



REVISED AGENDA

CODE ENFORCEMENT SPECIAL MAGISTRATE

CITY OF PORT ORANGE

Meeting Date: Wednesday, January 13, 2016 **Time:** 9:00 AM

Type of Meeting: Regular

Location: Council Chambers
City Hall, 1000 City Center Circle

A. CALL TO ORDER

1. Roll Call
2. Attorney Overview of Special Magistrate Code Enforcement Process
3. Approval of Minutes
 - November 11, 2015

B. FORMAL HEARING (COMPLIANCE OR NON-COMPLIANCE)

4. **CEB Case No.:** 15-222
Respondent: RRRAC LLC
Address of Violation: 5080 Ridgewood Avenue, Port Orange, FL 32129
Code Officer: Deborah Faircloth
First Notified: 03/24/2015

Compliance: No

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

Chapter 3, Section 304.7.

5. **CEB Case No.:** 15-1796
Respondent: Charles & Peggy Collins
Address of Violation: 5481 Pineland Avenue, Port Orange, FL 32127
Code Officer: Deborah Faircloth
First Notified: 11/12/2015

Compliance: No

Cited for violation(s) - Chapter 42 Nuisances, Article II Garbage, Junk and Undergrowth, Section 42-32 Cleanliness of property – generally duty of owner (d)(f)(h). Briefly stated, property shall be mowed and maintained and kept free of all garbage, junk, and undergrowth of the City of Port Orange Code of Ordinances.

6. **CEB Case No.:** 15-1780

Respondent: Stacy L. Algieri

Address of Violation: 5245 Sydney St. Port Orange, FL 32127

Code Officer: Deborah Faircloth

First Notified: 11/12/2015

Compliance: No

Cited for violation(s) - Chapter 42 Nuisances, Article II Garbage, Junk and Undergrowth, Section 42-32 Cleanliness of property – generally duty of owner (d)(f)(h) of the City of Port Orange Code of Ordinances.

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

7. **CEB Case No.:** 15-1913

Respondent: Juan F. & Mary L. Galarza

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

Code Officer: Deborah Faircloth

First Notified: 12/15/2015

Compliance: No

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

8. **CEB Case No.:** 15-1660

Respondent: Mary H. Culpepper

Address of Violation: 3456 Country Walk Drive, Port Orange, FL 32129

Code Officer: Dena Joseph

First Notified: 12/02/2015

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.

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

Chapter 3 (General Requirements), Section 304 (Exterior Structure), 304.14 (Insect

Screens)of the International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances.

9. **CEB Case No.:** 15-1745

Respondent: Lindamar Inc.

C/O Betsy D. Crouch

Address of Violation: 4075 Ridgewood Avenue, Port Orange, FL 32127

Code Officer: Dena Joseph

First Notified: 12/02/2015

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), (c) Maintenance of commercial and industrial zoned lots) of the City of Port Orange Code of Ordinances.

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

Chapter 16 (Miscellaneous Regulations), Section 1 (Accessory Uses and Structures), (e) Outside storage, (3) Commercial uses of the City of Port Orange Land Development Code.

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

10. **CEB Case No.:** 15-1991

Respondent: OR-EL 18, LLC

C/O Business Filings Inc.

Address of Violation: 3741 Clyde Morris Blvd., (Dollar General), Port Orange, FL 32129

Code Officer: Dena Joseph

First Notified: 12/07/2015

Compliance: Yes

Cited for violation(s) - Chapter 74 Utilities), Article VI (Reclaimed Water), Section 74-192, (Maintenance of Facilities by Customer) of the City of Port Orange Code of Ordinances.

11. **CEB Case No.:** 15-1849

Respondent: 813 Railroad LLC

Address of Violation: 813 Railroad St. Port Orange, FL 32129

Code Officer: Dena Joseph

First Notified: 11/13/2015

Compliance: Yes

Cited for violation(s) - Chapter 14 (Buildings and Building Regulations), Article VII (Commercial Property Maintenance Standards), Section 14-318 (Other Property Improvements; Maintenance Criteria), (c) Walls and Fences, (3) of the City of Port Orange Code of Ordinances.

Chapter 14 (Building and Building Regulations), Article VII (Commercial Property Maintenance Standards), Section 14-314 (Landscaping and Buffers), (d) Required maintenance and anticipated growth and coverage, (2) of the City of Port Orange Code of Ordinances.

Chapter 14 (Building and Building Regulations), Article VII (Commercial Property Maintenance Standards), Section 14-314 (Landscaping and Buffers), (d) Required maintenance and anticipated growth and coverage, (5) of the City of Port Orange Code of Ordinances.

Chapter 14 (Building and Building Regulations), Article VII (Commercial and Property Maintenance Standards, Section 14-318 (Other property improvements; maintenance criteria) (d) Trash, litter and debris of the City of Port Orange Code of Ordinances.

Chapter 3 (General Requirements), Section 302 (Exterior Property Areas), 302.8 (Motor Vehicles) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances.

Chapter 74 (Utilities), Article VII (Water Conservation), Section 74-218 (Landscape Irrigation Schedules), (2), (c) of the City of Port Orange Code of Ordinances

Chapter 3 (General Requirements), Section 304 (Exterior Structure), 304.2 (Protective Treatment), of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances.

12. **CEB Case No.:** 15-1889

Respondent: Brenda Britton Creamer JTRS
Norma Chmiel JTRS & Beverly Fratt JTRS

Address of Violation: 723 Casper Avenue, Port Orange, FL 32129

Code Officer: Dena Joseph

First Notified: 11/20/2015

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: (d) Maintenance of improved residential lots.

13. CEB Case No.: 15-1718

Respondent: Robert W. & Diane Fowler

Address of Violation: 594 Touchstone Circle, Port Orange, FL 32127

Code Officer: Scott Allman

First Notified: 11/17/2015

Compliance: Yes

Cited for violation(s) - Chapter 42 (Nuisances), Article V (Unsafe Conditions), Division 2 Nuisance Trees, Section 42-103 Declaration of a Nuisance It is declared and determined by the city council that the following shall each individually or in any combination be considered a nuisance when they exist upon any lot, lots or adjacent lots, within the City of Port Orange (a) 1 & 2 of the City of Port Orange Code of Ordinances.

14. CEB Case No.: 15-1353

Respondent: Akram Batniji

Address of Violation: 735 Dunlawton Avenue, Port Orange, FL 32129

Code Officer: Scott Allman

First Notified: 09/08/2015

Compliance: No

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

C. ORDER IMPOSING FINE/LIEN

15. 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.

16. CEB Case No.: 15-768

Respondent: Lynn Nelson & Dolores Ann Nelson JTWROS

Address of Violation: 6509 Baywood Avenue, Port Orange, FL 32127

Code Officer: Scott Allman

First Notified:

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) 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) of the City of Port Orange Code of Ordinances.

17. CEB Case No.: 15-1683

Respondent: Peter H. Easterbrook

Address of Violation: 5756 Dogwood Road, Port Orange, FL 32127

Code Officer: Scott Allman

First Notified:

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.

D. PUBLIC COMMENTS

E. ADJOURNMENT

Code Enforcement Special Magistrate Meeting

Wednesday, January 13, 2016

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CODE ENFORCEMENT SPECIAL MAGISTRATE MINUTES
COUNCIL CHAMBERS
1000 CITY CENTER CIRCLE
NOVEMBER 11, 2015

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

PRESENT: Raymond Branch, Special Magistrate

ALSO PRESENT: Deborah Faircloth, Code Enforcement Inspector
Scott Allman, Code Compliance Inspector
Theresa Gutierrez, Deputy City Clerk

Special Magistrate Branch reviewed the Code Enforcement hearing process.

Consideration of Minutes

Special Magistrate Branch approved the September 23, 2015, October 14, 2015, and October 28, 2015 meeting minutes.

Oaths

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

B. FORMAL HEARING (COMPLIANCE OR NON-COMPLIANCE)

4. **CEB Case No.:** 15-1353
Respondent: Akram Batniji
Address of Violation: 735 Dunlawton Avenue, Port Orange, FL 32129
Code Officer: Scott Allman
First Notified: 09/08/2015

Compliance: No

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

Mr. Allman requested that case no. 15-1353 be continued until the December 9, 2015. Mr. Allman is waiting to hear from the Florida League of Cities to address to the property owners complaint. Special Magistrate Branch continued case no. 15-1353 until the December 9, 2015 Special Magistrate meeting.

5. **CEB Case No.:** 15-1550
Respondent: Gerald R. Miller
Address of Violation: 713 Dove Avenue, Port Orange, FL 32129
Code Officer: Dena Joseph
First Notified: 10/05/2015

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.

Ms. Faircloth, on behalf of Dena Joseph, requested that case no. 15-1550 be dismissed due to compliance with the notice. Special Magistrate Branch dismissed case no. 15-1550.

6. **CEB Case No.:** 15-1386
Respondent: David M. Powell
Address of Violation: 775 Sugar Cane Lane, Port Orange, FL 32129
Code Officer: Dena Joseph
First Notified: 10/05/2015

Compliance: No

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

Chapter 5 (Plumbing and Fixture Requirements), Section 507 (Storm Drainage), 507.1 (General) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances.

Ms. Faircloth, on behalf of Dena Joseph, requested that case no. 15-1386 be dismissed due to compliance with the notice. Special Magistrate Branch dismissed case no. 15-1386.

7. **CEB Case No.:** 15-1604
Respondent: John Thomas Siedlecki
Address of Violation: 5408 Isabelle Avenue, Port Orange, FL 32127
Code Officer: Deborah Faircloth
First Notified: 10/07/2015

Compliance: No

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

Ms. Faircloth requested that case no. 15-1604 be dismissed due to compliance with the notice. Special Magistrate Branch dismissed case no. 15-1604.

8. **CEB Case No.:** 15-801
Respondent: White Fawn, LLC
Registered Agent
Address of Violation: 5596 S. Lancewood Circle, Port Orange, FL 32127
Code Officer: Deborah Faircloth
First Notified: 06/15/2015

Compliance: No

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

Ms. Faircloth requested that case no. 15-801 be continued until December 9, 2015.

Mr. Hauluk requested a 60 day extension. Special Magistrate Branch denied Mr. Hauluk request.

Special Magistrate Branch continued case no. 15-801 until the December 9, 2015 meeting.

9. **CEB Case No.:** 15-1576
Respondent: William C. Partin
Address of Violation: 5584 Lancewood Circle, Port Orange, FL 32127
Code Officer: Deborah Faircloth
First Notified: 10/07/2015

Compliance: No

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

Ms. Faircloth requested that case no. 15-1576 be dismissed due to compliance with the notice. Special Magistrate Branch dismissed case no. 15-1576.

C. PUBLIC COMMENTS: There were none.

D. ADJOURNMENT: 9:23 a.m.

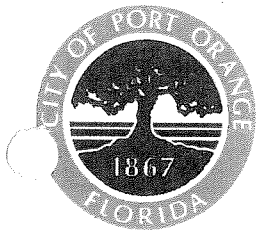
Special Magistrate Raymond Branch

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	BK: 7172 PG: 232	\$27.00

Total: \$34.21



**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 15-222

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

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

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

Volusia County Public Records
Volusia County, FL

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

The 2009 International Property Maintenance Code as adopted by the City of Port Orange Code of Ordinances, Chapter 14, Article II.

Chapter 3, Sections 305.3, 304.7, 304.14

Chapter 5, Sections 502.1, 506.2, 507.1

Chapter 6, Sections 602.3, 604.3

Chapter 7, Sections 702.3, 704.1, 704.2

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Attachments: ☒ Copy of code

☒ Copy of Deed

☒ Copy of Tax Roll

This correspondence will serve as official notification that the above stated violation(s) must be corrected by **April 20, 2015**.

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

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

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

NOTICE OF HEARING AS TO VIOLATION(S) ALLEGED

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

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

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

As per Chapter 2, Section 2-214, Code of Ordinances and Section 162.09(2)(d), Florida Statutes: "In addition to such fines, a code enforcement board or special magistrate may impose additional fines to cover all costs incurred by the local government in enforcing its codes and all costs of repairs." The costs incurred to date are \$0.00 as indicated on the cost sheet submitted into evidence. The respondent will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion.

NOTICE OF HEARING SETTING FINE AND LIEN

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

For further information regarding this matter, you may contact the undersigned Code Compliance Inspector at (386) 506-5644.

DATED this 24th day of March, 2015.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: Deborah Faircloth
DEBORAH FAIRCLOTH

☐ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to RRRAC LLC, 1559 Town Park Dr., Port Orange, FL 32129, was

☒ Hand-delivered at City Hall

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

Time: 9:10am.

this 24th day of March, 2015.

Deborah Faircloth
DEBORAH FAIRCLOTH

☐ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to RRRAC LLC, 1559 Town Park Dr., Port Orange, FL 32127, was

Posted at City Hall

Sent via certified

this ____ day of March, 2015.

Secretary, Special Magistrate

RIGHT TO APPEAL

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

ACCOMMODATIONS

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

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



Volusia County Appraisers Office



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

Last Updated: 03-10-2015 Today's Date: 3-16-2015		Volusia County Property Appraiser's Office			
		Property Record Card (PRC) Morgan B. Gilreath Jr., M.A., A.S.A., C.F.A. Property Appraiser			
Full Parcel ID	10-16-33-12-08-0010	Mill Group	402 Port Orange		
Short Parcel ID	6310-12-08-0010				
Alternate Key	3616588	2014 Final Millage Rate	21.15960		
Parcel Status	Active Parcel	PC Code	39		
Date Created	31 DEC 1981				
Owner Name	RRRAC LLC		GO TO ADD'L OWNERS		
Owner Name/Address 1					
Owner Address 2	1559 TOWN PARK DR				
Owner Address 3	PORT ORANGE FL				
Owner Zip Code	32129				
Owner Percentage	100	Ownership Type	Fee Simple		
Location Address	5080 RIDGEWOOD AV PORT ORANGE 32127				

LEGAL DESCRIPTION

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

PER OR 6954 PG 4907

SALES HISTORY

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

HISTORY OF VALUES

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

LAND DATA

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

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

RRRAC, LLC:

Filing Information

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

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

Title MGR

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

Report Year	Filed Date
2014	04/29/2014
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Prepared by and Return to:

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

QUIT CLAIM DEED

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

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

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

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

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

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

Signed, sealed and delivered
in the presence of

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

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

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

STATE OF FLORIDA)
COUNTY OF VOLUSIA)

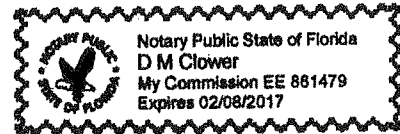
I HEREBY CERTIFY that on this day, before me, an officer duly authorized to administer oaths and take acknowledgments in the State of Florida, personally appeared RAM K. MANGAR and RAMRAGIE MANGAR, who verified under oath that they are the persons who executed the foregoing instrument for the uses and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

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

D.M. Clower
Notary Signature

D.M. CLOWER
Printed Name of Notary

SEAL



national Existing Building Code as required for existing buildings:

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

Exceptions:

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

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

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

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

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

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

SECTION 306 COMPONENT SERVICEABILITY

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 305 INTERIOR STRUCTURE

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

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

CHAPTER 5

PLUMBING FACILITIES AND FIXTURE REQUIREMENTS

SECTION 501 GENERAL

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

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

[P] SECTION 502 REQUIRED FACILITIES

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

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

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

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

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

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

[P] SECTION 503 TOILET ROOMS

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

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

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

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

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

[P] SECTION 504 PLUMBING SYSTEMS AND FIXTURES

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

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

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

SECTION 505 WATER SYSTEM

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

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

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

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

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

[P] SECTION 506 SANITARY DRAINAGE SYSTEM

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

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

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

[P] SECTION 507 STORM DRAINAGE

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

CHAPTER 6

MECHANICAL AND ELECTRICAL REQUIREMENTS

SECTION 601 GENERAL

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

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

SECTION 602 HEATING FACILITIES

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

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

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

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

Exceptions:

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

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

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

Exceptions:

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

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

SECTION 603 MECHANICAL EQUIPMENT

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

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

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

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

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

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

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

SECTION 604 ELECTRICAL FACILITIES

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

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

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

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

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

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

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

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

18. Electronic control, signaling and communication equipment.

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

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

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

SECTION 605 ELECTRICAL EQUIPMENT

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

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

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

SECTION 606 ELEVATORS, ESCALATORS AND DUMBWAITERS

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

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

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

CHAPTER 7

FIRE SAFETY REQUIREMENTS

SECTION 701 GENERAL

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

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

[F] SECTION 702 MEANS OF EGRESS

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

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

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

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

[F] SECTION 703 FIRE-RESISTANCE RATINGS

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

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

[F] SECTION 704 FIRE PROTECTION SYSTEMS

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

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

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

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

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

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

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

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

Faircloth, Deborah

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

Deb,

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



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

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

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

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

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

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

Tim B.

ARTICLE II. - GARBAGE, JUNK AND UNDERGROWTH

FOOTNOTE(S):

--- (2) ---

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Exception: Lights that are continuously illuminated or automatically controlled.

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

Exceptions:

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

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

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

SECTION R304 MINIMUM ROOM AREAS

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

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

Exception: Kitchens.

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

Exception: Kitchens.

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

SECTION R305 CEILING HEIGHT

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

CHAPTER 4

RESIDENTIAL ENERGY EFFICIENCY

SECTION 401 GENERAL

401.1 Scope. This chapter applies to residential buildings.

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

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

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

SECTION 402 BUILDING THERMAL ENVELOPE

402.1 General (Prescriptive).

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

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

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

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

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

402.1.2 Limitations to compliance by Section 402.

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

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

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

Exceptions: The following exceptions apply to additions.

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

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

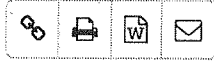
402.2 Specific insulation requirements (Prescriptive).

402.2.1 Ceilings with attic spaces. Reserved.

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

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

Section 2: - Fire codes.



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

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

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner,

vs.

CASE NO: 15-222

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

Respondent.

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

**AFFIDAVIT OF HAND DELIVERY
NOTICE OF VIOLATION AND
NOTICE OF HEARING**

**STATE OF FLORIDA
COUNTY OF VOLUSIA**

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

1. That the statements set forth herein are based upon personal knowledge.
2. That I am a resident of the State of Florida, over twenty-one years of age, and not a party to this action.
3. That, according to the records of the Volusia County Property Appraisers Office, the property located at 5080 Ridgewood Avenue, Port Orange, Florida 32127, is owned by RRRAC LLC.
4. That 5080 Ridgewood Avenue, Port Orange, Florida 32127 is the location where the alleged code violation is or was occurring.
5. That I hand delivered a Notice of Violation and Request for Hearing on the property

at Port Orange City Hall, 1000 City Center Circle, Port Orange, Florida 32129, at 9:10 a.m. on the 24th day of March, 2015, to Ram Mangar, who is 15 years of age or over, as required by Florida Statute Section 162.12(2)(b)(1): A copy of the Notice and Request is attached hereto and made a part hereof.

FURTHER AFFIANT SAYETH NOT.

DATED this 24th day of March, 2015.

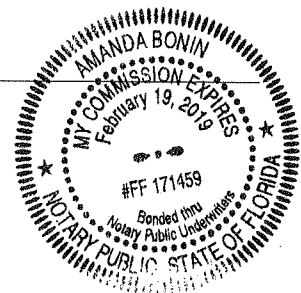
Deborah Faircloth
Deborah Faircloth
Code Compliance Inspector

**STATE OF FLORIDA
COUNTY OF VOLUSIA**

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

Amanda Bonin
Notary Public, State of Florida

Commission No. _____



**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.

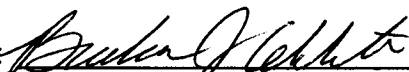
ORDER:

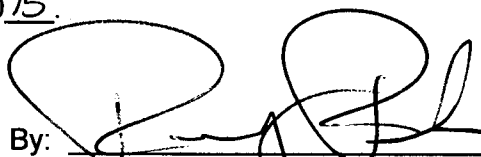
A. Respondent is found in violation of Chapter 3, Section 304.7 of the IPMC. Any fine is deferred to the scheduled hearing date of October 28, 2015. On stipulation of the parties, all other violations cited in the Notice of Violation dated March 24, 2015 are dismissed. The Respondent, or agent acting 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.

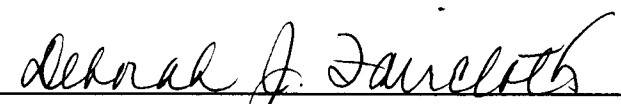
C. A certified copy of this Order may be recorded in the public records of Volusia County, Florida, and shall thereafter constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property. The findings in this Order shall be binding upon Respondent(s) 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.

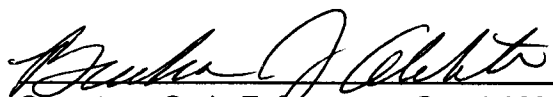
Attest: 
Secretary, Code Enforcement Special Magistrate

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. 15-1796

Name	Activity	Activity_Date	Status	Cost
Charles Collins	Mailing Notice of Violation/Notice of Hearing to P.O. Box 768, Alpharetta, GA 30009	11/17/2015	Certified Mail Returned to City Clerk's Office marked "Not Deliverable as Addressed/Unable to Forward" dated 11/23/15.	\$6.95
Peggy Collins	Mailing Notice of Violation/Notice of Hearing to P.O. Box 768, Alpharetta, GA 30009	11/17/2015	Certified Mail Returned to City Clerk's Office marked "Not Deliverable as Addressed/Unable to Forward" dated 11/23/15.	\$6.95
Charles Collins	Mailing Finding of Fact/Conclusion of Law & Order to P.O. Box 768, Alpharetta, GA 30009	01/13/2016		\$7.21
Peggy Collins	Mailing Finding of Fact/Conclusion of Law & Order to P.O. Box 768, Alpharetta, GA 30009	01/13/2016		\$7.21
Clerk of Court	Recording Fee - Finding of Fact/Conclusion of Law & Order	01/13/2016		\$27.00

Total: \$55.32



**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 15-1796

To:
Charles & Peggy Collins
P.O. Box 768
Alpharetta, GA 30009

Re: 5481 Pineland Ave.
Port Orange, FL 32127
Parcel ID: 6315-04-08-0110

LEGAL DESCRIPTION: LOT 11 BLK 8 COMMONWEALTH MOBILE ESTATES FIRST ADD MB 29 PG 47 PER OR 4843
PG 2088 PER OR 5461 PG 3459

Volusia County Public Records
Volusia County, FL

An inspection of the premises on October 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:

City of Port Orange Code of Ordinances, Chapter 42 Nuisances, Article II Garbage, Junk and Undergrowth, Section 42-32 Cleanliness of property – generally duty of owner (d)(f)(h). Briefly stated, property shall be mowed and maintained and kept free of all garbage, junk, and undergrowth.

On October 22, 2015, I received a citizen connection complaint that the grass at this location was becoming overgrown. I observed that the grass has reached violation height and needed to be mowed. I left a 3 day notice on the door to mow and maintain the property and to clean up and remove any trash or debris. An inspection on October 28, 2015 showed the property still in violation. The most recent inspection on November 11, 2015, confirmed the property to be 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 **November 30, 2015**.

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

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

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

NOTICE OF HEARING AS TO VIOLATION(S) ALLEGED

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

Pursuant to Chapter 2, Article V, Code of Ordinances and Section 162.06, Florida Statutes, you are hereby called upon to take notice that a PUBLIC HEARING will be conducted in the above-styled cause by the **Special Magistrate January 13, 2016 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 \$ 1390 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 **January 13, 2016**, 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 **February 24, 2016, 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 12th day of November, 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 Charles & Peggy Collins, P.O. Box 768, Alpharetta, GA 30009, was

☐ Hand-delivered

X ☒ Posted at the property (5481 Pineland Ave., Port Orange, FL 32127)

Time: approx. 12:35 pm this 12th day of November, 2015.

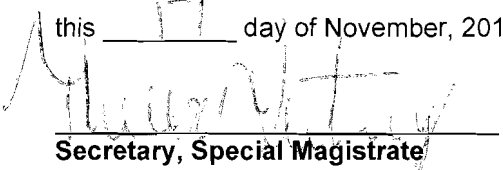
Deborah Faircloth
Deborah Faircloth

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Charles & Peggy Collins, P. O. Box 768, Alpharetta, GA 30009, was

☐ Posted at City Hall

☐ Sent via certified

this 17 day of November, 2015.


Secretary, Special Magistrate

RIGHT TO APPEAL

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

ACCOMMODATIONS

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

15-1796



Volusia County
FLORIDA

Volusia County
Property Appraiser

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



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Parcel Information: 6315-04-08-0110 2016 Working Tax Roll Last Updated: 11-08-2015

Owner Name and Address

Alternate Key	3634519	Parcel Status	Active Parcel (Real Estate)
Short Parcel ID	6315-04-08-0110	Mill Group	402 Port Orange
Full Parcel ID	15-16-33-04-08-0110	2015 Final Mill Rate	20.86510
Created Date	31 DEC 1981		
Property Class	02 Mobile Homes		
Ownership Type		Ownership Percent	100
Owner Name	COLLINS CHARLES & PEGGY		
Owner Name/Address 1			
Owner Address 2	PO BOX 768		
Owner Address 3	ALPHARETTA GA		
Owner Zip/Postal Code	30009		
Situs Address	5481 PINELAND AV PORT ORANGE 32127		

Legal Description

LOT 11 BLK 8 COMMONWEALTH MOBILE ESTATES FIRST ADD MB 29 PG 47 PER OR 4843 PG 2088 PER OR 5461 PG 3459

Sales History

Book Page	Sale Date	Sale Instrument	Qualified Unqualified	Improved	Sale Price
5461 3459	12/2004	Warranty Deed	Qualified Sale	Yes	45,000
4843 2088	03/2002	Warranty Deed	Qualified Sale	Yes	35,000
1868 0627	11/1976	Warranty Deed	Qualified Sale	Yes	19,500

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
2015	13,260	18,679	0	31,939	31,939	28,968	0	31,939	0	28,968
2014	13,260	18,035	0	31,295	31,295	26,335	0	31,295	0	26,335

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	51.0	100.0	51.00	FRONT FEET	260.00	100	100	100	100	13,260
Neighborhood 5773 COMMONWEALTH M-H EST MB 26-PG											
Total Land Classified											0
Total Land Just											13,260

Building Characteristics

Building Number: 201030 (Building 1 of 1)

Bldg. No.	Improvement Type	Base Perimeter	Year Built	Quality Grade	Architecture	Phys. Depr.	Func. Obs.	Loc. Obs.	Next Review
201030	Mobile Home	140	1992	200	Mobile Home	49%	0%	0%	2999
Roof Type	GABLE	Floors		Carpet	Bedrooms	2	4 Fixture Bath		0
Roof Cover	METAL	Wall Type		Drywall	X Fixture Bath	0	5 Fixture Bath		0
Heat Type1	Forced Ducted	Heat Source1		Electricity	2 Fixture Bath	0	6 Fixture Bath		0
Heat Type2		Heat Source2			3 Fixture Bath	1	7 Fixture Bath		0
Foundation	Wd Conc Piers	Year Remodeled			Fireplaces	0	A/C		Yes

Section Number	Area Type	Exterior Wall Type	Number Stories	Year Built	Attic Finish	Bsmt Area	Bsmt Finish	Floor Area
001 Res BASE Area (BAS)		ALUMINUM SIDING	1.0	1992	N	0%	0%	784 Sq. Feet
004 Patio (PTO)		Non-Applicable	1.0	1970	N	0%	0%	420 Sq. Feet
005 Porch, Screen Unfinished (USP)		Non-Applicable	1.0	2006	N	0%	0%	210 Sq. Feet
006 Unfinished Utility (UST)		Non-Applicable	1.0	2006	N	0%	0%	70 Sq. Feet
007 Porch, Open Unfinished (UOP)		Non-Applicable	1.0	2006	N	0%	0%	70 Sq. Feet

12/23/2004 07:20 AM
Doc stamps 315.00
(Transfer Amt \$ 45000)
Instrument# 2004-323602
Book : 5461
Page : 3459

Prepared by
Mary Ralstin, an employee of
Associated Land Title Group, Inc.
733 Dunlawton Avenue, Suite 101
Port Orange, Florida 32127
(386) 761-7511

Return to: Grantee

File No.: 1019-681107

WARRANTY DEED

This indenture made on **December 21, 2004 A.D.**, by

Michelle Donley, a single woman

whose address is: **4318 S. Atlantic Ave., , FL 32127**
hereinafter called the "grantor", to

Charles Collins and Peggy Collins, husband and wife

whose address is: **P. O. Box 446, New Smyrna Beach, FL 32170**
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 11, Block 8, COMMONWEALTH MOBILE ESTATES, FIRST ADDITION, according to the plat thereof as recorded in Map Book 29, Page(s) 47, of the Public Records of Volusia County, Florida.

Parcel Identification Number: **6315-04-08-0110**

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 2004.

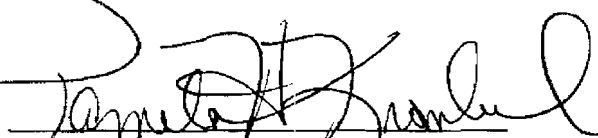
In Witness Whereof, the grantor has hereunto set their hand(s) and seal(s) the day and year first above written.


Michelle Donley

Signed, sealed and delivered in our presence:


Witness Signature

Print Name: **MARY W. RALSTIN**

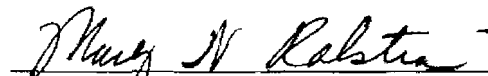

Witness Signature

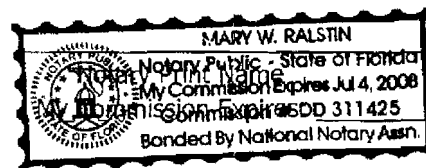
Print Name: **Pamela H. Krombel**

State of **Florida**

County of **Volusia**

The Foregoing Instrument Was Acknowledged before me on **December 21, 2004**, by **Michelle Donley, a single woman** who is/are personally known to me or who has/have produced a valid driver's license as identification.


NOTARY PUBLIC



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: 15-1796

Charles & Peggy Collins
P. O. Box 768
Alpharetta, GA 30009,

Respondents.

Property Address: 5481 Pineland Ave., Port Orange, FL 32127
Parcel ID: 6315-04-08-0110

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 5481 Pineland Ave., Port Orange, Florida 32127, is owned by Charles & Peggy Collins, P.O. Box 768 Alpharetta, GA 30009.
4. That 5481 Pineland 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 5481 Pineland Ave., Port Orange, Florida 32127, at 12:35 p.m. on the 12th day of November, 2015, as required by Florida Statute Section 162.12(2)(b)(1). A copy of the Notice and Request is attached hereto and made a part hereof.

FURTHER AFFIANT SAYETH NOT.

DATED this 12th day of November, 2015.

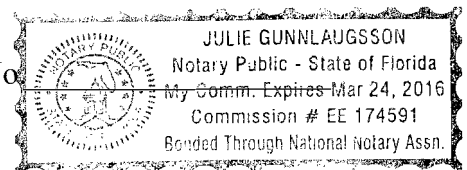

Deborah Faircloth
Code Compliance Inspector

**STATE OF FLORIDA
COUNTY OF VOLUSIA**

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


Notary Public, State of Florida

Commission No.



Case Cost Sheet Log

Case No. 15-1780

Name	Activity	Activity_Date	Status	Cost
Stacy Algeri	Mailing Notice of Violation/Notice of Hearing to 5245 Sydney Street, Port Orange, FL 32127	11/17/2015	Certified Mail Returned to City Clerk's Office marked "Not Deliverable as Addressed/Unable to Forward" dated 11/23/15	\$6.95
Stacy Algeri	Mailing Finding of Fact/Conclusion of Law & Order to 5245 Sydney Street, Port Orange, FL 32127	01/13/2016		\$7.21
Clerk of Court	Recording Fee - Finding of Fact/Conclusion of Law & Order	01/13/2016		\$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. 15-1780

To:
Stacy L. Algieri
5245 Sydney St.
Port Orange, FL 32127

Re: 5245 Sydney St.
Port Orange, FL 32127
Parcel ID: 6315-07-22-0030

LEGAL DESCRIPTION: LOT 3 BLK 22 COMMONWEALTH MOBILE ESTATES 2ND ADD MB 31 PGS 104 THRU 106 PER
OR 4621 PG 3468

Volusia County Public Records
Volusia County, FL

An inspection of the premises on October 19, 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 Nuisances, Article II Garbage, Junk and Undergrowth, Section 42-32 Cleanliness of property – generally duty of owner (d)(f)(h). Briefly stated, Property shall be mowed and maintained and kept free of all garbage, junk, and undergrowth.

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

On October 29, 2015, I observed that this entire property is overgrown and needs to be mowed and maintained. Additionally, there is an old hot tub and other items that need to be removed and/or properly stored. There is an active permit on this property to install a mobile home. That process has stopped and the contractor as well as myself have been unable to reach the owner. An inspection of the property on November 11, 2015, showed the property is still 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 **November 30, 2015**.

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

If the violation is corrected and then recurs, or if the violation is not corrected by the specified time for correction by the 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 January 13, 2016 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 \$ 62.95 as indicated on the cost sheet submitted into evidence. The respondent will be responsible for any additional costs incurred with follow-inspections and other costs associated with this case until its conclusion.

NOTICE OF HEARING SETTING FINE AND LIEN

In the event the **Special Magistrate**, during the hearing on **January 13, 2016**, 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 **February 24, 2016, 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 12th day of November, 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 Stacy L. Algieri, 5245 Sydney St., Port Orange, FL 32127, was

☐ Hand-delivered

☒ Posted at the property

this 12th day of November, 2015.

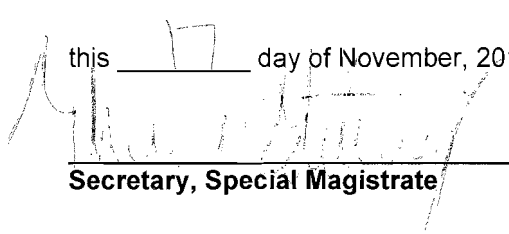
Time: approx. 12:15 pm

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 Stacy L. Algieri, 5245 Sydney St., Port Orange, FL 32127, was

- ☒ Posted at City Hall
- ☒ Sent via certified

this 17 day of November, 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 E RELAY OPERATOR AT 1-800-955-8771.

15-1780



Volusia County
Property Appraiser

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



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Parcel Information: 6315-07-22-0030 2016 Working Tax Roll Last Updated: 11-08-2015

Owner Name and Address

Alternate Key	3637712	Parcel Status	Active Parcel (Real Estate)
Short Parcel ID	6315-07-22-0030	Mill Group	402 Port Orange
Full Parcel ID	15-16-33-07-22-0030	2015 Final Mill Rate	20.86510
Created Date	31 DEC 1981		
Property Class	02 Mobile Homes		
Ownership Type	Fee Simple	Ownership Percent	100
Owner Name	ALGIERI STACEY L		
Owner Name/Address 1			
Owner Address 2	5245 SYDNEY ST		
Owner Address 3	PORT ORANGE FL		
Owner Zip/Postal Code	32127		
Situs Address	5245 SYDNEY ST PORT ORANGE 32127		

Legal Description

LOT 3 BLK 22 COMMONWEALTH MOBILE ESTATES 2ND ADD MB 31 PGS 104 THRU 106 PER OR 4621 PG 3468

Sales History

Book	Page	Sale Date	Sale Instrument	Qualified Unqualified	Improved	Sale Price
4621	3468	08/2000	Quit Claim Deed	Unqualified Sale	Yes	10
4199	0899	04/1997	Warranty Deed	Distress sale	Yes	22,000

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
2015	15,514	12,747	0	28,261	28,261	28,261	0	28,261	0	28,261
2014	15,514	12,333	0	27,847	25,429	25,429	25,000	429	0	429

[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	58.0	108.0	58.00	FRONT FEET	259.99	103	100	100	100	15,514
Neighborhood 5773 COMMONWEALTH M-H EST MB 26-PG											
Total Land Classified											0
Total Land Just											15,514

Building Characteristics

Building Number: 116248 (Building 1 of 1)

Bldg. No.	Improvement Type	Base Perimeter	Year Built	Quality Grade	Architecture	Phys. Depr.	Func. Obs.	Loc. Obs.	Next Review
116248	Mobile Home	164	1973	200	Mobile Home	70%	0%	0%	2999
Rooft Type	FLAT	Floors	Carpet	Bedrooms	3	4 Fixture Bath			0
Rooft Cover	METAL	Wall Type	Plywood Panel	X Fixture Bath	0	5 Fixture Bath			0
Heat Type1	Forced Ducted	Heat Source1	Electricity	2 Fixture Bath	0	6 Fixture Bath			0
Heat Type2		Heat Source2		3 Fixture Bath	1	7 Fixture Bath			0
Foundation	Wd Conc Piers	Year Remodeled		Fireplaces	0	A/C			No

Section Number	Area Type	Exterior Wall Type	Number Stories	Year Built	Attic Finish	Bsmt Area	Bsmt Finish	Floor Area
001 Res BASE Area (BAS)		ALUMINUM SIDING	1.0	1973	N	0%	0%	980 Sq. Feet
004 Porch, Open Unfinished (UOP)		Non-Applicable	1.0	1973	N	0%	0%	80 Sq. Feet
005 Unfinished Enclosed Porch (UEP)		Non-Applicable	1.0	1973	N	0%	0%	270 Sq. Feet

Return to: (enclose self-addressed stamped envelope)

Name:

Address:

This Instrument Prepared by:

Name:

Address:

Property Appraiser's Parcel Identification

Folio Number(s):

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

12/07/2000 12:41
 Doc stamps 0.70
 (Transfer Amt \$ 10)
 Instrument # 2000-224092
 Book: 4621
 Page: 3468
 Diane M. Matousek
 Volusia County, Clerk of Court

SPACE ABOVE THIS LINE FOR PROCESSING DATA

SPACE ABOVE THIS LINE FOR RECORDING DATA

This Quit Claim Deed, Executed the 20th day of August 2000 by
Edward + Stacey Algeri (husband + wife)
 first party, to Stacey Algeri
 whose post office address is 05245 Sydney St. Port Orange 32127
 second party.

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

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

Single wide mobile home + land
 Located at 5245 Sydney St. Port Orange,
 Lot 3, Block 22, Commonwealth mobile
 Home Estates, 2nd Edition according
 to the map or plan thereof, as recorded
 in map book 31, page 104-106 of the public records
 of Volusia County, Florida.

To Have and to Hold The same together with all and singular the appurtenances thereunto belonging
 or in anywise appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever of the said
 first party, either in law or equity to the only proper use, benefit and behoof of the said second party forever.

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

Signed, sealed and delivered in the presence of:

Witness Signature (as to first Grantor)

GINA REID

Printed Name

Laura Welsch

Witness Signature (as to first Grantor)

Laura Welsch

Printed Name

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

GINA REID

Printed Name

Laura Welsch

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

LAURA Welsch

Printed Name

STATE OF FloridaCOUNTY OF VolusiaEdward Algeri and Stacey S. Algeri

known to me to be the person the described in and who executed the foregoing instrument, who acknowledged before me that they
 executed the same, and an oath was not taken. (Check one:) ☐ Said person(s) is/are personally known to me. ☐ Said person(s) provided the
 following type of identification: FL DL

NOTARY RUBBER SEAL Gina W. Reid



Commission # CC 754887
 Expires August 7, 2002
 BONDED THRU
 ATLANTIC BONDING CO., INC.

Witness my hand and official seal in the County and State last aforesaid

this 20 day of Aug 2000

Gina W. Reid

Notary Signature

Printed Name

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

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

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

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

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

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

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

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

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

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

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

(Code 1981, § 10-7)

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner,

vs.

CASE NO: 15-1780

Stacy L. Algieri
5245 Sydney St.
Port Orange, FL 32127,

Respondent.

Property Address: 5245 Sydney Street, Port Orange, FL 32127
Parcel ID: 6315-07-22-0030

AFFIDAVIT OF PROPERTY POSTING
NOTICE OF VIOLATION AND
NOTICE FOR HEARING

STATE OF FLORIDA
COUNTY OF VOLUSIA

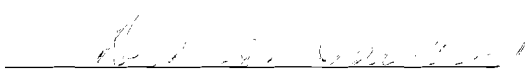
BEFORE ME, the undersigned authority, personally appeared Deborah Faircloth, Code Compliance Inspector, City of Port Orange, Florida, who after being duly sworn, deposes and says:

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 5245 Sydney St., Port Orange, Florida 32127, is owned by Stacy L. Algieri.
4. That 5245 Sydney St., Port Orange, Florida 32127 is the location where the alleged code violation is or was occurring.

5. That I posted a Notice of Violation and Request for Hearing on the property at 5245 Sydney St., Port Orange, Florida 32127, at 12:15 p.m. on the 12th day of November, 2015, as required by Florida Statute Section 162.12(2)(b)(1). A copy of the Notice and Request is attached hereto and made a part hereof.

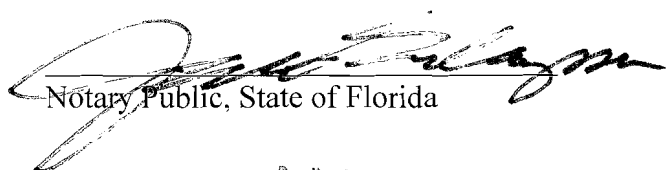
FURTHER AFFIANT SAYETH NOT.

DATED this 12th day of November, 2015.

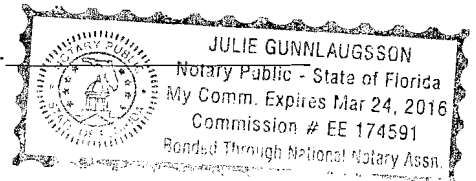

Deborah Faircloth
Code Compliance Inspector

**STATE OF FLORIDA
COUNTY OF VOLUSIA**

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


Notary Public, State of Florida

Commission No.



Case Cost Sheet Log

Case No. 15-1913

Name	Activity	Activity_Date	Status	Cost
Juan F. Galarza	Mailing Notice of Violation/Notice of Hearing to 118 Carlton Place, Port Orange, FL 32127	12/16/2015	Certified Mail Returned to City Clerk's Office marked "Unclaimed".	\$6.95
Mary L. Galarza	Mailing Notice of Violation/Notice of Hearing to 118 Carlton Place, Port Orange, FL 32127	12/16/2015	Certified Mail Returned to City Clerk's Office marked "Unclaimed".	\$6.95
Juan F. Galarza	Mailing Finding of Fact/Conclusion of Law & Order to 118 Carlton Place, Port Orange, FL 32127	01/13/2016		\$7.21
Mary L. Galarza	Mailing Finding of Fact/Conclusion of Law & Order to 118 Carlton Place, Port Orange, FL 32127	01/13/2016		\$7.21
Clerk of Court	Recording Fee - Finding of Fact/Conclusion of Law & Order	01/13/2016		\$27.00

Total: \$55.32



**NOTICE OF REPEAT VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 15-1913

To:

Juan F. & Mary L Galarza
118 Carlton Pl.
Port Orange, FL 32127

Re: 118 Carlton Pl.

Port Orange, FL 32127

Parcel ID: 6310-16-02-0080

LEGAL DESCRIPTION: W 3 FT OF S 25 FT OF LOT 7 & LOT 8 BLK B CARLTON PLACE FLEMINGS PORT ORANGE
PER OR 2503 PG 0164

Volusia County Public Records

Volusia County, FL

An inspection of the premises on November 13, 2015, indicates that certain violation(s) of the City of Port Orange Code exists. Briefly stated, the property is in violation of the following:

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

On November 13, 2015, I observed a repeat violation of the above referenced codes. The original case # 12-1591 was heard on July 11, 2012, by the City of Port Orange Code Enforcement Board and was found in violation. See attached recorded Finding of Fact, Conclusion of Law and Order and the recorded Affidavit of Non-Compliance. To abate the violation, the lawn must be mowed, all high weeds cut back and all yard debris removed.

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 **January 5, 2016**.

A fine of up to \$5000.00 per day per violation for a repeat violation may be assessed by the Special Magistrate.

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 January 13, 2016, 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.

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

As per Chapter 2, Section 2-214, Code of Ordinances and Section 162.09(2)(d), Florida Statutes: "In addition to such fines, a code enforcement board or special magistrate may impose additional fines to cover all costs incurred by the local government in enforcing its codes and all costs of repairs." The costs incurred to date are \$ 13.90 as indicated on the cost sheet submitted into evidence. The respondent will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion.

NOTICE OF HEARING SETTING FINE AND LIEN

In the event the **Special Magistrate**, during the hearing on **January 13, 2016** 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 **February 10, 2016, at 9:00 a.m.**, or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The Code Enforcement Special Magistrate will consider setting fine lien on the above referenced case at said PUBLIC HEARING. Please govern yourself accordingly.

For further information regarding this matter, you may contact the undersigned Code Compliance Inspector at (386) 506-5644.

DATED this 15th day of December, 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 Juan F. & Mary L. Galarza, 118 Carlton Place, Port Orange, FL 32127, was

☐ Hand-delivered

☒ Posted at the property

Time: approx. 3:30 pm

this 15th day of December, 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 Juan F. & Mary L. Galarza, 118 Carlton Place, Port Orange, FL 32127, was

☐ Posted at City Hall

☐ Sent via certified

this 16 day of December, 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
FLORIDA

Volusia County
Property Appraiser

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



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Parcel Information: 6310-16-02-0080 2016 Working Tax Roll Last Updated: 12-13-2015

Owner Name and Address

Alternate Key	3617525	Parcel Status	Active Parcel (Real Estate)
Short Parcel ID	6310-16-02-0080	Mill Group	402 Port Orange
Full Parcel ID	10-16-33-16-02-0080	2015 Final Mill Rate	20.86510
Created Date	31 DEC 1981		
Property Class	01 Single Family		
Ownership Type		Ownership Percent	100
Owner Name	GALARZA JUAN F & MARY L		
Owner Name/Address 1			
Owner Address 2	118 CARLTON PL		
Owner Address 3	PORT ORANGE FL		
Owner Zip/Postal Code	32127-5102		
Situs Address	118 CARLTON PL PORT ORANGE 32127		

Legal Description

W 3 FT OF S 25 FT OF LOT 7 & LOT 8 BLK B CARLTON PLACE FLEMINGS PORT ORANGE PER OR 2503 PG 0164

Sales History

Book Page	Sale Date	Sale Instrument	Qualified Unqualified	Improved	Sale Price
2503 0164	10/1983	Warranty Deed	Affiliated Parties	Yes	100
2115 1670	10/1979	Warranty Deed	Qualified Sale	Yes	23,500
1779 0341	05/1975	Warranty Deed	Qualified Sale	Yes	10,900

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
2015	15,322	53,103	2,267	70,692	70,692	65,881	0	70,692	0	65,881
2014	11,747	47,597	2,026	61,370	61,370	59,892	0	61,370	0	59,892

[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	53.0	100.0	53.00	FRONT FEET	300.00	96	100	100	100	15,322
Neighborhood	4244 INSIDE LOTS EAST OF US-1										
Total Land Classified											0
Total Land Just											15,322

Building Characteristics

Building Number: 114571 (Building 1 of 1)

Bldg. No.	Improvement Type	Base Perimeter	Year Built	Quality Grade	Architecture	Phys. Depr.	Func. Obs.	Loc. Obs.	Next Review
114571	Single Family		176	1952	300	31%	0%	0%	2999
Roof Type	GABLE	Floors		Pine/Softwoods	Bedrooms	2	4	Fixture Bath	0
Roof Cover	ASPHALT SHINGL	Wall Type		Plaster	X Fixture Bath	0	5	Fixture Bath	0
Heat Type1	Convection	Heat Source1		Electricity	2 Fixture Bath	0	6	Fixture Bath	0
Heat Type2		Heat Source2			3 Fixture Bath	2	7	Fixture Bath	0
Foundation	Concrete Block	Year Remodeled			Fireplaces	0	A/C		No
Section Number	Area Type	Exterior Wall Type		Number Stories	Year Built	Attic Finish	Bsmt Area	Bsmt Finish	Floor Area
001 Res	BASE Area (BAS)	SGL SIDING,W.FR.NO SHEAT		1.0	1952	N	0%	0%	972 Sq. Feet

2503 0164

The instrument was prepared by

BOOK PAGE

BIRKEN BLECK, JR.

BECKS, BECKS & WICKERSHAM
125 North Ridgewood Avenue
DAYTONA BEACH, FLORIDA 32011**Warranty Deed**

(STATUTORY FORM - SECTION 689.07 F.S.)

This Indenture, Made this _____ day of _____ October 19 83 Between

JUAN F. GALARZA and MARY L. GALARZA, his wife

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

JUAN F. GLARZA and MARY L. GALARZA, his wife as joint tenants with
right of survivorship and not as tenants in common.

whose post office address is 118 Carlton Place, Port Orange

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

Witnesseth, That said grantor, for and in consideration of the sum of

TEN (\$10.00) -----

Dollars,

and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby
acknowledged, has granted, bargained and sold to the said grantee, and grantee's heirs and assigns forever the following
described land, situate, lying and being in Volusia County Florida, to-witThe Westerly 3 feet of the Southerly 25 feet of Lot 7 and all
of Lot 8, Block B, CARLTON PLACE, according to the plat thereof
as recorded in Map Book 9, page 45, of the Public Records of
Volusia County, Florida.

098571

FILED FOR RECORD
RECORD VERIFIED

JUL 26 2 28 PM '83

By *[Signature]*
CLERK OF CIRCUIT COURT
VOLUSIA COUNTY, FLORIDADS Paid 454 Date OCT 26 1983
County Volusia*[Signature]*
Signature of Clerkand said grantor does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all
persons whomsoever.

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

In Witness Whereof,

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

Signed, sealed and delivered in our presence:

[Signature]
*[Signature]**[Signature]* (Seal)
JUAN F. GALARZA*[Signature]* (Seal)
MARY L. GALARZA

(Seal)

STATE OF FLORIDA
COUNTY OF VOLUSIAI HEREBY CERTIFY that on this day before me, an officer duly qualified to take acknowledgments, personally appeared
JUAN F. GALARZA and MARY L. GALARZA, his wifeto me known to be the person described in and who executed the foregoing instrument and acknowledged before me that
they executed the sameWITNESS my hand and official seal in the County and State last aforesaid this 21st day of October
1983

My commission expires

NOTARY PUBLIC STATE OF FLORIDA AT LARGE
MY COMMISSION EXPIRES SEP 1984
BROOKS THOMAS GIBSON, JR., UNDERWRITER*[Signature]*
Notary Public

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

**CITY OF PORT ORANGE, FLORIDA
CODE ENFORCEMENT BOARD
CASE NO. 12-1591**

CITY OF PORT ORANGE,
a Florida municipal corporation,

Petitioner,

v.

Juan F. & Mary L. Galarza
118 Carlton Pl
Port Orange, FL 32127
6310-16-02-0080

Respondents.

FINDING OF FACT, CONCLUSION OF LAW AND ORDER

THIS CAUSE came on for public hearing before the Code Enforcement Board on July 11, 2012, after due notice to the Respondent, and the Board having heard testimony under oath, received evidence and heard argument, from Staff and Respondent, thereupon issues its Findings of Fact, Conclusions of Law, and Order, as follows:

FINDINGS OF FACT :

A. Respondents, Juan F. & Mary L. Galarza, whose mailing address is 118 Carlton Pl, Port Orange, Florida, are the owners of the property located at 118 Carlton Pl, Port Orange, FL, and more particularly described as:

LEGAL DESCRIPTION: W 3 FT OF S 25 FT OF LOT 7 & LOT 8 BLK B
CARLTON PLACE FLEMINGS PORT ORANGE PER OR 2503 PG 0164

B. The condition of the property needing to be mowed and maintained. All garbage, waste, trash etc. needs to be removed was first observed at the real property described above on June 29, 2012; a re-inspection made on July 10, 2012 confirmed the condition as being the same. Respondents, Juan F. & Mary L. Galarza, received notice via certified and regular mail and posting of property on June 29, 2012, that the aforesaid conditions constituted a violation of the City of Port Orange Code of Ordinances Chapter 42 Section 42-26(d) (Maintenance of improved residential lots). & (f) Garbage, waste, trash, etc. prohibited and was to be corrected by July 10, 2012.

C. At the time of the hearing on July 11, 2012, the violations cited above continue to exist.

CONCLUSION OF LAW :

Respondents, Juan F. & Mary L. Galarza by reason of the foregoing, have violated the Port Orange Code of Ordinances Chapter 42 Section 42-26(d) (Maintenance of improved residential lots). & (f) Garbage, waste, trash, etc. prohibited, in that the respondent failed, on or before the date set in the notice of violation, to remedy the condition of the property needing to be mowed and maintained. All garbage, waste, trash etc. needs to be removed, and is therefore subject to the provisions of Chapter 162, Florida Statutes (2011).

ORDER

A. Respondent shall correct the aforesaid violation by abating all overgrowth, and by removing all garbage, waste, trash, etc. on or before July 18, 2012. In the event that the aforesaid violator has not complied, the City of Port Orange shall have the option to abate the violation. Property shall incur a lien payable to the City of Port Orange for all costs of abatement. Additionally the City of Port Orange shall have the option to abate any future violation(s) of the same ordinance, as long as the property is legally owned by Juan F. & Mary L. Galarza. Any future violations under this ordinance shall be considered repeat violations and dealt with accordingly. Additionally, As per Chapter 2, Section 2-214, Code of Ordinances: "In addition to any fines, the code enforcement board 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 \$13.20 as indicated on this cost sheet submitted into evidence. The respondent will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion.

B. In the event that the Respondent completes the requirements listed above, Respondent shall request a re-inspection by the Code Compliance Inspector to determine whether the violation has been brought into compliance.

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 Respondents and if the violation concerns real property, any subsequent purchasers, successors in interest, or assigns pursuant to Section 162.07, Florida Statutes (2011).

DONE AND ORDERED this 11 day of July, 2012.

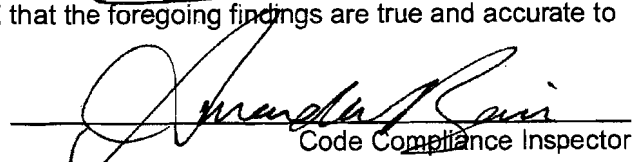
Attest:


Code Enforcement Board Secretary

By:


Code Enforcement Board Chairman

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 Juan F. & Mary L. Galarza at 118 Carlton Pl, Port Orange, FL 32127, by Certified and Regular U.S. Mail this 13 day of July, 2012.

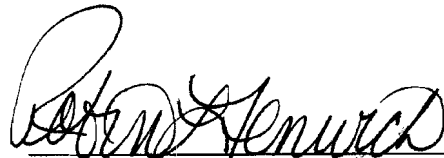

Secretary, Code Enforcement Board

CERTIFICATION BY DEPUTY CITY CLERK

STATE OF FLORIDA)
COUNTY OF VOLUSIA)

I, ROBIN FENWICK, Deputy City Clerk of the City of Port Orange, Volusia County, Florida, do hereby certify that the above and foregoing is a true and correct copy of the Finding of Fact, Conclusion of Law and Order, related to Code Enforcement Case No. 12-1591, for property located at 118 Carlton Pl., Port Orange, FL, as the same appears of record in the Office of the City Clerk.

In my capacity as Deputy City Clerk, I have hereunto set my hand and affixed the official seal of the City of Port Orange, Florida, on the 13 day of July, 2012.



Robin Fenwick
Deputy City Clerk

(Official Seal)

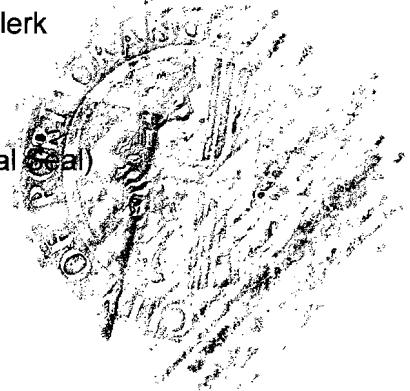


Exhibit A
Affidavit of Non-Compliance

CITY OF PORT ORANGE, FLORIDA

CODE ENFORCEMENT BOARD

CITY OF PORT ORANGE,

Petitioner.

Vs.

CASE NO: 12-1591
118 Carlton PL

JUAN F. & MARY L. GALARZA,
Respondent.

AFFIDAVIT OF NON-COMPLIANCE

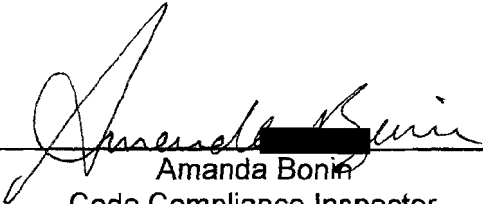
STATE OF FLORIDA
COUNTY OF VOLUSIA

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

1. That on **July 11, 2012**, the Board held a public hearing and issued its Order in the above-styled matter.
2. That, pursuant to said Order, Respondent was to have taken certain corrective action on or before **July 18, 2012**.
3. That a re-inspection was performed on **July 19, 2012**.
4. That the re-inspection revealed that the corrective action ordered by the Board has not been taken in that: the required improvements for the approved site plan have not been completed.

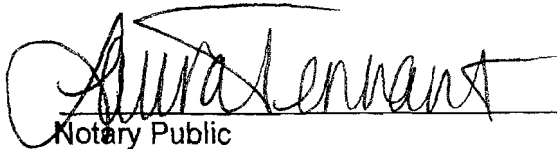
FURTHER AFFIANT SAYETH NOT.

Dated this 19th day of July, 2012.


Amanda Bonin
Code Compliance Inspector
City of Port Orange, Florida

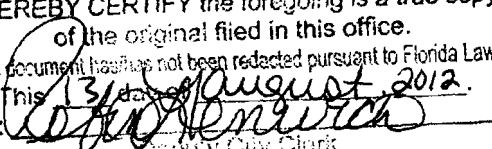
STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this 19th day of July, 2012 by Amanda Bonin who is personally known to me.


Notary Public
State of Florida at Large

Commission No. _____



CITY OF PORT ORANGE, FLORIDA
I HEREBY CERTIFY the foregoing is a true copy
of the original filed in this office.
This document has not been redacted pursuant to Florida Law.
This 13th day of August, 2012.
By: 
Deputy City Clerk



CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner,

vs.

CASE NO: 15-1913

Juan F. & Mary L. Galarza
118 Carlton Place
Port Orange, FL 32127,

Respondents.

Property Address: 118 Carlton Place, Port Orange, FL 32127
Parcel ID: 6310-16-02-0080

AFFIDAVIT OF PROPERTY POSTING
NOTICE OF REPEAT 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 118 Carlton Place, Port Orange, Florida 32127, is owned by Juan F. & Mary L. Galarza.
4. That 118 Carlton Place, 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 118 Carlton Place, Port Orange, Florida 32127, at 3:30 p.m. on the 15th day of December, 2015, as required by Florida Statute Section 162.12(2)(b)(1). A copy of the Notice and Request is attached hereto and made a part hereof.

FURTHER AFFIANT SAYETH NOT.

DATED this 16th day of December, 2015.

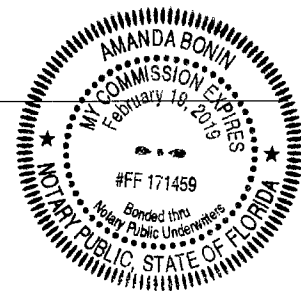
Deborah Faircloth
Deborah Faircloth
Code Compliance Inspector

**STATE OF FLORIDA
COUNTY OF VOLUSIA**

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

Amanda Bonin
Notary Public, State of Florida

Commission No. _____



Case Cost Sheet Log

Case No. 15-1660

Name	Activity	Activity_Date	Status	Cost
Mary H. Culpepper	Mailing Notice of Violation/Notice of Hearing to 3456 Country Walk Drive, Port Orange, FL 32129	01/13/2016	Certified Green Card Signed by Mary H. Culpepper and Returned to City Clerk's Office.	\$6.95
Mary H. Culpepper	Mailing Finding of Fact/Conclusion of Law & Order to 3456 Country Walk Drive, Port Orange, FL 32129	01/13/2016		\$7.21
Clerk of Court	Recording Fee - Finding of Fact/Conclusion of Law & Order	01/13/2016		\$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. 15-1660

To: Mary H. Culpepper
Property Owner
3456 Country Walk Drive
Port Orange, FL 32129

Re: 3456 Country Walk Drive
Port Orange, FL 32129
Parcel ID: 6337-20-00-0290

LEGAL DESCRIPTION: LOT 29 & ADDITIONAL R/W VAC IN E 30 FT ON N/L & E 10 FT ON S/L W OF LOT 29 COUNTRY
WALK PHASE I MB 40 PG 73 PER OR 2831 PG 0418

Volusia County Public Records
Volusia County, FL

An inspection of the premises on **September 21, 2015** indicates that certain violation(s) of the City of Port Orange Code exists. Briefly stated, the property is in violation of the following:

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

Chapter 42 (Nuisances), Article II (Garbage, Junk and Undergrowth), Section 42-32 (Storage of vehicles, furniture, etc.) of the City of Port Orange Code of Ordinances: 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), 304.14 (Insect Screens) of the International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: Year round, 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 25mm) and every screen door for insect control shall have a self-closing device in good condition.

An inspection of the premises was conducted on September 21, 2015 after receiving a complaint on citizen connection regarding the strong smell of urine and feces coming from this location. This issue will be addressed by animal control. A month or so prior to receiving this complaint, I was asked to accompany animal control officer Lisa Ferrara Daly on an inspection concerning feral cats that were being fed and hanging out around the home. We viewed a hole in the screen where a cat entered the interior of the home. In addition, there are numerous small hand held kennels in the back yard and front porch area along with items covered with a tarp at the back side of the property. There is a yard debris on the ground that needs to be removed (downed trees and limbs) and the grass in the back yard is overgrown. The owner would not answer the door during our visit. Another inspection was conducted on November 30, 2015 which revealed the above conditions as being the same.

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 December 11, 2015 by removing all yard debris, replacing any torn screens on the property, removing outdoor storage to include kennels, items underneath tarp, etc. and by mowing the back yard.

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.

NOTE: 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 January 13, 2016 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 **January 13, 2016** 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 February 24, 2016, at 9:00 a.m.**, or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The Code Enforcement Special Magistrate will consider setting fine lien on the above referenced case at said PUBLIC HEARING. Please govern yourself accordingly.

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

DATED this 11th day of December, 2015.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: Dena Joseph
Dena Joseph, Code Compliance Inspector

X

I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Mary H. Culpepper, Property Owner, 3456 Country Walk Drive, Port Orange, FL 32129, was

☐ Hand-delivered Recipient of hand delivered documents: _____

☒ Posted at the property

this 2nd day of December, 2015.

Time: approx. 4:15 PM



Dena Joseph, Code Compliance Inspector

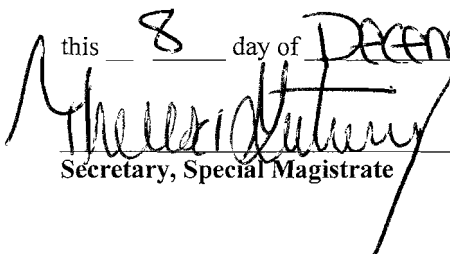
X

I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Mary H. Culpepper, Property Owner, 3456 Country Walk Drive, Port Orange, FL 32129, was

☐ Posted at City Hall

☒ Sent via certified

this 8 day of December, 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.



Home Search Downloads Exemptions Agriculture Maps Tangible Links Contact

Home Search Choices Search By Location Address Property Information

Parcel Information: 6337-20-00-0290 2015 Working Tax Roll Last Updated: 11-22-2015

Owner Name and Address

Alternate Key	4800450	Parcel Status	Active Parcel (Real Estate)
Short Parcel ID	6337-20-00-0290	Mill Group	402 Port Orange
Full Parcel ID	37-16-33-20-00-0290	2015 Final Mill Rate	20.86510
Created Date	23 JAN 1986		
Property Class	01 Single Family		
Ownership Type		Ownership Percent	100
Owner Name	CULPEPPER MARY H		
Owner Name/Address 1			
Owner Address 2	3456 COUNTRY WALK DR		
Owner Address 3	PORT ORANGE FL		
Owner Zip/Postal Code	32119-3155		
Situs Address	3456 COUNTRY WALK DR PORT ORANGE 32129		

Legal Description

LOT 29 & ADDITIONAL R/W VAC IN E 30 FT ON N/L & E 10 FT ON S/L W OF LOT 29 COUNTRY WALK PHASE I MB 40 PG 73 PER OR 2831 PG 0418

Sales History

Book Page	Sale Date	Sale Instrument	Qualified Unqualified	Improved	Sale Price
2831 0418	06/1986	Warranty Deed	Qualified Sale	Yes	79,200

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
2015	24,757	98,668	0	123,425	117,503	117,503	117,503	0	0	0
2014	24,757	94,224	0	118,981	116,570	116,570	116,570	0	0	0

[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	82.0	140.0	82.00	FRONT FEET	280.00	108	100	100	100	24,757
Neighborhood	5352 COUNTRY WALK PHASE I II										
											Total Land Classified 0
											Total Land Just 24,757

Building Characteristics

Building Number: 152059 (Building 1 of 1)

Bldg. No.	Improvement Type	Base Perimeter	Year Built	Quality Grade	Architecture	Phys. Depr.	Func. Obs.	Loc. Obs.	Next Review
152059	Single Family	206	1986	300		17%	0%	0%	2999
Roof Type	GABLE	Floors		Carpet	Bedrooms	3	4 Fixture Bath		0
Roof Cover	ASPHALT SHINGL	Wall Type		Drywall	X Fixture Bath	0	5 Fixture Bath		0
Heat Type1	Forced Ducted	Heat Source1		Electricity	2 Fixture Bath	0	6 Fixture Bath		0
Heat Type2		Heat Source2			3 Fixture Bath	2	7 Fixture Bath		0
Foundation	Concrete Slab	Year Remodeled			Fireplaces	0	A/C		Yes
Section Number	Area Type	Exterior Wall Type	Number Stories	Year Built	Attic Finish	Bsmt Area	Bsmt Finish	Floor Area	
001	Res BASE Area (BAS)	C B STUCCO	1.0	1986	N	0%	0%	1430 Sq. Feet	
002	Porch, Screened Finished (FSP)	Non-Applicable	1.0	1986	N	0%	0%	200 Sq. Feet	
003	Porch, Open Finished (FOP)	Non-Applicable	1.0	1986	N	0%	0%	72 Sq. Feet	
004	Finished Garage (FGR)	Non-Applicable	1.0	1986	N	0%	0%	483 Sq. Feet	

This Warranty Deed

BOOK 3008 PAGE 10418

Joseph P. Monaco, President of Lantec Development Corporation
a corporation existing under the laws of the State of Florida, and having its principal place of
business at 3497 Country Walk Drive, Port Orange, Florida 32019
hereinafter called the grantor, to

Phil L. Culpepper and Mary H. Culpepper, his wife

whose postoffice address is 3456 Country Walk Drive, Port Orange, Florida 32019

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, by these presents does grant, bargain, sell,
alien, remise, release, convey and confirm unto the grantee, all that certain land situate in Volusia
County, Florida, to:

Lot 29 Country Walk, Phase 1, as per Map in Map Book 40,

Page 73, Public Records of Volusia County, Florida.

REC FEE \$ 5.00 REC'D PAYMENT AS
DOCT \$ 396.00 INDICATED FOR CLASS
INT TAX \$ C INTANGIBLE & DOCT
PENALTY \$ STAMP TAXES SIGNED
INTEREST \$
City of Volusia Co. Florida J. J. Smith

364935

RECORD
VERIFIED

3 30 PM '86

Together with all the covenants, hereditaments and appurtenances thereto belonging or in any
wise appertaining.

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

And the grantor hereby covenants with said grantee that it is lawfully seized of said land in fee
simple; that it has good right and lawful authority to sell and convey said land; that it hereby fully war-
rants 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 subject to taxes for the year 1986 and
subsequent years.

(CORPORATE SEAL)

In Witness Whereof the grantor has caused these presents to
be executed in its name, and its corporate seal to be hereunto affixed, by its
proper officers thereunto duly authorized, the day and year first above written.

ATTEST:

LANTEC DEVELOPMENT CORPORATION

Signed, sealed and delivered in the presence of:

Cynthia A. Menoghan
Resquee Yarns

By Joseph P. Monaco, President

STATE OF FLORIDA
COUNTY OF VOLUSIA

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

well known to me to be the President and
in the foregoing deed and that they mutually acknowledged executing the same in the presence of two subscribing witnesses freely and voluntarily
under authority duly vested in them by said corporation and that the seal affixed therein is the true corporate seal of said corporation

WITNESSES my hand and official seal in the County and State last aforesaid this 6th day of June A.D. 1986

Cynthia A. Menoghan

This instrument prepared by:

Address

PROFESSIONAL TITLE & CLERICAL SERVICES, INC.
3004 SOUTH RIVERWOOD AVENUE, SUITE 112
SOUTH DAYTONA, FLORIDA 32019

064935

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)

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)

- b. "International Plumbing Code" is hereby deleted and replaced with "Florida Plumbing Code";
 - c. "International Mechanical Code" is hereby deleted and replaced with "Florida Mechanical Code";
 - d. "International Fuel Gas Code" is hereby deleted and replaced with "Florida Fuel Gas Code";
 - e. "International Residential Code" is hereby deleted and replaced with "Florida Residential Code";
 - f. "International Existing Building Code" is hereby deleted and replaced with "Florida Existing Building Code";
 - g. "International Electrical Code" is hereby deleted and replaced with "National Electric Code NFPA 70";
 - h. "International Fire Code" is hereby deleted and replaced with "Florida Fire Prevention Code"; and
 - i. "International Zoning Code" is hereby deleted and replaced with "City of Port Orange Land Development Code".
- (3) *103.1 General* is amended to read as follows:
- The City Manager or his or her designee is hereby charged with the primary responsibility of enforcing this code.
- (4) *103.2 Appointment* is amended to read as follows:
- The Code Official shall be the City Manager or his or her designee.
- (5) *103.5 Fees* is hereby deleted.
- (6) *106.2 Notice of Violation* is hereby deleted.
- (7) *106.3 Prosecution of Violation* is hereby deleted.
- (8) *SECTION 107 NOTICES AND ORDERS* is hereby deleted in its entirety.
- (9) *SECTION 110 DEMOLITION* is hereby deleted in its entirety.
- (10) *SECTION 111 MEANS OF APPEAL* is hereby deleted in its entirety.
- (11) *201.4 Terms not defined* is amended to read as follows:
- Words not defined herein or in the referenced Florida Codes shall have meanings defined in the City's Land Development Code or Code of Ordinances. Words not defined in those documents shall have the meaning stated in Webster's Ninth New Collegiate Dictionary, as revised.
- (12) *302.4 Weeds* is amended to read as follows:
- All premises and exterior property shall be maintained free from weeds or plant growth in accordance with the provisions of Sec. 42-26 of the Code of Ordinances, and the owner thereof shall be subject to the imposition of costs and liens under Section 42-27 of the Code of Ordinances for violations of this section.
- (13) *304.14 Insect Screens* is amended to read as follows:
- Year-round, 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 25mm), and

Case Cost Sheet Log

Case No. 15-1745

Name	Activity	Activity_Date	Status	Cost
Lindamar, Inc. C/O Betsy D. Crouch	Mailing Notice of Violation/Notice of Hearing to 5018 Riverside Drive, Port Oranage, FL 32127	12/08/2015	Certified Green Card Signed on 12/10/15 and Returned to City Clerk's Office.	\$7.17
Lindamar, Inc. C/O Betsy D. Crouch	Mailing Finding of Fact/Conclusion of Law & Order to 5018 Riverside Drive, Port Oranage, FL 32127	01/13/2016		\$7.21
Clerk of Court	Recording Fee - Finding of Fact/Conclusion of Law & Order	01/13/2016		\$27.00

Total: \$41.38



NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 15-1745

To: Lindamar Inc.
Property Owner
C/O Betsy D. Crouch
Registered Agent
5018 Riverside Drive
Port Orange, FL 32127

Re: 4075 Ridgewood Avenue
Port Orange, FL 32127
Parcel ID: 6303-11-01-0012

LEGAL DESCRIPTION: PART OF LOTS 1 2 & 3 S & E OF BRIDGE APPROACH BEING W 239 FT ON S/L & INC E 100 FT OF
W 255 FT OF LOT 3 EXC ROAD BLK A WILSONS PORT ORANGE PER OR 1564 PG 0390 PER OR
2368 PG 1098

Volusia County Public Records
Volusia County, FL

An inspection of the premises on **October 8, 2015** indicates that certain violation(s) of the City of Port Orange Code exists. Briefly stated, the property is in violation of the following:

Chapter 42 (Nuisances), Article II (Garbage, Junk and Undergrowth), Section 42-26 (Cleanliness of property generally-duty of owner), (c) Maintenance of commercial and industrial zoned lots) of the City of Port Orange Code of Ordinances: The owner of every improved lot, piece and parcel of land located within a commercial or industrial zone within the city shall keep each such lot, piece or parcel of land free and clear of all fallen trees and limbs and undergrowth exceeding 12 inches in height.

Chapter 42 (Nuisances), Article II (Garbage, Junk and Undergrowth), Section 42-26 (Cleanliness of property generally-duty of owner), (f) Garbage, waste, trash, etc. prohibited of the City of Port Orange Code of Ordinances: 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 16 (Miscellaneous Regulations), Section 1 (Accessory Uses and Structures), (e) Outside storage, (3) Commercial uses of the City of Port Orange Land Development Code: Outside storage of equipment and materials shall be permitted only when associated with a commercial use.

Chapter 3 (General Requirements), Section 301 (General), 301.3 (Vacant Structures and Land) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: Vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

A complaint was received on October 7, 2015 from a Port Orange City Council member concerning the condition of this property. I conducted an inspection on October 8, 2015 and found high weeds all over the property to include a large abundance of yard debris (fallen limbs, fronds, etc). In addition, there are some items on site such as a barrel, pallets, etc. I contacted the property owner via telephone and informed her of these violations that need to be corrected. A re-inspection was performed on November 23, 2015 and the property remains in non-compliance.

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

THIS CORRESPONDENCE WILL SERVE AS OFFICIAL NOTIFICATION THAT THE ABOVE STATED VIOLATION(S) MUST BE CORRECTED BY DECEMBER 13, 2015 BY REMOVING ALL HIGH WEEDS AND GRASS FROM THE PROPERTY, REMOVING ALL YARD DEBRIS, AND REMOVING ANYTHING BEING STORED ON THE PROPERTY.

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

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

NOTE: 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. If we do not receive a call from said property owner informing us that all corrections have been made, it will be assumed that the property remains in non-compliance and the case will continue to the magistrate meeting as indicated below.

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 January 13, 2016 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 \$ 28.68 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 **January 13, 2016** 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 **February 24, 2016, at 9:00 a.m.**, or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The Code Enforcement Special Magistrate will consider setting fine lien on the above referenced case at said PUBLIC HEARING. Please govern yourself accordingly.

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

DATED this End day of December, 2015.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: Dena Joseph
Dena Joseph, Code Compliance Inspector

✓
I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Lindamar Inc., Property Owner, C/O Betsy D. Crouch, Registered Agent, 5018 Riverside Drive, Port Orange, FL 32127, was

☐ Hand-delivered Recipient of hand delivered documents: _____

☒ Posted at the property

this 2nd day of December, 2015.

Time: approx. 3:45 PM

Dena Joseph
Dena Joseph, Code Compliance Inspector

✗
I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Lindamar Inc., Property Owner, C/O Betsy D. Crouch, Registered Agent, 5018 Riverside Drive, Port Orange, FL 32127, was

☒ Posted at City Hall

☒ Sent via certified

Additionally, first class mail was sent to the following officers/directors of Lindamar, Inc.:

Constantine Kanellopoulos, VD
4325 Ashington Drive
Birmingham, AL 35242

Charles VanVourellis, VD
4325 Gaslight Drive
South Daytona, FL 32119

Sheree K. Terry, PD
4325 Ashington Drive
Birmingham, AL 35242

this 18 day of DECEMBER, 2015.
Sheree K. Terry
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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Parcel Information: 6303-11-01-0012 2016 Working Tax Roll Last Updated: 11-22-2015

Owner Name and Address

Alternate Key	3577388	Parcel Status	Active Parcel (Real Estate)
Short Parcel ID	6303-11-01-0012	Mill Group	402 Port Orange
Full Parcel ID	03-16-33-11-01-0012	2015 Final Mill Rate	20.86510
Created Date	30 DEC 1981		
Property Class	10 Vacant Commercial		
Ownership Type		Ownership Percent	100
Owner Name	LINDAMAR INC		
Owner Name/Address 1			
Owner Address 2	5018 RIVERSIDE DR		
Owner Address 3	PORT ORANGE FL		
Owner Zip/Postal Code	32127-5131		
Situs Address	4075 RIDGEWOOD AV PORT ORANGE 32127		

Legal Description

PART OF LOTS 1 2 & 3 S & E OF BRIDGE APPROACH BEING W 239 FT ON S/L & INC E 100 FT OF W 255 FT OF LOT 3 EXC ROAD BLK A WILSONS PORT ORANGE PER OR 1564 PG 0390 PER OR 2368 PG 1098

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
2015	388,952	0	40,238	429,190	429,190	251,072	0	429,190	0	251,072
2014	175,028	0	53,219	228,247	228,247	228,247	0	228,247	0	228,247

[Display Value History](#)

Land Data

Code	Land Use Type	Frontage	Depth	No. Units	Unit Type	Rate	Depth	Loc	Shp	Phy	Just Value
1003	COMMERCIAL LND W/MI	0.0	0.0	47871.00	SQUARE_FEET	3.25	100	250	100	100	388,952
Neighborhood C5508 PORT ORANGE- US HWY 1											0
Total Land Classified											0
Total Land Just											388,952

Miscellaneous Improvements

Improvement Type	Number of Units	Unit Type	Life	Year In	Grade	Length	Width	Depr. Value
PVC PAVING CONCRET	27,042 SF		15	1990	3	0	0	40,238

Parcel Notes (Click button below to display Parcel Notes)

[Display Notes](#)

Planning and Building

Permit Number	Permit Amount	Date Issued	Date Complete	Construction Description	Occupancy Number	Occupancy Bldg
05-8124	0	12-14-2005				0
09-708	4,500	03-23-2009		DEMO COMM BLDG		0

[Display Permits](#)

Total Values

Land Value	388,952	New Construction Value	0
Building Value	0	City Econ Dev/Historic	0
Miscellaneous	40,238		
Just Value	429,190	Previous Just Value	429,190
School Assessed	429,190	Previous School Assessed	429,190
Non-School Assessed	276,179	Previous Non-School Assessed	251,072
Exemption Value	0	Previous Exemption Value	0
Additional Exemption Value	0	Previous Additional Exemption Value	0
School Taxable	429,190	Previous School Taxable	429,190
Non-School Taxable	276,179	Previous Non-School Taxable	251,072

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

LINDAMAR, INC.

Filing Information

Document Number	182875
FEI/EIN Number	59-6064620
Date Filed	01/21/1955
State	FL
Status	ACTIVE
Last Event	REINSTATEMENT
Event Date Filed	04/27/1971

Principal Address5018 RIVERSIDE DRIVE
PORT ORANGE, FL 32127

Changed: 02/21/2011

Mailing Address5018 RIVERSIDE DRIVE
PORT ORANGE, FL 32127

Changed: 02/21/2011

Registered Agent Name & AddressCROUCH, BETSY D
5018 RIVERSIDE DRIVE
PORT ORANGE, FL 32127

Name Changed: 04/25/2000

Address Changed: 02/21/2011

Officer/Director Detail**Name & Address**

Title VD

Kanellopoulos, Constantine
4325 ashington dr
Birmingham, AL 35242

Title STD

CROUCH, BETSY D
5018 RIVERSIDE DR
PORT ORANGE, FL 32127

Title VD

VanVourellis, Charles
4325 Gaslight Dr
South Daytona, FL 32119

Title PD

Terry, Sheree K
4325 Ashington Dr
Birmingham, AL 35242

Annual Reports

Report Year	Filed Date
2013	04/11/2013
2014	03/10/2014
2015	02/24/2015

Document Images

02/24/2015 -- ANNUAL REPORT	View image in PDF format
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04/11/2013 -- ANNUAL REPORT	View image in PDF format
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03/04/1998 -- ANNUAL REPORT	View image in PDF format
04/14/1997 -- ANNUAL REPORT	View image in PDF format

Volusia County FLORIDA

Business Services - Revenue Division

2015 Roll Details — Real Estate Account At 4075 RIDGEWOOD, PORT ORANGE

Real Estate Account #630311010012

☐ Parcel details☐ Latest bill☒ Full bill history**Pay All: \$6,259.72****2015****2014****2013****2012****...****1999**\$6259.72
due**PAID****PAID****PAID****PAID****Pay this bill: \$6,259.72****Owner:** LINDAMAR INC

5018 RIVERSIDE DR

PORT ORANGE, FL 32127-5131

Situs: 4075 RIDGEWOOD

PORT ORANGE

Account number: 630311010012**Alternate Key:** 3577388**Millage code:** 402 - Port Orange**Millage rate:** 20.86510**Assessed value:** 251,072**School assessed value:** 429,190**Property Appraiser
GIS**

2015 Annual bill

 **View****Ad valorem:** \$6,520.54**Non-ad valorem:** \$0.00**Total Discountable:** 6520.54**No Discount NAVA:** 0.00**Total tax:****Legal description**PART OF LOTS 1 2 & 3 S & E OF BRIDGE APPROACH BEING W 239 FT ON S/L & INC E 100 FT OF W 255 FT OF LOT
ROAD BLK A WILSONS PORT ORANGE PER OR 1564 PG 0390 PER OR 2368 PG 1098

Location

Book, page, item: —
Geo number: 33160311010012
Range: 33
Township: 16
Section: 03
Neighborhood: C5508
Block: 01
Lot: 0012
Use code: 10
Total acres: 0.000

Terms of service

© 1997–2015, Grant Street Group.

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)

Section 1: - Accessory uses and structures.

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

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

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

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

(c) *General provisions.*

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

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

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

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

(1) *Residential uses.*

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

(b)

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

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

CHAPTER 3

GENERAL REQUIREMENTS

SECTION 301 GENERAL

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

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

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

SECTION 302 EXTERIOR PROPERTY AREAS

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

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

Exception: *Approved* retention areas and reservoirs.

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

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

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

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

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

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

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

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

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

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

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

SECTION 303 SWIMMING POOLS, SPAS AND HOT TUBS

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

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

Case Cost Sheet Log

Case No. 15-1991

Name	Activity	Activity_Date	Status	Cost
OR-EL 18, LLC C/O Business Filings, Inc.	Mailing Notice of Violation/Notice of Hearing to 1200 South Pine Island Rd., Plantation, FL 33324	12/09/2015	Certified Green Card Signed by Craig Bernstien on 12/16/15 and returned to City Clerk's Office.	\$6.95
OR-EL 18, LLC C/O Business Filings, Inc.	Mailing Finding of Fact/Conclusion of Law & Order to 1200 South Pine Island Rd., Plantation, FL 33324	01/13/2016		\$7.21
Clerk of Court	Recording Fee - Finding of Fact/Conclusion of Law & Order	01/13/2016		\$27.00

Total: \$41.16



**NOTICE OF REPEAT VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 15-1991

To: **OR-EL 18, LLC**
Property Owner
C/O Business Filings Incorporated
1200 South Pine Island Road
Plantation, FL 33324

Re: **3741 Clyde Morris Boulevard (Dollar General)**
Port Orange, FL 32129
Parcel ID: **6306-18-00-1000**

LEGAL DESCRIPTION: **06 16 33 UNIT 100 SOUTHWINDS LAC CONDO PER OR 6663 PG 1733 PER OR 6675 PG 1692 PER
OR 7002 PG 1020 PER OR 7008 PG 1745**

Volusia County Public Records
Volusia County, FL

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

Chapter 74 Utilities), Article VI (Reclaimed Water), Section 74-192, (Maintenance of Facilities by Customer) of the City of Port Orange Code of Ordinances:

The property owner or customer shall be responsible for the maintenance of all plumbing facilities including the internal system, gate valves, irrigation lines and appurtenances on the property served by the city under this article. The city reserves the right to disconnect the service to any property that does not maintain the property's system. In addition, should the customer require reclaimed water at different pressures or of different quality or in any way different from that normally supplied by the city, the property owner shall be responsible for the necessary devices (e.g., pressure reducing valves) to make these adjustments, and obtain approval for installation from the city manager or his designee. Such devices and the repair thereof shall be the sole responsibility of the property owner or customer.

While in the area on **December 4, 2015**, I noticed several areas on the property where the irrigation was leaking across the sidewalk causing an unsafe condition and potential slip hazard. No contact was made with management as this same violation was taken to the special magistrate on May 6, 2015. The owner was cited for violating Chapter 74, Section 74-192 (Maintenance of facilities by customer) of the City of Port Orange Code of Ordinances in that the respondent failed on or before the date set in the notice of violation to remedy the conditions of the damaged sprinkler heads and irrigation system.. The owner was fined due to the property being in non-compliance. The property is now in violation of the same ordinance which constitutes a repeat violation and will be dealt with accordingly.

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 to request a re-inspection by the Code Compliance Inspector to determine whether the property is in compliance.

NOTICE OF HEARING AS TO VIOLATION(S) ALLEGED

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

Pursuant to Chapter 2, Article V, Code of Ordinances and Section 162.06, Florida Statutes, you are hereby called upon to take notice that a PUBLIC HEARING will be conducted in the above-styled cause by the **Special Magistrate on January 13, 2016 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 \$ 1.95 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 **January 13, 2016** 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 February 24, 2016, 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 24 day of December, 2015.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: Dena Joseph
DENA JOSEPH

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to **OR-EL 18, LLC, PROPERTY OWNER, C/O BUSINESS FILINGS INCORPORATED, 1200 SOUTH PINE ISLAND ROAD, PLANTATION, FL 33324**, was **Recipient of hand delivered documents** James Bourgeois - State Manager

- ☒ Hand-delivered
☐ Posted at the property

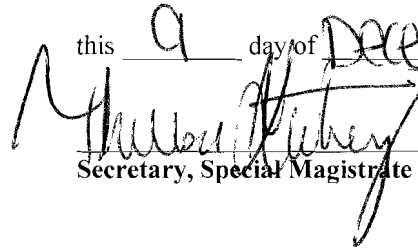
Time: 11:33 AM

this 24 day of December, 2015.

Dena Joseph
DENA JOSEPH

① I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to R-EL 18, LLC, PROPERTY OWNER, C/O BUSINESS FILINGS INCORPORATED, 1200 SOUTH PINE ISLAND ROAD, LANTATION, FL 33324, was

☒ Posted at City Hall
☒ Sent via certified

this 9 day of December, 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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Parcel Information: 6306-18-00-1000 **2016 Working Tax Roll** Last Updated: 12-06-2015

Owner Name and Address

Alternate Key	7372720	Parcel Status	Active Parcel (Real Estate)
Short Parcel ID	6306-18-00-1000	Mill Group	402 Port Orange
Full Parcel ID	06-16-33-18-00-1000	2015 Final Mill Rate	20.86510
Created Date	29 DEC 2011		
Property Class	11 Stores. One Story		
Ownership Type		Ownership Percent	100
Owner Name	OR-EL 18 LLC		
Owner Name/Address 1			
Owner Address 2	10 PARAGRAN DR		
Owner Address 3	MONTVALE NJ		
Owner Zip/Postal Code	07645		
Situs Address	3741 CLYDE MORRIS BLVD PORT ORANGE 32129		

Legal Description

06 16 33 UNIT 100 SOUTHWINDS LAC CONDO PER OR 6663 PG 1733 PER OR 6675 PG 1692 PER OR 7002 PG 1020 PER OR 7008 PG 1745

Sales History

Book	Page	Sale Date	Sale Instrument	Qualified Unqualified	Improved	Sale Price
6675	1692	01/2012	Warranty Deed	Unqualified Sale	Yes	2,012,274

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
2015	732.660	528.087	0	1,260,747	1,260,747	1,260,747	0	1,260,747	0	1,260,747
2014	732.660	523.469	0	1,256,129	1,256,129	1,256,129	0	1,256,129	0	1,256,129

[Display Value History](#)

Land Data

Code	Land Use Type	Frontage	Depth	No. Units	Unit Type	Rate	Depth	Loc	Shp	Phy	Just Value
1104	CONDO, COMMERC STORE	0.0	0.0	61055.00	SQUARE_FEET	12.00	100	100	100	100	732,660
Neighborhood C4468 SOUTHWINDS LAC CONDOS											
Total Land Classified											0
Total Land Just											732,660

Building Characteristics

Building Number: 246176 (Building 1 of 1)

Bldg. No.	Property Type	Structure Type	Perimeter	Year Built	Quality Grade	Phys. Depr.	Func. Obs.	Loc. Obs.	Next Review
246176	Commercial	Wood, Open Steel	974	2010	325	1%	0%	0%	2999

Section Number	Avg. Wall Height	Number Stories	Year Built	Bsmnt%	Ground Floor Area	Interior Finish	Sect%	Sprinkler	A/C
000	16.00	1	2010	0.00	9196	Retail Store (11C)	100.00	Yes	Yes
001	14.00	1	2010	0.00	45	Canopy (CAN)	0.00	No	No
002	14.00	1	2010	0.00	45	Canopy (CAN)	0.00	No	No
003	14.00	1	2010	0.00	240	Canopy (CAN)	0.00	No	No

Exterior Wall Type

19 Wd Frame/Plac,Hdbd.Ply Siding

Area% 100%

Building Refinements

Description	Number of Units	Unit Type
Extra Fixture		1 UB
Extra Fixture		1 UB
Baths, 2-Fixture		2 UB

01/31/2012 12:46 PM
Doc stamps 14086.10
(Transfer Amt \$ 2012274)
Instrument# 2012-016885 # 1
Book : 6675
Page : 1692
Diane M. Matousek
Volusia County, Clerk of Court

Prepared by and return to:
J. Doyle Tumbleson
Attorney at Law
Kinsey, Vincent, Pyle, P.L.
150 South Palmetto Avenue Suite 300
Daytona Beach, FL 32114
File Number: 9580-22106

[Space Above This Line For Recording Data]

Special Warranty Deed

This Special Warranty Deed made this 25th day of January, 2012 between Southwind Villas-LAC, LLC, a Florida limited liability company whose post office address is 220 Charles Street, Port Orange, FL 32129, grantor, and OR-EL 18, LLC, a Florida limited liability company whose post office address is 10 Paragon Drive, Montvale, NJ 07645, grantee:

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

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

Unit 100, Southwinds LAC, a Condominium, according to the Declaration of Condominium recorded in Official Records Book 6663, Page 1733, Public Records of Volusia County, Florida.

Parcel Identification Number: 6306-18-00-1000

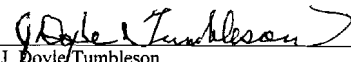
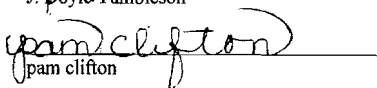
Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

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

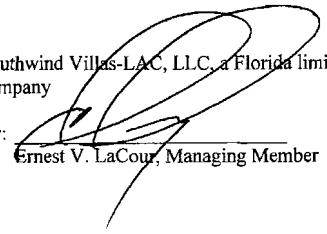
And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons claiming by, through or under grantors.

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:


J. Doyle Tumbleson

pam clifton

Southwind Villas-LAC, LLC, a Florida limited liability company

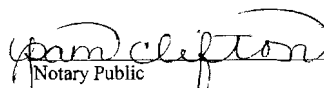
By: 
Ernest V. LaCour, Managing Member

State of Florida
County of Volusia

The foregoing instrument was acknowledged before me this 25th day of January, 2012 by Ernest V. LaCour, Managing Member of Southwind Villas-LAC, LLC, a Florida limited liability company, on behalf of the limited liability company. He is personally known to me.

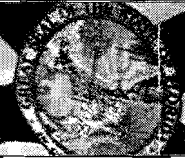
[Notary Seal]

NOTARY PUBLIC-STATE OF FLORIDA
Pam Clifton
Commission # DD985969
Expires: MAY 13, 2014
BONDED THRU ATLANTIC BONDING CO., INC.


Notary Public

Printed Name: pam clifton

My Commission Expires: _____

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

OR-EL 18, LLC

Filing Information

Document Number	L11000144350
FEI/EIN Number	45-4094127
Date Filed	12/23/2011
State	FL
Status	ACTIVE

Principal Address10 PARAGON DRIVE
MONTVALE, NJ 07645**Mailing Address**10 PARAGON DRIVE
MONTVALE, NJ 07645**Registered Agent Name & Address**BUSINESS FILINGS INCORPORATED
1200 South Pine Island Road
Plantation, FL 33324

Address Changed: 06/10/2015

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

Title MGRM

ZAMIR, YEHUDA
10 PARAGON DRIVE
MONTVALE, NJ 07645

Title MGRM

ZAMIR, Yael
10 PARAGON DRIVE
MONTVALE, NJ 07645**Annual Reports**

Report Year	Filed Date
--------------------	-------------------

Sec. 74-192. - Maintenance of facilities by customer.

The property owner or customer shall be responsible for the maintenance of all plumbing facilities including the internal system, gate valves, irrigation lines and appurtenances on the property served by the city under this article. The city reserves the right to disconnect the service to any property that does not maintain the property's system. In addition, should the customer require reclaimed water at different pressures or of different quality or in any way different from that normally supplied by the city, the property owner shall be responsible for the necessary devices (e.g., pressure reducing valves) to make these adjustments, and obtain approval for installation from the city manager or his designee. Such devices and the repair thereof shall be the sole responsibility of the property owner or customer.

(Ord. No. 1994-33, § 1(II), 11-1-94; Ord. No. 2008-41, § 51, 1-20-09)

**CITY OF PORT ORANGE, FLORIDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
CASE NO. 15-78**

CITY OF PORT ORANGE,
a Florida municipal corporation,

Petitioner,

Or-EL 18 LLC (Dollar General)
C/o Business Filings Inc. (Registered Agent)
3741 Clyde Morris Blvd.
Port Orange, FL 32129
6308 [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 May 6, 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), Or-EL 18 LLC (Dollar General), C/o Business Filings Inc. (Registered Agent), whose mailing address is 515 E. Park Avenue, Tallahassee, FL 32301, is/are the owner(s) of the property located at 3741 Clyde Morris Blvd, Port Orange, FL 32129, and more particularly described as:

06 16 33 UNIT 100 SOUTHWINDS LAC CONDO PER OR 6663 PG 1733 P
ER OR 6675 PG 1692 PER OR 7002 PG 1020 PER OR 7008 PG 1745

B. There are sprinkler head leaks and broken irrigation lines that must be repaired. This condition was first observed at the real property described above on January 23, 2015; re-inspections made on May 1, 2015 and May 4, 2015 confirmed the condition as being the same. Respondent(s), Or-EL 18 LLC (Dollar General), C/o Business Filings Inc. (Registered Agent), received notice via certified mail and posted at City Hall on April 2, 2015. The aforesaid conditions constituted a violation of Chapter 74, Section 74-192, (Maintenance of Facilities by Customer) of the City of port Orange Code of Ordinances, and was to be corrected by April 30, 2015.

C. At the time of the hearing on May 6, 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), Or-EL 18 LLC, C/o Business Filings Inc., (Registered Agent), by reason of the foregoing, has/have violated Chapter 74, Section 74-192, (Maintenance of Facilities by Customer) 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 damaged sprinkler heads and irrigation system 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 this repairing all sprinkler leaks and or broken irrigation lines on or before May 15, 2015. In the event that the property is not brought into compliance on or before May 15, 2015, and/or not maintained in a state of compliance, a daily fine of \$500 per day will be assessed for each day the property is in violation beyond May 15, 2015. If paragraph D. above is checked and the Respondent(s) has/have not abated the condition by May 15, 2015, then notice of the violation will be given to the City Council. The City Council may repair the condition and charge the Respondent(s) with the reasonable costs of the repairs. Additionally, as per Chapter 2, Section 2-214, Code of Ordinances: "In addition to any fines, the Special Magistrate may impose additional fines to cover all costs incurred by the city in enforcing its codes and all costs or repairs pursuant to sub section (a)." The cost to date is \$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 6 day of May, 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), Or-EL 18 LLC, C/o Business Filings Inc., (Registered Agent), 515 E. Park Avenue, Port Orange, FL 32301 by Certified and Regular Mail this 6 day of May, 2015

[Signature]
Secretary, Code Enforcement Special Magistrate

Case Cost Sheet Log

Case No. 15-1849

Name	Activity	Activity_Date	Status	Cost
831 Railroad LLC	Mailing Notice of Violation/Notice of Hearing to P.O. Box 623, Daytona Beach, FL 32115	11/16/2015	Certified Green Card Signed by Tim Davis on 11/20/15 and Returend to City Clerk's Office.	\$6.95
831 Railroad LLC	Mailing Finding of Fact/Conclusion of Law & Order to P.O. Box 623, Daytona Beach, FL 32115	01/13/2016		\$7.21
Clerk of Court	Recording Fee - Finding of Fact/Conclusion of Law & Order	01/13/2016		\$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. 15-1849

To: 831 Railroad LLC
Property Owner
P.O. Box 623
Daytona Beach, FL 32115

Re: 831 RAILROAD STREET
Port Orange, FL 32129
Parcel ID: 6304-02-01-0010

LEGAL DESCRIPTION: LOTS 1 TO 13 INC BLK 1 PORTONA PER OR 4044 PG 2248 PER OR 6498 PG 1022 PER OR 6938 PG 1356

Volusia County Public Records
Volusia County, FL

An inspection of the premises on **November 2, 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 14 (Buildings and Building Regulations), Article VII (Commercial Property Maintenance Standards), Section 14-318 (Other Property Improvements; Maintenance Criteria), (c) Walls and Fences, (3) of the City of Port Orange Code of Ordinances: Fences and walls shall be maintained in their original upright position, with all gates in good operating condition.

Chapter 14 (Building and Building Regulations), Article VII (Commercial Property Maintenance Standards), Section 14-314 (Landscaping and Buffers), (d) Required maintenance and anticipated growth and coverage, (2) of the City of Port Orange Code of Ordinances: Landscape plantings shall be maintained based on accepted professional practices to include regular irrigation, fertilization, pest control, weed control, and trimming and pruning.

Chapter 14 (Building and Building Regulations), Article VII (Commercial Property Maintenance Standards), Section 14-314 (Landscaping and Buffers), (d) Required maintenance and anticipated growth and coverage, (5) of the City of Port Orange Code of Ordinances: Mulched areas shall be maintained so as to provide solid coverage and reasonable weed control.

Chapter 14 (Building and Building Regulations), Article VII (Commercial and Property Maintenance Standards, Section 14-318 (Other property improvements; maintenance criteria) (d) Trash, litter and debris of the City of Port Orange Code of Ordinances: All sites shall be maintained so as to be free of trash and litter of any type, except in an approved dumpster or can.

Chapter 3 (General Requirements), Section 302 (Exterior Property Areas), 302.8 (Motor Vehicles) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: Except as provided for in other regulations, no inoperative or unlicensed motor vehicle shall be parked, kept or stored on any premises, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled.

Chapter 74 (Utilities), Article VII (Water Conservation), Section 74-218 (Landscape Irrigation Schedules), (2), (c) of the City of Port Orange Code of Ordinances: When Eastern Standard Time is in effect, landscape irrigation shall occur only in accordance with the following irrigation schedule: Non-residential landscape irrigation may occur only on Tuesday and shall not occur between 10:00 am and 4:00 pm.

Chapter 3 (General Requirements), Section 304 (Exterior Structure), 304.2 (Protective Treatment), of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: Exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences, shall be maintained in good condition. Oxidation stains shall be removed from exterior surfaces.

A complaint was received on November 2, 2015 regarding issues such as watering every day, trash and debris in the dumpster enclosure area, parking violations, etc. I inspected the property and viewed these violations along with several others which need to be addressed. Since the property owner has been taken to the magistrate in the past, this notice of violation is being issued requesting compliance within 15 days.

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 November 30, 2015 by correcting the following:

Any fences on site that are not in their original upright condition must be repaired to include straightening and replacing any missing pickets. Shrubs on site must be trimmed and pruned. Entire property must be mulched. All trash and debris on site must be removed to include garbage in and around dumpster enclosure. All inoperative, unlicensed vehicles on site must be properly registered, stored inside or removed from the property. "Tenants complaining that the owner of unit #3 has approximately 10 to 12 of his own vehicles on site to include boats, jet skis, etc. which does not allow space for parking". Any vehicles that are not used as part of a business must be removed from this site. Watering of property shall only occur on day and time as instructed in the ordinance. All oxidation on bay doors must be removed from the exterior surfaces.

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 on January 13, 2016 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 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 **January 13, 2016** 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 February 24, 2016, at 9:00 a.m.**, or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The Code Enforcement Special Magistrate will consider setting fine lien on the above referenced case at said PUBLIC HEARING. Please govern yourself accordingly.

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

DATED this 16 day of November, 2015.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

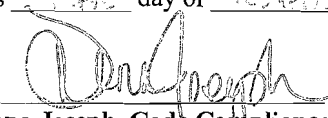
By: 
Dena Joseph, Code Compliance Inspector

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to **831 Railroad LLC, Property Owner, P.O. Box 623, Daytona Beach, FL 32115** was

☐ Hand-delivered Recipient of hand delivered documents: _____
☒ Posted at the property

Time: approx. 1:15 PM

this 16 day of November, 2015.


Dena Joseph, Code Compliance Inspector

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to **831 Railroad LLC, Property Owner, P.O. Box 623, Daytona Beach, FL 32115** was

☒ Posted at City Hall
☒ Sent via certified

this 16 day of November, 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.



Home Search Downloads Exemptions Agriculture Maps Tangible Links Contact

Home Search Choices Search By Alternate Key Property Information

Parcel Information: 6304-02-01-0010 2016 Working Tax Roll Last Updated: 11-08-2015

Owner Name and Address

Alternate Key	3580931	Parcel Status	Active Parcel (Real Estate)
Short Parcel ID	6304-02-01-0010	Mill Group	402 Port Orange
Full Parcel ID	04-16-33-02-01-0010	2015 Final Mill Rate	20.86510
Created Date	30 DEC 1981		
Property Class	48 Warehousing, Distribution Terminals, Trucking Terminals, Van & Storage Warehousing		
Ownership Type	Fee Simple	Ownership Percent	100
Owner Name	831 RAILROAD LLC		
Owner Name/Address 1			
Owner Address 2	PO BOX 623		
Owner Address 3	DAYTONA BEACH FL		
Owner Zip/Postal Code	32115		
Situs Address	831 RAILROAD ST PORT ORANGE 32129		

Legal Description

LOTS 1 TO 13 INC BLK 1 PORTONA PER OR 4044 PG 2248 PER OR 6498 PG 1022 PER OR 6938 PG 1356

Sales History

Book	Page	Sale Date	Sale Instrument	Qualified Unqualified	Improved	Sale Price
6938	1356	12/2013	Warranty Deed	Qualified Sale	Yes	525,000
6498	1022	07/2010	Warranty Deed	Unqualified Sale	Yes	100
4044	2248	06/1995	Warranty Deed	Affiliated Parties	Yes	100
3861	1811	09/1993	Warranty Deed	Qualified Sale	Yes	291,000
3627	0511	04/1991	Trustees Deed	Unqualified Sale	Yes	586,000
3288	1720	04/1989	Warranty Deed	Unqualified Sale	Yes	100,000
2691	1061	06/1985	Warranty Deed	Unqualified Sale	No	100
2383	0620	08/1982	Unknown	Qualified Sale	No	42,000

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
2015	52,793	470,871	5,009	528,673	528,673	528,673	0	528,673	0	528,673
2014	52,793	454,731	6,957	514,481	514,481	514,481	0	514,481	0	514,481

Display Value History

Land Data

Code	Land Use Type	Frontage	Depth	No. Units	Unit Type	Rate	Depth	Loc	Shp	Phy	Just Value
4800	WAREHOUSE	0.0	0.0	70390.00	SQUARE_FEET	1.25	100	60	100	100	52,793
Neighborhood	C5560 PORT ORANGE- INDUSTRIAL										
Total Land Classified											0
Total Land Just											52,793

Building Characteristics

Building Number: 111149 (Building 1 of 1)

Bldg. No.	Property Type	Structure Type	Perimeter	Year Built	Quality Grade	Phys. Depr.	Func. Obs.	Loc. Obs.	Next Review
111149	Commercial	Concrete or Masonry	2342	1989	300	32%	0%	0%	2999
Section Number	Avg. Wall Height	Number Stories	Year Built	Bsmnt%	Ground Floor Area	Interior Finish	Sect%	Sprinkler	A/C
001	14.00	1	1989	0.00	20376 Warehouse (48C)		99.00	No	No
					48C Warehouse		1.00	No	Yes
002	14.00	1	1989	0.00	39 Porch, Open Finished (FOP)		0.00	No	No
003	14.00	1	1989	0.00	39 Porch, Open Finished (FOP)		0.00	No	No
004	14.00	1	1989	0.00	78 Porch, Open Finished (FOP)		0.00	No	No
005	14.00	1	1989	0.00	78 Porch, Open Finished (FOP)		0.00	No	No
006	14.00	1	1989	0.00	78 Porch, Open Finished (FOP)		0.00	No	No
007	14.00	1	1989	0.00	66 Porch, Open Finished (FOP)		0.00	No	No
008	14.00	1	1989	0.00	66 Porch, Open Finished (FOP)		0.00	No	No

Prepared by and return to:
Ronda Alley
Southern Title Holding Company, LLC
400 Seabreeze Blvd
Daytona Beach, FL 32118

File Number: CM131037

12/11/2013 11:29 AM
Doc stamps 3675.00
(Transfer Amt \$ 525000)
Instrument# 2013-236453 # 1
Book : 6938
Page : 1356
Diane M. Matousek
Volusia County, Clerk of Court

(Space Above This Line For Recording Data)

Warranty Deed

This Warranty Deed made this 6th day of December, 2013, between Patrick James Hanlon, Sr., individually and as Trustee of the Patrick J. Hanlon, Sr. Revocable Trust dated March 16, 1994, as Revised, Amended and Restated July 21, 2010 whose post office address is 803 Sterling Chase Drive, Port Orange, FL 32128, grantor, and 831 Railroad, LLC a Florida limited liability company, whose post office address is 831 Railroad Street, Port Orange, FL 32129, grantee:

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

Witnesseth, that said grantor, for and in consideration of the sum of \$525,000.00 and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in the Volusia County, Florida, to-wit:

ALL OF BLOCK 1, PORTONA, PLAT NO. 1, BEING A SUBDIVISION OF LOTS 1 AND 2, SECTION 4, TOWNSHIP 16 SOUTH, RANGE 33 EAST, ACCORDING TO THE MAP THEREOF AS RECORDED IN MAP BOOK 10, PAGE 107, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

Parcel Identification Number: 6304-02-01-0010

The property IS NOT the homestead of the Grantor(s).

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

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

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

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

Signed, sealed and delivered in our presence:

Ronda E. Alley
Witness Signature
Witness Name: Ronda E. Alley
Terri Parsons
Witness Signature
Witness Name: Terri Parsons

Patrick James Hanlon, Sr., as Trustee of the Patrick J. Hanlon, Sr. Revocable Trust dated March 16, 1994, as Revised, Amended and Restated July 21, 2010

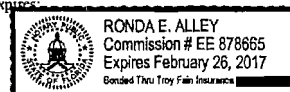
Patrick James Hanlon, Sr. individually
and as trustee

State of Florida

County of Volusia

The foregoing instrument was acknowledged before me this 6th day of December, 2013, by **PATRICK JAMES HANLON, SR., INDIVIDUALLY AND AS TRUSTEE OF THE PATRICK J. HANLON, SR. REVOCABLE TRUST DATED MARCH 16, 1994, AS REVISED, AMENDED AND RESTATED JULY 21, 2010**, on behalf of the Corporation, he () is personally known to me or (X) has produced Driver's License as identification.

Ronda E. Alley
Notary Public
Printed Name:
My Commission Expires:



Sec. 14-314. - Landscaping and buffers—Maintenance criteria.

- (a) *Approved landscape plans.* All properties which developed under specifically approved landscape plans shall be required to maintain the materials shown on such plans according to subsection (d) below, within the following parameters:
- (1) *Trees.* All trees shall be maintained as shown on the plans. Replacement trees, if necessary, must meet the size criteria of section 14-315, and must be from the same general category, i.e., shade trees, understory trees, palms, etc. In buffering applications, evergreen trees may be replaced only with evergreen species.
 - (2) *Shrubs.* All shrubs shall be maintained as shown on the plans. Required buffer shrubs shall be grown to and maintained at a minimum height of five feet, with regular trimming and pruning to foster dense growth. Shrubs required along parking areas shall be maintained at a minimum height of three feet. Other shrubs shall be maintained at a reasonable mature height for the species.
 - (3) *Lawns.* Lawns shall be maintained as shown on the plans. Alternative living ground covers may be utilized as desired. Approved mulch materials may be used in designated lawn areas:
 - a. To accommodate new or expanded planting areas and their natural growth.
 - b. In natural areas or areas of heavy shade where lawn maintenance has been unsuccessful.
 - c. In limited areas subject to foot traffic where maintenance has been unsuccessful.
 - (4) *Natural areas.* Natural areas shall be left generally undisturbed, with no removal of natural material except for weeds and dead material. Natural areas may be underbrushed and sodded or mulched with city approval.
 - (5) *Other planting areas.* Other planting areas shown on the plans shall be maintained with similar materials to those originally specified. Annual flower beds may be converted to permanent material with at least a two-month flowering period, or material with berries, colorful flower bracts, or variegated foliage to simulate the original design intent.
- (b) *Properties without landscape plans developed after June 16, 1976.* Where properties have developed without specifically approved landscape plans or such plans cannot be located, the property shall be required to meet the minimum standards in effect at the time of development. In addition, such properties shall be required to maintain any additional plantings above code minimums in place as of June 21, 1989. Criteria for maintenance and replacement shall parallel those of subsection (a) above and subsection (d) below.
- (c) *Properties developed prior to the adoption of minimum landscape standards on June 16, 1976.* Where properties developed prior to the above date without a specific landscape plan, the property will only be required to maintain those plantings existing on June 21, 1989. However, these properties will be subject to the provisions of section 14-316.
- (d) *Required maintenance and anticipated growth and coverage.* The following criteria shall be used to evaluate the maintenance and growth of all landscape plantings:
- (1) Existing trees preserved during development shall be maintained so as to provide the greatest opportunity for survival. Such maintenance shall include, as necessary, the following activities:
 - a. Trimming and pruning to reduce stress.
 - b. Soil aeration.

c. Deep root fertilization.

- (2) Landscape plantings shall be maintained based on accepted professional practices to include regular irrigation, fertilization, pest control, weed control, and trimming and pruning.
- (3) Reasonable growth shall be based on accepted industry standards.
- (4) All trees and shrubs shall be trimmed so as not to interfere with pedestrian and vehicle movements.
- (5) Mulched areas shall be maintained so as to provide solid coverage and reasonable weed control.
- (6) Natural areas shall be kept free of garbage, trash and other foreign materials. Dead material shall be removed and replaced as required by this article. Natural area edges and other disturbed areas shall be mulched or sodded with weed growth controlled.
- (7) Irrigation systems must be maintained in proper working order to provide 100 percent coverage of planted landscaped areas.

(Code 1981, § 6-322)

Sec. 14-318. - Other property improvements; maintenance criteria.

- (a) *Drainage and utility improvements.* All privately owned drainage and utility improvements shall be maintained to provide service as originally designed. This includes facilities in public easements which are not owned by the city. Specifically included in required maintenance are the following activities:
 - (1) Replacement of broken pipes, inlets, curbs and other structures.
 - (2) Cleaning of blocked and clogged drainage structures.
 - (3) Excavation and resodding of silted-in retention areas per St. Johns River Water Management District standards.
- (b) *Signs.* All signs shall be maintained based on chapter 15 of the land development code of the city as follows:
 - (1) All signs shall be constructed and maintained in accordance with the provisions and requirements of the city building code, electrical codes, all other applicable codes, ordinances or requirements.
 - (2) All copy shall be maintained so as to be legible and complete.
 - (3) Signs shall be maintained in vertical position unless originally permitted otherwise, and in good and safe condition at all times.
 - (4) Damaged faces or structural members shall be replaced.
 - (5) Electrical systems, fasteners, and the sign and structure as a whole shall be maintained at all times in a safe condition.
- (c) *Walls and fences.* All walls and fences shall be maintained in accordance with the zoning chapter of the land development code and the following standards:
 - (1) Fences and walls shall be painted, stained or otherwise maintained as originally designed.
 - (2) Fences and walls shall be kept free of unpermitted signs, posters and graffiti.
 - (3) Fences and walls shall be maintained in their original upright position, with all gates in good operating condition.
- (d) *Trash, litter and debris.* All sites shall be maintained so as to be free of trash and litter of any type, except in an approved dumpster or can. Paved areas shall be kept free of built-up silt and dirt.

Sec. 74-218. - Landscape irrigation schedules.

Landscape irrigation schedules (excluding landscape irrigation using reclaimed water; reclaimed water landscape irrigation schedules are contained in Section 74-202).

- (1) When Daylight Saving Time is in effect, landscape irrigation shall occur only in accordance with the following irrigation schedule:
 - a. Residential landscape irrigation at odd-numbered addresses or no address may occur only on Wednesday and Saturday and shall not occur between 10:00 a.m. and 4:00 p.m.; and
 - b. Residential landscape irrigation at even-numbered addresses may occur only on Thursday and Sunday and shall not occur between 10:00 a.m. and 4:00 p.m.; and
 - c. Nonresidential landscape irrigation may occur only on Tuesday and Friday and shall not occur between 10:00 a.m. and 4:00 p.m.; and
 - d. No more than three-fourths inch of water may be applied per irrigation zone on each day that irrigation occurs, and in no event shall irrigation occur for more than one hour per irrigation zone on each day that irrigation occurs.
- (2) When Eastern Standard Time is in effect, landscape irrigation shall occur only in accordance with the following irrigation schedule:
 - a. Residential landscape irrigation at odd-numbered addresses or no address may occur only on Saturday and shall not occur between 10:00 a.m. and 4:00 p.m.; and
 - b. Residential landscape irrigation at even-numbered addresses may occur only on Sunday and shall not occur between 10:00 a.m. and 4:00 p.m.; and
 - c. Nonresidential landscape irrigation may occur only on Tuesday and shall not occur between 10:00 a.m. and 4:00 p.m.; and
 - d. No more than three-fourths inch of water may be applied per irrigation zone on each day that irrigation occurs, and in no event shall irrigation occur for more than 1 hour per irrigation zone on each day that irrigation occurs.
- (3) All landscape irrigation shall be limited in amount to only that necessary to meet landscape needs.

(Ord. No. 2010-25, § 1, 10-19-10)

GENERAL REQUIREMENTS

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

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

SECTION 304 EXTERIOR STRUCTURE

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

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

1. The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength;
2. The *anchorage* of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects;
3. Structures or components thereof that have reached their limit state;
4. Siding and masonry joints including joints between the building envelope and the perimeter of windows, doors and skylights are not maintained, weather resistant or water tight;
5. Structural members that have evidence of *deterioration* or that are not capable of safely supporting all nominal loads and load effects;
6. Foundation systems that are not firmly supported by footings, are not plumb and free from open cracks and breaks, are not properly *anchored* or are not capable of supporting all nominal loads and resisting all load effects;
7. Exterior walls that are not *anchored* to supporting and supported elements or are not plumb and free of holes, cracks or breaks and loose or rotting materials, are not properly *anchored* or are not capable of supporting all nominal loads and resisting all load effects;
8. Roofing or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any portion of the roof framing that is not in good repair with signs of *deterioration*, fatigue or without proper anchorage and incapable of supporting all nominal loads and resisting all load effects;

9. Flooring and flooring components with defects that affect serviceability or flooring components that show signs of *deterioration* or fatigue, are not properly *anchored* or are incapable of supporting all nominal loads and resisting all load effects;
10. Veneer, cornices, belt courses, corbels, trim, wall facings and similar decorative features not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects;
11. Overhang extensions or projections including, but not limited to, trash chutes, canopies, marquees, signs, awnings, fire escapes, standpipes and exhaust ducts not properly *anchored* or that are *anchored* with connections not capable of supporting all nominal loads and resisting all load effects;
12. Exterior stairs, decks, porches, balconies and all similar appurtenances attached thereto, including *guards* and handrails, are not structurally sound, not properly *anchored* or that are *anchored* with connections not capable of supporting all nominal loads and resisting all load effects; or
13. Chimneys, cooling towers, smokestacks and similar appurtenances not structurally sound or not properly *anchored*, or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects.

Exceptions:

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

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

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

CHAPTER 3

GENERAL REQUIREMENTS

SECTION 301 GENERAL

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

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

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

SECTION 302 EXTERIOR PROPERTY AREAS

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

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

Exception: *Approved* retention areas and reservoirs.

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

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

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

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

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

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

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

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

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

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

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

SECTION 303 SWIMMING POOLS, SPAS AND HOT TUBS

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

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

Case Cost Sheet Log

Case No. 15-1889

Name	Activity	Activity_Date	Status	Cost
Brenda Britton Creamer JTRS, Norma Chmiel JTRS, & Beverly Fratt JTRS	Mailing Notice of Violation/Notice of Hearing to 5190 N. State Road, Davison, MI 48423	11/20/2015	Certified Green Card Signed and Returned to City Clerk's Office.	\$6.95
Brenda Britton Creamer JTRS, Norma Chmiel JTRS, & Beverly Fratt JTRS	Mailing Finding of Fact/Conclusion of Law & Order to 5190 N. State Road, Davison, MI 48423	01/13/2016		\$7.21
Clerk of Court	Recording Fee - Finding of Fact/Conclusion of Law & Order	01/13/2016		\$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. 15-1889

To: Brenda Britton Creamer JTRS
Norma Chmiel JTRS & Beverly Fratt JTRS
Property Owners
5190 N State Road
Davison, MI 48423

Re: 723 Casper Avenue
Port Orange, FL 32129
Parcel ID: 6305-05-05-0300

LEGAL DESCRIPTION: LOT 30 LAURELWOOD MOBILE EST UNIT 5 MB 35 PG 15 PER OR 3739 PG 4286 PER OR 6225 PGS
3981-3982 PER OR 6684 PGS 3480-3482 INC

Volusia County Public Records
Volusia County, FL

An inspection of the premises on **November 6, 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) of the City of Port Orange Code of Ordinances: (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.

While in the area on November 6, 2015, I noticed that the grass and weeds are very high at this home. Home appears to be vacant at this time. I left a 5 day door hanger to mow and maintain property. I conducted a re-inspection on November 13, 2015 and the property remained in non-compliance.

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

THIS CORRESPONDENCE WILL SERVE AS OFFICIAL NOTIFICATION THAT THE ABOVE STATED VIOLATION(S) MUST BE CORRECTED BY NOVEMBER 30, 2015 BY MOWING ENTIRE YARD TO INCLUDE WEEDS GROWING IN THE PEBBLED AREAS, LANDSCAPED AREAS, AND AROUND FENCE AND EXTERIOR OF HOME.

Failure to comply after this date may result in the commencement of appropriate code enforcement action and/or possible fine of up to \$1,000.00 per day for a first violation, \$5,000.00 per day per violation for a repeat violation, and up to \$15,000.00 per violation if the code enforcement board or special magistrate finds the violation to be irreparable or 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 January 13, 2016 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 til its conclusion.

NOTICE OF HEARING SETTING FINE AND LIEN

In the event the **Special Magistrate**, during the hearing on **January 13, 2016** 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 February 24, 2016, at 9:00 a.m.**, or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The Code Enforcement Special Magistrate will consider setting fine lien on the above referenced case at said PUBLIC HEARING. Please govern yourself accordingly.

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

DATED this 25th day of November, 2015.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: Dena Joseph
Dena Joseph, Code Enforcement Officer

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Brenda Britton Creamer JTRS, Norma Chmiel JTRS & Beverly Fratt JTRS, Property Owners, 5190 N State Road, Davison, MI 48423, was

☐ Hand-delivered Recipient of hand delivered documents: _____
☒ Posted at the property

this 25th day of November, 2015.

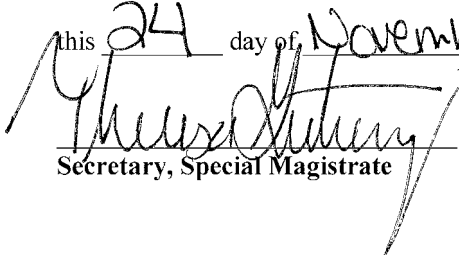
me: approx. 10:40AM

Dena Joseph
Dena Joseph, Code Enforcement Officer

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to
Tenda Britton Creamer JTRS, Norma Chmiel JTRS & Beverly Fratt JTRS, Property Owners, 5190 N State Road, Davison, MI 48423,

as

- ☒ Posted at City Hall
☒ Sent via certified

this 24 day of November, 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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Parcel Information: 6305-05-05-0300 2016 Working Tax Roll Last Updated: 11-15-2015

Owner Name and Address

Alternate Key	3588665	Parcel Status	Active Parcel (Real Estate)
Short Parcel ID	6305-05-05-0300	Mill Group	402 Port Orange
Full Parcel ID	05-16-33-05-05-0300	2015 Final Mill Rate	20.86510
Created Date	30 DEC 1981		
Property Class	02 Mobile Homes		
Ownership Type		Ownership Percent	100
Owner Name	CREAMER BRENDA BRITTON JTRS &		
Owner Name/Address 1			
Owner Address 2	5190 N STATE RD		
Owner Address 3	DAVISON MI		
Owner Zip/Postal Code	48423		
Situs Address	723 CASPER AV PORT ORANGE 32129		

Additional Owners

Ownership Type		Ownership Percent	100.00
Additional Owner Name	CHMIEL NORMA JTRS &		
Ownership Type		Ownership Percent	100.00
Additional Owner Name	FRATT BEVERLY JTRS &		

Legal Description

LOT 30 LAURELWOOD MOBILE EST UNIT 5 MB 35 PG 15 PER OR 3739 PG 4286 PER OR 6225 PGS 3981-3982 PER OR 6684 PGS 3480-3482 INC

Sales History

Book	Page	Sale Date	Sale Instrument	Qualified Unqualified	Improved	Sale Price
6684	3480	01/2012	Quit Claim Deed	Unqualified Sale	Yes	100
6225	3981	04/2008	Quit Claim Deed	Unqualified Sale	Yes	100
3739	4286	04/1992	Quit Claim Deed	Affiliated Parties	Yes	100
2794	1678	03/1986	Warranty Deed	Qualified Sale	Yes	40,500
2571	1273	05/1984	Warranty Deed	Qualified Sale	Yes	43,000
2220	0537	11/1980	Warranty Deed	Qualified Sale	No	10,500

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
2015	16,150	33,015	0	49,165	49,165	49,165	0	49,165	0	49,165
2014	20,000	28,574	0	48,574	48,574	48,574	0	48,574	0	48,574

[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	0.0	0.0	1 00	LOT	16150.00	100	100	100	100	16,150
Neighborhood 5986 LAURELWOOD ESTATES M-H SUB											
Total Land Classified											0
Total Land Just											16,150

Building Characteristics

Building Number: 111870 (Building 1 of 1)

Bldg. No.	Improvement Type	Base Perimeter	Year Built	Quality Grade	Architecture	Phys. Depr.	Func. Obs.	Loc. Obs.	Next Review
111870	Mobile Home		136 1982	250	Mobile Home	61%	0%	0%	2999
Rooft Type	GABLE	Floors		Carpent	Bedrooms	2	4 Fixture Bath		0
Rooft Cover	METAL	Wall Type		Plywood Panel	X Fixture Bath	0	5 Fixture Bath		0
Heat Type1	Forced Ducted	Heat Source1		Electricity	2 Fixture Bath	0	6 Fixture Bath		0
Heat Type2		Heat Source2			3 Fixture Bath	2	7 Fixture Bath		0
Foundation	Wd Conc Piers	Year Remodeled			Fireplaces	0	A/C		Yes

Area Type

Exterior Wall Type

02/28/2012 03:43 PM
Doc stamps .70
(Transfer Amt \$ 10)
Instrument# 2012-035158 # 1
Book : 6684
Page : 3480

Quitclaim Deed

RETURN TO: Brenda Britton Creamer

ADDRESS: 715 W. Glass Rd Ortonville Mi 48462

THIS INSTRUMENT PREPARED BY: Brenda Britton Creamer of 715 W. Glass Rd.
Ortonville MI 48462

AS A NECESSARY INCIDENT TO THE FULFILLMENT OF CONDITIONS CONTAINED IN A TITLE
INSURANCE COMMITMENT ISSUED BY IT.

PROPERTY APPRAISERS PARCEL IDENTIFICATION (FOLIO) NUMBER: 05-16-33 [REDACTED]

GRANTEES S.S.#: Norma Chmiel - [REDACTED]
 Beverly Fratt - [REDACTED]
 Brenda Britton Creamer - [REDACTED]

THIS INDENTURE, Made this 26th day of January, 2012, by and between Edna Britton, not married, of 2994 Teasedale, Troy Mi 48083, (the "Grantor"), and Norma Chmiel, married, of 2025 Oakland, Highland Mi 48356, Beverly Fratt, married, of 48273 Frank Dr. Macomb Mi 48044, and Brenda Britton Creamer, married, of 715 W. Glass Rd. Ortonville Mi 48462, (collectively the "Grantee"), in the state of Florida.

WITNESSETH: That said Grantor, for and in consideration of the sum of 10.00 Dollars, and other valuable considerations, lawful money of the United States of America, to the Grantee in hand paid by the Grantee, the receipt whereof is hereby acknowledged, has remised, released and quitclaimed to the Grantee, the Grantee's heirs and assigns forever, all the rights, title, interest and claim of the Grantor in and to the following described land in Volusia County, Florida, to-wit:

Lot 30, Laurelwood Mobile Estates, Unit V according to the map book 6225.

Together with that certain 1981 Twin Double-wide Mobile home bearing I.D. numbers-T24710193A and T24710193B.

This is a joint tenancy between grantees with full rights of survivorship.

Previously referenced as follows: Book/Volume 6225, Page 3981 of the Recorder of Volusia County.

To Have and to Hold, the above described premises, with the appurtenances, unto the Grantee, the Grantee's heirs and assigns forever.

IN WITNESS WHEREOF, Grantor has executed this deed under seal on the date aforesaid.

Signed, Sealed and Delivered
In the Presence of:

Sign: Elizabeth A. Finn
Name: Elizabeth A. Finn

Edna Britton
Edna Britton

Sign: Brenda B. Creamer
Name: Brenda B. Creamer

Brian A Creamer
BRIAN A CREAMER

Grantor Acknowledgement

STATE OF MICHIGAN)
) ss.
COUNTY OF Wayne)

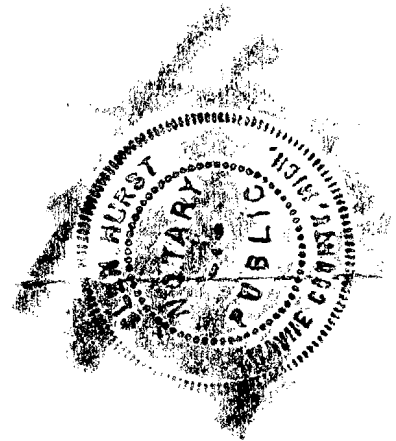
I, Glen Hurst, a notary public in and for said County and State, do hereby certify that on this 27 day of January, 2012, before me appeared Edna Britton, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person described in and who executed the foregoing instrument, and being by me duly sworn, acknowledged to me that as a free and voluntary act and deed, the Grantor executed said instrument, for the uses and purposes set forth within this deed.

[Signature]
Notary Public, State of Michigan
County of Wayne

My Commission Expires: 7-19-2013

Acting in the County of Wayne.

GLEN PETER HURST
Notary Public, State of Michigan
County of Wayne
My Commission Expires Jul. 19, 2013
Acting in the County of Wayne



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

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

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

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

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

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

Case Cost Sheet Log

Case No. 15-1718

Name	Activity	Activity_Date	Status	Cost
Diane Fowler	Mailing Notice of Violation/Notice of Hearing to 594 Touchstone Circle, Port Orange, FL 32127	11/23/2015	Certified Green Card Signed by Diane Fowler on 12/7/15 and returned to City Clerk's office.	\$6.95
Robert W. Fowler	Mailing Notice of Violation/Notice of Hearing to 594 Touchstone Circle, Port Orange, FL 32127	11/23/2015	Certified Green Card Signed by Diane Fowler on 12/7/15 and returned to City Clerk's office.	\$6.95
Diane Fowler	Mailing Finding of Fact/Conclusion of Law & Order to 594 Touchstone Circle, Port Orange, FL 32127	01/13/2016		\$7.21
Robert W. Fowler	Mailing Finding of Fact/Conclusion of Law & Order to 594 Touchstone Circle, Port Orange, FL 32127	01/13/2016		\$7.21
Clerk of Court	Recording Fee - Finding of Fact/Conclusion of Law & Order	01/13/2016		\$27.00

Total:



**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 15-1718

To: Robert W. & Diane Fowler

Re: 594 Touchstone Cir

Port Orange, FL 32127

Parcel ID: 6316-02-00-0570

LEGAL DESCRIPTION: LOT 57 FOXBORO SUB MB 34 PG 117 INC PER OR 4739 PG 2245

Volusia County Public Records

Volusia County, FL

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

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

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

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

An inspection of the property was conducted on October 5, 2015. Upon inspection, I observed two trees in the front yard that are dead and meet the criteria of a nuisance tree. I contacted the owner Robert Fowler who stated that he could not afford to remove the trees and that the home was in foreclosure. Re-inspections were conducted on October 15, 2015 and November 16, 2015 showing the condition to be the same.

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 **December 21, 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.

* To correct the violation, Both nuisance trees must be removed. J.S.A.
11/17/15.

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 January 13, 2016 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 \$ 13.40 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 **January 13, 2016** 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 **February 24 2016, 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 17th day of November, 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 Robert W. & Diane Fowler, 594 Touchstone Cir, Port Orange, FL 32127, was

☐ Hand-delivered

Recipient of hand delivered documents: _____

☒ Posted at the property

this 17th day of November, 2015.

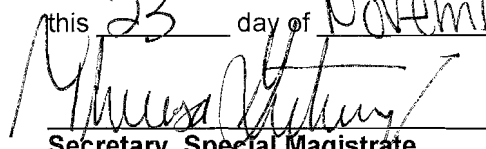
Time: approx. 11:20 A.M.

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 Robert W. & Diane Fowler, 594 Touchstone Cir, Port Orange, FL 32127, Port Orange, FL 32127, was

☒ Posted at City Hall

☒ Sent via certified

this 23 day of November, 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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Parcel Information: 6316-02-00-0570 2016 Working Tax Roll Last Updated: 11-15-2015

Owner Name and Address

Alternate Key	3641426	Parcel Status	Active Parcel (Real Estate)
Short Parcel ID	6316-02-00-0570	Mill Group	402 Port Orange
Full Parcel ID	16-16-33-02-00-0570	2015 Final Mill Rate	20.86510
Created Date	31 DEC 1981		
Property Class	01 Single Family		
Ownership Type		Ownership Percent	100
Owner Name	FOWLER ROBERT W & DIANE		
Owner Name/Address 1			
Owner Address 2	594 TOUCHSTONE CIR		
Owner Address 3	PORT ORANGE FL		
Owner Zip/Postal Code	32127		
Situs Address	594 TOUCHSTONE CIR PORT ORANGE 32127		

Legal Description

LOT 57 FOXBORO SUB MB 34 PG 117 INC PER OR 4739 PG 2245

Sales History

Book	Page	Sale Date	Sale Instrument	Qualified Unqualified	Improved	Sale Price
4739	2245	08/2001	Warranty Deed	Affiliated Parties	Yes	85,000
4225	1615	07/1997	Quit Claim Deed	Unqualified Sale	Yes	10
4225	1613	07/1997	Unknown	Unqualified Sale	Yes	75,300
3820	0585	04/1993	Warranty Deed	Qualified Sale	Yes	78,000
3785	2416	10/1992	Warranty Deed	Qualified Sale	Yes	68,800
3563	0421	12/1990	Unknown	Qualified Sale	Yes	76,400
2152	0658	03/1980	Unknown	Qualified Sale	Yes	47,000

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
2015	18,630	86,065	0	104,695	85,787	85,787	25,000	60,787	25,000	35,787
2014	18,630	76,604	0	95,234	85,106	85,106	25,000	60,106	25,000	35,106

[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	90.0	125.0	90.00	FRONT FEET	230.00	100	100	100	90	18,630
Neighborhood 5724 FOXBORO SUB PHASE 1,2 & 3											0
Total Land Classified											0
Total Land Just											18,630

Building Characteristics

Building Number: 116560 (Building 1 of 1)

Bldg. No.	Improvement Type	Base Perimeter	Year Built	Quality Grade	Architecture	Phys. Depr.	Func. Obs.	Loc. Obs.	Next Review
116560	Single Family	160	1978	300		24%	0%	0%	2999
Roof Type	GABLE	Floors		Carpet	Bedrooms	3	4	Fixture Bath	0
Roof Cover	ASPHALT SHINGL	Wall Type		Drywall	X Fixture Bath	0	5	Fixture Bath	0
Heat Type1	Forced Ducted	Heat Source1		Electricity	2 Fixture Bath	0	6	Fixture Bath	0
Heat Type2		Heat Source2			3 Fixture Bath	2	7	Fixture Bath	0
Foundation	Concrete Slab	Year Remodeled			Fireplaces	0	A/C		Yes

Section Number	Area Type	Exterior Wall Type	Number Stories	Year Built	Attic Finish	Bsmt Area	Bsmt Finish	Floor Area
001	Finished Garage (FGR)	Non-Applicable	1.0	1978	N	0%		528 Sq. Feet
002	Res BASE Area (BAS)	PREFAB WOOD PANEL	1.0	1978	N	0%		1421 Sq. Feet
003	Porch, Screen Unfinished (USP)	Non-Applicable	1.0	1978	N	0%		147 Sq. Feet
004	Porch, Open Finished (FOP)	Non-Applicable	1.0	1978	N	0%		130 Sq. Feet

This Warranty Deed

Made this 31st day of August A.D. 2001
by David W. Scales and Mary K. Frazho, husband and wife

09/05/2001 12:15
Doc stamps 595.00
(Transfer Amt \$ 85000)
Instrument # 2001-189832
Book: 4739
Page: 2245
Diane M. Matousek
Volusia County, Clerk of Court

hereinafter called the grantor, to
Robert W. Fowler and Diane Fowler, husband and wife

whose post office address is: 594 Touchstone Circle
Port Orange, FL 32127

hereinafter called the grantee:

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

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

Lot 57, Foxboro Subdivision, according to the plat thereof recorded in Map Book 34, at Page 117, of the Public Records of Volusia County, Florida.

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

Parcel Identification Number: 6316-02-00-0570

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, 2000.

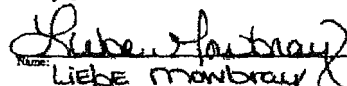
In Witness Whereof, the said grantor has signed and sealed these presents the day and year first above written.

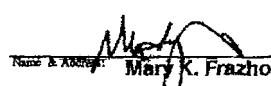
Signed, sealed and delivered in our presence:


Name: Michael A. Van Houten


Name & Address: David W. Scales

LS


Name: Liebe Monbray


Name & Address: Mary K. Frazho

LS

Name:

Name & Address:

LS

Name:

Name & Address:

LS

State of Florida
County of Volusia

The foregoing instrument was acknowledged before me this 31st day of August ,01 , by
David W. Scales and Mary K. Frazho, husband and wife

who is personally known to me, or who has produced

as identification.


Notary Public
Print Name:
My Commission Expires:

PREPARED BY: Michael A. Van Houten
RECORD & RETURN TO:
Michael A. Van Houten
114 S. Palmetto Avenue
Daytona Beach, FL 32114
File No: 5103-1



DIVISION 2. - NUISANCE TREES

Sec. 42-101. - Purpose.

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

(Ord. No. 2000-40, § 1, 10-17-00)

Sec. 42-102. - Definitions.

The following words, terms and phrases, when used in this article shall have the meanings ascribed them in this section, except where the context clearly indicates a different meaning:

Nuisance tree, means a tree that poses a hazard or threat to public health, safety or welfare by threatening the public rights-of-way, public property, occupied public easements or the provision of public utilities.

(Ord. No. 2000-40, § 1, 10-17-00; Ord. No. 2006-14, § 1(42-2), 5-17-06)

Sec. 42-103. - Declaration of nuisance.

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

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

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

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

Sec. 42-104. - Nuisance abatement requirements.

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

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

(Ord. No. 2000-40, § 1, 10-17-00)

Sec. 42-105. - Enforcement—Failure of owner to abate nuisance; assessments 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 42-4, the property owner shall be notified by certified return receipt requested United States mail as follows: A written notice of violation of section 42-4 shall be sent to the property owner, as the 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 42-4.

- (b) If compliance is not had, the city may then cause compliance at the expense of the property owner whose property is in violation.
- (c) A lien shall be imposed on the property in violation, for the costs incurred by the city in bringing the property into compliance with section 42-4, plus administrative costs related thereto.
- (d) A hearing may be timely requested, within three days of receipt of the certified notice of violation. The request shall be in writing to the city manager for review of any determination made in accordance with section 42-4 or this section.
- (e) The city manager or his designee is hereby authorized to cause any property in violation of section 42-4, after notice as provided in subsection (a), to be brought into compliance and to lien the property, for the expenses and costs thereof. The city manager or his designee shall make the sole and final administrative determination of the correctness of the lien and the amount thereof.
- (f) The costs and expenses, as set forth in subsection (c), shall be due and payable to the city within 20 days of the mailing of the bill to the owner. Such costs shall include any public records ownership search required to determine the name and address of the record owner of the property where there is reason to believe that the name and address appearing on the latest tax roll is inaccurate. If the costs and expenses provided herein are not paid as and when due, any unpaid balance thereof, together with interest at the rate of 12 percent per annum from the due date, shall be a lien on such lot, piece or parcel of property. Such lien shall be superior and paramount to the interest in such lands of any owner, lessee, tenant, mortgagee or other person, except the lien of state, county or municipal taxes, and shall be on a parity with lien of such state, county and municipal taxes. If any such costs, expense or charge is not paid as and when due and is in default for 30 days or more, the unpaid balance thereof and all interest accrued thereon, together with attorney's fees and costs, may be recovered and such liens may be foreclosed by the city in the manner provided by the laws of the state for foreclosure of mortgages or real property.
- (g) The procedures set forth in this section shall be cumulative and supplemental to other procedures and penalties for violation of this Code and violations of section 42-4 may be referred to the code enforcement board as provided in this Code.

(Ord. No. 2000-40, § 1, 10-17-00)

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner,

Vs.

CASE NO: 15-1718

Robert W. & Diane Fowler,
Respondents,

Property Address: 594 Touchstone Cir
Port Orange, FL 32127
Parcel ID: 6316-02-00-0570

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 594 Touchstone Cir, Port Orange, Florida 32127, is owned by Robert W. & Diane Fowler.
4. That 594 Touchstone Cir, 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 594 Touchstone Cir, Port Orange, Florida 32127, at 11:20 p.m. on the 17th day of November, 2015, as required by Florida Statute Section 162.12(2)(b)(1). A copy of the Notice and Request is attached hereto and made a part hereof.

FURTHER AFFIANT SAYETH NOT.

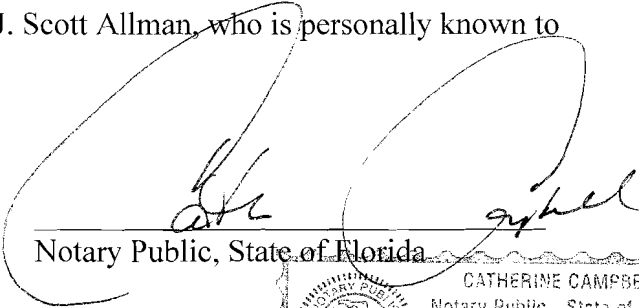
DATED this 18th day of November, 2015.



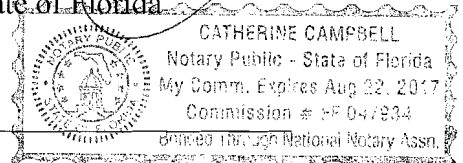
J. Scott Allman
Code Compliance Inspector

**STATE OF FLORIDA
COUNTY OF VOLUSIA**

The foregoing instrument was sworn to before me on the 18 day of
November, 2015, by J. Scott Allman, who is personally known to
me.


Notary Public, State of Florida

Commission No. _____

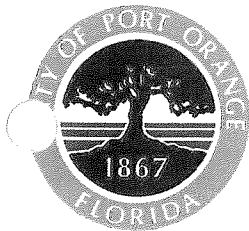


Case Cost Sheet Log

Case No. 15-1353

Name	Activity	Activity_Date	Status	Cost
Akram Batniji	Notice of Violation/Notice of Hearing	09/08/2015	Hand Delivered to Akram Batniji on 9/8/15	\$0.00
Akram Batniji	Mailing Finding of Fact/Conclusion of Law & Order to 16 Longford Farm Drive, Elmira, NY 14903	12/09/2015		\$7.21
Clerk of Court	Recording Fee - Finding of Fact/Conclusion of Law & Order	12/09/2015		\$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. 15-1353

To: Akram Batniji
16 Longford Farm Dr
Elmira, NY 14903

Re: 735 Dunlawton Ave
Port Orange, FL 32129
Parcel ID: 6337-52-00-0001

LEGAL DESCRIPTION: LOT 2 SCOTT CNB PCD UNIT II MB 42 PG 27 PER OR 5062 PG 2606 PER OR 5720 PG
1997 PER OR 6776 PG 2276

Volusia County Public Records
Volusia County, FL

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

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

An inspection was conducted on August 4, 2015. During that inspection, I observed a damaged fence on the rear lot line of the property. Portions of the fence are leaning and there are missing pickets. I spoke to the owner Akram Batniji and notified him that the fence needed to be repaired to its original and upright condition. The owner was given 10 days verbally for compliance. A re-inspection was conducted on September 1, 2015. I left a copy of my business card with one of the nurses at the front desk and asked that the owner contact me. To date, I have not received any messages from the owner. To correct the violation, all damaged or leaning fence components must be repaired to their original and upright condition.

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

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

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

As per Chapter 2, Section 2-214, Code of Ordinances and Section 162.09(2)(d), Florida Statutes: "In addition to such fines, a code enforcement board or special magistrate may impose additional fines to cover all costs incurred by the local government in enforcing its codes and all costs of repairs." The costs incurred to date are \$ 0 as indicated on the cost sheet submitted into evidence. The respondent will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion.

NOTICE OF HEARING SETTING FINE AND LIEN

In the event the **Special Magistrate**, during the hearing on **October 14, 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

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Akram Batniji, 735 Dunlawton Ave, Port Orange, FL 32129, was

☒ Hand-delivered: Akram Batniji
☐ Posted at the property

this 8th day of September, 2015.

Time: approx. 12:17 pm

J. Scott Allman
J. Scott Allman

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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[Estimate of Taxes](#)

Parcel Information: 6337-31-00-0020 2015 Preliminary Tax Roll Last Updated: 09-06-2015

Owner Name and Address

Alternate Key	5012816	Parcel Status	Active Parcel (Real Estate)
Short Parcel ID	6337-31-00-0020	Mill Group	402 Port Orange
Full Parcel ID	37-16-33-31-00-0020	2014 Final Mill Rate	21.15960
Created Date	11 MAY 1988		
Property Class	17 Office Buildings, Non-Professional Service Buildings, One Story		
Ownership Type		Ownership Percent	100
Owner Name	BATNIJI AKRAM		
Owner Name/Address 1			
Owner Address 2	16 LONGFORD FARM DR		
Owner Address 3	ELMIRA NY		
Owner Zip Code	14903		
Situs Address	735 DUNLAWTON AV PORT ORANGE 32129		

Legal Description
 LOT 2 SCOTT CNB PCD UNIT II MB 42 PG 27 PER OR 5062 PG 2606 PER OR 5720 PG 1997 PER OR 6776 PG 2276

Sales History

Book Page	Sale Date	Sale Instrument	Qualified Unqualified	Improved	Sale Price
6776 2276	10/2012	Warranty Deed	Institutional / bank	Yes	360,000
5720 1997	12/2005	Warranty Deed	Institutional / bank	Yes	717,000
5062 2606	04/2003	Quit Claim Deed	Affiliated Parties	Yes	10
3940 1670	07/1994	Quit Claim Deed	Unqualified Sale	Yes	100
3130 0262	03/1988	Warranty Deed	Unqualified 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	202,500	245,312	22,370	470,182	470,182	458,729	0	470,182	0	458,729
2013	202,500	192,156	22,370	417,026	417,026	417,026	0	417,026	0	417,026
2012	202,500	195,940	20,770	419,210	419,210	419,210	0	419,210	0	419,210
2011	202,500	195,939	20,770	419,209	419,209	419,209	0	419,209	0	419,209
2010	222,750	195,985	20,770	439,505	439,505	439,505	0	439,505	0	439,505
2009	293,625	268,686	20,770	583,081	583,081	583,081	0	583,081	0	583,081
2008	352,350	217,085	20,770	590,205	590,205	590,205	0	590,205	0	590,205
2007	352,350	219,113	17,116	588,579	588,579	588,579	0	588,579	0	588,579
2006	259,200	219,062	14,067	492,329	492,329	492,329	0	492,329	0	492,329
2005	259,200	208,935	7,760	475,895	475,895	475,895	0	475,895	0	475,895
2004	243,000	240,821	6,473	490,294	490,294	490,294	0	490,294	0	490,294
2003	121,500	226,004	5,517	353,021	353,021	353,021	0	353,021	0	353,021
2002	121,500	232,322	5,560	359,382	359,382	359,382	0	359,382	0	359,382
2001	121,500	219,999	5,605	347,104	347,104	347,104	0	347,104	0	347,104
2000	121,500	216,292	5,650	343,442	343,442	343,442	0	343,442	0	343,442
1999	97,200	199,161	5,695	302,056	302,056	302,056	0	302,056	0	302,056
1998	97,200	197,067	5,741	300,008	300,008	300,008	0	300,008	0	300,008
1997	97,200	190,564	5,786	293,550	293,550	293,550	0	293,550	0	293,550
1996	97,200	186,659	6,660	290,519	290,519	290,519	0	290,519	0	290,519
1995	97,200	184,498	7,577	289,275	289,275	289,275	0	289,275	0	289,275
1994	97,200	179,595	8,376	285,171	285,171	285,171	0	285,171	0	285,171
1993	97,200	158,036	13,507	268,743	268,743	268,743	0	268,743	0	268,743
1992	97,200	158,036	14,021	269,257	269,257	269,257	0	269,257	0	269,257
1991	133,650	147,299	12,092	293,041	293,041	293,041	0	293,041	0	293,041
1990	133,650	142,255	12,155	288,060	288,060	288,060	0	288,060	0	288,060
1989	121,500	135,832	11,983	269,315	269,315	269,315	0	269,315	0	269,315
1988	121,500	0	0	121,500	121,500	121,500	0	121,500	0	121,500

Recording requested by
and when recorded return to:
Chris Drivas/LandCastle Title,
5110 Eisenhower Blvd. #102
Tampa, FL 33634

Asset No. 10342001079

_____ space above this line for Recorder's use only

SPECIAL WARRANTY DEED

STATE OF FLORIDA §
§
COUNTY OF VOLUSIA §

RECITALS

WHEREAS, FDIC, as Receiver for Sunshine State Community, a Florida Banking Corp.
(the "Institution"), acquired the Property by that certain Warranty Deed dated
12/2/2005, and recorded in Volume 5720, Page 1997 of the records of
Volusia County, Florida, on 12/9/2005; and

WHEREAS, the Institution was closed by State of FL Office of Financial Regulation
Feb. 11, 2011, and the Federal Deposit Insurance Corporation (the "FDIC") was appointed
as receiver for the Institution (the "Receiver"); and

WHEREAS, as a matter of federal law, 12 U.S.C. § 1821(d)(2)(A)(i), the Receiver succeeded to all of
the right, title, and interest of the Institution in and to, among other things, the Property.

NOW, THEREFORE, the Receiver (hereinafter, "Grantor"), whose address is 1601 Bryan Street,
Dallas, Texas 75201, for and in consideration of THREE HUNDRED AND SIXTY THOUSAND
AND NO/100 DOLLARS (\$360,000.00), the receipt and
sufficiency of which are hereby acknowledged, has GRANTED, SOLD and CONVEYED and by these
presents does GRANT, SELL and CONVEY unto AKRAM BATNJI
_____, ("Grantee"), whose address is
16 Longford Farm Drive, Elmira, NY 14903, that certain real
property situated in Volusia County, Florida, as described on Exhibit
"A" attached hereto and made a part hereof for all purposes, together with any and all improvements thereto
and all and singular the rights and appurtenances pertaining thereto, including, but not limited to, any right,

title and interest of Grantor in and to adjacent streets, alleys or rights-of-way (collectively, the "Property"), **subject** however to any and all exceptions, easements, rights-of-way, covenants, conditions, restrictions, reservations, encroachments, protrusions, shortages in area, boundary disputes and discrepancies, matters which could be discovered or would be revealed by, respectively, an inspection or current survey of the Property, encumbrances, access limitations, licenses, leases, prescriptive rights, rights of parties in possession, rights of tenants, co-tenants, or other co-owners, and any and all other matters or conditions affecting the Property, including, without limitation, any and all matters or conditions reflected on Exhibit "B" attached hereto and made a part hereof for all purposes, and whether known or unknown, recorded or unrecorded, as well as standby fees, real estate taxes, and assessments on or against the Property for the current year and subsequent years and subsequent taxes and assessments for prior years becoming due by reason of a change in usage or ownership, or both, of the Property; and any and all zoning, building, and other laws, regulations, and ordinances of municipal and other governmental authorities affecting the Property (all of the foregoing being collectively referred to as the "Permitted Encumbrances"). Grantee, by its acceptance of delivery of this Special Warranty Deed, assumes and agrees to perform any and all obligations of Grantor or the Institution under the Permitted Encumbrances.

FURTHER, GRANTEE, BY ITS ACCEPTANCE OF DELIVERY OF THIS SPECIAL WARRANTY DEED, ACKNOWLEDGES AND AGREES THAT (I) EXCEPT FOR THE SPECIAL (OR LIMITED) WARRANTY OF TITLE CONTAINED HEREIN, GRANTOR HAS NOT MADE, DOES NOT MAKE, AND SPECIFICALLY NEGATES AND DISCLAIMS ANY REPRESENTATIONS, WARRANTIES, PROMISES, COVENANTS, AGREEMENTS, OR GUARANTIES OF ANY KIND OR CHARACTER WHATSOEVER, WHETHER EXPRESS OR IMPLIED, ORAL OR WRITTEN, PAST, PRESENT, OR FUTURE, OF, AS TO, CONCERNING, OR WITH RESPECT TO (A) THE VALUE, NATURE, QUALITY, OR CONDITION OF THE PROPERTY, INCLUDING, WITHOUT LIMITATION, THE WATER, SOIL, AND GEOLOGY, (B) ANY INCOME TO BE DERIVED FROM THE PROPERTY, (C) THE SUITABILITY OF THE PROPERTY FOR ANY AND ALL ACTIVITIES AND USES WHICH GRANTEE MAY CONDUCT OR HOPE TO CONDUCT THEREON, (D) THE COMPLIANCE OF OR BY THE PROPERTY OR ITS OPERATION WITH ANY LAWS, RULES, ORDINANCES, OR REGULATIONS OF ANY APPLICABLE GOVERNMENTAL AUTHORITY OR BODY, (E) THE DESCRIPTION, POSSESSION, HABITABILITY, MERCHANTABILITY, MARKETABILITY, PROFITABILITY, OR FITNESS FOR A PARTICULAR PURPOSE OF THE PROPERTY OR ANY PART THEREOF, (F) THE MANNER OR QUALITY OF THE CONSTRUCTION OR MATERIALS, IF ANY, INCORPORATED INTO THE PROPERTY, (G) THE MANNER, QUALITY, STATE OF REPAIR, OR LACK OF REPAIR OF THE PROPERTY OR ANY PORTION THEREOF OR ANY IMPROVEMENTS THERETO, (H) THE EXISTENCE, QUALITY, NATURE, ADEQUACY, OR PHYSICAL CONDITION OF ANY UTILITIES SERVING THE PROPERTY, OR (I) ANY OTHER MATTER WITH RESPECT TO THE PROPERTY, AND SPECIFICALLY, THAT GRANTOR HAS NOT MADE, DOES NOT MAKE, AND SPECIFICALLY DISCLAIMS ANY REPRESENTATIONS REGARDING COMPLIANCE WITH ANY ENVIRONMENTAL PROTECTION, POLLUTION, OR LAND USE LAWS, RULES, REGULATIONS, ORDERS, OR REQUIREMENTS, INCLUDING,

WITHOUT LIMITATION, THE DISPOSAL OR EXISTENCE, IN OR ON THE PROPERTY OR ANY PART THEREOF, OF ANY HAZARDOUS MATERIALS; (ii) GRANTEE HAS FULLY INSPECTED THE PROPERTY AND THAT THE CONVEYANCE HEREUNDER OF THE PROPERTY IS "AS IS" AND "WITH ALL FAULTS", AND GRANTOR HAS NO OBLIGATION TO ALTER, REPAIR, OR IMPROVE THE PROPERTY OR ANY PORTION THEREOF OR ANY IMPROVEMENTS THERETO; and (iii) NO WARRANTY HAS ARISEN THROUGH TRADE, CUSTOM, OR COURSE OF DEALING WITH GRANTOR, AND ALL STATUTORY, COMMON LAW, AND CUSTOMARY COVENANTS AND WARRANTIES, IF ANY, OF WHATEVER KIND, CHARACTER, NATURE, PURPOSE, OR EFFECT, WHETHER EXPRESS OR IMPLIED OR ARISING BY OPERATION OF LAW, ARE HEREBY EXPRESSLY, UNCONDITIONALLY, AND IRREVOCABLY WAIVED, DISCLAIMED, AND EXCLUDED FROM THIS SPECIAL WARRANTY DEED, NOTWITHSTANDING ANY CUSTOM OR PRACTICE TO THE CONTRARY, OR ANY STATUTORY, COMMON LAW, DECISIONAL, HISTORICAL, OR CUSTOMARY MEANING, IMPLICATION, SIGNIFICANCE, EFFECT, OR USE OF CONTRARY IMPORT OF ANY WORD, TERM, PHRASE OR PROVISION HEREIN.

Further, by its acceptance of delivery of this Special Warranty Deed, Grantee or anyone claiming by, through, or under Grantee, hereby fully releases Grantor, the Institution, and the FDIC in any and all of its various other capacities, and their respective employees, officers, directors, representatives, and agents from any and all claims, costs, losses, liabilities, damages, expenses, demands, actions, or causes of action that it or they may now have or hereafter acquire, whether direct or indirect, known or unknown, suspected or unsuspected, liquidated or contingent, arising from or related to the Property in any manner whatsoever. This covenant releasing Grantor, the Institution, and the FDIC in any and all of its various other capacities shall be a covenant running with the Property and shall be binding upon Grantee, its successors, and assigns.

TO HAVE AND TO HOLD the Property, together with all and singular the rights and appurtenances thereto in any wise belonging to Grantor, unto Grantee, its heirs, personal representatives, successors and assigns forever, and Grantor does hereby bind itself, its successors and assigns, to WARRANT SPECIALLY AND FOREVER DEFEND all and singular the Property unto Grantee, its heirs, personal representatives, successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof, by, through, or under Grantor, but not otherwise, **subject**, however, to the Permitted Encumbrances.

The fact that certain encumbrances, limitations, or other matters or conditions may be mentioned, disclaimed, or excepted in any way herein, whether specifically or generally, shall not be a covenant, representation, or warranty of Grantor as to any encumbrances, limitations, or any other matters or conditions not mentioned, disclaimed, or excepted. Notwithstanding anything herein to the contrary, however, nothing herein shall be construed or deemed as an admission by Grantor or Grantee to any third party of the existence, validity, enforceability, scope, or location of any encumbrances, limitations, or other matters or conditions mentioned, disclaimed, or excepted in any way herein, and nothing shall be

construed or deemed as a waiver by Grantor or Grantee of its respective rights, if any, but without obligation, to challenge or enforce the existence, validity, enforceability, scope, or location of same against third parties.

By its acceptance of delivery of this Special Warranty Deed, Grantee hereby assumes the payment of all *ad valorem* taxes, standby fees, and general and special assessments of whatever kind and character affecting the Property which are due, or which may become due, for the current tax year or assessment period and for any tax year or assessment period subsequent to the date of this Special Warranty Deed, including, without limitation, taxes or assessments for prior years becoming due by reason of a change in usage or ownership, or both, of the Property or any portion thereof.

IN WITNESS WHEREOF, this Special Warranty Deed is executed on 10/19/12.

Federal Deposit Insurance Corporation, as Receiver for Sunshine State Community Bank, a Florida banking, on behalf of said entity.

By: [Signature]
as Attorney in Fact
Signed By: Raymond H. Fraser, Jr.
Printed Name: Raymond H. Fraser, Jr.
As It's: Attorney In Fact

(Witness Signature)

JOHN C. HARRIS
(Print Name of Witness)

[Signature]
(Witness Signature)

STEPHEN E. LAIRD
(Print Name of Witness)

ACKNOWLEDGMENT

STATE OF Florida §
COUNTY OF Duval §

This instrument was acknowledged before me this 19th day of October, 2012, by Raymond H. Fraser, Jr. as Attorney In Fact, as Attorney in Fact for Federal Deposit Insurance Corporation, as Receiver for Sunshine State Community Bank, a Florida banking, on behalf of said entity.

[Notary seal]

Kathryn F. Swanson
Notary Public, State of Florida

NOTARY PUBLIC-STATE OF FLORIDA
Kathryn F. Swanson
Commission # EE047379
Expires: DEC. 07, 2014
BONDED THRU ATLANTIC BONDING CO., INC.

EXHIBIT "A" to Special Warranty Deed

[Legal Description of the Property]

Lot 2, SCOTT CNB PCD UNIT II, according to the map or plat thereof, as recorded in Plat Book 42, Page(s) 27, of the Public Records of Volusia County, Florida.

Parcel Id. 6337-31-00-0020

Special Warranty Deed (Cash) - Page 5
For use with "fdicfortmresalescontract_SWD_recorp_040411_final.doc"
04APR11MJH
fdicswdK_sw_d_REC_040411.doc

EXHIBIT "B" to Special Warranty Deed

[Specific Permitted Encumbrances]

Taxes and assessments for the year 2012 and subsequent years, which are not yet due and payable.

Phosphate, Minerals, Metals and Petroleum Reservations and rights in favor of the State of Florida, as set forth in the deed from the Trustees of the Internal Improvement Fund, recorded in Deed Book 315, Page 211; As affected by Instruments recorded in Official Records Book 2624, Page 671, Official Records Book 2624, Page 673, and Official Records Book 2627, Page 806. As to said reservation, the right of entry has been released pursuant to Florida Statute 270.11.

Terms and provision of Development Agreement filed for record in Official Records Book 2996, Page 1503, and amendments thereto including, but not limited to, Amendments recorded in Official Records Book 2996, Page 1503, Official Records Book 3219, Page 805, Official Records Book 3480, Page 466.

Terms and Provisions of the City of Port Orange Standard Form of Subdivision Improvement Agreement recorded in Official Records Book 3011, Page 1690.

Restrictions, covenants and conditions as set forth on Plat recorded in Plat Book 42, Page 27, as may be subsequently amended.

NOTE: This exception omits any restriction, covenant, or condition based on race, color, religion, sex, handicap, familial status or national origin, if any, unless and only to the extent that the restriction is not in violation of state or federal law, or relates to a handicap, but does not discriminate against handicapped people.

Easement Agreement recorded in Official Records Book 3264, Page 165.

Joint Easement Agreement recorded in Official Records Book 3207, Page 1520.

Right-of-Way Agreement in favor of Florida Power and Light Company recorded in Official Records Book 1789, Page 1385.

The terms, provisions and conditions contained in that certain City of Port Orange Resolution No. 06-96, recorded in Official Records Book 5263, Page 4269.

Rights of tenants occupying all or part of the insured land under unrecorded leases or rental agreements.

Subject to the following matters disclosed by Survey prepared by CDS Surveyor, Billy R. Davis, PSM 5099, under Job No. 11-06-027:001, dated October 9, 2012:

- A. Encroachment of a 6ft concrete walk into 20 foot Florida Power & Light Easement along the front lot line.
- B. Encroachment of a Sign into 20 foot Florida Power & Light Easement along the front lot line.
- C. Encroachment of Concrete Parking Spaces into 5 foot Drainage and Utility Easement along the Northerly side lot line.
- D. Encroachment of a 6 ft Wood Fence onto subject property along the rear lot line.
- E. Encroachment of a Cable Riser into 20 foot Florida Power & Light Easement along the front lot line.
- F. Encroachment of a Cable Box into 20 foot Florida Power & Light Easement along the front lot line.
- G. Encroachment of concrete parking onto 40 ft Sewer and Drainage Easement along the rear lot line.
- H. Encroachment of concrete parking into 10 ft road way and utility purpose easement.

Prepared by: Renee Marie Araujo, Esq.
FDIC East Coast Temporary Satellite Office
7777 Baymeadows Way West
Jacksonville, FL 32256

(Leave Blank Above this Line for Recording Information)
(Space above this line must be at least 3 Inches)

LIMITED POWER OF ATTORNEY

KNOW ALL PERSONS BY THESE PRESENTS, that the **FEDERAL DEPOSIT INSURANCE CORPORATION**, a Corporation organized and existing under an Act of Congress, hereinafter called the "FDIC," acting in its Receivership capacity or separate Corporate capacity or as Manager of the FSLIC Resolution Fund has acquired and will acquire certain assets for liquidation and has determined that it is necessary to appoint a representative to act on its behalf in connection with the maintenance and liquidation of said assets, hereinafter called the "Acquired Assets."

WHEREAS, the FDIC desires to designate **RAYMOND H. FRASER, JR.** as attorney-in-fact for the limited purpose of facilitating the management and disposition of the Acquired Assets; and

WHEREAS, the undersigned has full authority to execute this instrument on behalf of the FDIC under applicable Resolutions of the FDIC's Board of Directors and redelegations thereof.

NOW, THEREFORE, the FDIC appoints **RAYMOND H. FRASER, JR.** as its true and lawful attorney-in-fact to act in its name, place, and stead, and hereby grants **RAYMOND H. FRASER, JR.** the authority, subject to the limitations herein, as follows:

(1) Sign, seal and deliver as the act and deed of the FDIC any instrument in writing, and to do every other thing necessary and proper for the collection and recovery of any and all monies and properties of every kind and nature whatsoever for and on behalf of the FDIC and to give proper receipts and acquittance therefor in the name and on behalf of the FDIC;

(2) Release, discharge or assign any and all judgments, mortgages on real estate or personal property, including the release and discharge of the same of record in the Official or Public Records of the Clerk of any Circuit Court or any other official public records or registries, wherever located, where payments on account of the same in redemption or otherwise may have been made by the

debtor(s), and to endorse receipt of such payment upon the records in any appropriate public office;

(3) Receive, collect and give all proper acquittance for any other sums of money owing to the FDIC for any Acquired Asset which the attorney-in-fact may sell or dispose of;

(4) Execute any and all transfers and assignments as may be necessary to assign any securities or other choses in action;

(5) Sign, seal, acknowledge and deliver any and all agreements, easements, or conveyances as shall be deemed necessary or proper by the FDIC attorney-in-fact in the care and management of the Acquired Assets;

(6) Sign, seal, acknowledge and deliver indemnity agreements and surety bonds in the name of and on behalf of the FDIC;

(7) Sign receipts for the payment of all rents and profits due or to become due on the Acquired Assets;

(8) Execute, acknowledge and deliver deeds of real property in the name of the FDIC;

(9) Extend, postpone, release and satisfy or take such other action regarding any mortgage lien held in the name of the FDIC;

(10) Execute, acknowledge and deliver in the name of the FDIC a power of attorney wherever necessary or required by law to any attorney employed by the FDIC;

(11) Foreclose any mortgage or other lien on either real or personal property, wherever located;

(12) Do and perform every act necessary for the use, liquidation or collection of the Acquired Assets held in the name of the FDIC;

(13) Sign, seal, acknowledge and deliver any and all documents as may be necessary to settle any action(s) or claim(s) asserted against the FDIC, either in its Receivership or Corporate capacity, or as Manager of the FSLIC Resolution Fund.

This Power of Attorney shall be effective **May 9, 2012**, and shall continue in full force and effect through **May 8, 2014**, unless otherwise terminated by any official of the FDIC authorized to do so by the Board of Directors of the FDIC.

IN WITNESS WHEREOF, the FDIC, by its duly authorized officer empowered by appropriate resolution of its Board of Directors, has caused these presents to be subscribed in its name this 29th day of MARCH, 2012.

**FEDERAL DEPOSIT INSURANCE
CORPORATION**

By: Opheelia Jones

Name: **OPHELIA JONES**

Title: Manager of Customer Service -

East Coast Temporary Satellite Office

7777 Baymeadows Way West

Jacksonville, FL 32256

Signed in the presence of:

Witness: Gary Campbell

Printed Name: Gary Campbell

Witness: Beneva V. Young

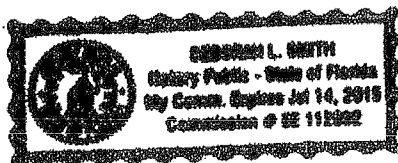
Printed Name: Beneva V. Young

STATE OF FLORIDA }

COUNTY OF DUVAL }

On this 29th day of March, 2012, before me, a Notary Public in and for the State of Florida appeared **OPHELIA JONES**, to me personally known, who, being by me first duly sworn did depose that he/she is Manager of Customer Service, East Coast Temporary Satellite Office of the Federal Deposit Insurance Corporation (the "Corporation"), in whose name the foregoing Limited Power of Attorney was executed and subscribed, and the said Limited Power of Attorney was executed and subscribed on behalf of the said Corporation by due authority of the Corporation's Board of Directors, and the said **OPHELIA JONES**, acknowledged the said Limited Power of Attorney to be the free act and deed of said Corporation.

[PLACE NOTARY SEAL BELOW HERE]



Deborah L. Smith
Notary Public

Printed Name of Notary: Deborah L. Smith

Commission No.: EE 112500

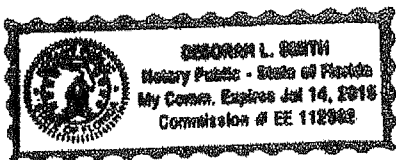
My Commission expires: 7-14-2015

STATE OF FLORIDA }

COUNTY OF DUVAL }

On this 29th day of March, 2012, before me, a Notary Public in and for the State of Florida appeared Gary Campbell II (witness #1) and Beneva V. Young (witness #2), to me personally known to be the persons whose names are subscribed as witness to the foregoing instrument of writing, and after being duly sworn by me stated on oath that they saw **OPHELIA JONES**, Manager of Customer Service, East Coast Temporary Satellite Office, of the Federal Deposit Insurance Corporation, the person who executed the foregoing instrument, and had subscribed the same, and that they had signed the same as a witness at the request of the person who executed the same.

[PLACE NOTARY SEAL BELOW HERE]

Deborah L. Smith

Notary Public

Printed Name of Notary: Deborah L. SmithCommission No.: EE 112502My Commission expires: 7-14-2015STATE OF FLORIDA
DUVAL COUNTY

I, THE UNDERSIGNED Clerk of the Circuit Court, Duval County, Florida, DO HEREBY CERTIFY the within and foregoing is a true and correct copy of the original as it appears on record and file in the office of the Clerk of Circuit Court, Duval County, Florida, and the same is in full force and effect.

WITNESS my hand and seal of the Clerk of Circuit Court, Duval County, Florida, this the 29th day of March, 2012.

[Signature]
Clerk of Circuit Court
Duval County, Florida

Section 3: - Fences and walls.

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

(b) *General provisions.*

(1) *Restrictions.*

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

Where a fence or wall transitions from a higher to a lower height, the transition must be complete at or before the point where the lower height must begin. For example, where a six-foot-tall fence transitions to a four-foot-tall fence, the transition from higher to lower must be completed where the four-foot height limitation begins, such that no portion of the fence exceeds the height limitation.

(3) *Location.*

- (a) No permanent fence or wall shall be located closer than five feet to any right-of-way line, unless otherwise permitted in this chapter.
- (b) No permanent fence or wall shall be located within areas required to provide clearance for visibility in accordance with this chapter.

(4) *Design and maintenance.*

- (a) All fences and walls shall be designed to comply with the architectural and landscaping requirements of this code when applicable.
- (b) All fences shall be maintained in their original upright condition.
- (c) Fences and walls designed for painting or similar surface finishes shall be maintained in their original condition as designed.
- (d) Missing boards, pickets, or posts shall be replaced in a timely manner with material of the same type and quality.
- (e) Fences or walls having a side with exposed or irregular structural components and a more finished, uniform and aesthetically attractive side shall be constructed so that the more finished, uniform and aesthetically attractive side faces outward from the fenced property toward the adjoining property. This requirement shall not be construed as to require post components of fences to be invisible from the adjoining property. This requirement may be waived by the administrative official upon approval of a written agreement between the two adjoining property owners.
- (f) The side of a fence or wall oriented to an adjoining property shall not create an adverse visual impact on such adjoining property.

(5) *Exemptions.*

- (a) Customary fencing around tennis courts and other approved recreational amenities shall be exempt from height restrictions.
- (b) Reserved.

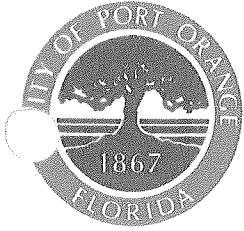
(Ord. No. 1991-20, 8-27-91; Ord. No. 1993-58, 1-18-94; Ord. No. 1996-33, § 9, 11-19-96; Ord. No. 1998-51, § 2, 8-18-98; Ord. No. 1999-47, § 1, 11-16-99; Ord. No. 2001-84, §§ 2, 3, 10-16-01; Ord. No. 2005-55, § 3, 1-17-06; Ord. No. 2009-23, § 2, 11-10-09; Ord. No. 2015-14, § 1, 4-21-2015)

Case Cost Sheet Log

Case No. 15-070

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	We attempted to deliver your item at 2:16 pm on November 4, 2015 in PORT ORANGE, FL 32127 and a notice was left because an authorized recipient was not available. You may arrange redelivery by using the Schedule a Redelivery feature on this page or calling 800-ASK-USPS, or may pick up the item at the Post Office indicated on the notice. If this item is unclaimed by November 19, 2015 then it will be returned to sender.	\$7.21
Clerk of Court	Recording Fee - Finding of Fact/Conclusion of Law & Order	10/28/2015	BK: 7180 PG: 4522	\$27.00
Corine Mackey	Mailing Order Imposing Fine/Lien w/ Affidavit of Non-Compliance to 5420 Landis Avenue, Port Orange, FL 32127	12/09/2015		\$0.48
Clerk of Court	Recording Fee - Order Imposing Fine/Lien w/ Affidavit of Non-Compliance	12/09/2015		\$44.00

Total: \$85.64



**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. Eulen

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

Return to

CLEAR'S FILE MARK

FILED FOR RECORD
RECORD VERIFIED
BOOK PAGE 657

DECEMBER 3 AM 10 05

[Signature]

36971

STATE OF FLORIDA
COUNTY OF VOLUSIA
NOTARY PUBLIC
\$5.50

STATE OF FLORIDA
COUNTY OF VOLUSIA
NOTARY PUBLIC
\$5.50

1246 657

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:

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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Home Search Choices Search By Location Address Property Information

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.

**CITY OF PORT ORANGE, FLORIDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
CASE NO. 15-070**

CITY OF PORT ORANGE,
a Florida municipal corporation,

Petitioner,

Corine M. Mackey
5420 Landis 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 October 28, 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), Corine M. Mackey, whose mailing address is 5420 Landis Avenue, Port Orange, FL 32127, is/are the owner(s) of the property located at 5420 Landis Avenue, Port Orange, FL 32127, and more particularly described as:

LOTS 9 & 10 BLK 20 ALLANDALE

B. The condition was first observed at the real property described above on January 22, 2015; re-inspections made on September 30, 2015 and October 26, 2015 confirmed the condition as being the same. Respondent(s), Corine M. Mackey, received notice via certified mail and posted at City Hall on September 9, 2015. Additionally, the notice was posted on the property on September 8, 2015. The aforesaid conditions constituted a violation of the Chapter 42, (Nuisances), Article II (Garbage, junk, and undergrowth), Section 42-26 (Cleanliness of property generally-duty of owner), §§ (d) (Maintenance of improved residential lots) of the City of Port Orange Code of Ordinances, Chapter 42 Nuisances, Section 42-32 Storage of vehicles, furniture, etc., and 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, and was to be corrected by September 22, 2015.

C. At the time of the hearing on October 28, 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), Corine M. Mackey, 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, Chapter 42 Nuisances, Section 42-32 Storage of vehicles, furniture, etc., and 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, 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, stored items and junk on the front porch, and the blue tarp on the roof due to a roof leak, 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, removing all outside storage and junk, removing the blue tarp, and fixing the roof for repair on or before November 9, 2015. If paragraph D. above is checked and the Respondent(s) has/have not abated the condition by November 9, 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. Abatement shall include mowing the lawn and removing the blue tarp and any and all bricks that are not securely fixed to the roof. 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 28 day of October, 2015.

Attest: [Signature]
Secretary, Code Enforcement Special Magistrate

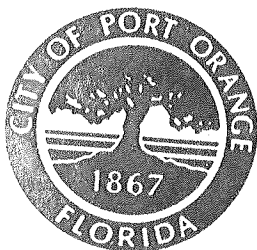
By: [Signature]
Code Enforcement Special Magistrate

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), Corine M. Mackey, 5420 Landis Avenue, Port Orange, FL 32127 by Certified and Regular Mail this 2 day of November, 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 12 day of November, 2015.
By: [Signature]

Case Cost Sheet Log

Case No. 15-768

Name	Activity	Activity_Date	Status	Cost
Lynn Nelson	Mailing Notice of Violation/Notice of Hearing to 6509 Baywood Avenue, Port Orange, FL 32127	10/15/2015	Certified Mail Returned to City Clerk's Office marked "Unclaimed".	\$6.95
Dolores Ann Nelson	Mailing Notice of Violation/Notice of Hearing to 6509 Baywood Avenue, Port Orange, FL 32127	10/15/2015	Certified Mail Returned to City Clerk's Office marked "Unclaimed".	\$6.95
Lynn Nelson	Mailing Finding of Fact/Conclusion of Law & Order 6509 Baywood Avenue, Port Orange, FL 32127	12/09/2015		\$7.21
Dolores Ann Nelson	Mailing Finding of Fact/Conclusion of Law & Order 6509 Baywood Avenue, Port Orange, FL 32127	12/09/2015		\$7.21
Clerk of Court	Recording Fee - Finding of Fact/Conclusion of Law & Order	12/09/2015		\$27.00
Lynn Nelson	Mailing Order Imposing Fine/Lien w/Affidavit of Non-Compliance to 6509 Baywood Avenue, Port Orange, FL 32127	01/13/2016		\$0.48
Dolores Ann Nelson	Mailing Order Imposing Fine/Lien w/Affidavit of Non-Compliance to 6509 Baywood Avenue, Port Orange, FL 32127	01/13/2016		\$0.48
Clerk of Court	Recording Fee - Order Imposing Fine/Lien w/Affidavit of Non-Compliance	01/13/2016		\$44.00

Total: \$100.28



NOTICE OF REPEAT VIOLATION
AND
NOTICE OF HEARINGS

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 15-768

To:
Lynn Nelson &
Dolores Ann Nelson JTWROS
6509 Baywood Avenue
Port Orange, FL 32127

Re: 6509 Baywood Avenue
Port Orange, FL 32127
Parcel ID: 6315-06-02-0740

LEGAL DESCRIPTION: 15 16 33 E 92 FT OF N 69 FT OF S 419 FT OF LOTS 8 & 9 ASSRS SUB MB 3-PG 82 AKA LOT
74 BLK 2 BAYVIEW HOMESITES UNREC SUB NO 209 PER OR 4527 PG 1488

Volusia County Public Records
Volusia County, FL

An inspection of the premises on May1, 2015, indicates that certain violation(s) of the City of Port Orange Code exists. efly 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) 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.

This property is overgrown and needs to be mowed and maintained on a regular basis and all garbage junk trash and debris needs to be removed. This is a repeat violation of case number 14-979.

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

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

As per Chapter 2, Section 2-214, Code of Ordinances and Section 162.09(2)(d), Florida Statutes: "In addition to such fines, a code enforcement board or special magistrate may impose additional fines to cover all costs incurred by the local government in enforcing its codes and all costs of repairs." The costs incurred to date are \$ 13.90 as indicated on the cost sheet submitted into evidence. The respondent will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion.

NOTICE OF HEARING SETTING FINE AND LIEN

In the event the **Special Magistrate**, during the hearing on **December 9, 2015**, enters a Final Order finding a violation as alleged, pursuant to Chapter 7, Code of Ordinances, City of Port Orange, Florida, you are hereby called upon to take notice that a 2nd PUBLIC HEARING will be conducted in the above-styled cause by the Code Enforcement Special Magistrate on **January 13, 2016, 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 13th day of October, 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 Lynn Nelson & Dolores Ann Nelson JTWR0S, 6509 Baywood Avenue, Port Orange, FL 32127, was

☐ Hand-delivered

Recipient of hand delivered documents: _____

☒ Posted at the property

this 13th day of October, 2015.

Time: approx. 11:45 AM

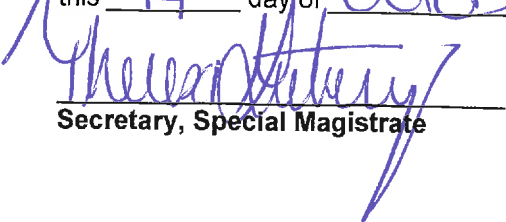
J. Scott Allman
J. Scott Allman, Code Enforcement Officer

I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Lynn Nelson & Dolores Ann Nelson JTWR0S, 6509 Baywood Avenue, Port Orange, FL 32127, was

☐ Posted at City Hall

☐ Sent via certified

this 14 day of October, 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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[Estimate of Taxes](#)

Parcel Information: 6315-06-02-0740 **2015 Preliminary Tax Roll** Last Updated: 09-29-2015

Owner Name and Address

Alternate Key	3636791	Parcel Status	Active Parcel (Real Estate)
Short Parcel ID	6315-06-02-0740	Mill Group	402 Port Orange
Full Parcel ID	15-16-33-06-02-0740	2014 Final Mill Rate	21.15960
Created Date	31 DEC 1981		
Property Class	00 Vacant Residential		
Ownership Type		Ownership Percent	100
Owner Name	NELSON LYNN &		
Owner Name/Address 1	DOLORES ANN NELSON JTWROS		
Owner Address 2	6509 BAYWOOD AVENUE		
Owner Address 3	PORT ORANGE FL		
Owner Zip/Postal Code	32127		
Situs Address	6509 BAYWOOD AV PORT ORANGE 32127		

Legal Description
 15 16 33 E 92 FT OF N 69 FT OF S 419 FT OF LOTS 8 & 9 ASSRS SUB MB 3 PG 82 AKA LOT 74 BLK 2 BAYVIEW HOMESITES UNREC SUB NO 209 PER OR 4527 PG 1488

Sales History

Book Page	Sale Date	Sale Instrument	Qualified Unqualified	Improved	Sale Price
4527 1488	03/2000	Warranty Deed	Creative financing	Yes	36,300
3316 0738	06/1989	Warranty Deed	Qualified Sale	Yes	33,000
3316 0736	03/1989	Warranty Deed	Unqualified Sale	Yes	5,090
2352 1352	04/1982	Unknown	Multi parcel sale	Yes	100
1839 0118	05/1976	Warranty Deed	Qualified Sale	Yes	4,000

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	8,250	0	0	8,250	8,250	8,250	0	8,250	0	8,250
2013	6,700	14,311	0	21,011	21,011	21,011	0	21,011	0	21,011

[Display Value History](#)

Land Data

Code	Land Use Type	Frontage	Depth	No. Units	Unit Type	Rate	Depth	Loc	Shp	Phy	Just Value
0002	VAC PVD MH SITE	69.0	92.0	1.00	LOT	8250.00	100	100	100	100	8,250
Neighborhood 5727 MOBILE HOME PARKS											
Total Land Classified											0
Total Land Just											8,250

Parcel Notes (Click button below to display Parcel Notes)

[Display Notes](#)

Planning and Building

Permit Number	Permit Amount	Date Issued	Date Complete	Construction Description	Occupancy Number	Occupancy Bldg
13-3802	4,900	10-29-2013		DEMO STRUCTURE		0

[Display Permits](#)

Total Values

Land Value	8,250 New Construction Value	
Building Value	0 City Econ Dev/Historic	0
Miscellaneous	0	0
Just Value	8,250 Previous Just Value	8,250
School Assessed	8,250 Previous School Assessed	8,250

This Warranty Deed

03/03/2000 11:21
Doc stamps 254.10
(Transfer Amt \$ 36300)
Instrument # 2000-036190
Book: 4527
Page: 1488

Made this 1st day of March A.D. 2000
by Kevin R. Hamp and Marsha A. Hamp,
husband and wife

hereinafter called the grantor, to
Lynn Nelson and Dolores Ann Nelson,
Joint Tenants with Right of Survivorship
not as Tenants in common.

whose post office address is:
6509 Baywood Ave
Port Orange, Florida 32127

hereinafter called the grantee:

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

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

See Schedule A attached hereto and by this reference made a part
hereof.

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

Parcel Identification Number: 6315-06-02-0740

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, 99

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:

Name: Alexandra Gloscholtz
witness: Alexandra Gloscholtz
Name: Denise E Groody
witness: DENISE E GROODY

Name & Address: Kevin R. Hamp LS
Name & Address: Marsha A. Hamp LS

Name: _____

Name & Address: _____ LS

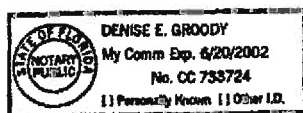
Name: _____

Name & Address: _____ LS

State of Florida
County of Volusia

The foregoing instrument was acknowledged before me this 1st day of March, 2000, by
Kevin R. Hamp and Marsha A. Hamp, husband and wife

who is personally known to me or who has produced
driver's license as identification.



Denise E Groody
Notary Public
Print Name: _____
My Commission Expires: _____

PREPARED BY: Denise E. Groody
RECORD & RETURN TO:
Columbia Title Research Corporation
200 Forest Lake Blvd. Suite 1
Daytona Beach, Florida 32119
File No: 99-4248

Schedule A

Lot 74, Block 2, BAYVIEW HOMESITES UNRECORDED SUBDIVISION NO. 209, being more particularly described as follows: Being a portion of Lot 8, ASSESSORS'S SUBDIVISION as recorded in Map Book 3, page 82, of the Public Records of Volusia County, Florida, being also a portion of Section 15, Township 16 South, Range 33 East, and more particularly described as follows: Commence at the Southwest corner of said Section 15; thence East along the South boundary of said Section 15, a distance of 1,228 feet; thence North and parallel to the West line of said Section 15, a distance of 419 feet to the Point of Beginning; thence East and parallel to the South boundary of said Section 15 a distance of 92 feet; thence South and parallel to the West boundary of said Section 15 a distance of 69 feet; thence West and parallel to the South boundary of said Section 15 a distance of 92 feet; thence North and parallel to the West boundary of said Section 15 a distance of 92 feet to the Point of Beginning.

Together with that certain 1975 Magnum Single Wide Mobile Home ID#21279 Title # [REDACTED]

**CITY OF PORT ORANGE, FLORIDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
CASE NO. 14-979**

10/28/2014 12:39 PM
Instrument# 2014-194822 # 1
Book : 7047
Page : 3224

CITY OF PORT ORANGE,
a Florida municipal corporation,

Petitioner,

**Lynn Nelson & Dolores Ann Nelson JTWR0S
6509 Baywood Avenue
Port Orange, FL 32127
6319 [REDACTED]**

Respondent.

FINDING OF FACT, CONCLUSION OF LAW AND ORDER

THIS CAUSE came on for public hearing before the Code Enforcement Special Magistrate on October 22, 2014, after due notice to the Respondent, 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. Respondents, Lynn Nelson & Dolores Ann Nelson JTWR0S, whose mailing address is 6509 Baywood Drive, Port Orange, FL 32127, is the owner of the property located at 6509 Baywood Drive, Port Orange, FL 32127, and more particularly described as:

**15 16 33 E 92 FT OF N 69 FT OF S 419 FT OF LOTS 8 & 9 ASSRS
SUB MB 3 PG 82 AKA LOT 74 BLK 2 BAYVIEW HOMESITES UNREC SUB
NO 209 PER OR 4527 PG 1488**

B. The property is overgrown and needs to be mowed and maintained. All garbage, trash, and debris need to be removed. This condition was first observed at the real property described above on April 29, 2014; re-inspections made on October 1, 2014 and October 15, 2014 confirmed the condition as being the same. Respondents, Lynn Nelson & Dolores Ann Nelson JTWR0S, received notice via certified mail and posted at City Hall on September 17, 2014 as well as property posting on September 16, 2014. The aforesaid conditions constituted a violation of Chapter 42, Section 42-26 (a)(d)(f), as relates to high weeds and undergrowth and garbage, trash and debris, and was to be corrected by September 26, 2014.

C. At the time of the hearing on October 22, 2014, the violations cited above continue to exist.

CONCLUSION OF LAW:

Respondents, Lynn Nelson & Dolores Ann Nelson JTWROS, by reason of the foregoing, have violated Chapter 42, Section 42-26 (a)(d)(f), as relates to high weeds and undergrowth and garbage, trash and debris, in that the respondent failed, on or before the date set in the notice of violation, to remedy the conditions of the high weeds and grass located at the property is therefore subject to the provisions of the City of Port Orange Municipal Code 2.207.

ORDER:

A. Respondents shall correct the aforesaid violation by mowing the property in its entirety and removing all garbage, junk, and debris from the property on or before October 31, 2014. In the event the accused has not come into compliance by October 31, 2014, then the City shall have the option to abate the violation as there is a health and safety concern and lien the property for all costs incurred. 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 \$54.30 as indicated on the cost sheet submitted into evidence. The respondents 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.

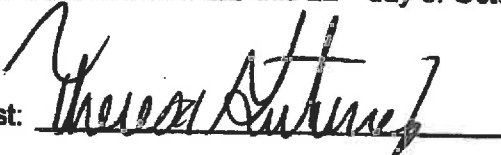
B. The Findings of Fact and Conclusions of Law set forth in the Order of the Special Magistrate constitute a final administrative order which may be appealed by filing a notice of appeal with the Circuit Court within 30 days of the signing of this order.

C. The City Council shall be notified of this violation and, if the Respondents have not abated the violation by October 31, 2014, it may make all repairs which are required to bring the property into compliance and charge violator with the reasonable cost of the repairs.

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 Respondents 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.

DONE AND ORDERED this 22nd day of October, 2014.

Attest:



Secretary, Code Enforcement Special Magistrate

By:



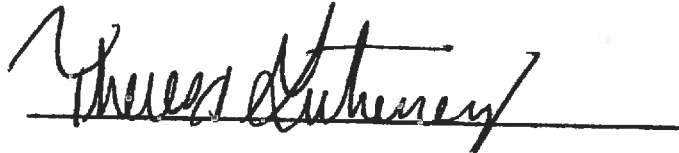
Code Enforcement Special Magistrate

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 Lynn Nelson & Dolores Ann Nelson JTWROS, 6509 Baywood Drive, Port Orange, FL 32127 by Certified and Regular Mail this 23rd day of October, 2014.



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

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner,

Vs.

CASE NO: 15-768

**Lynn Nelson &
Dolores Ann Nelson JTWROS,**
Respondent,

**Property Address: 6509 Baywood Ave,
Port Orange, FL 32127
Parcel ID: 6315-06-02-0740**

**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 6509 Baywood Ave, Port Orange, Florida 32127, is owned by Lynn Nelson & Dolores Ann Nelson JTWROS.
4. That 6509 Baywood 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 6509 Baywood Ave, Port Orange, Florida 32127, at 11:45 a.m. on the 13 day of October, 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 15th day of October, 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 15th day of
October, 2015, by J. Scott Allman, 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. 15-108**

CITY OF PORT ORANGE,
a Florida municipal corporation,

Petitioner,

Lynn Nelson & Dolores Ann Nelson
6509 Baywood Avenue
Port Orange, FL 32127
6315-06-02-0740

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 December 9, 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), Lynn Nelson & Dolores Ann Nelson, whose mailing address is 6509 Baywood Avenue, Port Orange, FL 32127, is/are the owner(s) of the property located at 6509 Baywood Avenue, Port Orange, FL 32127, and more particularly described as:

15 16 33 E 92 FT OF N 69 FT OF S 419 FT OF LOTS 8 & 9 ASSRS SUB MB 3 PG 82 AKA LOT 74 BLK 2 BAYVIEW HOMESITES UNREC SUB NO 209 PER OR 4527 PG 1488

B. The condition was first observed at the real property described above on May 1, 2015; re-inspections made on December 7, 2015 confirmed the condition as being the same. Respondent(s), Lynn Nelson & Dolores Ann Nelson, received notice via certified mail and posted at City Hall on October 14, 2015. Additionally, the notice was posted at the property on October 13, 2015 at 11:45 a.m. The aforesaid conditions constituted a repeat violation of Chapter 42 (Nuisances) of the City of Port Orange Code of Ordinances, Article II (Garbage, Junk and Undergrowth), Section 42-26 (Cleanliness of Property Generally-Duty of Owner), (d) Maintenance of Improved Residential Lots and 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).

C. At the time of the hearing on December 9, 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), Lynn Nelson & Dolores Ann Nelson, by reason of the foregoing, has/have violated 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 and 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), in that the Respondent(s) failed, on or before the date set in the notice of violation, to remedy the conditions of overgrown property and garbage, junk, trash, and debris 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 property and removing all garbage, junk, trash, and debris on or before December 18, 2015. If paragraph D. above is checked and the Respondent(s) has/have not abated the condition by December 18, 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 \$55.32 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 9 day of December 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), Lynn Nelson & Dolores Ann Nelson, 6509 Baywood Avenue, Port Orange, FL 32127 by Certified and Regular Mail this 15 day of December 2015

[Signature]
Secretary, Code Enforcement Special Magistrate

Case Cost Sheet Log

Case No. 15-1683

Name	Activity	Activity_Date	Status	Cost
Peter H. Easterbrook	Mailing Notice of Violation/Notice of Hearing to 5756 Dogwood Rd., Port Orange, FL 32127	10/21/2015	Certified Green Card Signed by Peter H. Easterbrook and Returned to the City Clerk's Office.	\$6.73
Peter H. Easterbrook	Mailing Finding of Fact/Conclusion of Law & Order to 5756 Dogwood Rd., Port Orange, FL 32127	12/09/2015		\$7.21
Clerk of Court	Recording Fee - Finding of Fact/Conclusion of Law & Order	12/09/2015		\$27.00
Peter H. Easterbrook	Mailing Order Setting Fine/Lien w/Affidavit of Non-Compliance to 5756 Dogwood Rd., Port Orange, FL 32127	01/13/2016		\$0.48
Peter H. Easterbrook	Recording Fee - Order Imposing Fine/Lien w/Affidavit of Non-Compliance	01/13/2016		\$44.00

Total: \$85.42



**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 15-1683

To:
Peter H. Easterbrook
5756 Dogwood Rd
Port Orange, FL 32127

Re: 5756 Dogwood Rd
Port Orange, FL 32127
Parcel ID: 6317-00-00-0135

LEGAL DESCRIPTION: 17-16-33 W 358 FT OF N 121 FT OF W 1/2 OF SE 1/4 OF SE 1/4 PER OR 4312 PGS 4614-4621 PER OR 6072 PG 2728 PER OR 6540 PG 45

Volusia County Public Records
Volusia County, FL

An inspection of the premises on September 21, 2015, indicates that certain violation(s) of the City of Port Orange Code exists. Briefly stated, the property is in violation of the following:

Chapter 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.

An inspection of the property was conducted on September 21, 2015. Upon inspection, I observed that the property is overgrown and needs to be mowed and maintained. Upon re-inspection on October 7, 2015 the property was still overgrown and 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 **November 3, 2015**.

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

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

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

NOTICE OF HEARING AS TO VIOLATION(S) ALLEGED

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

Pursuant to Chapter 2, Article V, Code of Ordinances and Section 162.06, Florida Statutes, you are hereby called upon to take notice that a PUBLIC HEARING will be conducted in the above-styled cause by the **Special Magistrate 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 **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 **December 9, 2015**, enters a Final Order finding a violation as alleged, pursuant to Chapter 7, Code of Ordinances, City of Port Orange, Florida, you are hereby called upon to take notice that a 2nd PUBLIC HEARING will be conducted in the above-styled cause by the Code Enforcement Special Magistrate on **January 13, 2016, 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 20th day of October, 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 Peter H. Easterbrook, 5756 Dogwood Rd, Port Orange, FL 32127, was

☐ Hand-delivered Recipient of hand delivered documents: _____

☒ Posted at the property

this 20th day of October, 2015.

Time: approx. 11:50 pm

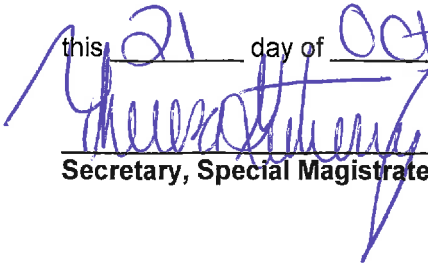
J. Scott Allman
J. Scott Allman, Code Enforcement Officer

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Peter H. Easterbrook, 5756 Dogwood Rd, Port Orange, FL 32127, was

☒ Posted at City Hall

☒ Sent via certified

this 21 day of October, 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: 6317-00-00-0135 **2016 Working Tax Roll** Last Updated: 10-18-2015

Owner Name and Address

Alternate Key	3646070	Parcel Status	Active Parcel (Real Estate)
Short Parcel ID	6317-00-00-0135	Mill Group	402 Port Orange
Full Parcel ID	17-16-33-00-00-0135	2015 Final Mill Rate	20.86510
Created Date	31 DEC 1981		
Property Class	01 Single Family		
Ownership Type		Ownership Percent	100
Owner Name	EASTERBROOK PETER H		
Owner Name/Address 1			
Owner Address 2	5756 DOGWOOD RD		
Owner Address 3	PORT ORANGE FL		
Owner Zip/Postal Code	32119		
Situs Address	5756 DOGWOOD RD PORT ORANGE 32127		

Legal Description
 17-16-33 W 358 FT OF N 121 FT OF W 1/2 OF SE 1/4 OF SE 1/4 PER OR 4312 PGS 4614-4621 PER OR 6072 PG 2728 PER OR 6540 PG 4517

Sales History

Book Page	Sale Date	Sale Instrument	Qualified Unqualified	Improved	Sale Price
6540 4517	11/2010	Quit Claim Deed	Unqualified Sale	Yes	100
6072 2728	05/2007	Quit Claim Deed	Unqualified Sale	Yes	100
4312 4614	05/1998	Warranty Deed	Qualified Sale	Yes	98,500
3776 0854	10/1992	Warranty Deed	Qualified Sale	Yes	86,000
3310 1320	05/1989	Warranty Deed	Qualified Sale	Yes	79,900
2293 1522	08/1981	Unknown	Qualified Sale	Yes	56,000

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
2015	48,510	71,560	10,964	131,034	107,890	107,890	25,000	82,890	25,000	57,890
2014	44,550	60,578	6,683	111,811	107,034	107,034	25,000	82,034	25,000	57,034

[Display Value History](#)

Land Data

Code	Land Use Type	Frontage	Depth	No. Units	Unit Type	Rate	Depth	Loc	Shp	Phy	Just Value
0105	IMP PVD .5 - .99 AC	121.0	358.0	0.99	ACREAGE	49000.00	100	100	100	100	48,510
Neighborhood 5720 TWP 16 S RNG 33 E SECT 17											
Total Land Classified											0
Total Land Just											48,510

Building Characteristics
 Building Number: 117009 (Building 1 of 1)

Bldg. No.	Improvement Type	Base Perimeter	Year Built	Quality Grade	Architecture	Phys. Depr.	Func. Obs.	Loc. Obs.	Next Review
117009	Single Family	202	1971	300		35%	0%	0%	2999
Roof Type	GABLE	Floors		Carpet	Bedrooms	4	4 Fixture Bath 0		
Roof Cover	ASPHALT SHINGL	Wall Type		Plaster	X Fixture Bath	0	5 Fixture Bath 0		
Heat Type1	Forced Ducted	Heat Source1		Electricity	2 Fixture Bath	0	6 Fixture Bath 0		
Heat Type2		Heat Source2			3 Fixture Bath	2	7 Fixture Bath 0		
Foundation		Year Remodeled			Fireplaces	0	A/C Yes		
Section Number	Area Type	Exterior Wall Type	Number Stories	Year Built	Attic Finish	Bsmt Area	Bsmt Finish	Floor Area	
001	Porch, Screened Finished (FSP)	Non-Applicable	1.0	1971	N	0%	0%	231 Sq. Feet	
002	Res BASE Area (BAS)	CONC OR CINDER BLOCK	1.0	1971	N	0%	0%	1922 Sq. Feet	
003	Porch, Open Finished (FOP)	Non-Applicable	1.0	1971	N	0%	0%	66 Sq. Feet	

PREPARED BY AND RETURN TO:
Edward A. Millis, P.A.
1414 W. Granada Blvd., Suite IV
Ormond Beach, Florida 32174
Kinch-5

06/05/1998 15:56
Doc stamps 0.70
(Transfer Amt \$ 10)
Instrument # 98100904
Book: 4312
Page: 4620
Diane M. Matousek
Volusia County, Clerk of Court

[Space Above This Line for Recording]

PERSONAL REPRESENTATIVE'S QUIT CLAIM DEED

THIS QUIT-CLAIM DEED, Executed this May 26, 1998, by **BETTE J. KINCH**, an unmarried widow, both individually and as Personal Representative of the Estate of Orson Kinch, deceased, whose post office address is 1000 Walker Street #47, Holly Hill, Florida 32117, first party, to **PETER H. EASTERBROOK** and **KATHLEEN M. EASTERBROOK**, husband and wife, whose post office address is 5756 Dogwood Road, Port Orange, Florida 32119, second party:

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

WITNESSETH, That the said first party, for and in consideration of the sum of \$10.00 and other good and valuable considerations in hand paid by the said second party, the receipt whereof is hereby acknowledged, does hereby remise, release and quit-claim unto the said second party forever, all the right, title, interest, claim and demand which the said first party has in and to the following described land, situate, lying and being in Volusia County, Florida, to-wit:

Westerly 358 feet of the Northerly 121 feet of the West 1/2 of the Southeasterly 1/4 of the Southeasterly 1/4, Section 17, Township 16 South, Range 33 East, Volusia County, Florida.

Parcel Identification Number: 6317-00-00-0135

Subject to taxes for the year 1998 and subsequent years.

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

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

Signed, sealed and delivered in
the presence of

Witness Printed Name: Edward A. Millis

Bette J. Kinch (Seal)
Bette J. Kinch, both individually and as Personal
Representative of the Estate of Orson Kinch,
deceased

Linda T. Wyllie
Witness Printed Name: Linda T. Wyllie

STATE OF FLORIDA
COUNTY OF VOLUSIA

THE FOREGOING INSTRUMENT was acknowledged before me on May 26, 1998 by Bette J. Kinch, an unmarried widow, both individually and as Personal Representative of the Estate of Orson Kinch, deceased, who (is/are personally known to me) or who has/have produced as identification and who did not take an oath.

Edward A. Millis
Notary Public, State of Florida

My Commission expires:



EDWARD A. MILLIS
My Commission CC385773
Expires Jun. 21, 1998
Bonded by HA!
800-400-0000

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

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner,

Vs.

CASE NO: 15-1683

Peter H. Easterbrook,

Respondent,

Property Address: 5756 Dogwood Rd,
Port Orange, FL 32127
Parcel ID: 6317-00-00-0135

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 5756 Dogwood Rd, Port Orange, Florida 32127, is owned by Peter H. Easterbrook.
4. That 5756 Dogwood Rd, 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 5756 Dogwood Rd, Port Orange, Florida 32127, at 11:50 a.m. on the 20 day of October, 2015, as required by Florida Statute Section 162.12(2)(b)(1). A copy of the Notice and Request is attached hereto and made a part hereof.

FURTHER AFFIANT SAYETH NOT.

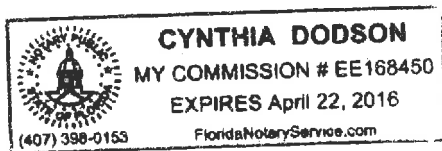
DATED this 21st day of OCTOBER, 2015.

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 21 day of
OCTOBER, 2015, by J. Scott Allman, who is
personally known to me.



Cynthia Dodson

Notary Public, State of Florida

Commission No. 4/22/16

CITY OF PORT ORANGE, FLORIDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
CASE NO. 15-1683

CITY OF PORT ORANGE,
a Florida municipal corporation,

Petitioner,

Peter H. Easterbrook
5756 Dogwood Rd.
Port Orange, FL 32127
6314-00-00-0135

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 December 9, 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), Peter H. Easterbrook, whose mailing address is 5756 Dogwood Rd., Port Orange, FL 32127, is/are the owner(s) of the property located at 5756 Dogwood Rd., Port Orange, FL 32127, and more particularly described as:

17-16-33 W 358 FT OF N 121 FT OF W 1/2 OF SE 1/4 OF SE 1/4 PER OR 4312 PGS 4614-4621 PER
OR 6072 PG 2728 PER OR 6540 PG 4517

B. The condition was first observed at the real property described above on September 21, 2015; re-inspections made on November 10, 2015 and December 7, 2015 confirmed the condition as being the same. Respondent(s), Peter H. Easterbrook, received notice via certified mail and posted at City Hall on October 21, 2015. Additionally, the notice was also posted at the property on October 20, 2015 at 11:50 a.m. The aforesaid conditions constituted a violation of Chapter 42 (Nuisances) of the City of Port Orange Code of Ordinances, Article II (Garbage, Junk and Undergrowth), Section 42-26 (Cleanliness of Property Generally-Duty of Owner), (d) Maintenance of Improved Residential Lots, and was to be corrected by November 3, 2015.

C. At the time of the hearing on December 9, 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), Peter H. Easterbrook, by reason of the foregoing, has/have violated 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, in that the Respondent(s) failed, on or before the date set in the notice of violation, to remedy the conditions of 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 this mowing and maintaining the overgrown lawn on or before December 18, 2015. If paragraph D. above is checked and the Respondent(s) has/have not abated the condition by December 18, 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 9 day of December, 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), Peter H. Easterbrook, 5756 Dogwood Rd., Port Orange, FL 32127 by Certified and Regular Mail this 15 day of December, 2015

[Signature]
Secretary, Code Enforcement Special Magistrate