



AGENDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
CITY OF PORT ORANGE

Meeting Date: Wednesday, August 26, 2015

Time: 9:00 AM

Type of Meeting: Regular

Location: 2nd Floor Conference Room
City Hall, 1000 City Center Circle

A. CALL TO ORDER

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

B. FORMAL HEARING (COMPLIANCE OR NON-COMPLIANCE)

3. CEB Case No.: 15-801

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.

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).

C. ORDER IMPOSING FINE/LIEN

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).

D. PUBLIC COMMENTS

E. ADJOURNMENT

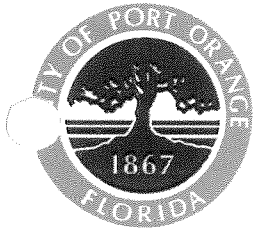
ANY PERSON WHO DECIDES TO APPEAL ANY DECISION MADE BY THE **CODE ENFORCEMENT SPECIAL MAGISTRATE** WILL NEED A RECORD OF THE PROCEEDINGS, AND FOR SUCH PURPOSE HE OR SHE MAY NEED TO ENSURE AT HIS OR HER OWN EXPENSE FOR THE TAKING AND PREPARATION OF A VERBATIM RECORD OF ALL TESTIMONY AND EVIDENCE OF THE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

Case Cost Sheet Log

Case No. 15-801

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	08/26/2015	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	8/26/15	\$7.21
Clerk of Court	Recording Fee - Finding of Fact/Conclusion of Law & Order	08/26/2015		\$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) <u>Morgan B. Gilreath Jr., M.A., A.S.A., C.F.A.</u> 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
------	------------------	----------	-------	------------	-----------	------	-----	-----	-----	-----	----------

**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

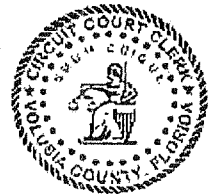
The following Tax Sale Certificate Numbered 15425-12 issued on 06/01/2012 was filed in the office of the tax collector of this County and application made for the issuance of the tax deed, the applicant having paid or redeemed all other taxes or tax sale certificates on the land described as required 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**

Instrument# 2015-057045 # 3
Book : 7100
Page : 614
Diane M. Matousek
Volusia County, Clerk of Court

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:

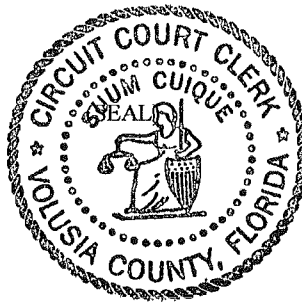
CITY OF PORT ORANGE at UTILITY SERVICES, 1000 CITY CENTER CIRCLE, PORT ORANGE
FL 32129

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**

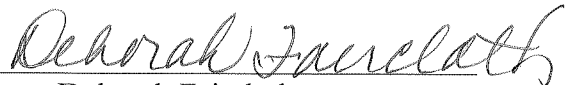
BEFORE ME, the undersigned authority, personally appeared Deborah Faircloth, Code Compliance Inspector, City of Port Orange, Florida, who after being duly sworn, deposes and says:

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.

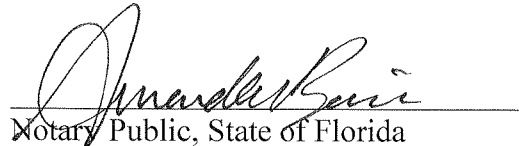
DATED this 16th day of June, 2015.



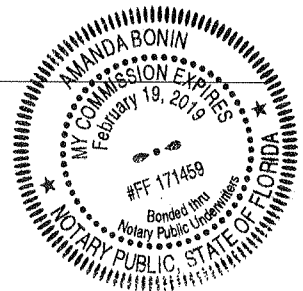
Deborah Faircloth
Code Compliance Inspector

**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. _____

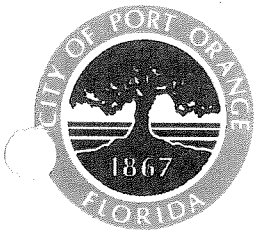


Case Cost Sheet Log

Case No. 15-222

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	08/26/2015		\$6.48
Clerk of Court	Recording Fee - Finding of Fact/Conclusion of Law & Order	08/26/2015		\$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)

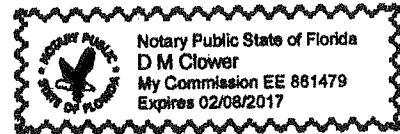
I HEREBY CERTIFY that on this day, before me, an officer duly authorized to administer oaths and take acknowledgments in the State of Florida, personally appeared RAM K. MANGAR and RAMRAGIE MANGAR, who verified under oath that they are the persons who executed the foregoing instrument for the uses and 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 plumbing

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 $\frac{1}{4}$ inch (6 mm) and a maximum opening size of $\frac{1}{2}$ 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.

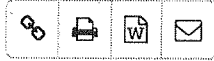
402.2 Specific insulation requirements (Prescriptive).

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.

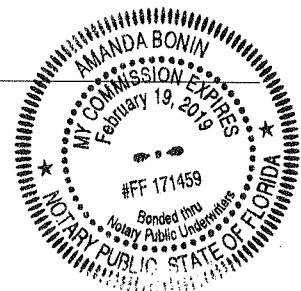
Deborah Faircloth
Deborah Faircloth
Code Compliance Inspector

**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. 15-963**

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	Certified Mail Returned to City Clerk's Office marked "Unclaimed/Unable to Foward".	\$7.21
David A. Dowling	Mailing Finding of Fact/Conclusion of Law & Order to 403 Herbert Street, Port Orange, FL 32129	07/22/2015	Certified Mail Returned to City Clerk's Office marked "Unclaimed/Unable to Foward".	\$7.21
Heather A. Moore	Mailing Finding of Fact/Conclusion of Law & Order to 403 Herbert Street, Port Orange, FL 32129	07/22/2015	Certified Green Card Signed by Michelle Purdy on 7-25-15 and was Returned to the Clerk's Office.	\$7.21
Clerk of Court	Recording Fee - Finding of Fact/Conclusion of Law & Order	07/22/2015	BK: 7143 PG: 3723	\$27.00
Melvy D. Dowling	Mailing Order Imposing Fine/Lien w/ Affidavit of Non-Compliance to 403 Herbert Street, Port Orange, FL 32129	08/26/2015		\$0.48
David A. Dowling	Mailing Order Imposing Fine/Lien w/ Affidavit of Non-Compliance to 403 Herbert Street, Port Orange, FL 32129	08/26/2015		\$0.48
Heather A. Moore	Mailing Order Imposing Fine/Lien w/ Affidavit of Non-Compliance to 425 N. Willow Avenue, Port Orange, FL 32127	08/26/2015		\$0.48

Clerk of Court	Recording Fee - Order Imposing Fine/Lien w/ Affidavit of Non-Compliance	08/26/2015		\$44.00
----------------	---	------------	--	---------

Total: \$114.92



**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.

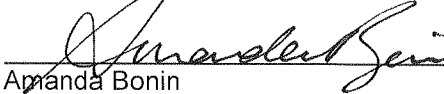
NOTICE OF HEARING SETTING FINE AND LIEN

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

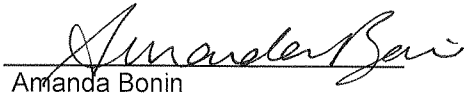
By: 
Amanda Bonin

☒ 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

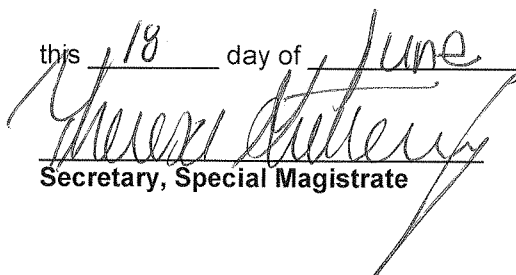
this 17th day of June, 2015.


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		402 Port Orange
Short Parcel ID		6303-07-00-0070			
Alternate Key		3576861	2014 Final Millage Rate		21.15960
Parcel Status		Active Parcel	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

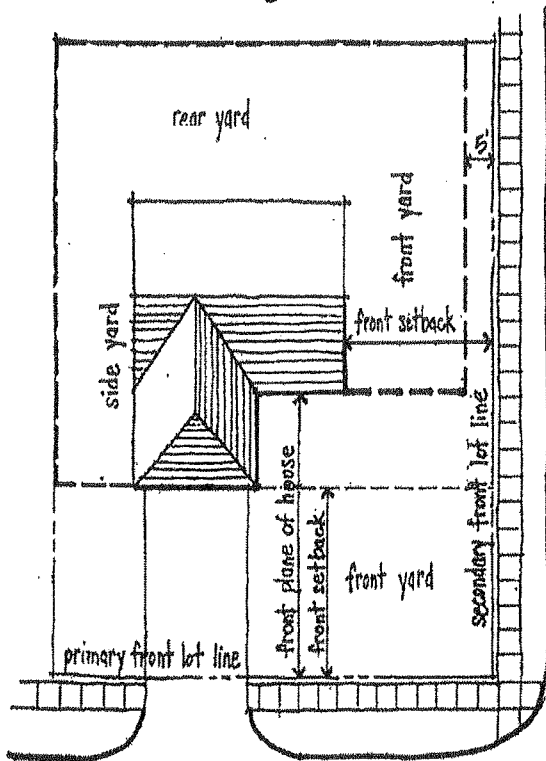
Section 3: - Fences and walls.

- (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.*

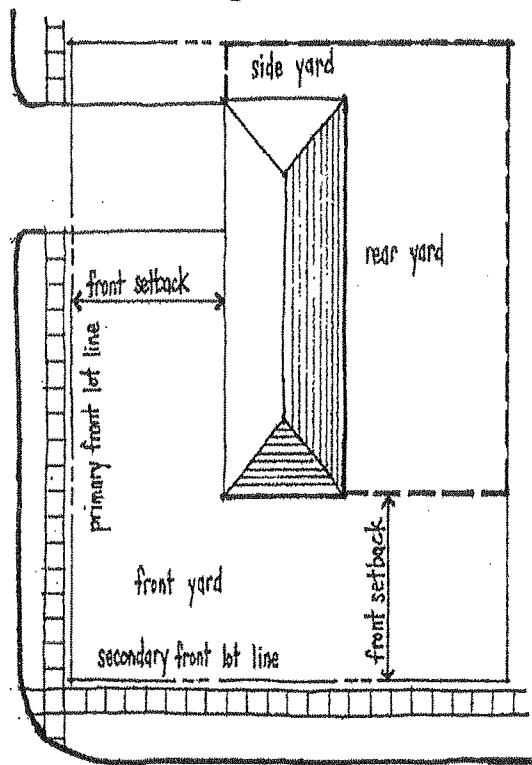
- (a) For individual single-family and two-family residential lots, no permanent fence or wall shall exceed six feet in height in rear or side yards, except as provided in subparagraph (e) below. In addition, fences and walls shall not exceed four feet in height when erected on an atypical lot within 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



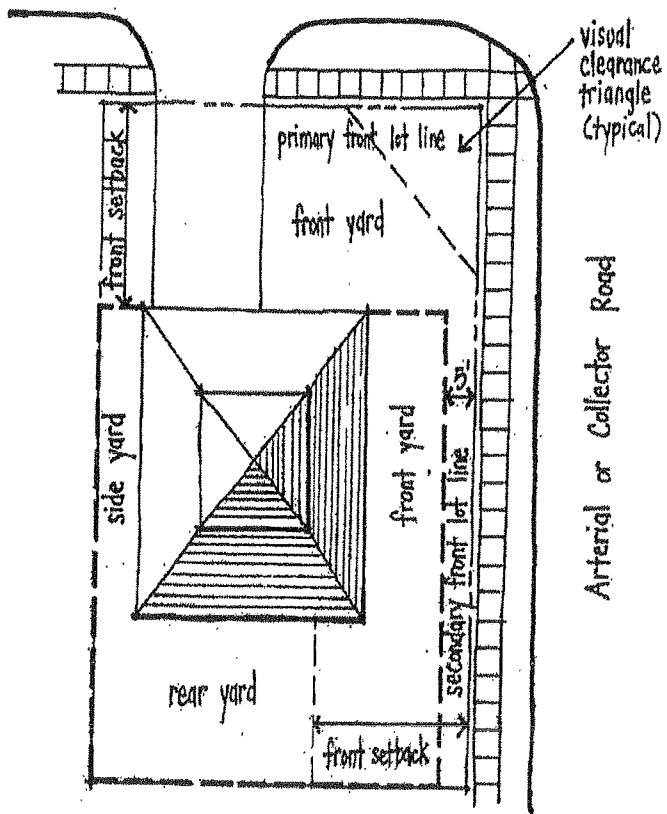
Local Street

Conforming Lot & Structure



Arterial or Collector Road

Local Street



Arterial or Collector Road

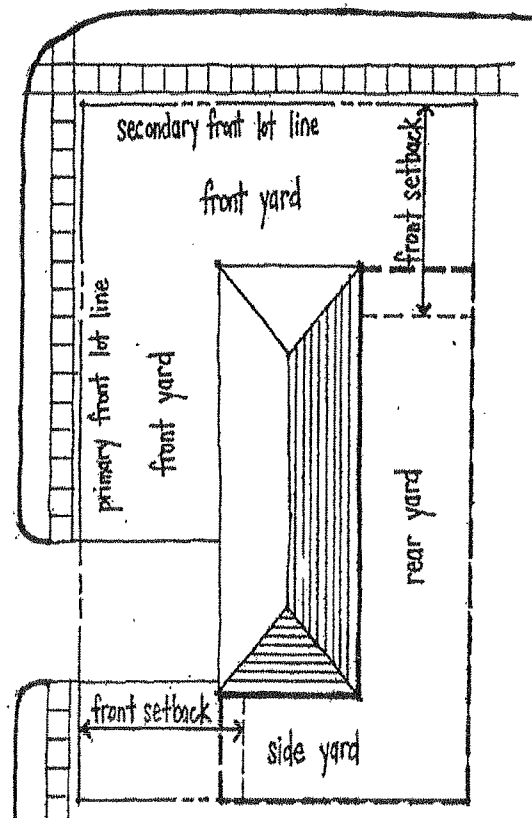


figure16A

- (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.

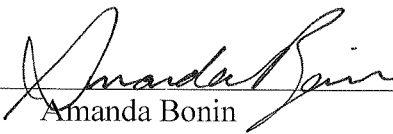
3. That, according to the records of the Volusia County Property Appraisers Office, the property located at 403 Herbert Street, Port Orange, Florida 32129, is owned by Melvy D. Dowling.

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.

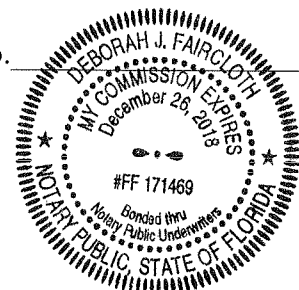

Amanda Bonin
Code Compliance Inspector

**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. _____



**CITY OF PORT ORANGE, FLORIDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
CASE NO. 15-963**

CITY OF PORT ORANGE,
a Florida municipal corporation,

Petitioner,

Melvy D. Dowling, Heather A. Moore, & David A. Dowling
403 Herbert Street
Port Orange, FL 32129
6303 [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 July 22, 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), Melvy D. Dowling, Heather A. Moore, & David A. Dowling, whose mailing address is 403 Hebert Street, Port Orange, FL 32129, is/are the owner(s) of the property located at 403 Herbert Street, Port Orange, FL 32129, and more particularly described as:

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
28 PER UNREC D/C PER OR 7046 PG 4245

B. The entire fence is deteriorating and needs to be repaired to its original and upright condition or replaced. This condition was first observed at the real property described above on May 26, 2015; re-inspections made on July 18, 2015 confirmed the condition as being the same. Respondent(s), Melvy D. Dowling, Heather A. Moore, and David A. Dowling, received notice via certified mail and posted at City Hall on June 18, 2015. Additionally, the notice was posted at the property on June 17, 2015. The aforesaid conditions constituted a violation of the City of Port Orange Land Development Code Chapter 16 Miscellaneous, Section 3 Fences and Walls, (b)(4) Design and Maintenance (b) & (d), and was to be corrected by July 3, 2015.

C. At the time of the hearing on July 22, 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), Melvy D. Dowling, Heather A. Moore, and David A. Dowling, by reason of the foregoing, has/have violated the City of Port Orange Land Development Code Chapter 16 Miscellaneous, Section 3 Fences and Walls, (b)(4) Design and Maintenance (b) & (d), in that the Respondent(s) failed, on or before the date set in the notice of violation, to remedy the conditions of the deteriorating fence is therefore subject to the provisions of the City of Port Orange Municipal Code 2.207.

ORDER:

A. Respondent(s) shall correct the aforesaid violation by repairing, replacing, or removing the fence on or before July 31, 2015. In the event that the property is not brought into compliance on or before July 31, 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 July 31, 2015. If paragraph D. above is checked and the Respondent(s) has/have not abated the condition by July 31, 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 \$69.48 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 22 day of July, 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), Melvy D. Dowling and David A. Dowling, 403 Hebert Street, Port Orange, FL 32127 and Heather A. Moore, 425 N. Willow Avenue, Port Orange, FL 32127 by Certified and Regular Mail this 22 day of July, 2015.

[Signature]
Secretary, Code Enforcement Special Magistrate



CITY OF PORT ORANGE, FLORIDA

I HEREBY CERTIFY the foregoing is a true copy of the original filed in this office.

This document has not been redacted pursuant to Florida Law.

This 22 day of July, 2015.
By: [Signature]