, Port Orange, FL 32127
Parcel ID: 6309-20-00-0150

AFFIDAVIT OF PROPERTY POSTING
NOTICE OF VIOLATION AND
NOTICE FOR HEARING

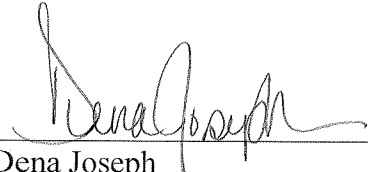
STATE OF FLORIDA
COUNTY OF VOLUSIA

BEFORE ME, the undersigned authority, personally appeared Dena Joseph, 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 4528 Nettle Creek Court, Port Orange, Florida 32127, is owned by Dorothy B. Phillips.
4. That 4528 Nettle Creek Court, 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 4528 Nettle Creek Court, Port Orange, Florida 32127, at 12:42 p.m. on the 11th day of May, 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.

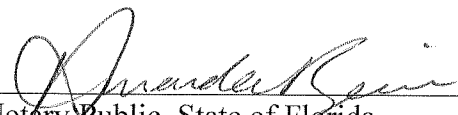
DATED this 13th day of May, 2015.



Dena Joseph
Code Compliance Inspector

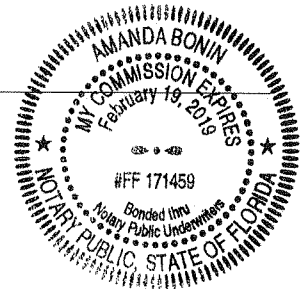
**STATE OF FLORIDA
COUNTY OF VOLUSIA**

The foregoing instrument was sworn to before me on the 13th day of
May, 2015, by Dena Joseph, who is personally known to me.



Notary Public, State of Florida

Commission No. _____



**CITY OF PORT ORANGE, FLORIDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
CASE NO. 15-0488**

CITY OF PORT ORANGE,
a Florida municipal corporation,

Petitioner,

Dorothy B. Phillips
4528 Nettle Creek Ct.
Port Orange, FL 32127
6309 [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 June 10, 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), Dorothy B. Phillips, whose mailing address is 4528 Nettle Creek Ct., Port Orange, FL 32127, is/are the owner(s) of the property located at 4528 Nettle Creek Ct., Port Orange, FL 32127, and more particularly described as:

LOT 15 SHALLOWBROOK AT DUNLAWTON HILLS PHASE I MB 41 PG 118
PER OR 4753 PG 4370

B. There is a disabled/abandoned vehicle in the driveway with flat tires and full of papers and various items. This condition was first observed at the real property described above on March 26, 2015; re-inspections made on May 22, 2015 and June 9, 2015 confirmed the condition as being the same. Respondent(s), Dorothy B. Phillips, received notice via certified mail and posted at City Hall on May 13, 2015. Additionally, the notice was posted at the property on May 11, 2015. The aforesaid conditions constituted a violation of Chapter 70 (Traffic), Article II (Stopping, standing, parking), Section 70-49 (Restrictions on disabled or abandoned vehicles), (c) (1), (a)(b), and (2) of the City of Port Orange Code of Ordinances, and was to be corrected by May 21, 2015.

C. At the time of the hearing on June 10, 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), Dorothy B. Phillips, by reason of the foregoing, has/have violated or abandoned vehicles), (c) (1), (a)(b), and (2) 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 disabled/abandoned vehicle is therefore subject to the provisions of the City of Port Orange Municipal Code 2.207.

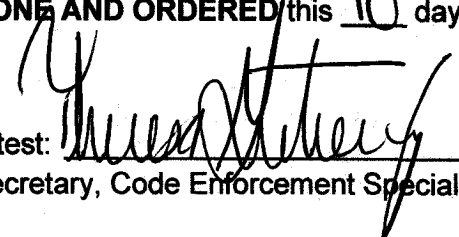
ORDER:

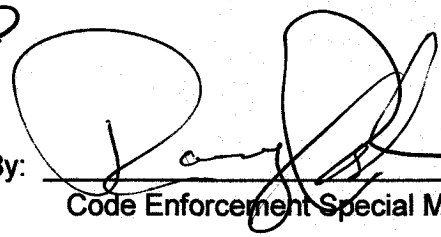
A. Respondent(s) shall correct the aforesaid violation by removing or covering the disabled/abandoned vehicle with an approved car cover on or before June 19, 2015. In the event that the property is not brought into compliance on or before June 19, 2015, and/or not maintained in a state of compliance, a daily fine of \$100 per day will be assessed for each day the property is in violation beyond June 19, 2015. If paragraph D. above is checked and the Respondent(s) has/have not abated the condition by June 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 \$40.42 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.

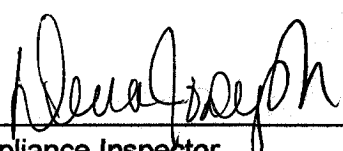
C. A certified copy of this Order may be recorded in the public records of Volusia County, Florida, and shall thereafter constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property. The findings in this Order shall be binding upon Respondent(s) 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 10 day of JUNE, 20 15

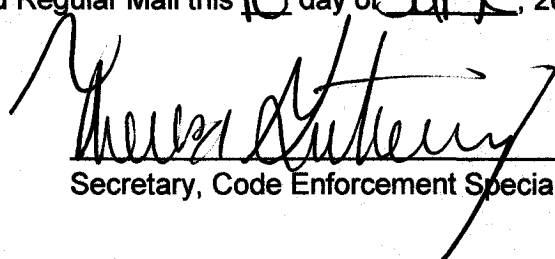
Attest: 
Secretary, Code Enforcement Special Magistrate

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), Dorothy B. Phillips, 4528 Nettle Creek Ct., Port Orange, FL 32127 by Certified and Regular Mail this 10 day of JUNE, 20 15


Secretary, Code Enforcement Special Magistrate