



AGENDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
CITY OF PORT ORANGE

Meeting Date: Wednesday, October 28, 2015

Time: 9:00 AM

Type of Meeting: Regular

Location: Council Chambers
City Hall, 1000 City Center Circle

A. CALL TO ORDER

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

B. FORMAL HEARING (COMPLIANCE OR NON-COMPLIANCE)

3. CEB Case No.: 15-070

Respondent: Corine M. Mackey

Address of Violation: 5420 Landis Avenue, Port Orange, FL 32127

Code Officer: Scott Allman

First Notified: 09/08/2015

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

Chapter 3 (General Requirements), Section 304 (Exterior Structure), 304.7 Roofs and drainage of the 2009 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances.

4. **CEB Case No.:** 15-1564

Respondent: Barbara J. Davis

Address of Violation: 651 Tumblebrook Drive, Port Orange, FL 32127

Code Officer: Scott Allman

First Notified: 09/14/2015

Compliance: No

Cited for violation(s) - Chapter 70 Traffic, Article 2, Section 70-36 (a) (1), (K) (1) (2) (3), Stopping, standing or parking prohibited in specified places of the City of Port Orange Code of Ordinances.

5. **CEB Case No.:** 15-1490

Respondent: Marshall Kevyn & Sarah Surrusco JTRS

Address of Violation: 866 Chickadee Drive, Port Orange, FL 32127

Code Officer: Scott Allman

First Notified: 09/23/2015

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) of the City of Port Orange Code of Ordinances.

6. **CEB Case No.:** 15-1494

Respondent: Shonn A. Isitt

Address of Violation: 5275 Oats Avenue, Port Orange, FL 32127

Code Officer: Deborah Faircloth

First Notified: 09/10/2015

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.

7. **CEB Case No.:** 15-1520

Respondent: Geraldine L. Price

Address of Violation: 5361 Landis Avenue, Port Orange, FL 32127

Code Officer: Deborah Faircloth

First Notified: 09/24/2015

Compliance: No

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

8. **CEB Case No.:** 15-1489

Respondent: Cassandra A. Selliken JTRS & Lori A. Thompson JTRS

Address of Violation: 1145 Meditation Loop, Port Orange, FL 32129

Code Officer: Deborah Faircloth

First Notified: 09/22/2015

Compliance: No

Cited for violation(s) - Chapter 42 (Nuisances) Article II (Garbage, Junk and Undergrowth), Section 42-26 (Cleanliness of Property Generally-Duty of Owner), (f) 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 18, Article II, Section 18-33 (a) (b) of the City of Port Orange Code of Ordinances.

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

Respondent: RRRAC LLC

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

Code Officer: Deborah Faircloth

First Notified:

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.

C. ORDER IMPOSING FINE/LIEN

10. CEB Case No.: 15-1228

Respondent: Kimberly Seely Stacy

Address of Violation: 5417 Dubois Avenue, Port Orange, FL 32127

Code Officer: Deborah Faircloth

First Notified: 08/13/2015

Compliance: No

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

11. CEB Case No.: 15-1298

Respondent: Eugene & Candy Gentile

Address of Violation: 477 Leslie Drive, Port Orange, FL 32127

Code Officer: Scott Allman

First Notified: 08/14/2015

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.

12. CEB Case No.: 15-1377

Respondent: Flavio G. Forzanti

Address of Violation: 402 Needles Drive, Port Orange, FL 32127

Code Officer: Scott Allman

First Notified: 08/14/2015

Compliance: No

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

D. PUBLIC COMMENTS

E. ADJOURNMENT

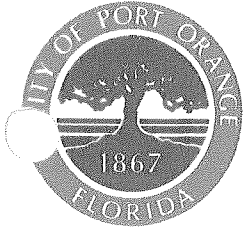
ANY PERSON WHO DECIDES TO APPEAL ANY DECISION MADE BY THE **CODE ENFORCEMENT SPECIAL MAGISTRATE** WILL NEED A RECORD OF THE PROCEEDINGS, AND FOR SUCH PURPOSE HE OR SHE MAY NEED TO ENSURE AT HIS OR HER OWN EXPENSE FOR THE TAKING AND PREPARATION OF A VERBATIM RECORD OF ALL TESTIMONY AND EVIDENCE OF THE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

Case Cost Sheet Log

Case No. 15-070

Name	Activity	Activity_Date	Status	Cost
Corine Mackey	Mailing Notice of Violation/Notice of Hearing to 5420 Landis Avenue, Port Orange, FL 32127	09/09/2015	Certified Mail Returned to City Clerk's Office Marked "Unclaimed/Unable to Forward".	\$6.95
Corine Mackey	Mailing Finding of Fact/Conclusion of Law & Order to 5420 Landis Avenue, Port Orange, FL 32127	10/28/2015		\$7.21
Clerk of Court	Recording Fee - Finding of Fact/Conclusion of Law & Order	10/28/2015		\$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. 15-070

To:
CORINE M. MACKEY, Deceased, AND ANY AND
ALL UNKNOWN PARTIES CLAIMING BY, THROUGH,
UNDER OR AGAINST THE HEREIN NAMED
INDIVIDUAL DEFENDANTS WHO ARE NOT KNOWN
TO BE DEAD OR ALIVE, WHETHER SAID UNKNOWN
PARTIES MAY CLAIM AN INTEREST AS SPOUSES,
HEIR..DEVISEES, GRANT.EES.OR OTHER.CLAIMAINTS,
KIMBERLY STACY,

Re: 5420 Landis Avenue
Port Orange, FL 32127
Parcel ID: 6310-07-20-0090
LEGAL DESCRIPTION: LOTS 9 & 10 BLK 20 ALLANDALE

Volusia County Public Records
Volusia County, FL

An inspection of the premises on January 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) 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) 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 (10) inches.

Chapter 42 Nuisances, 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.

Chapter 3 (General Requirements), Section 304 (Exterior Structure), 304.7 Roofs and drainage of the 2009 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: 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.

Upon my original inspection I observed the following violations; the lawn is overgrown, there is a multitude of stored items and junk on the front porch and screen porch area, and the roof has a blue tarp due to roof leaks. I have spoken to the owner's daughter several times about the blue tarp and the tarp remains. A 14 day door hanger was given for compliance. To be in compliance, the entire property needs to be mowed and weed-eated, all outside storage and junk needs to be removed or properly stored in an enclosed building, the tarp needs to be removed, and the roof needs to be repaired.

Attachments: ☒ Copy of code

☒ Copy of Deed

☒ Copy of Tax Roll

This correspondence will serve as official notification that the above stated violation(s) must be corrected by **September 22, 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 October 28, 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

On the event the **Special Magistrate**, during the hearing on **October 28, 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 **December 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 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 8th day of September, 2015.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

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

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Corine Mackey 5420 Landis Avenue, Port Orange, FL 32127, was
☐ Hand-delivered Recipient of hand delivered documents: _____
☒ Posted at the property

Time: approx. 12:45 pm.

this 8th day of September, 2015.

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

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Corine Mackey 5420 Landis Avenue, Port Orange, FL 32127, was
☒ Posted at City Hall
☒ Sent via certified

this 9 day of September, 2015.
[Signature]
Secretary, Special Magistrate

RIGHT TO APPEAL

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

ACCOMMODATIONS

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

36374
WARRANTY DEED
STATUTORY

1246 00657

The instrument was prepared by:
Name of person & address

Seal and
Address, signature and
Clark's File on back.

J. Edgar Coble
1754 South Beach Street
Daytona Beach, Florida 32014

This instrument, Made this 30th day of November A.D. 1970
between PERCY BROADHURST and EDITH A. BROADHURST, his wife,

of the County of Volusia, in the State of Florida
parties of the first part, and

WILLIAM G. MACKAY and CORINE MONTMACKAY, his wife,

whose permanent address is 5420 Landis Avenue Port Orange
of the County of Volusia in the State of Florida
parties of the second part,

WITNESSETH, That the said parties of the first part, for and in consideration of the sum of

TEN AND NO/10 Dollars
and other good and valuable considerations to them in hand paid by said parties
of the second part, the receipt whereof is hereby acknowledged, have granted, bargained and
sold to the said parties of the second part, their heirs and assigns forever, the following
described land, situate, lying and being in the County of Volusia, State of Florida, to-wit:

Lots Nine (9) and Ten (10) Block Twenty (20)
Ailandale, as per Map Book 4, page 146, of
the Public Records of Volusia County, Florida

Subject to taxes for the year 1970 and
subsequent years.

Subject to Easements and Restrictions as per
Deed recorded in Official Records Book 913, Page 47.

And the said parties of the first part do hereby fully warrant the title to said land,
and will defend the same against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, The said parties of the first part, hereunto
set their hands and seals the day and year first above written.

Signed, sealed and delivered in my presence
J. Edgar Coble
Therese P. Fisher

Percy Broadhurst
Edith A. Broadhurst
Seal
Seal
Seal
Seal

Then delivered to
JESS MATHIAS
Black & White Court,
P.O. Box 11144, Fort da

1246 658

Recording fee
State Stamp
Notary Stamp
TOTAL

Notary to

CLEAR'S FILE MARK

FILED FOR RECORD
RECORD VERIFIED
BOOK PAGE 657

DECEMBER 3 AM 10 05

The fee for this stamp is one per cent of the value of the property in the jurisdiction.
See Tax Stamp at the rate of 1% per
\$100 of the value of the jurisdiction.



ALBANY
COUNTY



1246 657

STATE OF FLORIDA
COUNTY OF VOLUNIA

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

PERCY BROOKHURST and EDITH A. BROOKHURST, his wife.

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

WITNESS my hand and official seal in the County and State last aforesaid the 30 day of
November, A.D. 1988.

Notary Public

My commission expires

36971



Volusia County Property Appraiser

Morgan B. Gilreath Jr.
M.A., A.S.A., C.F.A.



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Notice of Proposed Taxes

Estimate of Taxes

Parcel Information: 6310-07-20-0090 2015 Preliminary Tax Roll Last Updated: 08-30-2015

Owner Name and Address

Alternate Key	3609581	Parcel Status	Active Parcel (Real Estate)
Short Parcel ID	6310-07-20-0090	Mill Group	402 Port Orange
Full Parcel ID	10-16-33-07-20-0090	2014 Final Mill Rate	21.15960
Created Date	31 DEC 1981		
Property Class	02 Mobile Homes		
Ownership Type	Estate	Ownership Percent	100
Owner Name	MACKEY CORINE		
Owner Name/Address 1			
Owner Address 2	5420 LANDIS AVE		
Owner Address 3	PORT ORANGE FL		
Owner Zip Code	32127-552		
Situs Address	5420 LANDIS AV PORT ORANGE 32127		

Legal Description

LOTS 9 & 10 BLK 20 ALLANDALE

Sales History

Book Page	Sale Date	Sale Instrument	Qualified Unqualified	Improved	Sale Price
1246 0657	12/1970	Warranty Deed	Qualified Sale	No	5,000

History of Values

Year	Land	Bldg(s)	Misc. Impr.	Just Value	School Assessed	Non-School Assessed	School Exemption	School Taxable	Non-School Exemption	Non-School Taxable
2014	17,490	19,186	1,231	37,907	35,058	35,058	25,500	9,558	0	9,558
2013	14,850	18,797	1,263	34,910	34,540	34,540	25,500	9,040	0	9,040
2012	14,850	17,930	1,183	33,963	33,963	33,963	25,500	8,463	0	8,463
2011	15,510	17,930	1,246	34,686	34,686	34,686	25,500	9,186	0	9,186
2010	15,510	30,201	1,362	47,073	47,073	47,073	25,500	21,573	0	21,573
2009	17,160	33,337	1,600	52,097	47,193	47,193	25,500	21,693	0	21,693
2008	29,040	33,337	1,669	64,046	47,146	47,146	25,500	21,646	0	21,646
2007	41,250	28,988	1,666	69,904	45,773	45,773	25,500	20,273	0	20,273
2006	41,250	31,979	1,315	74,544	44,657	44,657	25,500	19,157	0	19,157
2005	29,700	28,512	1,308	59,520	43,356	43,356	25,500	17,856	0	17,856
2004	20,460	31,913	926	53,299	42,093	42,093	25,500	16,593	0	16,593
2003	15,510	27,801	847	44,158	41,308	41,308	25,500	15,808	0	15,808
2002	12,144	27,306	890	40,340	40,340	40,340	25,500	14,840	0	14,840
2001	12,144	27,592	920	40,656	39,887	39,887	25,500	14,387	0	14,387
2000	15,180	25,850	950	41,980	38,726	38,726	25,500	13,226	0	13,226
1999	12,144	24,951	979	38,074	37,708	37,708	25,000	12,708	0	12,708
1998	12,144	24,534	1,046	37,724	37,115	37,115	25,000	12,115	0	12,115
1997	12,144	23,747	859	36,750	36,495	36,495	25,000	11,495	0	11,495
1996	11,840	23,338	870	36,048	35,433	35,433	25,000	10,433	0	10,433
1995	11,840	22,759	880	35,479	34,569	34,569	25,000	9,569	0	9,569
1994	10,626	22,145	890	33,661	33,661	33,661	25,000	8,661	0	8,661
1993	10,626	22,065	900	33,591	33,591	33,591	25,000	8,591	0	8,591
1992	10,626	21,396	910	32,932	32,932	32,932	25,000	7,932	0	7,932
1991	11,220	21,396	920	33,536	33,536	33,536	25,000	8,536	0	8,536
1990	11,220	21,396	930	33,546	33,546	33,546	25,000	8,546	0	8,546
1989	11,220	21,037	940	33,197	33,197	33,197	25,000	8,197	0	8,197
1988	8,250	20,487	951	29,688	29,688	29,688	25,000	4,688	0	4,688
1987	7,260	21,176	960	29,396	29,396	29,396	25,000	4,396	0	4,396
1986	7,260	20,364	971	28,595	28,595	28,595	25,000	3,595	0	3,595
1985	7,260	19,596	980	27,836	27,836	27,836	25,000	2,836	0	2,836
1984	7,260	19,116	991	27,367	27,367	27,367	25,000	2,367	0	2,367

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

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

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

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

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

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

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

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

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

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

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

(Code 1981, § 10-7)

304.7 Roofs and drainage.

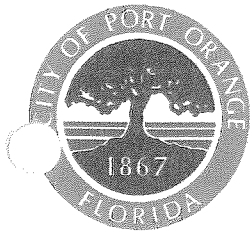
The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or *deterioration* in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions.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

Case Cost Sheet Log

Case No. 15-1564

Name	Activity	Activity_Date	Status	Cost
Barbara J. Davis	Notice of Violation/Notice of Hearing	09/14/2015	Hand Delivered to Josh Mann at 12:08 p.m.	\$0.00
Barbara J. Davis	Mailing Finding of Fact/Conclusion of Law & Order to 651 Tumblebrook Drive, Port Orange, FL 32127	10/28/2015		\$7.21
Clerk of Court	Recording Fee - Finding of Fact/Conclusion of Law & Order	10/28/2015		\$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. 15-1564

To:

Barbara J Davis
651 Tumblebrook Drive
Port Orange, FL 32127

Re: 651 Tumblebrook Drive
Port Orange, FL 32127
Parcel ID: 6320-03-04-0250

LEGAL DESCRIPTION: LOT 25 BLK 4 SWEETWATER HILLS UNIT 2 MB 35 PG 11 PER OR 3374 PG 0287 PER OR
5356 PGS 0885-0891

Volusia County Public Records
Volusia County, FL

An inspection of the premises on September 9, 2015, indicates that certain violation(s) of the City of Port Orange Code exists. Briefly stated, the property is in violation of the following:

The City of Port Orange's Code of Ordinances Chapter 70 Traffic, Article 2, Section 70-36 (a) (1), (K) (1) (2) (3), Stopping, standing or parking prohibited in specified places:

(k) On any other portion of the front yard of a residential lot, except on approved driveways. As used in this section, driveways shall be constructed of the following materials:

1. Concrete or paved materials;
2. Non-paved materials, excluding grass and dirt, provided that loose materials such as gravel, bark or cypress mulch are effectively contained within a border of concrete, railroad ties, or other rigid materials; or
3. Concrete paver strips, paver blocks, or other semi-pervious materials.

Upon inspection, I observed a white Camaro parked on the front yard. I have spoken to the occupants of the home on several occasions and they continue to park on the front yard. To be in compliance, all vehicles must be parked in the driveway, right of way, or on an approved driveway extension.

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 **September 24, 2105**.

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 October 28, 2015, at 9:00 a.m.**, or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The **Special Magistrate** will receive testimony and evidence at said PUBLIC HEARING and shall make such findings of facts and conclusions of law as supported by the testimony and evidence pertaining to the matter alleged below, and shall issue a Final Order affording the proper relief. A certified copy of the Final Order may be recorded in the public records of the county and shall constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property, and the findings therein shall be binding upon the violator and, if the violation concerns real property, upon any subsequent purchasers, successors in interest, or assigns. If you fail to appear at the Hearing, the **Special Magistrate** may base any findings solely on the testimony and evidence presented by the Code Enforcement Inspector. Please govern yourself accordingly.

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

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

NOTICE OF HEARING SETTING FINE AND LIEN

In the event the **Special Magistrate**, during the hearing on **October 28, 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 **December 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 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 14th day of September, 2015.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

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

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Barbara J Davis 651 Tumblebrook Drive, Port Orange, FL 32127, was

☒ Hand-delivered

Recipient of hand delivered documents: Josh Mann

☐ Posted at the property

this 14 day of September, 2015.

Time: approx. 12:06 pm.

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

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Barbara J Davis 651 Tumblebrook Drive, Port Orange, FL 32127, was

☒ Posted at City Hall

☒ Sent via certified

this 15 day of September, 2015.

Shelley Duty
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
FLORIDA

Volusia County
Property Appraiser

Morgan B. Gilreath Jr.
M.A., A.S.A., C.F.A.



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Notice of Proposed Taxes

Estimate of Taxes

Parcel Information: 6320-03-04-0250 2015 Preliminary Tax Roll Last Updated: 09-06-2015

Owner Name and Address

Alternate Key	3653815	Parcel Status	Active Parcel (Real Estate)
Short Parcel ID	6320-03-04-0250	Mill Group	402 Port Orange
Full Parcel ID	20-16-33-03-04-0250	2014 Final Mill Rate	21.15960
Created Date	31 DEC 1981		
Property Class	01 Single Family		
Ownership Type		Ownership Percent	100
Owner Name	DAVIS BARBARA J		
Owner Name/Address 1			
Owner Address 2	651 TUMBLEBROOK DR		
Owner Address 3	PORT ORANGE FL		
Owner Zip Code	32127		
Situs Address	651 TUMBLEBROOK DR PORT ORANGE 32127		

Legal Description
LOT 25 BLK 4 SWEETWATER HILLS UNIT 2 MB 35 PG 11 PER OR 3374 PG 0287 PER OR 5356 PGS 0885-0891

Sales History

Book Page	Sale Date	Sale Instrument	Qualified Unqualified	Improved	Sale Price
5356 0885	07/2004	Final Judgement of Divorce	Unqualified Sale	Yes	100
3374 0287	10/1989	Warranty Deed	Qualified Sale	Yes	54,000
2254 1517	03/1981	Warranty Deed	Qualified Sale	Yes	45,000
2046 0548	01/1979	Warranty Deed	Qualified Sale	Yes	8,000

History of Values

Year	Land	Bldg(s)	Misc. Impr.	Just Value	School Assessed	Non-School Assessed	School Exemption	School Taxable	Non-School Exemption	Non-School Taxable
2014	13,068	70,559	0	83,627	71,656	71,656	25,000	46,656	21,656	25,000
2013	12,342	60,575	0	72,917	70,597	70,597	25,000	45,597	20,597	25,000

Display Value History

Land Data

Code	Land Use Type	Frontage	Depth	No. Units	Unit Type	Rate	Depth	Loc	Shp	Phy	Just Value
0101	IMP PVD THRU .49 AC	75.0	115.0	75.00	FRONT FEET	215.00	97	100	100	100	15,609
Neighborhood 5690 SWEETWATER HILLS UT 1 (6320-0)											
Total Land Classified											0
Total Land Just											15,609

Building Characteristics
Building Number: 117683 (Building 1 of 1)

Address:

This instrument Prepared by: **JANET E. BURKHEAD**

V.P. & Manager

Address:

Land Title Corporation
227 Seabreeze Boulevard
Daytona Beach, Florida 32018

Property Appraiser's Parcel I.D. (Folio) Number(s):

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

WARRANTY DEED
SUBJECT TO INTEREST

BOOK

3374

0287

VOLUSIA CO., FL

1982

WARRANTY DEED

SPACE ABOVE THIS LINE FOR PREVIOUS DATA

SPACE ABOVE THIS LINE FOR PREVIOUS DATA

This Warranty Deed Made the 12th day of October A. D. 19 89 by
JANICE K. RUTTER, formerly known as **JANICE K. ANDERSON**,
a single person,

hereinafter called the grantor, to

KEVIN T. DAVIS and BARBARA J. DAVIS, husband and wife,

whose postoffice address is **651 Tumblebrook Drive, Port Orange, Florida 32127**
hereinafter called the grantee:

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

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

Lot 25, Block 4, Unit II, SWEETWATER HILLS SUBDIVISION,
according to map recorded in Map Book 35, Page 11, of
the Public Records of Volusia County, Florida.

REC FEE \$ 6.00 REC'D PAYMENT AS
DOC ST \$ 2.5200 INDICATED FOR CLASS
INT TAX \$ "C" INTANGIBLE & DOC
PENALTY \$ STAMP TAXES SIGNED
INTEREST belonging or in any
Clerk Circuit Court Volusia Co. Florida *Chiq. Dwyer*

Together with all the tenements, hereditaments and appurtenances
wise appertaining.

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

And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 19 88.

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

Signed, sealed and delivered in our presence:

Janet E. Burkhead
Janet E. Burkhead

Janice K. Rutter
Janice K. Rutter

STATE OF FLORIDA
COUNTY OF VOLUSIA

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State aforesaid and in the County aforesaid, to take acknowledgments, personally appeared **JANICE K. RUTTER**, formerly known as **JANICE K. ANDERSON**, a single person, to me known to be the person described in and who executed the foregoing instrument and she acknowledged before me that she executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this 12th day of October A. D. 19 89.

My Commission expires:
7/11/92

Janet E. Burkhead
Notary Public, State of Florida
at Large

Chiq. Dwyer
CLERK CIRCUIT COURT
VOLUSIA CO., FL

89OCT 16 AM 8:27

FILED FOR RECORD
RECORD VERIFIED

136087

136087

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

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

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

- a. On the roadway side of any motor vehicle stopped or parked at the edge of a curb of a street (i.e., double parked).
- b. Within an intersection.
- c. On any sidewalk or on a crosswalk.
- d. Between a safety zone and the adjacent curb or within 30 feet of points on the curb immediately opposite the ends of the safety zone, unless the division of road operations of the state department of transportation indicates it differently by signs or markings.
- e. Alongside or opposite any street excavation, obstruction or vehicle when stopping, standing or parking would obstruct traffic.
- f. Upon any bridge or elevated structure upon a highway, road or street where parking is not provided for thereon.
- g. On any railroad tracks.
- h. At any place where official traffic control devices prohibit stopping.
- i. In any area containing the raised or painted traffic separator or median.
- j. On parkage, except for private passenger vehicles, by or with authority of the owner or resident of the private property immediately adjoining such parkage, which authority shall be implied in the absence of a written complaint made by such owner or the duly authorized agent of such owner.

k. On any other portion of the front yard of a residential lot, except on approved driveways.

As used in this section, driveways shall be constructed of the following materials:

1. Concrete or paved materials;
2. Nonpaved materials, excluding grass and dirt, provided that loose materials such as gravel, bark or cypress mulch are effectively contained within a border of concrete, railroad ties, or other rigid materials; or
3. Concrete paver strips, paver blocks, or other semi-pervious materials.

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

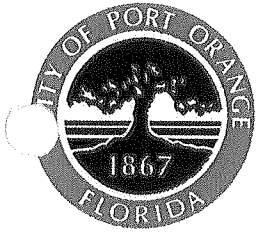
- a. Alongside any yellow curb.
- b. In front of a public or private driveway.
- c. Within 15 feet of a fire hydrant.
- d. Within 20 feet of a crosswalk at an intersection.
- e. Within 30 feet upon the approach to any flashing signal, stop sign or traffic control signal located at the side of a roadway.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

Case Cost Sheet Log

Case No. 15-1490

Name	Activity	Activity_Date	Status	Cost
Sara Surrusco	Mailing Notice of Violation/Notice of Hearing to 866 Chickadee Drive, Port Orange, FL 32127	09/28/2015	Certified Mail Returned to City Clerk's Office marked "Return to Sender/Not Deliverable As Addressed".	\$6.73
Marshall Kevyn	Mailing Notice of Violation/Notice of Hearing to 866 Chickadee Drive, Port Orange, FL 32127	09/28/2015	Certified Mail Returned to City Clerk's Office marked "Return to Sender/Not Deliverable As Addressed".	\$6.73
Sara Surrusco	Mailing Finding of Fact/Conlusion of Law & Order to 866 Chickadee Drive, Port Orange, FL 32127	10/28/2015		\$7.21
Marshall Kevyn	Mailing Finding of Fact/Conlusion of Law & Order to 866 Chickadee Drive, Port Orange, FL 32127	10/28/2015		\$7.21
Clerk of Court	Recording Fee - Finding of Fact/Conclusion of Law & Order	10/28/2015		\$27.00

Total:



**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

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

CITY OF PORT ORANGE,

Petitioner

CASE NO. 15-1490

To:
Marshall Kevyn &
Sarah Surrusco JTRS
866 Chickadee Drive
Port Orange, FL 32127

Re: 866 Chickadee Drive
Port Orange, FL 32127
Parcel ID: 6317-07-00-0350

LEGAL DESCRIPTION: LOT 35 CYPRESS COVE PHASE III MB 36 PGS 87-88 INC PER OR 2791 PG 0898 PER OR
6033 PG 1391

Volusia County Public Records
Volusia County, FL

Inspection of the premises on August 26, 2105, indicates that certain violation(s) of the City of Port Orange Code exists. Briefly stated, the property is in violation of the following:

Chapter 42 (Nuisances) of the City of Port Orange Code of Ordinances, Article II (Garbage, Junk and Undergrowth), Section 42-26 (Cleanliness of Property Generally-Duty of Owner), (d) 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 (10) inches.

This property is vacant and in foreclosure. I contacted safeguard who notifies that there is a pending bankruptcy and that caused them to stop servicing the property in July. To be in compliance the entire property needs to be mowed and weed-eated.

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 **October 8, 2015**.

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

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

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

NOTICE OF HEARING AS TO VIOLATION(S) ALLEGED

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

Pursuant to Chapter 2, Article V, Code of Ordinances and Section 162.06, Florida Statutes, you are hereby called upon to take notice that a PUBLIC HEARING will be conducted in the above-styled cause by the **Special Magistrate October 28, 2015, at 9:00 a.m.**, or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The **Special Magistrate** will receive testimony and evidence at said PUBLIC HEARING and shall make such findings of facts and conclusions of law as supported by the testimony and evidence pertaining to the matter alleged below, and shall issue a Final Order affording the proper relief. A certified copy of the Final Order may be recorded in the public records of the county and shall constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property, and the findings therein shall be binding upon the violator and, if the violation concerns real property, upon any subsequent purchasers, successors in interest, or assigns. If you fail to appear at the Hearing, the **Special Magistrate** may base any findings solely on the testimony and evidence presented by the Code Enforcement Inspector. Please govern yourself accordingly.

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

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

NOTICE OF HEARING SETTING FINE AND LIEN

In the event the **Special Magistrate**, during the hearing on **October 28, 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 **December 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 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 23rd day of September, 2015.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

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

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Marshall Kevyn & Sarah Surrusco JTRS 866 Chickadee Drive, Port Orange, FL 32127, was

☐ Hand-delivered

Recipient of hand delivered documents: _____

☒ Posted at the property

this 23rd day of September, 2015.

me: approx. 3:20 pm

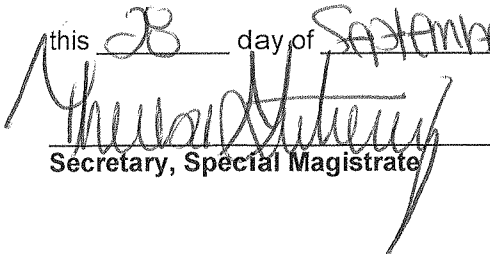
J. Scott Allman
J. Scott Allman, Code Enforcement Officer

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Marshall Kevyn & Sarah Surrusco JTRS 866 Chickadee Drive , Port Orange, FL 32127, was

☒ Posted at City Hall

☒ Sent via certified

this 28 day of September, 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
Property Appraiser

Morgan B. Gilreath Jr.
M.A., A.S.A., C.F.A.



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Notice of Proposed Taxes
Estimate of Taxes

Parcel Information: 6317-07-00-0350 2015 Preliminary Tax Roll Last Updated: 09-20-2015

Owner Name and Address

Alternate Key	3649061	Parcel Status	Active Parcel (Real Estate)
Short Parcel ID	6317-07-00-0350	Mill Group	402 Port Orange
Full Parcel ID	17-16-33-07-00-0350	2014 Final Mill Rate	21.15960
Created Date	31 DEC 1981		
Property Class	01 Single Family		
Ownership Type		Ownership Percent	100
Owner Name	MARSHALL KEVYN &		
Owner Name/Address 1	SARAH SURRUSCO JTRS		
Owner Address 2	866 CHICKADEE DR		
Owner Address 3	PORT ORANGE FL		
Owner Zip Code	32127		
Situs Address	866 CHICKADEE DR PORT ORANGE 32127		

Legal Description
 LOT 35 CYPRESS COVE PHASE III MB 36 PGS 87-88 INC PER OR 2791 PG 0898 PER OR 6033 PG 1391

Sales History

Book	Page	Sale Date	Sale Instrument	Qualified Unqualified	Improved	Sale Price
6033	1391	03/2007	Warranty Deed	Qualified Sale	Yes	216,000
2791	0898	02/1986	Warranty Deed	Qualified Sale	Yes	85,000
2504	0431	10/1983	Warranty Deed	Qualified Sale	Yes	73,400
2484	1265	07/1983	Warranty Deed	Qualified Sale	Yes	16,800
2444	0085	04/1983	Warranty Deed	Multi parcel sale	Yes	100

History of Values

Year	Land	Bldg(s)	Misc. Impr.	Just Value	School Assessed	Non-School Assessed	School Exemption	School Taxable	Non-School Exemption	Non-School Taxable
2014	26,970	104,576	0	131,546	131,546	129,371	0	131,546	0	129,371
2013	26,970	90,640	0	117,610	117,610	117,610	0	117,610	0	117,610

Display Value History

Land Data

Code	Land Use Type	Frontage	Depth	No. Units	Unit Type	Rate	Depth	Loc	Shp	Phy	Just Value
0140	IMP LKFRNT-3 <2 AC	93.0	125.0	93.00	FRONT FEET	320.00	100	100	100	100	29,760
Neighborhood 5752 CYPRESS COVE PHASE I, II & II											
Total Land Classified											0
Total Land Just											29,760

Building Characteristics
 Building Number: 117284 (Building 1 of 1)

03/29/2007 01:17 PM
Doc stamps 1512.00
(Transfer Amt \$ 216000)
Instrument# 2007-072969 # 1
Book: 6033
Page: 1391
Diane M. Matousek
Volusia County, Clerk of Court

This Warranty Deed

Made this 23rd day of March A.D. 2007
by **Dorothy VanEtten, an unremarried widow**

hereinafter called the grantor, to
**Kevyn Marshall, a single person Sarah Surrusco, a
single person as joint tenants with right of
survivorship and not as tenants in common**

whose post office address is:
**866 Chickadee Drive
Port Orange, Florida 32127**

hereinafter called the grantee:

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

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

**Lot 35, CYPRESS COVE, PHASE III, according to the plat thereof recorded in Map Book
36, Pages 87 and 88, Public Records of Volusia County, Florida.**

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

Parcel Identification Number: 6317-07-00-0350

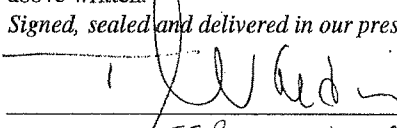
Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise
appertaining.

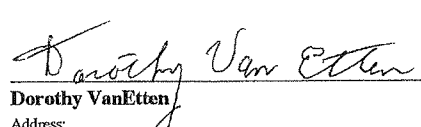
To Have and to Hold, the same in fee simple forever.

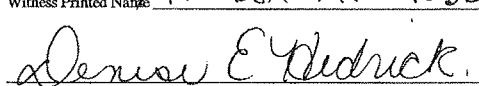
And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land
in fee simple that the grantor has good right and lawful authority to sell and convey said land; that the
grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all
persons whomsoever; and that said land is free of all encumbrances except taxes accruing subsequent to
December 31, 2006.

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

Signed, sealed and delivered in our presence:


Witness Printed Name TERESA A. VALDES


Dorothy VanEtten (Seal)
Address:

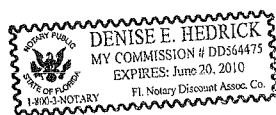

Witness Printed Name DENISE E. HEDRICK

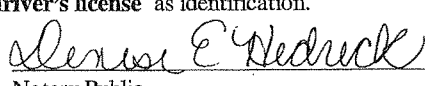
(Seal)
Address:

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

The foregoing instrument was acknowledged before me this **23rd** day of **March, 2007**, by

Dorothy VanEtten, an unremarried widow
who is/are personally known to me or who has produced **driver's license** as identification.




Notary Public
Print Name: _____
My Commission Expires: _____

PREPARED BY: Denise E. Hedrick
RECORD AND RETURN TO:
Columbia Title Research Corporation
200 Forest Lake Blvd.
Daytona Beach, Florida 32119
FILE No.: 07-0162

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)

E

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner,

vs.

CASE NO: 15-1490

**MARSHALL KEVYN &
SARAH SURRUSCO JTRS,**
Respondent.

Property Address: 866 Chickadee Drive
Port Orange, FL 32127
Parcel ID: 6317-07-00-0350

AFFIDAVIT OF PROPERTY POSTING
NOTICE OF VIOLATION AND
NOTICE FOR HEARING

**STATE OF FLORIDA
COUNTY OF VOLUSIA**

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

1. That the statements set forth herein are based upon personal knowledge.
2. That I am a resident of the State of Florida, over twenty-one years of age, and not a party to this action.
3. That, according to the records of the Volusia County Property Appraisers Office, the property located at 866 Chickadee Drive, Port Orange, Florida 32127, is owned by Marshall Kevyn & Sarah Surrusco JTRS.
4. That 866 Chickadee Drive, Port Orange, Florida 32127 is the location where the alleged code violation is or was occurring.

5. That I posted a Notice of Violation and Request for Hearing on the property at 866 Chickadee Drive, Port Orange, Florida 32127, at 3:20 a.m./p.m. on the 23rd day of September, 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.

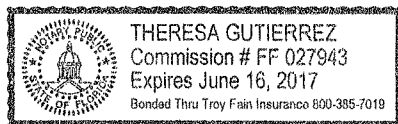
DATED this 28 day of September, 2015.

J. Scott Allman

J. Scott Allman
Code Compliance Inspector

**STATE OF FLORIDA
COUNTY OF VOLUSIA**

The foregoing instrument was sworn to before me on the 28 day of September, 2015, by J. Scott Allman, who is personally known to me.



Theresa Gutierrez
Notary Public, State of Florida

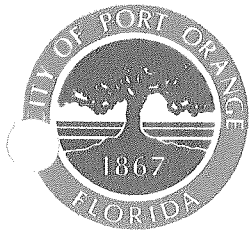
Commission No. _____

Case Cost Sheet Log

Case No. 15-1494

Name	Activity	Activity_Date	Status	Cost
Shonn A. Isitt	Mailing Notice of Violation/Notice of Hearing to 1035 Geryl Way, DeLand, FL 32724	09/11/2015	Certified Green Card Signed on 9/21/15 and Returned to City Clerk's Office.	\$6.95
Shonn A. Isitt	Mailing Finding of Fact/Conclusion of Law & Order to 1035 Geryl Way, DeLand, FL 32724	10/28/2015		\$7.21
Clerk of Court	Recording Fee - Finding of Fact/Conclusion of Law & Order	10/28/2015		\$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. 15-1494

To:
Shonn A Isitt
1035 Geryl Way
Deland, FL 32724

Re: 5275 Oates Avenue
Port Orange, FL 32127
Parcel ID: 6310-07-33-0130

LEGAL DESCRIPTION: LOTS 13 & 14 BLK 33 ALLANDALE MB 4 PG 146 PER OR 4692 PG 1420 PER OR 6410 PGS
0276-0277

Volusia County Public Records
Volusia County, FL

Inspection of the premises on August 26, 2015, indicates that certain violation(s) of the City of Port Orange Code exists. Briefly stated, the property is in violation of the following:

Chapter 42 (Nuisances) of the City of Port Orange Code of Ordinances, Article II (Garbage, Junk and Undergrowth), Section 42-26 (Cleanliness of Property Generally-Duty of Owner), (d) 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 (10) inches.

I observed the lot and it is overgrown and needs to be mowed and maintained according to city code. I contacted resident that was indicated to me to be the owner who informed me he sold the lot. I then researched ownership on the tax roll and it is owned by a person in Deland. I have been unable to contact them by phone. To date the property remains in violation.

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 **September 18, 2105**.

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.**

rsuant 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 October 28, 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 **October 28, 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 **December 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 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 10th day of September, 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 Shonn A Isitt 5275 Oates Avenue, Port Orange, FL 32127, was

☐ Hand-delivered

Recipient of hand delivered documents: _____

☒ Posted at the property

this 10th day of September 2015.

Time: approx. 1:10 pm

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 Shonn A Isitt 1035 Geryl Way Deland, FL 32724, was

☒ Posted at City Hall

☒ Sent via certified

this 11 day of September, 2015.

Barbara Helt
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
FLORIDA

Volusia County
Property Appraiser

Morgan B. Gilreath Jr.
M.A., A.S.A., C.F.A.



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Notice of Proposed Taxes

Estimate of Taxes

Parcel Information: 6310-07-33-0130 2015 Preliminary Tax Roll Last Updated: 09-06-2015

Owner Name and Address

Alternate Key	3610881	Parcel Status	Active Parcel (Real Estate)
Short Parcel ID	6310-07-33-0130	Mill Group	402 Port Orange
Full Parcel ID	10-16-33-07-33-0130	2014 Final Mill Rate	21.15960
Created Date	31 DEC 1981		
Property Class	00 Vacant Residential		
Ownership Type		Ownership Percent	100
Owner Name	ISITT SHONN A		
Owner Name/Address 1			
Owner Address 2	1035 GERYL WAY		
Owner Address 3	DELAND FL		
Owner Zip Code	32724		
Situs Address	OATES AV PORT ORANGE 32127		

Legal Description

LOTS 13 & 14 BLK 33 ALLANDALE MB 4 PG 146 PER OR 4692 PG 1420 PER OR 6410 PGS 0276-0277

Sales History

Book Page	Sale Date	Sale Instrument	Qualified Unqualified	Improved	Sale Price
6410 0276	10/2009	Quit Claim Deed	Unqualified Sale	No	100
4692 1420	05/2001	Warranty Deed	Qualified Sale	No	14,000
3803 0336	01/1993	Warranty Deed	Qualified Sale	No	12,000

History of Values

Year	Land	Bldg(s)	Misc. Impr.	Just Value	School Assessed	Non-School Assessed	School Exemption	School Taxable	Non-School Exemption	Non-School Taxable
2014	16,500	0	0	16,500	16,500	14,520	0	16,500	0	14,520
2013	13,200	0	0	13,200	13,200	13,200	0	13,200	0	13,200
2012	14,190	0	0	14,190	14,190	14,190	0	14,190	0	14,190
2011	15,510	0	0	15,510	15,510	15,510	0	15,510	0	15,510
2010	15,510	0	0	15,510	15,510	15,510	0	15,510	0	15,510
2009	17,160	0	0	17,160	17,160	17,160	0	17,160	0	17,160
2008	47,850	0	0	47,850	47,850	47,850	0	47,850	0	47,850
2007	50,438	0	0	50,438	50,438	50,438	0	50,438	0	50,438
2006	42,032	0	0	42,032	42,032	42,032	0	42,032	0	42,032
2005	34,298	0	0	34,298	34,298	34,298	0	34,298	0	34,298
2004	29,370	0	0	29,370	29,370	29,370	0	29,370	0	29,370
2003	16,170	0	0	16,170	16,170	16,170	0	16,170	0	16,170
2002	15,840	0	0	15,840	15,840	15,840	0	15,840	0	15,840
2001	15,840	0	0	15,840	15,840	15,840	0	15,840	0	15,840
2000	11,550	0	0	11,550	11,550	11,550	0	11,550	0	11,550
1999	11,550	0	0	11,550	11,550	11,550	0	11,550	0	11,550
1998	11,550	0	0	11,550	11,550	11,550	0	11,550	0	11,550
1997	11,550	0	0	11,550	11,550	11,550	0	11,550	0	11,550
1996	11,550	0	0	11,550	11,550	11,550	0	11,550	0	11,550
1995	11,550	0	0	11,550	11,550	11,550	0	11,550	0	11,550
1994	11,550	0	0	11,550	11,550	11,550	0	11,550	0	11,550
1993	11,550	0	0	11,550	11,550	11,550	0	11,550	0	11,550
1992	11,550	0	0	11,550	11,550	11,550	0	11,550	0	11,550
1991	9,900	0	0	9,900	9,900	9,900	0	9,900	0	9,900
1990	9,900	0	0	9,900	9,900	9,900	0	9,900	0	9,900
1989	9,240	0	0	9,240	9,240	9,240	0	9,240	0	9,240
1988	8,250	0	0	8,250	8,250	8,250	0	8,250	0	8,250
1987	7,920	0	0	7,920	7,920	7,920	0	7,920	0	7,920
1986	7,260	0	0	7,260	7,260	7,260	0	7,260	0	7,260

Recording requested by: _____
When recorded, mail to: _____
Name: SHAWN A. ISITT
Address: 1035 GERYL WAY
City: DELAND FL
State/Zip: FL 32724

Space above reserved for use by Recorder's Office

Document prepared by:
Name SHAWN A. ISITT
Address 1035 GERYL WAY
City/State/Zip DELAND, FL, 32724

Property Tax Parcel/Account Number: _____

Quitclaim Deed

This Quitclaim Deed is made on 23 OCT 2009, between
KARANINA HANCOCK, Grantor, of 5786 S. RIDGEMOOD #25
_____, City of PORT ORANGE, State of FLORIDA,
and SHAWN A. ISITT, Grantee, of 1035 GERYL WAY
_____, City of DELAND, State of FLORIDA.

For valuable consideration, the Grantor hereby quitclaims and transfers all right, title, and interest held by
the Grantor in the following described real estate and improvements to the Grantee, and his or her heirs
and assigns, to have and hold forever, located at OATS AVE
_____, City of PORT ORANGE, State of FLORIDA:

LOT 13 & 14, BLK 33, MAP OF ALLANDALE, ACCORDING TO
PLAT THERE OF, RECORDED IN MAP BOOK 4, PAGES 146 OF
PUBLIC RECORDS OF VOLUSIA COUNTY

Subject to all easements, rights of way, protective covenants, and mineral reservations of record, if any.

Taxes for the tax year of _____ shall be prorated between the Grantor and Grantee as of the date of
recording of this deed.

Dated: 23 October 2009

Karanina Hancock
Signature of Grantor

Karanina Hancock
Name of Grantor

Gail Y Purvis
Signature of Witness #1

Gail Y Purvis
Printed Name of Witness #1

Alice T Paul
Signature of Witness #2

ALICE T. PAUL
Printed Name of Witness #2

State of Florida County of Volusia
On October 23, 2009, the Grantor, Karanina Hancock,

personally came before me and, being duly sworn, did state and prove that he/she is the person described in the above document and that he/she signed the above document in my presence.

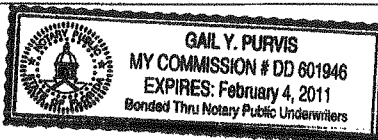
ACK with FL Drivers License

Gail Y Purvis
Notary Signature Gail Y Purvis

Notary Public,
In and for the County of Volusia State of FL
My commission expires: _____

Seal

Send all tax statements to Grantee.



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

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

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

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

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

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

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

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

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

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner,

vs.

CASE NO: 15-1494

SHONN A ISITT,

Respondent.

Property Address: 5275 Oates Avenue
Port Orange, FL 32127

Parcel ID: 6310-07-33-0130

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 5275 Oates Avenue, Port Orange, Florida 32127, is owned by Shonn A Isitt.
4. That 5275 Oates Avenue, 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 5275 Oates Avenue, Port Orange, Florida 32127, at 1:10 a.m./p.m. on the 10th day of September, 2015, as required by Florida Statute Section 162.12(2)(b)(1). A copy of the Notice and Request is attached hereto and made a part hereof.

FURTHER AFFIANT SAYETH NOT.

DATED this 10th day of September, 2015.

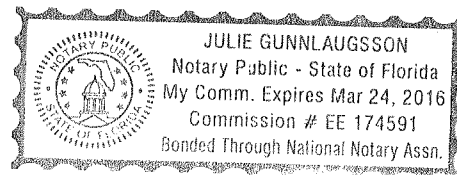
Deborah Faircloth
Deborah Faircloth
Code Compliance Inspector

**STATE OF FLORIDA
COUNTY OF VOLUSIA**

The foregoing instrument was sworn to before me on the 10th day of Sept., 2015, by Deborah Faircloth, who is personally known to me.

Julie Gunnlaugsson
Notary Public, State of Florida

Commission No. _____

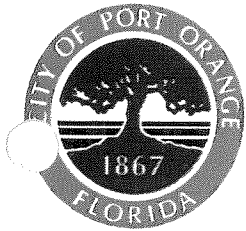


Case Cost Sheet Log

Case No. 15-1520

Name	Activity	Activity_Date	Status	Cost
Geraldine L. Price	Mailing Notice of Violation/Notice of Hearing to 5361 Landis Avenue, Port Orange, FL 32127	09/25/2015	NO Certified Mail Returned to City Clerk's Office	\$6.95
Geraldine L. Price	Mailing Finding of Fact/Conclusion of Law & Order to 5361 Landis Avenue, Port Orange, FL 32127	10/28/2015		\$7.21
Clerk of Court	Recording Fee - Finding of Fact/Conclusion of Law & Order	10/28/2015		\$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. 15-1520

To:
Geraldine L. Price
5361 Landis Ave.
Port Orange, FL 32127

Re: 5361 Landis Ave.
Port Orange, FL 32127
Parcel ID: 6310-07-24-0130

LEGAL DESCRIPTION: LOTS 13 & 14 BLK 24 ALLANDALE MB 4 PG 146 INCLUDING 2006 FWHI MOBILE HOME ID #FLFL570A32480CY21 & #FLFL570B32480CY21 PER OR 2902 PG 1731 PER OR 5615 PG 3490 PER OR 6567 PGS 1702-1703 PER UNREC D/C PER OR 7050 PG 0193 PER OR 7050 PG 0247

Volusia County Public Records
Volusia County, FL

An inspection of the premises on August 31, 2015, indicates that certain violation(s) of the City of Port Orange Code exists. Briefly stated, the property is in violation of the following:

City of Port Orange Code of Ordinances, Chapter 42, Article II, Section 42-26 Cleanliness of property generally-Duty of owner (d)(f)(h). The entire residential property needs to be mowed and maintained in addition to that part of the City right of way adjacent to this property. Any trash or type of debris shall be removed.

I observed this yard as being overgrown and not maintained on August 31, 2015. The mobile home is vacant and I had a number from a previous case to call to have it mowed. I called and left a message to please have the yard mowed within 5 days. A reinspection on September 10, 2015, revealed the yard as overgrown. I placed another call and left a message with the daughter of the homeowner who stated she will contact the property owner to have it mowed. An inspection on September 22, 2015, revealed the property as still being overgrown.

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 **October 5, 2015**.

Failure to comply after this date may result in the commencement of appropriate code enforcement action and/or possible fine of up to \$1,000.00 per day for a first violation, \$5,000.00 per day per violation for a repeat violation, and up to \$15,000.00 per violation if the code enforcement board or 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 October 28, 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

At the event the **Special Magistrate**, during the hearing on **October 28, 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 **December 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 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 September, 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 Geraldine L. Price, 5361 Landis Ave., Port Orange, FL 32127, was

☐ Hand-delivered

Recipient of hand delivered documents: _____

☒ Posted at the property

Time: approx. 3:20 pm

this 24th day of September, 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 Geraldine L. Price, 5361 Landis Ave., Port Orange, FL 32127, was

☒ Posted at City Hall

☒ Sent via certified

this 25 day of September, 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
Property Appraiser

Morgan B. Gilreath Jr.
M.A., A.S.A., C.F.A.



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Notice of Proposed Taxes

Estimate of Taxes

Parcel Information: 6310-07-24-0130 2015 Preliminary Tax Roll Last Updated: 09-20-2015

Owner Name and Address

Alternate Key	3610024	Parcel Status	Active Parcel (Real Estate)
Short Parcel ID	6310-07-24-0130	Mill Group	402 Port Orange
Full Parcel ID	10-16-33-07-24-0130	2014 Final Mill Rate	21.15960
Created Date	31 DEC 1981		
Property Class	02 Mobile Homes		
Ownership Type	Estate		
Owner Name	PRICE GERALDINE L	Ownership Percent	100
Owner Name/Address 1			
Owner Address 2	5361 LANDIS AVE		
Owner Address 3	PORT ORANGE FL		
Owner Zip Code	32127		
Situs Address	5361 LANDIS AV PORT ORANGE 32127		

Legal Description

LOTS 13 & 14 BLK 24 ALLANDALE MB 4 PG 146 INCLUDING 2006 FWHI MOBILE HOME ID #FLFL570A32480CY21 & #FLFL570B32480CY21 PER OR 2902 PG 1731 PER OR 5615 PG 3490 PER OR 6567 PGS 1702-1703 PER UNREC D/C PER OR 7050 PG 0193 PER OR 7050 PG 0247

Sales History

Book Page	Sale Date	Sale Instrument	Qualified Unqualified	Improved	Sale Price
6567 1702	02/2011	Warranty Deed	Qualified Sale	Yes	65,000
5615 3490	07/2005	Warranty Deed	Qualified Sale	Yes	45,000
4869 3817	05/2002	Quit Claim Deed	Unqualified Sale	Yes	10
2902 1731	11/1986	Quit Claim Deed	Affiliated Parties	Yes	100

History of Values

Year	Land	Bldg(s)	Misc. Impr.	Just Value	School Assessed	Non-School Assessed	School Exemption	School Taxable	Non-School Exemption	Non-School Taxable
2014	17,490	56,197	0	73,687	69,570	69,570	25,500	44,070	19,570	24,500
2013	14,850	55,071	0	69,921	68,542	68,542	25,000	43,542	18,542	25,000

Display Value History

Land Data

Code	Land Use Type	Frontage	Depth	No. Units	Unit Type	Rate	Depth	Loc	Shp	Phy	Just Value
0202	MH ON MH SITE PVD	66.0	100.0	66.00	FRONT FEET	265.00	100	100	100	100	17,490
Neighborhood 5775 ALLANDALE/COMMONWEALTH											
Total Land Classified											0
Total Land Just											17,490

Building Characteristics

Building Number: 198832 (Building 1 of 1)

02/24/2011 12:14 PM
Doc stamps 455.00
(Transfer Amt \$ 65000)
Instrument# 2011-031317 # 1
Book : 6567
Page : 1702

Prepared by
Judith Carter, an employee of
First American Title Insurance Company
710 Third Avenue, Suites 1 & 2
New Smyrna Beach, Florida 32169
(877)833-1752

Return to: Grantee
File No.: 1018-2476895

Return Original Document to:
FIRST AMERICAN TITLE
WARRENVILLE POST CLOSING
27775 Diehl Rd.
Warrenville, IL 60555

WARRANTY DEED

This indenture made on **February 18, 2011 A.D.**, by

Imogene C. Woods, a single woman

whose address is: **2109 S. Atlantic Ave., New Smyrna Beach, FL 32169**
hereinafter called the "grantor", to

Herbert R. Price and Geraldine L. Price, husband and wife

whose address is: **5361 Landis Avenue, Port Orange, FL 32127-5594**
hereinafter called the "grantee":

(Which terms "Grantor" and "Grantee" shall include singular or plural, corporation or individual, and either sex, and shall include heirs, legal representatives, successors and assigns of the same)

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

Lots 13 and 14, Block 24, MAP OF ALLANDALE, according to the plat thereof, recorded in Map Book 4, Page 146, of the Public Records of Volusia County, Florida.

Parcel Identification Number: **10-16-33-07-24-0130**

Subject to all reservations, covenants, conditions, restrictions and easements of record and to all applicable zoning ordinances and/or restrictions imposed by governmental authorities, if any.

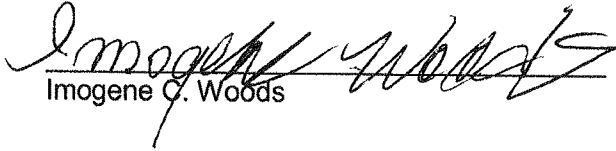
Together with a 2006 FWHI Mobile Home, I.D. # FLFL570A32480CY21 & FLF [REDACTED] Y21, as part of the real property herein conveyed.

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

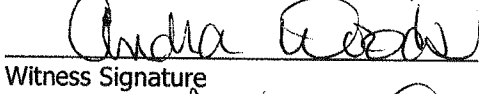
To Have and to Hold, the same in fee simple forever.

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

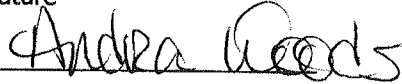
In Witness Whereof, the grantor has hereunto set their hand(s) and seal(s) the day and year first above written.

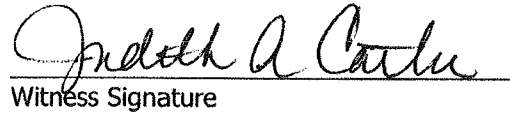

Imogene C. Woods

Signed, sealed and delivered in our presence:


Witness Signature

Print Name:




Witness Signature

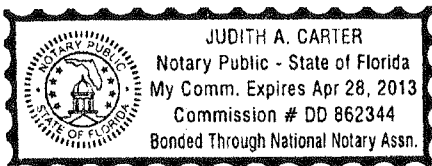
Print Name:

JUDITH A. CARTER

State of **Florida**

County of **Volusia**

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED before me on **February 18, 2011**, by **Imogene C. Woods, a single woman** who is/are personally known to me or has/have produced a valid driver's license as identification.




NOTARY PUBLIC

JUDITH A. CARTER

Notary Print Name

My Commission Expires:

4-28-13

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)

Case Cost Sheet Log

Case No. 15-1489

Name	Activity	Activity_Date	Status	Cost
Cassandra A. Selliken JTRS & Lori A. Thompson JTRS	Notice of Violation/Notice of Hearing	09/22/2015	Hand Delivered to Cody Drake at 3:30 p.m.	\$0.00
Cassandra A. Selliken JTRS	Mailing Finding of Fact/Conclusion of Law & Order to 1145 Meditation Loop, Port Orange, FL 32127	10/28/2015		\$7.21
Lori A. Thompson JTRS	Mailing Finding of Fact/Conclusion of Law & Order to 1145 Meditation Loop, Port Orange, FL 32127	10/28/2015		\$7.21
Clerk of Court	Recording Fee - Finding of Fact/Conclusion of Law & Order	10/28/2015		\$27.00

Total: \$41.42



**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 15-1489

To:
Cassandra A Selliken JTRS &
Lori A Thompson JTRS
1145 Meditation Loop
Port Orange, FL 32129

Re: 1145 Meditation Loop
Port Orange, FL 32129
Parcel ID: 6305-09-00-0290

LEGAL DESCRIPTION: LOT 29 TRACT II BENNETTS HAMMOCK REPLAT MB 42 PG 138 PER OR 4340 PG 2059
PER OR 5680 PG 0760 PER MC 6637 PG 3446

Volusia County Public Records
Volusia County, FL

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

Chapter 42 (Nuisances) 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., 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.

Chapter 42 Nuisances, 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.

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

a) The business tax provided herein shall be paid to the community development director or his designee beginning September 1 of each year and shall be due and payable on or before the following October 1 of such year and shall expire on September 30 of the succeeding year. No business tax receipt shall be issued for more than one year nor less than one year prior to April 1 of any year, after which date a business tax receipt for six months may be issued for one-half of the amount of the annual business tax receipt. Those business tax receipt not renewed by October 1 shall be considered delinquent and subject to a delinquency penalty of ten percent for the month of October, plus an additional five percent for each month of delinquency thereafter until paid. However, the total delinquency penalty shall not exceed 25 percent of the business tax fee for the delinquent establishment.

(b) Any person engaging in or managing any business, profession or occupation without first obtaining a business tax receipt as required herein shall be subject to a penalty of 25 percent of the fee determined to be due, in addition to any other penalty provided by this article.

The City of Port Orange's Code of Ordinances Chapter 70 Traffic, Article II, Section 70-36 (a) (1), (K), (1) (2) (3), Stopping, standing or parking prohibited in specified places:

(K) On any other portion of the front yard of a residential lot, except on approved driveways. As used in this section, driveways shall be constructed of the following materials:

1. Concrete or paved materials;
2. Non-paved materials, excluding grass and dirt, provided that loose materials such as gravel, bark or cypress mulch are effectively contained within a border of concrete, railroad ties, or other rigid materials; or
3. Concrete paver strips, paver blocks, or other semi-pervious materials.

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

(1) No disabled or abandoned vehicle shall remain on residentially-zoned or agriculturally-zoned private property unless such vehicle is:

- a. Within a completely enclosed garage; or
- b. Parked in a carport, parking space or city-approved parking area and covered solely with a standard vehicle cover in good repair, so long as any portion of the vehicle which is not covered is not in a state of disrepair.

The City of Port Orange Land Development Code, Chapter 12 Roads and Vehicle Use Areas, Section 3 Access Control, (g) single-family and duplex drives (4) Front yard coverage Driveway and parking coverage within the front yard shall be limited to the area of the front yard that is directly in front of the garage or in the side yard. Further extension of or expansion to the existing driveway and parking coverage shall not increase the driveway or parking coverage toward the center of the front yard, unless such extension or expansion is for the purpose of constructing a circular drive.

I left a 5 day notice on the door that a business tax receipt is required for Drake Outdoors. There is also garbage, trash, junk, and debris on the property, a large Drake Outdoor commercial vehicle parked in the front yard full of trash and debris, outside storage, and the truck appears to be unregistered and or inoperable as there is algae growing on the windshield, windows are partly down and it's raining. To be in compliance with the City of Port Orange codes, all garbage, trash, junk, and debris needs to be removed, all outside storage needs to be removed or properly stored in an enclosed building, the inoperable/unlicensed vehicle needs to be operable and or a current tag needs to be in place, and this vehicle needs to be properly parked in the driveway or an approved driveway extension. An inspection on September 10, 2015, shows no compliance.

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

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

Failure to comply after this date may result in the commencement of appropriate code enforcement action and/or possible fine of up to \$1,000.00 per day for a first violation, \$5,000.00 per day per violation for a repeat violation, and up to \$15,000.00 per violation if the code enforcement board or 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 October 28, 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 \$ 14.34 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 **October 28, 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 **December 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 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 22nd day of September, 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 Cassandra A Selliken JTRS & Lori A Thompson JTRS, 1145 Meditation Loop, Port Orange, FL 32129, was

☒ Hand-delivered
☐ Posted at the property

Recipient of hand delivered documents: Cody Drake

Time: approx. 3:30 pm

this 22nd day of September, 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 Cassandra A Selliken JTRS & Lori A Thompson JTRS 814 Windgate Tr, Port Orange, FL 32128 was

Posted at City Hall

Sent via certified

this 28 day of September, 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
FLORIDA

Volusia County
Property Appraiser

Morgan B. Gilreath Jr.
M.A., A.S.A., C.F.A.



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Notice of Proposed Taxes

Estimate of Taxes

Parcel Information: 6305-09-00-0290 2015 Preliminary Tax Roll Last Updated: 09-20-2015

Owner Name and Address

Alternate Key	5088511	Parcel Status	Active Parcel (Real Estate)
Short Parcel ID	6305-09-00-0290	Mill Group	402 Port Orange
Full Parcel ID	05-16-33-09-00-0290	2014 Final Mill Rate	21.15960
Created Date	06 APR 1989		
Property Class	01 Single Family		
Ownership Type		Ownership Percent	100
Owner Name	SELLIKEN CASSANDRA A JTRS &		
Owner Name/Address 1			
Owner Address 2	1145 MEDITATION LOOP		
Owner Address 3	PORT ORANGE FL		
Owner Zip Code	32129		
Situs Address	1145 MEDITATION LOOP PORT ORANGE 32129		

Additional Owners

Ownership Type	Ownership Percent
Additional Owner Name	THOMPSON LORI A JTRS &
	100.00

Legal Description

LOT 29 TRACT II BENNETTS HAMMOCK REPLAT MB 42 PG 138 PER OR 4340 PG 2059 PER OR 5680 PG 0760 PER MC 6637 PG 3446

Sales History

Book Page	Sale Date	Sale Instrument	Qualified Unqualified	Improved	Sale Price
5680 760	10/2005	Warranty Deed	Qualified Sale	Yes	176,000
4340 2059	08/1998	Warranty Deed	Qualified Sale	Yes	74,500
3940 3535	02/1994	Warranty Deed	Qualified Sale	Yes	69,900
3800 4862	01/1993	Warranty Deed	Qualified Sale	Yes	65,900
3660 1824	07/1991	Certificate of Title	Multi parcel sale	No	100
3547 1513	11/1990	Warranty Deed	Qualified Sale	No	18,800

History of Values

Year	Land	Bldg(s)	Misc. Impr.	Just Value	School Assessed	Non-School Assessed	School Exemption	School Taxable	Non-School Exemption	Non-School Taxable
2014	13,500	65,763	0	79,263	79,263	79,263	0	79,263	0	79,263
2013	13,500	59,825	0	73,325	73,325	73,325	25,000	48,325	23,325	25,000

Display Value History

Land Data

Code	Land Use Type	Frontage	Depth	No. Units	Unit Type	Rate	Depth	Loc	Shp	Phy	Just Value
0101	IMP PVD THRU .49 AC	0.0	0.0	1.00	LOT	13500.00	100	100	100	100	13,500
Neighborhood 5302 TRACT II BENNETTS HAMMOCK											
Total Land Classified											0
Total Land Just											13,500

Building Characteristics

Building Number: 162906 (Building 1 of 1)

Return to:
Name: SOUTHERN TITLE HOLDING COMPANY, LLC
Address: 404 SEABREEZE BLVD., DAYTONA BEACH, FL 32118

This Instrument Prepared:
Alethea Thomas
SOUTHERN TITLE HOLDING COMPANY, LLC
404 SEABREEZE BLVD.
DAYTONA BEACH, Florida 32118

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

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

Grantee(s) S.S.#(s):
File No: SB059596

10/20/2005 01:08 PM
Doc stamps 1232.00
(Transfer Amt \$ 176000)
Instrument# 2005-290189 # 1
Book: 5680
Page: 760
Diane M. Matousek
Volusia County, Clerk of Court

WARRANTY DEED

This Warranty Deed Made the 13th day of October, 2005, by SUSAN C. GUTEKUNST, A SINGLE PERSON, hereinafter called the grantor, whose post office address is: 1406 E. OHIO AVENUE, DELAND, Florida 32720

to CASSANDRA A. THOMPSON and LORI A THOMPSON, AS JOINT TENANTS WITH FULL RIGHTS OF SURVIVORSHIP
whose post office address is: 1145 MEDITATION LOOP, PORT ORANGE, Florida 32129, hereinafter called the grantee,

WITNESSETH: That said grantor, for and in consideration of the sum of \$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, Florida, viz:

LOT 29, TRACT II, BENNETTS HAMMOCK REPLAT, ACCORDING TO PLAT THEREOF RECORDED IN MAP BOOK 42, PAGE 138, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.
VOLUSIA

TOGETHER with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.
To Have and to Hold, the same in fee simple forever.

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

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

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

Signed, sealed and delivered in our presence:

Witness Signature:
Printed Name:

Janna Lloyd
JANNA LLOYD

Susan C Gutekunst
SUSAN C. GUTEKUNST

Witness Signature:
Printed Name:

Alethea Thomas
ALETHEA THOMAS

Witness Signature:
Printed Name:

Witness Signature:
Printed Name:

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this 13th day of October, 2005, by SUSAN C. GUTEKUNST, who is/are personally known to me or who has/have produced driver license(s) as identification.

My Commission Expires:

Alethea Thomas
Notary Public
Serial Number



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

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

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

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

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

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

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

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

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

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

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

(Code 1981, § 10-7)

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

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

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

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

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

(a) *Findings of fact.*

- (1) Aesthetic views on residentially-zoned and agriculturally-zoned private property relate to the general welfare of the people of the city through the tendency to preserve or enhance the value of residentially-zoned and agriculturally-zoned private property.
- (2) The visual presence on residentially-zoned and agriculturally-zoned private property of wrecked, discarded, dismantled, partly dismantled, inoperative, disabled, abandoned, or severely rusted vehicles, or vehicles which, if covered, are covered with material other than a standard vehicle cover, is an unpleasant sight to a reasonable person with average sensibilities.
- (3) The visual presence on residentially-zoned and agriculturally-zoned private property of wrecked, discarded, dismantled, partly dismantled, inoperative, disabled, abandoned, or severely rusted vehicles, or vehicles which, if covered, are covered with material other than a standard vehicle cover, tends to depreciate the value of neighboring residentially-zoned and agriculturally-zoned private property, thereby injuring the general welfare of the people of the city.

(b) *Definitions.* The following words, terms and phrases, when used in this section or section 70-50, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (1) *Code inspector* shall be defined as provided in F.S. § 162.04.
- (2) *Disabled or abandoned vehicle* means a vehicle which:
 - a. Is wrecked and unrepaired, or is incapable of functioning as a vehicle in its present state;
 - b. Has no engine, transmission, or other major and visible parts, or has other major or visible components which are dismantled;
 - c. Is unlicensed;
 - d. Is apparently inoperative, as indicated by vegetation underneath the vehicle as high as the vehicle body or frame or refuse or debris collected underneath the vehicle; or
 - e. Is otherwise located on property in an apparent state of disuse or neglect, so as to render the vehicle unsightly to a reasonable person viewing the vehicle from outside the property on which the vehicle is located.
- (3) *Owner or occupant* includes the owner, lessee or sublessee of the private property on which the vehicle is located.
- (4) *Parked* means the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading merchandise or embarking or disembarking passengers.
- (5) *Standard vehicle cover* means a nontransparent cover which is designed, manufactured and intended to be used exclusively for the purpose of fitting over the type of vehicle.
- (6) *Vehicle* shall be defined as provided in F.S. § 316.003.

(c) *Restrictions.*

- (1) No disabled or abandoned vehicle shall remain on residentially-zoned or agriculturally-zoned

private property unless such vehicle is:

- a. Within a completely enclosed garage; or
 - b. Parked in a carport, parking space or city-approved parking area and covered solely with a standard vehicle cover in good repair, so long as any portion of the vehicle which is not covered is not in a state of disrepair.
- (2) No disabled or abandoned vehicle parked on residentially-zoned or agriculturally-zoned private property shall be covered by material other than a standard vehicle cover in good repair unless such vehicle is parked inside a completely enclosed garage.
- (3) No person shall oppose, obstruct, or resist any code inspector or any person authorized by the code inspector in the discharge of duties or responsibilities provided in this section or section 70-50.
- (d) *Evidence*. In order to conclude that a vehicle is disabled or abandoned, the code inspector must determine that the vehicle has been disabled or abandoned for at least 15 consecutive calendar days, or that the vehicle violates any of the criteria contained in subsection (c)(1) or (c)(2) of this section.
- (e) *Responsibility for compliance*. The owner of the disabled or abandoned vehicle and the owner or occupant of the property on which such vehicle is located shall be jointly and individually responsible for compliance with the requirements of this section.

(Ord. No. 1998-23, § 1, 7-21-98)

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

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

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

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

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

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

- g. At any place where official traffic control devices prohibit standing.
 - (3) Within the public right-of-way, park a motor vehicle, whether occupied or not, except temporarily for the purpose of, and while actually engaged in, loading or unloading of merchandise or passengers:
 - a. Within 50 feet of the nearest rail of a railroad crossing or bridge.
 - b. At any place where official signs prohibit parking.
 - (b) No person shall move a motor vehicle not lawfully under his control into any such prohibited area or away from a curb such distance as is unlawful.
- (Code 1981, § 19-30; Ord. No. 1996-11, § 1, 5-7-96; Ord. No. 2005-9, § 1, 5-3-05; Ord. No. 2008-42, § 3, 1-20-09)

Section 3: - Access control.

- (a) *In general.* The following regulations are designed to promote the safety of vehicular and pedestrian traffic, minimize traffic congestion, promote roadside aesthetics and enhance the functional capacity of roads and highways in the City of Port Orange. These regulations shall be in addition to those imposed by the Florida Department of Transportation and the County of Volusia on roads under their jurisdiction[s].

Where recorded cross-access easements exist, all properties with cross-access shall be considered as one parcel under the provisions of this section. Further, where two or more of these regulations conflict, the more stringent requirement shall apply.

- (b) *Number of entrances.* All parcels shall be allowed one access point, consisting of one two-way driveway or a pair of one-way driveways, except for those properties restricted by subdivision plats or otherwise stated herein. The minimum frontage to allow two access points shall be as follows:

Driveway Classification**	Arterial	Major Collector	Minor Collector	Local
Residential A	*	*	150'	100'
Residential B	*	200'	200'	150'
Light commercial	500'	400'	300'	200'
Heavy commercial	500'	450'	350'	300'

* Undesirable uses on roads of this classification and generally not permitted.

** Driveway classifications are defined in chapter 2, section 2, "Driveways."

A third access point may be allowed for properties with at least two times the frontage cited above.

- (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'
------------------	------	------	------	-----

* Undesirable uses on roads of this classification and generally not permitted.

- (d) *Distance between two-way access points on one parcel.* The minimum distance between two two-way access point centerlines on one parcel shall be as follows:

	Arterial	Major Collector	Minor Collector	Local
Residential A	*	*	105'	70'
Residential B	*	140'	140'	105'
Light commercial	350'	280'	210'	140'
Heavy commercial	350'	315'	245'	140'

* Undesirable uses on roads of this classification and generally not permitted.

- (e) *Distance between access point and property line.* The minimum distance between the nearest edge of an access drive and any property line without a cross-access easement shall be as follows:

	Arterial	Major Collector	Minor Collector	Local
Residential A	*	*	7.5'	5'
Residential B	*	10'	10'	7.5'
Light commercial	25'	20'	15'	10'
Heavy commercial	25'	22.5'	17.5'	10'

* Undesirable uses on roads of this classification and generally not permitted.

- (f) *Width and radii of access drives.* Width of two-way driveway access and radii shall be within the dimensions specified below. Actual width and radii shall be based on a) classification of the roadway, b) number of entrances to the parcel, and c) expected traffic demand, including truck usage.

	Width	Radius
--	-------	--------

	Minimum	Maximum	Minimum	Maximum
Residential A	18'	24'	5'	10'
Residential B	20'	24'	10'	20'
Light commercial	24'	30'	20'	35'
Heavy commercial	24'	35'	25'	40'

Where one-way turning motions are dictated, reverse radii with a 2.5-foot radius bullnose shall be provided.

(g) *Single-family and duplex drives.*

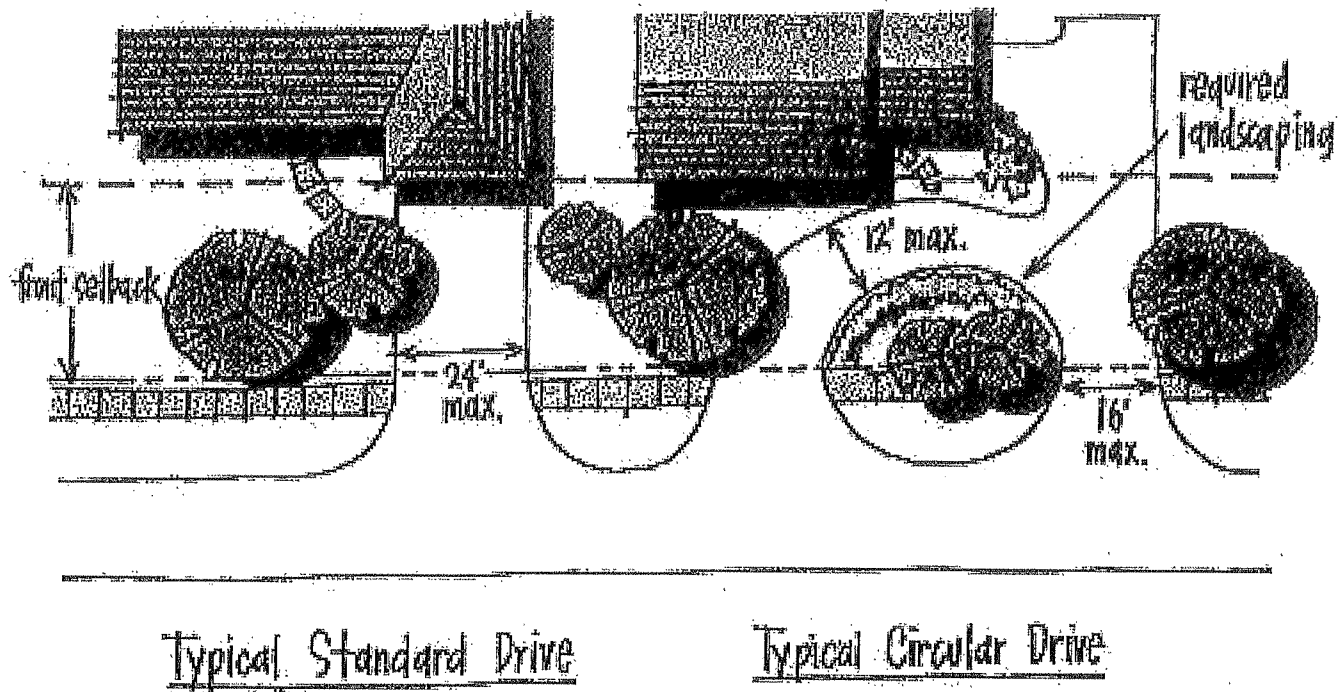
(1) *Dimensions.* The following dimensions shall apply to drives within the front yard setback of all single-family and duplex dwellings.

	Width		
	Minimum	Maximum*	Minimum Lot Frontage
Standard drive	10'	24'	N/A
Circular drive	10'	12'	80'
Standard drive with circular drive	10'	16'**	80'

* Driveways in excess of the maximum width may be approved by the administrative official when such driveway width is proportional to the size of the residence, the number of garage parking spaces, and the size of the lot.

** Maximum width shall only be permitted for the portion of the circular drive that diverges to create a standard drive.

Figure 12:1 Residential Driveway Dimensions



- (2) *Maximum coverage.* Driveway and parking coverage within the front yard area shall not exceed 40 percent. Both pervious and impervious surfaces shall be considered in calculating whether the foregoing standard has been exceeded.
- (3) *Visual screening.* Any parking or driveway area located within the building setback which is in excess of the above-stated maximum width or not perpendicular to the right-of-way shall be sufficiently screened to mitigate its visual impact and to achieve the intent of this chapter. The property owner shall provide a mitigation proposal to be reviewed by the administrative official. This requirement shall not apply to second drives for corner lots.
- (4) *Front yard coverage.* Driveway and parking coverage within the front yard shall be limited to the area of the front yard that is directly in front of the garage or in the side yard. Further extension of or expansion to the existing driveway and parking coverage shall not increase the driveway or parking coverage toward the center of the front yard, unless such extension or expansion is for the purpose of constructing a circular drive.
- (h) *Limited use service drives.* The provisions of this chapter shall not generally apply to limited use service drives. Dimensions regarding this type of drive shall be determined based on the specific traffic safety considerations of the location and proposed use of the drive.
- (i) *Dunlawton corridor provisions.* Development within the Dunlawton corridor shall be designed in compliance with the roadway maps of the Dunlawton corridor plan, an appendix to the future land use element of the comprehensive plan, and address the following requirements:
 - (1) Cross-access easements, where indicated and/or deemed necessary, shall be required to allow for multiple ownership parcels to utilize the limited access points planned.
 - (2) Access shall only be permitted at points proposed in the plan. The temporary and ultimate full or limited access function of these access points shall be in accordance with the plan.
 - (3) Shared or frontage road access shall be provided in accordance with the plan.

- (j) *Corner sites.* Corner sites shall have sole access from the street with the lower functional classification, unless otherwise determined by the city.
- (k) *Through lots.* Through lots which abut any street upon which single-family lots are located shall be prohibited from gaining access to such street, unless no other means of access is available.
- (l) *Existing curb cuts.* New development and renovation/rehabilitation of existing sites shall be required to remove all abandoned existing curb cuts adjacent to the site. Such removal shall include repair of the curb, sidewalk and landscaped area as necessary.
- (m) *Variances.* Where the department concurs that unique traffic engineering considerations exist on a specific site, variances from this chapter may be authorized through the development plan approval process, or at the time of building permit application for one-family and two-family residences. However, if the department objects to a proposed variance from this chapter, a formal variance shall be requested in accordance with provisions for such in this code.

(Ord. No. 1993-58, 1-18-94; Ord. No. 1995-43, § 60, 12-19-95; Ord. No. 1996-33, §§ 6, 7, 11-19-96; Ord. No. 2011-27, § 7, 10-25-11)

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner,

VS.

CASE NO: 15-1489

**Cassandra A Selliken JTRS &
Lori A Thompson JTRS
1145 Meditation Loop
Port Orange, FL 32129
6305-09-00-0290,**

Respondents.

Property Address: 1145 Meditation Loop, Port Orange, FL 32129
Parcel ID: 6305-09-00-0290

**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 1145 Meditation Loop, Port Orange, Florida 32129, is owned by Cassandra A Selliken JTRS & Lori A Thompson JTRS.
4. That 1145 Meditation Loop, Port Orange, Florida 32129 is the location where the alleged code violation is or was occurring.

5. That I hand delivered a Notice of Violation and Request for Hearing on the property at 1145 Meditation Loop, Port Orange, Florida 32129, at 3:30 p.m. on the 22nd day of September, 2015, to Cody Drake, 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 23rd day of September, 2015.

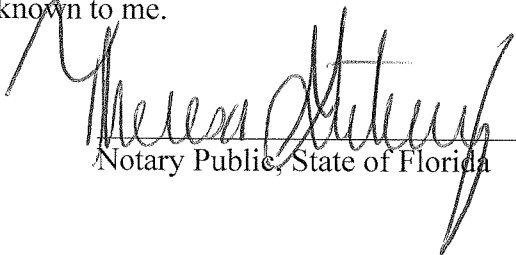


Deborah Faircloth
Code Compliance Inspector

**STATE OF FLORIDA
COUNTY OF VOLUSIA**

The foregoing instrument was sworn to before me on the 23 day of September, 2015, by Deborah Faircloth, who is personally known to me.




Notary Public, State of Florida

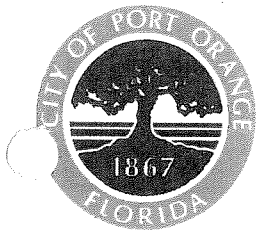
Commission No. _____

Case Cost Sheet Log

Case No. 15-222

Name	Activity	Activity_Date	Status	Cost
RRRAC LLC	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 Address

1559 TOWN PARK DRIVE
PORT ORANGE, FL 32129

Mailing Address

1559 TOWN PARK DRIVE
PORT ORANGE, FL 32129

Registered Agent Name & Address

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

Authorized Person(s) Detail**Name & Address**

Title MGR

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

Annual Reports

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

Document Images

02/11/2015 -- ANNUAL REPORT

[View image in PDF format](#)

Prepared by and Return to:

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

QUIT CLAIM DEED

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

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

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

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

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

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

Signed, sealed and delivered
in the presence of

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

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

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

STATE OF FLORIDA)
COUNTY OF VOLUSIA)

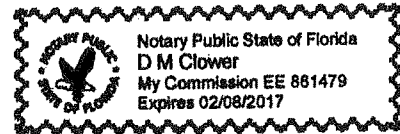
I HEREBY CERTIFY that on this day, before me, an officer duly authorized to administer oaths and take acknowledgments in the State of Florida, personally appeared RAM K. MANGAR and RAMRAGIE MANGAR, who verified under oath that they are the persons who executed the foregoing instrument for the uses and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

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

D.M. Clower
Notary Signature

D.M. CLOWER
Printed Name of Notary

SEAL



national Existing Building Code as required for existing buildings:

1. The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength;
2. The anchorage of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects;
3. Structures or components thereof that have reached their limit state;
4. Structural members are incapable of supporting nominal loads and load effects;
5. Stairs, landings, balconies and all similar walking surfaces, including *guards* and handrails, are not structurally sound, not properly *anchored* or are *anchored* with connections not capable of supporting all nominal loads and resisting all load effects;
6. Foundation systems that are not firmly supported by footings are not plumb and free from open cracks and breaks, are not properly *anchored* or are not capable of supporting all nominal loads and resisting all load effects.

Exceptions:

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

305.2 Structural members. All structural members shall be maintained structurally sound, and be capable of supporting the imposed loads.

305.3 Interior surfaces. All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking or abraded paint shall be repaired, removed or covered. Cracked or loose plaster, decayed wood and other defective surface conditions shall be corrected.

305.4 Stairs and walking surfaces. Every stair, ramp, landing, balcony, porch, deck or other walking surface shall be maintained in sound condition and good repair.

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

305.6 Interior doors. Every interior door shall fit reasonably well within its frame and shall be capable of being opened and closed by being properly and securely attached to jambs, headers or tracks as intended by the manufacturer of the attachment hardware.

SECTION 306 COMPONENT SERVICEABILITY

306.1 General. The components of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition.

306.1.1 Unsafe conditions. Where any of the following conditions cause the component or system to be beyond its limit state, the component or system shall be determined as unsafe and shall be repaired or replaced to comply with the *International Building Code* as required for existing buildings:

1. Soils that have been subjected to any of the following conditions:
 - 1.1. Collapse of footing or foundation system;
 - 1.2. Damage to footing, foundation, concrete or other structural element due to soil expansion;
 - 1.3. Adverse effects to the design strength of footing, foundation, concrete or other structural element due to a chemical reaction from the soil;
 - 1.4. Inadequate soil as determined by a geotechnical investigation;
 - 1.5. Where the allowable bearing capacity of the soil is in doubt; or
 - 1.6. Adverse effects to the footing, foundation, concrete or other structural element due to the ground water table.
2. Concrete that has been subjected to any of the following conditions:
 - 2.1. *Deterioration*;
 - 2.2. *Ultimate deformation*;
 - 2.3. Fractures;
 - 2.4. Fissures;
 - 2.5. Spalling;
 - 2.6. Exposed reinforcement; or
 - 2.7. *Detached*, dislodged or failing connections.
3. Aluminum that has been subjected to any of the following conditions:
 - 3.1. *Deterioration*;
 - 3.2. Corrosion;
 - 3.3. Elastic deformation;
 - 3.4. *Ultimate deformation*;
 - 3.5. Stress or strain cracks;
 - 3.6. Joint fatigue; or
 - 3.7. *Detached*, dislodged or failing connections.

kept in such condition so as to prevent the entry of rodents and other pests.

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

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

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

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

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

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

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

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

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

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

304.14 Insect screens. During the period from [DATE] to [DATE], every door, window and other outside opening required for *ventilation* of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with *approved* tightly fitting screens of not less than 16 mesh per inch (16

mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition.

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

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

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

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

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

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

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

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

SECTION 305 INTERIOR STRUCTURE

305.1 General. The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. *Occupants* shall keep that part of the structure which they occupy or control in a clean and sanitary condition. Every *owner* of a structure containing a *rooming house*, *housekeeping units*, a hotel, a dormitory, two or more *dwelling units* or two or more nonresidential occupancies, shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and *exterior property*.

305.1.1 Unsafe conditions. The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the *International Building Code* or the *Inter-*

CHAPTER 5

PLUMBING FACILITIES AND FIXTURE REQUIREMENTS

SECTION 501 GENERAL

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

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

[P] SECTION 502 REQUIRED FACILITIES

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

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

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

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

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

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

[P] SECTION 503 TOILET ROOMS

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

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

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

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

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

[P] SECTION 504 PLUMBING SYSTEMS AND FIXTURES

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

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

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

SECTION 505 WATER SYSTEM

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

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

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

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

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

[P] SECTION 506 SANITARY DRAINAGE SYSTEM

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

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

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

[P] SECTION 507 STORM DRAINAGE

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

CHAPTER 6

MECHANICAL AND ELECTRICAL REQUIREMENTS

SECTION 601 GENERAL

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

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

SECTION 602 HEATING FACILITIES

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

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

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

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

Exceptions:

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

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

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

Exceptions:

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

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

SECTION 603 MECHANICAL EQUIPMENT

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

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

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

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

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

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

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

SECTION 604 ELECTRICAL FACILITIES

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

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

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

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

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

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

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

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

18. Electronic control, signaling and communication equipment.

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

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

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

SECTION 605 ELECTRICAL EQUIPMENT

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

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

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

SECTION 606 ELEVATORS, ESCALATORS AND DUMBWAITERS

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

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

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

CHAPTER 7

FIRE SAFETY REQUIREMENTS

SECTION 701 GENERAL

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

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

[F] SECTION 702 MEANS OF EGRESS

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

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

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

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

[F] SECTION 703 FIRE-RESISTANCE RATINGS

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

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

[F] SECTION 704 FIRE PROTECTION SYSTEMS

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

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

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

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

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

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

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

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

Faircloth, Deborah

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

Deb,

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



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

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

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

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

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

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

Tim B.

ARTICLE II. - GARBAGE, JUNK AND UNDERGROWTH

FOOTNOTE(S):

--- (2) ---

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

R303.5 Outside opening protection. Air exhaust and intake openings that terminate outdoors shall be protected with corrosion-resistant screens, louvers or grilles having a minimum opening size of $\frac{1}{4}$ 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.

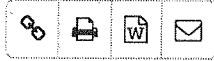
402.2 Specific insulation requirements (Prescriptive).

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 al 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.

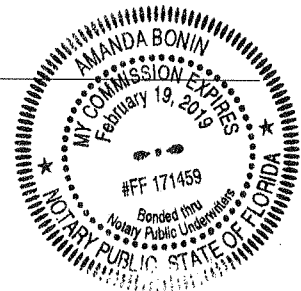
Deborah Faircloth
Deborah Faircloth
Code Compliance Inspector

**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. _____



**CITY OF PORT ORANGE, FLORIDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
CASE NO. 15-222**

CITY OF PORT ORANGE,
a Florida municipal corporation,

Petitioner,

RRRAC LLC
5080 Ridgewood Avenue
Port Orange, FL 32127
6310 [REDACTED]

Respondent.

_____ /

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

THIS CAUSE came on for public hearing before the Code Enforcement Special Magistrate on September 23, 2015, after due notice to the Respondent(s), and the Special Magistrate having heard testimony under oath, received evidence and heard argument from Staff thereupon issues its Findings of Fact, Conclusions of Law, and Order, as follows:

FINDINGS OF FACT:

A. Respondent(s), RRRAC, LLC, whose mailing address is 1559 Town Park Drive, Port Orange, FL 32129, is/are the owner(s) of the property located at 5080 Ridgewood Avenue, Port Orange, FL 32127, and more particularly described as:

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

B. The condition was first observed at the real property described above on February 24, 2015; re-inspections made on June 4, 2015 and July 10, 2015 confirmed the condition as being the same. Respondent(s), RRRAC, LLC, received notice via hand delivery on March 24, 2015. The aforesaid conditions constituted a violation of Chapter 3, Section 304.7 of the IPMC.

C. At the time of the hearing on September 23, 2015, the violations cited above: ☒ continue to exist, or ☐ remained noncompliant until _____ [Date].

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

CONCLUSION OF LAW:

Respondent(s), RRRAC, LLC, by reason of the foregoing, has violated Chapter 3, Section 304.7 of the IPMC, in that the Respondent(s) failed, on or before the date set in the notice of violation, to remedy the conditions of the damaged roof, is therefore subject to the provisions of the City of Port Orange Municipal Code 2.207.

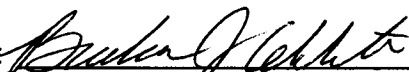
ORDER:

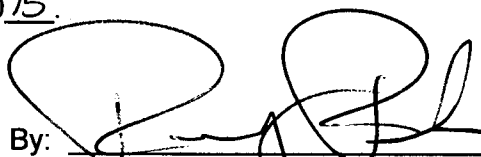
A. Respondent is found in violation of Chapter 3, Section 304.7 of the IPMC. Any fine is deferred to the scheduled hearing date of October 28, 2015. On stipulation of the parties, all other violations cited in the Notice of Violation dated March 24, 2015 are dismissed. The Respondent, or agent acting on its behalf, shall apply for a building permit for the repair/replacement of the roof on or before October 7, 2015, which application shall include a report and evaluation by a structural engineer. The evaluation must include a proposed methodology for testing the structural integrity of the roof. The proposed methodology must be one generally recognized and accepted within the profession of structural engineering. Any/all questions, comments or concerns of the building department as to any part of this permit application shall be communicated to the Respondent, and any filing agent, on or before October 12, 2015. If determined satisfactory, the building department shall issue a building permit by October 21, 2015. If a permit is declined, the matter will be set for continuation hearing on October 28, 2015. Issuance, if any, of the permit shall be reported to the Magistrate on October 28, 2015. 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 \$33.48 as indicated on the cost sheet submitted into evidence. The Respondent(s) will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion. Any future violations under this ordinance shall be considered repeat violations.

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

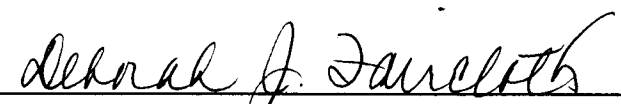
C. A certified copy of this Order may be recorded in the public records of Volusia County, Florida, and shall thereafter constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property. The findings in this Order shall be binding upon Respondent(s)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

DONE AND ORDERED this 6 day of October, 2015.

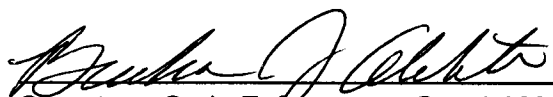
Attest: 
Secretary, Code Enforcement Special Magistrate

By: 
Code Enforcement Special Magistrate

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


Code Compliance Inspector

I HEREBY CERTIFY that a true and correct copy of the foregoing Findings of Fact, Conclusion of Law, and Order have been furnished to Respondent(s), RRRAC, LLC, 1559 Town Park Drive, Port Orange, FL 32129 by Certified and Regular Mail this 6 day of October, 2015.


Secretary, Code Enforcement Special Magistrate

Case Cost Sheet Log

Case No. 15-1228

Name	Activity	Activity_Date	Status	Cost
Kimberly Seely Stacy	Mailing Notice of Violation/Notice of Hearing to 5417 Dubois Avenue, Port Orange, FL 32127	08/17/2015	Certified Mail returned to City Clerk's Office marked "Vacant/Unable to Forward".	\$6.95
Kimberly Seely Stacy	Mailing Finding of Fact/Conclusion of Law & Order to 5417 Dubois Avenue, Port Orange, FL 32127	09/23/2015	Certified Mail Returned to City Clerk's Office marked "No Mail Receptacle/Unable to Forward.	\$7.21
Clerk of Court	Recording Fee - Finding of Fact/Concusion of Law & Order	09/23/2015	BK: 7170 PG: 122	\$27.00
Kimberly Seely Stacy	Mailing Order Imposing Fine/Lien w/ Affidavit of Non-Compliance	10/28/2015		\$0.70
Clerk of Court	Recording Fee - Order Imposing Fine/Lien w/ Affidavit of Non-Compliance	10/28/2015		\$44.00

Total: \$85.86



**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 15-1228

To:
Stacy, Kimberly Seely
5417 Dubois Ave.
Port Orange, FL 32127

Re: 5417 Dubois Avenue
Port Orange, FL 32127
Parcel ID: 6310-07-20-0110

LEGAL DESCRIPTION: LOTS 11 & 12 BLK 20 ALLANDALE MB 4 PG 146 PER OR 1736 PG 25 & OR 5557 PG 613 PER
OR 5585 PG 3085

Volusia County Public Records
Volusia County, FL

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

The City of Port Orange Code of Ordinances, Chapter 42, Article II, Section 42-26 Cleanliness of property – generally duty of owner (d) Maintenance of improved residential lots, (f) Garbage, waste , trash, etc., prohibited, (h) Abutting property owner maintenance of parkages.

I received a citizen complaint from a neighbor stating that this lot is overgrown and there are rodents coming from this property. He also stated it is a nuisance and needs to be mowed. An inspection of the property on July 16, 2015, confirmed that the property is in violation. After unsuccessful attempts to find the owner and inspecting the property of August 7, 2015, a Notice of Violation/Notice of Hearings is hereby prepared.

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 **September 4, 2015..**

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

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

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

NOTICE OF HEARING AS TO VIOLATION(S) ALLEGED

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

Pursuant to Chapter 2, Article V, Code of Ordinances and Section 162.06, Florida Statutes, you are hereby called upon to take notice that a PUBLIC HEARING will be conducted in the above-styled cause by the **Special Magistrate September 23, 2015 at 9:00 a.m.**, or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The **Special Magistrate** will receive testimony and evidence at said PUBLIC HEARING and shall make such findings of facts and conclusions of law as supported by the testimony and evidence pertaining to the matter alleged below, and shall issue a Final Order affording the proper relief. A certified copy of the Final Order may be recorded in the public records of the county and shall constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property, and the findings therein shall be binding upon the violator and, if the violation concerns real property, upon any subsequent purchasers, successors in interest, or assigns. If you fail to appear at the Hearing, the **Special Magistrate** may base any findings solely on the testimony and evidence presented by the Code Enforcement Inspector. Please govern yourself accordingly.

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

As per Chapter 2, Section 2-214, Code of Ordinances and Section 162.09(2)(d), Florida Statutes: "In addition to such fines, a code enforcement board or special magistrate may impose additional fines to cover all costs incurred by the local government in enforcing its codes and all costs of repairs." The costs incurred to date are \$ 60.95 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 23, 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 28, 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 13th day of August, 2015.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: Deborah Faircloth
Deborah Faircloth

X I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Kimberly Seely Stacy, 5417 Dubois Ave., Port Orange, FL 32127, was

☐ Hand-delivered

X ☒ Posted at the property

Time: approx. 3:45 pm

this 13th day of August, 2015.

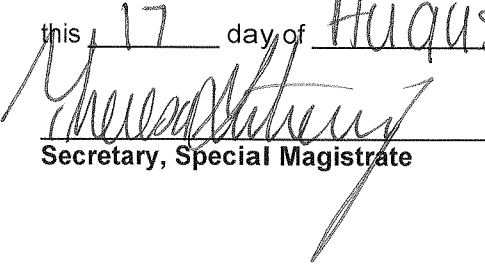
Deborah Faircloth
Deborah Faircloth

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Kimberly Seely Stacy, 5417 Dubois Ave., Port Orange, FL 32127, was

☒ Posted at City Hall

☒ Sent via certified

this 17 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
Property Appraiser

Morgan B. Gilreath Jr.
M.A., A.S.A., C.F.A.



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Parcel Information: 6310-07-20-0110 2015 Working Tax Roll Last Updated: 08-08-2015

Owner Name and Address

Alternate Key	3609590	Parcel Status	Active Parcel (Real Estate)
Short Parcel ID	6310-07-20-0110	Mill Group	402 Port Orange
Full Parcel ID	10-16-33-07-20-0110	2014 Final Mill Rate	21.15960
Created Date	31 DEC 1981		
Property Class	00 Vacant Residential		
Ownership Type		Ownership Percent	100
Owner Name	STACY KIMBERLY SEELY		
Owner Name/Address 1			
Owner Address 2	5417 DUBOIS AVENUE		
Owner Address 3	PORT ORANGE FL		
Owner Zip Code	32127		
Situs Address	5417 DUBOIS AV PORT ORANGE 32127		

Legal Description

LOTS 11 & 12 BLK 20 ALLANDALE MB 4 PG 146 PER OR 1736 PG 25 & OR 5557 PG 613 PER OR 5585 PG 3085

Sales History

Book Page	Sale Date	Sale Instrument	Qualified Unqualified	Improved	Sale Price
5585 3085	06/2005	Quit Claim Deed	Unqualified Sale	Yes	100
5557 0613	03/1982	Unknown	Unqualified Sale	Yes	1
1736 0025	07/1974	Warranty Deed	Qualified Sale	No	6,000

History of Values

Year	Land	Bldg(s)	Misc. Impr.	Just Value	School Assessed	Non-School Assessed	School Exemption	School Taxable	Non-School Exemption	Non-School Taxable
2014	17,490	2,617	0	20,107	20,107	19,158	0	20,107	0	19,158
2013	14,850	2,566	0	17,416	17,416	17,416	0	17,416	0	17,416
2012	14,850	9,798	0	24,648	24,648	24,648	0	24,648	0	24,648
2011	15,510	8,467	0	23,977	23,977	23,977	0	23,977	0	23,977
2010	15,510	7,750	0	23,260	23,260	23,260	23,260	0	0	0
2009	17,160	8,551	0	25,711	25,711	25,711	25,000	711	0	711
2008	29,040	8,551	0	37,591	37,591	37,591	0	37,591	0	37,591
2007	41,250	6,923	0	48,173	48,173	48,173	0	48,173	0	48,173
2006	41,250	8,204	0	49,454	49,454	49,454	0	49,454	0	49,454
2005	29,700	39,235	0	68,935	68,935	68,935	0	68,935	0	68,935
2004	20,460	39,017	0	59,477	59,477	59,477	0	59,477	0	59,477
2003	15,510	33,979	0	49,489	49,489	49,489	0	49,489	0	49,489
2002	12,144	33,344	0	45,488	45,488	45,488	0	45,488	0	45,488
2001	12,144	33,648	0	45,792	45,792	45,792	0	45,792	0	45,792
2000	15,180	31,558	0	46,738	46,738	46,738	0	46,738	0	46,738
1999	12,144	30,464	0	42,608	42,608	42,608	0	42,608	0	42,608
1998	12,144	32,980	85	45,209	45,209	45,209	0	45,209	0	45,209
1997	12,144	31,110	86	43,340	43,340	43,340	0	43,340	0	43,340
1996	11,840	30,782	87	42,709	42,709	42,709	0	42,709	0	42,709
1995	11,840	28,287	88	40,215	40,215	40,215	0	40,215	0	40,215
1994	10,626	27,502	89	38,217	38,217	38,217	0	38,217	0	38,217
1993	10,626	26,344	90	37,060	37,060	37,060	0	37,060	0	37,060
1992	10,626	25,574	91	36,291	36,291	36,291	0	36,291	0	36,291
1991	11,220	25,574	92	36,886	36,886	36,886	0	36,886	0	36,886
1990	11,220	10,771	93	22,084	22,084	22,084	0	22,084	0	22,084
1989	11,220	10,504	94	21,818	21,818	21,818	0	21,818	0	21,818
1988	8,250	10,265	95	18,610	18,610	18,610	0	18,610	0	18,610
1987	7,260	10,615	96	17,971	17,971	17,971	0	17,971	0	17,971
1986	7,260	10,248	97	17,605	17,605	17,605	0	17,605	0	17,605
1985	7,260	9,366	98	16,724	16,724	16,724	0	16,724	0	16,724
1984	7,260	9,092	99	16,451	16,451	16,451	0	16,451	0	16,451

552
1870
74.20

06/24/2005 03:04 PM
Doc stamps .70
(Transfer Amt \$ 10)
Instrument# 2005-169038 # 1
Book : 5585
Page : 3085

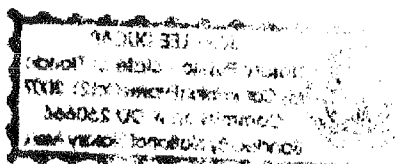
Quitclaim Deed

THIS QUITCLAIM DEED, executed this 21st day of June, 2005,
by first party, Grantor, Monna Corinne Mackay
whose post office address is 5420 Landis Avenue, Port Orange, FL 32127
to second party, Grantee, Kimberly Seely Stacy
whose post office address is 5417 DuBois Avenue Port Orange, FL 32127

WITNESSETH, That the said first party, for good consideration and for the sum of Ten Dollars
Dollars (\$ 10.00)

paid by the said second party, the receipt whereof is hereby acknowledged, does hereby remise, release and quitclaim unto the
said second party forever, all the right, title, interest and claim which the said first party 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:

Soto 11+12 BSR 20 Allendale MB
4 Pg. 146 Per ser 1736 Pg. 25



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 presence of:

Signature of Witness: Sean Erdman

Print name of Witness: Tara Erdman

Signature of Witness: Arlene White

Print name of Witness: Arlene White

Signature of First Party: Monna Corine Mackey

Print name of First Party: Monna Corine Mackey

Signature of Second Party: Kimberly Seely Stacy

Print name of Second Party: Kimberly Seely Stacy

Signature of Preparer Kimberly Seely Stacy

Print Name of Preparer Kimberly Seely Stacy

Address of Preparer 5417 Dubois Ave Port Orange, FL 32127

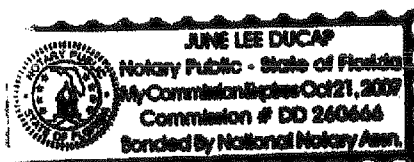
State of Florida
County of Volusia }

On 6-21-05 before me, June D. G.
appeared Kimberly Seely Stacy & Monna Corine Mackey
personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are
subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized
capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the
person(s) acted, executed the instrument.

WITNESS my hand and official seal.

June Lee Ducap
Signature of Notary

Affiant Known ☒ Produced ID
Type of ID FL ID
(Seal)



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, any applicable provision of the land development code, the other sections of this Code or applicable provisions of the land development code shall prevail and govern.

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

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

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner,

vs.

CASE NO: 15-1228

Kimberly Seely Stacy
5417 Dubois Ave.
Port Orange, FL 32127,

Respondent.

Property Address: 5417 Dubois Ave., Port Orange, FL 32127
Parcel ID: 6310-07-20-0110

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 5417 Dubois Ave., Port Orange, Florida 32127, is owned by Kimberly Seely Stacy.
4. That 5417 Dubois Ave., Port Orange, Florida 32127 is the location where the alleged code violation is or was occurring.

5. That I posted a Notice of Violation and Request for Hearing on the property at 5417 Dubois Ave., Port Orange, Florida 32127, at 3:45 p.m. on the 13th 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 14th day of August, 2015.



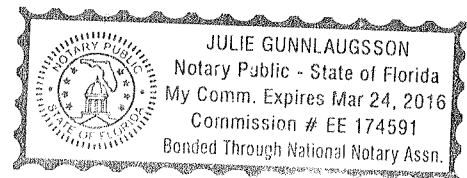
Deborah Faircloth
Code Compliance Inspector

**STATE OF FLORIDA
COUNTY OF VOLUSIA**

The foregoing instrument was sworn to before me on the 14th day of August, 2015, by Deborah Faircloth, who is personally known to me.


Notary Public, State of Florida

Commission No. _____



**CITY OF PORT ORANGE, FLORIDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
CASE NO. 15-1228**

CITY OF PORT ORANGE,
a Florida municipal corporation,

Petitioner,

Kimberly Seely Stacy
5417 Dubois Avenue
Port Orange, FL 32127
6310 [REDACTED]

Respondent.

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

THIS CAUSE came on for public hearing before the Code Enforcement Special Magistrate on September 23, 2015, after due notice to the Respondent(s), and the Special Magistrate having heard testimony under oath, received evidence and heard argument from Staff thereupon issues its Findings of Fact, Conclusions of Law, and Order, as follows:

FINDINGS OF FACT:

A. Respondent(s), Kimberly Seely Stacy, whose mailing address is 5417 Dubois Avenue, Port Orange, FL 32127, is/are the owner(s) of the property located at 5417 Dubois Avenue, Port Orange, FL 32127, and more particularly described as:

LOTS 11 & 12 BLK 20 ALLANDALE MB 4 PG 146 PER OR 1736 PG 25 & OR 5557 PG 613 PER OR 5585 PG 3085

B. The condition was first observed at the real property described above on July 16, 2015; re-inspections made on September 8, 2015 and September 22, 2015 confirmed the condition as being the same. Respondent(s), Kimberly Seely Stacy, received notice by property posting on August 13, 2015. Additionally, the notice was sent via certified mail and posted at City Hall on August 17, 2015. The aforesaid conditions constituted a violation of Chapter 42 (Nuisances), Article II (Garbage junk and Undergrowth), Section 42-26 (Cleanliness of Property Generally – Duty of Owner), (d) maintenance of Improved Residential Lots of the City of Port Orange Code of Ordinances, and was to be corrected by September 4, 2015.

C. At the time of the hearing on September 23, 2015, the violations cited above: ☒ continue to exist, or ☐ remained noncompliant until _____ [Date].

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

CONCLUSION OF LAW:

Respondent(s), Kimberly Seely Stacy, by reason of the foregoing, has/have violated Chapter 42 (Nuisances), Article II (Garbage junk and Undergrowth), Section 42-26 (Cleanliness of Property Generally – Duty of Owner), (d) maintenance of Improved Residential Lots of the City of Port Orange Code of Ordinances, in that the Respondent(s) failed, on or before the date set in the notice of violation, to remedy the conditions of the overgrown lawn, is therefore subject to the provisions of the City of Port Orange Municipal Code 2.207.

ORDER:

A. Respondent(s) shall correct the aforesaid violation by mowing the property on or before September 30, 2015. If paragraph D. above is checked and the Respondent(s) has/have not abated the condition by September 30, 2015, then notice of the violation will be given to the City Council. The City Council may repair the condition and charge the Respondent(s) with the reasonable costs of the repairs. Additionally, as per Chapter 2, Section 2-214, Code of Ordinances: "In addition to any fines, the Special Magistrate may impose additional fines to cover all costs incurred by the city in enforcing its codes and all costs or repairs pursuant to sub section (a)." The cost to date is \$41.16 as indicated on the cost sheet submitted into evidence. The Respondent(s) will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion. Any future violations under this ordinance shall be considered repeat violations.

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

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

DONE AND ORDERED this 23 day of September, 20 15.

Attest: [Signature]
Secretary, Code Enforcement Special Magistrate

By: [Signature]
Code Enforcement Special Magistrate

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

[Signature]
Code Compliance Inspector

I HEREBY CERTIFY that a true and correct copy of the foregoing Findings of Fact, Conclusion of Law, and Order have been furnished to Respondent(s), Kimberly Seely Stacy, 5417 Dubois Avenue, Port Orange, FL 32127 by Certified and Regular Mail this 28 day of September 20 15.

[Signature]
Secretary, Code Enforcement Special Magistrate



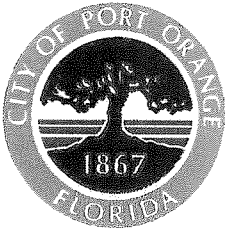
CITY OF PORT ORANGE, FLORIDA
I HEREBY CERTIFY the foregoing is a true copy
of the original filed in this office.
This document has/had not been redacted pursuant to Florida Law.
This 28 day of Sept, 2015.
By: [Signature]

Case Cost Sheet Log

Case No. 15-1298

Name	Activity	Activity_Date	Status	Cost
Candy Gentile	Mailing Notice of Violation/Notice to Owner to 477 Leslie Drive, Port Orange, FL 32127	08/18/2015	Certified Mail returned to City Clerk's Office marked "Deceased/Unable to Forward".	\$6.95
Eugene Gentile	Mailing Notice of Violation/Notice to Owner to 477 Leslie Drive, Port Orange, FL 32127	08/18/2015	Certified Green Card returned to City Clerk's Office signed by Ralph S. on 8/20/15.	\$6.95
Candy Gentile	Mailing Finding of Fact/Conclusion of Law & Order to 477 Leslie Drive, Port Orange, FL 32127	09/23/2015	No Certified Mail Returned to City Clerk's Office.	\$7.21
Eugene Gentile	Mailing Finding of Fact/Conclusion of Law & Order to 477 Leslie Drive, Port Orange, FL 32127	07/21/2015	No Certified Mail Returned to City Clerk's Office.	\$7.21
Clerk of Court	Recording Fee - Finding of Fact/Conclusion of Law & Order	09/23/2015	BK: 7170 PG: 119	\$27.00
Candy Gentile	Mailing Order Imposing Fine/Lien w/ Affidavit of Non-Compliance and Affidavit of Compliance to 477 Leslie Drive, Port Orange, FL 32127	10/28/2015		\$0.92
Eugene Gentile	Mailing Order Imposing Fine/Lien w/ Affidavit of Non-Compliance and Affidavit of Compliance to 477 Leslie Drive, Port Orange, FL 32127	10/28/2015		\$0.92
Clerk of Court	Recording Fee - Order Imposing Fine/Lien w/ Affidavit of Non-Compliance	10/28/2015		\$44.00
Clerk of Court	Recording Fee - Affidavit of Compliance	10/28/2015		\$18.50

Total: \$119.66



NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 15-1298

To: Eugene & Candy Gentile
477 Leslie Dr
Port Orange, FL 32127

Re: 477 Leslie Dr
Port Orange, FL 32127
Parcel ID: 6315-09-00-0190

LEGAL DESCRIPTION: LOTS 19 & 20 SPRUCE CREEK VILLAGE SUB MB 33 PG 36 PER OR 3644 PG 1844
Volusia County Public Records
Volusia County, FL

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

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

An inspection of the property was conducted on July 23, 2015. Upon inspection, I observed the property being very overgrown. Upon re-inspection on August 6, 2015 and August 13, 2015 the condition was the same. To correct the violations, the entire property needs to be mowed and all high weeds trimmed.

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

This correspondence will serve as official notification that the above stated violation(s) must be corrected by **August 31, 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 23, 2015 at 9:00 a.m.**, or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The **Special Magistrate** will receive testimony and evidence at said PUBLIC HEARING and shall make

such findings of facts and conclusions of law as supported by the testimony and evidence pertaining to the matter alleged below, and shall issue a Final Order affording the proper relief. A certified copy of the Final Order may be recorded in the public records of the county and shall constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property, and the findings therein shall be binding upon the violator and, if the violation concerns real property, upon any subsequent purchasers, successors in interest, or assigns. If you fail to appear at the Hearing, the **Special Magistrate** may base any findings solely on the testimony and evidence presented by the Code Enforcement Inspector. Please govern yourself accordingly.

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

As per Chapter 2, Section 2-214, Code of Ordinances and Section 162.09(2)(d), Florida Statutes: "In addition to such fines, a code enforcement board or special magistrate may impose additional fines to cover all costs incurred by the local government in enforcing its codes and all costs of repairs." The costs incurred to date are \$ 13.46 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 23, 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 28, 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 14th 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 Eugene & Candy Gentile, 477 Leslie Dr, Port Orange, FL 32127, was

☐ Hand-delivered

☒ Posted at the property

Time: approx. 2:07 p.m.

this 14 day of August, 2015.

J. Scott Allman
J. Scott Allman

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Eugene & Candy Gentile, 477 Leslie Dr, Port Orange, FL 32127, was

☒ Posted at City Hall

☒ Sent via certified

this 18 day of August, 2015.

Sheerath
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
Property Appraiser

Morgan B. Gilreath Jr.
M.A., A.S.A., C.F.A.



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Parcel Information: 6315-09-00-0190 2015 Working Tax Roll Last Updated: 08-08-2015

Owner Name and Address

Alternate Key	3638794	Parcel Status	Active Parcel (Real Estate)
Short Parcel ID	6315-09-00-0190	Mill Group	402 Port Orange
Full Parcel ID	15-16-33-09-00-0190	2014 Final Mill Rate	21.15960
Created Date	31 DEC 1981		
Property Class	02 Mobile Homes		
Ownership Type		Ownership Percent	100
Owner Name	GENTILE EUGENE & CANDY		
Owner Name/Address 1			
Owner Address 2	477 LESLIE DRIVE		
Owner Address 3	PORT ORANGE FL		
Owner Zip Code	32127-603		
Situs Address	477 LESLIE DR PORT ORANGE 32127		

Legal Description

LOTS 19 & 20 SPRUCE CREEK VILLAGE SUB MB 33 PG 36 PER OR 3644 PG 1844

Sales History

Book	Page	Sale Date	Sale Instrument	Qualified Unqualified	Improved Yes	Sale Price
3644	1844	06/1991	Warranty Deed	Unqualified Sale	Yes	16,000

History of Values

Year	Land	Bldg(s)	Misc. Impr.	Just Value	School Assessed	Non-School Assessed	School Exemption	School Taxable	Non-School Exemption	Non-School Taxable
2014	16,500	37,161	1,334	54,995	54,995	50,610	0	54,995	0	50,610
2013	13,400	31,365	1,244	46,009	46,009	46,009	0	46,009	0	46,009
2012	14,400	32,951	1,157	48,508	48,508	48,508	25,000	23,508	0	23,508
2011	17,000	39,324	1,179	57,503	52,579	52,579	25,000	27,579	2,579	25,000
2010	21,000	42,055	1,287	64,342	51,802	51,802	25,000	26,802	1,802	25,000
2009	21,000	43,575	1,428	66,003	50,440	50,440	25,000	25,440	440	25,000
2008	40,000	46,263	1,659	87,922	50,390	50,390	25,000	25,390	390	25,390
2007	44,600	56,410	1,808	102,818	48,922	48,922	25,000	23,922	0	23,922
2006	49,400	46,779	2,675	98,854	47,729	47,729	25,000	22,729	0	22,729
2005	47,610	40,959	1,678	90,247	46,339	46,339	25,000	21,339	0	21,339
2004	37,260	36,264	1,467	74,991	44,989	44,989	25,000	19,989	0	19,989
2003	37,260	34,601	1,483	73,344	44,150	44,150	25,000	19,150	0	19,150
2002	27,272	27,057	1,514	55,843	43,115	43,115	25,000	18,115	0	18,115
2001	24,840	25,330	1,538	51,708	42,437	42,437	25,000	17,437	0	17,437
2000	24,840	14,800	1,561	41,201	41,201	41,201	25,000	16,201	0	16,201
1999	24,840	25,719	1,585	52,144	52,144	52,144	25,000	27,144	0	27,144
1998	24,840	27,185	1,608	53,633	53,633	53,633	25,000	28,633	0	28,633
1997	24,840	30,369	1,677	56,886	56,227	56,227	25,000	31,227	0	31,227
1996	24,840	29,682	1,698	56,220	54,590	54,590	25,000	29,590	0	29,590
1995	24,840	26,699	1,720	53,259	53,259	53,259	25,000	28,259	0	28,259
1994	24,840	29,899	1,741	56,480	56,480	56,480	25,000	31,480	0	31,480
1993	24,840	25,247	1,762	51,849	51,849	51,849	25,000	26,849	0	26,849
1992	24,840	25,247	1,784	51,871	51,871	51,871	25,000	26,871	0	26,871
1991	24,840	26,566	1,805	53,211	53,211	53,211	25,000	28,211	0	28,211
1990	24,840	26,566	1,825	53,231	53,231	53,231	25,000	28,231	0	28,231
1989	24,840	0	9,843	34,683	34,683	34,683	0	34,683	0	34,683
1988	23,805	0	9,843	33,648	33,648	33,648	0	33,648	0	33,648
1987	23,805	0	9,843	33,648	33,648	33,648	0	33,648	0	33,648
1986	24,035	0	9,843	33,878	33,878	33,878	0	33,878	0	33,878
1985	22,990	0	9,843	32,833	32,833	32,833	0	32,833	0	32,833
1984	22,990	0	9,843	32,833	32,833	32,833	0	32,833	0	32,833
1983	10,600	0	9,843	20,443	20,443	20,443	0	20,443	0	20,443

Land Data

BOOK PAGE
3644 1844

6.00
96.00

Prepared by:

VOLUSIA CO., FL CORPORATE
WARRANTY DEED

Cecily Ondik
Columbia Title Services Inc.
200 Forest Lake Blvd.
Daytona Beach, Florida 32119

THIS INDENTURE, Made this 10th day of June, A.D. 1991 BETWEEN
Right Now Corporation

a corporation organized and existing under the laws of the State of Florida
Grantor, and Eugene Gentile and Candy Gentile, husband and wife

Whose Mailing Address is : 477 Leslie Drive Port Orange FL 32127
Grantee,

WITNESSETH: that the said Grantor, for and in consideration of the sum of ten and 00/100 Dollars and other valuable consideration, in hand paid by the said Grantee, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said Grantee, their heirs and assigns forever, the following described land, situate, lying and being in the County of Volusia, State of Florida, to wit:
Lots 19 and 20, Spruce Creek Village Subdivision, as per map in Map Book 33, page 36, of the Public Records of Volusia County, Florida.

REC FEE \$ 6.00 REC'D PAYMENT AS
DOC ST \$ 96.00 INDICATED FOR CLASS
INT TAX \$ 00 INTANGIBLE & DOC
PENALTY \$ STAMP TAXES SIGNED
INTEREST \$
Clerk Circuit Court Volusia Co. Florida

FILED FOR RECORD
RECORD VERIFIED

072156

1991 JUN 12 AM 8:48

Subject to covenants, restrictions and easements of record. Subject also to taxes for 19 90 and subsequent years.

Parcel Identification Number: 4315-09-00-0190

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

In Witness Whereof, the said Grantor has caused this instrument to be executed in its name by its duly authorized officer and caused its corporate seal to be hereto affixed the day and year first above written.
Right Now Corporation

Signed and Sealed in Our Presence:

by: [Signature]
A. Zimmerman

Its President

(Corporate Seal)

State of Florida
County of Volusia

The foregoing instrument was acknowledged before me this 10th day of June 1991, by A. Zimmerman, President

of Right Now Corporation
a Florida corporation, on behalf of the corporation.

Notary Public
My commission expires:

01-1-1998

NOTARY PUBLIC STATE OF FLORIDA
MY COM. EXPIRES 01-01-1998
RECORDED THIS 12th DAY OF JUNE, 1991

072156

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)

**CITY OF PORT ORANGE, FLORIDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
CASE NO. 15-1298**

CITY OF PORT ORANGE,
a Florida municipal corporation,

Petitioner,

Eugene & Candy Gentile
477 Leslie Drive
Port Orange, FL 32127
6315 [REDACTED]

Respondent.

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

THIS CAUSE came on for public hearing before the Code Enforcement Special Magistrate on September 23, 2015, after due notice to the Respondent(s), and the Special Magistrate having heard testimony under oath, received evidence and heard argument from Staff thereupon issues its Findings of Fact, Conclusions of Law, and Order, as follows:

FINDINGS OF FACT:

A. Respondent(s), Eugene & Candy Gentile, whose mailing address is 477 Leslie Drive, Port Orange, FL 32127, is/are the owner(s) of the property located at 477 Leslie Drive, Port Orange, FL 32127, and more particularly described as:

LOTS 19 & 20 SPRUCE CREEK VILLAGE SUB MB 33 PG 36 PER OR 3644 PG 1844

B. The condition was first observed at the real property described above on July 23, 2015; re-inspections made on September 9, 2015 and September 22, 2015 confirmed the condition as being the same. Respondent(s), Eugene & Candy Gentile, received notice by property posting on August 14, 2015. Additionally, the notice was sent via certified mail and posted at City Hall on August 18, 2015. The aforesaid conditions constituted a violation of Chapter 42, (Nuisances), Article II (Garbage, junk, and undergrowth), Section 42-26 (Cleanliness of property generally-duty of owner), §§ (d) (Maintenance of improved residential lots) of the City of Port Orange Code of Ordinances, and was to be corrected by August 31, 2015.

C. At the time of the hearing on September 23, 2015, the violations cited above: ☒ continue to exist, or ☐ remained noncompliant until _____ [Date].

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

CONCLUSION OF LAW:

Respondent(s), Eugene & Candy Gentile, by reason of the foregoing, has/have violated Chapter 42, (Nuisances), Article II (Garbage, junk, and undergrowth), Section 42-26 (Cleanliness of property generally-duty of owner), §§ (d) (Maintenance of improved residential lots) of the City of Port Orange Code of Ordinances. , in that the Respondent(s) failed, on or before the date set in the notice of violation, to remedy the conditions of the overgrown lawn, is therefore subject to the provisions of the City of Port Orange Municipal Code 2.207.

ORDER:

A. Respondent(s) shall correct the aforesaid violation by mowing and maintaining the overgrown lawn on or before October 2, 2015. If paragraph D. above is checked and the Respondent(s) has/have not abated the condition by October 2, 2015, then notice of the violation will be given to the City Council. The City Council may repair the condition and charge the Respondent(s) with the reasonable costs of the repairs. Additionally, as per Chapter 2, Section 2-214, Code of Ordinances: "In addition to any fines, the Special Magistrate may impose additional fines to cover all costs incurred by the City in enforcing its codes and all costs or repairs pursuant to sub section (a)." The cost to date is \$40.94 as indicated on the cost sheet submitted into evidence. The Respondent(s) will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion. Any future violations under this ordinance shall be considered repeat violations.

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

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

DONE AND ORDERED this 23 day of September, 2015.

Attest: [Signature]
Secretary, Code Enforcement Special Magistrate

By: [Signature]
Code Enforcement Special Magistrate

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

[Signature]
Code Compliance Inspector

I HEREBY CERTIFY that a true and correct copy of the foregoing Findings of Fact, Conclusion of Law, and Order have been furnished to Respondent(s), Eugene & Candy Gentile, 477 Leslie Drive, Port Orange, FL 32127 by Certified and Regular Mail this 20 day of September, 2015.

[Signature]
Secretary, Code Enforcement Special Magistrate



CITY OF PORT ORANGE, FLORIDA

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

This document has/has not been redacted pursuant to Florida Law.

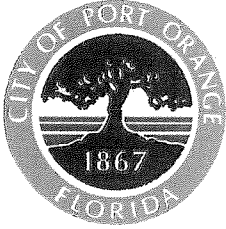
This 20 day of Sept, 2015.
By: [Signature]

Case Cost Sheet Log

Case No. 15-1377

Name	Activity	Activity_Date	Status	Cost
Flavio G. Forzanti	Mailing Notice of Violation/Notice of Hearing to 402 Needles Drive, Port Orange, FL 32127	08/18/2015	Certified Mail returned to City Clerk's Office marked "Not Deliverable As Addressed/Unable to Forward".	\$6.95
Flavio G. Forzanti	Mailing Finding of Fact/Conclusion of Law & Order to 402 Needles Drive, Port Orange, FL 32127	09/23/2015	Item departed USPS facility in FORT MYERS, FL 33913 on October 21, 2015 at 2:23 am. The item is currently in transit to the destination.	\$7.21
Clerk of Court	Recording Fee - Finding of Fact/Conclusion of Law & Order	09/23/2015	BK: 7170 PG: 125	\$27.00
Flavio G. Forzanti	Mailing Order Imposing Fine/Lien w/ Affidavit of Non-Compliance and Affidavit of Compliance to 402 Needles Drive, Port Orange, FL 32127	10/28/2015		\$0.92
Clerk of Court	Recording Fee - Order Imposing Fine/Lien w/ Affidavit of Non-Compliance	10/28/2015		\$44.00
Clerk of Court	Recording Fee - Affidavit of Compliance	10/28/2015		\$18.50

Total: \$104.58



NOTICE OF REPEAT VIOLATION
AND
NOTICE OF HEARINGS

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 15-1377

To: Flavio G. Forzanti
402 Needles Dr
Port Orange, FL 32127

Re: 402 Needles Dr
Port Orange, FL 32127
Parcel ID: 6322-05-00-0040

LEGAL DESCRIPTION: LOT 4 TREETOP SUB MB 34 PG 74 PER OR 4790 PG 4692 PER OR 5408 PG 2638 PER
OR 5995 PG 3136-3137.

Volusia County Public Records
Volusia County, FL

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

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

On August 10, 2015 I observed a repeat violation of the above referenced codes. The original case # 15-49 was heard on April 22, 2015 by the City of Port Orange Special Magistrate and was found in violation. See attached recorded finding of Fact, Conclusion of Law and Order. To abate the violation, the lawn must be mowed and all high weeds trimmed.

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

A fine up to \$5000 per day per violation for a repeat violation may be assessed by the Special Magistrate.

The burden shall rest upon the Respondent(s) 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 23, 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.

CONSTITUTE A LIEN against the property upon which the violation was found to exist and upon any other real or personal property owned by the violator. If said lien remains unpaid for more than ninety days, the City may seek to foreclose on said lien.

As per Chapter 2, Section 2-214, Code of Ordinances and Section 162.09(2)(d), Florida Statutes: "In addition to such fines, a code enforcement board or special magistrate may impose additional fines to cover all costs incurred by the local government in enforcing its codes and all costs of repairs." The costs incurred to date are \$ 10.95 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 23, 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 28, 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 14th 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 Flavio G. Forzanti, 402 Needles Dr, Port Orange, FL 32127, was

☐ Hand-delivered

☒ Posted at the property

Time: 2:25 pm

this 14th day of August, 2015.

J. Scott Allman
J. SCOTT ALLMAN

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Flavio G. Forzanti, 402 Needles Dr, Port Orange, FL 32127, was

☐ Posted at City Hall

☒ Sent via certified

this 18 day of August, 2015.

[Signature]
Secretary, Special Magistrate

RIGHT TO APPEAL

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

ACCOMMODATIONS

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



Volusia County Property Appraiser

Morgan B. Gilreath Jr.
M.A., A.S.A., C.F.A.



Home Search Downloads Exemptions Agriculture Maps Tangible Links Contact

Home Search Choices Search By Location Address Property Information

Parcel Information: 6322-05-00-0040 2015 Working Tax Roll Last Updated: 08-08-2015

Owner Name and Address

Alternate Key	3664230	Parcel Status	Active Parcel (Real Estate)
Short Parcel ID	6322-05-00-0040	Mill Group	402 Port Orange
Full Parcel ID	22-16-33-05-00-0040	2014 Final Mill Rate	21.15960
Created Date	31 DEC 1981		
Property Class	01 Single Family		
Ownership Type		Ownership Percent	100
Owner Name	FORZANTI FLAVIO G		
Owner Name/Address 1			
Owner Address 2	402 NEEDLES DR		
Owner Address 3	PORT ORANGE FL		
Owner Zip Code	32127		
Situs Address	402 NEEDLES DR PORT ORANGE 32127		

Legal Description

LOT 4 TREETOP SUB MB 34 PG 74 PER OR 4790 PG 4692 PER OR 5408 PG 2638 PER OR 5995 PG 3136-3137

Sales History

Book Page	Sale Date	Sale Instrument	Qualified Unqualified	Improved	Sale Price
5995 3136	01/2007	Warranty Deed	Qualified Sale	No	195,000
5408 2638	09/2004	Warranty Deed	Qualified Sale	Yes	184,000
4790 4692	12/2001	Warranty Deed	Qualified Sale	Yes	110,000
4320 4419	06/1998	Warranty Deed	Qualified Sale	Yes	97,500
2007 0033	08/1978	Warranty Deed	Qualified Sale	Yes	47,500

History of Values

Year	Land	Bldg(s)	Misc. Impr.	Just Value	School Assessed	Non-School Assessed	School Exemption	School Taxable	Non-School Exemption	Non-School Taxable
2014	18,340	78,997	1,061	98,398	86,326	86,326	25,000	61,326	25,000	36,326
2013	17,194	66,768	1,088	85,050	85,050	85,050	25,000	60,050	25,000	35,050
2012	20,633	66,532	975	88,140	88,140	88,140	25,000	63,140	25,000	38,140
2011	24,071	89,918	999	114,988	114,988	114,988	25,000	89,988	25,000	64,988
2010	24,071	94,473	1,023	119,567	119,567	119,567	25,000	94,567	25,000	69,567
2009	34,388	104,801	1,065	140,254	140,254	140,254	25,000	115,254	25,000	90,254
2008	71,642	89,081	1,089	161,812	161,812	161,812	0	161,812	0	161,812
2007	84,825	103,156	985	188,966	161,621	161,621	25,000	136,621	0	136,621
2006	77,373	119,635	0	197,008	157,679	157,679	25,000	132,679	0	132,679
2005	64,191	88,895	0	153,086	153,086	153,086	25,000	128,086	0	128,086
2004	34,961	93,777	0	128,738	107,717	107,717	25,500	82,217	0	82,217
2003	30,376	82,209	0	112,585	105,709	105,709	25,500	80,209	0	80,209
2002	30,376	72,855	0	103,231	103,231	103,231	25,000	78,231	0	78,231
2001	30,376	68,732	0	99,108	87,482	87,482	25,000	62,482	0	62,482
2000	30,376	54,558	0	84,934	84,934	84,934	25,000	59,934	0	59,934
1999	30,376	52,623	0	82,999	82,999	82,999	25,000	57,999	0	57,999
1998	30,376	51,260	0	81,636	81,025	81,025	25,500	55,525	0	55,525
1997	30,376	49,295	0	79,671	79,671	79,671	25,500	54,171	0	54,171
1996	30,376	53,525	0	83,901	80,930	80,930	25,500	55,430	0	55,430
1995	30,376	48,581	0	78,957	78,957	78,957	25,500	53,457	0	53,457
1994	30,376	49,626	0	80,002	80,002	80,002	25,500	54,502	0	54,502
1993	18,340	57,837	0	76,177	76,177	76,177	25,500	50,677	0	50,677
1992	18,340	55,083	0	73,423	73,423	73,423	25,500	47,923	0	47,923
1991	18,340	55,083	0	73,423	73,423	73,423	25,500	47,923	0	47,923
1990	18,340	55,083	0	73,423	73,423	73,423	25,500	47,923	0	47,923
1989	18,340	53,695	0	72,035	72,035	72,035	25,500	46,535	0	46,535
1988	18,340	52,457	0	70,797	70,797	70,797	25,500	45,297	0	45,297
1987	18,340	51,668	0	70,008	70,008	70,008	25,500	44,508	0	44,508
1986	18,340	49,112	0	67,452	67,452	67,452	25,500	41,952	0	41,952

01/24/2007 12:30 PM
Doc stamps 1365.00
(Transfer Amt \$ 195000)
Instrument# 2007-018564 # 1
Book : 5995
Page : 3136

Prepared by
Cathy Pulliam, an employee of
First American Title Insurance Company
555 West Granada Boulevard, Suite H-12
Ormond Beach, Florida 32174
(386)673-6114

Return to: Grantee

File No.: 1061-1450166

WARRANTY DEED

This indenture made on **January 19, 2007 A.D.**, by

Ira M. Lauer and Beatrice Lea Lauer a/k/a Beatrice Whitaker a/k/a Beatrice Hummer Lauer, husband and wife

whose address is: **149 Sand Pebble Circle, Port Orange, FL 32129**
hereinafter called the "grantor", to

Flavio G. Forzanti, a single person

whose address is: **402 Needles Drive, Port Orange, FL 32127**
hereinafter called the "grantee":

(Which terms "Grantor" and "Grantee" shall include singular or plural, corporation or individual, and either sex, and shall include heirs, legal representatives, successors and assigns of the same)

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

Lot 4, TREETOP SUBDIVISION, according to the plat thereof as recorded in Map Book 34, Page(s) 74, of the Public Records of Volusia County, Florida.

Parcel Identification Number: **632205000040**

Subject to all reservations, covenants, conditions, restrictions and easements of record and to all applicable zoning ordinances and/or restrictions imposed by governmental authorities, if any.

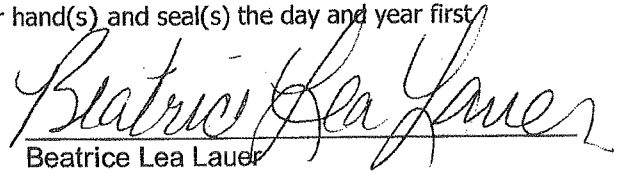
Together with all the tenements, hereditaments and appurtenances thereto belonging or in any way appertaining.

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

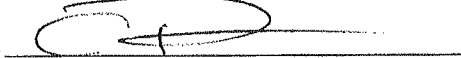
And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances except taxes accruing subsequent to December 31st of 2006.

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


Ira M. Lauer


Beatrice Lea Lauer

Signed, sealed and delivered in our presence:


Witness Signature

Print Name: CATHY H. PULLIAM


Witness Signature

Print Name: Tim Scheiber

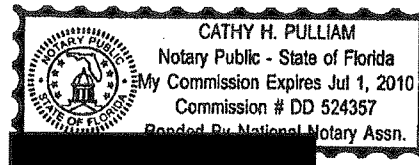
State of **FL**

County of **Volusia**

The Foregoing Instrument Was Acknowledged before me on **January 19, 2007**, by **Ira M. Lauer and Beatrice Lea Lauer** who is/are personally known to me or who has/have produced a valid driver's license as identification.


NOTARY PUBLIC

Notary Print Name _____
My Commission Expires: _____



CITY OF PORT ORANGE, FLORIDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
CASE NO. 15-049

CITY OF PORT ORANGE,
a Florida municipal corporation,

Petitioner,

Flavio G. Forzanti
402 Needles Drive
Port Orange, FL 32127
6322 [REDACTED]

Respondent.

_____ /

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

THIS CAUSE came on for public hearing before the Code Enforcement Special Magistrate on April 22, 2015, after due notice to the Respondent(s), and the Special Magistrate having heard testimony under oath, received evidence and heard argument from Staff thereupon issues its Findings of Fact, Conclusions of Law, and Order, as follows:

FINDINGS OF FACT:

A. Respondent(s), Flavio G. Forzanti, whose mailing address is 402 Needles Drive, Port Orange, FL 32127, is/are the owner(s) of the property located at 402 Needles Drive, Port Orange, FL 32127, and more particularly described as:

LOT 4 TREETOP SUB MB 34 PG 74 PER OR 4790 PG 4692 PER OR 540
8 PG 2638 PER OR 5995 PG [REDACTED]

B. There are high weeds and grass along with trash and yard debris and a separated, broken section of a stockade fence about to fall on the property. This condition was first observed at the real property described above on January 22, 2015; re-inspections made on April 2, 2015 and April 20, 2015 confirmed the condition as being the same. Respondent(s), Flavio G. Forzanti, received notice via certified mail and posted at City Hall on February 26, 2015. Additionally, the notice was also posted at the property February 25, 2015. The aforesaid conditions constituted a violation of Chapter 42, Article II, Section 42-26(d)(f)(h) of the City of Port Orange Code of Ordinances and Chapter 16, Section 3(b)(4)(b)(d) of the City of Port Orange Land Development Code, and was to be corrected by March 13, 2015.

C. At the time of the hearing on April 22, 2015, the violations cited above: ☒ continue to exist, or ☐ remained noncompliant until _____ [Date].

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

CONCLUSION OF LAW:

Respondent(s), Flavio G. Forzanti, by reason of the foregoing, has/have violated Chapter 42, Article II, Section 42-26(d)(f)(h) of the City of Port Orange Code of Ordinances and Chapter 16, Section 3(b)(4)(b)(d) of the City of Port Orange Land Development Code, in that the Respondent(s) failed, on or before the date set in the notice of violation, to remedy the conditions of the high weeds and grass, trash and yard debris, and the broken section of the stockade fence, is therefore subject to the provisions of the City of Port Orange Municipal Code 2.207.

ORDER:

A. Respondent(s) shall correct the aforesaid violation by mowing the entire property and trimming high weeds, remove all garbage and yard debris, and repair the damaged stockade fence in the back yard to its original upright position including replacing any broken or missing pickets on or before May 1, 2015. In the event that the property is not brought into compliance on or before May 1, 2015, and/or not maintained in a state of compliance, a daily fine of \$100 per day will be assessed for each day the property is in violation beyond May 1, 2015. If paragraph D. above is checked and the Respondent(s) has/have not abated the condition by May 1, 2015, then notice of the violation will be given to the City Council. The City Council may repair the condition and charge the Respondent(s) with the reasonable costs of the repairs. Additionally, as per Chapter 2, Section 2-214, Code of Ordinances: "In addition to any fines, the Special Magistrate may impose additional fines to cover all costs incurred by the city in enforcing its codes and all costs or repairs pursuant to sub section (a)." The cost to date is \$40.65 as indicated on the cost sheet submitted into evidence. The Respondent(s) will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion. Any future violations under this ordinance shall be considered repeat violations.

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

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

DONE AND ORDERED this 22 day of April, 2015

Attest: [Signature]
Secretary, Code Enforcement Special Magistrate

By: [Signature]
Code Enforcement Special Magistrate

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

[Signature]
Code Compliance Inspector

I HEREBY CERTIFY that a true and correct copy of the foregoing Findings of Fact, Conclusion of Law, and Order have been furnished to Respondent(s), Flavio G. Forzanti, 402 Needles Drive, Port Orange, FL 32127 by Certified and Regular Mail this 23 day of April, 2015.

[Signature]
Secretary, Code Enforcement Special Magistrate

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)

**CITY OF PORT ORANGE, FLORIDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
CASE NO. 15-1377**

CITY OF PORT ORANGE,
a Florida municipal corporation,

Petitioner,

Flavio G. Forzanti
402 Needles Drive
Port Orange, FL 32127
6322 [REDACTED]

Respondent.

_____ /

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

THIS CAUSE came on for public hearing before the Code Enforcement Special Magistrate on September 23, 2015, after due notice to the Respondent(s), and the Special Magistrate having heard testimony under oath, received evidence and heard argument from Staff thereupon issues its Findings of Fact, Conclusions of Law, and Order, as follows:

FINDINGS OF FACT:

A. Respondent(s), Flavio G. Forzanti, whose mailing address is 402 Needles Drive, Port Orange, FL 32127, is/are the owner(s) of the property located at 402 Needles Drive, Port Orange, FL 32127, and more particularly described as:

LOT 4 TREETOP SUB MB 34 PG 74 PER OR 4790 PG 4692 PER OR 5408 PG 2638 PER OR
5995 PG [REDACTED]

B. The condition was first observed at the real property described above on August 10, 2015; re-inspections made on September 22, 2015 confirmed the condition as being the same. Respondent(s), Flavio G. Forzanti, received notice by property posting on August 14, 2015. Additionally, the notice was also sent via certified mail and posted at City Hall on August 18, 2015. The aforesaid conditions constituted a violation of Chapter 42, (Nuisances), Article II (Garbage, junk, and undergrowth), Section 42-26 (Cleanliness of property generally-duty of owner), §§ (d) (Maintenance of improved residential lots) of the City of Port Orange Code of Ordinances.

C. At the time of the hearing on September 23, 2015, the violations cited above: ☒ continue to exist, or ☐ remained noncompliant until _____ [Date].

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

CONCLUSION OF LAW:

Respondent(s), Flavio G. Forzanti, by reason of the foregoing, has been found in repeat 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, in that the Respondent(s) failed, on or before the date set in the notice of violation, to remedy the conditions of the high weeds and grass is therefore subject to the provisions of the City of Port Orange Municipal Code 2.207. .

ORDER:

A. Respondent(s) shall correct the aforesaid violation by mowing and maintaining all high weeds and grass on or before October 2, 2015. If paragraph D. above is checked and the Respondent(s) has/have not abated the condition by October 2, 2015, then notice of the violation will be given to the City Council. The City Council may repair the condition and charge the Respondent(s) with the reasonable costs of the repairs. Additionally, as per Chapter 2, Section 2-214, Code of Ordinances: "In addition to any fines, the Special Magistrate may impose additional fines to cover all costs incurred by the city in enforcing its codes and all costs or repairs pursuant to sub section (a)." The cost to date is \$41.16 as indicated on the cost sheet submitted into evidence. The Respondent(s) will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion. Any future violations under this ordinance shall be considered repeat violations.

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

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

DONE AND ORDERED this 23 day of September 20 15

Attest: [Signature]
Secretary, Code Enforcement Special Magistrate

By: [Signature]
Code Enforcement Special Magistrate

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

[Signature]
Code Compliance Inspector

I HEREBY CERTIFY that a true and correct copy of the foregoing Findings of Fact, Conclusion of Law, and Order have been furnished to Respondent(s), Flavio G. Forzanti, 402 Needles Drive, Port Orange, FL 32127 by Certified and Regular Mail this 28 day of September, 20 15

[Signature]
Secretary, Code Enforcement Special Magistrate



CITY OF PORT ORANGE, FLORIDA
I HEREBY CERTIFY the foregoing is a true copy of the original filed in this office.
This document has/has not been redacted pursuant to Florida Law.
This 28 day of Sept, 2015.
By: [Signature]