



AGENDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
CITY OF PORT ORANGE

Meeting Date: Wednesday, January 27, 2016

Time: 9:00 AM

Type of Meeting:

Location:

City Hall, 1000 City Center Circle

A. CALL TO ORDER

1. Attorney Overview of Special Magistrate Code Enforcement Process
2. Consideration of Minutes
December 9, 2015
January 13, 2016

B. FORMAL HEARING (COMPLIANCE OR NON-COMPLIANCE)

3. **CEB Case No.:** 15-1809
Respondent: Travis Houman LF EST
Susan Hawthorne LF EST
101 Cambridge Drive
Port Orange, FL 32127

Lindsey Matthews
191 Ledford Rd., Lot 6
Cairo, GA 39828
Address of Violation: 101 Cambridge Drive
Port Orange, FL 32127
Code Officer: Scott Allman
First Notified: 12/15/2015

Compliance: No

Cited for violation(s) - Chapter 5, Section 505 Plumbing Facilities and Fixture Requirements of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances, 505.1 Water System.

Chapter 6, Mechanical and Electrical requirements of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances,
604.1 Electrical Facilities.

4. **CEB Case No.:** 15-1946

Respondent: Judith A. Vitali EST

Address of Violation: 1237 Mellisa Drive
Port Orange, FL 32129

Code Officer: Dena Joseph

First Notified: 12/18/2015

Compliance: No

Cited for violation(s) - Chapter 42 (Nuisances), Article II (Garbage, Junk and Undergrowth), Section 42-26 (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.

5. **CEB Case No.:** 15-2007

Respondent: Jolan Toth

Address of Violation: 46 Springwood Square
Port Orange, FL 32129

Code Officer: Dena Joseph

First Notified: 12/18/2015

Compliance: No

Cited for violation(s) - Chapter 42(Nuisances), Article II (Garbage, Junk and Undergrowth), Section 42-26 (Cleanliness of property generally-duty of owner), (d) 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 70 (Traffic), Article II (Stopping, Standing, and Parking, Section 70-36 (Stopping, standing or parking prohibited In specified places), (a), (1) (k), (1), (2) & (3) of the City of Port Orange Code of Ordinances:

Except when necessary to avoid conflict with other traffic, or in compliance with law or the directions of a police officer or official traffic control device, no person shall: Stop, stand or park a motor vehicle or trailer:

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

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

Chapter 3 (General Requirements), Section 307 (Handrails and Guardrails), 307.1 (General) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: Every exterior and interior flight of stairs having more than four risers shall have a handrail on one side of the stair and every open portion of a stair, landing, balcony, porch, deck, ramp or other walking surface which is more than 30 inches (762 mm) above the floor or grade below shall have guards. Handrails shall not be less than 30 inches (762 mm) in height or more than 42 inches (1067 mm) in height measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces. Guards shall not be less than 30 inches (762 mm) in height above the floor of the landing, balcony, porch, deck, or ramp or other walking surface.

Chapter 3 (General Requirements), Section 304 (Exterior Structure), 304.1.1 (Unsafe Conditions), (12) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: 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

Chapter 3 (General Requirements), Section 304 (Exterior Structure), Section 304.10 (Stairways, decks, porches, and balconies) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: 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

6. **CEB Case No.:** 15-2049

Respondent: James P. Standfast

Address of Violation: 1120 Kane Drive
Port Orange, FL 32129

Code Officer: Dena Joseph

First Notified: 12/21/2015

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) 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 (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 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 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 70 (Traffic), Article II (Stopping, Standing and Parking), Section 70-49 (Restrictions on Disabled or Abandoned Vehicles, (c) Restrictions, 1 (a),(b) and 2 of the City of Port Orange Code of Ordinances:

(c) Restrictions.

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

a. Within a completely enclosed garage; or

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

(2) No disabled or abandoned vehicle parked on residentially-zoned or agriculturally-zoned private property shall be covered by material other than a standard vehicle cover

in good repair unless such vehicle is parked inside a completely enclosed garage.

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

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

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

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

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

7. CEB Case No.: 15-1959

Respondent: Basil Jaisingh

153 Deskin Drive

Port Orange, FL 32129

Address of Violation: 5160 Ridgewood Avenue

Port Orange, FL 32127

Code Officer: Deborah Faircloth

First Notified: 12/23/2015

Compliance: No

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

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

City of Port Orange Code of Ordinances, Chapter 42, 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.

C. ORDER IMPOSING FINE/LIEN

D. PUBLIC COMMENTS

E. ADJOURNMENT

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

PORT ORANGE CODE ENFORCEMENT
SPECIAL MAGISTRATE MINUTES
COUNCIL CHAMBERS
1000 CITY CENTER CIRCLE
DECEMBER 9, 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 Enforcement Inspector
Dena Joseph, Code Enforcement Inspector
Theresa Gutierrez, Deputy City Clerk
Michael Ciocchetti, Attorney for Code Enforcement

Special Magistrate Branch reviewed the Code Enforcement hearing process.

Oaths

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

B. FORMAL HEARING (COMPLIANCE OR NON-COMPLIANCE)

3. **CEB Case No.:** 15-1343
Respondent: SBC II REO LLC
C/O Summit Inv. Mgmt. Brian Ekback
Address of Violation: 3450 Ridgewood Avenue, Port Orange, FL 32129
Code Officer: Dena Joseph
First Notified: 10/16/2015

Compliance: Yes

Cited for violation(s) - Chapter 42 (Nuisances), Article II (Garbage, Junk and Undergrowth), Section 42-26 (Cleanliness of property generally-duty of owner), (c) Maintenance of commercial and industrial zoned lots of the City of Port Orange Code of Ordinances.

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

Motion to dismiss was requested by Ms. Joseph. Special Magistrate Branch granted the motion to dismiss.

4. **CEB Case No.:** 15-1531
Respondent: Kay Talbott Caldwell TR
Address of Violation: 309 Magnolia St., Port Orange, FL 32129
Code Officer: Dena Joseph
First Notified: 11/06/2015

Compliance: Yes

Cited for violation(s) - Chapter 6 (Mechanical and Electrical Requirements), Section 605 (Electrical Equipment), 605.2 (Receptacles) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances.

Motion to dismiss was requested by Ms. Joseph. Special Magistrate Branch granted the motion to dismiss.

5. **CEB Case No.:** 15-1746
Respondent: Joseph Magurezek
Address of Violation: 407 Grant St., Port Orange, FL 32127
Code Officer: Dena Joseph
First Notified: 11/06/2015

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 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 70 (Traffic), Article II (Stopping, Standing and Parking), Section 70-49 (Restrictions on Disabled or Abandoned Vehicles, (c) Restrictions, 1 (a),(b) and 2 of the City of Port Orange Code of Ordinances: (c) Restrictions.

Chapter 70 (Traffic), Article II (Stopping, Standing and Parking), Section 70-36 (Stopping, standing or parking prohibited in specified places), (a), (1), (k), (1), (2) and (3) 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.

Ms. Joseph testified as to the condition of the property and notices provided to the property owner of 407 Grant Street, Port Orange, FL 32127. The violations were to be corrected by December 2, 2015. Ms. Joseph re-inspected the location on December 8, 2015 resulting in compliance.

Ms. Joseph requested that Chapter 70 (Traffic), Article II (Stopping, Standing and Parking), Section 70-36 (Stopping, standing or parking prohibited in specified places), (a), (1), (k), (1), (2) and (3) of the City of Port Orange Code of Ordinances be dismissed. Special Magistrate Branch approved the recommendation.

Ms. Joseph moved to admit the photos taken by her on October 13, 2015 and December 8, 2015 into evidence. Special Magistrate Branch admitted the photos into evidence.

Ms. Joseph recommended that the Special Magistrate find Joseph Magurezek in violation of the City of Port Orange Code of Ordinances, Chapter 42, Article II, Sections 42-20, 42-26, and 42-32, as well as Chapter 70, Article II, Section 70-49 and award costs to date in the amount of \$34.21 as indicated on the cost sheet that was submitted into evidence.

Special Magistrate Branch found the property owner in violation of the above referenced codes and ordered costs of \$34.21. No fine was awarded.

6. **CEB Case No.:** 15-1772

Respondent: John M. Sofio

Address of Violation: 30 E. Bayshore Lane, Port Orange, FL 32127

Code Officer: Deborah Faircloth

First Notified: 10/15/2015

Compliance: Yes

Cited for violation(s) - Chapter 42, Section 42-26 Cleanliness of property generally – duty of owner (d) Maintenance of improved residential lots (f) Garbage, waste, trash, etc., prohibited (h) Abutting property owner maintenance of parkages and Section 42-32 Storage of vehicles, furniture, etc. of the City of Port Orange Code of Ordinances.

Motion to dismiss was requested by Ms. Faircloth. Special Magistrate Branch granted the motion to dismiss.

7. **CEB Case No.:** 15-1427

Respondent: Jimmie Thompson & Susie Rimmer

Address of Violation: 5271 Taylor Ave., Port Orange, FL 32174

Code Officer: Deborah Faircloth

First Notified: 10/21/2015

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) of the City of Port Orange Code of Ordinances.

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

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

Motion to dismiss was requested by Ms. Faircloth. Special Magistrate Branch granted the motion to dismiss.

8. **CEB Case No.:** 15-1744

Respondent: Shirley A. Rose

Address of Violation: 5109 Taylor Rd., Port Orange, FL 32174

Code Officer: Deborah Faircloth

First Notified: 10/29/2015

Compliance: Yes

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

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

Chapter 70, Article II (Stopping, Standing, Parking) Section 70-49 Restrictions on disabled or abandoned vehicles (c) Restrictions (1) of the City of Port Orange Code of Ordinances.

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

Motion to dismiss was requested by Ms. Faircloth. There has been a change in ownership and will be re-noticed. Special Magistrate Branch granted the motion to dismiss.

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

Respondent: White Fawn, LLC

C/o Yiz Gong, Registered Agent

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

Code Officer: Deborah Faircloth

First Notified: 06/18/2015

Compliance: Yes

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 to dismiss case no. 15-801 due to compliance with the notice. There has been a building permit issued and they will have six (6) months to complete the repairs. Inspections have been done along the process. Special Magistrate Branch dismissed case no. 15-801.

10. **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.

Ms. Faircloth said they had set a timeframe for permit submittals. The original application was submitted on October 20, 2015. Comments were submitted on October 29, 2015 asking for a re-submittal. They did not get a re-submittal until December 4, 2015.

Kerry Leuzinger, Chief Building Official, was duly sworn by Special Magistrate Branch. Mr. Leuzinger said the application was submitted on October 20, 2015. The plans examiner completed review and comments on October 29, 2015. There were six (6) comments with nothing that should have taken a lot of time to address.

Special Magistrate asked about the comments prepared and sent to Mr. Hauley. Mr. Leuzinger said it is up to the applicants to respond to the comments. There was no time frame requested. The code keeps the application open for 180 days.

Upon review, the Building Department still has additional comments for Mr. Hauley. Mr. Leuzinger said Mr. Hauley is under the belief that only the rafters are to be replaced in room #5. There is an issue between Mr. Hauley and Mr. Renne's report. The Plans Examiner sent an email to Mr. Renne for clarification of the report.

Mr. Ciocchetti is requesting Mr. Renne to respond to the City on or before December 11, 2015 and a permit be in hand by December 21, 2015.

Mr. Ciocchetti explained the application process with Mr. Hauley. The construction that has been given to the City (the report) is not correct due to him saying there wasn't any charring to the roof ducts. Mr. Ciocchetti requested a date certain for compliance.

Mr. Mangar said there were contractors who said the roof was safe and not damaged. Special Magistrate Branch said a new permit is needed to meet the City's requirements. He asked if the timeline was fair for Mr. Mangar. Mr. Mangar said no. He would like to see a two (2) week time span for a reply.

Special Magistrate Branch ordered a response from Mr. Renne no later than December 16, 2015.

Special Magistrate Branch said a cheap repair will not work. It will have to comply with the building codes. Mr. Ciocchetti said Mr. Mangar is submitting a contract for replacement of a roof system that is not in compliance with the building codes to avoid the requirements of the system.

Mr. Mangar disagreed and believes the contract is sufficient.

Mr. Leuzinger said in Mr. Renne's report he required the entire replacement of the southern framing system. Mr. Hauley is proposing to fix the rafters and not the joist. The dip is not an issue. The issue is the fire damage to the roof. Mr. Adam's report demonstrated that he had made some critical errors in his assessment.

Mr. Ciocchetti would like to see a permit in place by December 31, 2015.

If a permit has not been issued by January 13, 2016, Special Magistrate Branch will issue a fine. Special Magistrate Branch would like to see all of Mr. Mangar's contractors at the next hearing.

11. CEB Case No.: 15-1347

Respondent: Audrey M. Howard

Address of Violation: 1137 Bayview Lane, Port Orange, FL 32127

Code Officer: Scott Allman

First Notified: 10/13/2015

Compliance: Yes

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

Motion to dismiss was requested by Mr. Allman. Special Magistrate Branch granted the motion to dismiss.

12. CEB Case No.: 15-1360

Respondent: Jeffrey James & Kimberly Ann English

Address of Violation: 5487 Ward Lake Drive, Port Orange, FL 32128

Code Officer: Scott Allman

First Notified: 10/13/2015

Compliance: Yes

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

Motion to dismiss was requested by Mr. Allman. Special Magistrate Branch granted the motion to dismiss.

13. 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: 10/13/2015

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) 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.

The violation was first observed on May 1, 2015. The alleged violator was given Notice of Violation/Notice of Hearing via certified mail on October 14, 2015. Additionally, the notice was also posted at the property on October 13, 2015 at 11:45 p.m. The violation was to be corrected by December 7, 2015. Upon re-inspection the site was in non-compliance. The most recent inspection was on December 7, 2015. The most recent inspection showed non-compliance.

Special Magistrate Branch asked if there was any contact made with the owners. Mr. Allman said no. He has never found any type of Lis Pendis action.

Mr. Allman presented photos dated October 13, 2015. Special Magistrate Branch admitted the photos into evidence.

Special Magistrate Branch found case no. 15-768 in 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) of the City of Port Orange Code of Ordinances 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) of the City of Port Orange Code of Ordinances.

Mr. Allman requested that the violations be corrected on or before December 18, 2015. If the accused does not comply with this Order, the City has the option to abate the violation as the property is a health and safety issue due to the condition. Mr. Allman also requested that the accused be further ordered to contact this Code Enforcement Officer to arrange for a re-inspection of the property to verify compliance with the Order. Any future violations under this

ordinance shall be considered repeat violations. Mr. Allman also recommended costs in the amount of \$55.32 be awarded to the City.

Special Magistrate Branch approved the recommendation of Mr. Allman.

14. CEB Case No.: 15-1560

Respondent: Jacqueline M. Acosta & Donald A. Acosta

Address of Violation: 825 Upland Drive, Port Orange, FL 32127

Code Officer: Scott Allman

First Notified: 10/19/2015

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.

Mr. Allman testified as to the condition of the property, as well as the notices provided to the property owner. The violation was to be corrected on November 2, 2015; however, remains in non-compliance. Mr. Allman presented photos dated October 19, 2015 and December 7, 2015 of his re-inspections. Special Magistrate Branch admitted the photos into evidence.

Mr. Allman recommended the property owners, Jaqueline M. & Donald A. Acosta be found in violation of Chapter 42 (Nuisances) of the City of Port Orange Code of Ordinances, Article II (Garbage, Junk and Undergrowth), Section 42-26 (Cleanliness of Property Generally-Duty of Owner), (d) Maintenance of Improved Residential Lots. He also recommended the violation be corrected on or before December 18, 2015 with an option to abate if the respondents do not comply as the violations are a health and safety issue. Mr. Allman asked that the costs to date in the amount of \$55.32 be awarded to the City.

Special Magistrate Branch approved the recommendation of Mr. Allman.

15. 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: 10/20/2015

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.

Mr. Allman testified as to the condition of the property, as well as the notices provided to the property owner. The violation was to be corrected on November 3, 2015; however, remains in non-compliance. Mr. Allman presented photos dated November 10, 2015 and December 7, 2015 of his re-inspections. Special Magistrate Branch admitted the photos into evidence.

Mr. Allman recommended the property owner, Peter H. Easterbrook be found in violation of Chapter 42 (Nuisances) of the City of Port Orange Code of Ordinances, Article II (Garbage, Junk and Undergrowth), Section 42-26 (Cleanliness of Property Generally-Duty of Owner), (d) Maintenance of Improved Residential Lots. He also recommended the violation be corrected on or before December 18, 2015 with an option to abate if the respondents do not comply as the violations are a health and safety issue. Mr. Allman asked that the costs to date in the amount of \$40.94 be awarded to the City.

Special Magistrate Branch approved the recommendation of Mr. Allman.

16. CEB Case No.: 15-1799

Respondent: Access Funding, LLC

Address of Violation: 560 Newton Rd., Port Orange, FL 32127

Code Officer: Scott Allman

First Notified: 11/03/2015

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.

Motion to dismiss was requested by Mr. Allman. Special Magistrate Branch granted the motion to dismiss.

17. CEB Case No.: 15-1438

Respondent: Paul Dematteo

Address of Violation: 1429 Richel Dr., Port Orange, FL 32129

Code Officer: Scott Allman

First Notified: 11/03/2015

Compliance: Yes

Cited for violation(s) - Chapter 3, Section 304 Exterior Structure of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances, 304.13 Window, Skylight and door frames.

Motion to dismiss was requested by Mr. Allman. Special Magistrate Branch granted the motion to dismiss.

18. CEB Case No.: 15-1732

Respondent: MCM Capital Partners LLC TR

%Aldridge Connors LLP

Address of Violation: 105 Kent Court, Port Orange, FL 32127

Code Officer: Scott Allman

First Notified: 11/03/2015

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.

Motion to dismiss was requested by Mr. Allman. Special Magistrate Branch granted the motion to dismiss.

19. 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.

Michael Ciocchetti, Attorney for Code Enforcement, said this is a case of a violation to replace pieces of fencing. The Respondent would like reimbursement from the City. The Respondent will enter into a contract for the replacement of the fence within 15 days and the fence should be replaced within 45 days. Mr. Ciocchetti requested a continuance to the next hearing (January 13, 2016). Terri Ducati, Office Manager of Atlantic Urgent Care, introduced herself to the Special Magistrate Branch.

Special Magistrate Branch would like to see the Risk Manager be involved in this case due to the property line issues.

Mr. Allman said the problem with the fence replacement is that a contractor needs a permit to conduct work on the fence.

Special Magistrate Branch adjourned case no. 15-1353 until the January 13, 2016 Special Magistrate hearing.

C. ORDER IMPOSING FINE/LIEN

20. 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: 09/09/2015

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.

Mr. Allman requested that a fine/lien be set against the property owner due to non-compliance. Staff is seeking bids for abatement; however, the abatement has not been done yet. The costs will be set for \$85.46. Special Magistrate Branch awarded costs in the amount of \$85.46 to the City, as well as the costs of the abatement as a lien against the property. The order cannot be recorded without a set amount of the abatement; therefore, Mr. Allman requested to continue case no. 15-070 until the January 13, 2016 hearing so the abatement costs will be available. Special Magistrate Branch granted the continuance.

21. CEB Case No.: 15-1520

Respondent: Geraldine L. Price

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

Code Officer: Deborah Faircloth

First Notified: 09/25/2015

Compliance: Yes

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

Ms. Faircloth requested for case no. 15-1520 be dismissed due to compliance with the order. Special Magistrate Branch dismissed case no. 15-1520.

22. CEB Case No.: 15-1490

Respondent: Marshall Kevyn & Sarah Surrusco JTRS

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

Code Officer: Scott Allman

First Notified: 09/28/2015

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.

Mr. Allman requested that a fine/lien be set against the property owner due to non-compliance of the notice. Mr. Allman recommended award of the estimated abatement costs in the amount

Code Enforcement Special Magistrate Meeting

Wednesday, December 9, 2015

Page **12** of **12**

of \$100.00 and costs per the cost sheet in the amount of \$99.84. Special Magistrate Branch granted the recommendation.

D. PUBLIC COMMENTS – There were none.

E. ADJOURNMENT 11:19 a.m.

Special Magistrate Raymond Branch

PORT ORANGE CODE ENFORCEMENT
SPECIAL MAGISTRATE MINUTES
COUNCIL CHAMBERS
1000 CITY CENTER CIRCLE
JANUARY 13, 2016

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
Dena Joseph, Code Compliance Inspector
Robin Fenwick, City Clerk
Michael Ciocchetti, Attorney for Code Enforcement

Special Magistrate Branch reviewed the Code Enforcement hearing process.

Consideration of Minutes

Special Magistrate Branch approved the November 11, 2015 meeting minutes with no changes.

Oaths

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

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.

Ms. Faircloth testified as to the status of the case. She asked for dismissal of the case since the Respondent has submitted for the appropriate permit and all information requested by the City has been received. The permit will be issued as soon as it is completely processed by the permitting office.

Mr. Ciocchetti requested a continuance rather than dismissal. A six-month continuance was discussed from the permit issue date. Mr. Mangar asked that the case be dismissed rather than

continued. Mr. Ciocchetti agreed with a dismissal with the understanding that failure to comply with the permit will result in a violation. He also explained that the appeal process begins as of January 13, 2016 in this case.

City agrees to dismissal as requested by Mr. Mangar. Special Magistrate Branch granted the motion to dismiss.

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~~-Yes

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.

Motion to dismiss was requested by Ms. Faircloth. Special Magistrate Branch granted the motion to dismiss.

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 42-26 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.

Ms. Algieri was sworn in by Special Magistrate Branch. Ms. Faircloth testified as to the condition of the property and notices provided to the property owner of 5245 Sydney St, Port Orange, FL 32127. Pictures were presented by Ms. Faircloth. Ms. Algieri did not receive any notices via mail as there was not a mailbox at the property to receive mail. She did receive the posting on the property. Ms. Faircloth testified as to the photos taken by her. Some work was completed but outside storage is still ongoing as of the dates of the following up inspections on December 11, 2015 and January 11, 2016. Ms. Algieri testified that she removed the hot tub and other outside storage on January 12, 2016.

Ms. Faircloth moved to admit the photos into evidence. Ms. Algieri had no objection. Special Magistrate Branch admitted the photos into evidence, as well as the cost sheet as submitted in the amount of \$41.16.

Ms. Faircloth recommended the Special Magistrate find Stacy L. Algieri in violation of The City of Port Orange Code of Ordinances, Chapter 42, Article II, Sections 42-26 and 42-32 with a correction date of January 29, 2016. Ms. Algieri asked for Ms. Faircloth to inspect as soon as possible as she believes the property is in compliance.

Special Magistrate Branch accepted the recommendation with a correction date of February 1, 2016 rather than January 29, 2016. He finds the property was in violation and awarded costs in the amount of \$41.16. There was no fine imposed at this time.

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.

Respondents did not appear for the hearing. Ms. Faircloth testified as to the condition of the property, as well as notices provided to the respondents via certified mail and postings. Special Magistrate Branch asked how long a finding of violation lasts to consider another violation a repeat violation. Ms. Faircloth advised the timeframe is five (5) years and she is within that five (5) year limitation.

Ms. Faircloth testified that the property is vacant and very overgrown as of the date of the photos she took (December 15, 2015). The violation continued on January 11, 2016 upon re-inspection by Ms. Faircloth.

Ms. Faircloth testified as to the ownership of the property. The owners Juan & Mary Galarza are deceased. She was unable to find an estate. Special Magistrate Branch recommended the City foreclose on the property. Repeat violation was granted by Special Magistrate Branch. Ms. Faircloth recommended that the City abate the property due to the health and safety concern. Special Magistrate Branch agreed due to the extent of the overgrowth. Cost sheet in the amount of \$55.32 was admitted into evidence and awarded. Photos were also admitted into evidence. The case is referred to the City Council for abatement.

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.

Motion to dismiss was requested by Ms. Joseph. Special Magistrate Branch granted the motion to dismiss.

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.

Motion to dismiss was requested by Ms. Joseph. Special Magistrate Branch granted the motion to dismiss.

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

Respondent: OR-EL 18, LLC C/O Business Filings Inc.

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

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.

Motion to dismiss was requested by Ms. Joseph. Special Magistrate Branch granted the motion to dismiss.

11. **CEB Case No.:** 15-1849
Respondent: 831 Railroad LLC
Address of Violation: 831 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.

Motion to dismiss was requested by Ms. Joseph. Special Magistrate Branch granted the motion to dismiss.

12. **CEB Case No.:** 15-1889
 Respondent: Brenda Britton Creamer, Norma Chmiel, & Beverly Fratt JTRS
 Address of Violation: 723 Casper Avenue, Port Orange, FL 32129
 Code Officer: Dena Joseph
 First Notified: 11/20/2015

Compliance: ~~No~~ 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) of the City of Port Orange Code of Ordinances: (d) Maintenance of improved residential lots.

Motion to dismiss was requested by Ms. Joseph. Special Magistrate Branch granted the motion to dismiss.

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.

Motion to dismiss was requested by Mr. Allman. Special Magistrate Branch granted the motion to dismiss.

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.

Mr. Allman testified as to the stipulation agreed upon at the Special Magistrate Hearing held on December 9, 2015. The respondents agreed to enter into a contract with AAA Fencing within two (2) weeks of December 9, 2015 and that was completed. They have applied for a permit. He asked for continuance until February 10, 2016. Motion granted by Special Magistrate

Branch. An email from Linda Johnson, Port Orange Right of Way Agent, was admitted into evidence confirming the City enters the 40-ft drainage right of way for purposes of drainage maintenance only. The land is still owned by the developer, Socha Corporation. The fence is shown on the site plan as existing on the commercial property-one-inch inside the property owner's property line at 735 Dunlawton Ave. Mr. Allman will notify the respondent.

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.

Motion to dismiss was requested by Mr. Allman, who advised the vendor did not clean the property before the home burned down so no abatement costs are being requested. Special Magistrate Branch granted the motion to dismiss.

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.

Mr. Allman requested that a fine/lien be set against the property owner based on non-compliance of the notice. This is a repeat violation. Abatement costs in the amount of \$250 and \$100.28 for costs per the cost sheet were recommended by Mr. Allman. Special Magistrate Branch granted the recommendation.

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.

Mr. Allman requested that a fine/lien be set against the property owner due to non-compliance of the notice. Mr. Allman recommended award of the estimated abatement costs in the amount of \$350.00 and costs per the cost sheet in the amount of \$85.42. Special Magistrate Branch granted the recommendation.

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

E. **ADJOURNMENT**: 10:16 a.m.

Special Magistrate Raymond Branch

Case Cost Sheet Log

Case No. 15-1809

Name	Activity	Activity_Date	Status	Cost
Susan Hawthorne	Mailing Finding of Fact/Conclusion of Law & Order to 101 Cambridge Drive, Port Orange, FL 32127	12/18/2015		\$6.95
Travis Houman	Mailing Finding of Fact/Conclusion of Law & Order to 101 Cambridge Drive, Port Orange, FL 32127	12/18/2015		\$6.95
Lindsey Matthews	Mailing Finding of Fact/Conclusion of Law & Order to 191 Ledford Road, Lot 6, Cairo, GA 39828	01/14/2016		\$6.95

Total: \$20.85



**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 15-1809

To: Travis Houman LF EST and
Susan Hawthorne LF EST
101 Cambridge Dr
Port Orange, FL 32127

To: Lindsey Matthews
191 Ledford Rd, Lot 6
Cairo, GA 39828

Re: 101 Cambridge Dr
Port Orange, FL 32127
Parcel ID: 6321-01-01-0010

LEGAL DESCRIPTION: LOT 1 CAMBRIDGE SUB UNIT 1 MB 32 PG 4 PER OR 5095 PG 0299 PER OR 5795 PG
4076 PER OR 5804 PGS 4359-4360 PER OR 6199 PGS 4435-4436 PER OR 6206 PGS
4977-4978 PER OR 6790 PGS 3839-3840 PER OR 6821 PG 1376

Volusia County Public Records
Volusia County, FL

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

Chapter 5, Section 505 Plumbing Facilities and Fixture Requirements of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances, 505.1 Water System.

Chapter 6, Mechanical and Electrical requirements of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances, 604.1 Electrical Facilities.

An inspection of the property was conducted on October 26, 2015. On October 26, 2015 I inspected the property with police Officer Bryan Roy. During that inspection, I observed several people living in the home. A male subject at the location admitted that the home was occupied and that there was no water or electric. A danger placard was posted and the male occupants were notified that the home could not be occupied. A re-inspection was conducted on November 10, 2015. I observed two male subjects removing items from the home. I was notified by them that they still lived at the location but were hoping to be gone soon. A re-inspection was conducted on December 10, 2015. During that inspection, I did not see any occupants at the home but did observe several bicycles in the front yard. On December 14, 2015, Officer John Mulligan with the POPD notified me that his department was receiving a high volume of calls at the location and confirmed that the location is occupied by four individuals. To correct the violations, the water and electric services must be reconnected.

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 15, 2016**.

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 27, 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 \$ 20.85 as indicated on the cost sheet submitted into evidence. The respondent will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion.

NOTICE OF HEARING SETTING FINE AND LIEN

In the event the **Special Magistrate**, during the hearing on **January 27, 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 **March 9, 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 15th day of December, 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 Travis Houman LF EST and Susan Hawthorne LF EST, 101 Cambridge Dr , Port Orange, FL 32127 and Lindsey Matthews, 191 Ledford Rd, Lot 6, Cairo, GA 39828, was

☐ Hand-delivered

☒ Posted at the property

this 17th day of December, 2015.

Time: approx. 2:00 pm

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 Travis Houman LF EST and Susan Hawthorne LF EST, 101 Cambridge Dr , Port Orange, FL 32127 and Lindsey Matthews, 191 Ledford Rd, Lot 6, Cairo, GA 39828, was

☐ Posted at City Hall

☒ Sent via certified

this 18 day of December, 2015.

Theresa D. Harty
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: 6321-01-01-0010 **2016 Working Tax Roll** Last Updated: 12-13-2015

Owner Name and Address

Alternate Key	3654943	Parcel Status	Active Parcel (Real Estate)
Short Parcel ID	6321-01-01-0010	Mill Group	402 Port Orange
Full Parcel ID	21-16-33-01-01-0010	2015 Final Mill Rate	20.86510
Created Date	31 DEC 1981		
Property Class	01 Single Family		
Ownership Type		Ownership Percent	50
Owner Name	HOUMAN TRAVIS LF EST &		
Owner Name/Address 1			
Owner Address 2	101 CAMBRIDGE D		
Owner Address 3	PORT ORANGE FL		
Owner Zip/Postal Code	32127		
Situs Address	101 CAMBRIDGE DR PORT ORANGE 32127		

Additional Owners

Ownership Type		Ownership Percent	50.00
Additional Owner Name	HAWTHORNE SUSAN LF EST &		

Legal Description

LOT 1 CAMBRIDGE SUB UNIT 1 MB 32 PG 4 PER OR 5095 PG 0299 PER OR 5795 PG 4076 PER OR 5804 PGS 4359-4360 PER OR 6199 PGS 4435-4436 PER OR 6206 PGS 4977-4978 PER OR 6790 PGS 3839-3840 PER OR 6821 PG 1376

Sales History

Book	Page	Sale Date	Sale Instrument	Qualified Unqualified	Improved	Sale Price
6821	1376	02/2013	Quit Claim Deed	Unqualified Sale	Yes	100
6790	3839	08/2012	Quit Claim Deed	Unqualified Sale	Yes	17,500
6206	4977	03/2008	Quit Claim Deed	Unqualified Sale	Yes	100
6199	4435	03/2008	Quit Claim Deed	Unqualified Sale	Yes	100
5804	4359	04/2006	Quit Claim Deed	Unqualified Sale	Yes	100
5795	4076	03/2006	Quit Claim Deed	Unqualified Sale	Yes	100
5095	299	03/2003	Quit Claim Deed	Unqualified Sale	Yes	100
4704	4847	06/2001	Quit Claim Deed	Unqualified Sale	Yes	10
3703	1831	10/1991	Warranty Deed	Qualified Sale	Yes	66,000
3554	1330	11/1990	Warranty Deed	Unqualified Sale	Yes	45,000
3501	1163	06/1990	Warranty Deed	Unqualified Sale	Yes	100
3484	1182	06/1990	Certificate of Title	Unqualified Sale	Yes	60,200

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	17,366	91,293	0	108,659	80,533	80,533	25,000	55,533	25,000	30,533
2014	17,366	81,497	0	98,863	79,894	79,894	25,000	54,894	25,000	29,894

[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	120.0	90.00	FRONT FEET	180.00	107	100	100	100	17,366
Neighborhood 5708 CAMBRIDGE SUB UNIT 1,											
Total Land Classified											0
Total Land Just											17,366

Building Characteristics

Building Number: 117783 (Building 1 of 1)

Bldg. No.	Improvement Type	Base Perimeter	Year Built	Quality Grade	Architecture	Phys. Depr.	Func. Obs.	Loc. Obs.	Next Review
117783	Single Family	184	1976	300		26%	0%	0%	2999
Roof Type	GABLE	Floors		Carpet	Bedrooms	3	4 Fixture Bath		0
Roof Cover	ASPHALT SHINGL	Wall Type		Plaster	X Fixture Bath	0	5 Fixture Bath		0

Corrective Deed
Susan Hawthorne was to sign next to grantor Travis Houman. He was to sign at grantee to keep him on the deed he did not these are the reasons for this corrective Deed.

Quitclaim Deed Page 1 of 3

PREPARED BY:

Kathleen Stranger

441 Leslie Drive

Port Orange, FL 32127

RECORDING REQUESTED BY

AND WHEN RECORDED MAIL TO:

Susan Hawthorne

101 Cambridge Drive

Port Orange, FL 32127

MAIL TAX STATEMENTS TO:

Susan Hawthorne

101 Cambridge Drive

Port Orange, FL 32127

SPACE ABOVE THIS LINE FOR RECORDER'S ONLY

QUITCLAIM DEED

KNOW ALL MEN BY THESE PRESENTS THAT:

THIS QUITCLAIM DEED, made and entered into on the 7 day

Of February, 2013, between Travis Houman, a single person, whose address is 101 Cambridge Drive, Port Orange, Florida 32127, and Susan Hawthorne, a single person, whose address is 101 Cambridge Drive, Port Orange, Florida 32127 ("Grantors"), and Lindsey Matthews, a married person, whose address is 191 Ledford Road Lot 6, Cairo, Georgia 39828, and Travis Houman, a single person, whose is 101 Cambridge Drive, Port Orange, Florida 32127 ("Grantees"). Susan Hawthorne, a single person, whose address is 101 Cambridge Drive, Port Orange, Florida 32127 ("Grantees"). For and in consideration of the sum of \$10.00, the receipt and sufficiency of which is hereby acknowledged, Grantors hereby remise, release, AND FOREVER Quitclaim to Grantees, as Joint Tenants with Right to Survivorship, the property located in Volusia County, Florida, described as:

Lot 1 Cambridge Sub Unit 1 Block House

Prior instrument reference: Quitclaim Deed, Volume/Book 6790, Page 3839*, Document No. quickclaimeddeed, of the recorder of Volusia, Florida, recorded Wednesday, December 5, 2012. SUBJECT TO all, if any, valid easements, rights of way, covenants, conditions, reservations and restrictions of record.

02/20/2013 10:33 AM

Doc stamps .70

(Transfer Amt \$ 10)

Instrument# 2013-033948 # 1

Book : 6821

Page : 1376

Quitclaim Deed Page 2 of 3

EXPRESSLY RESERVING unto the Grantors and the Grantors assign a life estate in the above described property. The Grantors shall have full ownership, possession and use of the property, as well as rents, revenues, and profits generated by the property during the term of the Grantors' natural life, and upon the expiration of the Grantors' natural life, the Grantors' interest in the above described property shall revert to the Grantees'.

Grantors' grant all of the Grantors' rights, title and interest in and to all of the above described property and premises to the Grantees' and to the Grantees' heirs and assigns forever in fee simple, so that neither Grantors' nor Grantors' heirs legal representatives or assigns shall have. Claim, or demand any right or title to the property, premises, or appurtenances, or any part thereof.

Tax/Parcel ID Number: 6321-01-01-0010

IN WITNESS WHEREOF the Grantors have executed this deed on the 7 day of February, 2013.

02-7-13 Travis Homan
Date Travis Homan, Grantor

02-7-13 Susan Hawthorne
Date Susan Hawthorne, Grantor

02-7-13 Travis Homan
Date Travis Homan, Grantee
101 Cambridge Dr.
Port Orange, FL 32127

02-7-2013 Susan Hawthorne
Date Susan Hawthorne, Grantee
101 Cambridge Dr.
Port Orange, FL 32127

2/7/2013 Lindsey Matthews
Date Lindsey Matthews, Grantee
191 Ledford Road Lot 6
Cairo, GA 39828

Quitclaim Deed Page 3 of 3

02-07-13 Rose Wittmann
Date Rose Wittmann, Witness

02-7-13 Kayla Ronce
Date Kayla Ronce, Witness

STATE OF Florida COUNTY OF Volusia

The foregoing instrument was acknowledged before me this the 7 day of
February, 20 13 by Rose Wittmann Kayla Ronce

Who is personally known to me or has produced DL.

As identification and who did/did not take an oath.

Kathleen H. Stanger

Signature of Notary/Deputy Clerk

Kathleen H. Stanger

Printed name of Notary/Deputy Clerk

My Commission expires:



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* that does not comply with the requirements of this chapter.

SECTION 502 REQUIRED FACILITIES

[P] 502.1 Dwelling units. Every *dwelling unit* shall contain its own bathtub or shower, lavatory, water closet and kitchen sink that 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.

[P] 502.2 Rooming houses. Not less than one water closet, lavatory and bathtub or shower shall be supplied for each four *rooming units*.

[P] 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 10 *occupants*.

[P] 502.4 Employees' facilities. Not less than one water closet, one lavatory and one drinking facility shall be available to employees.

[P] 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*.

[P] 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*.

SECTION 503 TOILET ROOMS

[P] 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.

[P] 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.

[P] 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.

[P] 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.

SECTION 504 PLUMBING SYSTEMS AND FIXTURES

[P] 504.1 General. 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. Plumbing fixtures shall be maintained in a safe, sanitary and functional condition.

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

[P] 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. Kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied

PLUMBING FACILITIES AND FIXTURE REQUIREMENTS

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 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 minimum temperature of 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.

SECTION 506 SANITARY DRAINAGE SYSTEM

[P] 506.1 General. Plumbing fixtures shall be properly connected to either a public sewer system or to an *approved* private sewage disposal system.

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

[P] 506.3 Grease interceptors. Grease interceptors and automatic grease removal devices shall be maintained in accordance with this code and the manufacturer's installation instructions. Grease interceptors and automatic grease removal devices shall be regularly serviced and cleaned to prevent the discharge of oil, grease, and other substances harmful or hazardous to the building drainage system, the public sewer, the private sewage disposal system or the sewage treatment plant or processes. Records of maintenance, cleaning and repairs shall be available for inspection by the code official.

SECTION 507 STORM DRAINAGE

[P] 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* that 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, nor shall portable unvented fuel-burning space heaters be used, as a means to provide required heating.

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 minimum temperature of 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 minimum temperature of 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. 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. Fuel-burning equipment and appliances shall be connected to an *approved* chimney or vent.

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

603.3 Clearances. Required clearances to combustible materials shall be maintained.

603.4 Safety controls. 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.

Case Cost Sheet Log

Case No. 15-1946

Name	Activity	Activity_Date	Status	Cost
Judith A. Vitali EST	Mailing Notice of Violation/Notice of Hearing to 1237 Mellisa Drive, Port Orange, FL 32129	12/21/2015		\$6.73
Judith A. Vitali EST	Mailing Finding of Fact/Conclusion of Law & Order to 1237 Mellisa Drive, Port Orange, FL 32129	01/27/2016		\$7.21
Judith A. Vitali EST	Recording fee - Finding of Fact/Conclusion of Law & Order	01/27/2016		\$27.00

Total: \$40.94



**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 15-1946

To: Judith A. Vitali EST
Property Owner
1237 Mellisa Drive
Port Orange, FL 32129

Re: 1237 Mellisa Drive
Port Orange, FL 32129
Parcel ID: 6307-03-00-1230

LEGAL DESCRIPTION: LOT 123 WILLOW RUN UNIT 2 MB 36 PGS 16-18 INC PER OR 4010 PG 0807 PER D/C 6486 PG 0606

Volusia County Public Records
Volusia County, FL

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

Chapter 42 (Nuisances), Article II (Garbage, Junk and Undergrowth), Section 42-26 (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.

A complaint was received from a concerned resident on November 23, 2015 regarding a tree that has been rotten for years that has fallen on the property. I performed an inspection on this date and found a small tree, approximately 8 feet high that has died and all of the branches are scattered around the property. I left a 10 day door hanger asking that the tree and the debris on the ground be removed from the property.

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

THIS CORRESPONDENCE WILL SERVE AS OFFICIAL NOTIFICATION THAT THE ABOVE STATED VIOLATION(S) MUST BE CORRECTED BY DECEMBER 28, 2015 BY REMOVING THE TREE AND ALL FALLEN DEBRIS.

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.**

ursuant 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 27, 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 \$ 6.93 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 27, 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 March 9, 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 18th day of December, 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 JUDITH A VITALI, EST, PROPERTY OWNER PER VOLUSIA COUNTY TAX ROLL, 1237 MELLISA DRIVE, PORT ORANGE, FL 32129 was

☐ Hand-delivered Recipient of hand delivered documents: _____

☒ Posted at the property

this 18th day of December, 2015.

Time: approx. 10:25 am

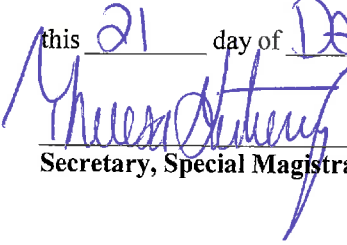
Dena Joseph
DENA JOSEPH, CODE ENFORCEMENT OFFICER

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to JUDITH A VITALI, EST, PROPERTY OWNER PER VOLUSIA COUNTY TAX ROLL, 1237 MELLISA DRIVE, PORT ORANGE, FL 32129, was

☒ Posted at City Hall

☒ Sent via certified

this 21 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.



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Parcel Information: 6307-03-00-1230 **2016 Working Tax Roll** Last Updated: 12-13-2015

Owner Name and Address

Alternate Key	3594932	Parcel Status	Active Parcel (Real Estate)
Short Parcel ID	6307-03-00-1230	Mill Group	402 Port Orange
Full Parcel ID	07-16-33-03-00-1230	2015 Final Mill Rate	20.86510
Created Date	30 DEC 1981		
Property Class	01 Single Family		
Ownership Type		Ownership Percent	100
Owner Name	VITALI JUDITH A EST		
Owner Name/Address 1			
Owner Address 2	1237 MELLISA DR		
Owner Address 3	PORT ORANGE FL		
Owner Zip/Postal Code	32129-7434		
Situs Address	1237 MELLISA DR PORT ORANGE 32129		

Legal Description

LOT 123 WILLOW RUN UNIT 2 MB 36 PGS 16-18 INC PER OR 4010 PG 0807 PER D/C 6486 PG 0806

Sales History

Book Page	Sale Date	Sale Instrument	Qualified	Improved	Sale Price
			Unqualified		
4010 0807	05/1995	Warranty Deed	Qualified Sale	Yes	75,900
2570 0903	05/1984	Warranty Deed	Qualified Sale	Yes	58,900
2292 0215	08/1981	Warranty Deed	Unqualified Sale	No	1,271,800

History of Values

Year	Land	Bldg(s)	Misc. Impr.	Just Value	School Assessed	Non-School Assessed	School Exemption	School Taxable	Non-School Exemption	Non-School Taxable
2015	16,553	87,782	90	104,425	104,425	101,378	0	104,425	0	101,378
2014	16,553	74,913	696	92,162	92,162	92,162	0	92,162	0	92,162

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	115.0	90.00	FRONT FEET	190.00	97	100	100	100	16,553
Neighborhood 5868 WILLOW RUN UNITS 1 TO 7 INC											
Total Land Classified											0
Total Land Just											16,553

Building Characteristics

Building Number: 112442 (Building 1 of 1)

Bldg. No.	Improvement Type	Base Perimeter	Year Built	Quality Grade	Architecture	Phys. Depr.	Func. Obs.	Loc. Obs.	Next Review
112442	Single Family	180	1984	300		20%	0%	0%	2999
Roof Type	GABLE	Floors		Carpet	Bedrooms	2	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	1984	N	0%	0%	1208 Sq. Feet
002	Porch, Screen Unfinished (USP)	Non-Applicable	1.0	1984	N	0%	0%	240 Sq. Feet
003	Porch, Open Finished (FOP)	Non-Applicable	1.0	1984	N	0%	0%	40 Sq. Feet
004	Finished Garage (FGR)	Non-Applicable	1.0	1984	N	0%	0%	525 Sq. Feet

6.00
531.30

This Warranty Deed

Made this 18th day of May A.D. 1995
by Joseph W. Burkhard and Lois M. Burkhard,
his wife

hereinafter called the grantor, to
Charles J. Vitale and Judith A. Vitale,
husband and wife

whose post office address is:
1237 Melissa Drive
Port Orange, Florida 32119

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, renounces, releases, conveys and confirms unto the grantee, all that certain land situate in Volusia County, Florida, viz:
Lot 123, Willow Run Subdivision, Unit 2, as recorded in Map Book 36, Pages 16, 17 and 18, of the Public Records of Volusia County, Florida.

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

Parcel Identification Number: 6307-00-00-1230

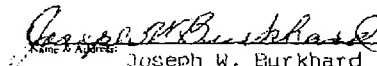
Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.
To Have and to Hold, the same in fee simple forever.

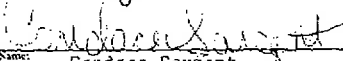
And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances except taxes accruing subsequent to December 31, 1994.

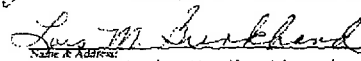
In Witness Whereof, the said grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in our presence:


Name: Cecily Ondik


Name & Address: Joseph W. Burkhard LS


Name: Candace Sargent


Name & Address: Lois M. Burkhard LS

Name: _____

Name & Address: _____ LS

Name: _____

Name & Address: _____ LS

State of Florida
County of Volusia

The foregoing instrument was acknowledged before me this 18th day of May, 1995,
by

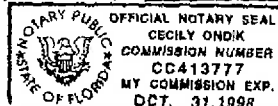
Joseph W. Burkhard and Lois M. Burkhard, his wife

who is personally known to me or who has produced

as identification.

PREPARED BY: J. Ondik
RECORD & RETURN TO:
Columbia Title Services Inc.
200 Forest Lake Blvd.
Daytona Beach, Florida 32119
File No: 95-0621

Print Name: Cecily Ondik
Notary Public
My Commission Expires:



078027

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. 15-2007

Name	Activity	Activity_Date	Status	Cost
Jolan Toth	Mailling Notice of Violation/Notice of Hearing to 551 Lambright Road, South Daytona, FL 32119	12/21/2015		\$7.17

Total: \$7.17



NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 15-2007

To: Jolan Toth
Property Owner
551 Lambright Road
South Daytona, FL 32119

Re: 46 Springwood Square
Port Orange, FL 32129
Parcel ID: 6337-15-00-0460

LEGAL DESCRIPTION: LOT 46 SPRINGWOOD SQUARE MB 36 PG 178 PER OR 3228 PG 1477

Volusia County Public Records
Volusia County, FL

An inspection of the premises on **December 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 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: 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 70 (Traffic), Article II (Stopping, Standing, and Parking, Section 70-36 (Stopping, standing or parking prohibited In specified places), (a), (1) (k), (1), (2) & (3) of the City of Port Orange Code of Ordinances:

- (a) Except when necessary to avoid conflict with other traffic, or in compliance with law or the directions of a police officer or official traffic control device, no person shall:
 - (1) Stop, stand or park a motor vehicle or trailer:
 - k. On any other portion of the front yard of a residential lot, except on approved driveways. As used in this section, driveways shall be constructed of the following materials:
 - 1. Concrete or paved materials;
 - 2. Nonpaved materials, excluding grass and dirt, provided that loose materials such as gravel, bark or cypress mulch are effectively contained within a border of concrete, railroad ties, or other rigid materials; or
 - 3. Concrete paver strips, paver blocks, or other semi-pervious materials.

Chapter 3 (General Requirements), Section 307 (Handrails and Guardrails), 307.1 (General) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: Every exterior and interior flight of stairs having more than four risers shall have a handrail on one side of the stair and every open portion of a stair, landing, balcony, porch, deck, ramp or other walking surface which is more than 30 inches (762 mm) above the floor or grade below shall have guards. Handrails shall not be less than 30 inches (762 mm) in height or more than 42 inches (1067 mm) in height measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces. Guards shall not be less than 30 inches (762 mm) in height above the floor of the landing, balcony, porch, deck, or ramp or other walking surface.

Chapter 3 (General Requirements), Section 304 (Exterior Structure), 304.1.1 (Unsafe Conditions), (12) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: 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

Chapter 3 (General Requirements), Section 304 (Exterior Structure), Section 304.10 (Stairways, decks, porches, and balconies) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: 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.

I have noticed on several occasions the parking of vehicles in the yard of this residence instead of in the parking lot where they are supposed to be parked. I noticed this occurring again on December 2, 2015. A red truck is parked close to the front door of the home. In addition, there is an abundance of outside storage, and high weeds and grass. I also discovered that there are no guardrails/handrails around the second floor balcony which is an extreme safety hazard particularly if there are children residing in the home.

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 27, 2015 by mowing entire property, removing all items stored outside (i.e. buckets, bins, exercise equipment, chemicals on table, etc) and properly parking all vehicles in the parking lot and not in the grass by the unit.

This correspondence will serve as official notification that the violations^{18th Dec} concerning the lack of guardrails/handrails around the upstairs balcony must be corrected by January 1, 2016. A permit will be required through the City of Port Orange Building Department for the installation of the guard rails/handrails. If home is being used as a rental, a licensed building contractor will need to do the work.

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 27, 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 **\$ 7.17** as indicated on the cost sheet submitted into evidence. The respondent will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion.

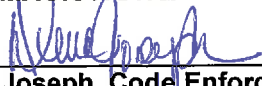
NOTICE OF HEARING SETTING FINE AND LIEN

In the event the **Special Magistrate**, during the hearing on **January 27, 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) 506-5645.

DATED this 18th day of December, 2015.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: 
Dena Joseph, Code Enforcement Officer

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to **Jolan Toth, Property Owner, 551 Lambright Drive, South Daytona, FL 32119**, was

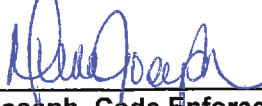
☐ Hand-delivered

Recipient of hand delivered documents: _____

☒ Posted at the property

Time: approx. 11:34 AM

this 18th day of December, 2015.

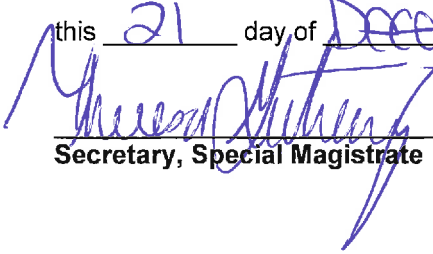

Dena Joseph, Code Enforcement Officer

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to **Jolan Toth, Property Owner, 551 Lambright Drive, South Daytona, FL 32119**, was

☒ Posted at City Hall

☐ Sent via certified

this 21 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.

03/07/2013 08:30 AM
Doc stamps 525.00
(Transfer Amt \$ 75000)
Instrument# 2013-045065 # 1
Book: 6827
Page: 3460
Diane M. Matousek
Volusia County, Clerk of Court

This Warranty Deed

Made this 28th day of February A.D. 2013
by Marianna Chybowski
hereinafter called the grantor, to
J. Plummer Sherbino a.k.a. J. P. Sherbino a.k.a.
Judith P. Sherbino a.k.a. Judy Plummer Sherbino,
Trustee of The J. Plummer Sherbino Revocable
Living Trust, dated September 16, 2009
whose post office address is:
15 Oak Street
Port Orange, Florida 32127
hereinafter called the grantee:

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

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

Lot 18, Block 10, HARBOR OAKS, UNIT NO. 1, according to the plat thereof as recorded in Map Book 10, Pages 145 and 146, of the Public Records of Volusia County, Florida.

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

Said property is not the homestead of the Grantor(s) under the laws and constitution of the State of Florida in that neither Grantor(s) or any members of the household of Grantor(s) reside thereon.

Parcel Identification Number: 6314-03-10-0180

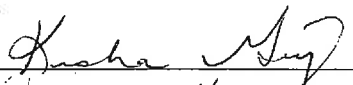
Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

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

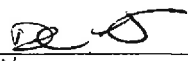
And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances except taxes accruing subsequent to December 31, 2012.

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

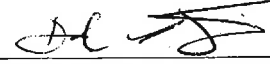
Signed, sealed and delivered in our presence:


Witness Printed Name Keisha Girty


Marianna Chybowski

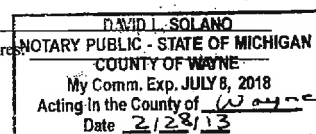

Witness Printed Name David L. Solano
State of MI
County of Wayne

The foregoing instrument was acknowledged before me this 28th day of Feb., 2013, by Marianna Chybowski who is/are personally known to me or who has produced Driver's License as identification.


Notary Public

Print Name: _____

My Commission Expires _____



PREPARED BY: Candace J. Sargent
RECORD AND RETURN TO:
Columbia Title Research Corporation
200 Forest Lake Blvd., Suite 2
Daytona Beach, Florida 32119
FILE No.:13-0077



Volusia County
Property Appraiser

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



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Parcel Information: 6337-15-00-0460 **2016 Working Tax Roll** Last Updated: 12-13-2015

Owner Name and Address

Alternate Key	3686306	Parcel Status	Active Parcel (Real Estate)
Short Parcel ID	6337-15-00-0460	Mill Group	402 Port Orange
Full Parcel ID	37-16-33-15-00-0460	2015 Final Mill Rate	20.86510
Created Date	31 DEC 1981		
Property Class	01 Single Family		
Ownership Type		Ownership Percent	100
Owner Name	TOTH JOLAN		
Owner Name/Address 1			
Owner Address 2	551 LAMBRIGHT RD		
Owner Address 3	SOUTH DAYTONA FL		
Owner Zip/Postal Code	32119-2833		
Situs Address	46 SPRINGWOOD SQ PORT ORANGE 32129		

Legal Description
LOT 46 SPRINGWOOD SQUARE MB 36 PG 178 PER OR 3228 PG 1477

Sales History

Book Page	Sale Date	Sale Instrument	Qualified Unqualified	Improved	Sale Price
3228 1477	11/1988	Warranty Deed	Unqualified Sale	Yes	31,000
2479 0137	08/1983	Warranty Deed	Qualified Sale	Yes	52,000
2479 0136	06/1983	Warranty Deed	Multi parcel sale	Yes	100
2479 0133	05/1982	Warranty Deed	Unqualified Sale	Yes	100
2290 1262	08/1981	Warranty Deed	Unqualified Sale	Yes	180,000

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	3,300	34,562	0	37,862	37,862	37,862	0	37,862	0	37,862
2014	3,300	33,508	0	36,808	36,808	36,808	0	36,808	0	36,808

[Display Value History](#)

Land Data

Code	Land Use Type	Frontage	Depth	No. Units	Unit Type	Rate	Depth	Loc	Shp	Phy	Just Value
0108	IMP ATCHD UT SEP OWNED	0.0	0.0	1.00	UNIT BUILDABLE	3300.00	100	100	100	100	3,300

Neighborhood 5284 SPRINGWOOD SQUARE

Total Land Classified 0
Total Land Just 3,300

Building Characteristics

Building Number: 120539 (Building 1 of 1)

Bldg. No.	Improvement Type	Base Perimeter	Year Built	Quality Grade	Architecture	Phys. Depr.	Func. Obs.	Loc. Obs.	Next Review
120539	Single Family	116	1981	275		20%	10%	0%	2999

Roof Type	Roof Cover	Heat Type1	Heat Type2	Foundation	Floors	Wall Type	Heat Source1	Heat Source2	Year Remodeled	Bedrooms	X Fixture Bath	2 Fixture Bath	3 Fixture Bath	Fireplaces	4 Fixture Bath	5 Fixture Bath	6 Fixture Bath	7 Fixture Bath	Yes
FLAT	TAR and GRAVEL	Forced Ducted		Concrete Slab						2	0	1	1	0	4	5	6	7	

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	1981	N	0%	0%	621 Sq. Feet
002	Patio (PTO)	Non-Applicable	1.0	1981	N	0%	0%	60 Sq. Feet
003	Porch, Screen Unfinished (USP)	Non-Applicable	1.0	1981	N	0%	0%	120 Sq. Feet
004	Upper Story, Finished (FUS)	Non-Applicable	1.0	1981	N	0%	0%	621 Sq. Feet
005	Porch, Open Unfinished (UOP)	Non-Applicable	1.0	1981	N	0%	0%	120 Sq. Feet

6-170.60

BOOK PAGE
3228 1477

THIS INSTRUMENT PREPARED BY: CATHY FITZPATRICK

COLUMBIA TITLE SERVICES INC.
200 FOREST LAKE BOULEVARD
DAYTONA BEACH, FL. 32019

This Warranty Deed Made the 25th day of NOVEMBER A.D. 1988 by

JORDAN BRODSKY AND FRANCES M. BRODSKY, HIS WIFE

hereinafter called the grantor, to

JOLAN TOTH, UNMARRIED

whose post office address is: 46 SPRINGWOOD SQUARE, PORT ORANGE, FL. 32019

hereinafter called the grantee:

(Wherever 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 46, SPRINGWOOD SQUARE, AS PER MAP RECORDED IN MAP BOOK 36, PAGE 178, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

FILED FOR RECORD
RECORD VERIFIED
152867

REC FEE \$ 60.00 REC'D PAYMENT AS
DOC ST \$ 170.50 INDICATED FOR CLASS
INT TAX \$ "C" INTANGIBLE & DOC
PENALTY \$ STAMP TAXES SIGNED
INTEREST \$
Clerk Circuit Court Volusia Co Florida.

Uy. Smith

PARCEL LOT #6337-15-00-0460
JORDAN BRODSKY - 118-22-5247 FRANCES M. BRODSKY 000-70-0500

FILED FOR RECORD
CLERK CIRCUIT COURT
VOLUSIA CO. FL
Uy. Smith

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, 19 88

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

Signed, sealed and delivered in our presence:

Rosa D. Giv
Kelcia D. Odomini

Jordan Brodsky
JORDAN BRODSKY
Frances M. Brodsky
FRANCES M. BRODSKY

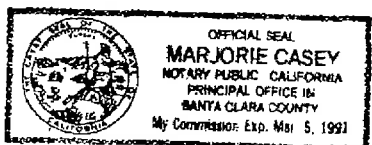
STATE OF CALIFORNIA
COUNTY OF

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

JORDAN BRODSKY AND FRANCES M. BRODSKY, HIS WIFE

to me known to be the person(s) described in and who executed the foregoing instrument and THEY acknowledged before me that THEY executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this 25th day of NOVEMBER A.D. 19 88 MSC



Marjorie Casey
Notary Public

MY COMMISSION EXPIRES: MARCH 5, 1991

88-2390

152867

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)

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

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

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

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

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

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



[International Property Maintenance Code](#)
[\[2012 \(Second Printing\) \]](#)

- [Chapter 3 - General Requirements](#)
 - [SECTION 301 GENERAL](#)
 - [SECTION 302 EXTERIOR PROPERTY AREAS](#)
 - [SECTION 303 SWIMMING POOLS, SPAS AND HOT TUBS](#)
 - [SECTION 304 EXTERIOR STRUCTURE](#)
 - [SECTION 305 INTERIOR STRUCTURE](#)
 - [SECTION 306 COMPONENT SERVICEABILITY](#)
 - [SECTION 307 HANDRAILS AND GUARDRAILS](#)
 - [SECTION 308 RUBBISH AND GARBAGE](#)
 - [SECTION 309 PEST ELIMINATION](#)

[307.1 General.](#)

[307.1 General.](#)

[Top Previous Section Next Section](#) To view the next subsection please select the Next Section option.

SECTION 307 HANDRAILS AND GUARDRAILS

307.1 General.

Every exterior and interior flight of stairs having more than four risers shall have a handrail on one side of the stair and every open portion of a stair, landing, balcony, porch, deck, ramp or other walking surface which is more than 30 inches (762 mm) above the floor or grade below shall have *guards*. Handrails shall not be less than 30 inches (762 mm) in height or more than 42 inches (1067 mm) in height measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces. *Guards* shall not be less than 30 inches (762 mm) in height above the floor of the landing, balcony, porch, deck, or ramp or other walking surface.

Exception: *Guards* shall not be required where exempted by the adopted building code.

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

[304.13 Window, skylight and door frames.](#)

[304.14 Insect screens.](#)

[304.15 Doors.](#)

[304.16 Basement hatchways.](#)

[304.17 Guards for basement windows.](#)

[304.18 Building security.](#)

[304.19 Gates.](#)

[Top Previous Section Next Section](#) To view the next subsection please select the Next Section option.

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.

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Case Cost Sheet Log

Case No. 15-2049

Name	Activity	Activity_Date	Status	Cost
James P. Standfast	Mailing Notice of Violation/Notice of Hearing to 1120 Kane Drive, Port Orange, FL 32129	12/22/2015		\$6.95
James P. Standfast	Mailing of Finding of Fact, Conclusion of Law & Order to 1120 Kane Drive, Port Orange, FL 32129	01/27/2016		\$6.95
Clerk of Court	Recording fee - Finding of Fact, Conclusion of Law & Order	01/27/2016		\$27.00

Total: \$40.90



NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 15-2049

To: James P Standfast
Property Owner
1120 Kane Drive
Port Orange, FL 32129

Re: 1120 Kane Drive
Port Orange, FL 32129
Parcel ID: 6308-06-00-0650

LEGAL DESCRIPTION: LOT 65 WINTER WOODS MB 35 PGS 128 & 129 PER OR 4428 PGS 4746-4759

Volusia County Public Records
Volusia County, FL

An inspection of the premises on **December 18, 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 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 (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 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 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 70 (Traffic), Article II (Stopping, Standing and Parking), Section 70-49 (Restrictions on Disabled or Abandoned Vehicles, (c) Restrictions, 1 (a),(b) and 2 of the City of Port Orange Code of Ordinances:

(c) Restrictions.

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

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

(2) No disabled or abandoned vehicle parked on residentially-zoned or agriculturally-zoned private property shall be covered by material other than a standard vehicle cover in good repair unless such vehicle is parked inside a completely enclosed garage.

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

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

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

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

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

Initial inspection conducted on December 18, 2015 after case was transferred to me by Code Inspector Amanda Bonin. Original complaint came in from a resident that formerly lived in the area and was upset about the all the boats, cars, etc. being stored on the property and the outside storage on site which is viewable from his residence. Inspector Bonin was out on medical leave and has been in the office performing other job duties and could not get back to the property to re-inspect so the case was transferred. When I inspected, I found multiple vehicles parked in the front yard, an abundance of outside storage on site, trash and debris, unregistered/abandoned vehicles, etc. No official notice given as the previous inspector had already advised the resident what violations were to be corrected.

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 10, 2016 by mowing entire yard to include any areas at backside of the property that are high, removing all trash and debris, removing all outside storage, refraining from parking on the front lawn, and properly storing, registering or covering all unlicensed/inoperable vehicles 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.

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 27, 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 \$ 12.95 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 27, 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 **March 9, 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 21st day of December, 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 James P Standfast, Property Owner, 1120 Kane Drive, Port Orange, FL 32129, was
- ☐ Hand-delivered Recipient of hand delivered documents: _____
- ☒ Posted at the property

Time: approx. 11:47 AM

this 21st day of December, 2015.

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 James P Standfast, Property Owner, 1120 Kane Drive, Port Orange, FL 32129, was
- ☒ Posted at City Hall
- ☒ Sent via certified

this 22 day of December, 2015.

Theresa Anthony
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: 6308-06-00-0650 **2016 Working Tax Roll** Last Updated: 12-06-2015

Owner Name and Address

Alternate Key	3604971	Parcel Status	Active Parcel (Real Estate)
Short Parcel ID	6308-06-00-0650	Mill Group	402 Port Orange
Full Parcel ID	08-16-33-06-00-0650	2015 Final Mill Rate	20.86510
Created Date	31 DEC 1981		
Property Class	01 Single Family		
Ownership Type		Ownership Percent	100
Owner Name	STANDFAST JAMES P		
Owner Name/Address 1			
Owner Address 2	1120 KANE DR		
Owner Address 3	PORT ORANGE FL		
Owner Zip/Postal Code	32119-4009		
Situs Address	1120 KANE DR PORT ORANGE 32129		

Legal Description

LOT 65 WINTER WOODS MB 35 PGS 128 & 129 PER OR 4428 PGS 4746-4759

Sales History

Book Page	Sale Date	Sale Instrument	Qualified Unqualified	Improved	Sale Price
4435 4645	04/1999	Quit Claim Deed	Unqualified Sale	Yes	10
4428 4746	04/1999	Quit Claim Deed	Unqualified Sale	Yes	1
4033 1035	08/1995	Warranty Deed	Qualified Sale	Yes	74,900
3075 0285	12/1987	Warranty Deed	Qualified Sale	Yes	77,000
2896 1180	11/1986	Warranty Deed	Qualified Sale	Yes	60,000
2109 0605	09/1979	Unknown	Qualified Sale	Yes	45,600

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	16,470	92,241	10,915	119,626	89,568	89,568	25,000	64,568	25,000	39,568
2014	16,470	78,963	6,640	102,073	88,857	88,857	25,000	63,857	25,000	38,857

[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	80.0	154.0	80.00	FRONT FEET	190.01	108	100	100	100	16,470	
Neighborhood	5868 WILLOW RUN UNITS 1 TO 7 INC											
											Total Land Classified	0
											Total Land Just	16,470

Building Characteristics

Building Number: 113434 (Building 1 of 1)

Bldg. No.	Improvement Type	Base Perimeter	Year Built	Quality Grade	Architecture	Phys. Depr.	Func. Obs.	Loc. Obs.	Next Review
113434	Single Family	190	1979	300		26%	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	Unfinished Enclosed Porch (UEP)	Non-Applicable	1.0	1979	N	0%	0%	435 Sq. Feet	
002	Res BASE Area (BAS)	C B STUCCO	1.0	1979	N	0%	0%	1326 Sq. Feet	
003	Finished Garage (FGR)	Non-Applicable	1.0	1979	N	0%	0%	520 Sq. Feet	

05/19/1999 10:14
Doc stamps 0.70
(Transfer Amt \$ 10)
Instrument # 99103630
Book: 4435
Page: 4645

Prepared by: Paul E. Rice, Jr., Esquire
RICE ROSE & SNELL
20 North Halifax
Daytona Beach, FL 32115
(904) 257-1222

Return to: (same as above)

Parcel #4244-01-29-0051

QUIT CLAIM DEED

THIS INDENTURE, made this 8 day of April, 1999, between JAMES P. STANDFAST and ELIZABETH P. STANDFAST, Husband and Wife, of the County of Volusia and State of Florida, Grantor*, and JAMES P. STANDFAST, whose permanent address is 1120 Kane Drive, Port Orange, of the County of Volusia and State of Florida, Grantee*.

WITNESSETH, That the said Grantor, for and in consideration of the sum of TEN DOLLARS, in hand paid by the said Grantee, the receipt whereof is hereby acknowledged, has remised, released and quit-claimed, and by these presents does remise, release and quit-claim unto the said Grantee, and Grantee's heirs and assigns forever, all the right, title, interest, claim and demand which the said Grantor has in and to the following described land, situate, lying and being in Volusia County, Florida, to-wit:

Lot 65, Winter Woods, as per map recorded in Map Book 35, Pages 128 and 129, Public Records of Volusia County, Florida

This Quit Claim Deed is being executed in accordance with that certain Marital Settlement Agreement executed between the parties on April 8, 1999.

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

TO HAVE AND TO HOLD the same, together with all and singular the appurtenances thereunto belonging or in anywise thereunto appertaining, and all the estate, right, title, interest and claim whatever of the said Grantor, either in law or equity, to the only proper use, benefit and behoof of the said Grantee, his heirs and assigns forever.

IN WITNESS WHEREOF, the said Grantor has hereunto set Grantor's hand and seal the day and year first above written.

Signed, sealed and
delivered in our presence:

Rhoda Bess Goodson
Witness Signature
RHODA BESS GOODSON
Printed Name

PAUL E. RICE, JR.
Witness Signature
PAUL E. RICE, JR.
Printed Name

RHODA BESS GOODSON
Witness Signature
RHODA BESS GOODSON
Printed Name

PAUL E. RICE, JR.
Witness Signature
PAUL E. RICE, JR.
Printed Name

JAMES P. STANDFAST
Signature
JAMES P. STANDFAST
Printed Name
1120 KANE DR.

PORT ORANGE, FL 32119
Post Office Address

Elizabeth P. Standfast
Signature
Elizabeth P. Standfast
Printed Name
1010 N. Swallowtail #105

Port Orange, FL 32119
Post Office Address

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this 8 day of April, 1999 by JAMES P. STANDFAST, who is personally known to me or who has produced FL D/L 353-455-58-01 as identification and who did take an oath.

Notary Public, State of Florida

Printed Notary Signature
At Large
My Commission Expires:



Paul E. Rice, Jr.
Commission # CC 802797
Expires MAR. 31, 2003
BONDED THRU
ATLANTIC BONDING CO., INC.

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this 8 day of April, 1999 by ELIZABETH P. STANDFAST, who is personally known to me or who has produced FL D/L 353-235- as identification and who did take an oath.

55-581-0

Notary Public, State of Florida

Printed Notary Signature
At Large
My Commission Expires:



Paul E. Rice, Jr.
Commission # CC 802797
Expires MAR. 31, 2003
BONDED THRU
ATLANTIC BONDING CO., INC.

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

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

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

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

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

- (b) *Purpose and intent.* The city recognizes the need to protect the health, safety and welfare of the citizens of the city through control and elimination of aesthetically displeasing and potentially dangerous accumulations of garbage, waste, trash, debris, junk and undergrowth. It is, therefore, the purpose and intent of this section to reduce or eliminate such conditions within reasonable limits by hereby establishing a duty and responsibility on the part of the owner of designated lots located within the city to keep such lot free and clear of garbage, waste, trash, debris, junk and undergrowth.
- (c) *Maintenance of commercial and industrial zoned lots.* The owner of every improved lot, piece and parcel of land located within a commercial or industrial zone within the city shall keep each such lot, piece or parcel of land free and clear of all fallen trees and limbs and undergrowth exceeding 12 inches in height. However, nothing in this subsection shall be construed to require natural areas located within larger improved lots to be cut to a height less than 12 inches within such natural areas. Owners of unimproved vacant parcels in such zones shall similarly maintain such portion of their property as lies within ten feet of any improved property, any sidewalk, roadway or bicycle path.
- (d) *Maintenance of improved residential lots.* The owner of an improved lot in a residential zone with lot sizes of one acre or less shall keep such lot free and clear of all fallen trees and limbs. All weeds, grass and undergrowth shall be cut to a height not exceeding ten inches. However, nothing in this subsection shall be construed to require natural areas located within larger improved lots to be cut to a height less than ten inches within such natural areas.
- (e) *Maintenance of unimproved residential lots.* The owner of an unimproved lot in a residential zone with lot sizes of one acre or less shall keep that portion of his property abutting and within ten feet of any improved lot, sidewalk, street or bicycle path free and clear of all fallen trees and limbs, and all weeds, grass and undergrowth therein shall be cut to a height not exceeding 12 inches within such area.
- (f) *Garbage, waste, trash, etc., prohibited.* The owner of every lot, piece and parcel of land located within the city shall keep each such lot, piece and parcel of land free and clear of garbage, waste, trash, debris and junk.
- (g) *No property maintenance permit required; other restrictions and requirements applicable.* No permit shall be required for the limited property maintenance required by this section; however, the requirements, restrictions and limitations imposed by other sections of this Code and applicable provisions of the land development code pertaining to environmental preservation, tree removal, change of grade, etc., shall be effective. In the event of any conflict between this section and any other provision of this Code or applicable provision of the land development code, the other sections

of this Code or applicable provisions of the land development code shall prevail and govern.

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

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

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

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

(Code 1981, § 10-7)

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

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

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

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

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

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

(3) Within the public right-of-way, park a motor vehicle, whether occupied or not, except temporarily for the purpose of, and while actually engaged in, loading or unloading of

merchandise or passengers:

- a. Within 50 feet of the nearest rail of a railroad crossing or bridge.
 - b. At any place where official signs prohibit parking.
- (b) No person shall move a motor vehicle not lawfully under his control into any such prohibited area or away from a curb such distance as is unlawful.

(Code 1981, § 19-30; Ord. No. 1996-11, § 1, 5-7-96; Ord. No. 2005-9, § 1, 5-3-05; Ord. No. 2008-42, § 3, 1-20-09)

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

(a) *Findings of fact.*

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

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

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

(c) *Restrictions.*

- (1) No disabled or abandoned vehicle shall remain on residentially-zoned or agriculturally-zoned private property unless such vehicle is:
 - a. Within a completely enclosed garage; or
 - b. Parked in a carport, parking space or city-approved parking area and covered solely with a standard vehicle cover in good repair, so long as any portion of the vehicle which is not covered is not in a state of disrepair.
- (2) No disabled or abandoned vehicle parked on residentially-zoned or agriculturally-zoned private property shall be covered by material other than a standard vehicle cover in good repair unless such vehicle is parked inside a completely enclosed garage.
- (3) No person shall oppose, obstruct, or resist any code inspector or any person authorized by the code inspector in the discharge of duties or responsibilities provided in this section or section 70-50.

(d) *Evidence.* In order to conclude that a vehicle is disabled or abandoned, the code inspector must determine that the vehicle has been disabled or abandoned for at least 15 consecutive calendar days, or that the vehicle violates any of the criteria contained in subsection (c)(1) or (c)(2) of this section.

(e) *Responsibility for compliance.* The owner of the disabled or abandoned vehicle and the owner or occupant of the property on which such vehicle is located shall be jointly and individually responsible for compliance with the requirements of this section.

(Ord. No. 1998-23, § 1, 7-21-98)

Case Cost Sheet Log

Case No. 15-1959

Name	Activity	Activity_Date	Status	Cost
Basil Jaisingh	Mailing Notice of Violation/Notice of Hearing to 153 Deskin Drive, Port Orange, FL 32129	12/28/2015		\$6.95
Basil Jaisingh	Mailing Finding of Fact, Conclusion of Law & Order to 153 Deskin Drive, Port Orange, FL 32129	01/27/2016		\$6.95
Clerk of Court	Recording fee - Finding of Fact, Conclusion of Law, & Order	01/27/2016		\$27.00

Total: \$40.90



**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

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

CITY OF PORT ORANGE,

Petitioner

CASE NO. 15-1959

To:
Basil Jaisingh
153 Deskin Drive
Port Orange, FL 32129

Re: 5160 Ridgewood Ave.
Port Orange, FL 32127
Parcel ID: 6310-07-14-0010
LEGAL DESCRIPTION: LOTS 1 & 21 BLK 14 ALLANDALE PER OR 4604 PG 2575

Volusia County Public Records
Volusia County, FL

An inspection of the premises on November 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:

City of Port Orange Code of Ordinances, Chapter 42, Article II, Section 42-26 Cleanliness of property generally – Duty of owner (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 with 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.*

City of Port Orange Code of Ordinances, Chapter 42, Article II, Section 42-26 (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.*

City of Port Orange Code of Ordinances, Chapter 42, 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.*

On November 25, 2015, I observed the condition of this property as being in violation. There was trash and debris located in different areas, outside storage in front of almost every apartment unit and in the grass, a boat parked in the front yard of the apartments along with makeshift storage areas. Grass and weeds are overgrown. There are several different items in the dirt pit where 2 bulldogs are sometimes kept on chains. I spoke with a male residents who states he is the manager/maintenance person for the owner and advised him that all of the grass and weeds needs to be mowed and removed, all trash and debris removed from premises, all outside storage such as boxes, tools, boat, etc., be properly stored out of sight from the public right of way or adjacent property, and items cleaned up from dog area. I gave him two weeks to comply. A reinspection on December 21, 2015, showed no compliance.

Attachments: ☒ Copy of code

☒ Copy of Deed

☒ Copy of Tax Roll

This correspondence will serve as official notification that the above stated violation(s) must be corrected by **January 6, 2016.**

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 27, 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 27, 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 **March 9, 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 23rd day of December, 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 Basil Jaisingh, 153 Deskin Dr., Port Orange, FL 32129, was

☐ Hand-delivered

Recipient of hand delivered documents: _____

X ☒ Posted at the property

this 23rd day of December 2015.

Time: approx. 12:55 pm

Deborah Faircloth
Deborah Faircloth

D ☐ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Basil Jaisingh, 153 Deskin Dr., Port Orange, FL 32129, was

☐ Posted at City Hall

☐ Sent via certified

this 28 day of December 2015.

Sherryl H. H. H.
Secretary, Special Magistrate

RIGHT TO APPEAL

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

ACCOMMODATIONS

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



Volusia County
Property Appraiser

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



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Parcel Information: 6310-07-14-0010 **2016 Working Tax Roll** Last Updated: 12-20-2015

Owner Name and Address

Alternate Key	3609263	Parcel Status	Active Parcel (Real Estate)
Short Parcel ID	6310-07-14-0010	Mill Group	402 Port Orange
Full Parcel ID	10-16-33-07-14-0010	2015 Final Mill Rate	20.86510
Created Date	31 DEC 1981		
Property Class	03 Multi Family - 10 units or more		
Ownership Type		Ownership Percent	100
Owner Name	JAISINGH BASIL		
Owner Name/Address 1			
Owner Address 2	153 DESKIN DRIVE		
Owner Address 3	PORT ORANGE FL		
Owner Zip/Postal Code	32119		
Situs Address	5160 RIDGEWOOD AV PORT ORANGE 32127		

Legal Description

LOTS 1 & 21 BLK 14 ALLANDALE PER OR 4604 PG 2575

Sales History

Book	Page	Sale Date	Sale Instrument	Qualified Unqualified	Improved	Sale Price
4781	3490	11/2001	Warranty Deed	Qualified Sale	Yes	152,000
4604	2575	10/2000	Quit Claim Deed	Unqualified Sale	Yes	100
4453	0089	06/1999	Warranty Deed	Qualified Sale	Yes	134,500
4423	1262	03/1999	Quit Claim Deed	Affiliated Parties	Yes	10
4202	2085	05/1997	Warranty Deed	Qualified Sale	Yes	107,000

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	39,000	116,338	0	155,338	155,338	155,338	0	155,338	0	155,338
2014	45,500	109,550	0	155,050	155,050	155,050	0	155,050	0	155,050

[Display Value History](#)

Land Data

Code	Land Use Type	Frontage	Depth	No. Units	Unit Type	Rate	Depth	Loc	Shp	Phy	Just Value
0300	MULTI FAM - OVER 10	50.0	210.0	6.00	UNIT BUILDABLE	6500.00	100	100	100	100	39,000

Neighborhood C5516 PORT ORANGE SMALL APARTMENTS

Total Land Classified 0
Total Land Just 39,000

Building Characteristics

Building Number: 113838 (Building 1 of 1)

Bldg. No.	Property Type	Structure Type	Perimeter	Year Built	Quality Grade	Phys. Depr.	Func. Obs.	Loc. Obs.	Next Review
113838	Commercial	Concrete or Masonry	350	1962	300	42%	0%	0%	2999

Section Number	Avg. Wall Height	Number Stories	Year Built	Bsmnt%	Ground Floor Area	Interior Finish	Sect%	Sprinkler	A/C
001	10.00	1	1962	0.00	3127 Apartment, Average (03C)		100.00	No	Yes
002	10.00	1	1962	0.00	258 Porch, Open Finished (FOP)		0.00	No	No
003	10.00	1	1962	0.00	52 Porch, Open Finished (FOP)		0.00	No	No

Exterior Wall Type

44 Concrete Block, Stucco 100%

Building Refinements

Description	Number of Units	Unit Type
RES. UNIT		6 UB
Extra Fixture		6 UB
Baths, 3-Fixture		6 UB

12/04/2001 13:55
Doc stamps 1064.00
(Transfer Amt \$ 152000)
Instrument # 2001-258344
Book: 4781
Page: 3490
Diane M. Matousek
Volusia County, Clerk of Court

Parcel ID Number: 6310-07-14-0010

Grantee #1 TIN:

Warranty Deed

This Indenture, Made this 30th day of November, 2001 A.D., Between
Volusia MJM, Ltd., a Florida limited partnership

of the County of Volusia, State of Florida, grantor, and
Basil Jaisingh,

whose address is: 153 Deskin Drive, Port Orange, Florida 32119

, grantee.

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

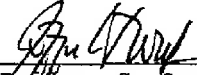
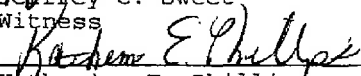
Lots 1 and 21, Block 14, MAP OF ALLANDALE, according to the
plat thereof as recorded in Map Book 4, page 146, of the
Public Records of Volusia County, Florida.

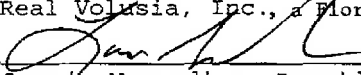
Subject to taxes for the year 2002 and subsequent years which
are not yet due and payable.

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

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

In Witness Whereof, the grantor has hereunto set his hand and seal the day and year first above written.
Signed, sealed and delivered in our presence: Volusia MJM, Ltd., a Florida limited partnership
By: Real Volusia, Inc., a Florida corporation

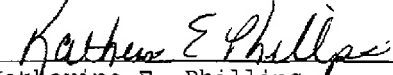

Jeffrey C. Sweet
Witness

Katherine E. Phillips
Witness

By:  (Seal)
Lonnie Marandino, President
P.O. Address 449 Palm Avenue, Ormond Beach, FL 32174

STATE OF FLORIDA COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this 30th day of November, 2001 by
Lonnie Marandino, President of Real Volusia, Inc., a Florida corporation and a general partner of Volusia MJM, Ltd., a
Florida limited partnership, on behalf of the corporation and the partnership,
who is personally known to me.

This Document Prepared By:
JEFFREY C. SWEET, ESQ.
595 W. GRANADA BLVD. SUITE A
ORMOND BEACH, FL 32174


Katherine E. Phillips
NOTARY PUBLIC
My Commission Expires:



Katherine E. Phillips
MY COMMISSION # CC998070 EXPIRES
January 31, 2005
BONDED THRU TROY FAIR INSURANCE, INC.

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

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: 15-1959

**Basil Jaisingh
153 Deskin Dr.
Port Orange, FL 32129,**

Respondent.

Property Address: 5160 Ridgewood Ave., Port Orange, FL
Parcel ID: 6310-07-14-0010

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 5160 Ridgewood Ave., Port Orange, Florida 32127, is owned by Basil Jaisingh.
4. That 5160 Ridgewood Ave., Port Orange, Florida 32127 is the location where the alleged code violation is or was occurring.

5. That I posted a Notice of Violation and Request for Hearing on the property at 5160 Ridgewood Ave., Port Orange, Florida 32127, at 12:55 p.m. on the 23rd 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 23rd 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 23 day of December, 2015, by Deborah Faircloth, who is personally known to me.

[Signature]
Notary Public, State of Florida

Commission No. _____

