



AGENDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
CITY OF PORT ORANGE

Meeting Date: Wednesday, September 9, 2015

Time: 9:00 AM

Type of Meeting: Regular

Location: Council Chambers
City Hall, 1000 City Center Circle

A. CALL TO ORDER

1. Roll Call
2. Attorney Overview of Special Magistrate Code Enforcement Process
3. Consideration of Minutes
 - A. July 22, 2015
 - B. August 12, 2015
 - C. August 26, 2015

B. FORMAL HEARING (COMPLIANCE OR NON-COMPLIANCE)

4. **CEB Case No.:** 15-1316
Respondent: Armeen Executive Center COA
C/o Mark M. Watson Jr.
Address of Violation: 731 Dunlawton Avenue, Port Orange, FL 32129
Code Officer: Scott Allman
First Notified: 08/04/2015

Compliance: No

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

5. **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, Section 304.7.

6. **CEB Case No.:** 15-1017
Respondent: Joseph A. Adamo Sr.
Address of Violation: 120 Aloha Terrace
Code Officer: Deborah Faircloth
First Notified: 08/10/2015

Compliance: No

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

Chapter 42 (Nuisances), Article V (Unsafe Conditions), Division 2 Nuisance Trees, Section 42-103, Section (a) 1 & 2 Declaration of a Nuisance It of the City of Port Orange Code of Ordinances.

7. **CEB Case No.:** 15-137
Respondent: Banta Scott Trust
Address of Violation: 5249 Sydney Street, Port Orange, FL 32127
Code Officer: Deborah Faircloth
First Notified: 04/27/2015

Compliance: Yes

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

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

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

8. **CEB Case No.:** 15-0951
Respondent: William L. Bradford
Address of Violation: 214 Ocean Avenue, Port Orange, FL 32129
Code Officer: Dena Joseph
First Notified: 07/27/2015

Compliance: No

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

9. **CEB Case No.:** 15-1066

Respondent: Bin Jin Chen, Ming Jie Zhang, & Yue Hua Xu

Address of Violation: 805 Angelina Court, Port Orange, FL 32127

Code Officer: Dena Joseph

First Notified: 08/05/2015

Compliance: No

Cited for violation(s) - Chapter 82 (Waterways), Article I (In General), Section 82-5 (Obstructing) of the City of Port Orange Code of Ordinances.

C. ORDER IMPOSING FINE/LIEN

D. PUBLIC COMMENTS

E. ADJOURNMENT

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

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

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

PRESENT: Raymond Branch, Special Magistrate

ALSO PRESENT: Scott Allman, Code Enforcement Inspector
Dena Joseph, Code Enforcement Inspector
Deborah Faircloth, Code Enforcement Inspector
Amanda Bonin, Code Enforcement Inspector
Michael Cochetti, Legal Counsel for Code Enforcement
Kerry Leuzinger, Building Official
Theresa Gutierrez, Deputy City Clerk

Special Magistrate Branch reviewed the Code Enforcement hearing process.

Consideration of Minutes from May 27, 2015

Special Magistrate Branch approved the May 27, 2015 meeting minutes subject to the edits Special Magistrate Branch submitted to the Clerk.

Oaths

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

B. FORMAL HEARING (COMPLIANCE OR NON-COMPLIANCE)

4. **CEB Case No.:** 15-1048
Respondent: Antoun Kassab
Address of Violation: 5687 Ridgewood Avenue, Port Orange, FL 32127
Code Officer: Scott Allman
First Notified: 06/11/2015

Compliance: Yes

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

Mr. Faircloth requested that case no. 15-1048 to be dismissed due to the property owner coming into compliance with the notice. Special Magistrate Branch dismissed case no. 15-1048.

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 3 (b) (4) (b) & (d).

The violation was first observed on May 26, 2015. The alleged violator was given Notice of Violation/Notice of Hearing by property posting on June 17, 2015. Additionally, the notice was also mailed certified to Melvy D. Dowling, Heather A. Moore, and David A. Dowling. A certified green card was returned from Heather A. Moore's address. The violation was to be corrected on July 3, 2015. Ms. Bonin re-inspected the location on July 18, 2015 resulting in non-compliance.

Ms. Bonin presented photos dated May 26, 2015 and June 17, 2015. Special Magistrate Branch admitted the photos into evidence.

Based on the information presented in case no. 15-963, Ms. Bonin is requesting the Special Magistrate to find that Melvy D. Dowling, property owner of 403 Herbert Street, Port Orange, FL 32129, be found in violation of City of Port Orange Land Development Code Chapter 16 Miscellaneous, Section 3 Fences and Walls, 4 Design and Maintenance 3 (b) (4) (b) & (d).

Ms. Bonin requested the violation be corrected by repairing, replacing, or removing the fence on or before July 31, 2015. If the accused does not comply with this Order, a fine of \$100 shall be imposed for each day the violation continues past July 31, 2015. Ms. Bonin also requested that the accused is further ordered to contact this Code Enforcement Officer to arrange for a re-inspection of the property to verify compliance with the Order. Any future violations under this ordinance shall be considered repeat violations. Additionally, Ms. Bonin requested that the City of Port Orange have the option to abate the violation as this is a health and safety concern for the community in that the fence could fall and if there are any children in the area they could be harmed.

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 will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion.

Special Magistrate Branch accepted Ms. Bonin's recommendation. Notice shall be made to the City Council for possible abatement.

6. **CEB Case No.:** 15-1017

Respondent: Joseph A. Adamo Sr.

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

Code Officer: Amanda Bonin

First Notified: 06/17/2015

Compliance: No

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

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

The violation was first observed on June 3, 2015. The alleged violator was given Notice of Violation/Notice of Hearing on June 17, 2015 by property posting. The violation was to be corrected on July 3, 2015. Ms. Bonin re-inspected the location on July 18, 2015 resulting in non-compliance. Ms. Bonin said she has had no contact with the property owner. It does not appear to be occupied. The neighbors state that Mr. Adamo is in a nursing home. Ms. Bonin is requesting the City have the option to abate the nuisance tree.

Special Magistrate Branch said if a nuisance is declared on the property by a nuisance tree, the property owner is responsible to abate the nuisance tree per Section 42-104.

Ms. Bonin requested to dismiss case no. 15-1017. Special Magistrate Branch dismissed case no. 15-1017.

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

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

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

Code Officer: Dena Joseph

First Notified: 06/19/2015

Compliance: Yes

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

Ms. Joseph requested case no. 15-0951 be dismissed due to compliance with the notice. Special Magistrate Branch dismissed case no. 15-0951.

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

Respondent: Pacem, LLC

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

Code Officer: Dena Joseph

First Notified: 06/19/2015

Compliance: Yes

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

Ms. Joseph requested case no. 15-1027 be dismissed due to compliance with the notice. Special Magistrate Branch dismissed case no. 15-1027.

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

Respondent: MHC Lighthouse Pointe, LLC

C/o Equity Property Tax Group

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

Code Officer: Dena Joseph

First Notified: 07/22/2015

Compliance: Yes

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

Ms. Joseph requested case no. 15-1067 be dismissed due to compliance with the notice. Special Magistrate Branch dismissed case no. 15-1067.

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

Respondent: Corrine A. Baker

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

Code Officer: Deborah Faircloth

First Notified: 06/11/2015

Compliance: Yes

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

Ms. Faircloth requested case no. 15-937 be dismissed due to compliance with the notice. Special Magistrate Branch dismissed case no. 15-937.

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

Respondent: Bonnie L. Smola

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

Code Officer: Deborah Faircloth

First Notified: 06/11/2015

Compliance: Yes

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

Ms. Faircloth requested case no. 15-942 be dismissed due to compliance with the notice. Special Magistrate Branch dismissed case no. 15-942.

12. CEB Case No.: 15-801

Respondent: White Fawn, LLC

C/o Yiz Gong, Registered Agent

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

Code Officer: Deborah Faircloth

First Notified: 06/15/2015

Compliance: No

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

Leo Buk Lhu, Representative for Yiz Gong, introduced himself to the Special Magistrate. Ms. Gong hired Ms. Lhu as an agent to hire contractors to make repairs at the property. Mr. Lhu was duly sworn by Special Magistrate Branch.

Ms. Faircloth said she had seen work being down without a permit. At that time, Ms. Faircloth issued a stop work order on the property.

Mr. Lhu mentioned that the general contractor hired to do the work did not have the proper license nor did they do the work properly. They failed to pull any permits which resulted in a stop work order from the City. Mr. Lhu then contacted Miron Hawryluk, Contractor, to complete the job at the location.

Mr. Hawryluk introduced himself to the Special Magistrate. Mr. Hawryluk requested additional time to complete to work due to just being hired by Mr. Lhu and Ms. Gong yesterday. Ms. Faircloth said there is electrical, plumbing, and building work which all require permits to be pulled.

Special Magistrate Branch continued case no. 15-801 until the August 26, 2015 hearing. If the permits have been applied for the case will be dismissed and not be heard on August 26, 2015.

13. CEB Case No.: 15-927

Respondent: Donald L. Bailey

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

Code Officer: Deborah Faircloth

First Notified: 06/18/2015

Compliance: No

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

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

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

Ms. Faircloth said the violation was first observed on May 20, 2015. On June 8, 2015, Ms. Faircloth observed the exterior structure from the adjacent property. At that time, the correct permits had been applied for. The alleged violator was given Notice of Violation/Notice of Hearing on June 18, 2015 by property posting and via certified mail and posting at City Hall on June 19, 2015. The violation was to be corrected by July 10, 2015. Ms. Faircloth received a call from Ms. Bailey on July 9, 2015. Mr. Bailey stated that he had been working very hard to correct the violations that he had been cited for. An inspection on July 10, 2015 resulted in non-compliance. Ms. Faircloth said there has been significant progress at the location. The overgrowth had been cut back from the right-of-way and property, installation of mulch pathways and stepping stones, and the outside storage had been reduced. Mr. Bailey has also replaced the rotted piece of wood on his roof.

Ms. Faircloth presented photos dated May 20, 2015 and July 10, 2015. Special Magistrate Branch admitted the photos into evidence.

Ms. Faircloth stated that installing shingles and cleaning up all outside storage is needed to complete the repair.

Ms. Faircloth requested dismissing Chapter 42, Article II, Section 42-26(d)(f)(h) of City of Port Orange Code of Ordinances. Special Magistrate Branch dismissed Chapter 42, Article II, Section 42-26(d)(f)(h) of City of Port Orange Code of Ordinances.

Ms. Faircloth requested an extension until August 12, 2015 to give Mr. Bailey enough time to complete the work for the outside storage violation and the repair of the roof be completed.

Special Magistrate Branch continued case no. 15-927 until August 12, 2015. If the work has been done on or before August 12, 2015 this case shall be dismissed.

14. CEB Case No.: 15-222

Respondent: RRRAC LLC

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

Code Officer: Deborah Faircloth

First Notified: 05/27/2015

Compliance: No

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

Chapter 3, Sections 305.3, 304.7, 304.14

Chapter 5, Sections 502.1, 506.2, 507.1

Chapter 6, Sections 602.3, 604.3

Chapter 7, Sections 702.3, 704.1, 704.2

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

waste, trash, etc. (return grocery carts to store).

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

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

Chapter 12, Section 3(c).

Ms. Faircloth said the property owner was to have pulled down the ceiling for City Staff to review the structure to see what had been done to correct or replace the roof. Mr. Mangar did pull back the roof. Kerry Luezing, Building Official, Chris Hutchison, Code Compliance Supervisor, and Ms. Faircloth met with Mr. Mangar on July 10, 2015 at the property. At that time, the ceiling was pulled down in unit 5. City Staff discovered the rafters and decking boards had been freshly painted over the charring. Ms. Faircloth and Mr. Luezing believe the fresh paint was a cover approach from Mr. Mangar with the violations.

Ms. Faircloth presented photos dated July 10, 2015. Special Magistrate Branch admitted the photos into evidence. The pictures indicate the rafters and decking boards in the ceiling being severely charred.

Mr. Mangar was duly sworn by Special Magistrate Branch. Mr. Mangar stated that he had hired an engineer. Special Magistrate Branch asked when Mr. Mangar contacted the engineer. Mr. Mangar said it was after the July 10, 2015 meeting. Ms. Faircloth mentioned there has not been a permit applied for.

Special Magistrate Branch asked Mr. Mangar about the plywood decking damaged by fire and the fresh paint. Mr. Mangar said most of the damage was made by the smoke of the fire.

Stanley Hoelle, Architect, was duly sworn by Special Magistrate Branch. Michael Cochetti, Legal Counsel for Code Enforcement, objected to Mr. Hoelle's testimony as premature for this hearing date. The report that Mr. Hoelle submitted was not reviewed by any City Staff.

Mr. Mangar said he did come to apply for a permit but stated it was rejected. He stated that City Staff turned him down because Ms. Faircloth was on vacation and she had to be there.

Special Magistrate Branch continued case no. 15-522 until the August 26, 2015 hearing. At that time, a status report will be submitted to the Special Magistrate as to whether or not a permit has been applied for, approved, and work being commenced. The permits must be submitted by August 24, 2015 by a structural engineer.

C. ORDER IMPOSING FINE/LIEN

15. CEB Case No.: 15-678

Respondent: Troy Loprimo & Susan Plebanek

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

Code Officer: Deborah Faircloth

First Notified: 05/04/2015

Compliance: Yes

Cited for violation(s) - Chapter 18 (Businesses), Article II (Local business tax), Section 18-33 (Duration, expiration of business tax receipt; delinquent business tax payment, penalties; doing business without

business tax receipt, penalty), (b) of the City of Port Orange Code of Ordinances.

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

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

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

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

Ms. Faircloth requested case no. 15-674 be dismissed due to compliance with the order. Special Magistrate Branch dismissed case no. 15-674.

16. CEB Case No.: 15-488

Respondent: Dorothy B. Phillips

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

Code Officer: Dena Joseph

First Notified: 05/11/2015

Compliance: No

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

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

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

This case was first heard on June 10, 2015. At the time of the hearing, property owner (Dorothy B. Phillips) was found in violation of Chapter 70 (Traffic), Article II (Stopping, Standing Parking), Section 70-49 (Restrictions on disabled or abandoned vehicles), (c) Restrictions, 1 (a),(b), and (2) of the City of Port Orange Code of Ordinances. Ms. Phillips was to have made corrections by June 19, 2015 or a fine of \$100 per day would be assessed for each day the violation continued past June 19, 2015. A re-inspection of the property was conducted on June 22, 2015 and the property remains in non-compliance. An Affidavit of Non-Compliance has been filed with the Board secretary.

Therefore, a fine in the amount of \$100 per day beginning on June 20, 2015 is hereby imposed upon the respondent Dorothy B. Phillips, which fine shall continue to accrue thereafter for each and every day the violation exists. Included as part of this lien, the Respondent shall pay all costs incurred by the City of Port Orange in the prosecution of this case before the Magistrate, said costs being in the total amount of \$85.12 as stated on the updated cost sheet submitted into evidence.

Special Magistrate Branch accepted Ms. Joseph's recommendation.

D. PUBLIC COMMENTS:

There were none.

E. ADJOURNMENT: 9:30 a.m.

Special Magistrate Raymond Branch

CODE ENFORCEMENT SPECIAL MAGISTRATE MINUTES
COUNCIL CHAMBERS
1000 CITY CENTER CIRCLE
AUGUST 12, 2015

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

PRESENT: Raymond Branch, Special Magistrate

ALSO PRESENT: Chris Hutchison, Code Enforcement Supervisor
Scott Allman, Code Enforcement Inspector
Deborah Faircloth, Code Enforcement Inspector
Amanda Bonin, Code Enforcement Inspector
Barbara Abbate, Recording Secretary

Special Magistrate Branch reviewed the Code Enforcement hearing process.

Consideration of Minutes from July 8, 2015

Special Magistrate Branch approved the July 8, 2015 meeting minutes.

Oaths

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

B. FORMAL HEARING (COMPLIANCE OR NON-COMPLIANCE)

4. **CEB Case No.:** 15-137
Respondent: Banta Scott Trust
Address of Violation: 5249 Sydney Street, Port Orange, FL 32127
Code Officer: Deborah Faircloth
First Notified: 04/27/2015

Compliance: No

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

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

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

Mr. Banta had submitted the building packet as required at the last hearing (July 8, 2015). City Staff have not reviewed the packet nor issued a permit. Ms. Faircloth requested case no. 15-137 be continued until the September 9, 2015 Special Magistrate meeting. Special Magistrate Branch continued case no. 15-138 until the September 9, 2015 Special Magistrate meeting.

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

Respondent: Donald L. Bailey

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

Code Officer: Deborah Faircloth

First Notified: 06/18/2015

Compliance: No

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

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

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

Ms. Faircloth requested case no. 15-927 be dismissed due to the property owner coming into compliance with the notice. Special Magistrate Branch dismissed case no. 15-927.

6. **CEB Case No.:** 15-785

Respondent: Evelyn C. Stone (Deceased)

Address of Violation: 544 Legume Drive, Port Orange, FL 32127

Code Officer: Scott Allman

First Notified: 06/30/2015

Compliance: No

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

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

Chapter 3 (General Requirements), Section 303 (Swimming Pools, Spas and Hot Tubs), of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances.

Chapter 16, Section 3, (4), (b) & (d) of the City of Port Orange Land Development Code.

Mr. Allman requested case no. 15-785 be dismissed due to the property being in compliance with the notice. Special Magistrate Branch dismissed case no. 15-785.

7. **CEB Case No.:** 15-822

Respondent: Aki Bexhert Rexha

Address of Violation: Mills Road Lane

Code Officer: Scott Allman

First Notified: 07/01/2015

Compliance: No

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

The violation was first observed on May 6, 2015. The alleged violator was given Notice of Hearing/Notice of Violation on July 1, 2015 by property posting and posting at City Hall. Additionally, the notice was also mailed certified on July 2, 2015. The violation was to be corrected on July 31, 2015. Mr. Allman re-inspected the location on August 3, 2015 and August 11, 2015 resulting in non-compliance.

Mr. Allman received a call from Big T's Lawn Service. The owner had contracted through this company to mow the lot, clear the tree debris, etc. Big T's Lawn Service notified Mr. Allman that the property located at Mills Road Lane was on the list to be mowed in a week.

Mr. Allman presented photos dated May 6, 2015, July 1, 2015, and August 11, 2015. Special Magistrate Branch submitted the photos into evidence.

Based on the information presented in case no. 15-822, Mr. Allman is requesting the Special Magistrate to find that Aki Bexhet Rexha property owner of Mill Road Lane, Port Orange, FL 32127, be found in violation of Chapter 42, (Nuisances), Article II (Garbage, junk, and undergrowth), Section 42-26 (Cleanliness of property generally-duty of owner), §§ (d) (Maintenance of improved residential lots) of the City of Port Orange Code of Ordinances.

Special Magistrate Branch found case no. 15-822 of Chapter 42, (Nuisances), Article II (Garbage, junk, and undergrowth), Section 42-26 (Cleanliness of property generally-duty of owner), §§ (d) (Maintenance of improved residential lots) of the City of Port Orange Code of Ordinances.

Mr. Allman requests the violation be corrected on or before August 21, 2015. If the accused does not comply with this Order, a fine of \$100 is imposed for each day the violation continues past August 21, 2015. Mr. Allman also requests the accused to be further ordered to contact this Code Enforcement Officer to arrange for a re-inspection of the property to verify compliance with the Order. Any future violations under this ordinance shall be considered repeat violations.

Additionally, as per Chapter 2, Section 2-214, Code of Ordinances: "In addition to any fines, the Special Magistrate may impose additional fines to cover all costs incurred by the City in enforcing its codes and all costs or repairs pursuant to sub section (a)." The cost to date is \$40.94 as indicated on the cost sheet that will be submitted into evidence. The respondent will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion.

Special Magistrate Branch accepted Mr. Allman's recommendation.

8. CEB Case No.: 15-374

Respondent: Home Depot USA, Inc.

Address of Violation: 1551 Dunlawton Avenue, Port Orange, FL 32129

Code Officer: Amanda Bonin

First Notified: 07/16/2015

Compliance: No

Cited for violation(s) - Chapter 14, Article VII, Commercial Property Maintenance Standards of the City of Port Orange Code of Ordinances Section 14-314 (d) (1), (2), & (5), 14-315 (a), & 14-318 (d)

Robert Murphy, Operations Manager at Home Depot, and Doug Smith, Operations Manager for grounds and landscaping at Home Depot, were duly sworn by Special Magistrate Branch.

The violation was first observed on March 13, 2015. The alleged violators were given Notice of Violation/Notice of Hearing on July 16, 2015 via hand delivery to Angela Dillon, Associate Support Department Supervisor. The violation was to be corrected on August 7, 2015. Ms. Bonin re-inspected the location on August 8, 2015. Upon re-inspection, the site was still non-compliant.

Ms. Bonin presented photos dated August 11, 2015. The photos indicate a missing palm behind the hedgerow and missing mulch sections. Special Magistrate Branch admitted the photos into evidence.

Discussion was held regarding the as built plans of Home Depot.

Ms. Bonin requested to dismiss Chapter 14, Article VII, Commercial Property Maintenance Standards of the City of Port Orange Code of Ordinances Section 14-318 (d). Special Magistrate Branch dismissed Chapter 14, Article VII, Commercial Property Maintenance Standards of the City of Port Orange Code of Ordinances Section 14-318 (d).

Mr. Smith requested a 30 day extension in order to get the work completed.

Special Magistrate Branch found case no. 15-374 in violation of the City of Port Orange Code of Ordinances Section 14-314 (d) (5).

Based on the information presented in case no. 15-374, Ms. Bonin is requesting the Special Magistrate to find that Home Depot USA, INC property owner of 1551 Dunlawton Avenue Port Orange, FL 32129, be found in violation of the City of Port Orange Code of Ordinances Section 14-314 (d) (5).

Ms. Bonin requested the violation be corrected on or before September 21, 2015. If the accused does not comply with this Order, a fine of \$100 be imposed for each day the violation continues past September 21, 2015. Ms. Bonin also requests that the accused is further ordered to contact this Code Enforcement Officer to arrange for a re-inspection of the property to verify compliance with the Order. Any future violations under this ordinance shall be considered repeat violations.

Additionally, as per Chapter 2, Section 2-214, Code of Ordinances: "In addition to any fines, the Special Magistrate may impose additional fines to cover all costs incurred by the City in enforcing its codes and all costs or repairs pursuant to sub section (a)." The cost to date is \$33.73 as indicated on the cost sheet submitted into evidence. The respondent will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion.

Special Magistrate Branch accepted Ms. Bonin's recommendation. This case will be heard on the September 23, 2015 hearing date for an update on the property.

9. **CEB Case No.:** 15-316

Respondent: William K. & Balbina A. McDaniels

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

Code Officer: Amanda Bonin

First Notified: 07/17/2015

Compliance: No

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

Chapter 70 Traffic, Article II, Section 70-36 (k), (1) (2) (3) Stopping, standing or parking prohibited in specified places of the City of Port Orange Code of Ordinances.

Chapter 70 Traffic, Article II, Section 70-49 (c), (1) (a) (b), & Restrictions of the City of Port Orange Code of Ordinances.

The violation was first observed on March 6, 2015. The alleged violators were given Notice of Violation/Notice of Hearing on July 17, 2015 via hand delivery to Balbina A. McDaniels. The violation was to be corrected by July 27, 2015. Ms. Bonin inspected the property on August 5, 2015 resulting in non-compliance.

Ms. Bonin presented photos dated August 5, 2015. Special Magistrate Branch admitted the photos into evidence.

Based on the information presented in case no. 15-316, Ms. Bonin is requesting the Special Magistrate to find that William K. & Balbina A. McDaniels, property owners of 1218 Jeffery Drive Port Orange, FL 32129, be found in violation of the City of Port Orange Code of Ordinances Chapter 42 (Nuisances), Article II (Garbage, Junk and Undergrowth), Section 42-32 and the City of Port Orange's Code of Ordinances, Chapter 70 Traffic, Article II, Section 70-36 (K), (1) (2) (3) Stopping, standing or parking prohibited in specified places, and Chapter 70 Traffic, Article II, Section 70-49 (c), (1) (a) (b), & Restrictions of the City of Port Orange Code of Ordinances.

Special Magistrate Branch found case no. 15-316 in violation of the above referenced codes.

Ms. Bonin requested the violation be corrected on or before August 22, 2015. If the accused does not comply with this Order, a fine of \$250 shall be imposed for each day the violation continues past August 22, 2015. Ms. Bonin also requests the accused be ordered to contact this Code Enforcement Officer to arrange for a re-inspection of the property to verify compliance with the Order. Any future violations under this ordinance shall be considered repeat violations.

Additionally, as per Chapter 2, Section 2-214, Code of Ordinances: "In addition to any fines, the Special Magistrate may impose additional fines to cover all costs incurred by the City in enforcing its codes and all costs or repairs pursuant to sub section (a)." The cost to date is \$41.42 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.

Special Magistrate Branch accepted Ms. Bonin's recommendation.

10. CEB Case No.: 15-122

Respondent: Sara R. Bonner

Address of Violation: 52 Woodfield Drive, Port Orange, FL 32129

Code Officer: Amanda Bonin

First Notified: 07/17/2015

Compliance: No

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

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

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

Chapter 3 (General Requirements), Section 304 (Exterior Structure), 304.13 (Window, skylight and door frames) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances.

Chapter 3 (General Requirements), Section 304 (Exterior Structure), 304.13.2 Openable windows of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances.

The violation was first observed on February 4, 2015. The alleged violator was given the Notice of Violation/Notice of Hearing on July 17, 2015 via hand delivery to William McMichael. The violation was to be corrected on July 27, 2015. Ms. Bonin re-inspected the location on August 5, 2015, and upon re-inspection the site remaining non-compliant.

Ms. Bonin requests for Chapter 3 (General Requirements), Section 304 (Exterior Structure), 304.13 (Window, skylight and door frames) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances and Chapter 3 (General Requirements), Section 304 (Exterior Structure), 304.13.2 Openable windows of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances be dismissed due to compliance with the notice. Special Magistrate Branch dismissed the above referenced codes.

Ms. Bonin presented photos dated August 11, 2015. Special Magistrate Branch admitted the photos into evidence.

Corey Berman, citizen, was duly sworn by Special Magistrate Branch. Mr. Berman showed concern regarding the property located at 52 Woodfield Drive. Evidence of rodents, snakes, etc. have been cited and Mr. Berman believes it's a threat to his back yard. He would like to see the property cleaned up. Mr. Berman presented photos of the property. Special Magistrate Branch admitted the photos into evidence.

Based on the information presented in case no. 15-122, Ms. Bonin is requesting the Special Magistrate to find that Sara R. Bonner, property owner of 52 Woodfield Drive Port Orange, FL 32129, be found in violation of Chapter 42 (Nuisances) of the City of Port Orange Code of Ordinances, Article II (Garbage, Junk and Undergrowth), Section 42-26 (Cleanliness of Property Generally-Duty of Owner), (d) & (f) and Chapter 42 Nuisances, Section 42-32 Storage of vehicles, furniture, etc.

Ms. Bonin requested the violation be corrected on or before August 22, 2015. If the accused does not comply with this Order, a fine of \$250 shall be imposed for each day the violation continues past August 22, 2015. Due to the condition of the property, Ms. Bonin would like to find the violations a serious threat to the public health, safety, and welfare. If the respondents have not abated the violation on or before August 22, 2015, then notice of the violation will

be given to the City Council. The City Council may repair the condition and charge the Respondent with reasonable cost of the repairs. Ms. Bonin also request that the accused is further ordered to contact this Code Enforcement Officer to arrange for a re-inspection of the property to verify compliance with the Order. Any future violations under this ordinance shall be considered repeat violations.

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 costs to date are \$34.21 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.

Special Magistrate Branch dismissed Chapter 42 Nuisances, Section 42-32. He does not believe the section of the code reflects the conditions of the property.

Special Magistrate Branch found case no. 15-122 in violation of Chapter 42 (Nuisances) of the City of Port Orange Code of Ordinances, Article II (Garbage, Junk and Undergrowth), Section 42-26 (Cleanliness of Property Generally-Duty of Owner), (d) & (f).

Special Magistrate Branch accepted Ms. Bonin's recommendation.

11. CEB Case No.: 15-1086

Respondent: Home Depot USA, Inc.

Address of Violation: 1551 Dunlawton Avenue, Port Orange, FL 32129

Code Officer: Amanda Bonin

First Notified: 07/16/2015

Compliance: No

Cited for violation(s) - Chapter 14, Article VII, Commercial Property Maintenance Standards Section 14-314 (a) (1) & (2), (d) (1), (2), (3), (4), (5), (6), & (7), 14-315 (a), & 14-318 (d) of the City of Port Orange Code of Ordinances.

The violation was first observed on March 13, 2015. The alleged violators were given Notice of Violation/Notice of Hearing on July 16, 2015 via hand delivery to Angela Dillon, Associate Support Department Supervisor. The violation was to be corrected on August 7, 2015. Ms. Bonin re-inspected the location on August 8, 2015. Upon re-inspection, the site was still non-compliant.

Based on the information presented in case no. 15-1086, Ms. Bonin is requesting the Special Magistrate to find that Home Depot USA, INC property owner of 1551 Dunlawton Avenue Port Orange, FL 32129, be found in violation of Chapter 14, Article VII, Commercial Property Maintenance Standards of the City of Port Orange Code of Ordinances Section 14-314 (d) (1), (2), & (5), 14-315 (a), & 14-318 (d).

Ms. Bonin request for Chapter 14, Article VII, Commercial Property Maintenance Standards Section 14-314 (d) (3), (4), & (7) of the City of Port Orange Code of Ordinances be dismissed. Special Magistrate dismissed Chapter 14, Article VII, Commercial Property Maintenance Standards Section 14-314 (d) (3), (4), & (7).

Special Magistrate Branch found case no. 15-1086 in violation of Chapter 14, Article VII, Commercial Property Maintenance Standards of the City of Port Orange Code of Ordinances Section 14-314 (a) (1) & (2), (d) (1), (2), & (5), & (6), 14-315 (a), & 14-318 (d).

Ms. Bonin requested that violation be corrected on or before September 21, 2015. If the accused does not comply with this Order, a fine of \$100 shall be imposed for each day the violation continues past September 21, 2015. Ms. Bonin also requests the accused is further ordered to contact this Code Enforcement Officer to arrange for a re-inspection of the property to verify compliance with the Order. Any future violations under this ordinance shall be considered repeat violations.

Additionally, as per Chapter 2, Section 2-214, Code of Ordinances: "In addition to any fines, the Special Magistrate may impose additional fines to cover all costs incurred by the City in enforcing its codes and all costs or repairs pursuant to sub section (a)." The costs to date are \$34.21 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.

Special Magistrate Branch accepted Ms. Bonin's recommendation. This case will be heard on the September 23, 2015 hearing date for an update on the property.

C. ORDER IMPOSING FINE/LIEN

12. CEB Case No.: 15-476

Respondent: Patricia Manos

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

Code Officer: Scott Allman

First Notified: 04/23/2015

Compliance: No

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

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

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

This case was first heard on May 27, 2015. The respondent was to have taken corrective action on or before June 7, 2015. Mr. Allman re-inspected the location on June 9, 2015 resulting in non-compliance. The respondent was cited for high weeds and grass, garbage and debris, pile of tree limbs in the back yard, an unregistered vehicle, and stored items in the front of the home. The City was given the ability to abate the yard and garbage as being a health and safety issue. Mr. Allman submitted the invoice to the Special Magistrate. The costs to date are \$85.13 as indicated on the cost sheet submitted into evidence.

Special Magistrate Branch ordered a fine commencing on June 8, 2015 at \$100 per day and shall continue to run until the property comes into compliance. Cost of \$85.13 are awarded along with the abatement cost of \$200.

13. CEB Case No.: 15-464

Respondent: Michael Viala

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

Code Officer: Scott Allman

First Notified: 04/22/2015

Compliance: No

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

This case was first heard on May 27, 2015. The respondent was found in violation of high weeds and grass. The respondent was given until June 7, 2015 to correct the violation. Mr. Allman re-inspected the location on June 8, 2015 resulting in compliance. Mr. Allman requested to set the fine for costs in the amount of \$85.14. An Affidavit of Compliance has been submitted to the Board secretary.

Special Magistrate Branch ordered a fine of \$85.14 and indicated on the cost sheet submitted into evidence.

14. **CEB Case No.:** 14-2221

Respondent: 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:

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

Code Officer: Amanda Bonin

First Notified: 05/26/2015

Compliance: No

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

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

This case was first heard on July 8, 2015. The property was found in violation of the above referenced codes. The respondents were to have taken corrective action on July 13, 2015 to mow the entire property and trim all high weeds and grass. Ms. Bonin re-inspected the location on July 18, 2015 resulting in non-compliance. An Affidavit of Non-Compliance has been filed with the Board secretary.

Special Magistrate Branch ordered a fine commencing on July 14, 2015 at \$100 per day and shall continue to run until the property comes into compliance. Costs of \$114.92 are awarded along with the abatement cost of \$500.

15. **CEB Case No.:** 14-946
Respondent: NNP, LLC
C/o Nirali Patel
Address of Violation: 5245 Nova Road, Port Orange, FL 32127
Code Officer: Amanda Bonin
First Notified: 05/26/2015

Compliance: No

Cited for violation(s) - Chapter 14, Article VII, Commercial Property Maintenance Standards of the City of Port Orange Code of Ordinances Section 314 (a) (1) (2), (d)(2) (5) (7), Section 14-315 (a), Section 317 (a) (1) (2) & Section 318 (d) of the City of Port Orange Code of Ordinances.

This case was first heard on July 8, 2015 and was found in violation of the above referenced codes. The respondent was required by July 31, 2015 to replace all plants and shrubs that have died and or missing, remove outside storage, restripe the parking lot, remove all trash and debris, apply mulch to all landscape beds and hedgerows, and make sure irrigation is in properly working order. Ms. Bonin re-inspected the location on August 8, 2015 resulting in non-compliance. An Affidavit of Non-Compliance has been filed with the Board secretary.

Special Magistrate Branch ordered a fine commencing on August 1, 2015 at \$250 per day and shall continue to run until the property comes into compliance. Costs of \$75.69 are awarded.

16. **CEB Case No.:** 14-1036
Respondent: NNP, LLC
C/o Nirali Patel
Address of Violation: 5279 Nova Road, Port Orange, FL 32127
Code Officer: Amanda Bonin
First Notified: 05/26/2015

Compliance: No

Cited for violation(s) - Chapter 14, Article VII, Commercial Property Maintenance Standards of the City of Port Orange Code of Ordinances Section 314 (a) (1) (2), (d)(2) (5) (7), Section 14-315 (a) Section 317 (a) (1) (2) & Section 318 (d) of the City of Port Orange Code of Ordinances.

This case was first heard on July 8, 2015 and was found in violation of the above referenced codes. The respond was required by July 31, 2015 to replace all plants and shrubs that have died and or missing, remove outside storage, restripe the parking lot, remove all trash and debris, apply mulch to all landscape beds and hedgerows, and make sure irrigation is in properly working order. Ms. Bonin re-inspected the location on August 8, 2015 resulting in non-compliance. An Affidavit of Non-Compliance has been filed with the Board secretary.

Special Magistrate Branch ordered a fine commencing on August 1, 2015 at \$250 per day and shall continue to run until the property comes into compliance. Costs of \$78.69 are awarded.

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

E. **ADJOURNMENT:** 11:20 a.m.

Special Magistrate Raymond Branch

CODE ENFORCEMENT SPECIAL MAGISTRATE MINUTES
COUNCIL CHAMBERS
1000 CITY CENTER CIRCLE
AUGUST 26, 2015

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

PRESENT:

Raymond Branch, Special Magistrate

ALSO PRESENT:

Chris Hutchison, Code Enforcement Supervisor
Michael Cochetti, Code Enforcement Legal Counsel
Scott Allman, Code Enforcement Inspector
Dena Joseph, Code Enforcement Inspector
Deborah Faircloth, Code Enforcement Inspector
Amanda Bonin, Code Enforcement Inspector
Barbara Abbate, Recording Secretary

Special Magistrate Branch reviewed the Code Enforcement hearing process.

Oaths

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

B. FORMAL HEARING (COMPLIANCE OR NON-COMPLIANCE)

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.

Miron Hawryluk, Contractor, introduced himself to the Special Magistrate.

Ms. Faircloth said this was a continued case from the July 22, 2015 hearing. Mr. Hawryluk was given until August 24, 2015 to apply for his permit. Ms. Faircloth said Mr. Hawryluk cannot get an inspection on the exterior doors when there is not a landing to go out the doors. The rotted decks have been ripped out and need to be replaced. He would then be able to get an inspection with a permit being submitted for the new

deck. Ms. Faircloth suggest granting more time for the contractor to be able to complete the work the right way.

Special Magistrate Branch asked how much time will need to be granted to Mr. Hawryluk. Mr. Hawryluk request a sixty (60) day time frame to complete the work that needs to be done at the property. Ms. Faircloth suggested the Special Magistrate accept Mr. Hawryluk's request.

Special Magistrate Branch continued case no. 15-801 to the November 11, 2015 Special Magistrate hearing.

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).

Kerry Leuzinger, Building Official, was duly sworn by Special Magistrate Branch. A permit application was submitted on August 3, 2015 and was to replace drywall and the ceiling. Mr. Leuzinger told his Staff that no permit shall be issued to this address unless reviewed by himself. Unfortunately, Staff issued a permit on August 17, 2015 without Mr. Leuzinger's approval. Mr. Leuzinger became aware that the permit was issued on August 19, 2015. Upon reviewing the engineer's recommendations, Mr. Luezinger had the permit revoked on August 20, 2015. No work has been done at this address. A structural analysis was supposed to be completed as requested from the Special Magistrate. As of today, no analysis has been completed.

Chris Weir, Fire Marshall, was duly sworn by Special Magistrate Branch. Mr. Weir said he had inspected the ceiling while it was open. There was damage visible with fresh paint over the charring of the rafters.

Special Magistrate Branch questioned why the engineers report said there was no visible damage done to the roof. The evidence submitted for this case proves otherwise.

Mr. Mangar feels as if the City is harassing him because they have offered to purchase his motel.

Mr. Leuzinger said that he had no knowledge of the City trying to purchase the motel from Mr. Mangar.

Special Magistrate Branch is not satisfied with the engineer report. He would like to see the City meet with Mr. Adams, Structural Engineer, to give specific direction on what the City would like to see done regarding testing of the trusts to see what the load bearing is. Special Magistrate Ordered the City Staff to meet with Mr. Adams in a weeks' time for the information on testing.

Special Magistrate Branch continued case no. 15-222 until the September 9, 2015 Special Magistrate hearing.

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 3 (b) (4) (b) & (d).

This case was heard on July 22, 2015. At that time, the property was found in violation of the City of Port Orange Land Development Code Chapter 16 Miscellaneous, Section 3 Fences and Walls, 4 Design and Maintenance 3 (b) (4) (b) & (d). The violator was to have corrected the violation on or before July 31, 2015. Mr. Hutchison inspected the property on August 19, 2015 resulting in non-compliance. Therefore, a fine in

the amount of \$100 per day shall begin on August 1, 2015 and continue to accrue until the property is brought into compliance. Additionally, the cost to date is \$114.92 as indicated on the cost sheet submitted into evidence.

Special Magistrate Branch ordered a fine of \$100 per day starting on August 1, 2015 and continuing to accrue until the property is brought into compliance. Additionally, costs in the amount of \$114.92 are ordered.

D. PUBLIC COMMENTS:

There were none.

E. ADJOURNMENT: 10:01 a.m.

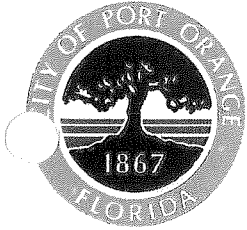
Special Magistrate Raymond Branch

Case Cost Sheet Log

Case No. 15-1316

Name	Activity	Activity_Date	Status	Cost
Armeen Executive Center COA C/o Mark M. Watson Jr.	Mailing Notice of Violation/Notice of Hearing to 6125 Del Rio Drive, Port Orange, FL 32127	08/05/2015	Certified Mail Returned to City Clerk's Office marked "Undeliverable as Addressed".	\$6.95
Armeen Executive Center COA C/o Mark M. Watson Jr.	Mailing Finding of Fact/Conclusion of Law & Order to 6125 Del Rio Drive, Port Orange, FL 32127	09/09/2015		\$7.21
Clerk of Court	Recording Fee - Finding of Fact/Conclusion of Law & Order	09/09/2015		\$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. 15-1316

To: Armeen Executive Center COA
C/O Mark M. Watson JR
6125 Del Rio Dr
Port Orange, FL 32127

Re: 731 Dunlawton Ave
Port Orange, FL 32129
Parcel ID: 6337-52-00-0001

LEGAL DESCRIPTION: COMMON AREA FOR ARMEEN EXECUTIVE CENTER CONDO PER OR 5495 PG 3195
Volusia County Public Records
Volusia County, FL

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

Chapter 16 (Miscellaneous Regulations), Section 3 (Fences and Walls), (b) General Provisions, (4) Design and Maintenance, (b) & (d) of the City of Port Orange Land Development Code.

An inspection was conducted on August 3, 2015. During that inspection, I observed a damaged fence on the rear lot line of the property. Portions of the fence are leaning and/or completely falling over. I called Mark Watson and left a voice message that the fence needed to be repaired to its original and upright condition. To correct the violation, all damaged, leaning and fallen fence components must be repaired to its original and upright condition.

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 **August 25, 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 September 9,**

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

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

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

NOTICE OF HEARING SETTING FINE AND LIEN

In the event the **Special Magistrate**, during the hearing on **September 9, 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 **October 14, 2015, at 9:00 a.m.**, or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The Code Enforcement Special Magistrate will consider setting fine lien on the above referenced case at said PUBLIC HEARING. Please govern yourself accordingly.

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

DATED this 4th day of August, 2015.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: J. Scott Allman
J. Scott Allman

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Armeen Executive Center COA, 731 Dunlawton Ave Port Orange, FL 32129, was

☐ Hand-delivered

☒ Posted at the property

this 4th day of August, 2015.

Time: approx. 11:35 AM

J. Scott Allman
J. Scott Allman

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Armeen Executive Center COA, C/O Mark M. Watson JR, 6125 Del Rio Dr, Port Orange, FL 32127, was

☒ Posted at City Hall

☐ Sent via certified

this 5 day of August, 2015.

Sheela Steiner
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 OR THE TAKING AND PREPARATION OF A VERBATIM RECORD OF ALL TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

ACCOMMODATIONS

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



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

Last Updated: 07-28-2015 Today's Date: 8-3-2015		Volusia County Property Appraiser's Office Property Record Card (PRC) <u>Morgan B. Gilreath Jr., M.A., A.S.A., C.F.A.</u> Property Appraiser			
Full Parcel ID Short Parcel ID		37-16-33-52-00-0001 6337-52-00-0001	Mill Group		402 Port Orange
Alternate Key		6430144	2014 Final Millage Rate		21.15960
Parcel Status		Active Parcel	PC Code		10
Date Created		08 MAR 2005			
Owner Name		ARMEEN EXECUTIVE CENTER COA			GO TO ADD'L OWNERS
Owner Name/Address 1					
Owner Address 2		6125 DEL RIO DRIVE			
Owner Address 3		PORT ORANGE FL			
Owner Zip Code		32127			
Owner Percentage			Ownership Type		
Location Address		731 DUNLAWTON AV PORT ORANGE 32129			

LEGAL DESCRIPTION

COMMON AREA FOR ARMEEN EXECUTIVE CENTER CONDO PER OR 5495 PG

3195

SALES HISTORY

#	BOOK	PAGE	DATE	INSTRUMENT	QUALIFICATION	IMPROVED?	SALE PRICE
NONE							

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	1	0	15,481	1	1	1	1	0	1	1	0	1
2013	1	0	16,830	1	1	1	1	0	1	1	0	1

LAND DATA

CODE	TYPE OF LAND USE	FRONTAGE	DEPTH	# OF UNITS	UNIT TYPE	RATE	DPH	LOC	SHP	PHY	JUST VAL
1097	COMM-COMMON AREA	No Data	No Data	1.00	LOT	1.00	100	100	100	100	1
NEIGHBORHOOD CODE	C4427	ARMEEN EXECUTIVE CENTER CONDO									
TOTAL LAND CLASSIFIED											0
TOTAL LAND JUST											1

BUILDING CHARACTERISTICS**MISCELLANEOUS IMPROVEMENTS**

TYPE	NUMBER UNITS	UNIT TYPE	LIFE	YEAR IN	GRADE	LENGTH	WIDTH	DEPR. VALUE
PAVING ASPHALT	13080	SF	6	2005	3	0	0	4,029
PAVING CONCRET	2917	SF	15	2005	5	0	0	5,192
LIGHT PK LOT	3	UT	20	2005	3	0	0	813
RETAINING WALL	198	SF	45	2005	2	0	0	1,410
FENCE CHAIN LK	14	LF	15	2005	2	0	0	45
CANOPY	91	SF	45	2005	3	13	7	1,273

PLANNING AND BUILDING

PERMIT NUMBER	PERMIT AMOUNT	DATE ISSUED	DATE COMPLETED	DESCRIPTION	OCCUPANCY NBR	OCCUPANCY BLDG
1782	0.00	3-22-2004	Unknown			0
5362	22,000.00	9-13-2005	Unknown			0

TOTAL VALUES

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 above.

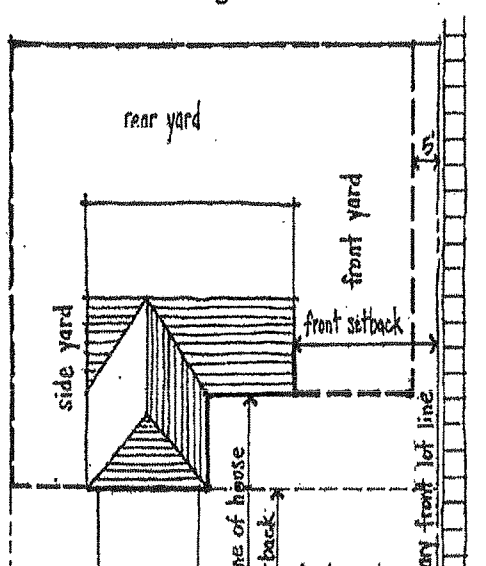
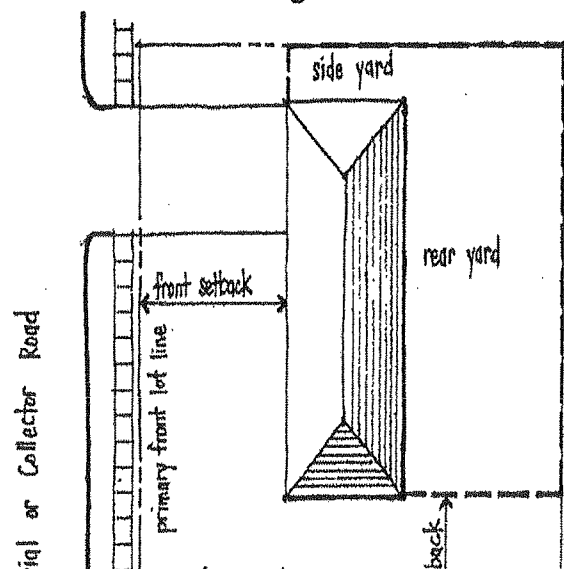
Section 3: - Fences and walls.

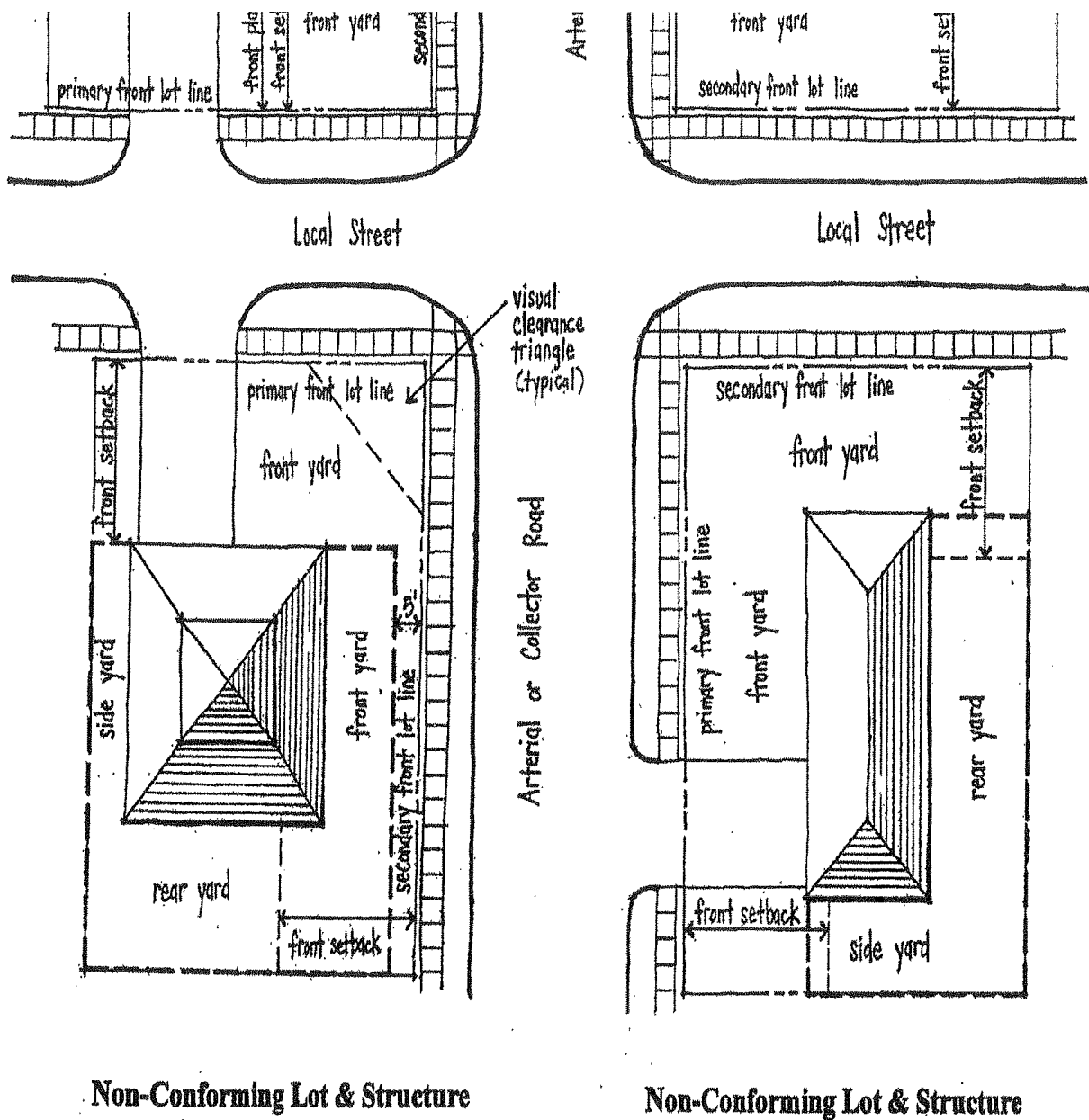
(a) *In general.* All fences and walls shall be constructed in compliance with applicable building codes and in accordance with the following dimensional and use regulations.

(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.*
- 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.
 - 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.
 - 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.
 - 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.
 - 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.
 - 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**Conforming Lot & Structure**

**Figure 16:A**

----- = allowed w/ high fence location

figure16A

- (g) For individual single-family and two-family residential through lots with a rear lot line abutting the right-of-way line of a local street or arterial or collector road, a privacy fence not to exceed six feet in height may be placed on the rear 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, unless otherwise permitted in this chapter.
- (b) No permanent fence or wall shall be located within areas required to provide clearance for visibility in accordance with 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.

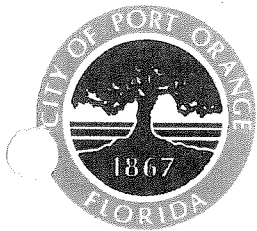
(Ord. No. 1991-20, 8-27-91; Ord. No. 1993-58, 1-18-94; Ord. No. 1996-33, § 9, 11-19-96; Ord. No. 1998-51, § 2, 8-18-98; Ord. No. 1999-47, § 1, 11-16-99; Ord. No. 2001-84, §§ 2, 3, 10-16-01; Ord. No. 2005-55, § 3, 1-17-06; Ord. No. 2009-23, § 2, 11-10-09; Ord. No. 2015-14, § 1, 4-21-2015)

Case Cost Sheet Log

Case No. 15-222

Name	Activity	Activity_Date	Status	Cost
RRRAC LLC	Mailing Finding of Fact/Conclusion of Law & Order to 1559 Town Park Drive, Port Orange, FL 32129	09/09/2015		\$7.21
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
Clerk of Court	Recording Fee - Finding of Fact/Conclusion of Law & Order	09/09/2015		\$27.00

Total: \$34.21



**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 15-222

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)

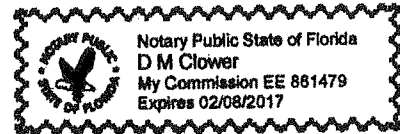
I HEREBY CERTIFY that on this day, before me, an officer duly authorized to administer oaths and take acknowledgments in the State of Florida, personally appeared RAM K. MANGAR and RAMRAGIE MANGAR, who verified under oath that they are the persons who executed the foregoing instrument for the uses and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

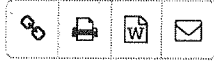
402.2 Specific insulation requirements (Prescriptive).

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.

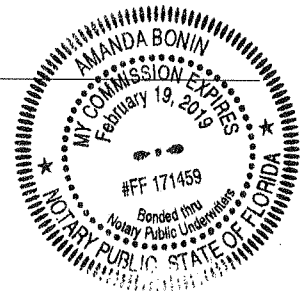
Deborah Faircloth
Deborah Faircloth
Code Compliance Inspector

**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. _____

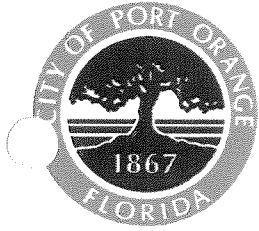


Case Cost Sheet Log

Case No. 15-1017

Name	Activity	Activity_Date	Status	Cost
Joseph A. Adamo Sr.	Mailing Notice of Violation/Notice of Hearing to 120 Aloha Terrance, Port Orange, FL 32129	08/10/2015	Certified Green Card Signed by "Maria Owens" on August 17, 2015 and Returned to City Clerk's Office.	\$6.95
Joseph A. Adamo Sr.	Mailing Finding of Fact/Conclusion of Law & Order to 120 Aloha Terrace, Port Orange, FL 32129	09/09/2015		\$7.21
Clerk of Court	Recording Fee - Finding of Fact/Conclusion of Law & Order	09/09/2015		\$27.00

Total: \$41.16



NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 15-1017

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

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

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

Volusia County Public Records
Volusia County, FL

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

The City of Port Orange Code of Ordinances Chapter 42 (Nuisances), Article II (Garbage, Junk and Undergrowth), Section 42-32 Storage of vehicles, furniture, etc. No owner of property within the city shall permit the storage of vehicles or parts of vehicles, furniture, appliances or other personal property upon the premises, except in an enclosed building.

The City of Port Orange Code of Ordinances Chapter 42 (Nuisances), Article V (Unsafe Conditions), Division 2 Nuisance Trees, Section 42-103 Declaration of a Nuisance It is declared and determined by the city council that the following shall each individually or in any combination be considered a nuisance when they exist upon any lot, lots or adjacent lots, within the City of Port Orange.

(a) A nuisance tree shall be subject to immediate removal when determined to be a public hazard in the opinion of the code enforcement official of the City of Port Orange consistent with the following standards:

1. Sand pine (pinus clausa) leaning 45 degrees or more from vertical.
2. Sand pine (pinus clausa) leaning 45 degrees or more from vertical and other types of trees having special conditions, disease or damage constituting them a nuisance tree in the opinion of the professions forester, botanist or landscape architect.

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

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

This correspondence will serve as official notification that the above stated violation(s) must be corrected by **August 14, 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 September 9, 2015, at 9:00 a.m.**, or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The **Special Magistrate** will receive testimony and evidence at said PUBLIC HEARING and shall make such findings of facts and conclusions of law as supported by the testimony and evidence pertaining to the matter alleged below, and shall issue a Final Order affording the proper relief. A certified copy of the Final Order may be recorded in the public records of the county and shall constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property, and the findings therein shall be binding upon the violator and, if the violation concerns real property, upon any subsequent purchasers, successors in interest, or assigns. If you fail to appear at the Hearing, the **Special Magistrate** may base any findings solely on the testimony and evidence presented by the Code Enforcement Inspector. Please govern yourself accordingly.

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

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

NOTICE OF HEARING SETTING FINE AND LIEN

In the event the **Special Magistrate**, during the hearing on **September 9, 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 **October 14, 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 7th day of August, 2015.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: Deborah Faircloth
Deborah Faircloth, Code Enforcement Officer

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

☐ Hand-delivered

☒ Posted at the property

Time: approx. 11:45 pm

this 7th day of August, 2015.

Deborah Faircloth
Deborah Faircloth, Code Enforcement Officer

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

☐ Posted at City Hall

☒ Sent via certified

this 10th day of August, 2015.
Theresa M. Hutter
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: 08-04-2015 Today's Date: 8-7-2015	Volusia County Property Appraiser's Office		
	<u>Property Record Card (PRC)</u> <u>Morgan B. Gilreath Jr., M.A., A.S.A., C.F.A.</u> Property Appraiser		
Full Parcel ID Short Parcel ID	05-16-33-03-00-0800 6305-03-00-0800	Mill Group	402 Port Orange
Alternate Key	3584783	2014 Final Millage Rate	21.15960
Parcel Status	Active Parcel	PC Code	02
Date Created	30 DEC 1981		
Owner Name	ADAMO JOSEPH A SR		GO TO ADD'L OWNERS
Owner Name/Address 1			
Owner Address 2	120 ALOHA TERR		
Owner Address 3	PORT ORANGE FL		
Owner Zip Code	32129		
Owner Percentage	100	Ownership Type	
Location Address	120 ALOHA TER PORT ORANGE 32129		

LEGAL DESCRIPTION

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

5364 PG 0199 PER OR 5521 PG 4095

SALES HISTORY

GO TO ADD'L SALES

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

HISTORY OF VALUES

GO TO ADD'L HISTORY

YEAR	LAND	BLDG(S)	MISC	JUST	ASD	SCH ASD	NS ASD	EXEMPT	TXBL	SCH TXBL	ADD'L EX	NS TXBL
2014	19,750	19,824	0	39,574	28,659	28,659	28,659	25,000	3,659	3,659	0	3,659

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

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

Property Appraisers Parcel Identification (Folio) Numbers:

Grantee SS

SPACE ABOVE THIS LINE FOR RECORDING DATA

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

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

WITNESSETH: That the grantor, for and in consideration of the sum of TEN AND 00/100'S (\$10.00) Dollars and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee all that certain land situate in VOLUSIA County, State of Florida, viz:

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

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

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

TO HAVE AND TO HOLD, the same in fee simple forever.

AND, the grantor hereby covenants with said grantee that the grantor is/are lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land, and hereby warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 2004.

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

Signed, sealed and delivered in the presence of:

Lisa M. McFarland
Signature

Lisa M. McFarland
Printed Signature

Carolyn Brown
Signature

CAROLYN BROWN
Printed Signature

Tracy M. Blair L.S.
TRACY M. BLAIR

STATE OF FLORIDA
COUNTY OF VOLUSIA

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

SEAL

Lisa M. McFarland
Notary Signature

Sec. 42-103. - Declaration of nuisance.

It is declared and determined by the city council that the following shall each individually or in any combination be considered a nuisance when they exist upon any lot, lots or adjacent lots, within the City of Port Orange.

- (a) A nuisance tree shall be subject to immediate removal when determined to be a public hazard in the opinion of the code enforcement official of the City of Port Orange consistent with the following standards:
1. Sand pine (*pinus clausa*) leaning 45 degrees or more from vertical.
 2. Sand pine (*pinus clausa*) leaning 45 degrees or more from vertical and other types of trees having special conditions, disease or damage constituting them a nuisance tree in the opinion of the professions forester, botanist or landscape architect.

(Ord. No. 2000-40, § 1, 10-17-00; Ord. No. 2006-14, § 1(42-3), 5-17-06)

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

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

(Code 1981, § 10-7)

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner,

vs.

CASE NO: 15-1017

Joseph A Adamo Sr.
120 Aloha Terrace
Port Orange, FL 32129
6305-03-00-0080,

Respondent.

Property Address: 120 Aloha Terrace, Port Orange, FL 32129
Parcel ID: 6305-03-00-0080

AFFIDAVIT OF PROPERTY POSTING
NOTICE OF VIOLATION AND
NOTICE FOR HEARING

STATE OF FLORIDA
COUNTY OF VOLUSIA

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

1. That the statements set forth herein are based upon personal knowledge.
2. That I am a resident of the State of Florida, over twenty-one years of age, and not a party to this action.
3. That, according to the records of the Volusia County Property Appraisers Office, the property located at 120 Aloha Terrace, Port Orange, Florida 32129, is owned by Joseph A Adamo Sr.
4. That 120 Aloha Terrace, Port Orange, Florida 32129 is the location where the alleged code violation is or was occurring.

5. That I posted a Notice of Violation and Request for Hearing on the property at 120 Aloha Terrace, Port Orange, Florida 32129, at 11:45 a.m. on the 7th day of August, 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 7th day of August, 2015.

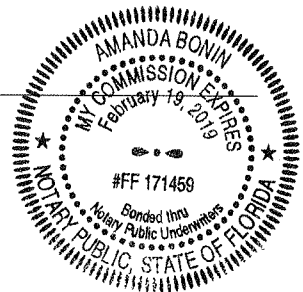
Deborah Faircloth
Deborah Faircloth
Code Compliance Inspector

**STATE OF FLORIDA
COUNTY OF VOLUSIA**

The foregoing instrument was sworn to before me on the 7th day of August, 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. 15-137

Name	Activity	Activity_Date	Status	Cost
Banta Scott Trust	Mailing Notice of Violation/Notice of Hearing to 5249 Sydney Street, Port Orange, FL 32127	04/27/2015	Certified Green Card Signed by K. Sherman and Returned to the City Clerk's Office.	\$6.69
Banta Scott Trust	Mailing Finding of Fact/Conclusion of Law & Order to 5249 Sydney Street, Port Orange, FL 32127	08/12/2015		\$6.96
Clerk of Court	Recording Fee - Finding of Fact/Conclusion of Law & Order	08/12/2015		\$27.00

Total: \$40.65



**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. #15-137

To: BANTA SCOTT TR
5249 Sydney PO Trust
P.O. Box 520021
Longwood, FL 32752-002

Re: 5249 Sydney St.
Port Orange, FL 32127
Parcel ID: 6315-07-22-0020

LEGAL DESCRIPTION: LOT 2 BLK 22 COMMONWEALTH MOBILE ESTATES 2ND ADD MB 31 PGS 104 TO 106 INC PER
OR 4317 PG 3847 PER OR 6979 PG 0487

Volusia County Public Records
Volusia County, FL

An inspection of the premises on February 10, 2015, indicates that certain violation(s) of the City of Port Orange Code exists. Briefly stated, the property is in violation of the following:

The 2015 International Property Maintenance Code, Chapter 1, Section 108, 108.1.1 Unsafe Structures, 108.1.3 Structure unfit for human occupancy, 108.1.5 Dangerous structure or premises (2)(3)(6)(7)(8)(10), as adopted by the City of Port Orange Code of Ordinances, Chapter 14, Article II, Section 14-26.

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

Briefly stated, the mobile home is unsafe, not fit for human occupancy, and a danger to the public health and safety. The entire property needs to be mowed and all trash and debris removed.

On February 10, 2015, a complaint was entered via the Citizen Connection link on the Port Orange website that work is being performed without an approved permit being displayed, a worker is spending the night in an unsafe structure and work is being done at night. I inspected the property with Building Inspector Mike Green and Officer Mulligan of the Port Orange Police Department on that same date. There was no permit on site. A permit had been applied for but not issued. The permit was for the replacement of sub-flooring in the mobile home. The entire floor in most of the home is rotten (sub-flooring and floor joists) and has been mostly torn out and some replaced. Additionally, Inspector Green found a new electrical panel with the electricity on. FPL does not have an active account at this location. A Stop Work Order was placed on the job and the workers were advised to pack up their tools and leave the job. On February 11, 2015, the owner came in and picked up the permit. On that same date, the permit was cancelled by the Building Official, Kerry Leuzinger. The reason for the cancellation is the use of unlicensed contractors, working beyond the scope of the permit, and starting work before the permit was issued. There has been no work on the property since February 10, 2015, nor will the owner return calls. An inspection on April 13, 2015, showed the structure in the same condition. The entire site remains overgrown with high grass and weeds and trash and debris needs to be removed from site.

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

This correspondence will serve as official notification that the above stated violation(s) must be corrected by May 18, 2015.

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

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

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

NOTICE OF HEARING AS TO VIOLATION(S) ALLEGED

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

Pursuant to Chapter 2, Article V, Code of Ordinances and Section 162.06, Florida Statutes, you are hereby called upon to take notice that a PUBLIC HEARING will be conducted in the above-styled cause by the **Special Magistrate May 27, 2015 at 9:00 a.m.**, or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The **Special Magistrate** will receive testimony and evidence at said PUBLIC HEARING and shall make such findings of facts and conclusions of law as supported by the testimony and evidence pertaining to the matter alleged below, and shall issue a Final Order affording the proper relief. A certified copy of the Final Order may be recorded in the public records of the county and shall constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property, and the findings therein shall be binding upon the violator and, if the violation concerns real property, upon any subsequent purchasers, successors in interest, or assigns. If you fail to appear at the Hearing, the **Special Magistrate** may base any findings solely on the testimony and evidence presented by the Code Enforcement Inspector. Please govern yourself accordingly.

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

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

NOTICE OF HEARING SETTING FINE AND LIEN

In the event the **Special Magistrate**, during the hearing on **May 27, 2015**, enters a Final Order finding a violation as alleged, pursuant to Chapter 7, Code of Ordinances, City of Port Orange, Florida, you are hereby called upon to take notice that a 2nd PUBLIC HEARING will be conducted in the above-styled cause by the Code Enforcement Special Magistrate on **July 8, 2015, at 9:00 a.m.**, or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The Code Enforcement Special Magistrate will consider setting fine lien on the above referenced case at said PUBLIC HEARING. Please govern yourself accordingly.

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

DATED this 27th day of April, 2015.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: Deborah Faircloth
DEBORAH FAIRCLOTH

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Banta Scott TR, 5249 Sydney PO Trust, P.O. Box 520021, Longwood, FL 32752-002, was

☐ Hand-delivered

☒ Posted at the property (5249 Sydney Street, Port Orange, FL 32127)

Time: 1:15 pm

this 27th day of April, 2015.

Deborah Faircloth
DEBORAH FAIRCLOTH

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Banta Scott TR, 5249 Sydney PO Trust, P.O. Box 520021, Longwood, FL 32752-002, was

☒ Posted at City Hall

☐ Sent via certified

this 27 day of April, 2015.

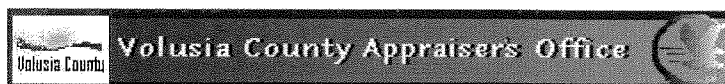
Shirley Stutney
Secretary, Special Magistrate

RIGHT TO APPEAL

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ACCOMMODATIONS

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



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

Last Updated: 04-07-2015 Today's Date: 4-13-2015		Volusia County Property Appraiser's Office Property Record Card (PRC) <u>Morgan B. Gilreath Jr., M.A., A.S.A., C.F.A.</u> Property Appraiser				
Full Parcel ID Short Parcel ID		15-16-33-07-22-0020 6315-07-22-0020		Mill Group 402 Port Orange		
Alternate Key		3637704		2014 Final Millage Rate 21.15960		
Parcel Status		Active Parcel		PC Code 02		
Date Created		31 DEC 1981				
Owner Name		BANTA SCOTT TR			GO TO ADD'L OWNERS	
Owner Name/Address 1		5249 SYDNEY PO TRUST				
Owner Address 2		P O BOX 520021				
Owner Address 3		LONGWOOD FL				
Owner Zip Code		32752-002				
Owner Percentage		100		Ownership Type Trust		
Location Address		5249 SYDNEY ST PORT ORANGE 32127				

LEGAL DESCRIPTION

LOT 2 BLK 22 COMMONWEALTH MOBILE ESTATES 2ND ADD MB 31 PGS 1

04 TO 106 INC PER OR 4317 PG 3847 PER OR 6979 PG 0487

SALES HISTORY

#	BOOK	PAGE	DATE	INSTRUMENT	QUALIFICATION	IMPROVED?	SALE PRICE
1	6979	0487	4/2014	Tax Deed	Unqualified Sale	Yes	10,200
2	4317	3847	6/1998	Warranty Deed	Qualified Sale	Yes	43,500
3	2343	0839	3/1982	Warranty Deed	Unqualified Sale	Yes	36,000

HISTORY OF VALUES

YEAR	LAND	BLDG (S)	MISC	JUST	ASD	SCH ASD	NS ASD	EXEMPT	TXBL	SCH TXBL	ADD'L EX	NS TXBL
2014	15,514	12,457	0	27,971	27,971	27,971	26,286	0	27,971	27,971	0	26,286
2013	13,724	10,172	0	23,896	23,896	23,896	23,896	0	23,896	23,896	0	23,896

LAND DATA

04/16/2014 08:30 AM
Doc stamps 71.40
(Transfer Amt \$ 10200)
Instrument# 2014-066514 # 1
Book: 6979
Page: 487

DR-506

Tax Deed File No. 15632-11
Property Identification No. [REDACTED]

TAX DEED

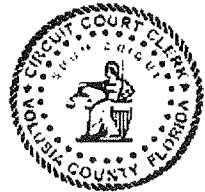
State of Florida
County of Volusia

The following Tax Sale Certificate Numbered 15632-11 issued on 06/01/2011 was filed in the office of the tax collector of this County and application made for the issuance of the tax deed, the applicant having paid or redeemed all other taxes or tax sale certificates on the land described as required by law to be paid or redeemed, and the costs and expenses of this sale, and due notice of the sale having been published as required by law, and no person entitled to do so having appeared to redeem said land; such land was on 04/15/2014, offered for sale as required by law for cash to the highest bidder and was sold to SCOTT BANTA, AS TRUSTEE FOR THE 5249 SYDNEY PO TRUST whose address is PO BOX 520021 LONGWOOD, FL 32752-0021 being the highest bidder and having paid the sum of their bid as required by the Laws of Florida.

On this 16TH day of APRIL, 2014, in the County of Volusia, State of Florida, in consideration of the sum of (\$10,200.00) Ten Thousand Two Hundred Dollars, being the amount paid pursuant to the Laws of Florida does hereby sell the following lands situated in the County and State aforesaid and described as follows:
LOT 2 BLK 22 COMMONWEALTH MOBILE ESTATES 2ND ADD MB 31 PGS 104-106 INC PER OR 4317 PG 3847

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

By: D L Ruegger
D L RUEGGER, Deputy Clerk
Volusia County, Florida



Witness:

Bonnie Clark
BONNIE CLARK

Amanda Earnest
AMANDA EARNEST

STATE OF FLORIDA
COUNTY OF VOLUSIA

On this 16TH day of APRIL, 2014 before me LORI DIGGS personally appeared D L RUEGGER Deputy Clerk of the Circuit Court in and for the State and this County known to me to be the person described in, and who executed the foregoing instruments, and the acknowledged the execution of this instrument to be their own free act and deed for the use and purposes therein mentioned.

Witness my hand and official seal date aforesaid.

Lori Diggs
LORI DIGGS



STATE OF FLORIDA
COUNTY OF VOLUSIA

Instrument# 2014-066514 # 2
Book : 6979
Page : 488
Diane M. Matousek
Volusia County, Clerk of Court

CERTIFICATE NO. 15632-11

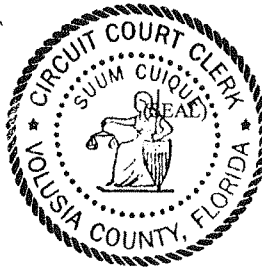
CERTIFICATE OF MAILING

I, DIANE M MATOUSEK, Clerk of the Circuit Court in and for the State and County aforesaid, do hereby certify that on 21ST of FEBRUARY AD, 2014, I mailed a copy of the attached Notice of Application for Tax Deed, addressed to:

JAMES A CERRONE EST at 5249 SYDNEY STREET, PORT ORANGE FL 32127,
* JAMES A CERRONE at 5249 SYDNEY STREET, PORT ORANGE FL 32127,
* DELORES J CERRONE at 5249 SYDNEY STREET, PORT ORANGE FL 32127,
BANK OF AMERICA NA at P O BOX 4148, TALLAHASSEE FL 32315,
COUNTY OF VOLUSIA at ATTN PROPERTY APPRAISER/HOMESTEAD EXEMPTION, 123 W
INDIANA AVE, DELAND FL 32720
CITY OF PORT ORANGE at UTILITY SERVICES, 1000 CITY CENTER CIRCLE, PORT ORANGE
FL 32129

Witness my hand and official seal this 21ST of FEBRUARY, 2014.

THE HOLDER OF THIS TAX CERTIFICATE APPLIED FOR TAX DEED SALE. PER FLORIDA STATUTE §197.512, THE CERTIFICATE OF MAILING AND PROOF OF PUBLICATION ARE BEING RECORDED IN THE PUBLIC RECORD.



DIANE M MATOUSEK
CLERK OF THE CIRCUIT COURT

BY: Lori Diggs
LORI DIGGS, Deputy Clerk

NOTICE OF APPLICATION FOR TAX DEED
NOTICE IS HEREBY GIVEN, that TITLAD LLC the holder of the following certificate has filed a tax deed for a tax deed to be in full of the tax. The certificate number is 15632-11 and the tax deed is being recorded in the public record in which it reads as follows:
07-22-0220 LOT 2 BLK 22 COMMON-WEALTH MOBILE ESTATES 2ND ADD MB 31 PGS 104-108 INC PER OR 4317 PG 3847
Name in which assessed: JAMES A CERRONE EST
Said property being in the County of Volusia, State of Florida.
Unless such certificate shall be redeemed according to law the property described in such certificate shall be sold to the highest bidder at public auction to be held on the 21ST day of APRIL 2014 at 10:00 A.M.
Dated this 21ST day of FEBRUARY 2014.
DIANE M. MATOUSEK
CLERK OF THE CIRCUIT COURT OF VOLUSIA COUNTY
BY: /s/ LORI DIGGS
Deputy Clerk
Attention: Persons with Disabilities: If you are a person with a disability who needs an accommodation in order to participate in this proceeding, you are entitled at no cost to you, to the provision of certain assistance. Please contact Human Resources at 101 N. Atlantic Avenue, Deland, FL 32724 (386) 422-5753, ext. 200, seven (7) working days in advance of the date of your hearing or video impaired, call 711.
March 3, 10, 17 & 24, 2014

The Beacon
PUBLISHED WEEKLY
State of Florida
COUNTY OF VOLUSIA SS

Before the undersigned authority personally appeared Barb Shepherd, who on oath says that he/she is the Legal Advertising Representative of The Beacon, a weekly newspaper published at DeLand, in Volusia County, Florida; that the attached copy of advertisement, being a Tax Deed in the matter of Certificate #15632-11 in James A Cerrone Est in the Circuit Court, was published in said newspaper, in the issue(s) of March 3, 10, 17 & 24, 2014

Affiant further says that the said Beacon is a newspaper published at DeLand, in said Volusia County, Florida, and that the said newspaper has heretofore been continuously published in said Volusia County, Florida, each week and has been entered as second-class mail matter at the post office in DeLand in said Volusia County, Florida, for a period of one year preceding the first publication of the attached copy of advertisement; and affiant further says that he/she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Sworn to and subscribed before me this 24th day of March, 2014.

Michael M. Robinson

(SEAL)

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

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

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

SECTION 108 UNSAFE STRUCTURES AND EQUIPMENT

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

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

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

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

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

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

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

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

ARTICLE II. - GARBAGE, JUNK AND UNDERGROWTH

FOOTNOTE(S):

--- (2) ---

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

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

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

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

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

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

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

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

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

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

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

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

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner,

vs.

CASE NO: 15-137

**Banta Scott TR
5249 Sydney PO Trust
P.O. Box 520021
Longwood, FL 32752-002,**

Respondent.

Property Address: 5249 Sydney Street, Port Orange, FL 32127
Parcel ID: 6315-07-22-0020

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

**STATE OF FLORIDA
COUNTY OF VOLUSIA**

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

1. That the statements set forth herein are based upon personal knowledge.
2. That I am a resident of the State of Florida, over twenty-one years of age, and not a party to this action.
3. That, according to the records of the Volusia County Property Appraisers Office, the property located at 5249 Sydney Street, Port Orange, Florida 32127, is owned by Banta Scott TR.
4. That 5249 Sydney Street, Port Orange, Florida 32127 is the location where the alleged code violation is or was occurring.

5. That I posted a Notice of Violation and Request for Hearing on the property at 5249 Sydney Street, Port Orange, Florida 32127, at 1:15 a.m.(p.m.) on the 27th day of April, 2015, as required by Florida Statute Section 162.12(2)(b)(1). A copy of the Notice and Request is attached hereto and made a part hereof.

FURTHER AFFIANT SAYETH NOT.

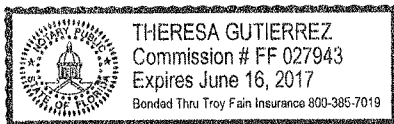
DATED this 27th day of April, 2015.

Deborah Faircloth

Deborah Faircloth
Code Compliance Inspector

**STATE OF FLORIDA
COUNTY OF VOLUSIA**

The foregoing instrument was sworn to before me on the 27 day of April, 2015, by Deborah Faircloth, who is personally known to me.



Theresa Gutierrez
Notary Public, State of Florida

Commission No. _____

Case Cost Sheet Log

Case No. 15-0951

Name	Activity	Activity_Date	Status	Cost
William L. Bradford	Mailing Notice of Violation/Notice of Hearing to 137 Anchor Drive, Ponce Inlet, FL 32127	07/29/2015	Certified Green Card Signed and Returned by Nancey Bradford and Waney Bradford on July 31, 2015.	\$6.95
William Bradford	Mailing Finding of Fact/Conclusion of Law & Order to 137 Anchor Drive, Port Orange, FL 32127	09/09/2015		\$7.21
Clerk of Court	Recording Fee - Finding of Fact/Conclusion of Law & Order	09/09/2015		\$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. 15-0951

To: William L. Bradford
Property Owner
137 Anchor Drive
Ponce Inlet, FL 32127

Re: 214 Ocean Avenue
Port Orange, FL 32129
Parcel ID: 6303-10-04-0027

LEGAL DESCRIPTION: E 90 FT OF W 242 FT OF LOT 1 & OF N 30 FT OF LOT 2 & E 74
FT OF W 242 FT OF LOT 2 BLK 4 HAND TRACT PER OR 3854
PG 3333

Volusia County Public Records
Volusia County, FL

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

Chapter 42 (Nuisances), Article II (Garbage, Junk and Undergrowth), Section 42-26 (Cleanliness of Property Generally-Duty of Owner), (c) Maintenance of Commercial and Industrial Zoned Lots of the City of Port Orange Code of Ordinances: 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.

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

Attachments:

☒ Copy of code

☒ Copy of Deed

☒ Copy of Tax Roll

This correspondence will serve as official notification that the above stated violation(s) must be corrected by **AUGUST 6, 2015** by mowing the lot in its entirety.

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

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

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

NOTICE OF HEARING SETTING FINE AND LIEN

In the event the **Special Magistrate**, during the hearing on **SEPTEMBER 9, 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 **OCTOBER 14, 2015, at 9:00 a.m.**, or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The Code Enforcement Special Magistrate will consider setting fine lien on the above referenced case at said PUBLIC HEARING. Please govern yourself accordingly.

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

DATED this 27th day of July, 2015.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: _____

Dena Joseph

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to **William L. Bradford, Property Owner, 137 Anchor Drive, Ponce Inlet, FL 32127**, was

☐ Hand-delivered

☒ Posted at the property

Time: approx. 12:50 Pm

this 27th day of July, 2015.

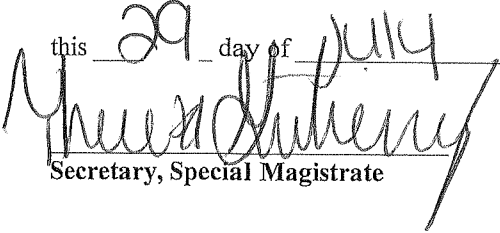
Dena Joseph
Dena Joseph

I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to William L. Bradford, Property Owner, 137 Anchor Drive, Ponce Inlet, FL 32127, was

☐ Posted at City Hall

☐ Sent via certified

this 29 day of July, 2015.


Secretary, Special Magistrate

RIGHT TO APPEAL

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

ACCOMMODATIONS

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



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

Last Updated: 07-21-2015 Today's Date: 7-27-2015		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	03-16-33-10-04-0027	Mill Group	402 Port Orange		
Short Parcel ID	6303-10-04-0027				
Alternate Key	5392627	2014 Final Millage Rate	21.15960		
Parcel Status	Active Parcel	PC Code	10		
Date Created	20 SEP 1993				
Owner Name	BRADFORD WILLIAM L			GO TO ADD'L OWNERS	
Owner Name/Address 1					
Owner Address 2	137 ANCHOR DR				
Owner Address 3	PONCE INLET FL				
Owner Zip Code	321276901				
Owner Percentage	100	Ownership Type			
Location Address	OCEAN AV PORT ORANGE 32129				

LEGAL DESCRIPTION	GO TO ADD'L LEGAL
E 90 FT OF W 242 FT OF LOT 1 & OF N 30 FT OF LOT 2 & E 74	
FT OF W 242 FT OF LOT 2 BLK 4 HAND TRACT PER OR 3854 PG	

SALES HISTORY							
#	BOOK	PAGE	DATE	INSTRUMENT	QUALIFICATION	IMPROVED?	SALE PRICE
1	3854	3333	8/1993	Quit Claim Deed	Unqualified Sale	No	20,000

HISTORY OF VALUES								GO TO ADD'L HISTORY				
YEAR	LAND	BLDG (S)	MISC	JUST	ASD	SCH ASD	NS ASD	EXEMPT	TXBL	SCH TXBL	ADD'L EX	NS TXBL
2014	22,943	0	0	22,943	22,943	22,943	22,943	0	22,943	22,943	0	22,943
2013	22,943	0	0	22,943	22,943	22,943	22,943	0	22,943	22,943	0	22,943

LAND DATA												
CODE	TYPE OF LAND USE	FRONTAGE	DEPTH	# OF UNITS	UNIT TYPE	RATE	DPH	LOC	SHP	PHY	JUST VAL	
1000	VACANT COMMERCIAL	No Data	No Data	16808.00	SQUARE FEET	3.25	100	70	100	60	22,943	

LEGAL DESCRIPTION
E 90 FT OF W 242 FT OF LOT 1 & OF N 30 FT OF LOT 2 & E 74
FT OF W 242 FT OF LOT 2 BLK 4 HAND TRACT PER OR 3854 PG
3333

Prepared By:
Walter E. Foster, III.
P. O. Drawer 2224
Daytona Beach, FL 32115
Return to:
Walter E. Foster, III
P. O. Drawer 2224
Daytona Beach, FL 32115

Parcel Number: Part of [REDACTED]

QUIT CLAIM DEED

THIS INDENTURE, made this 13th, day of August, A.D. 1993, between, CO.de.CO., Inc., a Virginia Corporation of the County of Volusia, State of Florida, party of the first part and WILLIAM L. BRADFORD, a married man, whose address is 137 Anchor Drive, Ponce Inlet, County of Volusia, State of Florida, party of the second part,

WITNESSETH, that the said party of the first part, for and in consideration of the sum of Ten and no/100 (\$10.00) Dollars, in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, has remised, released and quitclaimed, and by these presents does remise, release and quitclaim unto the said party of the second part all right, title, interest, claim and demand which the said party of the first part has in and to the following described lot, piece or parcel of land, situate lying and being in the County of Volusia, State of Florida, to wit:

The West 90.0 feet of the East 246.0 Feet, of the West 398 Feet, of Lot 1, Block 4, and the North 30 Feet of the West 16.0 Feet of the East 246.0 Feet of Lot 2, and the West 74.0 Feet of the East 230.0 Feet of the West 398 Feet of Lot 2, Block 4, HAND TRACT (Henry P. Hand) SUBDIVISION, as per map or plat of record in Map Book 2, Page 185 of the Public Records of Volusia County, Florida.

THIS DEED IS GIVEN WITHOUT THE BENEFIT OR REQUEST OF TITLE EXAMINATION.

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

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

SIGNED SEALED AND DELIVERED
in our presence:

Walter E. Foster, III
Walter E. Foster, III

CO.de.CO., INC., a Virginia Corp.

William L. Bradford, Pres
William L. Bradford, its President

Lonnie D. Story
Lonnie D. Story

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this 13th day of August, 1993 by WILLIAM L. BRADFORD, who is the President of CO.De.CO., INC., a Virginia corp., who is personally known to me or who has produced _____ as identification and who did not take an oath.

REC FEE \$ 6.00
DOC ST \$ 140.00
INT TAX \$ _____
PENALTY \$ _____
INTEREST \$ _____
REC'D PAYMENT AS NOTARY PUBLIC
INDICATED FOR CLASS "C" INTANGIBLE & DOC
STAMP TAXES SIGNED

OFFICIAL NOTARY SEAL
LONNIE D. STORY
Notary Public, State of Florida
Commission No. 00266334
My Commission Expires 3/15/97
Bonded Through Fidelity Surety & Bonding Co.
1-800-3-NOTARY

123585

FILED FOR RECORD
RECORD VERIFIED
CLERK OF THE CIRCUIT
J. CITY COURT VOLUSIA FL

93SEP-1 PM12:11

123585

BOOK PAGE
3854 3333
VOLUSIA CO., FL

BOOK PAGE
3859 0858
VOLUSIA CO., FL

Prepared By:
Walter E. Foster, III.
P. O. Drawer 2224
Daytona Beach, FL 32115
Return to:
Walter E. Foster, III
P. O. Drawer 2224
Daytona Beach, FL 32115

Parcel Number: Part of [REDACTED]

QUIT CLAIM DEED

THIS INDENTURE, made this 13th, day of August A.D. 1993, between, CO.de.CO, Inc., a Virginia Corporation of the County of Volusia, State of Florida, party of the first part and WILLIAM L. BRADFORD, a married man, whose address is 137 Anchor Drive, Ponce Inlet, County of Volusia, State of Florida, party of the second part,

WITNESSETH, that the said party of the first part, for and in consideration of the sum of Ten and no/100 (\$10.00) Dollars, in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, has remised, released and quitclaimed, and by these presents does remise, release and quitclaim unto the said party of the second part all right, title, interest, claim and demand which the said party of the first part has in and to the following described lot, piece or parcel of land, situate lying and being in the County of Volusia, State of Florida, to wit:

The West 90.0 feet of the East 246.0 Feet, of the West 398 Feet, of Lot 1, Block 4, and the North 30 Feet of the West 16.0 Feet of the East 246.0 Feet of Lot 2, and the West 74.0 Feet of the East 230.0 Feet of the West 398 Feet of Lot 2, Block 4, HAND TRACT (Henry P. Hand) SUBDIVISION, as per map or plat of record in Map Book 2, Page 185 of the Public Records of Volusia County, Florida.

THIS DEED IS GIVEN WITHOUT THE BENEFIT OR REQUEST OF TITLE EXAMINATION.

*** THIS DEED IS BEING RE-RECORDED TO CORRECT AN OMMISSION IN THE LEGAL DESCRIPTION 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 and claim whatsoever of the said party of the first part, either in law or equity, to the only proper use, benefit and behoof of the said party of the second part.

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

SIGNED SEALED AND DELIVERED
in our presence:

Walter E. Foster, III
Lonnie D. Story

CO.de. CO., INC. a Virginia Corp.

William L. Bradford, Pres
William L. Bradford, its President

REC'D PAYMENT AS
INDICATED FOR CLASS
"C" INTANGIBLE & DOC
STAMP TAXES SIGNED
STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this 13th day of August, 1993 by WILLIAM L. BRADFORD, who is the President of CO.De.CO., INC., a Virginia corp., who is personally known to me or who has produced as identification and who did not take an oath.

REC'D PAYMENT AS
INDICATED FOR CLASS
"C" INTANGIBLE & DOC
STAMP TAXES SIGNED
Notary Public

OFFICIAL NOTARY SEAL
LONNIE D. STORY
Notary Public, State of Florida
Commission No. CC26634
My Commission Expires 3/15/97
Bonded Through FIC Notary Service & Bonding Co.
1-800-3-NOTARY

132897 123585

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

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner,

vs.

CASE NO: 15-0951

William L. Bradford,

Respondent.

Property Address: 214 Ocean Avenue
Port Orange, FL 32129
Parcel ID: 6303-10-04-0027

AFFIDAVIT OF PROPERTY POSTING
NOTICE OF VIOLATION AND
NOTICE FOR HEARING

STATE OF FLORIDA
COUNTY OF VOLUSIA

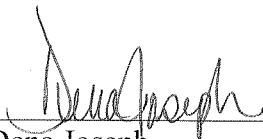
BEFORE ME, the undersigned authority, personally appeared Dena Joseph, Code Compliance Inspector, City of Port Orange, Florida, who after being duly sworn, deposes and says:

1. That the statements set forth herein are based upon personal knowledge.
2. That I am a resident of the State of Florida, over twenty-one years of age, and not a party to this action.
3. That, according to the records of the Volusia County Property Appraisers Office, the property located at 214 Ocean Avenue, Port Orange, Florida 32129, is owned by William L. Bradford.
4. That 214 Ocean Avenue, Port Orange, Florida 32129 is the location where the alleged code violation is or was occurring.

5. That I posted a Notice of Violation and Request for Hearing on the property at 214 Ocean Avenue, Port Orange, Florida 32129, at 12:50 p.m. on the 27th day of July 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.

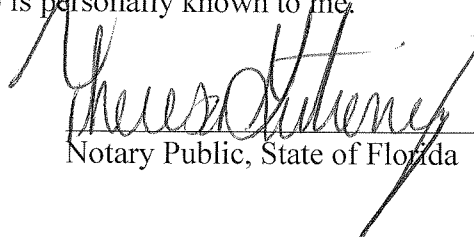
DATED this 28th day of July, 2015.



Dena Joseph
Code Compliance Inspector

**STATE OF FLORIDA
COUNTY OF VOLUSIA**

The foregoing instrument was sworn to before me on the 28th day of July, 2015, by Dena Joseph, who is personally known to me.



Notary Public, State of Florida

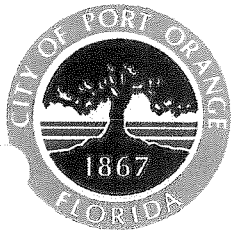
Commission No. _____

Case Cost Sheet Log

Case No. 15-1066

Name	Activity	Activity_Date	Status	Cost
Bin Jin Chen	Mailing Notice of Violation/Notice of Hearing to 805 Angelina Drive, Port Orange, FL 32127	08/07/2015	Certified Green Card Signed and Returned to the City Clerk's Office.	\$6.95
Ming Jie Zhang	Mailing Notice of Violation/Notice of Hearing to 805 Angelina Drive, Port Orange, FL 32127	08/07/2015	Certified Green Card Signed and Returned to the City Clerk's Office.	\$6.95
Yue Hua Xa	Mailing Notice of Violation/Notice of Hearing to 805 Angelina Drive, Port Orange, FL 32127	08/07/2015	Certified Green Card Signed and Returned to the City Clerk's Office.	\$6.95
Bin Jin Chen	Mailing Finding of Fact/Conclusion of Law & Order to 805 Angelina Drive, Port Orange, FL 32127	09/09/2015		\$7.21
Ming Jie Zhang	Mailing Finding of Fact/Conclusion of Law & Order to 805 Angelina Drive, Port Orange, FL 32127	09/09/2015		\$7.21
Yue Hua Xa	Mailing Finding of Fact/Conclusion of Law & Order to 805 Angelina Drive, Port Orange, FL 32127	09/09/2015		\$7.21
Clerk of Court	Recording Fee - Finding of Fact/Conclusion of Law & Order	09/09/2015		\$27.00

Total: \$69.48



NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 15-1066

To: Bin Jin Chen, Ming Jie Zhang & Yue Hua Xu
Property Owners
805 Angelina Court
Port Orange, FL 32127

Re: 805 Angelina Court
Port Orange, FL 32127
Parcel ID: 6309-40-00-0030

LEGAL DESCRIPTION: LOT 3 SPRUCE ESTATES MB 52 PGS 69-70 INC PER OR 6058 PG 3050
PER OR 6216 PG 2513 & PER OR 6368 PG 3793 PER OR 6708 PG 2349
PER OR 7004 PG 4659

Volusia County Public Records
Volusia County, FL

An inspection of the premises on **June 15, 2015** indicates that certain violation(s) of the City of Port Orange Code exists. Briefly stated, the property is in violation of the following:

***Chapter 82 (Waterways), Article I (In General), Section 82-5 (Obstructing) of the City of Port Orange Code of Ordinances:** It shall be unlawful for any person to place any obstruction of any kind whatsoever in any of the canals, waterways or ditches in the city.*

An inspection was conducted on **June 15, 2015** after receiving a complaint of some type of arbor/material that has been placed in the city swale behind this home. Inspection conducted with crew from the Public Works Department and Public Utilities and found an arbor that was installed and some type of landscape bed with what appears to be a bag of concrete. I spoke to the residents on site and informed them that this cannot be placed in the city's drainage area and that it must be removed. I gave the residents 5 days to remove the arbor and the other items from the swale. Property re-inspected on **July 8, 2015** which revealed that the arbor has been removed but the other materials are still there.

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 AUGUST 16, 2015 BY REMOVING ALL ITEMS AND MATERIALS IN THE SWALE BEHIND THE HOME.

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 reversible 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 September 9, 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

In the event the **Special Magistrate**, during the hearing on **September 9, 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 **October 14, 2015, at 9:00 a.m.**, or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The Code Enforcement Special Magistrate will consider setting fine lien on the above referenced case at said PUBLIC HEARING. Please govern yourself accordingly.

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

DATED this 5th day of August, 2015.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: Dena Joseph
Dena Joseph

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to **Bin Jin Chen, Ming Jie Zhang & Yue Hua Xu, Property Owners. 805 Angelina Court, Port Orange, FL 32127**, was

- ☐ Hand-delivered
☒ Posted at the property

Time: approx. 12:20 pm

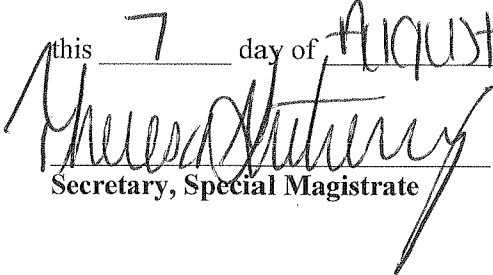
this 5th day of August, 2015.


Dena Joseph

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to **Bin Jin Chen, Ming Jie Zhang, Yue Hua Xu, Property Owners. 805 Angelina Court, Port Orange, FL 32127**, was

- ☐ Posted at City Hall
☒ Sent via certified

this 7 day of August, 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: 07-21-2015 Today's Date: 7-24-2015		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	09-16-33-40-00-0030	Mill Group	402 Port Orange		
Short Parcel ID	6309-40-00-0030				
Alternate Key	6530386	2014 Final Millage Rate	21.15960		
Parcel Status	Active Parcel	PC Code	01		
Date Created	22 NOV 2005				
Owner Name	CHEN BIN JIN &		GO TO ADD'L OWNERS		
Owner Name/Address 1	ZHANG MING JIE & XU YUE HUA				
Owner Address 2	805 ANGELINA CT				
Owner Address 3	PORT ORANGE FL				
Owner Zip Code	32127				
Owner Percentage	100	Ownership Type	Joint Tenancy with Right of Survivorship		
Location Address	805 ANGELINA CT PORT ORANGE 32127				

LEGAL DESCRIPTION	GO TO ADD'L LEGAL
LOT 3 SPRUCE ESTATES MB 52 PGS 69-70 INC PER OR 6058 PG 3050	
PER OR 6216 PG 2513 & PER OR 6368 PG 3793 PER OR 6708 PG 23	

SALES HISTORY						GO TO ADD'L SALES	
#	BOOK	PAGE	DATE	INSTRUMENT	QUALIFICATION	IMPROVED?	SALE PRICE
1	7004	4659	6/2014	Warranty Deed	Qualified Sale	Yes	180,000
2	6708	2349	4/2012	Warranty Deed	Unqualified Sale	Yes	100
3	6368	3793	6/2009	Warranty Deed	Unqualified Sale	Yes	100

HISTORY OF VALUES								GO TO ADD'L HISTORY				
YEAR	LAND	BLDG(S)	MISC	JUST	ASD	SCH ASD	NS ASD	EXEMPT	TXBL	SCH TXBL	ADD'L EX	NS TXBL
2014	13,050	111,955	0	125,005	125,005	125,005	116,977	0	125,005	125,005	0	116,977
2013	10,620	95,723	0	106,343	106,343	106,343	106,343	0	106,343	106,343	0	106,343

LAND DATA												
CODE	TYPE OF LAND USE		FRONTAGE	DEPTH	# OF UNITS	UNIT TYPE	RATE	DPH	LOC	SHP	PHY	JUST VAL
0101	IMP PVD THRU .49 AC		50.0	125.0	1.00	LOT	23000.00	100	100	100	90	20,700

LEGAL DESCRIPTION
LOT 3 SPRUCE ESTATES MB 52 PGS 69-70 INC PER OR 6058 PG 3050
PER OR 6216 PG 2513 & PER OR 6368 PG 3793 PER OR 6708 PG 23
49 PER OR 7004 PG 4659

Prepared By: **Casey-Lynn Damon Smith**
Professional Title Agency, Inc.
3510 S. Nova Road, Suite 112
Port Orange, Florida 32129

incidental to the issuance of a title insurance policy.
File Number: **K-0436**
Parcel ID# **6309-40-00-0030**

WARRANTY DEED
(INDIVIDUAL)

This *WARRANTY DEED*, dated **June 27, 2014** by

David A. Atkins and Carolyn S. Atkins, Husband and Wife

Whose post office address is **414 Cold Spring Road, Morgantown, WV 26501**
hereinafter called the GRANTOR, to

Bin Jin Chen and Ming Jie Zhang and Yue Hua Xu, Husband and Wife, as Joint Tenants with Full Right of Survivorship

whose post office address is **805 Angelina Court, Port Orange, FL 32127**
hereinafter called the GRANTEE:

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

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

Lot 3, Spruce Estates, according to the Plat thereof, recorded in Plat Book 52, Pages 69 and 70, of the Public Records of Volusia County, Florida

SUBJECT TO covenants, conditions, restrictions, reservations, limitations, easements and agreements of record, if any; taxes and assessments for the year **2014** and subsequent years; and to all applicable zoning ordinances and/or restrictions and prohibitions imposed by governmental authorities, if any,

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

TO HAVE AND TO HOLD, the same in fee simple forever.

AND THE GRANTOR hereby covenants with said GRANTEE that except as above noted, the GRANTOR is lawfully seized of said land in fee simple; that the GRANTOR has good right and lawful authority to sell and convey said land; that the GRANTOR hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever.

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

SIGNED IN THE PRESENCE OF THE FOLLOWING WITNESSES:

Witness #1 Signature: _____

Witness #1 Print Name: Casey-Lynn Damon Smith

Witness #2 Signature: _____

Witness #2 Print Name: _____

David A. Atkins

Carolyn S. Atkins

**STATE OF FLORIDA
COUNTY OF VOLUSIA**

The foregoing instrument was acknowledged before me on 06/24/2014 by:

David A. Atkins and Carolyn S. Atkins, Husband and Wife

[check one:]

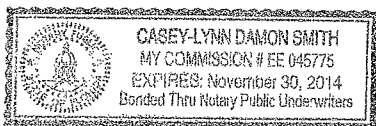
☐ who was personally known to me

☒ who presented the following identification: _____ drivers license

Notary Seal

Notary Signature: _____

Notary Print Name: Casey-Lynn Damon Smith



Sec. 82-5. - Obstructing.

It shall be unlawful for any person to place any obstruction of any kind whatsoever in any of the canals, waterways or ditches in the city.

(Code 1981, § 22-5)

State Law reference— Obstructing of drainage canals, etc., F.S. §§ 298.66, 861.02, 861.021.