



REVISED AGENDA

CODE ENFORCEMENT SPECIAL MAGISTRATE

CITY OF PORT ORANGE

Meeting Date: Wednesday, February 10, 2016 **Time:** 9:00 AM

Type of Meeting: Regular

Location: Council Chambers
City Hall, 1000 City Center Circle

A. CALL TO ORDER

1. Roll Call
2. Attorney Overview of Special Magistrate Code Enforcement Process
3. Consideration of Minutes - January 27, 2016

B. FORMAL HEARING (COMPLIANCE OR NON-COMPLIANCE)

4. **CEB Case No.:** 15-1353 (Continued from 1/13/16)

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.

5. **CEB Case No.:** 15-1949

Respondent: Ora Day LLC

C/O Corporation Service Company

Address of Violation: 3771 Clyde Morris Blvd.

Port Orange, FL 32129

Code Officer: Dena Joseph

First Notified: 12/30/2015

Compliance: Yes

Cited for violation(s) - Chapter 58 (Streets, Sidewalks, and other Public Places), Article II (Construction in Rights of Way), Section 58-40 (Removal of obstructions in rights of way)

Chapter 14 (Buildings and Building Regulations), Article VII (Commercial Property Maintenance Standards), Section 14-318 (Other property improvements; maintenance criteria), (c), (3) Walls and Fences

Chapter 14 (Buildings and Building Regulations), Article VII (Commercial Property Maintenance Standards), Chapter 14-318 (Other property improvements; maintenance criteria), (b). Signs, (1,) of the City of Port Orange Code of Ordinances

6. **CEB Case No.:** 15-1883

Respondent: Glynn James Davies
Denise Davies

Address of Violation: 5107 Taylor Road
Port Orange, FL 32127

Code Officer: Deborah Faircloth

First Notified: 01/08/2016

Compliance: Yes

Cited for violation(s) - Chapter 42, Article II, Section 42-26 (d) & (f). High weeds and grass and garbage, trash and debris of the City of Port Orange Code of Ordinances.

7. **CEB Case No.:** 15-1908

Respondent: Wai C. Mills ETAL

Address of Violation: 712 Pine Forest Trl E, Port Orange, FL 32127

Code Officer: Scott Allman

First Notified: 01/07/2016

Compliance: Yes

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.

8. **CEB Case No.:** 16-0160

Respondent: Billy Gordon

Address of Violation: 890 Chipmunk Tr., Port Orange, FL 32127

Code Officer: Dena Joseph

First Notified: 02/09/2016

Compliance: No

Cited for violation(s) - Chapter 42 (Nuisances), Article II (Garbage, Junk and Undergrowth), Section 42-26 (Maintenance of property generally-duty of owner), (d) Maintenance of Improved Residential Lots of the City of Port Orange Code of Ordinances: The owner of an improved lot in a residential zone with lot sizes of one acre or less shall keep such lot free and clear of all fallen trees and limbs. All weeds, grass and undergrowth shall be cut to a height not exceeding ten inches.

Chapter 42 (Nuisances), Article II (Garbage, Junk and Undergrowth), Section 42-26 (Maintenance of property general y-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 1 (Scope and Administration), Section 108 (Unsafe Structures and Equipment), 108.1.1 (Unsafe Structures) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

Chapter 1 (Scope and Administration), Section 108 (Unsafe Structures and Equipment), 108.1.3 (Structure unfit for human occupancy) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: A structure is unfit for human occupancy whenever the code official finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is insanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.

Chapter 1 (Scope and Administration), Section 108 (Unsafe Structures and Equipment), 108.1.5 (Dangerous structure or premises), (5) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: For the purpose of this code, any structure or premises that has any or all of the conditions or defects described below shall be considered

dangerous: The building or structure, or part of the building or structure, because of dilapidation, deterioration, decay, faulty construction, the removal or movement of some portion of the ground necessary for the support, or for any other reason, is likely to partially or completely collapse, or some portion of the foundation or underpinning of the building or structure is likely to fail or give way.

Chapter 1 (Scope and Administration), Section 108 (Unsafe Structures and Equipment), 108.1.5 (Dangerous structure or premises), (6) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: The building or structure, or any portion thereof, is clearly unsafe for its use and occupancy.

Chapter 1 (Scope and Administration), Section 108 (Unsafe Structures and Equipment), 108.1.5 (Dangerous structure or premises), (7) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: The building or structure is neglected, damaged, dilapidated, unsecured or abandoned so as to become an attractive nuisance to children who might play in the building or structure to their danger, becomes a harbor for vagrants, criminals or immoral persons, or enables persons to resort to the building or structure for committing a nuisance or an unlawful act.

Chapter 1 (Scope and Administration), Section 108 (Unsafe Structures and Equipment), 108.1.5 (Dangerous structure or premises), (9) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: A building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, ventilation, mechanical or plumbing system, or otherwise, is determined by the code official to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.

Chapter 1 (Scope and Administration), Section 109 (Emergency Measures), 109.1 (Imminent Danger) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: When, in the opinion of the code official, there is imminent danger of failure or collapse of a building or structure which endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the code official is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. The code official shall cause to be posted at each entrance to such structure a notice reading as follows: "This Structure Is Unsafe and Its Occupancy Has Been Prohibited by the Code Official." It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition or of demolishing the same.

Chapter 3 (General Requirements), Section 302 (Exterior Property Areas), 302.1 (Sanitation) of the 2015 International Property Maintenance Code as adopted per

Chapter 14, Article II of the City of Port Orange Code of Ordinances: All exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property which such occupant occupies or controls in a clean and sanitary condition.

Chapter 3 (General Requirements), Section 302 (Exterior Property Areas), 302.7 (Accessory Structures) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.

Chapter 3 (General Requirements), Section 304 (Exterior Structure), 304.1 (General) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: 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.

Chapter 3 (General Requirements), Section 304 (Exterior Structure), 304.1.1 (Unsafe Conditions), (8) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: 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

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). 304.4 (Structural Members) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: All structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads.

Chapter 3 (General Requirements), Section 304 (Exterior Structure), Section 304.6 (Exterior Walls) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: All exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.

Chapter 3 (General Requirements), Section 304 (Exterior Structure), Section 304.7 (Roofs and Drainage) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: The roof and

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

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.

Chapter 3 (General Requirements), Section 304 (Exterior Structure), Section 304.12 (Handrails and Guards) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

Chapter 3 (General Requirements), Section 304 (Exterior Structure), Section 304.13 (Window, skylight and door frames) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.

Chapter 3 (General Requirements), Section 304 (Exterior Structure), Section 304.15 (Doors)) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: All exterior doors, door assemblies, operator systems if provided, and hardware shall be maintained in good condition. Locks at all entrances to dwelling units and sleeping units shall tightly secure the door. Locks on means of egress doors shall be in accordance with Section 702.3.

Chapter 3 (General Requirements), Section 305 (Interior Structure), 305.1 (General)), of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. Occupants shall keep that part of the structure which they occupy or control in a clean and sanitary condition. Every owner of a structure containing a rooming house, housekeeping units, a hotel, a dormitory, two or more dwelling units or two or more nonresidential occupancies, shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and exterior property.

Chapter 3 (General Requirements), Section 305 (Interior Structure), 305.4 (Stairs and Walking Surfaces), of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: Every stair, ramp, landing, balcony, porch, deck or other walking surface shall be maintained in sound condition and good repair.

Chapter 3 (General Requirements), Section 305 (Interior Structure), 305.5 (Handrails and Guards), of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

Chapter 5 (Plumbing Facilities and Fixture Requirements), Section 505 (Water System), 505.1 (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 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.

Chapter 6 (Mechanical and Electrical Requirements), Section 601 (General), 601.2 (Responsibility) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: The owner of the structure shall provide and maintain mechanical and electrical facilities and equipment in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any premises which does not comply with the requirements of this chapter.

Chapter 6 (Mechanical and Electrical Requirements), Section 604 (Electrical Facilities), 604.1 (Facilities Required) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: Every occupied building shall be provided with an electrical system in compliance with the requirements of this section and Section 605 (Electrical Equipment).

Chapter 6 (Mechanical and Electrical Requirements), Section 605 (Electrical Equipment), 605.1 (Installation) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: Electrical equipment, wiring, and appliances shall be properly installed and maintained in a safe and approved manner.

C. ORDER IMPOSING FINE/LIEN

9. **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: Yes

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

10. **CEB Case No.:** 15-1395

Respondent: Patricia Manos

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

Code Officer: Scott Allman

First Notified: 09/04/2015

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.

11. **CEB Case No.:** 15-511

Respondent: Sandy J. Barnes

Address of Violation: 5645 Palm Avenue, Port Orange, FL 32127

Code Officer: Deborah Faircloth

First Notified: 04/16/2015

Compliance: No

Cited for violation(s) - 2015 International Property Maintenance Code, Chapter 1, Section 108, 108.1.1 Unsafe Structures, 103.1.3 Structure unfit for human occupancy, 108.1.5 Dangerous structure or premises, 108.6 Abatement methods.

Chapter 42, Section 42-26 (d)(f)(h) Cleanliness of property-generally duty of owner of the City of Port Orange Code of Ordinance.

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
JANUARY 27, 2016

THE SPECIAL MAGISTRATE HEARING of the City of Port Orange was called to order by Special Magistrate Branch at 9:26 a.m.

PRESENT: Raymond Branch, Special Magistrate

ALSO PRESENT: Deborah Faircloth, Code Compliance Inspector
Scott Allman, Code Compliance Inspector
Dena Joseph, Code Compliance Inspector
Chris Hutchison, Code Enforcement Supervisor
Robin Fenwick, City Clerk

Consideration of Minutes

Special Magistrate Branch asked if Case #15-1913, Galarza – 118 Carlton Place, was referred to the City Manager and City Attorney for foreclosure action. Ms. Faircloth will work with the City Clerk to prepare a document for referral as requested. He asked for the status of 5109 Taylor Road, Shirley Rose. Ms. Faircloth said it is in compliance and does not need to be re-cited. Special Magistrate Branch asked about the Mackey property-5420 Landis Avenue. Mr. Allman advised that the costs and the case were dismissed since the property burned down before abatement by the City's vendor. A new case has been initiated by Ms. Faircloth. He approved the December 9, 2015 and January 13, 2016 meeting minutes.

Special Magistrate Branch reviewed the Code Enforcement hearing procedures.

Oaths

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

FORMAL HEARING (COMPLIANCE OR NON-COMPLIANCE)

3. CEB Case No.: 15-1809

Respondents: Travis Houman LF EST
Susan Hawthorne LF EST
101 Cambridge Drive
Port Orange, FL 32127
-and-
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.

Witnesses:

Nicole Taylor, neighbor

Lisa Rudy, neighbor and former friend

Officer Williamson, Daytona Beach Police Department and neighbor

Vendela Dollar, friend of Lindsey Matthews who could not attend

Mr. Allman has not spoken with Travis Houman but has been in contact with Lindsey Matthews regarding the property. She has not given formal notice that she would have someone represent her in her absence.

Mr. Allman testified as to the condition of the property and the notices provided to the homeowners. The violations were to be corrected on or before January 15, 2016. Upon re-inspections on January 18, 2016 and January 26, 2016, the property was still in non-compliance. Photos taken by Mr. Allman were presented introduced into evidence. An email to Scott Allman from Kerry Leuzinger, Building Officer, between him and Florida Power & Light regarding a lack of electrical services since October 2015 was admitted into evidence as Exhibit #1. A print screen of the water billing system was presented as Exhibit #2 showing there is no active account for water service at 101 Cambridge Drive as of January 25, 2016. Special Magistrate admitted Exhibit #2 as presented. Mr. Allman presented a document showing the amount due and tampering with the water meter. Special Magistrate did not admit the document into evidence; however, he did admit the five (5) photos as presented into evidence as Composite Exhibit #3.

Mr. Allman called Officer Amber Williamson to testify. Officer Williamson was sworn by Special Magistrate Branch. She called in October 2015 for a property check. She testified as to subjects living at the home. Chris Hutchison, Code Enforcement Supervisor, was sworn in and testified as to the police activity relating to this property and the charges against the owners and residents. Special Magistrate Branch suggested that the Pre-Trial Release include a provision to bar those individuals from the property.

Mr. Allman called Lisa Rudy, who was sworn by Special Magistrate Branch and testified as to flashlights being used because there is no electrical service. She is working with the Port Orange Police Department.

Mr. Allman called Nicole Taylor, who was sworn by Special Magistrate Branch and testified as to her observations at the property. She is also working with the Port Orange Police Department because of the drug use.

Mr. Allman recommended the homeowners be found in violation of the above referenced City Codes. If the violations are not corrected on or before February 10, 2016, a fine in the amount of \$250.00 should be imposed for each day the violation continues. Costs in the amount of \$68.70 be awarded to the City. Special Magistrate Branch granted Mr. Allman's recommendations with a compliance date of February 9, 2016. There must be established connections of electrical service and water service. The respondents must contact Mr. Allman for re-inspection. Special Magistrate Branch advised Ms. Dollar that Ms. Matthews is a half owner of the property and should seek legal advice.

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.

Ms. Joseph testified as to the condition of the property and the notices provided to the homeowner. The violations were to be corrected on or before December 28, 2015. Upon re-inspections on December 29, 2015 and January 26, 2016, the property was not in compliance. Photos taken by Ms. Joseph were presented and introduced into evidence. The photos were admitted into evidence by Special Magistrate Branch as Composite Exhibit #1.

Ms. Joseph recommended the property owner be found in violation of the above referenced City Codes with a compliance date of February 7, 2016 or a fine of \$100.00 per day will apply. She asked that costs in the amount of \$40.94 be awarded to the City. Special Magistrate Branch accepted the recommendations. He found the condition to be a health and safety issue, to be referred to the City Council for abatement if not completed by February 7, 2016.

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~~ 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: 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.

Ms. Joseph requested a dismissal due to compliance. Special Magistrate Branch granted the dismissal.

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~~-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) 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:

- Within a completely enclosed garage; or
- 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:

- Concrete or paved materials;
- 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
- Concrete paver strips, paver blocks, or other semi-pervious materials.

Ms. Joseph requested a dismissal due to compliance. Special Magistrate Branch granted the dismissal.

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.

Ms. Faircloth testified as to the condition of the property and the notices provided to the homeowners. The property is in partial compliance but was in violation as of the compliance date of January 6, 2016. Upon re-inspections on January 7, 2016 and January 25, 2016, the property was not in compliance. Photos taken by Ms. Faircloth were presented and introduced into evidence. Photos presented to Ms. Faircloth by the property owner depict the property in compliance and were discussed. Mr. Jaisingh had no objection to Ms. Faircloth's photos being entered into evidence.

Basil Jaisingh, property owner, was sworn by the Special Magistrate. He did not dispute Ms. Faircloth's testimony. He received notice on January 11, 2016. He introduced seven photos he took on January 26, 2016 into evidence. Special Magistrate Branch admitted them into evidence as Composite Exhibit #1.

Ms. Faircloth recommended the property owner be found in violation with costs in the amount of \$40.90 awarded to the City. Special Magistrate Branch accepted the recommendation and explained the process for a repeat violation. There was no fine recommended or awarded.

C. ORDER IMPOSING FINE/LIEN – There were no cases to set fine/lien.

D. PUBLIC COMMENTS – There were no public comments.

E. ADJOURNMENT – 11:15 a.m.

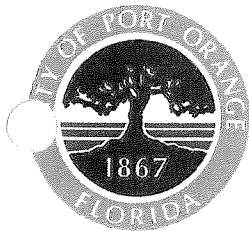
Special Magistrate Raymond Branch

Case Cost Sheet Log

Case No. 15-1353 (Continued from 1/13/16)

Name	Activity	Activity_Date	Status	Cost
Akram Batniji	Notice of Violation/Notice of Hearing	09/08/2015	Hand Delivered to Akram Batniji on 9/8/15	\$0.00
Akram Batniji	Mailing Finding of Fact/Conclusion of Law & Order to 16 Longford Farm Drive, Elmira, NY 14903	02/10/2016		\$7.21
Clerk of Court	Recording Fee - Finding of Fact/Conclusion of Law & Order	02/10/2016		\$27.00

Total: \$34.21



**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 15-1353

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

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

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

Volusia County Public Records
Volusia County, FL

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

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

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

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

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

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

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

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

NOTICE OF HEARING AS TO VIOLATION(S) ALLEGED

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

Pursuant to Chapter 2, Article V, Code of Ordinances and Section 162.06, Florida Statutes, you are hereby called upon to take notice that a PUBLIC HEARING will be conducted in the above-styled cause by the **Special Magistrate October 14, 2015 at 9:00 a.m.**, or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The **Special Magistrate** will receive testimony and evidence at said PUBLIC HEARING and shall make such findings of facts and conclusions of law as supported by the testimony and evidence pertaining to the matter alleged below, and shall issue a Final Order affording the proper relief. A certified copy of the Final Order may be recorded in the public records of the county and shall constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property, and the findings therein shall be binding upon the violator and, if the violation concerns real property, upon any subsequent purchasers, successors in interest, or assigns. If you fail to appear at the Hearing, the **Special Magistrate** may base any findings solely on the testimony and evidence presented by the Code Enforcement Inspector. Please govern yourself accordingly.

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

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

NOTICE OF HEARING SETTING FINE AND LIEN

In the event the **Special Magistrate**, during the hearing on **October 14, 2015** enters a Final Order finding a violation as alleged, pursuant to Chapter 7, Code of Ordinances, City of Port Orange, Florida, you are hereby called upon to take notice that a 2nd PUBLIC HEARING will be conducted in the above-styled cause by the Code Enforcement Special Magistrate on **December 9, 2015, at 9:00 a.m.**, or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The Code Enforcement Special Magistrate will consider setting fine lien on the above referenced case at said PUBLIC HEARING. Please govern yourself accordingly.

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

DATED this 8th day of September, 2015.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: J. Scott Allman
J. Scott Allman

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

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

this 8th day of September, 2015.

Time: approx. 12:17 pm

J. Scott Allman
J. Scott Allman

RIGHT TO APPEAL

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

ACCOMMODATIONS

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



Volusia County Property Appraiser

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



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

Owner Name and Address

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

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

Sales History

Book Page	Sale Date	Sale Instrument	Qualified Unqualified	Improved	Sale Price
6776 2276	10/2012	Warranty Deed	Institutional / bank	Yes	360,000
5720 1997	12/2005	Warranty Deed	Institutional / bank	Yes	717,000
5062 2606	04/2003	Quit Claim Deed	Affiliated Parties	Yes	10
3940 1670	07/1994	Quit Claim Deed	Unqualified Sale	Yes	100
3130 0262	03/1988	Warranty Deed	Unqualified Sale	Yes	100

History of Values

Year	Land	Bldg(s)	Misc. Impr.	Just Value	School Assessed	Non-School Assessed	School Exemption	School Taxable	Non-School Exemption	Non-School Taxable
2014	202,500	245,312	22,370	470,182	470,182	458,729	0	470,182	0	458,729
2013	202,500	192,156	22,370	417,026	417,026	417,026	0	417,026	0	417,026
2012	202,500	195,940	20,770	419,210	419,210	419,210	0	419,210	0	419,210
2011	202,500	195,939	20,770	419,209	419,209	419,209	0	419,209	0	419,209
2010	222,750	195,985	20,770	439,505	439,505	439,505	0	439,505	0	439,505
2009	293,625	268,686	20,770	583,081	583,081	583,081	0	583,081	0	583,081
2008	352,350	217,085	20,770	590,205	590,205	590,205	0	590,205	0	590,205
2007	352,350	219,113	17,116	588,579	588,579	588,579	0	588,579	0	588,579
2006	259,200	219,062	14,067	492,329	492,329	492,329	0	492,329	0	492,329
2005	259,200	208,935	7,760	475,895	475,895	475,895	0	475,895	0	475,895
2004	243,000	240,821	6,473	490,294	490,294	490,294	0	490,294	0	490,294
2003	121,500	226,004	5,517	353,021	353,021	353,021	0	353,021	0	353,021
2002	121,500	232,322	5,560	359,382	359,382	359,382	0	359,382	0	359,382
2001	121,500	219,999	5,605	347,104	347,104	347,104	0	347,104	0	347,104
2000	121,500	216,292	5,650	343,442	343,442	343,442	0	343,442	0	343,442
1999	97,200	199,161	5,695	302,056	302,056	302,056	0	302,056	0	302,056
1998	97,200	197,067	5,741	300,008	300,008	300,008	0	300,008	0	300,008
1997	97,200	190,564	5,786	293,550	293,550	293,550	0	293,550	0	293,550
1996	97,200	186,659	6,660	290,519	290,519	290,519	0	290,519	0	290,519
1995	97,200	184,498	7,577	289,275	289,275	289,275	0	289,275	0	289,275
1994	97,200	179,595	8,376	285,171	285,171	285,171	0	285,171	0	285,171
1993	97,200	158,036	13,507	268,743	268,743	268,743	0	268,743	0	268,743
1992	97,200	158,036	14,021	269,257	269,257	269,257	0	269,257	0	269,257
1991	133,650	147,299	12,092	293,041	293,041	293,041	0	293,041	0	293,041
1990	133,650	142,255	12,155	288,060	288,060	288,060	0	288,060	0	288,060
1989	121,500	135,832	11,983	269,315	269,315	269,315	0	269,315	0	269,315
1988	121,500	0	0	121,500	121,500	121,500	0	121,500	0	121,500

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

Asset No. 10342001079

_____ space above this line for Recorder's use only

SPECIAL WARRANTY DEED

STATE OF FLORIDA §
§
COUNTY OF VOLUSIA §

RECITALS

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

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

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

NOW, THEREFORE, the Receiver (hereinafter, "Grantor"), whose address is 1601 Bryan Street,
Dallas, Texas 75201, for and in consideration of THREE HUNDRED AND SIXTY THOUSAND
AND NO/100 DOLLARS (\$360,000.00), the receipt and
sufficiency of which are hereby acknowledged, has GRANTED, SOLD and CONVEYED and by these
presents does GRANT, SELL and CONVEY unto AKRAM BATNJI
_____, ("Grantee"), whose address is
16 Longford Farm Drive, Elmira, NY 14903, that certain real
property situated in Volusia County, Florida, as described on Exhibit
"A" attached hereto and made a part hereof for all purposes, together with any and all improvements thereto
and all and singular the rights and appurtenances pertaining thereto, including, but not limited to, any right,

title and interest of Grantor in and to adjacent streets, alleys or rights-of-way (collectively, the "Property"), **subject** however to any and all exceptions, easements, rights-of-way, covenants, conditions, restrictions, reservations, encroachments, protrusions, shortages in area, boundary disputes and discrepancies, matters which could be discovered or would be revealed by, respectively, an inspection or current survey of the Property, encumbrances, access limitations, licenses, leases, prescriptive rights, rights of parties in possession, rights of tenants, co-tenants, or other co-owners, and any and all other matters or conditions affecting the Property, including, without limitation, any and all matters or conditions reflected on Exhibit "B" attached hereto and made a part hereof for all purposes, and whether known or unknown, recorded or unrecorded, as well as standby fees, real estate taxes, and assessments on or against the Property for the current year and subsequent years and subsequent taxes and assessments for prior years becoming due by reason of a change in usage or ownership, or both, of the Property; and any and all zoning, building, and other laws, regulations, and ordinances of municipal and other governmental authorities affecting the Property (all of the foregoing being collectively referred to as the "Permitted Encumbrances"). Grantee, by its acceptance of delivery of this Special Warranty Deed, assumes and agrees to perform any and all obligations of Grantor or the Institution under the Permitted Encumbrances.

FURTHER, GRANTEE, BY ITS ACCEPTANCE OF DELIVERY OF THIS SPECIAL WARRANTY DEED, ACKNOWLEDGES AND AGREES THAT (I) EXCEPT FOR THE SPECIAL (OR LIMITED) WARRANTY OF TITLE CONTAINED HEREIN, GRANTOR HAS NOT MADE, DOES NOT MAKE, AND SPECIFICALLY NEGATES AND DISCLAIMS ANY REPRESENTATIONS, WARRANTIES, PROMISES, COVENANTS, AGREEMENTS, OR GUARANTIES OF ANY KIND OR CHARACTER WHATSOEVER, WHETHER EXPRESS OR IMPLIED, ORAL OR WRITTEN, PAST, PRESENT, OR FUTURE, OF, AS TO, CONCERNING, OR WITH RESPECT TO (A) THE VALUE, NATURE, QUALITY, OR CONDITION OF THE PROPERTY, INCLUDING, WITHOUT LIMITATION, THE WATER, SOIL, AND GEOLOGY, (B) ANY INCOME TO BE DERIVED FROM THE PROPERTY, (C) THE SUITABILITY OF THE PROPERTY FOR ANY AND ALL ACTIVITIES AND USES WHICH GRANTEE MAY CONDUCT OR HOPE TO CONDUCT THEREON, (D) THE COMPLIANCE OF OR BY THE PROPERTY OR ITS OPERATION WITH ANY LAWS, RULES, ORDINANCES, OR REGULATIONS OF ANY APPLICABLE GOVERNMENTAL AUTHORITY OR BODY, (E) THE DESCRIPTION, POSSESSION, HABITABILITY, MERCHANTABILITY, MARKETABILITY, PROFITABILITY, OR FITNESS FOR A PARTICULAR PURPOSE OF THE PROPERTY OR ANY PART THEREOF, (F) THE MANNER OR QUALITY OF THE CONSTRUCTION OR MATERIALS, IF ANY, INCORPORATED INTO THE PROPERTY, (G) THE MANNER, QUALITY, STATE OF REPAIR, OR LACK OF REPAIR OF THE PROPERTY OR ANY PORTION THEREOF OR ANY IMPROVEMENTS THERETO, (H) THE EXISTENCE, QUALITY, NATURE, ADEQUACY, OR PHYSICAL CONDITION OF ANY UTILITIES SERVING THE PROPERTY, OR (I) ANY OTHER MATTER WITH RESPECT TO THE PROPERTY, AND SPECIFICALLY, THAT GRANTOR HAS NOT MADE, DOES NOT MAKE, AND SPECIFICALLY DISCLAIMS ANY REPRESENTATIONS REGARDING COMPLIANCE WITH ANY ENVIRONMENTAL PROTECTION, POLLUTION, OR LAND USE LAWS, RULES, REGULATIONS, ORDERS, OR REQUIREMENTS, INCLUDING,

WITHOUT LIMITATION, THE DISPOSAL OR EXISTENCE, IN OR ON THE PROPERTY OR ANY PART THEREOF, OF ANY HAZARDOUS MATERIALS; (ii) GRANTEE HAS FULLY INSPECTED THE PROPERTY AND THAT THE CONVEYANCE HEREUNDER OF THE PROPERTY IS "AS IS" AND "WITH ALL FAULTS", AND GRANTOR HAS NO OBLIGATION TO ALTER, REPAIR, OR IMPROVE THE PROPERTY OR ANY PORTION THEREOF OR ANY IMPROVEMENTS THERETO; and (iii) NO WARRANTY HAS ARISEN THROUGH TRADE, CUSTOM, OR COURSE OF DEALING WITH GRANTOR, AND ALL STATUTORY, COMMON LAW, AND CUSTOMARY COVENANTS AND WARRANTIES, IF ANY, OF WHATEVER KIND, CHARACTER, NATURE, PURPOSE, OR EFFECT, WHETHER EXPRESS OR IMPLIED OR ARISING BY OPERATION OF LAW, ARE HEREBY EXPRESSLY, UNCONDITIONALLY, AND IRREVOCABLY WAIVED, DISCLAIMED, AND EXCLUDED FROM THIS SPECIAL WARRANTY DEED, NOTWITHSTANDING ANY CUSTOM OR PRACTICE TO THE CONTRARY, OR ANY STATUTORY, COMMON LAW, DECISIONAL, HISTORICAL, OR CUSTOMARY MEANING, IMPLICATION, SIGNIFICANCE, EFFECT, OR USE OF CONTRARY IMPORT OF ANY WORD, TERM, PHRASE OR PROVISION HEREIN.

Further, by its acceptance of delivery of this Special Warranty Deed, Grantee or anyone claiming by, through, or under Grantee, hereby fully releases Grantor, the Institution, and the FDIC in any and all of its various other capacities, and their respective employees, officers, directors, representatives, and agents from any and all claims, costs, losses, liabilities, damages, expenses, demands, actions, or causes of action that it or they may now have or hereafter acquire, whether direct or indirect, known or unknown, suspected or unsuspected, liquidated or contingent, arising from or related to the Property in any manner whatsoever. This covenant releasing Grantor, the Institution, and the FDIC in any and all of its various other capacities shall be a covenant running with the Property and shall be binding upon Grantee, its successors, and assigns.

TO HAVE AND TO HOLD the Property, together with all and singular the rights and appurtenances thereto in any wise belonging to Grantor, unto Grantee, its heirs, personal representatives, successors and assigns forever, and Grantor does hereby bind itself, its successors and assigns, to WARRANT SPECIALLY AND FOREVER DEFEND all and singular the Property unto Grantee, its heirs, personal representatives, successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof, by, through, or under Grantor, but not otherwise, **subject**, however, to the Permitted Encumbrances.

The fact that certain encumbrances, limitations, or other matters or conditions may be mentioned, disclaimed, or excepted in any way herein, whether specifically or generally, shall not be a covenant, representation, or warranty of Grantor as to any encumbrances, limitations, or any other matters or conditions not mentioned, disclaimed, or excepted. Notwithstanding anything herein to the contrary, however, nothing herein shall be construed or deemed as an admission by Grantor or Grantee to any third party of the existence, validity, enforceability, scope, or location of any encumbrances, limitations, or other matters or conditions mentioned, disclaimed, or excepted in any way herein, and nothing shall be

construed or deemed as a waiver by Grantor or Grantee of its respective rights, if any, but without obligation, to challenge or enforce the existence, validity, enforceability, scope, or location of same against third parties.

By its acceptance of delivery of this Special Warranty Deed, Grantee hereby assumes the payment of all *ad valorem* taxes, standby fees, and general and special assessments of whatever kind and character affecting the Property which are due, or which may become due, for the current tax year or assessment period and for any tax year or assessment period subsequent to the date of this Special Warranty Deed, including, without limitation, taxes or assessments for prior years becoming due by reason of a change in usage or ownership, or both, of the Property or any portion thereof.

IN WITNESS WHEREOF, this Special Warranty Deed is executed on 10/19/12.

Federal Deposit Insurance Corporation, as Receiver for Sunshine State Community Bank, a Florida banking, on behalf of said entity.

By:

as Attorney in Fact

Signed By: Raymond H. Fraser, Jr.

Printed Name:

As It's: Attorney In Fact

(Witness Signature)

JOHN C. HARRIS
(Print Name of Witness)

Stephen E. Laird
(Witness Signature)

STEPHEN E. LAIRD
(Print Name of Witness)

ACKNOWLEDGMENT

STATE OF Florida §

COUNTY OF Duval §

This instrument was acknowledged before me this 19th day of October, 2012, by Raymond H. Fraser, Jr. as Attorney In Fact, as Attorney in Fact for Federal Deposit Insurance Corporation, as Receiver for Sunshine State Community Bank, a Florida banking, on behalf of said entity.

[Notary seal]

Kathryn F. Swanson
Notary Public, State of Florida

NOTARY PUBLIC-STATE OF FLORIDA
Kathryn F. Swanson
Commission # EE047379
Expires: DEC. 07, 2014
BONDED THRU ATLANTIC BONDING CO., INC.

EXHIBIT "A" to Special Warranty Deed

[Legal Description of the Property]

Lot 2, SCOTT CNB PCD UNIT II, according to the map or plat thereof, as recorded in Plat Book 42, Page(s) 27, of the Public Records of Volusia County, Florida.

Parcel Id. 6337-31-00-0020

Special Warranty Deed (Cash) - Page 5
For use with "fdicfortmresalescontract_SWD_recorp_040411_final.doc"
04APR11MJH
fdicswdK_sw_d_REC_040411.doc

EXHIBIT "B" to Special Warranty Deed

[Specific Permitted Encumbrances]

Taxes and assessments for the year 2012 and subsequent years, which are not yet due and payable.

Phosphate, Minerals, Metals and Petroleum Reservations and rights in favor of the State of Florida, as set forth in the deed from the Trustees of the Internal Improvement Fund, recorded in Deed Book 315, Page 211; As affected by Instruments recorded in Official Records Book 2624, Page 671, Official Records Book 2624, Page 673, and Official Records Book 2627, Page 806. As to said reservation, the right of entry has been released pursuant to Florida Statute 270.11.

Terms and provision of Development Agreement filed for record in Official Records Book 2996, Page 1503, and amendments thereto including, but not limited to, Amendments recorded in Official Records Book 2996, Page 1503, Official Records Book 3219, Page 805, Official Records Book 3480, Page 466.

Terms and Provisions of the City of Port Orange Standard Form of Subdivision Improvement Agreement recorded in Official Records Book 3011, Page 1690.

Restrictions, covenants and conditions as set forth on Plat recorded in Plat Book 42, Page 27, as may be subsequently amended.

NOTE: This exception omits any restriction, covenant, or condition based on race, color, religion, sex, handicap, familial status or national origin, if any, unless and only to the extent that the restriction is not in violation of state or federal law, or relates to a handicap, but does not discriminate against handicapped people.

Easement Agreement recorded in Official Records Book 3264, Page 165.

Joint Easement Agreement recorded in Official Records Book 3207, Page 1520.

Right-of-Way Agreement in favor of Florida Power and Light Company recorded in Official Records Book 1789, Page 1385.

The terms, provisions and conditions contained in that certain City of Port Orange Resolution No. 06-96, recorded in Official Records Book 5263, Page 4269.

Rights of tenants occupying all or part of the insured land under unrecorded leases or rental agreements.

Subject to the following matters disclosed by Survey prepared by CDS Surveyor, Billy R. Davis, PSM 5099, under Job No. 11-06-027:001, dated October 9, 2012:

- A. Encroachment of a 6ft concrete walk into 20 foot Florida Power & Light Easement along the front lot line.
- B. Encroachment of a Sign into 20 foot Florida Power & Light Easement along the front lot line.
- C. Encroachment of Concrete Parking Spaces into 5 foot Drainage and Utility Easement along the Northerly side lot line.
- D. Encroachment of a 6 ft Wood Fence onto subject property along the rear lot line.
- E. Encroachment of a Cable Riser into 20 foot Florida Power & Light Easement along the front lot line.
- F. Encroachment of a Cable Box into 20 foot Florida Power & Light Easement along the front lot line.
- G. Encroachment of concrete parking onto 40 ft Sewer and Drainage Easement along the rear lot line.
- H. Encroachment of concrete parking into 10 ft road way and utility purpose easement.

Prepared by: Renee Marie Araujo, Esq.
FDIC East Coast Temporary Satellite Office
7777 Baymeadows Way West
Jacksonville, FL 32256

(Leave Blank Above this Line for Recording Information)
(Space above this line must be at least 3 Inches)

LIMITED POWER OF ATTORNEY

KNOW ALL PERSONS BY THESE PRESENTS, that the **FEDERAL DEPOSIT INSURANCE CORPORATION**, a Corporation organized and existing under an Act of Congress, hereinafter called the "FDIC," acting in its Receivership capacity or separate Corporate capacity or as Manager of the FSLIC Resolution Fund has acquired and will acquire certain assets for liquidation and has determined that it is necessary to appoint a representative to act on its behalf in connection with the maintenance and liquidation of said assets, hereinafter called the "Acquired Assets."

WHEREAS, the FDIC desires to designate **RAYMOND H. FRASER, JR.** as attorney-in-fact for the limited purpose of facilitating the management and disposition of the Acquired Assets; and

WHEREAS, the undersigned has full authority to execute this instrument on behalf of the FDIC under applicable Resolutions of the FDIC's Board of Directors and redelegations thereof.

NOW, THEREFORE, the FDIC appoints **RAYMOND H. FRASER, JR.** as its true and lawful attorney-in-fact to act in its name, place, and stead, and hereby grants **RAYMOND H. FRASER, JR.** the authority, subject to the limitations herein, as follows:

(1) Sign, seal and deliver as the act and deed of the FDIC any instrument in writing, and to do every other thing necessary and proper for the collection and recovery of any and all monies and properties of every kind and nature whatsoever for and on behalf of the FDIC and to give proper receipts and acquittance therefor in the name and on behalf of the FDIC;

(2) Release, discharge or assign any and all judgments, mortgages on real estate or personal property, including the release and discharge of the same of record in the Official or Public Records of the Clerk of any Circuit Court or any other official public records or registries, wherever located, where payments on account of the same in redemption or otherwise may have been made by the

debtor(s), and to endorse receipt of such payment upon the records in any appropriate public office;

(3) Receive, collect and give all proper acquittance for any other sums of money owing to the FDIC for any Acquired Asset which the attorney-in-fact may sell or dispose of;

(4) Execute any and all transfers and assignments as may be necessary to assign any securities or other choses in action;

(5) Sign, seal, acknowledge and deliver any and all agreements, easements, or conveyances as shall be deemed necessary or proper by the FDIC attorney-in-fact in the care and management of the Acquired Assets;

(6) Sign, seal, acknowledge and deliver indemnity agreements and surety bonds in the name of and on behalf of the FDIC;

(7) Sign receipts for the payment of all rents and profits due or to become due on the Acquired Assets;

(8) Execute, acknowledge and deliver deeds of real property in the name of the FDIC;

(9) Extend, postpone, release and satisfy or take such other action regarding any mortgage lien held in the name of the FDIC;

(10) Execute, acknowledge and deliver in the name of the FDIC a power of attorney wherever necessary or required by law to any attorney employed by the FDIC;

(11) Foreclose any mortgage or other lien on either real or personal property, wherever located;

(12) Do and perform every act necessary for the use, liquidation or collection of the Acquired Assets held in the name of the FDIC;

(13) Sign, seal, acknowledge and deliver any and all documents as may be necessary to settle any action(s) or claim(s) asserted against the FDIC, either in its Receivership or Corporate capacity, or as Manager of the FSLIC Resolution Fund.

This Power of Attorney shall be effective **May 9, 2012**, and shall continue in full force and effect through **May 8, 2014**, unless otherwise terminated by any official of the FDIC authorized to do so by the Board of Directors of the FDIC.

IN WITNESS WHEREOF, the FDIC, by its duly authorized officer empowered by appropriate resolution of its Board of Directors, has caused these presents to be subscribed in its name this 29th day of MARCH, 2012.

**FEDERAL DEPOSIT INSURANCE
CORPORATION**

By: *Opheelia Jones*
Name: **OPHELIA JONES**
Title: Manager of Customer Service -
East Coast Temporary Satellite Office
7777 Baymeadows Way West
Jacksonville, FL 32256

Signed in the presence of:

Witness: *Gary Campbell*
Printed Name: Gary Campbell

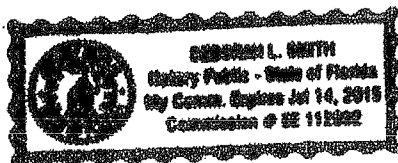
Witness: *Beneva V. Young*
Printed Name: Beneva V. Young

STATE OF FLORIDA }

COUNTY OF DUVAL }

On this 29th day of March, 2012, before me, a Notary Public in and for the State of Florida appeared **OPHELIA JONES**, to me personally known, who, being by me first duly sworn did depose that he/she is Manager of Customer Service, East Coast Temporary Satellite Office of the Federal Deposit Insurance Corporation (the "Corporation"), in whose name the foregoing Limited Power of Attorney was executed and subscribed, and the said Limited Power of Attorney was executed and subscribed on behalf of the said Corporation by due authority of the Corporation's Board of Directors, and the said **OPHELIA JONES**, acknowledged the said Limited Power of Attorney to be the free act and deed of said Corporation.

[PLACE NOTARY SEAL BELOW HERE]



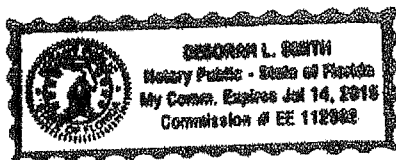
Deborah L. Smith
Notary Public
Printed Name of Notary: Deborah L. Smith
Commission No.: EE 112500
My Commission expires: 7-14-2015

STATE OF FLORIDA }

COUNTY OF DUVAL }

On this 29th day of March, 2012, before me, a Notary Public in and for the State of Florida appeared Gary Campbell II (witness #1) and Beneva V. Young (witness #2), to me personally known to be the persons whose names are subscribed as witness to the foregoing instrument of writing, and after being duly sworn by me stated on oath that they saw **OPHELIA JONES**, Manager of Customer Service, East Coast Temporary Satellite Office, of the Federal Deposit Insurance Corporation, the person who executed the foregoing instrument, and had subscribed the same, and that they had signed the same as a witness at the request of the person who executed the same.

[PLACE NOTARY SEAL BELOW HERE]

Deborah L. Smith

Notary Public

Printed Name of Notary: Deborah L. SmithCommission No.: EE 112502My Commission expires: 7-14-2015STATE OF FLORIDA
DUVAL COUNTY

I, THE UNDERSIGNED Clerk of the Circuit Court, Duval County, Florida, DO HEREBY CERTIFY the within and foregoing is a true and correct copy of the original as it appears on record and file in the office of the Clerk of Circuit Court, Duval County, Florida, and the same is in full force and effect.

WITNESS my hand and seal of the Clerk of Circuit Court, Duval County, Florida, this the 29th day of March, 2012.

[Signature]
Clerk of Circuit Court
Duval County, Florida

Section 3: - Fences and walls.

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

(b) *General provisions.*

(1) *Restrictions.*

- (a) No barbed wire, razor wire or similar material shall be allowed for residential uses.
- (b) Barbed wire, razor wire, or similar material shall be prohibited for commercial and industrial uses, except when installed at an eight-foot height or greater.
- (c) Temporary construction fencing.
 - (1) Temporary construction fencing shall be allowed for sites in all zoning districts that have been issued a development order by the city.
 - (2) The city shall require the installation of a temporary construction fence in areas where construction activities create impacts to adjoining properties and rights-of-way such as debris, glare, and noise, which cannot otherwise be mitigated.
 - (3) A building permit shall be obtained prior to the erection of the temporary construction fence.
 - (4) The fence shall be constructed according to the adopted standard construction detail for a temporary construction fence. Approved fence materials shall include opaque privacy fencing or other semipermanent materials deemed appropriate by the administrative official.
 - (5) If the fence or gate is not properly maintained in an upright position with all fabric materials fully attached, or the fence or gates are not in working order, a stop work order shall be issued for the construction site until the fence is determined to be in proper working order as originally permitted.
 - (6) The temporary construction fence is intended to remain no longer than necessary to mitigate the conflict with other construction infrastructure for the project. Before a certificate of occupancy is issued, the temporary construction fence shall be removed and replaced with the permanent fence and/or wall as required by chapter 13, section 3.5 of this code.
 - (7) In the event that the property remains cleared and vacant for a period of one year after the issuance of a development order or a development permit, whichever is in force at the time, the temporary construction fence shall be removed. If vegetation has not been established by the expiration date, the property must be seeded and mulched, or sodded, and vegetation established prior to the removal of the fence. The removal of the fence and established of vegetation shall be required prior to approval of any requested development order or development permit extension.
 - (8) If the city in its discretion deems it necessary, the city may upon notice to the property owner, install or remove a temporary construction fence to comply with the requirements of this code at the expense of the property owner. The expense shall be recorded as a lien against the property in noncompliance and the lien shall have such priority as prescribed by ordinance.

Where a fence or wall transitions from a higher to a lower height, the transition must be complete at or before the point where the lower height must begin. For example, where a six-foot-tall fence transitions to a four-foot-tall fence, the transition from higher to lower must be completed where the four-foot height limitation begins, such that no portion of the fence exceeds the height limitation.

(3) *Location.*

- (a) No permanent fence or wall shall be located closer than five feet to any right-of-way line, unless otherwise permitted in this chapter.
- (b) No permanent fence or wall shall be located within areas required to provide clearance for visibility in accordance with this chapter.

(4) *Design and maintenance.*

- (a) All fences and walls shall be designed to comply with the architectural and landscaping requirements of this code when applicable.
- (b) All fences shall be maintained in their original upright condition.
- (c) Fences and walls designed for painting or similar surface finishes shall be maintained in their original condition as designed.
- (d) Missing boards, pickets, or posts shall be replaced in a timely manner with material of the same type and quality.
- (e) Fences or walls having a side with exposed or irregular structural components and a more finished, uniform and aesthetically attractive side shall be constructed so that the more finished, uniform and aesthetically attractive side faces outward from the fenced property toward the adjoining property. This requirement shall not be construed as to require post components of fences to be invisible from the adjoining property. This requirement may be waived by the administrative official upon approval of a written agreement between the two adjoining property owners.
- (f) The side of a fence or wall oriented to an adjoining property shall not create an adverse visual impact on such adjoining property.

(5) *Exemptions.*

- (a) Customary fencing around tennis courts and other approved recreational amenities shall be exempt from height restrictions.
- (b) Reserved.

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

Case Cost Sheet Log

Case No. 15-1949

Name	Activity	Activity_Date	Status	Cost
Ora Day LLC	Mailing Notice of Violation/Notice of Hearing to Corporation Service Company - 1201 Hays Street, Tallahassee, FL 32301-2525	12/31/2015	Green card signed 1/4/16	\$6.95
Ora Day LLC	Mailing Finding of Fact, Conclusion of Law & Order to Registered Agent, Corporation Service Company 1201 Hays Street, Tallahassee, FL 32301-2525	02/10/2016		\$6.95
Clerk of Court	Recording fee - Finding of Fact, Conclusion of Law & Order	02/10/2016		\$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. 15-1949

To: Ora Day LLC
Property Owner
C/O Corporation Service Company
Registered Agent
1201 Hays Street
Tallahassee, FL 32301-2525

Re: CVS - 3771 CLYDE MORRIS BOULEVARD
PORT ORANGE, FL 32129

Parcel ID: 6306-01-00-0094

LEGAL DESCRIPTION: S 292.97 FT OF LOTS 9 & 10 AS MEAS ON W/L EXC SOUTHWINDS PUD PH I MB 38 PG 72 & EXC SOUTHWINDS PUD PH II MB 39 PGS 67-68 INC & EXC SOUTHWINDS TRAILS UT 1 MB 43 PGS 93-95 INC BENNETS SOUTH DAYTONA MB 6 PG 11 PER OR 5143 PGS 1652-1657 INC PER OR 5336 PG 168 6 PER OR 6653 PG 3391

Volusia County Public Records
Volusia County, FL

A 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 58 (Streets, Sidewalks, and other Public Places), Article II (Construction in Rights of Way), Section 58-40 (Removal of obstructions in rights of way) of the City of Port Orange Code of Ordinances: Unless otherwise provided in this article or in any permit or license issued in accordance with this article, the city shall have the right to remove any object from any right-of-way, to prohibit any activity within a right-of-way that conflicts with the purpose or intended use of such right-of-way, and to restore any portion of a right-of-way excavated by any person. The city shall have the right to reimbursement for all costs of restoration of the right-of-way, direct and indirect, from any person responsible for the object, activity, or excavation.

Chapter 14 (Buildings and Building Regulations), Article VII (Commercial Property Maintenance Standards), Section 14-318 (Other property improvements; maintenance criteria), (c), (3) Walls and Fences of the City of Port Orange Code of Ordinances: Fences and walls shall be maintained in their original upright position, with all gates in good operating condition.

Chapter 14 (Buildings and Building Regulations), Article VII (Commercial Property Maintenance Standards), Chapter 14-318 (Other property improvements; maintenance criteria), (b). Signs, (1,) of the City of Port Orange Code of Ordinances: All signs shall be maintained based on Chapter 15 of the Land Development Code of the city as follows: (1) All signs shall be constructed and maintained in accordance with the provisions and requirements of the city building code, electrical codes, all other applicable codes, ordinances or requirements.

Initial inspection conducted on **November 23, 2015** after receiving a complaint concerning overgrowth on the sidewalks, a missing stop sign at the entrance/exit off of Madeline Avenue, and a dumpster gate that is off on the dumpster enclosure. There is overgrowth growing over the sidewalk on both sides of the entrance/exit. The stop sign is missing from this area like the complainant stated. In addition, the dumpster gate is hanging off the enclosure. I dropped off a copy of the site plan that afternoon to the store manager on duty ****Sarah**** indicating that the sidewalk needs to be cleared of all overgrowth to include the east side of the entrance due to a possible site obstruction for oncoming traffic. I also showed her where the missing stop sign is. She states that she will put in a work order today for stop sign and that the landscaping company will cut the overgrowth. She also has put in a work order to have the dumpster gate repaired that has been hit. As of this date, none of the violations have been 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 CUTTING BACK ALL OVERGROWTH ENCROACHING ONTO THE SIDEWALKS, AND REPAIRING DUMPSTER GATE ON ENCLOSURE.

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 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 **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 **February 10, 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 23, 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 30th day of December, 2015.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: Dena Joseph
Dena Joseph, Code Compliance Inspector

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to **ORA DAY LLC, PROPERTY OWNER, C/O CORPORATION SERVICE COMPANY, REGISTERED AGENT, 1201 HAYS STREET, TALLAHASSEE, FL 32301-2525**, was

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

this 30th day of December, 2015.

Time: approx. 12:30pm

Dena Joseph
Dena Joseph, Code Compliance Inspector

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to **ORA DAY LLC, PROPERTY OWNER, C/O CORPORATION SERVICE COMPANY, REGISTERED AGENT, 1201 HAYS STREET, TALLAHASSEE, FL 32301-2525**, was

☒ Posted at City Hall
☒ Sent via certified

this 31 day of December, 2015.

Sarah Baggett
Secretary, Special Magistrate

RIGHT TO APPEAL

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

ACCOMMODATIONS

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



Volusia County
FLORIDA

Volusia County
Property Appraiser

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



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Parcel Information: 6306-01-00-0094 2016 Working Tax Roll Last Updated: 12-27-2015

Owner Name and Address

Alternate Key	6335761	Parcel Status	Active Parcel (Real Estate)
Short Parcel ID	6306-01-00-0094	Mill Group	402 Port Orange
Full Parcel ID	06-16-33-01-00-0094	2015 Final Mill Rate	20.86510
Created Date	02 JUN 2004		
Property Class	11 Stores, One Story		
Ownership Type		Ownership Percent	100
Owner Name	ORA DAY LLC		
Owner Name/Address 1			
Owner Address 2	250 PARK AVE STE 2030		
Owner Address 3	NEW YORK NY		
Owner Zip/Postal Code	10177		
Situs Address	3771 CLYDE MORRIS BLVD PORT ORANGE 32129		

Legal Description

S 292.97 FT OF LOTS 9 & 10 AS MEAS ON W/L EXC SOUTHWINDS PUD PH I MB 38 PG 72 & EXC SOUTHWINDS PUD PH II MB 39 PGS 67-68 INC & EXC SOUTHWINDS TRAILS UT 1 MB 43 PGS 93-95 INC BENNETS SOUTH DAYTONA MB 6 PG 11 PER OR 5143 PGS 1652-1657 INC PER OR 5336 PG 168 6 PER OR 6653 PG 3391

Sales History

Book	Page	Sale Date	Sale Instrument	Qualified Unqualified	Improved	Sale Price
6653	3391	11/2011	Warranty Deed	Unqualified Sale	Yes	2,780,000
5336	1686	06/2004	Warranty Deed	Affiliated Parties	Yes	3,148,800

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	734,882	502,143	31,830	1,268,855	1,268,855	1,268,855	0	1,268,855	0	1,268,855
2014	734,882	476,964	33,779	1,245,625	1,245,625	1,245,625	0	1,245,625	0	1,245,625

[Display Value History](#)

Land Data

Code	Land Use Type	Frontage	Depth	No. Units	Unit Type	Rate	Depth	Loc	Shp	Phy	Just Value
1100	STORE 1FLR	0.0	0.0	131229.00	SQUARE_FEET	3.50	100	200	100	80	734,882
Neighborhood C5543 PORT ORANGE- WEST OF NOVA RD											
Total Land Classified											0
Total Land Just											734,882

Building Characteristics

Building Number: 192630 (Building 1 of 1)

Bldg. No.	Property Type	Structure Type	Perimeter	Year Built	Quality Grade	Phys. Depr.	Func. Obs.	Loc. Obs.	Next Review
192630	Commercial	Concrete or Masonry	423	2004	325	5%	0%	0%	2999

Section Number	Avg. Wall Height	Number Stories	Year Built	Bsmnt%	Ground Floor Area	Interior Finish	Sect%	Sprinkler	A/C
001	18.00	1	2004	0.00	10885 Retail Store (11C)		100.00	No	Yes
002	12.00	1	2004	0.00	603 Canopy (CAN)		0.00	No	No
003	10.00	1	2004	0.00	320 Canopy (CAN)		0.00	No	No
004	15.00	1	2004	0.00	90 Canopy (CAN)		0.00	No	No

Exterior Wall Type

44 Concrete Block, Stucco	78%
46 Ribbed/Ornamental Conc Block	22%

Building Refinements

Description	Number of Units	Unit Type
Overhead Door, Aluminum	48 SF	
Baths, 5-Fixture	1 UB	
Baths, 4-Fixture	1 UB	

This Instrument Prepared By/Record and Return To:
Stacey Halpern, Esq.
Broad and Cassel
1 North Clematis Street, Suite 500
West Palm Beach, FL 33401

Tax Identification Number: 06-16-33 [REDACTED]

WARRANTY DEED

THIS INDENTURE, made this 18 day of November, 2011, between **FOUNTAINBLEAU/PLANTATION TRACE, L.L.C.**, a Louisiana limited liability company, a/k/a **FOUNTAINBLEAU/PLANTATION TRACE, LLC**, whose mailing address is 97 Hunters Glen Court, Kimberling City, MO 65686 (hereinafter referred to as "**Grantor**"), to **ORA-DAY, LLC**, a Delaware limited liability company, whose mailing address is 250 Park Avenue, Suite 2030, New York, NY 10177 (hereinafter referred to as the "**Grantee**");

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

WITNESSETH:

That the Grantor, for and in consideration of the sum of TEN DOLLARS (\$10.00) and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the Grantee, all that certain land situate, lying and being in Volusia County, Florida, as more particularly described in Exhibit "A" attached hereto and made a part hereof by reference (hereinafter referred to as the "**Property**").

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.

SUBJECT TO real estate taxes and assessments for the year 2011 and subsequent years; covenants, reservations, exceptions, conditions, limitations, easements and restrictions of record, if any, provided that this reference shall not serve to reimpose same.

AND the Grantor hereby covenants with the 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; and that the Grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]
[ADDITIONAL TEXT, SIGNATURE AND ACKNOWLEDGMENT APPEAR ON
NEXT PAGE]

IN WITNESS WHEREOF, the Grantor has executed this Warranty Deed as of the day and year set forth above.

Signed, sealed and delivered
in the presence of:

Julie T. Brown

Witness #1

Print Name: Julie T. Brown

FOUNTAINBLEAU/PLANTATION TRACE,
L.L.C., a Louisiana limited liability company, a/k/a
FOUNTAINBLEAU/PLANTATION TRACE, LLC

By: John W. McLaughlin

John W. McLaughlin, its Managing Member

Dorothy McLaughlin

Witness #2

Print Name: Dorothy McLaughlin

STATE OF Missouri

COUNTY OF Greene :ss

The foregoing instrument was acknowledged before me this 17th day of November, 2011, by John W. McLaughlin, as the Managing Member of FOUNTAINBLEAU/PLANTATION TRACE, L.L.C., a Louisiana limited liability company, a/k/a FOUNTAINBLEAU/PLANTATION TRACE, LLC, on behalf of said limited liability company. He is personally known to me OR has produced _____ as identification.

[Notary Seal]

Leigh G Babbitt-Bekebrede
Notary Public
Print Name: Leigh G Babbitt-Bekebrede
My commission expires: Sept 17, 2012

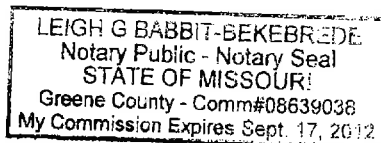


EXHIBIT "A"
LEGAL DESCRIPTION

PARCEL A: (FEE SIMPLE)

A PORTION OF LOTS 9 AND 10, BENNETTS SOUTH DAYTONA SUBDIVISION, MAP BOOK 6, PAGE 11, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, DESCRIBED AS FOLLOWS: COMMENCE AT THE INTERSECTION OF THE EASTERLY RIGHT-OF-WAY LINE OF CLYDE MORRIS BOULEVARD, A 100 FOOT RIGHT-OF-WAY, WITH THE SOUTH RIGHT-OF-WAY LINE OF SOUTHWINDS P.U.D., PHASE II, RECORDED IN MAP BOOK 39, PAGES 67 AND 68, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA; FROM THE POINT OF COMMENCEMENT, RUN ALONG THE BOUNDARY OF SAID SOUTHWINDS P.U.D. THE FOLLOWING COURSES AND DISTANCES; FROM THE P.C. OF A CURVE, CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 25.00 FEET AND A CENTRAL ANGLE OF 90°00'00", THENCE RUN EASTERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 39.27 FEET, THENCE S88°54'57"E A DISTANCE OF 266.50 FEET TO THE P.C. OF A CURVE, CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 25.00 FEET AND A CENTRAL ANGLE OF 83°28'49", THENCE RUN SOUTHERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 36.43 FEET TO THE P.R.C. OF A CURVE, CONCAVE WESTERLY, HAVING A RADIUS OF 350.00 FEET AND A CENTRAL ANGLE OF 37°55'44", THENCE RUN SOUTHERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 231.69 FEET FOR THE POINT OF BEGINNING; THENCE CONTINUE ALONG THE ARC OF SAID CURVE WITH A RADIUS OF 350.00 FEET, THROUGH A CENTRAL ANGLE OF 05°26'03" A DISTANCE OF 33.19 FEET TO THE P.R.C. OF A CURVE, CONCAVE WESTERLY HAVING A RADIUS OF 25.00 FEET AND A CENTRAL ANGLE OF 48°37'53" THENCE RUN SOUTHERLY ALONG THE ARC OF SAID CURVE 21.22 FEET, THENCE S00°10'02"E A DISTANCE OF 251.06 FEET ALONG THE WESTERLY RIGHT-OF-WAY LINE OF TRADEWINDS LANE AS SHOWN ON THE PLAT OF SAID SOUTHWINDS P.U.D; THENCE DEPARTING THE BOUNDARY OF SAID SOUTHWINDS P.U.D., PHASE II, RUN S89°49'58"W A DISTANCE OF 453.03 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF CLYDE MORRIS BOULEVARD, A 100 FOOT RIGHT-OF-WAY, THENCE N01°05'03"E ALONG SAID RIGHT-OF-WAY A DISTANCE OF 292.97 FEET THENCE N89°49'54"E, DEPARTING SAID EAST RIGHT-OF-WAY LINE, 414.32 FEET TO THE POINT OF BEGINNING.

AND TOGETHER WITH:

PARCEL B: (EASEMENT INTEREST)

THE NON-EXCLUSIVE EASEMENTS, INCLUDING BUT NOT LIMITED TO, THOSE EASEMENTS FOR INGRESS, EGRESS AND PASSAGE (BOTH PEDESTRIAN AND VEHICULAR) FOR THE BENEFIT OF PARCEL A ABOVE, AS CREATED AND SET FORTH IN THAT CERTAIN DECLARATION OF CROSS ACCESS EASEMENT RECORDED APRIL 30, 2004 IN OFFICIAL RECORDS BOOK 5308, PAGE 279, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

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

ORA-DAY, LLC

Filing Information

Document Number	M12000000864
FEI/EIN Number	45-3909838
Date Filed	02/14/2012
State	DE
Status	ACTIVE

Principal Address250 PARK AVENUE, SUITE 2030
NEW YORK, NY 10177

Changed: 04/20/2015

Mailing Address250 PARK AVENUE, SUITE 2030
NEW YORK, NY 10177

Changed: 04/20/2015

Registered Agent Name & AddressCORPORATION SERVICE COMPANY
1201 HAYS STREET
TALLAHASSEE, FL 32301-2525**Authorized Person(s) Detail****Name & Address**

Title Director, President

RILEY, ALLAN J.
250 PARK AVENUE, SUITE 2030
NEW YORK, NY 10177**Annual Reports**

Report Year	Filed Date
2013	04/15/2013
2014	04/21/2014
2015	04/20/2015

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

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

(Code 1981, § 6-326)

Sec. 58-40. - Removal of obstructions in rights-of-way.

Unless otherwise provided in this article or in any permit or license issued in accordance with this article, the city shall have the right to remove any object from any right-of-way, to prohibit any activity within a right-of-way that conflicts with the purpose or intended use of such right-of-way, and to restore any portion of a right-of-way excavated by any person. The city shall have the right to reimbursement for all costs of restoration of the right-of-way, direct and indirect, from any person responsible for the object, activity, or excavation.

(Ord. No. 1995-47, § 3, 1-16-96)

Case Cost Sheet Log

Case No. 15-1883

Name	Activity	Activity_Date	Status	Cost
Glynn James Davies	Mailing Notice of Violation/Notice of Hearing to 614 Mura Court, New Smyrna Beach, FL 32168	01/08/2016	Mail returned with forwarding address	\$6.95
Glynn James Davies	Mailing Notice fo Violation/Notice of Hearing to 1157 Tracy Dr, Port Orange FL 32129 (per returned mail)	01/14/2016	Green card signed 1/20/16	\$6.95
Denise Davies	Mailing Notice of Violation/Notice of Hearing to 614 Mura Court, New Smyrna Beach, FL 32168	01/08/2016	Green card signed 1/20/16	\$6.95
Glynn James Davies	Mailing Finding of Fact, Conclusion of Law & Order to 1157 Tracy Drive, Port Orange, FL 32129	02/10/2016		\$6.95
Denise Davies	Mailing Finding of Fact, Conclusion of Law & Order to 614 Mura Court, New Smyrna Beach, FL 32168	02/10/2016		\$6.95
Clerk of Court	Recording Fee - Finding of Fact, Conclusion of Law & Order	02/10/2016		\$27.00

Total: \$61.75



**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 15-1883

To:
Davies, Glynn James & Denise
614 Mura Ct.
New Smyrna Beach, FL 32168

Re: 5107 Taylor Ave., Port Orange, FL 32127

Port Orange, FL 32127

Parcel ID: 6310-12-09-0070

LEGAL DESCRIPTION: ALL LOT 7 & S 16.8 FT OF LOT 8 BLK 9 NORWOOD MB 5 PG 1 PER OR 5010 PG 2852 PER
OR 5524 PG 0129 PER OR 6253 PGS 0567-0568

Volusia County Public Records
Volusia County, FL

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

City of Port Orange Code of Ordinances, Chapter 42, Article II, Section 42-26 (d) & (f). High weeds and grass and garbage, trash and debris.

On November 5, 2015, I observed that this entire property is overgrown and needs to be mowed and there is garbage and debris that needs to be removed. I left a 3 day notice to mow and clean up all debris. Multiple inspections confirmed the property still in violation. An inspection on January 5, 2016, shows the property continues to be in violation. Have not been able to reach property owners by phone nor have they responded to notices left on door. Property shall be mowed and maintained and all trash and debris removed.

Attachments: ☒ Copy of code

☒ Copy of Deed

☒ Copy of Tax Roll

This correspondence will serve as official notification that the above stated violation(s) must be corrected by **January 25, 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 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 **Special Magistrate** will receive testimony and evidence at said PUBLIC HEARING and shall make such findings of facts and conclusions of law as supported by the testimony and evidence pertaining to the matter alleged below, and shall issue a Final Order affording the proper relief. A certified copy of the Final Order may be recorded in the public records of the county and shall constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property, and the findings therein shall be binding upon the violator and, if the violation concerns real property, upon any subsequent purchasers, successors in interest, or assigns. If you fail to appear at the Hearing, the **Special Magistrate** may base any findings solely on the testimony and evidence presented by the Code Enforcement Inspector. Please govern yourself accordingly.

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

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

NOTICE OF HEARING SETTING FINE AND LIEN

In the event the **Special Magistrate**, during the hearing on **February 10, 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 23, 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 8th day of January, 2016.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By:

Deborah Faircloth
Deborah Faircloth

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Davies, Glynn James & Denise, 614 Mura Ct., New Smyrna Beach, FL 32168, was

☐ Hand-delivered

☒ Posted at the property

5107 Taylor Ave 8th

this 8th day of January, 2016.

Time: approx. 11:55 AM

Deborah Faircloth
Deborah Faircloth

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Glynn James & Denise, 614 Mura Ct., New Smyrna Beach, FL 32168, was

☒ Posted at City Hall

☒ Sent via certified

this 8th day of January, 2016.


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.

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



Volusia County
Property Appraiser

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



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Parcel Information: 6310-12-09-0070 **2016 Working Tax Roll** Last Updated: 01-03-2016

Owner Name and Address

Alternate Key	3616685	Parcel Status	Active Parcel (Real Estate)
Short Parcel ID	6310-12-09-0070	Mill Group	402 Port Orange
Full Parcel ID	10-16-33-12-09-0070	2015 Final Mill Rate	20.86510
Created Date	31 DEC 1981		
Property Class	01 Single Family		
Ownership Type		Ownership Percent	100
Owner Name	DAVIES GLYNN JAMES & DENISE		
Owner Name/Address 1			
Owner Address 2	614 MURA CT		
Owner Address 3	NEW SMYRNA BEACH FL		
Owner Zip/Postal Code	32168		
Situs Address	5107 TAYLOR AV PORT ORANGE 32127		

Legal Description
 ALL LOT 7 & S 16.8 FT OF LOT 8 BLK 9 NORWOOD MB 5 PG 1 PER OR 5010 PG 2852 PER OR 5524 PG 0129 PER OR 6253 PGS 0567-0568

Sales History

Book	Page	Sale Date	Sale Instrument	Qualified	Unqualified	Improved	Sale Price
6253	0567	06/2008	Warranty Deed	Qualified Sale		Yes	106,000
5524	0129	03/2005	Warranty Deed	Qualified Sale		Yes	151,000
5010	2852	01/2003	Warranty Deed	Qualified Sale		Yes	90,000
4557	3474	05/2000	Quit Claim Deed	Unqualified Sale		Yes	100
4531	0177	03/2000	Certificate of Title	Unqualified Sale		Yes	100
4106	1472	05/1996	Warranty Deed	Qualified Sale		Yes	69,900
4027	2536	08/1995	Warranty Deed	Uninformed grantor/grantee		Yes	50,000
2541	0525	02/1984	Unknown	Qualified Sale		Yes	55,900
2390	1660	09/1982	Unknown	Qualified Sale		Yes	42,500

History of Values

Year	Land	Bldg(s)	Misc. Impr.	Just Value	School Assessed	Non-School Assessed	School Exemption	School Taxable	Non-School Exemption	Non-School Taxable
2015	17,755	60,612	72	78,439	78,439	73,612	0	78,439	0	73,612
2014	16,750	51,783	324	68,857	68,857	66,920	0	68,857	0	66,920

[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	67.0	100.0	67.00	FRONT FEET	265.00	100	100	100	100	17,755
Neighborhood 5777 ALLANDALE MB 4 PG 146 MB17-16											
Total Land Classified											0
Total Land Just											17,755

Building Characteristics
 Building Number: 114495 (Building 1 of 1)

Bldg. No.	Improvement Type	Base Perimeter	Year Built	Quality Grade	Architecture	Phys. Depr.	Func. Obs.	Loc. Obs.	Next Review
114495	Single Family	168	1973	300		30%	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		
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)	CEDAR OR REDWOOD SIDING	1.0	1973	N	0%	0%	1383 Sq. Feet	
003	Porch, Open Finished (FOP)	Non-Applicable	1.0	1973	N	0%	0%	20 Sq. Feet	
004	Unfinished Enclosed Porch (UEP)	TILE OR WD FR STUCCO	1.0	2006	N	0%	0%	224 Sq. Feet	

07/10/2008 08:13 AM
Doc stamps 742.00
(Transfer Amt \$ 106000)
Instrument# 2008-138727 # 1
Book : 6253
Page : 567

Prepared by
Tracey Crotty Portigo, an employee of
First American Title Insurance Company
209 Dunlawton Avenue, Suite 17
Port Orange, Florida 32127
(386)761-7511

Return to: Grantee

File No.: 1019-1947814

WARRANTY DEED

This indenture made on **June 30, 2008 A.D.**, by

Robert Fidler, Jr. and Cheryl Fidler, husband and wife

whose address is: **6012 Whispering Trees Ln. Pt. Orange FL 32128**
hereinafter called the "grantor", to

Glynn James Davies and Denise Davies, husband and wife

whose address is: **614 Mura Court, New Smyrna Beach, FL 32168**
hereinafter called the "grantee":

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

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

The Southerly 16.8 feet of Lot 8 and all of Lot 7, Block 9, MAP OF SUBDIVISION OF NORWOOD, according to the plat thereof, recorded in Map Book 5, Page(s) 1 of the Public Records of Volusia County, Florida.

Parcel Identification Number: **6310-12-09-0070**

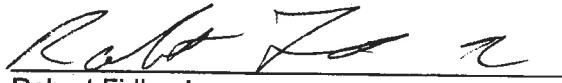
Subject to all reservations, covenants, conditions, restrictions and easements of record and to all applicable zoning ordinances and/or restrictions imposed by governmental authorities, if any.

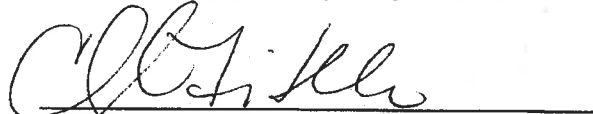
Together with all the tenements, hereditaments and appurtenances thereto belonging or in any way appertaining.

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

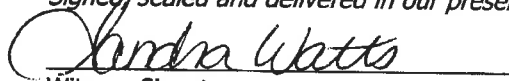
And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful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

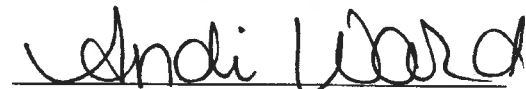
In Witness Whereof, the grantor has hereunto set their hand(s) and seal(s) the day and year first above written.


Robert Fidler Jr.


Cheryl Fidler

Signed, sealed and delivered in our presence:

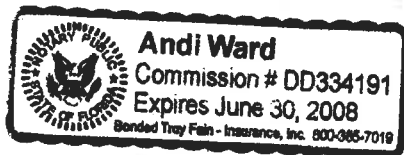

Witness Signature
Print Name: Sandra Watts

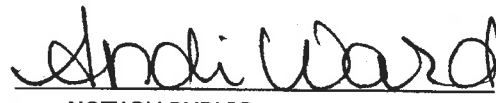
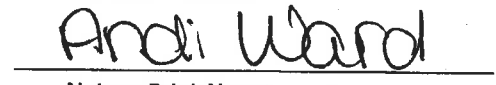

Witness Signature
Print Name: Andi Ward

State of **FL**

County of **Volusia**

The Foregoing Instrument Was Acknowledged before me on **June 30, 2008**, by **Robert Fidler, Jr. and Cheryl Fidler, husband and wife** who is/are personally known to me or who has/have produced a valid driver's license as identification.




NOTARY PUBLIC

Notary Print Name
My Commission Expires: _____

Case Cost Sheet Log

Case No. 15-1908

Name	Activity	Activity_Date	Status	Cost
Wai C. Mills ETAL	Mailing Notice of Violation/Notice of Hearing to 712 Pine Forest Trl E, Port Orange, FL 32127	01/08/2016	Green card received signed but undated	\$6.95
Wai C. Mills ETAL	Mailing Finding of Fact, Conclusion of Law & Order to 712 Pine Forest Trl E, Port Orange, FL 32127	02/10/2016		\$6.95
Clerk of Court	Recording Fee - Finding of Fact, Conclusion of Law & Order	02/10/2016		\$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. 15-1908

To: Wai C. Mills ETAL
712 Pine Forest Trl E
Port Orange, FL 32127

Re: 712 Pine Forest Trl E
Port Orange, FL 32127 Parcel ID: 6316-04-00-0870
LEGAL DESCRIPTION: LOT 87 COUNTRYSIDE SUB UNIT 1 MB 36 PGS 92-93 INC PER OR 4424 PG 0760 PER
OR 5352 PGS 0280-0281
Volusia County Public Records
Volusia County, FL

An inspection of the premises on November 11, 2015 indicates that certain violation(s) of the City of Port Orange Code exists. Briefly stated, the property is in violation of the following:

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

An inspection was conducted on November 11, 2015. During that inspection, I observed a damaged fence on the rear lot line of the property. Portions of the fence are leaning and need to be repaired. I left a ten day door hanger asking the owner to repair. A re-inspection was conducted on December 10, 2015 and the condition of the fence was the same. To date, I have not received any contact from the owner. To correct the violation, all damaged or leaning fence components must be repaired to their original and upright condition.

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

This correspondence will serve as official notification that the above stated violation(s) must be corrected by **February 1, 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 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 **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 **February 10, 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 23, 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 7th day of January, 2016.

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 Wai C. Mills ETAL, 712 Pine Forest Trl E, Port Orange, FL 32127, was

☐ Hand-delivered: _____

☒ Posted at the property

this 7th day of January, 2016.

Time: approx. 11:45 a.m.

J. Scott Allman
J. Scott Allman

I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Wai C. Mills ETAL, 712 Pine Forest Trl E, Port Orange, FL 32127, was

☒ Posted at City Hall

☒ Sent via certified

this 8 day of January, 2016.


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: 6316-04-00-0870 **2016 Working Tax Roll** Last Updated: 01-03-2016

Owner Name and Address

Alternate Key	3645731	Parcel Status	Active Parcel (Real Estate)
Short Parcel ID	6316-04-00-0870	Mill Group	402 Port Orange
Full Parcel ID	16-16-33-04-00-0870	2015 Final Mill Rate	20.86510
Created Date	31 DEC 1981		
Property Class	01 Single Family		
Ownership Type		Ownership Percent	100
Owner Name	MILLS WAI C ETAL		
Owner Name/Address 1			
Owner Address 2	712 PINE FOREST TRL E		
Owner Address 3	PORT ORANGE FL		
Owner Zip/Postal Code	32127		
Situs Address	712 E PINE FOREST TR PORT ORANGE 32127		

Legal Description
LOT 87 COUNTRYSIDE SUB UNIT 1 MB 36 PGS 92-93 INC PER OR 4424 PG 0760 PER OR 5352 PGS 0280-0281

Sales History

Book Page	Sale Date	Sale Instrument	Qualified Unqualified	Improved	Sale Price
5352 0280	05/2004	Warranty Deed	Qualified Sale	Yes	157,000
4424 0760	03/1999	Warranty Deed	Qualified Sale	Yes	89,000
3408 1848	12/1989	Quit Claim Deed	Affiliated Parties	Yes	100
2580 0009	06/1984	Warranty Deed	Unqualified Sale	Yes	100
2580 0010	06/1984	Warranty Deed	Qualified Sale	Yes	75,500
2463 1592	06/1983	Warranty Deed	Qualified Sale	No	11,500

History of Values

Year	Land	Bldg(s)	Misc. Impr.	Just Value	School Assessed	Non-School Assessed	School Exemption	School Taxable	Non-School Exemption	Non-School Taxable
2015	25,755	92,005	0	117,760	107,778	107,778	25,000	82,778	25,000	57,778
2014	25,755	84,748	0	110,503	106,923	106,923	25,000	81,923	25,000	56,923

[Display Value History](#)

Land Data

Code	Land Use Type	Frontage	Depth	No. Units	Unit Type	Rate	Depth	Loc	Shp	Phy	Just Value
0101	IMP PVD THRU .49 AC	0.0	0.0	1.00	LOT	25500.00	100	100	101	100	25,755
Neighborhood	5734 COUNTRYSIDE UNIT I & II & LAKE										
											Total Land Classified
											0
											Total Land Just
											25,755

Building Characteristics

Building Number: 116983 (Building 1 of 1)

Bldg. No.	Improvement Type	Base Perimeter	Year Built	Quality Grade	Architecture	Phys. Depr.	Func. Obs.	Loc. Obs.	Next Review
116983	Single Family	180	1984	300		20%	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	1	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)	TILE OR WD FR STUCCO	1.0	1984	N	0%	0%	1747 Sq. Feet
002	Porch, Screen Unfinished (USP)	Non-Applicable	1.0	1984	N	0%	0%	190 Sq. Feet
003	Finished Garage (FGR)	Non-Applicable	1.0	1984	N	0%	0%	528 Sq. Feet
004	Porch, Open Finished (FOP)	Non-Applicable	1.0	1984	N	0%	0%	24 Sq. Feet
005	Patio (PTO)	Non-Applicable	1.0	1984	N	0%	0%	722 Sq. Feet

① of ②

This instrument prepared by and return to:

Tanya Church
an employee of
Gulf Coast Title Services, Inc.
32815 US 19 North
Palm Harbor, Florida 34684
(727) 784-6500/FAX 784-6523

GCT FILE NO.: 04-04299CF

Property Appraisers
Parcel Identification Number(s):
631604000870

07/02/2004 08:48 AM
Doc stamps 1099.00
(Transfer Amt \$ 157000)
Instrument# 2004-163031
Book : 5352
Page : 280

SPACE ABOVE THIS LINE FOR RECORDING DATA

WARRANTY DEED

THIS WARRANTY DEED is made and entered into this **26th** day of **May, 2004**, by and between **Neal A. Multop, III and Kimberly K. Multop, husband and wife**, whose post office address is **5967 Hensel Road, Port Orange, Florida 32127**, (hereinafter, the "Grantor"), and **Wai C. Mills, a single woman and Brant L. Hambrick, a single man, as joint tenants with full rights of survivorship**, whose post office address is **712 Pine Forest Trail East, Port Orange, FL 32127** (hereinafter, the "Grantee"):

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

WITNESSETH, that the Grantor, for and in consideration of the sum \$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, State of **FLORIDA**, viz.:

Lot 87, COUNTRYSIDE SUBDIVISION, Unit 1, according to the map or plat thereof as recorded in Plat Book 36, Pages 92 and 93, of the Public Records of Volusia County, Florida.

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

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

And the Grantor hereby covenants with the 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, and hereby warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to **January 1st, 2004**.

Further Subject to restrictions, reservations, covenants and easements of record, if any, however this reference shall not operate to reimpose same.

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

Signed, sealed and delivered in the presence of:

Tanya A Church
Signature of Witness #1

Tanya A Church
Printed Signature of Witness #1

Berensy Weaver
Signature of Witness #2

Berensy Weaver
Printed Signature of Witness #2

Neal A. Multop, III
Neal A. Multop, III

Kimberly K. Multop
Kimberly K. Multop

Book: 5352
Page: 281
Diane H. Matusek
Volusia County, Clerk of Court

STATE OF
COUNTY OF

FLORIDA
VOLUSIA

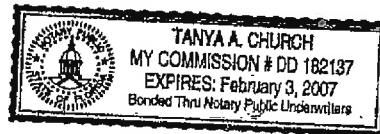
The foregoing instrument was acknowledged before me this 26th day of May, 2004 by Neal A. Multop, III and Kimberly K. Multop, who are personally known to me or who produced a valid drivers license as identification and who did/did not take an oath.

Tanya A Church
Print Name Tanya A Church

Notary Public

My Commission Expires: February 3, 2007

Notary Seal:



- (f) *Atypical lots.* The atypical lot requirements are intended to preserve and protect views to significant natural and human-made features within the city. These features include, but are not limited to the Halifax River, bodies of water 100 feet or more in width, golf courses and subdivision dedicated common open spaces 100 feet or more in width. The atypical lot provisions are not intended to apply to subdivision common areas that are utility or gas easements, or that function as buffers between adjacent roadways or neighboring subdivisions.

The administrative official shall have the authority to determine whether the atypical lot provisions are being applied as intended in situations where utility easements are greater than 100 feet in width, or in situations where the common area width varies. However, in these situations, if the administrative official determines the subject property shall be defined as the atypical lot, the atypical lot provisions shall be enforced, unless a formal variance is obtained in accordance with chapter 19 of this code.

Section 3(b)(2) and Section 5(b) of this chapter lists the structures that are prohibited from being located within the required rear yard of an atypical lot.

(Ord. No. 1993-58, 1-18-94; Ord. No. 1995-43, § 77, 12-19-95; Ord. No. 1999-6, § 35, 2-23-99; Ord. No. 2001-84, § 2, 10-16-01)

Section 3. Fences and walls.

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

(b) General provisions.

(1) Restrictions.

- (a) No barbed wire, razor wire or similar material shall be allowed for residential uses.
- (b) Barbed wire, razor wire, or similar material shall be prohibited for commercial and industrial uses, except when installed at an eight-foot height or greater.
- (c) Temporary construction fencing.
 - (1) Temporary construction fencing shall be allowed for sites in all zoning districts that have been issued a development order by the city.
 - (2) The city shall require the installation of a temporary construction fence in areas where construction activities create impacts to adjoining properties and rights-of-way such as debris, glare, and noise, which cannot otherwise be mitigated.
 - (3) A building permit shall be obtained prior to the erection of the temporary construction fence.
 - (4) The fence shall be constructed according to the adopted standard construction detail for a temporary construction fence. Approved fence materials shall include opaque privacy fencing or other semipermanent materials deemed appropriate by the administrative official.
 - (5) If the fence or gate is not properly maintained in an upright position with all fabric materials fully attached, or the fence or gates are not in working order, a stop work order shall be issued for the construction site until the fence is determined to be in proper working order as originally permitted.

(6)

**Non-Conforming Lot & Structure****Non-Conforming Lot & Structure****Figure 16:A**

----- allowed high fence location

figure16A

- (g) For individual single-family and two-family residential through lots with a rear lot line abutting the right-of-way line of a local street or arterial or collector road, a privacy fence not to exceed six feet in height may be placed on the rear lot line.
- (h) On atypical lots, chain link fences may not exceed six feet in height when erected within the required rear yard.
- (i) Where a fence or wall transitions from a higher to a lower height, the transition must be complete at or before the point where the lower height must begin. For example, where a six-foot-tall fence transitions to a four-foot-tall fence, the transition from higher to lower must be completed where the four-foot height limitation begins, such that no portion of the fence exceeds the height limitation.

(3) *Location.*

- (a) No permanent fence or wall shall be located closer than five feet to any right-of-way line, unless otherwise permitted in this chapter.
- (b) No permanent fence or wall shall be located within areas required to provide clearance for visibility in accordance with this chapter.

(4) *Design and maintenance.*

- (a) All fences and walls shall be designed to comply with the architectural and landscaping requirements of this code when applicable.
- (b) All fences shall be maintained in their original upright condition.
- (c) Fences and walls designed for painting or similar surface finishes shall be maintained in their original condition as designed.
- (d) Missing boards, pickets, or posts shall be replaced in a timely manner with material of the same type and quality.
- (e) Fences or walls having a side with exposed or irregular structural components and a more finished, uniform and aesthetically attractive side shall be constructed so that the more finished, uniform and aesthetically attractive side faces outward from the fenced property toward the adjoining property. This requirement shall not be construed as to require post components of fences to be invisible from the adjoining property. This requirement may be waived by the administrative official upon approval of a written agreement between the two adjoining property owners.
- (f) The side of a fence or wall oriented to an adjoining property shall not create an adverse visual impact on such adjoining property.

Case Cost Sheet Log

Case No. 16-0160

Name	Activity	Activity_Date	Status	Cost
Attorney Maria Kwak	Mailing Notice of Violation and Notice of Hearing to Attorney	02/09/2016		\$8.77
Clerk of Court	Recording Fee - Finding of Fact, Conclusion of Law, & Order	02/10/2016		\$27.00

Total: \$35.77



NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 16-0160

To: Billy Gordon
Property Owner
890 Chipmunk Trail
Port Orange, FL 32129

Re: 890 Chipmunk Trail
Port Orange, FL 32129
Parcel ID: 6337-04-00-005C

LEGAL DESCRIPTION: N 190 FT OF W 200 FT OF LOT 5 PLANTATION ACRES PER OR 4318 PG 4980 PER OR 7084 PG 1509
PER OR 7084 PG 1508

Volusia County Public Records
Volusia County, FL

An inspection of the premises on **February 4, 2016** 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 (Maintenance of property generally-duty of owner), (d) Maintenance of Improved Residential Lots of the City of Port Orange Code of Ordinances: The owner of an improved lot in a residential zone with lot sizes of one acre or less shall keep such lot free and clear of all fallen trees and limbs. All weeds, grass and undergrowth shall be cut to a height not exceeding ten inches.

Chapter 42 (Nuisances), Article II (Garbage, Junk and Undergrowth), Section 42-26 (Maintenance 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 1 (Scope and Administration), Section 108 (Unsafe Structures and Equipment), 108.1.1 (Unsafe Structures) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

Chapter 1 (Scope and Administration), Section 108 (Unsafe Structures and Equipment), 108.1.3 (Structure unfit for human occupancy) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: A structure is unfit for human occupancy whenever the code official finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is insanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.

Chapter 1 (Scope and Administration), Section 108 (Unsafe Structures and Equipment), 108.1.5 (Dangerous structure or premises), (5) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: For the purpose of this code, any structure or premises that has any or all of the conditions or defects described below shall be considered dangerous: The building or structure, or part of the building or structure, because of dilapidation, deterioration, decay, faulty construction, the removal or movement of some portion of the ground necessary for the support, or for any other reason, is likely to partially or completely collapse, or some portion of the foundation or underpinning of the building or structure is likely to fail or give way.

Chapter 1 (Scope and Administration), Section 108 (Unsafe Structures and Equipment), 108.1.5 (Dangerous structure or premises), (6) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: The building or structure, or any portion thereof, is clearly unsafe for its use and occupancy.

Chapter 1 (Scope and Administration), Section 108 (Unsafe Structures and Equipment), 108.1.5 (Dangerous structure or premises), (7) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: The building or structure is neglected, damaged, dilapidated, unsecured or abandoned so as to become an attractive nuisance to children who might play in the building or structure to their danger, becomes a harbor for vagrants, criminals or immoral persons, or enables persons to resort to the building or structure for committing a nuisance or an unlawful act.

Chapter 1 (Scope and Administration), Section 108 (Unsafe Structures and Equipment), 108.1.5 (Dangerous structure or premises), (9) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: A building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, ventilation, mechanical or plumbing system, or otherwise, is determined by the code official to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.

Chapter 1 (Scope and Administration), Section 109 (Emergency Measures), 109.1 (Imminent Danger) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: When, in the opinion of the code official, there is imminent danger of failure or collapse of a building or structure which endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the code official is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. The code official shall cause to be posted at each entrance to such structure a notice reading as follows: "This Structure Is Unsafe and Its Occupancy Has Been Prohibited by the Code Official." It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition or of demolishing the same.

Chapter 3 (General Requirements), Section 302 (Exterior Property Areas), 302.1 (Sanitation) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: All exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property which such occupant occupies or controls in a clean and sanitary condition.

Chapter 3 (General Requirements), Section 302 (Exterior Property Areas), 302.7 (Accessory Structures) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.

Chapter 3 (General Requirements), Section 304 (Exterior Structure), 304.1 (General) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: 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.

Chapter 3 (General Requirements), Section 304 (Exterior Structure), 304.1.1 (Unsafe Conditions), (8) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: 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

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), 304.4 (Structural Members) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: All structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads.

Chapter 3 (General Requirements), Section 304 (Exterior Structure), Section 304.6 (Exterior Walls) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: All exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.

Chapter 3 (General Requirements), Section 304 (Exterior Structure), Section 304.7 (Roofs and Drainage) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

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.

Chapter 3 (General Requirements), Section 304 (Exterior Structure), Section 304.12 (Handrails and Guards) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

Chapter 3 (General Requirements), Section 304 (Exterior Structure), Section 304.13 (Window, skylight and door frames) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.

Chapter 3 (General Requirements), Section 304 (Exterior Structure), Section 304.15 (Doors)) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: All exterior doors, door assemblies, operator systems if provided, and hardware shall be maintained in good condition. Locks at all entrances to dwelling units and sleeping units shall tightly secure the door. Locks on means of egress doors shall be in accordance with Section 702.3.

Chapter 3 (General Requirements), Section 305 (Interior Structure), 305.1 (General)), of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. Occupants shall keep that part of the structure which they occupy or control in a clean and sanitary condition. Every owner of a structure containing a rooming house, housekeeping units, a hotel, a dormitory, two or more dwelling units or two or more nonresidential occupancies, shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and exterior property.

Chapter 3 (General Requirements), Section 305 (Interior Structure), 305.4 (Stairs and Walking Surfaces), of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: Every stair, ramp, landing, balcony, porch, deck or other walking surface shall be maintained in sound condition and good repair.

Chapter 3 (General Requirements), Section 305 (Interior Structure), 305.5 (Handrails and Guards), of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

Chapter 5 (Plumbing Facilities and Fixture Requirements), Section 505 (Water System), 505.1 (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 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.

Chapter 6 (Mechanical and Electrical Requirements), Section 601 (General), 601.2 (Responsibility) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: The owner of the structure shall provide and maintain mechanical and electrical facilities and equipment in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any premises which does not comply with the requirements of this chapter.

Chapter 6 (Mechanical and Electrical Requirements), Section 604 (Electrical Facilities), 604.1 (Facilities Required) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: Every occupied building shall be provided with an electrical system in compliance with the requirements of this section and Section 605 (Electrical Equipment).

Chapter 6 (Mechanical and Electrical Requirements), Section 605 (Electrical Equipment), 605.1 (Installation) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: Electrical equipment, wiring, and appliances shall be properly installed and maintained in a safe and approved manner.

I received a complaint on the code enforcement hotline regarding six residents residing in the home without water or electric. Complainant states that the residents are defecating and urinating outside and that the home is in a deplorable state. An inspection was performed on **February 4, 2016** which included staff from code enforcement, the building department, and the police department. There were 3 residents on site at time of inspection. We were given permission from the residents to enter the home to view the violations. We observed a number of serious housing code issues to include no water or electric, electrical and wiring issues, safety related issues with the guard rails/hand rails, the roof in the garage has caved in, outside storage, high weeds and grass, sanitary nuisances, etc. Building Official, Kerry Leuzinger, deemed the residence unsafe and uninhabitable. A placard was posted on the property on August 5th citing Section 109 (Emergency Measures), 109.1 (Imminent Danger) of the International Property Maintenance Code. The residents were informed of the violations and the dangerous conditions in the home and were told to vacate the premises.

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 **March 10, 2016** by making the following corrections:

- 1) Entire property shall be mowed and maintained to a height not to exceed 10 inches. This includes weeding out all landscaped beds, weed eating around all trees and the exterior of the home, and removal of all fallen trees and limbs.
- 2) Entire property shall be cleaned up by removing all trash and debris on site.
- 3) ALL outside storage shall be removed and stored inside an enclosed building.
- 4) The roof collapse is considered to be health and safety issue and must be corrected prior to re-entering and occupying the home. An engineer will be required for any structural roof repairs. A building permit must be obtained through the City of Port Orange prior to the commencement of any work. A licensed building contractor will be required to do necessary roof repairs.
- 5) All entrances and exits shall be equipped with locking devices to include the garage door.
- 6) The exterior of the property shall be cleaned up so as to not
- 7) Accessory structures on the property (sheds in the back/side yards) must be repaired or demolished. Work must be completed by a licensed building contractor. A building permit must be obtained from the City of Port Orange prior to the commencement of any work.
- 8) All interior and exterior guardrails and handrails must be repaired by a licensed building contractor. A permit will need to be obtained from the City of Port Orange prior to the commencement of any work.
- 9) Every window and door that is not operable or is broken or in a state of disrepair must be repaired or replaced by a licensed contractor. Replacement of any windows will require a building permit through the City of Port Orange.
- 10) Locks are required on all entrances to dwelling units and sleeping units. Locks are also required on all egress doors in the home.
- 11) The interior of the home must be must be in a clean and sanitary condition. The current condition of the home constitutes a health and safety hazard.
- 12) All plumbing fixtures shall be connected to a public water system or approved water system. Lack of water constitutes a health and safety violation.
- 13) A licensed, certified electrician will be required to inspect the home and make all necessary repairs prior to turning the electric back on. A permit must be obtained through the City of Port Orange prior to the commencement of any 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.

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 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 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 \$ 8.33 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 February 10, 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 23, 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 9th day of February, 2016.

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 Billy Gordon, Property Owner, 890 Chipmunk Trail, Port Orange, FL 32129, was

☒ Hand-delivered

Recipient of hand delivered documents: Michael Gordon
(son of deceased owner)

☐ Posted at the property

this 9th day of February, 2016.

Time: approx. 8:40AM

Dena Joseph
Dena Joseph, Code Enforcement Officer

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Billy Gordon, Property Owner, 890 Chipmunk Trail, Port Orange, FL 32129, was

☒ Posted at City Hall

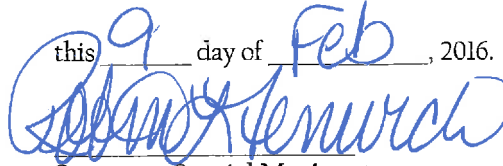
☐ Sent via certified

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Maria Kwak, Primary Attorney, Brock & Scott PLLC, 4919 Memorial Highway, Suite 135, Tampa, Florida 33634, was

☒ Posted at City Hall

☒ Sent via certified

this 9 day of Feb, 2016.


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., C.F.A.



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Parcel Information: 6337-04-00-005C **2016 Working Tax Roll** Last Updated: 02-07-2016

Owner Name and Address

Alternate Key	3681240	Parcel Status	Active Parcel (Real Estate)
Short Parcel ID	6337-04-00-005C	Mill Group	402 Port Orange
Full Parcel ID	37-16-33-04-00-005C	2015 Final Mill Rate	20.85510
Created Date	31 DEC 1981		
Property Class	01 Single Family		
Ownership Type	Estate	Ownership Percent	100
Owner Name	GORDON BILLY		
Owner Name/Address 1			
Owner Address 2	890 CHIPMUNK TRL		
Owner Address 3	PORT ORANGE FL		
Owner Zip/Postal Code	32168-5905		
Situs Address	890 CHIPMUNK TR PORT ORANGE 32129		

Legal Description
 N 190 FT OF W 200 FT OF LOT 5 PLANTATION ACRES PER OR 4318 PG 4980 PER OR 7084 PG 1509 PER OR 7084 PG 1508

Sales History

Book Page	Sale Date	Sale Instrument	Qualified Unqualified	Improved	Sale Price
4318 4980	06/1998	Warranty Deed	Qualified Sale	Yes	119,900
4279 2094	02/1998	Quit Claim Deed	Unqualified Sale	Yes	10
4033 2216	08/1995	Warranty Deed	Unqualified Sale	Yes	8,400
4033 2214	12/1994	Warranty Deed	Unqualified Sale	Yes	9,300
2037 1444	12/1978	Warranty Deed	Qualified Sale	Yes	29,700

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	55,036	114,055	848	169,939	169,939	169,939	0	169,939	0	169,939
2014	55,036	98,574	1,325	154,935	145,260	145,260	26,000	119,260	25,000	94,260

[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	190.0	200.0	190.00	FRONT FEET	289.99	105	100	95	100	55,036
Neighborhood 5280 YE OLD SUGAR MILL (6337-03)											
Total Land Classified											0
Total Land Just											55,036

Building Characteristics
 Building Number: 120062 (Building 1 of 1)

Bldg. No.	Improvement Type	Base Perimeter	Year Built	Quality Grade	Architecture	Phys. Depr.	Func. Obs.	Loc. Obs.	Next Review
120062	Single Family	138	1972	300		30%	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	1	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)	CONC OR CINDER BLOCK	1.0	1972	N	0%		1018 Sq. Feet
002	Unfinished Garage (UGR)	Non-Applicable	1.0	1972	N	0%		650 Sq. Feet
003	Porch, Open Unfinished (UOP)	Non-Applicable	1.0	1997	N	0%		55 Sq. Feet
004	Unfinished Utility (UST)	Non-Applicable	1.0	1997	N	0%		77 Sq. Feet
005	Porch, Open Finished (FOP)	Non-Applicable	1.0	1972	N	0%		14 Sq. Feet
006	Upper Story, Finished (FUS)	Non-Applicable	1.0	1972	N	0%		1488 Sq. Feet
007	Wood Deck (WDK)	Non-Applicable	1.0	1997	N	0%		160 Sq. Feet

06/25/1998 11:55
Doc stamps 839.30
(Transfer Amt \$ 119900)
Instrument # 98114082
Book: 4318
Page: 4980

PREPARED BY AND RETURN TO:
NICHOLAS A. GEORGE
Ossinsky & George
500 N. Oleander Ave.
Daytona Beach, FL 32118

Parcel No: 6337-04-00-005C

Grantees S.S. No. &

WARRANTY DEED (Statutory Form - Section 689.02, F.S.)

This Indenture, made this 17th day of June, 1998, Between

DEANNA LEBEDZ, a widow and single, DONALD B. LEBEDZ, JR. and
BOBBIE D. LEBEDZ, his wife,

whose post office address is 19 Cunningham Dr., New Smyrna Beach,
FL 32168-5905, of the County of Volusia, State of Florida,
grantor*, and

BILLY GORDON and HATTIE GORDON, his wife,

whose post office address is 890 Chipmunk Trail, Port Orange, FL
32119, of the County of Volusia, State of Florida, grantee*,

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

The Westerly 200 feet of the Northerly 190 feet of Lot 5,
Plantation Acres, Map Book 23, Pages 69 and 70, Public
Records of Volusia County, Florida, together with and
subject to a perpetual easement of ingress and egress
over and upon that 15 foot strip of land through Lots 3
and 5, recorded in Official Records Book 1432, Page 475,
Public Records of Volusia County, Florida.

Subject to easements and restrictions of record, if any;
however, reference thereto shall not serve to reimpose the
same.

Subject to a purchase money first mortgage payable to Deanna
LeBedz.

Grantor, Deanna LeBedz, hereby confirms that the spouse with
whom title to this property was acquired was continuously married
to said Deanna LeBedz from the time of its acquisition through the
time of said spouse's death.

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

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

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

Signed, sealed and delivered
in our presence:

Nicholas A. George
Witness
NICHOLAS A. GEORGE
Print Name of Witness

Walter J. Snell
Witness
WALTER J. SNELL
Print Name of Witness

Deanna Lebedz
DEANNA LEBEDZ

Donald G. Lebedz, Jr.
DONALD G. LEBEDZ, JR.

Bobbie D. Lebedz
BOBBIE D. LEBEDZ

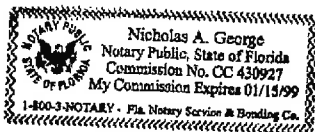
STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this 17th
day of June, 1998, by DEANNA LEBEDZ, a widow and
single, DONALD G. LEBEDZ, JR. and BOBBIE D. LEBEDZ, his wife, who
are personally known to me or who have produced
as identification.

Nicholas A. George
Notary Public

Printed Name of Notary Public

My commission expires:



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)



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

[Chapter 1 - Scope and Administration](#)

■ [SECTION 108 UNSAFE STRUCTURES AND EQUIPMENT](#)

[\[A\] 108.1 General.](#)

[\[A\] 108.2 Closing of vacant structures.](#)

[\[A\] 108.3 Notice.](#)

[\[A\] 108.4 Placarding.](#)

[\[A\] 108.5 Prohibited occupancy.](#)

[\[A\] 108.6 Abatement methods.](#)

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[\[A\] 108.1 General.](#)

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SECTION 108 UNSAFE STRUCTURES AND EQUIPMENT

[A] 108.1 General.

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

[A] 108.1.1 Unsafe structures.

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

[A] 108.1.2 Unsafe equipment.

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

[A] 108.1.3 Structure unfit for human occupancy.

A structure is unfit for human *occupancy* whenever the *code official* finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks

maintenance, is insanitary, vermin or rat infested, contains filth and contamination, or lacks *ventilation*, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the *occupants* of the structure or to the public.

[A] 108.1.4 Unlawful structure.

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

[A] 108.1.5 Dangerous structure or premises.

For the purpose of this code, any structure or *premises* that has any or all of the conditions or defects described below shall be considered dangerous:

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

9. A building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, *ventilation*, mechanical or plumbing system, or otherwise, is determined by the *code official* to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.

10. Any building or structure, because of a lack of sufficient or proper fire-resistance-rated construction, fire protection systems, electrical system, fuel connections, mechanical system, plumbing system or other cause, is determined by the *code official* to be a threat to life or health.

11. Any portion of a building remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned so as to constitute such building or portion thereof as an attractive nuisance or hazard to the public.

[A] 108.2 Closing of vacant structures.

If the structure is vacant and unfit for human habitation and *occupancy*, and is not in danger of structural collapse, the *code official* is authorized to post a placard of condemnation on the *premises* and order the structure closed up so as not to be an attractive nuisance. Upon failure of the *owner* to close up the *premises* within the time specified in the order, the *code official* shall cause the *premises* to be closed and secured through any available public agency or by contract or arrangement by private persons and the cost thereof shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate and may be collected by any other legal resource.

[A] 108.2.1 Authority to disconnect service utilities.

The *code official* shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this code and the referenced codes and standards set forth in Section 102.7 in case of emergency where necessary to eliminate an immediate hazard to life or property or when such utility connection has been made without approval. The *code official* shall notify the serving utility and, whenever possible, the *owner* and *occupant* of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnection the *owner* or *occupant* of the building structure or service system shall be notified in writing as soon as practical thereafter.

[A] 108.3 Notice.

Whenever the *code official* has *condemned* a structure or equipment under the provisions of this section, notice shall be posted in a conspicuous place in or about the structure affected by such notice and served on the *owner* or the person or persons responsible for the structure or equipment in accordance with Section 107.3. If the notice pertains to equipment, it shall also be placed on the *condemned* equipment. The notice shall be in the form prescribed in Section 107.2.

[A] 108.4 Placarding.

Upon failure of the *owner* or person responsible to comply with the notice provisions within the time given, the *code official* shall post on the *premises* or on defective equipment a placard bearing the word "Condemned" and a statement of the penalties provided for occupying the *premises*, operating the equipment or removing the placard.



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SECTION 109 EMERGENCY MEASURES

[A] 109.1 Imminent danger.

When, in the opinion of the *code official*, there is *imminent danger* of failure or collapse of a building or structure which endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building *occupants* or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the *code official* is hereby authorized and empowered to order and require the *occupants* to vacate the *premises* forthwith. The *code official* shall cause to be posted at each entrance to such structure a notice reading as follows: "This Structure Is Unsafe and Its Occupancy Has Been Prohibited by the Code Official." It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition or of demolishing the same.

[A] 109.2 Temporary safeguards.

Notwithstanding other provisions of this code, whenever, in the opinion of the *code official*, there is *imminent danger* due to an unsafe condition, the *code official* shall order the necessary work to be done, including the boarding up of openings, to render such structure temporarily safe whether or not the legal procedure herein described has been instituted; and shall cause such other action to be taken as the *code official* deems necessary to meet such emergency.

[A] 109.3 Closing streets.

When necessary for public safety, the *code official* shall temporarily close structures and close, or order the authority having jurisdiction to close, sidewalks, streets, *public ways* and places adjacent to unsafe structures, and prohibit the same from being utilized.



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302.1 Sanitation.

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

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302.7 Accessory structures.

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

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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.

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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*.

304.2 Protective treatment.

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

[F] 304.3 Premises identification.

Buildings shall have *approved* address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of 4 inches (102 mm) in height with a minimum stroke width of 0.5 inch (12.7 mm).

304.4 Structural members.

All structural members shall be maintained free from *deterioration*, and shall be capable of safely supporting the imposed dead and live loads.

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304.4 Structural members.

All structural members shall be maintained free from *deterioration*, and shall be capable of safely supporting the imposed dead and live loads.

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304.6 Exterior walls.

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

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304.7 Roofs and drainage.

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

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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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304.12 Handrails and guards.

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

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304.13 Window, skylight and door frames.

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

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304.15 Doors.

All exterior doors, door assemblies, operator systems if provided, and hardware shall be maintained in good condition. Locks at all entrances to dwelling units and sleeping units shall tightly secure the door. Locks on means of egress doors shall be in accordance with [Section 702.3.](#)

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SECTION 305 INTERIOR STRUCTURE

305.1 General.

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

305.1.1 Unsafe conditions.

The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the *International Building Code* or the *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. Structural members are incapable of supporting nominal loads and load effects;
5. Stairs, landings, balconies and all similar walking surfaces, including *guards* and handrails, are not structurally sound, not properly *anchored* or are *anchored* with connections not capable of supporting all nominal loads and resisting all load effects;
6. Foundation systems that are not firmly supported by footings are not plumb and free from open cracks and breaks, are not properly *anchored* or are not capable of supporting all nominal loads and resisting all load effects.

Exceptions:

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

305.2 Structural members.

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

305.3 Interior surfaces.

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

305.4 Stairs and walking surfaces.

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

305.5 Handrails and guards.

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

305.6 Interior doors.

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

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SECTION 505 WATER SYSTEM

505.1 General.

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

[P] 505.2 Contamination.

The water supply shall be maintained free from contamination, and all water inlets for plumbing 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

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SECTION 601 GENERAL

601.1 Scope.

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

601.2 Responsibility.

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

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SECTION 604 ELECTRICAL FACILITIES

604.1 Facilities required.

Every occupied building shall be provided with an electrical system in compliance with the requirements of this section and [Section 605](#).

604.2 Service.

The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with NFPA 70. *Dwelling units* shall be served by a three-wire, 120/240 volt, single-phase electrical service having a minimum rating of 60 amperes.

604.3 Electrical system hazards.

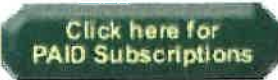
Where it is found that the electrical system in a structure constitutes a hazard to the *occupants* or the structure by reason of inadequate service, improper fusing, insufficient receptacle and lighting outlets, improper wiring or installation, *deterioration* or damage, or for similar reasons, the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

604.3.1 Abatement of electrical hazards associated with water exposure.

The provisions of this section shall govern the repair and replacement of electrical systems and equipment that have been exposed to water.

604.3.1.1 Electrical equipment.

Electrical distribution equipment, motor circuits, power equipment, transformers, wire, cable,



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SECTION 605 ELECTRICAL EQUIPMENT

605.1 Installation.

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

605.2 Receptacles.

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

605.3 Luminaires.

Every public hall, interior stairway, *toilet room*, kitchen, *bathroom*, laundry room, boiler room and furnace room shall contain at least one electric luminaire. Pool and spa luminaires over 15 V shall have ground fault circuit interrupter protection.

605.4 Wiring.

Flexible cords shall not be used for permanent wiring, or for running through doors, windows, or cabinets, or concealed within walls, floors, or ceilings.

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner,

vs.

CASE NO: 16-0160

Billy Gordon,

Respondent.

Property Address: **890 Chipmunk Trail, Port Orange, FL 32129**

Parcel ID: **6337-04-00-005C**

AFFIDAVIT OF HAND DELIVERY
NOTICE OF VIOLATION AND
NOTICE OF HEARING

STATE OF FLORIDA
COUNTY OF VOLUSIA

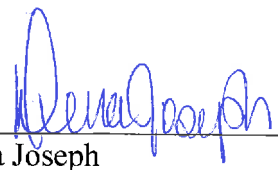
BEFORE ME, the undersigned authority, personally appeared Dena Joseph, Code Compliance Inspector, City of Port Orange, Florida, who after being duly sworn, deposes and says:

1. That the statements set forth herein are based upon personal knowledge.
2. That I am a resident of the State of Florida, over twenty-one years of age, and not a party to this action.
3. That, according to the records of the Volusia County Property Appraisers Office, the property located at 890 Chipmunk Trail, Port Orange, Florida 32129, is owned by Billy Gordon.
4. That 890 Chipmunk Trail, Port Orange, Florida 32129 is the location where the alleged code violation is or was occurring.
5. That I hand delivered a Notice of Violation and Request for Hearing for the property at 890 Chipmunk Trail, Port Orange, Florida 32129, at 8:40a.m on the 9th day of February 2016, to Michael Gordon (son of owner-Billy Gordon), who is presently residing in the

Volusia County Branch Jail located at 1300 Red John Drive, Daytona Beach, FL and who is 15 years of age or over, as required by Florida Statute Section 162.12(2)(b)(1). A copy of the Notice and Request is attached hereto and made a part hereof.

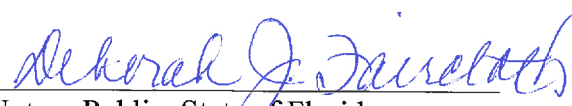
FURTHER AFFIANT SAYETH NOT.

DATED this 9th day of February, 2016.

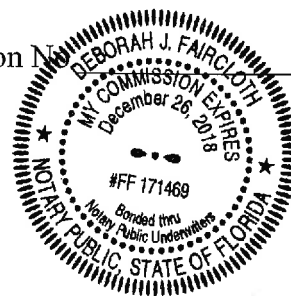

Dena Joseph
Code Compliance Inspector

**STATE OF FLORIDA
COUNTY OF VOLUSIA**

The foregoing instrument was sworn to before me on the 9th day of February, 2016, by Dena Joseph, who is personally known to me.


Notary Public, State of Florida

Commission No. _____



CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner,

vs.

CASE NO: 16-0160

Billy Gordon,

Respondent.

Property Address: **890 Chipmunk Trail, Port Orange, FL 32129**

Parcel ID: **6337-04-00-005C**

AFFIDAVIT OF PROPERTY POSTING
NOTICE OF VIOLATION AND
NOTICE FOR HEARING

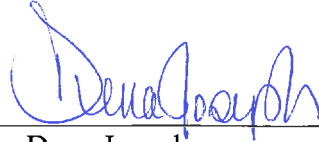
STATE OF FLORIDA
COUNTY OF VOLUSIA

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

1. That the statements set forth herein are based upon personal knowledge.
2. That I am a resident of the State of Florida, over twenty-one years of age, and not a party to this action.
3. That, according to the records of the Volusia County Property Appraisers Office, the property located at 890 Chipmunk Trail, Port Orange, Florida 32129, is owned by Billy Gordon.
4. That 890 Chipmunk Trail, Port Orange, Florida 32129 is the location where the alleged code violation is or was occurring.
5. That I posted a Notice of Violation and Request for Hearing on the property at 890 Chipmunk Trail, Port Orange, Florida 32129, at 12:30 p.m. on the 8th day of February, 2016, 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.

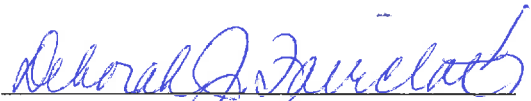
DATED this 9th day of February, 2016.



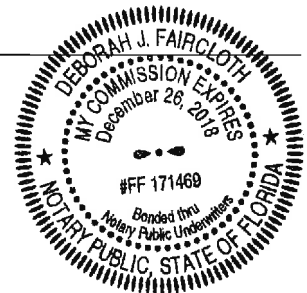
Dena Joseph
Code Compliance Inspector

**STATE OF FLORIDA
COUNTY OF VOLUSIA**

The foregoing instrument was sworn to before me on the 9th day of February, 2016, by Dena Joseph, who is personally known to me.


Notary Public, State of Florida

Commission No. _____



Case Cost Sheet Log

Case No. 15-1913

Name	Activity	Activity_Date	Status	Cost
Juan F. Galarza	Mailing Notice of Violation/Notice of Hearing to 118 Carlton Place, Port Orange, FL 32127	12/16/2015	Certified Mail Returned to City Clerk's Office marked "Unclaimed".	\$6.95
Mary L. Galarza	Mailing Notice of Violation/Notice of Hearing to 118 Carlton Place, Port Orange, FL 32127	12/16/2015	Certified Mail Returned to City Clerk's Office marked "Unclaimed".	\$6.95
Juan F. Galarza	Mailing Finding of Fact/Conclusion of Law & Order to 118 Carlton Place, Port Orange, FL 32127	01/13/2016		\$7.21
Mary L. Galarza	Mailing Finding of Fact/Conclusion of Law & Order to 118 Carlton Place, Port Orange, FL 32127	01/13/2016		\$7.21
Clerk of Court	Recording Fee - Finding of Fact/Conclusion of Law & Order	01/13/2016		\$27.00
Clerk of Court	Recording Fee - Affidavit of Compliance	01/29/2016		\$18.50
Juan F. Galarza	Mailing Order Setting Fine/Lien to 118 Carlton Place, Port Orange, FL 32127	02/10/2016		\$6.95
Mary L. Galarza	Mailing Order Setting Fine/Lien to 118 Carlton Place, Port Orange, FL 32127	02/10/2016		\$6.95
Clerk of Court	Recording Fee - Order Setting Fine/Lien	02/10/2016		\$18.50

Total: \$106.22



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

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 15-1913

To:

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

Re: 118 Carlton Pl.

Port Orange, FL 32127

Parcel ID: 6310-16-02-0080

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

Volusia County Public Records

Volusia County, FL

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

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

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

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

This correspondence will serve as official notification that the above stated violation(s) must be corrected by **January 5, 2016**.

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

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

NOTICE OF HEARING AS TO VIOLATION(S) ALLEGED

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

Pursuant to Chapter 2, Article V, Code of Ordinances and Section 162.06, Florida Statutes, you are hereby called upon to take notice that a PUBLIC HEARING will be conducted in the above-styled cause by the **Special Magistrate January 13, 2016, at 9:00 a.m.**, or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The **Special Magistrate** will receive testimony and evidence at said PUBLIC HEARING and shall make such findings of facts and conclusions of law as supported by the testimony and evidence pertaining to the matter alleged below, and shall issue a Final Order affording the proper relief. A certified copy of the Final Order may be recorded in the public records of the county and shall constitute notice to any subsequent purchasers, successors in interest, or assigns if the

violation concerns real property, and the findings therein shall be binding upon the violator and, if the violation concerns real property, upon any subsequent purchasers, successors in interest, or assigns. If you fail to appear at the Hearing, the **Special Magistrate** may base any findings solely on the testimony and evidence presented by the Code Enforcement Inspector. Please govern yourself accordingly.

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

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

NOTICE OF HEARING SETTING FINE AND LIEN

In the event the **Special Magistrate**, during the hearing on **January 13, 2016** enters a Final Order finding a violation as alleged, pursuant to Chapter 7, Code of Ordinances, City of Port Orange, Florida, you are hereby called upon to take notice that a 2nd PUBLIC HEARING will be conducted in the above-styled cause by the Code Enforcement Special Magistrate on **February 10, 2016, at 9:00 a.m.**, or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The Code Enforcement Special Magistrate will consider setting fine lien on the above referenced case at said PUBLIC HEARING. Please govern yourself accordingly.

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

DATED this 15th day of December, 2015.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: Deborah Faircloth
Deborah Faircloth

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Juan F. & Mary L. Galarza, 118 Carlton Place, Port Orange, FL 32127, was

☐ Hand-delivered

☒ Posted at the property

Time: approx. 3:30 pm

this 15th day of December, 2015.

Deborah Faircloth
Deborah Faircloth

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Juan F. & Mary L. Galarza, 118 Carlton Place, Port Orange, FL 32127, was

☐ Posted at City Hall

☐ Sent via certified

this 16 day of December, 2015.

[Signature]
Secretary, Special Magistrate

RIGHT TO APPEAL

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

ACCOMMODATIONS

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



Volusia County
FLORIDA

Volusia County
Property Appraiser

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



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

Owner Name and Address

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

Legal Description

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

Sales History

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

History of Values

Year	Land	Bldg(s)	Misc. Impr.	Just Value	School Assessed	Non-School Assessed	School Exemption	School Taxable	Non-School Exemption	Non-School Taxable
2015	15,322	53,103	2,267	70,692	70,692	65,881	0	70,692	0	65,881
2014	11,747	47,597	2,026	61,370	61,370	59,892	0	61,370	0	59,892

[Display Value History](#)

Land Data

Code	Land Use Type	Frontage	Depth	No. Units	Unit Type	Rate	Depth	Loc	Shp	Phy	Just Value
0101	IMP PVD THRU .49 AC	53.0	100.0	53.00	FRONT FEET	300.00	96	100	100	100	15,322
Neighborhood 4244 INSIDE LOTS EAST OF US-1											
Total Land Classified											0
Total Land Just											15,322

Building Characteristics

Building Number: 114571 (Building 1 of 1)

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

2503 0164

The instrument was prepared by

BOOK PAGE

BIRKEN BLECK, JR.

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

(STATUTORY FORM - SECTION 689.07 F.S.)

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

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

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

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

whose post office address is 118 Carlton Place, Port Orange

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

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

TEN (\$10.00) -----

Dollars,

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

0.98571

FILED FOR RECORD
RECORD VERIFIED

JUL 26 2 28 PM '83

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

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

In Witness Whereof,

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

Signed, sealed and delivered in our presence:

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

(Seal)

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

My commission expires

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

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

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

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

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

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

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

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

CITY OF PORT ORANGE,
a Florida municipal corporation,

Petitioner,

v.

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

Respondents.

FINDING OF FACT, CONCLUSION OF LAW AND ORDER

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

FINDINGS OF FACT :

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

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

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

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

CONCLUSION OF LAW :

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

ORDER

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

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

A certified copy of this Order may be recorded in the public records of Volusia County, Florida, and shall thereafter constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property. The findings in this Order shall be binding upon Respondents and if the violation concerns real property, any subsequent purchasers, successors in interest, or assigns pursuant to Section 162.07, Florida Statutes (2011).

DONE AND ORDERED this 11 day of July, 2012.

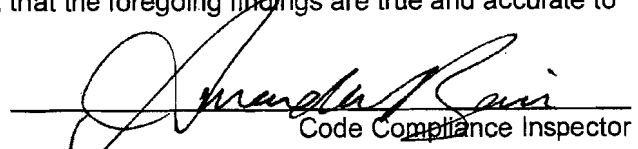
Attest:


Code Enforcement Board Secretary

By:


Code Enforcement Board Chairman

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


Code Compliance Inspector

I HEREBY CERTIFY that a true and correct copy of the foregoing Findings of Fact, Conclusion of Law, and Order have been furnished to Respondent Juan F. & Mary L. Galarza at 118 Carlton Pl, Port Orange, FL 32127, by Certified and Regular U.S. Mail this 13 day of July, 2012.

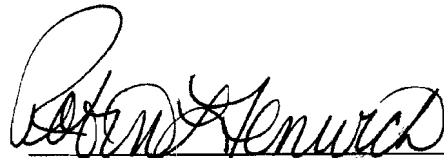

Secretary, Code Enforcement Board

CERTIFICATION BY DEPUTY CITY CLERK

STATE OF FLORIDA)
COUNTY OF VOLUSIA)

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

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



Robin Fenwick
Deputy City Clerk

(Official Seal)



Exhibit A
Affidavit of Non-Compliance

CITY OF PORT ORANGE, FLORIDA

CODE ENFORCEMENT BOARD

CITY OF PORT ORANGE,

Petitioner.

Vs.

CASE NO: 12-1591
118 Carlton PL

JUAN F. & MARY L. GALARZA,
Respondent.

AFFIDAVIT OF NON-COMPLIANCE

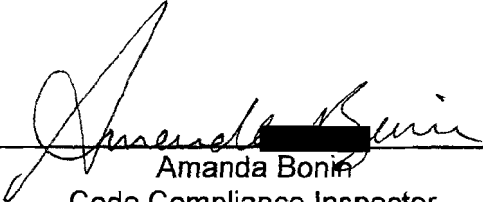
STATE OF FLORIDA
COUNTY OF VOLUSIA

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

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

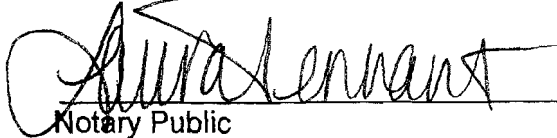
FURTHER AFFIANT SAYETH NOT.

Dated this 19th day of July, 2012.


Amanda Bonin
Code Compliance Inspector
City of Port Orange, Florida

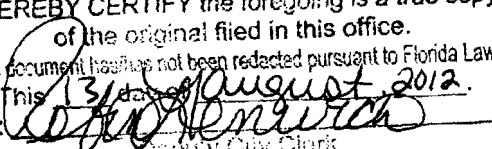
STATE OF FLORIDA
COUNTY OF VOLUSIA

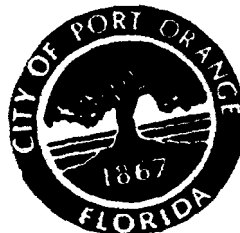
The foregoing instrument was acknowledged before me this 19th day of July, 2012 by Amanda Bonin who is personally known to me.


Notary Public
State of Florida at Large

Commission No. _____



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



CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner,

vs.

CASE NO: 15-1913

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

Respondents.

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

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

STATE OF FLORIDA
COUNTY OF VOLUSIA

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

1. That the statements set forth herein are based upon personal knowledge.
2. That I am a resident of the State of Florida, over twenty-one years of age, and not a party to this action.
3. That, according to the records of the Volusia County Property Appraisers Office, the property located at 118 Carlton Place, Port Orange, Florida 32127, is owned by Juan F. & Mary L. Galarza.
4. That 118 Carlton Place, Port Orange, Florida 32127 is the location where the alleged code violation is or was occurring.

5. That I posted a Notice of Violation and Request for Hearing on the property at 118 Carlton Place, Port Orange, Florida 32127, at 3:30 p.m. on the 15th day of December, 2015, as required by Florida Statute Section 162.12(2)(b)(1). A copy of the Notice and Request is attached hereto and made a part hereof.

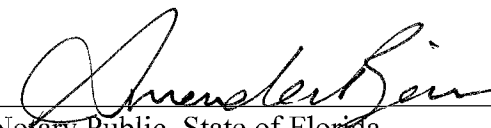
FURTHER AFFIANT SAYETH NOT.

DATED this 16th day of December, 2015.

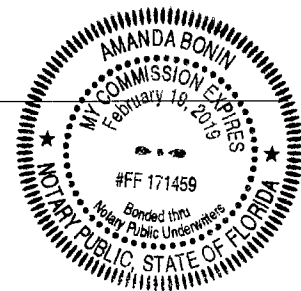

Deborah Faircloth
Code Compliance Inspector

**STATE OF FLORIDA
COUNTY OF VOLUSIA**

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


Notary Public, State of Florida

Commission No. _____



Case Cost Sheet Log

Case No. 15-1395

Name	Activity	Activity_Date	Status	Cost
Patricia Manos	Mailing Notice of Violation/Notice of Hearing to 226 Pinerock Place, Port Orange, FL 32127	09/08/2015	Certified Mail returned to City Clerk's Office marked "Forward Time Exp. Return to Sender - 518 Greenview Lane, Havertown, PA 19083".	\$6.95
Patricia Manos	Mailing Finding of Fact/Conclusion of Law & Order to 518 Greenview Lane, Havertown, PA 19083.	10/14/2015		\$7.21
Clerk of Court	Recording Fee - Finding of Fact/Conclusion of Law & Order	10/14/2015		\$27.00
Patricia Manos	Mailing Notice of Hearing to Set Fine/Lien	01/08/2016	Certified Mail returned to City Clerk's Office marked "Forward Time Exp. Return to Sender - 518 Greenview Lane, Havertown, PA 19083"	\$6.73
Patricia Manos	Mailing Notice of Hearing to Set Fine/Lien	01/14/2016		\$6.73
Clerk of Court	Recording fee - Order Setting Fine/Lien	02/10/2016		\$45.00

Total: \$99.62



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

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 15-1395

To: Patricia Manos
226 Pinerock Place
Port Orange, FL 32127

Re: 226 Pinerock Place
Port Orange, FL 32127
Parcel ID: 6322-04-00-0260

LEGAL DESCRIPTION: LOT 26 LEISURE VILLAS SUB UNIT II MB 34 PG 76 PER OR 4023 PG 4693 PER OR 5610 PG 2206 PER OR 5988 PGS 0481-0482

Volusia County Public Records, Volusia County, FL

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

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

An inspection of the property was conducted on August 10, 2015. During the inspection, I observed a repeat violation of the above stated ordinance. Case # 15-476 was heard by the Magistrate on May 27, 2015 and a violation was found. See attached Finding of Fact and Affidavit of Non-Compliance. To correct the repeat violation, the entire property needs to be mowed and all high weeds trimmed.

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

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

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

NOTICE OF HEARING AS TO VIOLATION(S) ALLEGED

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

Pursuant to Chapter 2, Article V, Code of Ordinances and Section 162.06, Florida Statutes, you are hereby called upon to take notice that a PUBLIC HEARING will be conducted in the above-styled cause by the **Special Magistrate October 14, 2015 at 9:00 a.m.**, or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The **Special Magistrate** will receive testimony and evidence at said PUBLIC HEARING and shall make such findings of facts and conclusions of law as supported by the testimony and evidence pertaining to the matter alleged below, and shall issue a Final Order affording the proper relief. A certified copy of the Final Order may be recorded in the public records of the county and shall constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property, and the findings therein shall be binding upon the violator and, if the violation concerns real property, upon any subsequent purchasers, successors in interest, or assigns. If you fail to appear at the Hearing, the **Special Magistrate** may base any findings solely on the testimony and evidence presented by the Code Enforcement Inspector. Please govern yourself accordingly.

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

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

NOTICE OF HEARING SETTING FINE AND LIEN

In the event the **Special Magistrate**, during the hearing on **October 14, 2015** enters a Final Order finding a violation as alleged, pursuant to Chapter 7, Code of Ordinances, City of Port Orange, Florida, you are hereby called upon to take notice that a 2nd PUBLIC HEARING will be conducted in the above-styled cause by the Code Enforcement Special Magistrate on **December 9, 2015, at 9:00 a.m.**, or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The Code Enforcement Special Magistrate will consider setting fine lien on the above referenced case at said PUBLIC HEARING. Please govern yourself accordingly.

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

DATED this 2nd day of September, 2015.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: C. Scott Alderman
CODE OFFICER

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Patricia Manos, 226 Pinerock Place, Port Orange, FL 32127, was

☐ Hand-delivered

☒ Posted at the property

Time: 10:50 am

this 4th day of September, 2015.

C. Scott Alderman
CODE OFFICER

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Patricia Manos, 226 Pinerock Place, Port Orange, FL 32127, was

☒ Posted at City Hall

☐ Sent via certified

this 8 day of September, 2015.

Sherrill D. Hines
Secretary, Special Magistrate

RIGHT TO APPEAL

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

ACCOMMODATIONS

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



Volusia County
FLORIDA

Volusia County
Property Appraiser

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



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[Estimate of Taxes](#)

Parcel Information: 6322-04-00-0260 2015 Working Tax Roll Last Updated: 08-30-2015

Owner Name and Address

Alternate Key	3664124	Parcel Status	Active Parcel (Real Estate)	
Short Parcel ID	6322-04-00-0260	Mill Group	402 Port Orange	
Full Parcel ID	22-16-33-04-00-0260	2014 Final Mill Rate	21.15960	
Created Date	31 DEC 1981			
Property Class	01 Single Family			
Ownership Type	Estate			Ownership Percent 100
Owner Name	MANOS PATRICIA			
Owner Name/Address 1				
Owner Address 2	226 PINEROCK PL			
Owner Address 3	PORT ORANGE FL			
Owner Zip Code	32127			
Situs Address	226 PINEROCK PL PORT ORANGE 32127			

Legal Description
LOT 26 LEISURE VILLAS SUB UNIT II MB 34 PG 76 PER OR 4023 PG 4693 PER OR 5610 PG 2206 PER OR 5988 PGS 0481-0482

Sales History

Book Page	Sale Date	Sale Instrument	Qualified Unqualified	Improved	Sale Price
5988 0481	12/2006	Warranty Deed	Qualified Sale	Yes	155,000
5610 2204	05/2005	Unknown	Unqualified Sale	Yes	100
4023 4693	07/1995	Warranty Deed	Qualified Sale	Yes	69,900
1912 1268	07/1977	Warranty Deed	Qualified Sale	Yes	32,000

History of Values

Year	Land	Bldg(s)	Misc. Impr.	Just Value	School Assessed	Non-School Assessed	School Exemption	School Taxable	Non-School Exemption	Non-School Taxable
2014	16,317	58,516	0	74,833	72,069	72,069	25,500	46,569	22,069	24,500
2013	16,317	57,131	0	73,448	71,004	71,004	25,500	45,504	21,004	24,500
2012	16,317	53,500	0	69,817	69,817	69,817	25,500	44,317	19,817	24,500
2011	16,317	53,501	0	69,818	69,818	69,818	25,500	44,318	19,818	24,500
2010	16,317	58,307	0	74,624	74,624	74,624	25,500	49,124	24,624	24,500
2009	21,368	65,134	0	86,502	86,502	86,502	25,500	61,002	25,000	36,002
2008	50,505	75,737	0	126,242	126,242	126,242	25,500	100,742	25,000	100,742
2007	55,944	80,346	0	136,290	136,290	136,290	25,500	110,790	0	110,790
2006	50,505	85,810	0	136,315	67,258	67,258	25,500	41,758	0	41,758
2005	45,000	60,494	0	105,494	65,299	65,299	25,000	40,299	0	40,299
2004	21,063	66,723	0	87,786	63,397	63,397	25,000	38,397	0	38,397
2003	11,424	66,344	0	77,768	62,215	62,215	25,000	37,215	0	37,215
2002	11,424	59,796	0	71,220	60,757	60,757	25,000	35,757	0	35,757
2001	11,424	49,620	0	61,044	59,801	59,801	25,000	34,801	0	34,801
2000	11,424	50,797	0	62,221	58,060	58,060	25,000	33,060	0	33,060
1999	11,424	45,240	0	56,664	56,534	56,534	25,000	31,534	0	31,534
1998	11,424	44,220	0	55,644	55,644	55,644	25,000	30,644	0	30,644
1997	11,424	43,697	0	55,121	55,121	55,121	25,000	30,121	0	30,121
1996	11,424	42,386	0	53,810	55,121	55,121	0	53,810	0	53,810
1995	11,424	40,761	0	52,185	46,487	46,487	25,000	21,487	0	21,487
1994	11,424	33,841	0	45,265	45,265	45,265	25,000	20,265	0	20,265
1993	11,424	38,499	0	49,923	49,923	49,923	25,000	24,923	0	24,923
1992	11,424	38,499	0	49,923	49,923	49,923	25,000	24,923	0	24,923
1991	11,424	38,499	0	49,923	49,923	49,923	25,000	24,923	0	24,923
1990	11,424	38,499	0	49,923	49,923	49,923	25,000	24,923	0	24,923
1989	11,424	37,280	0	48,704	48,704	48,704	25,000	23,704	0	23,704
1988	11,424	36,531	0	47,955	47,955	47,955	25,000	22,955	0	22,955
1987	11,424	36,004	0	47,428	47,428	47,428	25,000	22,428	0	22,428

Prepared By and Returned To:
Kathi A. Noll
Watson Title Services, Inc.
1435 West S.R. 434, Suite 109
Longwood, FL 32750
(407) 645-1310
File Number: 263945
Incident to the issuance of a title Insurance contract.

01/10/2007 03:24 PM
Doc stamps 1085.00
(Transfer Amt \$ 155000)
Instrument# [REDACTED] # 1
Book : 5988
Page : 481

This Warranty Deed

Made this 27th day of December, 2006 by
GLADYS I. LENIHAN, A SINGLE WOMAN

hereinafter called the grantor, to
**PATRICIA MANOS AND MICHAEL MANOS, JR., WIFE
AND HUSBAND**

whose post office address is:
**226 PINEROCK PLACE
PORT ORANGE, FL 32127**

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

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

**LOT 26, LEISURE VILLAS SUBDIVISION, UNIT II, ACCORDING TO THE PLAT THEREOF
AS RECORDED IN MAP BOOK 34, PAGE 76, OF THE PUBLIC RECORDS OF VOLUSIA
COUNTY, FLORIDA.**

Subject to covenants, restrictions, easements of record and taxes for the current year.

Parcel Identification Number: 632204000260

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

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

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

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

Instrument# 2007-007394 # 2

Book: 5988

Page: 482

Diane M. Matousek

Volusia County, Clerk of Court

Signed, sealed and delivered in our presence:

Janet Fuller
Witness #1: (Signature)
Print Name: Janet Fuller

[Signature]
Witness #2: (Signature)
Print Name: [Signature]

Gladys I. Lenihan
GLADYS I. LENIHAN
C/O 3001 LORELI LANE
LAWRENCEVILLE, GA 30044

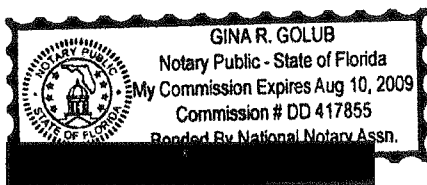
Witness: (Signature)
Print Name: _____

Witness: (Signature)
Print Name: _____

State of Florida
County of VOLUSIA

The foregoing instrument was acknowledged before me this 27th day of December, 2006, by
GLADYS I. LENIHAN, A SINGLE WOMAN,
who is personally known to me or who has produced A VALID PHOTO ID as identification.

[Signature]
NOTARY PUBLIC (signature)
Print Name:
My Commission Expires: GINA R. GOLUB
Stamp/Seal: 8/10/09



**CITY OF PORT ORANGE, FLORIDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
CASE NO. 15-476**

CITY OF PORT ORANGE,
a Florida municipal corporation,

Petitioner,

Patricia Manos
226 Pinerock Place
Port Orange, FL 32127
6322 [REDACTED]

Respondent.

/

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

THIS CAUSE came on for public hearing before the Code Enforcement Special Magistrate on May 27, 2015, after due notice to the Respondent(s), and the Special Magistrate having heard testimony under oath, received evidence and heard argument from Staff thereupon issues its Findings of Fact, Conclusions of Law, and Order, as follows:

FINDINGS OF FACT:

A. Respondent(s), Patricia Manos, whose mailing address is 226 Pinerock Place, Port Orange, FL 32127, is/are the owner(s) of the property located at 226 Pinerock Place, Port Orange, FL 32127, and more particularly described as:

LOT 26 LEISURE VILLAS SUB UNIT II MB 34 PG 76 PER OR 4023 PG
4693 PER OR 5610 PG 2206 PER OR 5988 PGS [REDACTED]

B. There is an overgrown lawn, an unregistered vehicle in the driveway, and items stored in the front of the home that are viewable from the adjacent property. This condition was first observed at the real property described above on March 24, 2015; re-inspections made on May 19, 2015 and May 25, 2015 confirmed the condition as being the same. Respondent(s), Patricia Manos, received notice via certified mail and posted at City Hall on April 27, 2015. Additionally, the notice was also posted at the property on April 23, 2015. The aforesaid conditions constituted a violation of Chapter 42, (Nuisances), Article II (Garbage, junk, and undergrowth), Section 42-26 (Cleanliness of property generally-duty of owner), §§ (d) (Maintenance of improved residential lots) & §§ (f) (Garbage, waste, trash, etc., prohibited) of the City of Port Orange Code of Ordinances, Chapter 42, (Storage of vehicles, furniture, etc.), Article II Section 42-32 of the City of Port Orange Code of Ordinances, and Chapter 70, (Traffic), Article II (Stopping, standing, parking), Section 70-49 (Restrictions on disabled or abandoned vehicles), of the City of Port Orange Code of Ordinances, and was to be corrected by May 8, 2015.

C. At the time of the hearing on May 27, 2015, the violations cited above: ☒ continue to exist, or ☐ remained noncompliant until _____ [Date].

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

CONCLUSION OF LAW:

Respondent(s), Patricia Manos, by reason of the foregoing, has/have violated Chapter 42, (Nuisances), Article II (Garbage, junk, and undergrowth), Section 42-26 (Cleanliness of property generally-duty of owner), §§ (d) (Maintenance of improved residential lots) & §§ (f) (Garbage, waste, trash, etc., prohibited) of the City of Port Orange Code of Ordinances, Chapter 42, (Storage of vehicles, furniture, etc.), Article II Section 42-32 of the City of Port Orange Code of Ordinances, and Chapter 70, (Traffic), Article II (Stopping, standing, parking), Section 70-49 (Restrictions on disabled or abandoned vehicles), of the City of Port Orange Code of Ordinances, in that the Respondent(s) failed, on or before the date set in the notice of violation, to remedy the conditions of the overgrown lawn, unregistered vehicle, and outside storage, is therefore subject to the provisions of the City of Port Orange Municipal Code 2.207.

ORDER:

A. Respondent(s) shall correct the aforesaid violation by mowing and trimming all high weeds and grass and removing all outside stored items. Also, the unregistered vehicle must be properly registered, covered with an approved car cover or removed from the property on or before June 7, 2015. In the event that the property is not brought into compliance on or before June 7, 2015, and/or not maintained in a state of compliance, a daily fine of \$100 per day will be assessed for each day the property is in violation beyond June 7, 2015. If paragraph D. above is checked and the Respondent(s) has/have not abated the condition by June 7, 2015, then notice of the violation will be given to the City Council. The City Council may repair the condition and charge the Respondent(s) with the reasonable costs of the repairs. Additionally, as per Chapter 2, Section 2-214, Code of Ordinances: "In addition to any fines, the Special Magistrate may impose additional fines to cover all costs incurred by the city in enforcing its codes and all costs or repairs pursuant to sub section (a)." The cost to date is \$40.65 as indicated on the cost sheet submitted into evidence. The Respondent(s) will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion. Any future violations under this ordinance shall be considered repeat violations.

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

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

DONE AND ORDERED this 27 day of May 2015

Attest: [Signature]
Secretary, Code Enforcement Special Magistrate

By: [Signature]
Code Enforcement Special Magistrate

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

[Signature]
Code Compliance Inspector

I HEREBY CERTIFY that a true and correct copy of the foregoing Findings of Fact, Conclusion of Law, and Order have been furnished to Respondent(s), Patricia Manos, 226 Pinerock Place, Port Orange, FL 32127 by Certified and Regular Mail this 28 day of May 2015

[Signature]
Secretary, Code Enforcement Special Magistrate

Exhibit A
Affidavit of Non-Compliance

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner,

Vs.

CASE NO: 15-476

**Patricia Manos
226 Pinerock Pl
Port Orange, FL 32127
6322-04-00-0260**

Respondent,

AFFIDAVIT OF NON-COMPLIANCE

**STATE OF FLORIDA
COUNTY OF VOLUSIA**

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

1. That on May 27, 2015, the Special Magistrate held a public hearing and issued his Order in the above-styled matter.
2. That pursuant to the said Order, Respondent was to have taken certain corrective action on or before June 7, 2015.
3. That a re-inspection was performed on June 9, 2015.
4. That the re-inspection revealed that the corrective action ordered by the Special Magistrate has not been taken. In that, the property has not been mowed, all garbage and debris has not been removed, an unregistered vehicle remains in the driveway and there are still items being stored in front of the home.

FURTHER AFFIANT SAYETH NOT.

Dated this 11th day of August 2015.

J. Scott Allman
J. Scott Allman
Code Compliance Inspector
City of Port Orange, Florida

STATE OF FLORIDA
COUNTY OF VOLUSIA

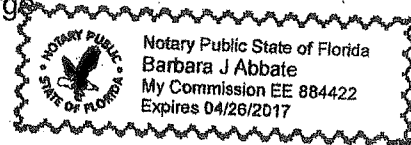
The foregoing instrument was acknowledged before me

This 11 day of August 2015 by

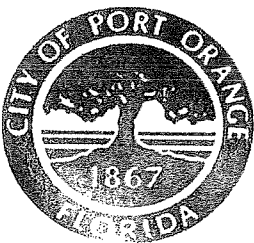
J. Scott Allman who

is personally known to me.

Barbara J Abbate
Notary Public
State of Florida at Large



Commission No. _____



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

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. 15-511

Name	Activity	Activity_Date	Status	Cost
Sandy J. Barnes	Mailing Notice of Violation/Notice of Hearing to 5645 Palm Avenue, Port Orange, FL 32127	04/17/2015		\$6.69
Sandy J. Barnes	Mailing Finding of Fact/Conclusion of Law & Order to 5645 Palm Avenue, Port Orange, FL 32127	04/22/2015		\$6.96
Clerk of Court	Recording Fee - Finding of Fact/Conclusion of Law & Order	04/22/2015		\$27.00
Sandy J. Barnes	Mailing Notice of Hearing to Set Fine/Lien	01/08/2016	Mail returned marked "Deceased"	\$6.95
Clerk of Court	Recording Fee - Order Setting Fine/Lien	02/10/2016		\$45.00

Total: \$92.60



**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 15-511

To: Barnes Sandy J.
5645 Palm Ave.
Port Orange, FL 32127

Re: 5645 Palm Ave.
Port Orange, FL 32127
Parcel ID: 6340-01-18-0011

LEGAL DESCRIPTION: LOT 1 BLK 18 EXC W 135 FT ON N/L & 5.5 FT ON S/L & INC TRI IN LOTS 2 & 3 BEING W 70 FT ON S/L TO POINT AT NW CORNER OF LOT 2 HARBOR OAKS UNIT 2 REPLAT PER OR 762 PG 0057 PER OR 6676 PG 0330 PER OR 6688 PG 0450 PER D/C 6694 PG 2333 PER D/C 6694 PG 4437

Volusia County Public Records
Volusia County, FL

An inspection of the premises on March 30, 2015, indicates that certain violation(s) of the City of Port Orange Code exists. In accordance with Section 162.06(4), Florida Statutes (2014), "the violation presents a serious threat to the public health, safety, and welfare" and, further, the violation "is irreparable or irreversible in nature". Briefly stated, the property is in violation of the following:

2015 International Property Maintenance Code, Chapter 1, Section 108, 108.1.1 Unsafe Structures, 103.1.3 Structure unfit for human occupancy, 108.1.5 Dangerous structure or premises, 108.6 Abatement methods.

City of Port Orange Code of Ordinances, Chapter 42, Section 42-26 (d)(f)(h) Cleanliness of property-generally duty of owner.

On February 22, 2014 at 0345 hours, a fire engulfed the structure at 5645 Palm Avenue, Port Orange, FL 32127. The owner of record, Sandy J. Barnes, perished in the fire. A subsequent fire inspection was finalized on February 22, 2015. The fire was deemed accidental. Possible heirs and relatives were sought to no avail. Statements from Chief Weir, Fire Marshal, and Kerry Leuzinger, Building Official, concur that the structure is deemed a severe life safety hazard and imminent collapse hazard due to heavy fire damage that adversely compromised the structure, and should be demolished as soon as possible. A complaint was initiated by a neighbor on March 30, 2015, stating the property is a hazard to the life and safety of the public and a nuisance of high weeds, overgrowth, and prompted an inspection by code enforcement. An inspection on April 16, 2105, found the property in the same condition.

Attachments:

☒ Copy of code

☒ Copy of Deed

☒ Copy of Tax Roll

This correspondence will serve as official notification that the above stated violation(s) must be corrected by April 21, 2015.

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

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

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** April 22, 2015, at 9:00 a.m., or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The **Special Magistrate** will receive testimony and evidence at said PUBLIC HEARING and shall make such findings of facts and conclusions of law as supported by the testimony and evidence pertaining to the matter alleged below, and shall issue a Final Order affording the proper relief. A certified copy of the Final Order may be recorded in the public records of the county and shall constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property, and the findings therein shall be binding upon the violator and, if the violation concerns real property, upon any subsequent purchasers, successors in interest, or assigns. If you fail to appear at the Hearing, the **Special Magistrate** may base any findings solely on the testimony and evidence presented by the Code Enforcement Inspector. Please govern yourself accordingly.

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

As per Chapter 2, Section 2-214, Code of Ordinances and Section 162.09(2)(d), Florida Statutes: "In addition to such fines, a code enforcement board or special magistrate may impose additional fines to cover all costs incurred by the local government in enforcing its codes and all costs of repairs." The costs incurred to date are \$ 16.69 as indicated on the cost sheet submitted into evidence. The respondent will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion.

NOTICE OF HEARING SETTING FINE AND LIEN

In the event the **Special Magistrate**, during the hearing on April 22, 2015, enters a Final Order finding a violation as alleged, pursuant to Chapter 7, Code of Ordinances, City of Port Orange, Florida, you are hereby called upon to take notice that a 2nd PUBLIC HEARING will be conducted in the above-styled cause by the Code Enforcement Special Magistrate on May 27, 2015, at 9:00 a.m., or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The 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 16th day of April, 2015.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By:

Deborah Faircloth
Deborah Faircloth

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Sandy J. Barnes, 5645 Palm Avenue, Port Orange, FL 32127, was

☐ Hand-delivered

☒ Posted at the property

Time: 3:47 pm

this 16th day of April, 2015.

Deborah Faircloth
Deborah Faircloth

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Sandy J. Barnes, 5645 Palm Avenue, Port Orange, FL 32127, was

☒ Posted at City Hall

☒ Sent via certified

this 17 day of April, 2015.

Debra Hebert
Secretary, Special Magistrate

RIGHT TO APPEAL

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

ACCOMMODATIONS

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



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

Last Updated: 04-07-2015 Today's Date: 4-9-2015		Volusia County Property Appraiser's Office <u>Property Record Card (PRC)</u> Morgan B. Gilreath Jr., M.A., A.S.A., C.F.A. Property Appraiser			
Full Parcel ID	40-16-33-01-18-0011	Mill Group	402 Port Orange		
Short Parcel ID	6340-01-18-0011				
Alternate Key	3688961	2014 Final Millage Rate	21.15960		
Parcel Status	Active Parcel	PC Code	01		
Date Created	31 DEC 1981				
Owner Name	BARNES SANDY J		GO TO ADD'L OWNERS		
Owner Name/Address 1					
Owner Address 2	5645 PALM AVE				
Owner Address 3	PORT ORANGE FL				
Owner Zip Code	32127				
Owner Percentage	100	Ownership Type			
Location Address	5645 PALM AV PORT ORANGE 32127				

LEGAL DESCRIPTION	GO TO ADD'L LEGAL
LOT 1 BLK 18 EXC W 135 FT ON N/L & 5.5 FT ON S/L & INC TRI I	
N LOTS 2 & 3 BEING W 70 FT ON S/L TO POINT AT NW CORNER OF L	

SALES HISTORY						GO TO ADD'L SALES	
#	BOOK	PAGE	DATE	INSTRUMENT	QUALIFICATION	IMPROVED?	SALE PRICE
1	6694	2333	3/2012	Death Certificate	Unqualified Sale	Yes	100
2	6694	4437	3/2012	Death Certificate	Unqualified Sale	Yes	100
3	6676	0330	2/2012	Personal Rep	Unqualified Sale	Yes	100

HISTORY OF VALUES								GO TO ADD'L HISTORY				
YEAR	LAND	BLDG (S)	MISC	JUST	ASD	SCH ASD	NS ASD	EXEMPT	TXBL	SCH TXBL	ADD'L EX	NS TXBL
2014	17,448	54,700	0	72,148	64,487	64,487	64,487	25,000	39,487	39,487	14,487	25,000
2013	17,448	50,941	0	68,389	63,534	63,534	63,534	25,000	38,534	38,534	13,534	25,000

LAND DATA												
CODE	TYPE OF	FRONTAGE	DEPTH	# OF	UNIT	RATE	DPH	LOC	SHP	PHY	JUST	

LEGAL DESCRIPTION
LOT 1 BLK 18 EXC W 135 FT ON N/L & 5.5 FT ON S/L & INC TRI I
N LOTS 2 & 3 BEING W 70 FT ON S/L TO POINT AT NW CORNER OF L
OT 2 HARBOR OAKS UNIT 2 REPLAT PER OR 762 PG 0057 PER OR 667
6 PG 0330 PER OR 6688 PG 0450 PER D/C 6694 PG 2333 PER D/C 6
694 PG 4437

This instrument prepared by:
EUGENE E. RHODES, JR.
ATTORNEY AT LAW
PO BOX 290580
PORT ORANGE FL 32129

Tax Parcel ID: 40-16-33-01-18-0011

[space above this line for recording]

Quitclaim Deed

By This Quitclaim Deed, JOSEPH A. BARNES, a married man, herein called Grantor, whose post office address is 3009 E. LYSON, GILBERT, AZ 85295, in consideration of Ten and NO/100 (\$10.00) Dollars paid by SANDY J. BARNES, a single man, herein called Grantee, whose post office address is 5645 PALM AVENUE, PORT ORANGE, FL 32127, and whose Taxpayer Identification Number is UNKNOWN, quit claims to Grantee all of Grantor's right, title and interest in the following described real property in VOLUSIA County, Florida:

PARCEL "A": A portion of Lot 1, Block 18, Replat of part of Harbor Oaks, Bay Shore Section of Unit #2, Harbor Oaks, as recorded in Map Book 23, Page 27, public records of Volusia County, Florida, more particularly described as follows:

From a reference point, being the Northwest corner of said Lot 1, Block 18, being also the intersection of the South line of Palm Avenue, a 60 foot street, with the Easterly line of Bay Shore Drive, a 50 ft. street, both as shown on the said plat of record; thence Easterly along the North line of said Lot 1, a distance of 135 feet to a point therein and the POINT OF BEGINNING; thence continue Easterly along said North line of Lot 1, a distance of 74.5 feet to the Northeast corner thereof; thence Southerly along the Easterly line of said Lot 1, a distance of 92.53 feet to the Southeast corner thereof; thence Southwesterly along the South line of said Lot 1, a distance of 69.84 feet to a point which is 5.5 feet Northeasterly, measured along said South line, from the Southwest corner of said Lot 1; thence Northwesterly in Lot 1 aforesaid, a distance of 125 feet, more or less, to the POINT OF BEGINNING.

PARCEL "B": Part of Lots 2 and 3, Block 18, Replat of part of Harbor Oaks, Bay Shore Section of Unit #2, Harbor Oaks, as recorded in Map Book 23, page 27, public records of Volusia County, Florida, more particularly described as follows:

BEGINNING at the Southwest corner of said Lot 2; thence Northeasterly along the Westerly line thereof, 75.34 feet to the Northwesterly corner thereof; thence Southwesterly in said Lots 2 and 3, 81.12 feet to a point in the Southerly line of said Lot 3, said point being 30 feet Northwesterly of the Southeast corner thereof, as measured on said Southerly line; thence Northwesterly along the Southerly line of said Lots 2 and 3, being also the Northerly line of Bay Shore Drive, a 50 foot street, 70 feet to the POINT OF BEGINNING.

Said property is not the homestead of the Grantor under the laws and Constitution of the State of Florida in that neither Grantor nor any member of the household of Grantor reside thereon.

This document was prepared at the request of the Grantee and no title search was requested or rendered.

Dated on Feb 27, 2012

[space above this line for recording]

Signed, sealed and delivered in the presence of:

Janis K. Barnes

(Type or print name beneath line)

Janis Barnes

Yolanda Rivera

(Type or print name beneath line)

YOLANDA RIVERA

Joseph A. Barnes

JOSEPH A. BARNES

(Type or print name beneath line)

Joseph A Barnes

[space below this line for acknowledgments]

STATE OF ARIZONA

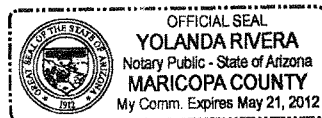
COUNTY OF Maricopa

ACKNOWLEDGMENT

The foregoing instrument was acknowledged before me on Feb 27, 2012, by
JOSEPH A. BARNES, ☐ who is personally known to me or ☒ who produced an Arizona Driver's License as
identification.

NOTARY PUBLIC:

{notarial seal}



Yolanda Rivera

(print or type name beneath signature line)

State of Arizona at Large

My commission expires: 05/21/12

My commission number is:

162.06 Enforcement procedure.—

- (1) It shall be the duty of the code inspector to initiate enforcement proceedings of the various codes; however, no member of a board shall have the power to initiate such enforcement proceedings.
- (2) Except as provided in subsections (3) and (4), if a violation of the codes is found, the code inspector shall notify the violator and give him or her a reasonable time to correct the violation. Should the violation continue beyond the time specified for correction, the code inspector shall notify an enforcement board and request a hearing. The code enforcement board, through its clerical staff, shall schedule a hearing, and written notice of such hearing shall be hand delivered or mailed as provided in s. 162.12 to said violator. At the option of the code enforcement board, notice may additionally be served by publication or posting as provided in s. 162.12. If the violation is corrected and then recurs or if the violation is not corrected by the time specified for correction by the code inspector, the case may be presented to the enforcement board even if the violation has been corrected prior to the board hearing, and the notice shall so state.
- (3) If a repeat violation is found, the code inspector shall notify the violator but is not required to give the violator a reasonable time to correct the violation. The code inspector, upon notifying the violator of a repeat violation, shall notify an enforcement board and request a hearing. The code enforcement board, through its clerical staff, shall schedule a hearing and shall provide notice pursuant to s. 162.12. The case may be presented to the enforcement board even if the repeat violation has been corrected prior to the board hearing, and the notice shall so state. If the repeat violation has been corrected, the code enforcement board retains the right to schedule a hearing to determine costs and impose the payment of reasonable enforcement fees upon the repeat violator. The repeat violator may choose to waive his or her rights to this hearing and pay said costs as determined by the code enforcement board.
- (4) If the code inspector has reason to believe a violation or the condition causing the violation presents a serious threat to the public health, safety, and welfare or if the violation is irreparable or irreversible in nature, the code inspector shall make a reasonable effort to notify the violator and may immediately notify the enforcement board and request a hearing.

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

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

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

SECTION 108 UNSAFE STRUCTURES AND EQUIPMENT

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

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

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

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

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

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

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

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

[A] **108.2 Closing of vacant structures.** If the structure is vacant and unfit for human habitation and *occupancy*, and is not in danger of structural collapse, the *code official* is authorized to post a placard of condemnation on the *premises* and order the structure closed up so as not to be an attractive nuisance. Upon failure of the *owner* or owner's authorized agent to close up the *premises* within the time specified in the order, the *code official* shall cause the *premises* to be closed and secured through any available public agency or by contract or arrangement by private persons and the cost thereof shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate and shall be collected by any other legal resource.

[A] **108.2.1 Authority to disconnect service utilities.** The *code official* shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this code and the referenced codes and standards set forth in Section 102.7 in case of emergency where necessary to eliminate an immediate hazard to life or property or where such utility connection has been made without approval. The *code official* shall notify the serving utility and, whenever possible, the *owner* or owner's authorized agent and *occupant* of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnection the *owner*, owner's authorized agent or *occupant* of the building structure or service system shall be notified in writing as soon as practical thereafter.

[A] **108.3 Notice.** Whenever the *code official* has condemned a structure or equipment under the provisions of this section, notice shall be posted in a conspicuous place in or about the structure affected by such notice and served on the *owner*, owner's authorized agent or the person or persons responsible for the structure or equipment in accordance with Section 107.3. If the notice pertains to equipment, it shall be placed on the condemned equipment. The notice shall be in the form prescribed in Section 107.2.

[A] **108.4 Placarding.** Upon failure of the *owner*, owner's authorized agent or person responsible to comply with the notice provisions within the time given, the *code official* shall post on the *premises* or on defective equipment a placard bearing the word "Condemned" and a statement of the penalties provided for occupying the *premises*, operating the equipment or removing the placard.

[A] **108.4.1 Placard removal.** The *code official* shall remove the condemnation placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated. Any person who defaces or removes a condemnation placard without the approval of the *code official* shall be subject to the penalties provided by this code.

[A] **108.5 Prohibited occupancy.** Any occupied structure condemned and placarded by the *code official* shall be vacated as ordered by the *code official*. Any person who shall occupy a placarded *premises* or shall operate placarded equipment, and any *owner*, owner's authorized agent or person responsible for the *premises* who shall let anyone occupy a placarded *premises* or operate placarded equipment shall be liable for the penalties provided by this code.

[A] **108.6 Abatement methods.** The *owner*, owner's authorized agent, *operator* or *occupant* of a building, *premises* or equipment deemed unsafe by the *code official* shall abate or cause to be abated or corrected such unsafe conditions either by repair, rehabilitation, demolition or other *approved* corrective action.

[A] **108.7 Record.** The *code official* shall cause a report to be filed on an unsafe condition. The report shall state the *occupancy* of the structure and the nature of the unsafe condition.

ARTICLE II. - GARBAGE, JUNK AND UNDERGROWTH

FOOTNOTE(S):

--- (2) ---

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

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

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

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

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

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

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

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

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

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

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

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