



REVISED AGENDA

CODE ENFORCEMENT SPECIAL MAGISTRATE

CITY OF PORT ORANGE

Meeting Date: Wednesday, June 8, 2016

Time: 9:00 AM

Type of Meeting: Regular

Location: Council Chambers
City Hall, 1000 City Center Circle

A. CALL TO ORDER

1. Attorney Overview of Special Magistrate Code Enforcement Process
2. Consideration of Minutes

B. FORMAL HEARING (COMPLIANCE OR NON-COMPLIANCE)

3. **CEB Case No.:** 16-64

Respondent: Riverwood Plantation HOA Inc.

Address of Violation: Riverwood Recreation Area Parcel E
Port Orange, FL 32127
Parcel ID: 6338-10-00-0005

Code Officer: Scott Allman

First Notified: 01/18/2016

Compliance: Yes

Cited for violation(s) - Fifth Edition (2014) Florida Building Code, Section 105.1 (Permits Required) as adopted by Chapter 8, Article 1 of the City of Port Orange Land Development Code.

C. ORDER IMPOSING FINE/LIEN

4. **CEB Case No.:** 16-0158 (Continued from May 25, 2016)

Respondent: John B. Clark

Address of Violation: Nova Road, Port Orange, FL 32127
Parcel ID: 6340-03-13-0040

Code Officer: Dena Joseph

First Notified: 02/23/2016

Compliance: No

Cited for violation(s) - Florida Building Code-Building, 5th Edition (2014), Section 105 (Permits), Section 105.1 (Required): Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or

plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit;

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; and

Chapter 10 (Clearing, Grading and Stormwater Management), Article I (Clearing and Grading), Section 2 (Permit Requirements for Change of Grade) of the City of Port Orange Land Development Code.

5. **CEB Case No.:** 16-162 (Continued from May 25, 2016)

Respondent: Brian M. Peterson and Brandy M. Peterson

Address of Violation: 767 Sandy Hill Circle, Port Orange, FL 32127

Code Officer: Scott Allman

First Notified: 03/04/2016

Compliance: No

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

6. **CEB Case No.:** 15-1481

Respondent: Judith Anderson

Address of Violation: 156 Sand Pebble Circle, Port Orange, FL 32129

Code Officer: Dena Joseph

First Notified: 03/14/2016

Compliance: No

Cited for violation(s) - Chapter 42 (Nuisances), Article II (Garbage, Junk and Undergrowth, Section 42-26 (Cleanliness of property generally – duty of owner, (d) Maintenance of Improved Residential Lots of the City of Port Orange Code of Ordinances;

Chapter 42 (Nuisances), Article II (Garbage, Junk and Undergrowth), Section 42-26 (Cleanliness of property generally – duty of owner), (f) Garbage, Waste, Trash, etc. Prohibited of the City of Port Orange Code of Ordinances;

Chapter 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;

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;

Chapter 1 (Scope and Administration), Section 108 (Unsafe Structures), 108.6 (Abatement methods) of the 2015 International Property Maintenance Code as adopted per Chapter 14,

Article II, of the City of Port Orange Code of Ordinances;

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;

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;

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;

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

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:

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;

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;

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;

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;

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; and

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.

Respondent: Cheryl Geno
Address of Violation: 1421 Chamale Lane, Port Orange, FL 32129
Code Officer: Dena Joseph
First Notified: 03/25/2016

Compliance: No

Cited for violation(s) - Chapter 42 (Nuisances), Article II (Garbage, Junk and Undergrowth), Section 42-26 (Cleanliness of property generally-duty of owner), (d) Maintenance of improved residential lots of the City of Port Orange Code of Ordinances: The 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 (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 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 16 (Miscellaneous Regulations), Section 3 (Fences and walls), (b) General Provisions, (4) Design and Maintenance, (b), (d) & (f) of the City of Port Orange Land Development Code:

(b) All fences shall be maintained in their original upright condition

(d) Missing boards, pickets, or posts shall be replaced in a timely manner with material of the same type and quality.

(f) The side of a fence or wall oriented to an adjoining property shall not create an adverse visual impact on such adjoining property.

8. **CEB Case No.:** 16-276
Respondent: Vicki L. Bassett
Address of Violation: 909 Tree Garden Drive, Port Orange, FL 32127
Code Officer: Scott Allman
First Notified: 03/11/2016

Compliance: No

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

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
MAY 25, 2016

THE SPECIAL MAGISTRATE HEARING of the City of Port Orange was called to order by Special Magistrate Branch at 9:15 a.m.

PRESENT: Raymond Branch, Special Magistrate

ALSO PRESENT: Dena Joseph, Code Compliance Inspector
Debbie Faircloth, Code Enforcement Inspector
Robin Fenwick, City Clerk

Consideration of Minutes

Special Magistrate Branch approved the May 11, 2016 meeting minutes with the notation to correct the name in case number 16-0450 from Don Clark to John Clark.

Oaths

Code Compliance Inspector Dena Joseph was sworn in by Special Magistrate Branch.

FORMAL HEARING (COMPLIANCE OR NON-COMPLIANCE)

3. **CEB Case No.:** 16-0428
Respondent: Linda & Armando Martin
Address of Violation: 926 Canalview Blvd., Port Orange, FL 32129
Code Officer: Dena Joseph
First Notified: 04/14/2016

Compliance: No

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

Ms. Joseph was sworn in by Special Magistrate Branch and requested a dismissal as this property is in compliance. Special Magistrate Branch granted the dismissal request.

ORDER IMPOSING FINE/LIEN

4. CEB Case No.: 16-162

Respondent: Brian M. Peterson and Brandy M. Peterson

Address of Violation: 767 Sandy Hill Circle, Port Orange, FL 32127

Code Officer: Scott Allman

First Notified: 03/03/2016

Compliance: No

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

Ms. Joseph requested a continuance so that vendor quotes can be received. Special Magistrate granted the continuance until June 8, 2016 subject to the respondents being provided with notice.

5. CEB Case No.: 15-2094

Respondent: Ryan Alan McDowell JTRS & Stacey Nicole Simon JTRS

Address of Violation: 4632 Golden Apples Trail, Port Orange, FL 32129

Code Officer: Dena Joseph

First Notified: 02/24/2016

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.

Ms. Joseph testified as to the condition of the property and the notices provided to the respondents. The violations have not been corrected. The property was abated on May 10, 2016 by the City vendor. Both the Affidavit of Non-Compliance and the Affidavit of Compliance were admitted into evidence. There were no fines imposed. Ms. Joseph asked for an award of the abatement costs in the amount of \$125.00, plus mailing and recording costs in the amount of \$100.14 for a total due of \$225.14. Special Magistrate Branch awarded said costs. The cost sheet and invoice from Tuff Turf Landscaping were admitted into evidence.

6. **CEB Case No.:** 16-0158

Respondent: John B. Clark

Address of Violation: 5390 Nova Road, Port Orange, FL 32127;
Parcel ID: 6340-03-13-0040

Code Officer: Dena Joseph

First Notified: 02/23/2016

Compliance: No

Cited for violation(s) - Florida Building Code-Building, 5th Edition (2014), Section 105 (Permits), Section 105.1 (Required): Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit;

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; and

Chapter 10 (Clearing, Grading and Stormwater Management), Article I (Clearing and Grading), Section 2 (Permit Requirements for Change of Grade) of the City of Port Orange Land Development Code.

Prior to the start of the meeting, the City Clerk advised the Special Magistrate of an error in the Finding of Fact/Conclusion of Law and Order. Special Magistrate Branch amends the Amended Finding of Fact, Conclusion of Law & Order to allow additional time for notice to the respondent. The Order Setting Fine/Lien hearing is hereby continued until June 8, 2016 with the compliance date extended until June 6, 2016. The City Clerk will provide notice to the respondent.

PUBLIC COMMENTS – There were no public comments.

ADJOURNMENT – 9:35 a.m.

Special Magistrate Raymond Branch

Case Cost Sheet Log

Case No. 16-64

Name	Activity	Activity_Date	Status	Cost
Riverwood Plantation HOA Inc. c/o Sherry K. Clifton, Registered Agent	Certified and Regular Mailing costs - Notice of Violation/Notice of Hearing to 1326 S. Ridgewood Avenue Suite 14, Daytona Beach, FL 32114	04/29/2016	Green card signed (undated) and received (5/11/16) by the City Clerk's Office	\$7.34
Riverwood Plantation HOA Inc	Regular mailing cost - Notice of Violation/Notice of Hearing to 6200 Riverwood Drive, Port Orange, FL 32127	04/29/2016		\$0.67
Clerk of Court	Recording Fees - Finding of Fact/Conclusion of Law & Order	06/08/2016		\$27.00
Riverwood Plantation HOA Inc. c/o Sherry K. Clifton, Registered Agent	Certified and Regular Mailing costs Finding of Fact/Conclusion of Law & Order to 1326 S. Ridgewood Avenue Suite 14, Daytona Beach, FL 32114	06/08/2016		\$7.34
Riverwood Plantation HOA Inc	Regular mailing cost - Finding of Fact/Conclusion of Law & Order to 6200 Riverwood Drive, Port Orange, FL 32127	06/08/2016		\$0.67

Total:



**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 16-64

To: Riverwood Plantation HOA INC
6200 Riverwood Dr
Port Orange, FL 32127

C/O Sherry K. Clifton (Registered Agent)
1326 S. Ridgewood Ave-STE 14
Daytona Beach, FL 32114

Re: Riverwood Recreation Area Parcel E
Port Orange, FL 32127
Parcel ID: 6338-10-00-0005

LEGAL DESCRIPTION: RECREATION AREA PARCEL E RIVERWOOD PHASE V-B MB 42 PG 122 PER OR 5959 PG 3285.
Volusia County Public Records
Volusia County, FL

An inspection of the premises on January 18, 2016 indicates that certain violation(s) of the City of Port Orange Code exists. Briefly stated, the property is in violation of the following:

Fifth Edition (2014) Florida Building Code, Section 105.1 (Permits Required) as adopted by Chapter 8, Article 1 of the City of Port Orange Land Development Code.

An inspection of the property was conducted on January 18, 2016. During that inspection, I observed an existing community dock that had the majority of the decking and railings replaced. The Building Official (Kerry Leuzinger) viewed the photos of the work and advised that a permit is required for the repairs to the dock. I notified the HOA and the property management company that a permit is required. To date, no permit has been applied for. To correct the violation, a permit must be applied for by a licensed contractor, approved by the City, obtained by the contractor and all necessary inspections completed.

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

This correspondence will serve as official notification that the above stated violation(s) must be corrected by **May 31, 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 June 8, 2016 at 9:00 a.m.**, or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The **Special Magistrate** will receive testimony and evidence at said PUBLIC HEARING and shall make such findings of facts and conclusions of law as supported by the testimony and evidence pertaining to the matter alleged below, and shall issue a Final Order affording the proper relief. A certified copy of the Final Order may be recorded in the public records of the county and shall constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property, and the findings therein shall be binding upon the violator and, if the violation concerns real property, upon any subsequent purchasers, successors in interest, or assigns. If you fail to appear at the Hearing, the **Special Magistrate** may base any findings solely on the testimony and evidence presented by the Code Enforcement Inspector. Please govern yourself accordingly.

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

As per Chapter 2, Section 2-214, Code of Ordinances and Section 162.09(2)(d), Florida Statutes: "In addition to such fines, a code enforcement board or special magistrate may impose additional fines to cover all costs incurred by the local government in enforcing its codes and all costs of repairs." The costs incurred to date are \$ 7.95 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 **June 8, 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 **July 13, 2016, at 9:00 a.m.**, or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The Code Enforcement Special Magistrate will consider setting fine lien on the above referenced case at said PUBLIC HEARING. Please govern yourself accordingly.

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

DATED this 29th day of April, 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 Riverwood Plantation HOA Inc., Port Orange, FL 32127, C/O Sherry K. Clifton (Registered Agent), 1326 S. Ridgewood Ave, Daytona Bch, FL 32114, was

☐ Hand-delivered

Recipient of hand delivered documents: _____

☐ Posted at the property

this _____ day of _____, 2016.

Time: approx. _____

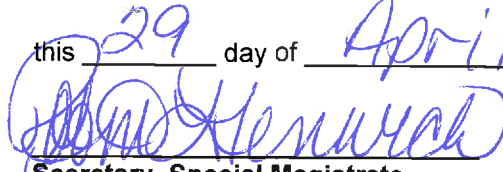
J. Scott Allman

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Riverwood Plantation HOA Inc., Port Orange, FL 32127, C/O Sherry K. Clifton (Registered Agent), 1326 S. Ridgewood Ave, Daytona Bch, FL 32114, was

☒ Posted at City Hall

☒ Sent via certified and regular

this 29 day of April, 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: 6338-10-00-0005 2016 Working Tax Roll Last Updated: 04-24-2016

Owner Name and Address

Alternate Key	6115958	Parcel Status	Active Parcel (Real Estate)
Short Parcel ID	6338-10-00-0005	Mill Group	402 Port Orange
Full Parcel ID	38-16-33-10-00-0005	2015 Final Mill Rate	20.86510
Created Date	02 AUG 2002		
Property Class	09 Residential Common Elements/Areas		
Ownership Type		Ownership Percent	100
Owner Name	RIVERWOOD PLANTATION HOA INC		
Owner Name/Address 1			
Owner Address 2	6200 RIVERWOOD DR		
Owner Address 3	PORT ORANGE FL		
Owner Zip/Postal Code	32127		
Situs Address	RIVERWOOD DR PORT ORANGE 32127		

Legal Description

RECREATION AREA PARCEL E RIVERWOOD PHASE V-B MB 42 PG 122 PER OR 4959 PG 3285

Sales History

Book	Page	Sale Date	Sale Instrument	Qualified Unqualified	Improved	Sale Price
4959	3285	10/2002	Quit Claim Deed	Multi parcel sale	No	10

History of Values

Working Tax

Year	Land	Bldg(s)	Misc. Impr.	Just Value	School Assessed	Non-School Assessed	School Exemption	School Taxable	Non-School Exemption	Non-School Taxable
2015	1	0	20,475	1	1	1	0	1	0	1
2014	1	0	17,008	1	1	1	0	1	0	1

[Display Value History](#)

Land Data

Code	Land Use Type	Frontage	Depth	No. Units	Unit Type	Rate	Depth	Loc	Shp	Phy	Just Value
0997	RES - COMMON AREA	0.0	0.0	1.00	LOT	1.00	100	100	100	100	1
Neighborhood 5637 RIVERWOOD PHASE V-B											
Total Land Classified											0
Total Land Just											1

Miscellaneous Improvements

Improvement Type	Number of Units	Unit Type	Life	Year In	Grade	Length	Width	Depr. Value
FOP OP PORCH FIN	225 SF		30	2005	3	15	15	2,213
DOC BOAT DOCK	1,632 SF		25	2005	3	544	3	17,301

Parcel Notes (Click button below to display Parcel Notes)

[Display Notes](#)

Planning and Building

Permit Number	Permit Amount	Date Issued	Date Complete	Construction Description	Occupancy Number	Occupancy Bldg
Display Permits						

Total Values

Land Value	1 New Construction Value	0
Building Value	0 City Econ Dev/Historic	0
Miscellaneous	19,514	
Just Value	1 Previous Just Value	1
School Assessed	1 Previous School Assessed	1
Non-School Assessed	1 Previous Non-School Assessed	1
Exemption Value	0 Previous Exemption Value	0
Additional Exemption Value	0 Previous Additional Exemption Value	0

Return to:

This Instrument Prepared By:
Robert F. Appar, Esquire
Post Office Box 10809
Daytona Beach, FL 32120-0809

11/06/2002 16:23
Doc stamps 0.70
(Transfer Amt \$ 10)
Instrument # 2002-255763
Book: 4959
Page: 3285
Diana M. Matousek
Volusia County, Clerk of Court

Parcel No. [redacted] 1: [redacted] 2: [redacted] 3: [redacted]
4: [redacted] 5: [redacted] 6: [redacted]
Grantee(s) S.S. #:

QUIT CLAIM DEED

This Quit Claim Deed, executed this 31st day of October, 2002, by Indigo Group Ltd., a Florida limited partnership, formerly known as Charles Wayne Group Ltd., whose post office address is Post Office Box 10809, Daytona Beach, Florida 32120-0809, first party, to Riverwood Plantation Homeowners Association, Inc. whose post office address is 6200 Riverwood Drive, Port Orange, Florida 32127, second party:

(Wherever used herein the terms "first party" and "second party" shall include singular and plural, heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, wherever the context so admits or requires.)

WITNESSETH, That the said first party, for and in consideration of the sum of \$1.00 in hand paid by the said second party, the receipt whereof is hereby acknowledged, does hereby remise, release and quit-claim unto the said second party forever, all the right, title, interest, claim and demand which the said first party has in and to the following described lot, piece or parcel of land, situate, lying and being in the County of Volusia, State of Florida, to wit:

Parcels A, B, C, D, E, F, and G, RIVERWOOD PHASE V-B, according to the plat thereof, recorded in Map Book 42, Page 122, Public Records of Volusia County, Florida.

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

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

Signed, sealed and delivered in the presence of:

INDIGO GROUP LTD., a Florida limited partnership

BY: INDIGO GROUP INC., a Florida corporation,
Managing General Partner

Christine A. Byrne
Christine A. Byrne
Printed Name

By: Bruce W. Teeters
Bruce W. Teeters, President

Denise Mott
Denise Mott
Printed Name

Corporate Seal



STATE OF FLORIDA

COUNTY OF VOLUSIA

I hereby certify that on this day, before me, an officer duly authorized in the State and in the County aforesaid to take acknowledgements, personally appeared BRUCE W. TEETERS, as President of INDIGO GROUP INC., a Florida corporation, the Managing General Partner of INDIGO GROUP LTD., a Florida limited partnership, to me known to be the person described in and who executed the foregoing instrument and he acknowledged before me that he executed the same on behalf of the corporation and the partnership. He is personally known to me.

WITNESS my hand and official seal in the County and State last aforesaid this 31st day of October, 2002.

My Commission Expires:



Sandra K. Metzger
MY COMMISSION # CC927227 EXPIRES
April 12, 2004
BONDED THRU TROY FAIR INSURANCE, INC

Sandra K. Metzger
Printed Name

NOTARY PUBLIC - STATE OF FLORIDA

FLORIDA DEPARTMENT OF STATE
DIVISION OF CORPORATIONS**Detail by Entity Name****Florida Not For Profit Corporation**

RIVERWOOD PLANTATION HOMEOWNERS ASSOCIATION, INC.

Filing Information

Document Number	N07162
FEI/EIN Number	59-2489912
Date Filed	01/17/1985
State	FL
Status	ACTIVE

Principal Address6200 RIVERWOOD DR
PORT ORANGE, FL 32127

Changed: 05/29/2014

Mailing Address6200 RIVERWOOD DR
PORT ORANGE, FL 32127

Changed: 05/29/2014

Registered Agent Name & AddressCLIFTON, SHERRY K
1326 S. RIDGEWOOD AVENUE - STE. 14
DAYTONA BEACH, FL 32114

Name Changed: 09/12/2014

Address Changed: 09/12/2014

Officer/Director Detail**Name & Address**

Title VP

Bishara, Magdi
6200 RIVERWOOD DR
PORT ORANGE, FL 32127

Title President

Beck, William

104.11 Alternative materials, design and methods of construction and equipment. The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material, design or method of construction shall be approved where the building official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety. When alternate life safety systems are designed, the *SFPE Engineering Guide to Performance-Based Fire Protection Analysis and Design of Buildings*, or other methods approved by the building official may be used. The building official shall require that sufficient evidence or proof be submitted to substantiate any claim made regarding the alternative.

104.11.1 Research reports. Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall consist of valid research reports from approved sources.

104.11.2 Tests. Whenever there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, the building official shall have the authority to require tests as evidence of compliance to be made at no expense to the jurisdiction. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the building official shall approve the testing procedures. Tests shall be performed by an approved agency. Reports of such tests shall be retained by the building official for the period required for retention of public records.

104.11.3 Accessibility. Alternate designs and technologies for providing access to and usability of a facility for persons with disabilities shall be in accordance with Section 11-2.2.

104.12 Requirements not covered by code. Any requirements necessary for the strength, stability or proper operation of an existing or proposed building, structure, electrical, gas, mechanical or plumbing system, or for the public safety, health and general welfare, not specifically covered by this or the other

technical codes, shall be determined by the building official.

SECTION 105 PERMITS

105.1 Required. Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any required impact-resistant coverings, electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.

105.1.1 Annual facility permit. In lieu of an individual permit for each alteration to an existing electrical, gas, mechanical, plumbing or interior nonstructural office system(s), the building official is authorized to issue an annual permit for any occupancy to facilitate routine or emergency service, repair, refurbishing, minor renovations of service systems or manufacturing equipment installations/relocations. The building official shall be notified of major changes and shall retain the right to make inspections at the facility site as deemed necessary. A annual facility permit shall be assessed an annual fee and shall be valid for one year from date of issuance. A separate permit shall be obtained for each facility and for each construction trade, as applicable. The permit application shall contain a general description of the parameters of work intended to be performed during the year.

105.1.2 Annual permit records. The person to whom an annual permit is issued shall keep a detailed record of alterations made under such annual permit. The building official shall have access to such records at all times or such records shall be filed with the building official as designated.

105.1.3 Food permit. As per §500.12, Florida Statutes, a food permit from the Department of Agriculture and Consumer Services is required of any person who operates a food establishment or retail store.

105.2 Work exempt from permit. Exemptions from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code. Permits shall not be required for the following:

Case Cost Sheet Log

Case No. 16-0158 (Continued from May 25, 2016)

Name	Activity	Activity_Date	Status	Cost
John B. Clark	Costs for mailing the Notice of Violation/Notice of Hearing to 2518 Tortugas Lane, Fort Lauderdale, FL 33312	02/24/2016	Returned unclaimed	\$6.95
Clerk of Court	Recording fees - Finding of Fact/Conclusion of Law & Order	04/13/2016		\$27.00
John B. Clark	Costs for mailing the Finding of Fact/Conclusion of Law & Order to 2518 Tortugas Lane, Fort Lauderdale, FL 33312	04/13/2016		\$6.95
Clerk of Court	Recording fees - Order Setting Fine/Lien	05/25/2016		\$44.00
John B. Clerk	Costs for mailing the Order Setting Fine/Lien to 2518 Tortugas Lane, Fort Lauderdale, FL 33312	05/25/2016		\$0.67

Total: 85.57



NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 16-0158

To: John B. Clark
Property Owner
2518 Tortugas Ln
Fort Lauderdale FL 33312

Re: Nova Road
Port Orange, FL 32127
Parcel ID: 6340-03-13-0040

LEGAL DESCRIPTION: LOT 4 BLK M BAYWOOD REPLAT MB 23 PGS 44-45 INC PER OR 6982 PG 3449 PER OR 6982 PG 3451

Volusia County Public Records
Volusia County, FL

An inspection of the premises on **DECEMBER 28, 2015** indicates that certain violation(s) of the City of Port Orange Code exists. Briefly stated, the property is in violation of the following:

Florida Building Code-Building, 5th Edition (2014), Section 105 (Permits), Section 105.1 (Required): Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.

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 10 (Clearing, Grading and Stormwater Management), Article I (Clearing and Grading), Section 2 (Permit Requirements for Change of Grade) of the City of Port Orange Land Development Code: It is hereby unlawful for any person to change or modify the grade of any land without obtaining a change of grade permit in accordance with the provisions of this chapter.

Original inspection conducted on **December 28, 2015** after receiving a complaint that the residents are running a used car and truck business at this location. Inspection conducted on this date. Found one Jeep on site for sale. Main concern on this property is that they are clearing the property next door. Also, there is a large abundance of outside storage in this area along with a shed that has been placed on the property which was not permitted. Left 5 day door hanger to store all outside storage inside or behind an opaque fence. I also asked residents to call re: additional complaints such as the business and the clearing. As of January 12, 2016, nothing had been done and I had not heard from the residents. On January 13, 2016, I posted a stop work order for clearing and the installation of the shed. Photos taken of posting. The items being stored on the outside of the property were never removed. Property remains in non-compliance.

Attachments: ☒ Copy of code

☒ Copy of Deed

☒ Copy of Tax Roll

This correspondence will serve as official notification that the above stated violation(s) must be corrected by **MARCH 8, 2016 BY APPLYING FOR THE APPROPRIATE PERMITS AND COMPLYING TO THE PROVISIONS AS SET FORTH ON THOSE PERMITS, AND REMOVING ALL OUTSIDE STORAGE ON THE PROPERTY.**

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

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

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

NOTICE OF HEARING AS TO VIOLATION(S) ALLEGED

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

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

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

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

NOTICE OF HEARING SETTING FINE AND LIEN

In the event the **Special Magistrate**, during the hearing on **April 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 **May 25, 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 23rd 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 John B. Clark, Property Owner, 2518 Tortugas Lane, Ft. Lauderdale, FL 33312, was

☐ Hand-delivered Recipient of hand delivered documents: _____

☒ Posted at the property

Time: approx. 1:46 PM

this 23rd day of February, 2016.

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 John B. Clark, Property Owner, 2518 Tortugas Lane, Ft. Lauderdale, FL 33312, was

☒ Posted at City Hall

☒ Sent via certified

this 24 day of February, 2016.

John A. Kewich
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: 6340-03-13-0040 **2016 Working Tax Roll** Last Updated: 02-21-2016

Owner Name and Address

Alternate Key	3692519	Parcel Status	Active Parcel (Real Estate)
Short Parcel ID	6340-03-13-0040	Mill Group	402 Port Orange
Full Parcel ID	40-16-33-03-13-0040	2015 Final Mill Rate	20.86510
Created Date	31 DEC 1981		
Property Class	00 Vacant Residential		
Ownership Type	Fee Simple	Ownership Percent	100
Owner Name	CLARK JOHN B		
Owner Name/Address 1			
Owner Address 2	2518 TORTUGAS LN		
Owner Address 3	FORT LAUDERDALE FL		
Owner Zip/Postal Code	33312		
Situs Address	NOVA RD PORT ORANGE 32127		

Legal Description
 LOT 4 BLK M BAYWOOD REPLAT MB 23 PGS 44-45 INC PER OR 6982 PG 3449 PER OR 6982 PG 3451

Sales History

Book Page	Sale Date	Sale Instrument	Qualified Unqualified	Improved	Sale Price
6982 3451	02/2014	Warranty Deed	Unqualified Sale	No	5,000
6982 3449	08/1988	Death Certificate	Unqualified Sale	No	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
2015	13,847	0	0	13,847	13,847	13,847	0	13,847	0	13,847
2014	13,293	0	0	13,293	13,293	13,293	0	13,293	0	13,293

Land Data

Code	Land Use Type	Frontage	Depth	No. Units	Unit Type	Rate	Depth	Loc	Shp	Phy	Just Value
0001	VAC PVD THRU .49 AC	60.0	150.0	60.00	FRONT FEET	250.01	103	80	100	45	5,539
Neighborhood 5769 HARBOR OAKS UNIT 2 (6340-01)											
Total Land Classified											0
Total Land Just											5,539

Parcel Notes (Click button below to display Parcel Notes)

Planning and Building

Permit Number	Permit Amount	Date Issued	Date Complete	Construction Description	Occupancy Number	Occupancy Bldg
Display Permits						

Total Values

Land Value	5,539 New Construction Value	0
Building Value	0 City Econ Dev/Historic	0
Miscellaneous	0	
Just Value	5,539 Previous Just Value	13,847
School Assessed	5,539 Previous School Assessed	13,847
Non-School Assessed	5,539 Previous Non-School Assessed	13,847
Exemption Value	0 Previous Exemption Value	0
Additional Exemption Value	0 Previous Additional Exemption Value	0
School Taxable	5,539 Previous School Taxable	13,847
Non-School Taxable	5,539 Previous Non-School Taxable	13,847

Name: JOHN B. CLARK
Address: 2518 TORTUGAS LANE
FORT LAUDERDALE, FL 33312
This Instrument Prepared by:
Name: SAME
Address:

Property Appraisers Parcel Identification

Folio Number(s): Full 40-16-33-03-13-0040
Grantee(s) S.S. # (s): Short 6340-03-13-0040

04/28/2014 09:12 AM
Doc stamps 35.00
(Transfer Amt \$ 5000)
Instrument# 2014-073857 # 1
Book: 6982
Page: 3451
Diane M. Matousek
Volusia County, Clerk of Court

SPACE ABOVE THIS LINE FOR PROCESSING DATA

SPACE ABOVE THIS LINE FOR RECORDING DATA

This Warranty Deed, Made the 17 day of April, 2014, by
Dorothy A. Van Winkle, Jerry C. Van Winkle (Deceased) Debra L. Williams
hereinafter called the Grantor, to John B. Clark
whose post office address is 2518 TORTUGAS LANE FORT LAUDERDALE, FL 33312
hereinafter called the Grantee.

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

Witnesseth, That the Grantor, for and in consideration of the sum of \$ 5,000 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 4 BLK M BAYWOOD REPLAT MB 23 PGS
44 & 45

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, and hereby warrants
the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said
land is free of all encumbrances, except taxes accruing subsequent to December 31.

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

Signed, sealed and delivered in the presence of:

Bill Leavelle
Witness Signature (as to first Grantor)

Bill Leavelle
Printed Name

Bill Leavelle
Witness Signature (as to first Grantor)

Bill Leavelle
Printed Name

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

Michael Swan
Printed Name

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

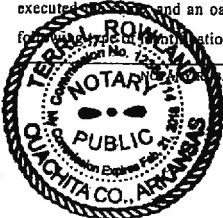
Printed Name

STATE OF Arkansas

COUNTY OF Quachita

Debra L. Williams

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



Debra L. Williams P.O. A. for

Dorothy Allen Horton Van Winkle
Grantor Signature

Debra L. Williams
Printed Name

Post Office Address

Co-Grantor Signature, (if any)

Printed Name

Post Office Address

I hereby Certify that on this day, before me, an officer duly authorized
to administer oaths and take acknowledgments, personally appeared

Witness my hand and official seal in the County and State last aforesaid
this 27 day of Feb, A.D. 2014.
Terri L. Rowland
Notary Signature
TERRI L. ROWLAND
Printed Name

[A] **104.9 Approved materials and equipment.** Materials, equipment and devices *approved* by the *building official* shall be constructed and installed in accordance with such approval.

[A] **104.9.1 Used materials and equipment.** The use of used materials which meet the requirements of this code for new materials is permitted. Used equipment and devices shall not be reused unless *approved* by the *building official*.

[A] **104.10 Modifications.** Reserved.

[A] **104.10.1 Flood hazard areas.** Reserved.

[A] **104.11 Alternative materials, design and methods of construction and equipment.** The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative has been *approved*. An alternative material, design or method of construction shall be *approved* where the *building official* finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code in quality, strength, effectiveness, *fire resistance*, durability and safety.

[A] **104.11.1 Research reports.** Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall consist of valid research reports from *approved* sources.

[A] **104.11.2 Tests.** Whenever there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, the *building official* shall have the authority to require tests as evidence of compliance to be made at no expense to the jurisdiction. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the *building official* shall approve the testing procedures. Tests shall be performed by an *approved agency*. Reports of such tests shall be retained by the *building official* for the period required for retention of public records.

SECTION 105 PERMITS

[A] **105.1 Required.** Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any impact-resistant coverings, electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the *building official* and obtain the required *permit*.

[A] **105.1.1 Annual facility permit.** In lieu of an individual permit for each alteration to an existing electrical, gas, mechanical, plumbing or interior nonstructural office sys-

tem(s), the *building official* is authorized to issue an annual permit for any occupancy to facilitate routine or emergency service, repair, refurbishing, minor renovations of service systems or manufacturing equipment installations/relocations. The *building official* shall be notified of major changes and shall retain the right to make inspections at the facility site as deemed necessary. An annual facility permit shall be assessed with an annual fee and shall be valid for one year from date of issuance. A separate permit shall be obtained for each facility and for each construction trade, as applicable. The permit application shall contain a general description of the parameters of work intended to be performed during the year.

[A] **105.1.2 Annual permit records.** The person to whom an annual *permit* is issued shall keep a detailed record of *alterations* made under such annual *permit*. The *building official* shall have access to such records at all times or such records shall be filed with the *building official* as designated.

105.1.3 Food permit. In accordance with Section 500.12, *Florida Statutes*, a food permit from the Department of Agriculture and Consumer Services is required of any person who operates a food establishment or retail store.

105.1.4 Public swimming pool. The local enforcing agency may not issue a building permit to construct, develop, or modify a public swimming pool without proof of application, whether complete or incomplete, for an operating permit pursuant to Section 514.031, *Florida Statutes*. A certificate of completion or occupancy may not be issued until such operating permit is issued. The local enforcing agency shall conduct their review of the building permit application upon filing and in accordance with Chapter 553, *Florida Statutes*. The local enforcing agency may confer with the Department of Health, if necessary, but may not delay the building permit application review while awaiting comment from the Department of Health.

[A] **105.2 Work exempt from permit.** Exemptions from *permit* requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code. *Permits* shall not be required for the following:

Gas:

1. Portable heating appliance.
2. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.

Mechanical:

1. Portable heating appliance.
2. Portable ventilation equipment.
3. Portable cooling unit.
4. Steam, hot or chilled water piping within any heating or cooling equipment regulated by this code.
5. Replacement of any part that does not alter its approval or make it unsafe.
6. Portable evaporative cooler.

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)

Section 2: - Permit requirements for change of grade.

It is hereby unlawful for any person to change or modify the grade of any land without obtaining a change of grade permit in accordance with the provisions of this chapter. The following procedure shall apply for unsubdivided property or subdivided lots with no approved development or building plan. However, the provisions of article II of this chapter shall supersede the following for those activities requiring a stormwater management permit as reflected in article II of this chapter.

- (a) *Application procedure.* Application shall be made to the community development department on an appropriate form provided by the city. Application submittal shall include the necessary drawings of documents to show the following:
 - (1) All existing trees eight inches or over DBH; other vegetation depicted by canopy area or spread with average density, height, and trunk dimensions; the trees and vegetation to be removed shall be clearly noted and all specimen trees proposed for removal shall be individually noted.
 - (2) The existing and proposed grades, in one-foot contours, of the property of the applicant and that of all abutting property owners. The nature of the proposed changes of grade and justification for such changes shall be noted.
 - (3) The name, address and telephone number of the applicant to which all notices and communications relating to such application may thereafter be sent, as well as a brief statement describing the need for, and intent of, the proposed work.
- (b) *Standards of review.* The application shall be reviewed on the following criteria:
 - (1) The extent to which the actual or intended use of the property requires changes of grade.
 - (2) The desirability of preserving any tree by reason of its size, age, or some other outstanding quality, such as uniqueness, rarity or status as an historic or specimen tree.
 - (3) The extent to which the area would be subject to increased water runoff and other environmental degradation due to removal of the trees and changes of grade.
 - (4) The heightened desirability of preserving or enhancing tree cover in densely developed populated areas.
 - (5) The need for visual screening in transitional areas, or relief from glare, blight, commercial or industrial unsightliness or any other affront to the visual or aesthetic sense in the area.
 - (6) The effect that changes in the natural existing grade will have on the trees to be protected and preserved.
 - (7) The effect that changes in the natural or existing grade will have on drainage and its impact on adjoining properties.

**CITY OF PORT ORANGE, FLORIDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
CASE NO. 16-0158**

CITY OF PORT ORANGE,
a Florida municipal corporation,

Petitioner,

JOHN B. CLARK
5390 NOVA ROAD
PORT ORANGE, FL 32127
PARCEL ID: 6340-03-13-0040

Respondent.

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

THIS CAUSE came on for public hearing before the Code Enforcement Special Magistrate on April 13, 2016, 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), John B. Clark, whose mailing address is 2518 Tortugas Lane, Fort Lauderdale, FL 33312, is/are the owner(s) of the property located at 5390 Nova Road, Port Orange, FL 32127, and more particularly described as:

LOT 4 BLK M BAYWOOD REPLAT MB 23 PGS 44-45 INC PER OR 6982 PG 3449
PER OR 6982 PG 3451

B. There is a large abundance of outside storage on the property, along with a shed that was placed on the property without a permit. This condition was first observed at the real property described above on December 28, 2015; re-inspections made on March 9, 2016 and April 12, 2016 confirmed the condition as being the same. Respondents received notice via certified mail and posting at City Hall on February 24, 2016, as well as via posting on the property on February 23, 2016, that the aforesaid conditions constituted a violation of Florida Building Code-Building, 5th Edition (2014), Section 105 (Permits), Section 105.1 (Required) and Chapter 42 (Nuisances) of the City of Port Orange Code of Ordinances, Article II, (Garbage, Junk and Undergrowth), Section 42-32, (Storage of vehicles, furniture, etc.), and was to be corrected by March 8, 2016.

C. At the time of the hearing on April 13, 2016, 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), John B. Clark, by reason of the foregoing, has/have violated Florida Building Code-Building, 5th Edition (2014), Section 105 (Permits), Section 105.1 (Required) and Chapter 42 (Nuisances) of the City of Port Orange Code of Ordinances, Article II, (Garbage, Junk and Undergrowth), Section 42-32, (Storage of vehicles, furniture, etc.), in that the Respondent(s) failed, on or before the date set in the notice of violation, to remedy the conditions of obtaining a permit or removing the shed that was illegally placed on the property and remove all items being stored on the lot, is therefore subject to the provisions of the City of Port Orange Municipal Code 2.207.

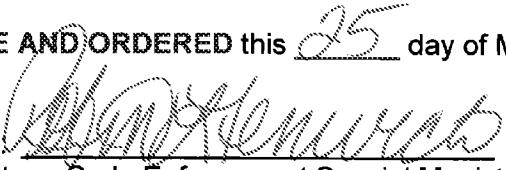
ORDER:

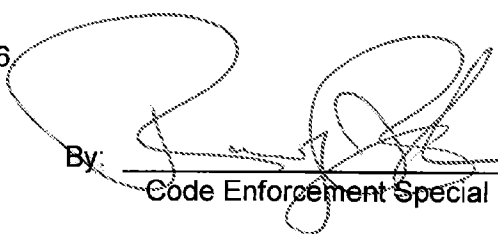
A. Respondent(s) shall correct the aforesaid violation by this ORDER on or before June 6, 2016. In the event that the property is not brought into compliance on or before said date, and/or not maintained in a state of compliance, a fine in the amount of \$100.00 per day will be assessed against the property beginning June 7, 2016. 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 \$40.90 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.

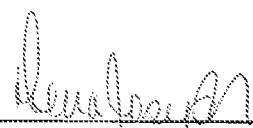
C. A certified copy of this Order may be recorded in the public records of Volusia County, Florida, and shall thereafter constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property. The findings in this Order shall be binding upon Respondent(s) 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 25 day of May, 2016

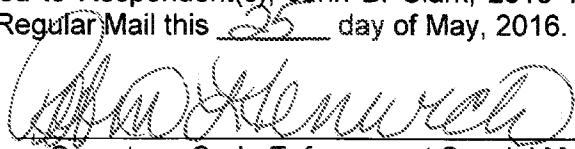
Attest: 
Secretary, Code Enforcement Special Magistrate

By: 
Code Enforcement Special Magistrate

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


Code Compliance Inspector

I **HEREBY CERTIFY** that a true and correct copy of the foregoing Amended Findings of Fact, Conclusion of Law, and Order have been furnished to Respondent(s), John B. Clark, 2518 Tortugas Lane, Fort Lauderdale, FL 33312 by Certified and Regular Mail this 25 day of May, 2016.



Secretary, Code Enforcement Special Magistrate

**CITY OF PORT ORANGE, FLORIDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
CASE NO. 16-0158**

CITY OF PORT ORANGE,
a Florida municipal corporation,

Petitioner,

JOHN B. CLARK
5390 NOVA ROAD
PORT ORANGE, FL 32127
PARCEL ID: 6340-03-13-0040

Respondent.

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

THIS CAUSE came on for public hearing before the Code Enforcement Special Magistrate on April 13, 2016, 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), John B. Clark, whose mailing address is 2518 Tortugas Lane, Fort Lauderdale, FL 33312, is/are the owner(s) of the property located at 5390 Nova Road, Port Orange, FL 32127, and more particularly described as:

LOT 4 BLK M BAYWOOD REPLAT MB 23 PGS 44-45 INC PER OR 6982 PG 3449
PER OR 6982 PG 3451

B. There is a large abundance of outside storage on the property, along with a shed that was placed on the property without a permit. This condition was first observed at the real property described above on December 28, 2015; re-inspections made on March 9, 2016 and April 12, 2016 confirmed the condition as being the same. Respondents received notice via certified mail and posting at City Hall on February 24, 2016, as well as via posting on the property on February 23, 2016, that the aforesaid conditions constituted a violation of Florida Building Code-Building, 5th Edition (2014), Section 105 (Permits), Section 105.1 (Required) and Chapter 42 (Nuisances) of the City of Port Orange Code of Ordinances, Article II, (Garbage, Junk and Undergrowth), Section 42-32, (Storage of vehicles, furniture, etc.), and was to be corrected by March 8, 2016.

C. At the time of the hearing on April 13, 2016, 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), John B. Clark, by reason of the foregoing, has/have violated Florida Building Code-Building, 5th Edition (2014), Section 105 (Permits), Section 105.1 (Required) and Chapter 42 (Nuisances) of the City of Port Orange Code of Ordinances, Article II, (Garbage, Junk and Undergrowth), Section 42-32, (Storage of vehicles, furniture, etc.), in that the Respondent(s) failed, on or before the date set in the notice of violation, to remedy the conditions of high weeds and grass is therefore subject to the provisions of the City of Port Orange Municipal Code 2.207.

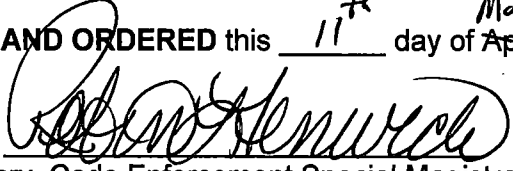
ORDER:

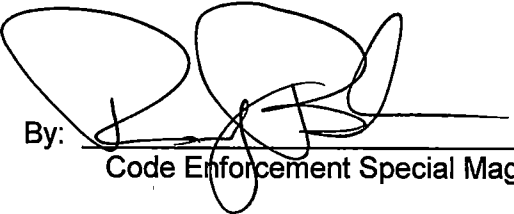
A. Respondent(s) shall correct the aforesaid violation by this ORDER on or before April 23, 2016. In the event that the property is not brought into compliance on or before April 23, 2016, and/or not maintained in a state of compliance, a fine in the amount of \$100.00 per day will be assessed against the property until it is abated. 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 \$40.90 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.

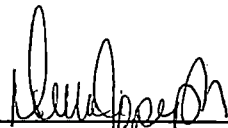
C. A certified copy of this Order may be recorded in the public records of Volusia County, Florida, and shall thereafter constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property. The findings in this Order shall be binding upon Respondent(s) 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 11th day of May, 2016.

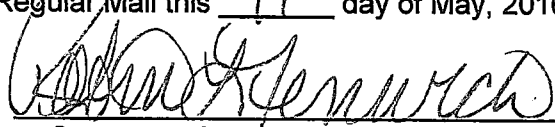
Attest: 
Secretary, Code Enforcement Special Magistrate

By: 
Code Enforcement Special Magistrate

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


Code Compliance Inspector

I HEREBY CERTIFY that a true and correct copy of the foregoing Amended Findings of Fact, Conclusion of Law, and Order have been furnished to Respondent(s), John B. Clark, 2518 Tortugas Lane, Fort Lauderdale, FL 33312 by Certified and Regular Mail this 11 day of May, 2016.



Secretary, Code Enforcement Special Magistrate



CITY OF PORT ORANGE, FLORIDA

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

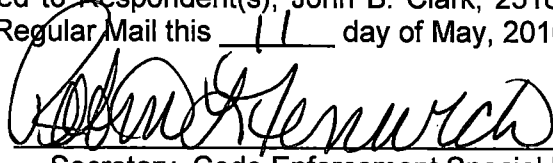
This document has/has not been redacted pursuant to Florida Law

This 11 day of May, 2016.

By: 

/s/ Robin L. Fenwick

I HEREBY CERTIFY that a true and correct copy of the foregoing Amended Findings of Fact, Conclusion of Law, and Order have been furnished to Respondent(s), John B. Clark, 2518 Tortugas Lane, Fort Lauderdale, FL 33312 by Certified and Regular Mail this 11 day of May, 2016.



Secretary, Code Enforcement Special Magistrate

Case Cost Sheet Log

Case No. 16-162 (Continued from May 25, 2016)

Name	Activity	Activity_Date	Status	Cost
Brian M. Peterson	Costs for mailing the Notice of Violation/Notice of Hearing to 767 Sandy Hill Circle, Port Orange, FL 32127	03/07/2016	Returned unclaimed	\$6.95
Brandy M. Peterson	Costs for mailing the Notice of Violation/Notice of Hearing to 767 Sandy Hill Circle, Port Orange, FL 32127	03/07/2016	Returned unclaimed	\$6.95
Clerk of Court	Recording fees - Finding of Fact/Conclusion of Law & Order	04/13/2016		\$27.00
Brian M. Peterson	Costs for mailing the Finding of Fact/Conclusion of Law & Order to 767 Sandy Hill Circle, Port Orange, FL 32127	04/13/2016		\$6.95
Brandy M. Peterson	Costs for mailing the Finding of Fact/Conclusion of Law & Order to 767 Sandy Hill Circle, Port Orange, FL 32127	04/13/2016		\$6.95
Clerk of Court	Recording fees - Order Setting Fine/Lien	06/08/2016		\$44.00
Brian M. Peterson	Costs for mailing the Order Setting Fine/Lien to 767 Sandy Hill Circle, Port Orange, FL 32127	06/08/2016		\$0.67
Brandy M. Peterson	Costs for mailing the Order Setting Fine/Lien to 767 Sandy Hill Circle, Port Orange, FL 32127	06/08/2016		\$0.67

Total: 100.14



**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 16-162

To:
Brian M. & Brandy M. Peterson
767 Sandy Hill Cir
Port Orange, FL 32127

Re: 767 Sandy Hill Cir
Port Orange, FL 32127
Parcel ID: 6316-08-00-0230
LEGAL DESCRIPTION: LOT 23 COUNTRYSIDE SUB UNIT II MB 39 PGS 79 & 80 PER OR 5308 PG 3307
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) 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.

An inspection of the property was conducted on February 4, 2016. During the inspection, I observed a lawn violation. A re-inspection was conducted on February 11, 2016 and the property was still in violation. To correct the violation, the property must be mowed and all high weeds trimmed.

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

This correspondence will serve as official notification that the above stated violation(s) must be corrected by **March 18, 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 April 13, 2016 at 9:00 a.m.**, or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The **Special Magistrate** will receive testimony and evidence at said PUBLIC HEARING and shall make such findings of facts

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

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

As per Chapter 2, Section 2-214, Code of Ordinances and Section 162.09(2)(d), Florida Statutes: "In addition to such fines, a code enforcement board or special magistrate may impose additional fines to cover all costs incurred by the local government in enforcing its codes and all costs of repairs." The costs incurred to date are \$ 13.96 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 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 **May 25, 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 3 day of March, 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 Brian M. & Brandy M. Peterson, 767 Sandy Hill Cir, Port Orange, FL 32127, was

☐ Hand-delivered

Recipient of hand delivered documents: _____

☒ Posted at the property

this 4 day of March, 2016.

Time: approx. 10:30

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 Brian M. & Brandy M. Peterson, 767 Sandy Hill Cir, Port Orange, FL 32127, was

☒ Posted at City Hall

☒ Sent via certified

this 7th day of March, 2016.
[Signature]
Secretary, Special Magistrate

RIGHT TO APPEAL

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

ACCOMMODATIONS

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



Volusia County
Property Appraiser

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



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Parcel Information: 6316-08-00-0230 **2016 Working Tax Roll** Last Updated: 02-28-2016

Owner Name and Address

Alternate Key	4640703	Parcel Status	Active Parcel (Real Estate)
Short Parcel ID	6316-08-00-0230	Mill Group	402 Port Orange
Full Parcel ID	16-16-33-08-00-0230	2015 Final Mill Rate	20.86510
Created Date	20 FEB 1984		
Property Class	01 Single Family		
Ownership Type		Ownership Percent	100
Owner Name	PETERSON BRIAN M & BRANDY M		
Owner Name/Address 1			
Owner Address 2	767 SANDY HILL CIRCLE		
Owner Address 3	PORT ORANGE FL		
Owner Zip/Postal Code	32127		
Situs Address	767 SANDY HILL CIR PORT ORANGE 32127		

Legal Description
 LOT 23 COUNTRYSIDE SUB UNIT II MB 39 PGS 79 & 80 PER OR 5308 PG 3307

Sales History

Book	Page	Sale Date	Sale Instrument	Qualified Unqualified	Improved	Sale Price
5308	3307	04/2004	Warranty Deed	Qualified Sale	Yes	245,500
5015	2894	01/2003	Quit Claim Deed	Affiliated Parties	Yes	10
4447	2864	06/1999	Warranty Deed	Qualified Sale	Yes	184,000
3142	0680	05/1988	Warranty Deed	Qualified Sale	Yes	145,500
2853	0860	07/1986	Warranty Deed	Qualified Sale	Yes	142,000

History of Values

Year	Land	Bldg(s)	Misc. Impr.	Just Value	School Assessed	Non-School Assessed	School Exemption	School Taxable	Non-School Exemption	Non-School Taxable
2015	25,500	160,008	16,733	202,241	165,790	165,790	25,000	140,790	25,000	115,790
2014	25,500	141,620	15,240	182,360	164,474	164,474	25,000	139,474	25,000	114,474

[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	100	100	25,500
Neighborhood 5735 COUNTRYSIDE UNIT II											
Total Land Classified											0
Total Land Just											25,500

Building Characteristics
 Building Number: 146941 (Building 1 of 1)

Bldg. No.	Improvement Type	Base Perimeter	Year Built	Quality Grade	Architecture	Phys. Depr.	Func. Obs.	Loc. Obs.	Next Review
146941	Single Family	172	1986	400		18%	0%	0%	2999
Roof Type	HIP	Floors		Carpet	Bedrooms	4	4 Fixture Bath		2
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	1	6 Fixture Bath		0
Heat Type2		Heat Source2			3 Fixture Bath	0	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)	COMMON BRICK	1.0	1986	N	0%	0%	1688 Sq. Feet
002	Upper Story, Finished (FUS)	COMMON BRICK	1.0	1986	N	0%	0%	376 Sq. Feet
003	Upper Story, Finished (FUS)	COMMON BRICK	1.0	1986	N	0%	0%	446 Sq. Feet
004	Porch, Open Finished (FOP)	Non-Applicable	1.0	1986	N	0%	0%	110 Sq. Feet
005	Finished Garage (FGR)	Non-Applicable	1.0	1986	N	0%	0%	529 Sq. Feet

05/03/2004 10:21 AM
Doc stamps 1718.50
(Transfer Amt \$ 245500)
Instrument# 2004-103971
Book: 5308
Page: 3307
Diane M. Matousek
Volusia County, Clerk of Court

Return to: Marilea Reese
Name: SOUTHERN TITLE HOLDING COMPANY, LLC.
Address: 801 BEVILLE ROAD, SUITE 201
SOUTH DAYTONA, Florida 32119

This Instrument Prepared:
Marilea Reese
SOUTHERN TITLE HOLDING COMPANY, LLC.
801 BEVILLE ROAD, SUITE 201
SOUTH DAYTONA, Florida 32119

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

Property Appraisers Parcel I.D. (Folio) Number(s):
6316-08-00-0230
Grantee(s) S.S.#(s):
File No: DB0412388

WARRANTY DEED

This Warranty Deed Made the 28th day of April, 2004, by DAVID E. SINGLETON, A SINGLE PERSON, hereinafter called the grantor, whose post office address is: 761 TARRYTOWN TRAIL, PORT ORANGE, Florida 32127

to BRIAN M. PETERSEN and BRANDY M. PETERSEN, HUSBAND AND WIFE whose post office address is: 767 SANDY HILL CIRCLE, PORT ORANGE, Florida 32127, hereinafter called the grantee,

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

LOT 23, COUNTRYSIDE SUBDIVISION - UNIT II, ACCORDING TO PLAT THEREOF RECORDED IN MAP BOOK 39, PAGES 79 AND 80, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

The property is the homestead of the Grantor(s).

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

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

And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever, and that said land is free of all encumbrances, except taxes accruing subsequent to **DECEMBER 31, 2003**, reservations, restrictions and easements of record, if any.

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

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

Signed, sealed and delivered in our presence:

Witness Signature:

Printed Name:

Witness Signature:

Printed Name:

Witness Signature:

Printed Name:

Witness Signature:

Printed Name:

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this 28th day of April, 2004, by DAVID E. SINGLETON, who is/are personally known to me or who has/have produced driver license(s) as identification.

My Commission Expires:



Marilea J. Reese
MY COMMISSION # DD195253 EXPIRES
March 21, 2007
BONDED THRU TROY FAY INSURANCE, INC.

MARILEA J. REESE
Notary Public
Serial Number

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

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

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

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

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

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

**CITY OF PORT ORANGE, FLORIDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
CASE NO. 16-162**

CITY OF PORT ORANGE,
a Florida municipal corporation,

Petitioner,

BRIAN M. & BRANDY M. PETERSON
767 SANDY HILL CIRCLE
PORT ORANGE, FL 32127
PARCEL ID: 6316-08-00-0230

Respondent.

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

THIS CAUSE came on for public hearing before the Code Enforcement Special Magistrate on April 13, 2016, 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), Brian M. and Brandy M. Peterson, whose mailing address is 767 Sandy Hill Circle, Port Orange, FL 32127, is/are the owner(s) of the property located at 767 Sandy Hill Circle, Port Orange, FL 32127, and more particularly described as:

LOT 23 COUNTRYSIDE SUB UNIT II MB 39 PGS 79 & 80 PER OR 5308 PG 3307

B. The property's lawn is overgrown and needs to be completely mowed. This condition was first observed at the real property described above on February 4, 2016; re-inspections made on March 23, 2016 and April 12, 2016 confirmed the condition as being the same. Respondents received notice via certified mail and posting at City Hall on March 7, 2016, as well as via posting on the property on March 3, 2016, that the aforesaid conditions constituted a violation of Chapter 42 (Nuisances) of the City of Port Orange Code of Ordinances, Article II, (Garbage, Junk and Undergrowth), Section 42-26, (Cleanliness of Property Generally Duty of Owner), (d) Maintenance of improved residential lots, and was to be corrected by March 18, 2016.

C. At the time of the hearing on April 13, 2016, 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), Brian M. & Brandy M. Peterson, by reason of the foregoing, has/have violated Chapter 42 (Nuisances) of the City of Port Orange Code of Ordinances, Article II, (Garbage, Junk and Undergrowth), Section 42-26, (Cleanliness of Property Generally Duty of Owner), (d) Maintenance of improved residential lots, in that the Respondent(s) failed, on or before the date set in the notice of violation, to remedy the conditions of high weeds and grass is therefore subject to the provisions of the City of Port Orange Municipal Code 2.207.

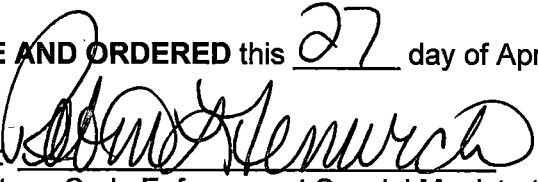
ORDER:

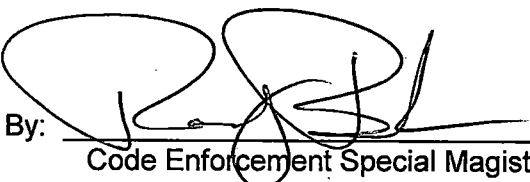
A. Respondent(s) shall correct the aforesaid violation by this ORDER on or before April 27, 2016. In the event that the property is not brought into compliance on or before April 27, 2016, and/or not maintained in a state of compliance, the case will be referred to the City Council for abatement. The 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 \$54.80 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.

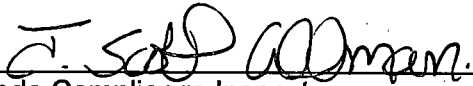
C. A certified copy of this Order may be recorded in the public records of Volusia County, Florida, and shall thereafter constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property. The findings in this Order shall be binding upon Respondent(s) 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 April, 2016.

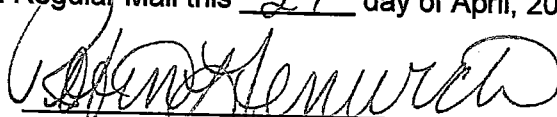
Attest: 
Secretary, Code Enforcement Special Magistrate

By: 
Code Enforcement Special Magistrate

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


Code Compliance Inspector

I HEREBY CERTIFY that a true and correct copy of the foregoing Findings of Fact, Conclusion of Law, and Order have been furnished to Respondent(s), Brian M. & Brandy M. Peterson, 767 Sandy Hill Circle, Port Orange, FL 32127 by Certified and Regular Mail this 27 day of April, 2016.



Secretary, Code Enforcement Special Magistrate



CITY OF PORT ORANGE, FLORIDA

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

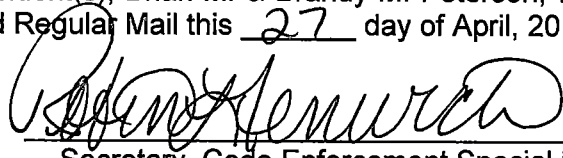
This document has/has not been redacted pursuant to Florida Law.

This 28 day of April, 2016.

By 

/s/ Robin L. Fenwick

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), Brian M. & Brandy M. Peterson, 767 Sandy Hill Circle, Port Orange, FL 32127 by Certified and Regular Mail this 27 day of April, 2016.



Secretary, Code Enforcement Special Magistrate

Case Cost Sheet Log

Case No. 15-1481

Name	Activity	Activity_Date	Status	Cost
Judith Anderson	Mailing Notice of Violations/Notice of Hearing to 101 Aloha Terrace, Port Orange, FL 32129	03/17/2016	Green card signed for and returned to the Clerk's Office on 3/22/16	\$9.75
Daytona Beach News-Journal	Publication for demolition	04/08/2016	Published on April 8 & 15, 2016	\$664.47
Clerk of Court	Recording Fees - Finding of Fact/Conclusion of Law & Order	04/27/2016		\$27.00
Judith Anderson	Mailing Finding of Fact/Conclusion of Law & Order to 101 Aloha Terrace, Port Orange, FL 32129	04/27/2016		\$6.46
Clerk of Court	Recording Fees - Order Setting Fine/Lien	06/08/2016		\$44.00
Judith Anderson	Costs to mail the Order Setting Fine/Lien to 101 Aloha Terrace, Port Orange, FL 32129	06/08/2016		\$0.67

Total: 752.35



NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 15-1481

To: Judith Anderson
Property Owner
101 Aloha Terrace
Port Orange, FL 32129

Re: 156 Sand Pebble Circle
Port Orange, FL 32129
Parcel ID: 6305-03-00-1700

LEGAL DESCRIPTION: LOT 170 BAREFOOT PARK MB 31 PG 62 PER OR 3397 PG 0786 PER OR 5221 PG 0742 PER OR 7128 PG 0843

Volusia County Public Records
Volusia County, FL

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

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

Chapter 42 (Nuisances), Article II (Garbage, Junk and Undergrowth), Section 42-26 (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 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, 108.1.5 (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), 108.6 (Abatement methods) 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, 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.

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 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) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: 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:

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 304.13 (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 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.

Initial inspection conducted on **August 24, 2015** after receiving a complaint from several neighbors stating that the structure partially burnt down, and that they are very concerned. They stated that it is bringing their property values down and the smell and rodents are a big concern. Inspection revealed that the fire affected the rear of the structure. Home is not occupied. I am unsure whether or not the structure can be salvaged. In addition to the fire damage, there is a substantial amount of outside storage and garbage, trash and debris. The grass and weeds are very high and there is an unregistered/abandoned truck in the driveway. I left a 30 day door hanger informing residents that they must mow the entire property to include weeds in landscaped areas, remove or properly store all outside storage, remove all trash and debris, properly register, store, or cover inoperable/abandoned vehicle in the driveway, and properly secure the structure. I also asked that I be notified regarding whether or not the structure is due to be demolished. A re-inspection was conducted on **October 15, 2015** and none of the violations have been corrected and I have not been contacted by the owner of the property.

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

This correspondence will serve as official notification that the above stated violation(s) must be corrected by April 14, 2016 by mowing entire property to include weeds in landscaped beds and around exterior of home and fence, removing all outside storage, and removing all garbage, trash and debris. The mobile home shall be demolished or repaired. A permit is required from the City of Port Orange Building Department before commencing repairs to the structure. A permit will also be required for demolition of the structure. Demolition of the structure will follow the criteria of City of Port Orange Code of Ordinances, Chapter 42, Article V, Division 3 relating to the abatement of unsafe structures.

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

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

NOTE:

THE BURDEN SHALL REST UPON THE RESPONDENT TO REQUEST A RE-INSPECTION BY THE CODE COMPLIANCE INSPECTOR TO DETERMINE WHETHER THE PROPERTY IS IN COMPLIANCE. IF YOU DO NOT REQUEST A RE-INSPECTION, IT WILL BE ASSUMED THAT THE PROPERTY IS STILL IN VIOLATION AND THE CASE WILL CONTINUE TO BE HEARD AT THE SPECIAL MAGISTRATE MEETING ON THE DATE LISTED IN THIS NOTICE.

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 **Code Enforcement Special Magistrate on April 27, 2016 at 9:00 a.m.**, or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The **Special Magistrate** will receive testimony and evidence at said PUBLIC HEARING and shall make such findings of facts and conclusions of law as supported by the testimony and evidence pertaining to the matter alleged below, and shall issue a Final Order affording the proper relief. A certified copy of the Final Order may be recorded in the public records of the county and shall constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property, and the findings therein shall be binding upon the violator and, if the violation concerns real property, upon any subsequent purchasers, successors in interest, or assigns. If you fail to appear at the Hearing, the **Special Magistrate** may base any findings solely on the testimony and evidence presented by the Code Enforcement Inspector. Please govern yourself accordingly.

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

's per Chapter 2, Section 2-214, Code of Ordinances and Section 162.09(2)(d), Florida Statutes: "In addition to such fines, a code enforcement board or special magistrate may impose additional fines to cover all costs incurred by the local government in enforcing its codes and all costs of repairs." The costs incurred to date are \$ 7.39 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 27, 2016** enters a Final Order finding a violation as alleged, pursuant to Chapter 7, Code of Ordinances, City of Port Orange, Florida, you are hereby called upon to take notice that a 2nd PUBLIC HEARING will be conducted in the above-styled cause by the **Code Enforcement Special Magistrate on June 8, 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 14th day of March, 2016.

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 **Judith Anderson, Property Owner, 101 Aloha Terrace Port Orange, FL 32129**, was

☐ Hand-delivered Recipient of hand delivered documents: _____

☒ Posted at the property

this 14th day of March, 2016.

Time: approx. 12:08 PM

Dena Joseph
Dena Joseph, Code Compliance Inspector

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to **Judith Anderson, Property Owner, 101 Aloha Terrace, Port Orange, FL 32129**, was

☐ Posted at City Hall

☒ Sent via certified regular mail

this 17 day of March, 2016.

[Signature]
Secretary, Special Magistrate

RIGHT TO APPEAL

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

ACCOMMODATIONS

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



Volusia County
Property Appraiser

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



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Parcel Information: 6305-03-00-1700 2016 Working Tax Roll Last Updated: 03-13-2016

Owner Name and Address

Alternate Key	3585674	Parcel Status	Active Parcel (Real Estate)
Short Parcel ID	6305-03-00-1700	Mill Group	402 Port Orange
Full Parcel ID	05-16-33-03-00-1700	2015 Final Mill Rate	20.86510
Created Date	30 DEC 1981		
Property Class	02 Mobile Homes		
Ownership Type	Fee Simple	Ownership Percent	100
Owner Name	ANDERSON JUDITH A		
Owner Name/Address 1			
Owner Address 2	101 ALOHA TERRACE		
Owner Address 3	PORT ORANGE FL		
Owner Zip/Postal Code	32129-3605		
Situs Address	156 SAND PEBBLE CIR PORT ORANGE 32129		

Legal Description

LOT 170 BAREFOOT PARK MB 31 PG 62 PER OR 3397 PG 0786 PER OR 5221 PG 0742 PER OR 7128 PG 0843

Sales History

Book Page	Sale Date	Sale Instrument	Qualified Unqualified	Improved	Sale Price
7128 0843	06/2015	Quit Claim Deed	Unqualified Sale	Yes	100
3397 0786	12/1989	Quit Claim Deed	Affiliated Parties	Yes	100
1860 1838	10/1976	Warranty Deed	Qualified Sale	Yes	8,000

History of Values

Year	Land	Bldg(s)	Misc. Impr.	Just Value	School Assessed	Non-School Assessed	School Exemption	School Taxable	Non-School Exemption	Non-School Taxable
2015	19,750	19,428	1,137	40,315	40,315	35,457	0	40,315	0	35,457
2014	19,750	16,975	843	37,568	37,568	32,234	0	37,568	0	32,234

Display Value History

Land Data

Code	Land Use Type	Frontage	Depth	No. Units	Unit Type	Rate	Depth	Loc	Shp	Phy	Just Value
0202	MH ON MH SITE PVD	62.0	113.0	1.00	LOT	19750.00	100	100	100	100	19,750
Neighborhood 5984 BAREFOOT PARK M-H MB 31 PG 62											
Total Land Classified											0
Total Land Just											19,750

Building Characteristics

Building Number: 111585 (Building 1 of 1)

Bldg. No.	Improvement Type	Base Perimeter	Year Built	Quality Grade	Architecture	Phys. Depr.	Func. Obs.	Loc. Obs.	Next Review
111585	Mobile Home	124	1974	200	Mobile Home	65%	0%	0%	2999
Roof Type	GABLE	Floors	Carpet		Bedrooms	2	4 Fixture Bath		0
Roof Cover	METAL	Wall Type	Plywood Panel		X Fixture Bath	0	5 Fixture Bath		0
Heat Type1	Forced Ducted	Heat Source1	Electricity		2 Fixture Bath	0	6 Fixture Bath		0
Heat Type2		Heat Source2			3 Fixture Bath	2	7 Fixture Bath		0
Foundation	Wd Conc Piers	Year Remodeled			Fireplaces	0	A/C		Yes

Section Number	Area Type	Exterior Wall Type	Number Stories	Year Built	Attic Finish	Bsmt Area	Bsmt Finish	Floor Area
006	Res BASE Area (BAS)	VINYL SIDING	1.0	1974	N	0%	0%	880 Sq. Feet
007	Unfinished Enclosed Porch (UEP)	Non-Applicable	1.0	1974	N	0%	0%	190 Sq. Feet
008	Unfinished Enclosed Porch (UEP)	Non-Applicable	1.0	1974	N	0%	0%	242 Sq. Feet
009	Unfinished Utility (UST)	Non-Applicable	1.0	1974	N	0%	0%	35 Sq. Feet
010	Carport, Unfinished (UCP)	Non-Applicable	1.0	2000	N	0%	0%	121 Sq. Feet

QUITCLAIM DEED

THIS QUITCLAIM DEED, Executed this 10th day of June, 2016 (year),
by first party, Grantor, SARAH P. PIPPEN
whose post office address is 10624 Millbrook Dr. Chester town, MD 21620
to second party, Grantee, Judith A. Anderson
whose post office address is 101 Aloha Terrace Ft. Orange FL 32129

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

Lot 170 BAREFOOT PARK MB 31 Pg P 662 PER OR
3397. PG 0786 PER OR 5221 PG 0742
Parcel # 6306-03-00-1700

KNOWN as 156 SAND Pebble Circle, Ft Orange FL 32129



Signature of Witness

Myles Loller

Print name of Witness

Marcia Clendaniel

Signature of Witness

Marcia Clendaniel

Print name of Witness

Signature of First Party

Sarah P Pippin

Print name of First Party

Signature of First Party

SARAH P Pippin

Print name of First Party

State of Maryland }

County of Kent

On June 10, 2015 before me,

appeared Sarah P Pippin

personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Karen J Zottarelli

Signature of Notary

Affiant ☒ Known

Type of ID

Produced ID

(Seal)

State of

County of

On

before me,

appeared

personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature of Notary

Affiant _____ Known _____ Produced ID

Type of ID

(Seal)

Signature of Preparer

Print Name of Preparer

Address of Preparer

(2)

If your state requires 8 1/2" x 11" forms, cut off the bottom of this page at the dotted line.

Unique ID CF[REDACTED]CB
Official Unique Id CF[REDACTED]3

ASSIGNMENT OF MORTGAGE

FOR GOOD AND VALUABLE CONSIDERATION, the sufficiency of which is hereby acknowledged, the undersigned, CFNA RECEIVABLES (OK), INC. F/K/A CITIFINANCIAL SERVICES, INC. D/B/A CITIFINANCIAL EQUITY SERVICES, INC., AN OKLAHOMA CORPORATION, WHOSE ADDRESS IS 300 ST. PAUL PLACE, LEGAL DEPARTMENT- 17TH FLOOR, BALTIMORE, MD, 21202, (ASSIGNOR), by these presents does convey, grant, assign, transfer and set over the described Mortgage with all interest secured thereby, all liens, and any rights due or to become due thereon to CITIFINANCIAL SERVICING LLC, A DELAWARE LIMITED LIABILITY COMPANY, WHOSE ADDRESS IS 300 ST. PAUL PLACE LEGAL DEPARTMENT- 17TH FLOOR, BALTIMORE, MD 21202 (800)249-2181, ITS SUCCESSORS AND ASSIGNS, (ASSIGNEE).

Said Mortgage was made by JUDITH A. ANDERSON AND JUDITH A. ANDERSON and recorded in Official Records of the Clerk of the Circuit Court of VOLUSIA County, Florida, in Book 5964, Page 269 and Instrument # 2006-299632, upon the property situated in said State and County as more fully described in said Mortgage.

Dated on 10/13/2015 (MM/DD/YYYY)

CFNA RECEIVABLES (OK), INC. F/K/A CITIFINANCIAL SERVICES, INC. D/B/A CITIFINANCIAL EQUITY SERVICES, INC., AN OKLAHOMA CORPORATION

By: [Signature]

Nadine Homan
VICE PRESIDENT

All persons whose signatures appear above have qualified authority to sign and have reviewed this document and supporting documentation prior to signing.

Witnesses:

[Signature]
Danielle Burns

[Signature]
Susan Schotsch



STATE OF FLORIDA COUNTY OF PINELLAS

The foregoing instrument was acknowledged before me on 10/13/2015 (MM/DD/YYYY), by Nadine Homan as VICE PRESIDENT of CFNA RECEIVABLES (OK), INC. F/K/A CITIFINANCIAL SERVICES, INC. D/B/A CITIFINANCIAL EQUITY SERVICES, INC., AN OKLAHOMA CORPORATION, who, as such VICE PRESIDENT being authorized to do so, executed the foregoing instrument for the purposes therein contained. He/she/they is (are) personally known to me.

[Signature]
Nicole Baldwin
Notary Public - State of FLORIDA
Commission expires: 08/05/2016



Nicole Baldwin
Notary Public State of Florida
My Commission # EE 222285
Expires August 5, 2016

Document Prepared By: E.Lance/NTC, 2100 Alt. 19 North, Palm Harbor, FL 34683 (800)346-9152
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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



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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.

[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* or any 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*, *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.

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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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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.

304.5 Foundation walls.

All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pests.

304.6 Exterior walls.

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

304.7 Roofs and drainage.

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

304.8 Decorative features.

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

304.9 Overhang extensions.

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

304.10 Stairways, decks, porches and balconies.

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

304.11 Chimneys and towers.

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

304.12 Handrails and guards.

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

304.13 Window, skylight and door frames.

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

304.13.1 Glazing.

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

304.13.2 Openable windows.

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

304.14 Insect screens.

During the period from [DATE] to [DATE], every door, window and other outside opening required for *ventilation* of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with *approved* tightly fitting screens of minimum 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition.

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

304.15 Doors.

All exterior doors, door assemblies, 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](#).

304.16 Basement hatchways.

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

304.17 Guards for basement windows.

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

304.18 Building security.

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

304.18.1 Doors.

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

304.18.2 Windows.

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

304.18.3 Basement hatchways.

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

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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:

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

[Chapter 6 - Mechanical and Electrical](#)

[Requirements](#)

- [SECTION 601 GENERAL](#)
- [SECTION 602 HEATING FACILITIES](#)
- [SECTION 603 MECHANICAL EQUIPMENT](#)
- [SECTION 604 ELECTRICAL FACILITIES](#)
- [SECTION 605 ELECTRICAL EQUIPMENT](#)
- [SECTION 606 ELEVATORS, ESCALATORS AND DUMBWAITERS](#)
- [SECTION 607 DUCT SYSTEMS](#)

[604.1 Facilities required.](#)

[604.2 Service.](#)

[604.3 Electrical system hazards.](#)

[604.1 Facilities required.](#)

[604.2 Service.](#)

[604.3 Electrical system hazards.](#)

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option.

To view the next subsection please select the Next Section

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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[Chapter 6 - Mechanical and Electrical](#)

[Requirements](#)

- [SECTION 601 GENERAL](#)
- [SECTION 602 HEATING FACILITIES](#)
- [SECTION 603 MECHANICAL EQUIPMENT](#)
- [SECTION 604 ELECTRICAL FACILITIES](#)
- [SECTION 605 ELECTRICAL EQUIPMENT](#)
- [SECTION 606 ELEVATORS, ESCALATORS AND DUMBWAITERS](#)
- [SECTION 607 DUCT SYSTEMS](#)

[605.1 Installation.](#)

[605.2 Receptacles.](#)

[605.3 Luminaires.](#)

[605.4 Wiring.](#)

[605.1 Installation.](#)

[605.2 Receptacles.](#)

[605.3 Luminaires.](#)

[605.4 Wiring.](#)

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

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 luminaries 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
CODE ENFORCEMENT SPECIAL MAGISTRATE
CASE NO. 15-1481**

CITY OF PORT ORANGE,
a Florida municipal corporation,

Petitioner,

JUDITH ANDERSON
156 SAND PEBBLE CIRCLE
PORT ORANGE, FL 32129
PARCEL ID: 6305-03-00-1700

Respondent.

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

THIS CAUSE came on for public hearing before the Code Enforcement Special Magistrate on April 27, 2016, 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), Judith Anderson, whose mailing address is 101 Aloha Terrace, Port Orange, FL 32129, is/are the owner(s) of the property located at 156 Sand Pebble Circle, Port Orange, FL 32129, and more particularly described as:

LOT 170 BAREFOOT PARK MB 31 PG 62 PER OR 3397 PG 0786 PER OR 5221 PG 0742
PER OR 7128 PG 0843

B. The structure partially burnt down, there is outside storage and garbage, trash and debris, as well as high weeds and grass and an unregistered/abandoned truck. This condition was first observed at the real property described above on August 24, 2015; re-inspections made on October 15, 2016 confirmed the condition as being the same. Respondent, Judith Anderson, received notice via regular and certified mail and posting at City Hall on March 17, 2016, as well as via posting on the property on March 14, 2016, that the aforesaid conditions constituted a violation of the City of Port Orange Code of Ordinances; Chapter 42 (Nuisances), Article II (Garbage, Junk and Undergrowth, Section 42-26 (d)(f). Chapter 1 (Scope and Administration), Section 108 (Unsafe Structures and Equipment), 108.1.1 (Unsafe Structures), 108.1.5 (Dangerous Structure or Premises), 108.6 (Abatement methods), Section 109 (Emergency Measures), 109.1 (Imminent Danger). Chapter 3 (General Requirements), Section 302

(Exterior Property Areas), 302.1 (Sanitation), Section 304 (Exterior Structure), 304.1 (General), 304.1.1 (Unsafe Conditions). The following conditions were determined as unsafe and were to be repaired or replaced to comply with the International Building Code or the International Existing Building Code: Chapter 3 (General Requirements), Section 304 (Exterior Structure), Section 304.7 (Roofs and Drainage), 304.13 (Window, skylight and door frames), 304.15 (Doors), Section 305 (Interior Structure), 305.1 (General), Chapter 6 (Mechanical and Electrical Requirements), Section 604 (Electrical Facilities) 604.1 (Facilities Required), Section 605 (Electrical Equipment) 605.1 (Installation), and was to be corrected by April 14, 2016.

C. At the time of the hearing on April 27, 2016, 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), Judith Anderson, by reason of the foregoing, has/have violated the City of Port Orange Code of Ordinances; Chapter 42 (Nuisances), Article II (Garbage, Junk and Undergrowth, Section 42-26 (d)(f). Chapter 1 (Scope and Administration), Section 108 (Unsafe Structures and Equipment), 108.1.1 (Unsafe Structures), 108.1.5 (Dangerous Structure or Premises), 108.6 (Abatement methods), Section 109 (Emergency Measures), Chapter 3 (General Requirements), Section 302 (Exterior Property Areas), 302.1 (Sanitation), Section 304 (Exterior Structure), 304.1 (General). The following conditions were determined as unsafe and were to be repaired or replaced to comply with the International Building Code or the International Existing Building Code: Chapter 3 (General Requirements), Section 304 (Exterior Structure), 304.13 (Window, skylight and door frames), Section 305 (Interior Structure), Chapter 6 (Mechanical and Electrical Requirements), Section 604 (Electrical Facilities), Section 605 (Electrical Equipment), in that the Respondent(s) failed, on or before the date set in the notice of violation, to remedy the conditions of the structure being partially burnt down, there being outside storage and garbage, trash and debris, as well as high weeds and grass and an unregistered/abandoned truck is therefore subject to the provisions of the City of Port Orange Municipal Code 2.207.

ORDER:

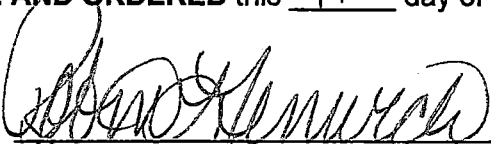
A. Respondent(s), JUDITH ANDERSON, shall correct the aforesaid violation by this ORDER on or before May 27, 2016. In the event that the property is not brought into compliance on or before May 27, 2016, and/or not maintained in a state of compliance, the City may, after submitting an Affidavit of Non-Compliance, abate the violations up to and including demolition with the costs being assessed as a lien against the property. 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 \$707.68 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 11 day of May, 2016.

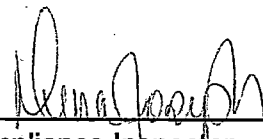
Attest:


Secretary, Code Enforcement Special Magistrate

By:

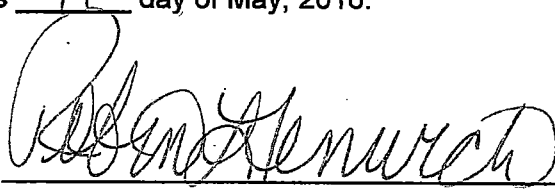

Code Enforcement Special Magistrate

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


Code Compliance Inspector

I HEREBY CERTIFY that a true and correct copy of the foregoing Findings of Fact, Conclusion of Law, and Order have been furnished to Respondent(s), Judith Anderson, 101 Aloha Terrace, Port Orange, FL 32129 by Certified and Regular Mail this 11 day of May, 2016.




Secretary, Code Enforcement Special Magistrate
CITY OF PORT ORANGE, FLORIDA
I HEREBY CERTIFY the foregoing is a true copy
of the original filed in this office.

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

This 11 day of May, 2016.

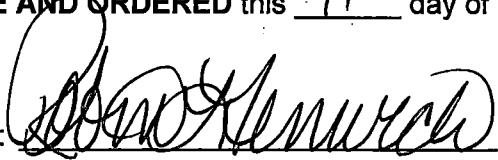
By: 
/s/ Robin L. Fenwick

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.

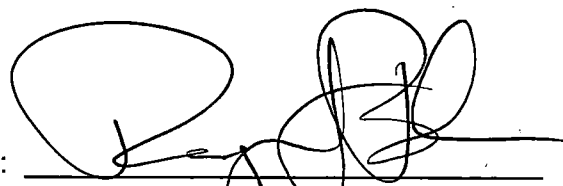
C. A certified copy of this Order may be recorded in the public records of Volusia County, Florida, and shall thereafter constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property. The findings in this Order shall be binding upon Respondent(s) 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 11 day of May, 2016.

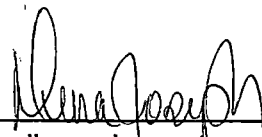
Attest:


Secretary, Code Enforcement Special Magistrate

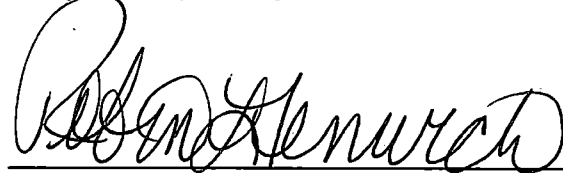
By:


Code Enforcement Special Magistrate

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


Code Compliance Inspector

I HEREBY CERTIFY that a true and correct copy of the foregoing Findings of Fact, Conclusion of Law, and Order have been furnished to Respondent(s), Judith Anderson, 101 Aloha Terrace, Port Orange, FL 32129 by Certified and Regular Mail this 11 day of May, 2016.


Secretary, Code Enforcement Special Magistrate

Case Cost Sheet Log

Case No. 16-0241

Name	Activity	Activity_Date	Status	Cost
Clerk of Court	Recording fees - Finding of Fact/Conclusion of Law & Order	04/27/2016		\$27.00
Cheryl Geno	Mailing Finding of Fact/Conclusion of Law & Order to 1421 Chamale Lane, Port Orange, FL 32129	04/27/2016		\$6.46
Clerk of Court	Recording Fees - Order Setting Fine/Lien	06/08/2016		\$44.00
Cheryl Geno	Costs to mail Order Setting Fine/Lien to 1421 Chamale Lane, Port Orange, FL 32129	06/08/2016		\$0.67

Total: 33.46



NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 16-0241

To: Cheryl Geno
Property Owner
1421 Chamale Lane
Port Orange, FL 32129

Re: 1421 Chamale Lane
Port Orange, FL 32129
Parcel ID: 6307-11-00-0820

LEGAL DESCRIPTION: LOT 82 GLENWOOD VILLAGE PHASE II MB 39 PGS 167-168 INC PER OR 3884 PG 2275 PER OR 5498 PG 3260 PER OR 6132 PG 0746

Volusia County Public Records
Volusia County, FL

An inspection of the premises on February 26, 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 (Cleanliness of property generally-duty of owner), (d) Maintenance of improved residential lots of the City of Port Orange Code of Ordinances: The owner of an improved lot in a residential zone with lot sizes of one acre or less shall keep such lot free and clear of all fallen trees and limbs. All weeds, grass and undergrowth shall be cut to a height not exceeding ten inches.

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

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

(b) All fences shall be maintained in their original upright condition

(d) Missing boards, pickets, or posts shall be replaced in a timely manner with material of the same type and quality.

- (f) The side of a fence or wall oriented to an adjoining property shall not create an adverse visual impact on such adjoining property.

Original inspection conducted on February 26, 2016 after receiving a complaint from a concerned citizen. While on site, I noticed that the yard is overgrown with weeds, there are a few items on the outside of the home (bucket, wheel barrow, etc) and there are broken fence panels leaning against the home. I left a 5 day door hanger to mow the entire property, remove items being stored on the outside of the home and store inside, and to remove the fence panels from the home and remove the remainder of the fence. A re-inspection was conducted on March 16, 2016 and none of the violations have been corrected. No contact has been made with the resident at this location.

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 4, 2016 by mowing entire property, removing all outside storage to include fence panels leaning against home, and all parts of the fence that are not in their upright condition, or have missing pickets. All areas that are left up, must be in their upright condition and any missing

boards, pickets or posts shall be replaced in a timely manner with material of the same type and quality. You do have the option of removing the entire fence as long as it is not serving as a barrier for a pool.

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 27th, 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 April 27th, 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 June 8th, 2016, at 9:00 a.m., or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The Code Enforcement Special Magistrate will consider setting fine lien on the above referenced case at said PUBLIC HEARING. Please govern yourself accordingly.

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

DATED this 25th day of March, 2016.

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 Cheryl
Geno, Property Owner, 1421 Chamale Lane, Port Orange, FL 32129, was

☒ Hand-delivered Recipient of hand delivered documents: Cheryl Geno - she came out while I

☒ Posted at the property

this 25th day of March, 2016.

Time: approx. 10:30 AM

was posting and Notice
was explained to
her

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 Cheryl
Geno, Property Owner, 1421 Chamale Lane, Port Orange, FL 32129, was

☒ Posted at City Hall

☐ Sent via certified and regular

this 29 day of March, 2016.

William H. H. H. H.
Secretary, Special Magistrate

RIGHT TO APPEAL

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

ACCOMMODATIONS

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



Volusia County
Property Appraiser

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



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Parcel Information: 6307-11-00-0820 **2016 Working Tax Roll** Last Updated: 03-13-2016

Owner Name and Address

Alternate Key	4720626	Parcel Status	Active Parcel (Real Estate)
Short Parcel ID	6307-11-00-0820	Mill Group	402 Port Orange
Full Parcel ID	07-16-33-11-00-0820	2015 Final Mill Rate	20.86510
Created Date	21 JAN 1985		
Property Class	01 Single Family		
Ownership Type		Ownership Percent	100
Owner Name	GENO CHERYL		
Owner Name/Address 1			
Owner Address 2	1421 CHAMALE LN		
Owner Address 3	PORT ORANGE FL		
Owner Zip/Postal Code	32129		
Situs Address	1421 CHAMALE LN PORT ORANGE 32129		

Legal Description
 LOT 82 GLENWOOD VILLAGE PHASE II MB 39 PGS 167-168 INC PER OR 3884 PG 2275 PER OR 5498 PG 3260 PER OR 6132 PG 0746

Sales History

Book Page	Sale Date	Sale Instrument	Qualified Unqualified	Improved	Sale Price
6132 0746	09/2007	Warranty Deed	Qualified Sale	Yes	171,429
5498 3260	02/2005	Warranty Deed	Affiliated Parties	Yes	149,700
3884 2275	12/1993	Warranty Deed	Qualified Sale	Yes	73,800
3778 1890	10/1992	Warranty Deed	Qualified Sale	Yes	66,000
3165 1641	07/1988	Warranty Deed	Qualified Sale	Yes	67,000
2824 1830	05/1986	Warranty Deed	Qualified Sale	Yes	63,000
2669 1749	04/1985	Warranty Deed	Multi parcel sale	Yes	440,000

History of Values

Year	Land	Bldg(s)	Misc. Impr.	Just Value	School Assessed	Non-School Assessed	School Exemption	School Taxable	Non-School Exemption	Non-School Taxable
2015	16,125	80,467	0	96,592	81,594	81,594	25,000	56,594	25,000	31,594
2014	16,125	77,033	0	93,158	80,946	80,946	25,000	55,946	25,000	30,946

[Display Value History](#)

Land Data

Code	Land Use Type	Frontage	Depth	No. Units	Unit Type	Rate	Depth	Loc	Shp	Phy	Just Value	
0101	IMP PVD THRU .49 AC	75.0	115.0	75.00	FRONT FEET	215.00	100	100	100	100	16,125	
Neighborhood	5878 GLENWOOD VILLAGE PHASE I											
											Total Land Classified	0
											Total Land Just	16,125

Building Characteristics

Building Number: 148669 (Building 1 of 1)

Bldg. No.	Improvement Type	Base Perimeter	Year Built	Quality Grade	Architecture	Phys. Dep.	Func. Obs.	Loc. Obs.	Next Review
148669	Single Family	168	1985	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	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)	CONC OR CINDER BLOCK	1.0	1985	N	0%	0%	1279 Sq. Feet
002	Porch, Open Unfinished (UOP)	Non-Applicable	1.0	1985	N	0%	0%	200 Sq. Feet
003	Porch, Open Finished (FOP)	Non-Applicable	1.0	1985	N	0%	0%	160 Sq. Feet
004	Finished Garage (FGR)	Non-Applicable	1.0	1985	N	0%	0%	596 Sq. Feet
005	Patio (PTO)	Non-Applicable	1.0	1985	N	0%	0%	100 Sq. Feet

Prepared by:
Karen Wonsetler
The Law Office of Karen Wonsetler P.A.
860 N. Orange Ave, Unit 135
Orlando, Florida 32801

File Number: KW2007-1074

03/21/2007 11:00 AM
Doc stamps 1200.50
(Transfer Amt \$ 171500)
Instrument# 2007-219535 # 1
Book: 6132
Page: 746
Diane M. Matousek
Volusia County, Clerk of Court

General Warranty Deed

Made this September 13th, 2007 A.D. By JENNIFER LOUISE FRY, a married woman, whose address is: 1421 Chamale Ln, Port Orange, Florida 32129, hereinafter called the grantor, to CHERYL GENO, an unmarried woman, whose post office address is: 1421 Chamale Ln, Port Orange, Florida 32129, 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 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, viz:

Lot 82, Glenwood Village, Phase II, as per plat recorded in Plat Book 39, Pages 166 and 167, Public Records of Volusia County, Florida.

Parcel ID Number: 6037-11-00-0820

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

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

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

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

Signed, sealed and delivered in our presence:

Witness Printed Name

Witness Printed Name

State of FLORIDA
County of Volusia

JENNIFER LOUISE FRY

Address: 1421 Chamale Ln, Port Orange, Florida 32129

Acknowledging Spouse ALAN H. FRY, II

Address:



DEED Individual Warranty Deed - Legal on Face
Closers' Choice

Notary Public
Print Name:

DONNA M. ROSE

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)

Section 3: - Fences and walls.

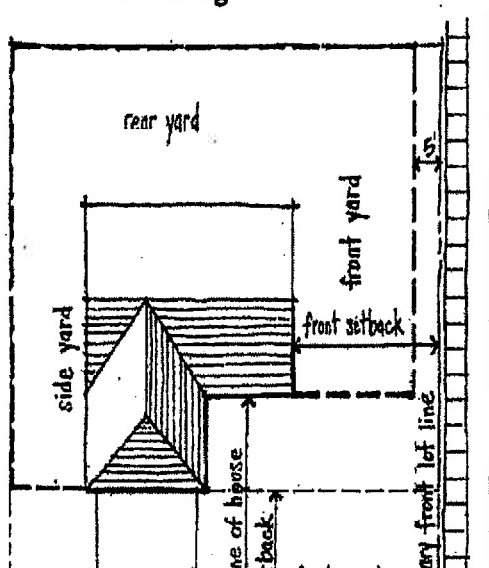
- (a) *In general.* All fences and walls shall be constructed in compliance with applicable building codes and in accordance with the following dimensional and use regulations.
- (b) *General provisions.*
 - (1) *Restrictions.*
 - (a) No barbed wire, razor wire or similar material shall be allowed for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

- (9) A temporary construction fence shall in no way relieve the property owner from performing other construction-related activities that are required by this code or requirements from other jurisdictional agencies.

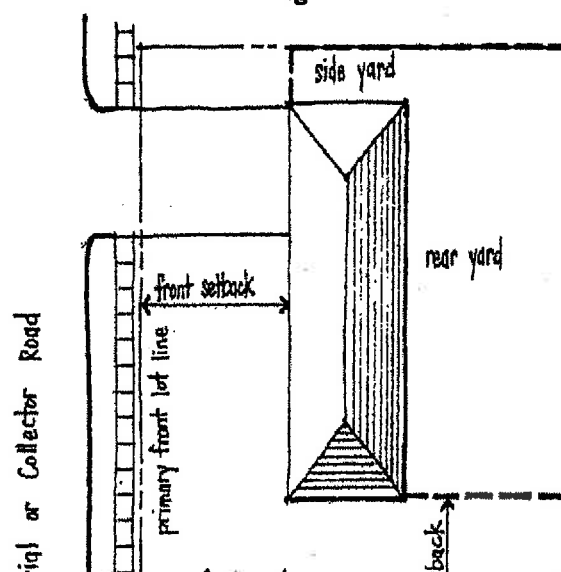
(2) *Height.*

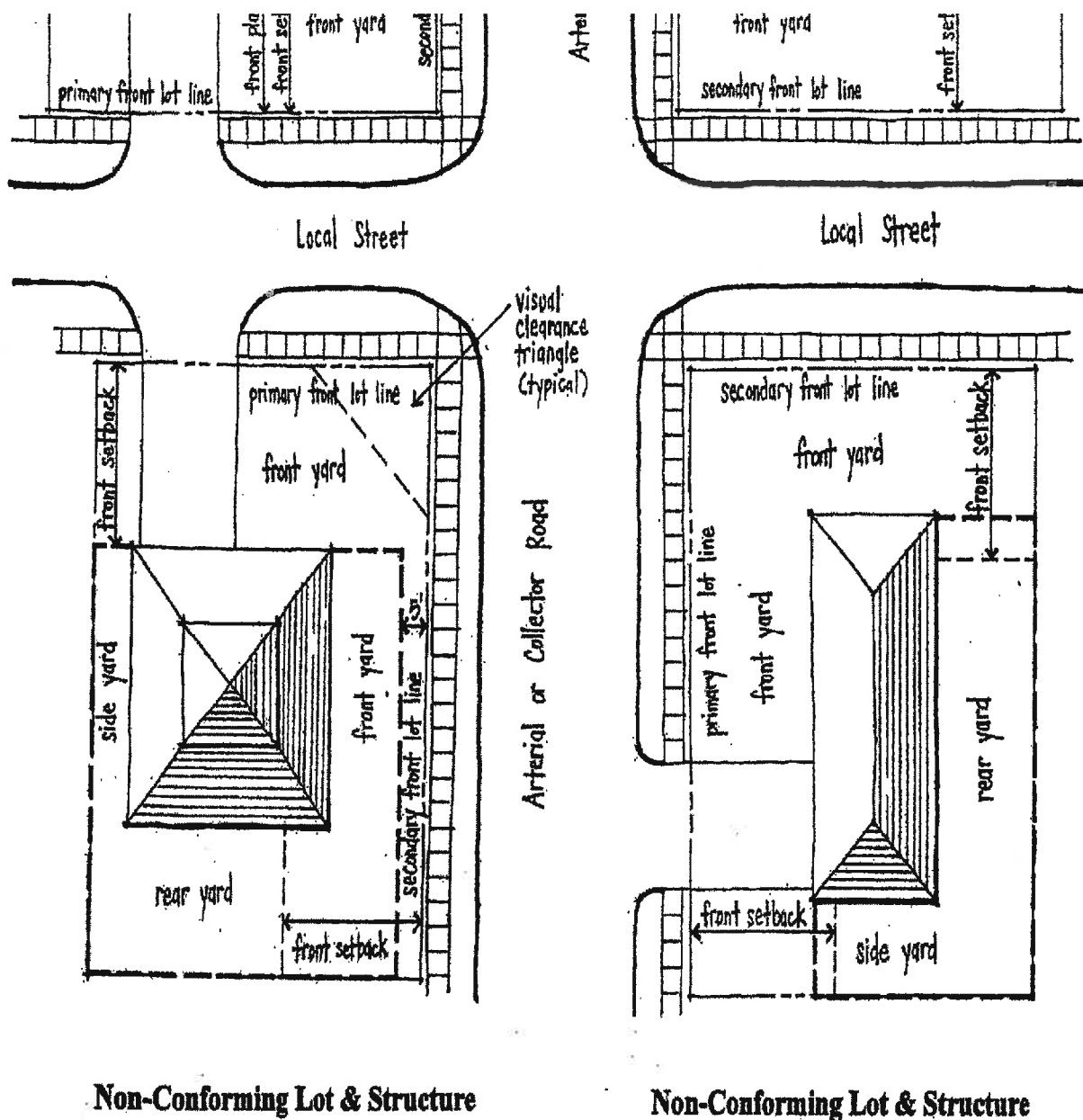
- (a) For individual single-family and two-family residential lots, no permanent fence or wall shall exceed six feet in height in rear or side yards, except as provided in subparagraph (e) below. In addition, fences and walls shall not exceed four feet in height when erected on an atypical lot within the required rear yard setback, except as provided in subsection (h) below.
- (b) For individual single-family and two-family residential lots, no permanent fence or wall shall exceed four feet in height in required front yards abutting rights-of-way, except as provided in subsections (e), (f) and (g) below.
- (c) For nonresidential uses, no permanent fence or wall shall exceed ten feet in height unless approved as part of a development plan to meet the buffering requirements between different types of uses, per chapter 13, section 3.5.
- (d) No permanent fence or wall located adjacent to any public right-of-way and designed to be an integral part of a new or existing subdivision improvement, including but not limited to subdivision entrances and subdivision walls, shall exceed 12 feet in height, including columns.
- (e) For residential uses adjacent to Interstate 95 right-of-way, no permanent fence or wall shall exceed 12 feet in height adjacent to any property line abutting such right-of-way.
- (f) For individual single-family and two-family residential corner lots with a secondary front lot line abutting a local street, a six-foot-tall privacy fence may be placed up to the front plane of the house. For corner lots with a secondary front lot line abutting an arterial or collector road, the six-foot-tall fence may further encroach into the required front yard to within five feet of the secondary front lot line. Fence placement per this subsection shall also be allowed on legal nonconforming lots, provided visual clearance requirements of section 6 of this chapter can still be met. Please see Figure 16:A below.

Conforming Lot & Structure



Conforming Lot & Structure



**Figure 16:A**

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

figure16A

- (g) For individual single-family and two-family residential through lots with a rear lot line abutting the right-of-way line of a local street or arterial or collector road, a privacy fence not to exceed six feet in height may be placed on the rear lot line.
- (h) On atypical lots, chain link fences may not exceed six feet in height when erected within the required rear yard.
- (i)

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

(3) *Location.*

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

(4) *Design and maintenance.*

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

(5) *Exemptions.*

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

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

**CITY OF PORT ORANGE, FLORIDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
CASE NO. 16-0241**

CITY OF PORT ORANGE,
a Florida municipal corporation,

Petitioner,

CHERYL GENO
1421 CHAMALE LANE
PORT ORANGE, FL 32129
PARCEL ID: 6307-11-00-0820

Respondent.

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

THIS CAUSE came on for public hearing before the Code Enforcement Special Magistrate on April 27, 2016, after due notice to the Respondent(s), CHERYL GENO 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), Cheryl Geno, whose mailing address is 1421 Chamale Lane, Port Orange, FL 32129, is/are the owner(s) of the property located at 1421 Chamale Lane, Port Orange, FL 32129, and more particularly described as:

LOT 82 GLENWOOD VILLAGE PHASE II MB 39 PGS 167-168 INC PER OR 3884 PG 2275 PER OR 5498 PG 3260 PER OR 6132 PG 0746

B. The yard is overgrown with weeds, there are a few items on the outside of the home (bucket, wheelbarrow, etc.) and there are broken fence panels leaning against the home. This condition was first observed at the real property described above on February 26, 2016; re-inspections made on March 16, 2016 confirmed the condition as being the same. Respondent, Cheryl Geno, via posting on the property on March 25, 2016, that the aforesaid conditions constituted a violation of the City of Port Orange Code of Ordinances: Chapter 42 (Nuisances), Article II (Garbage, Junk and Undergrowth), Section 42-26 (Cleanliness of property generally-duty of owner), (d), Section 42-32 (Storage of vehicles, furniture, etc.), Chapter 16 (Miscellaneous Regulations), Section 3 (Fences and walls) (b), Section 4 (Design and Maintenance) (b), (d) & (f) and was to be corrected by April 4, 2016.

C. At the time of the hearing on April 27, 2016, 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), Cheryl Geno, by reason of the foregoing, has/have violated the City of Port Orange Code of Ordinances: Chapter 42 (Nuisances), Article II (Garbage, Junk and Undergrowth), Section 42-26 (Cleanliness of property generally-duty of owner), (d), Section 42-32 (Storage of vehicles, furniture, etc.), Chapter 16 (Miscellaneous Regulations), Section 3 (Fences and walls) (b), Section 4 (Design and Maintenance) (b), (d) & (f) in that the Respondent(s) failed, on or before the date set in the notice of violation, to remedy the conditions by mowing the entire property, trimming trees and shrubs, and repairing or removing the fence is therefore subject to the provisions of the City of Port Orange Municipal Code 2.207.

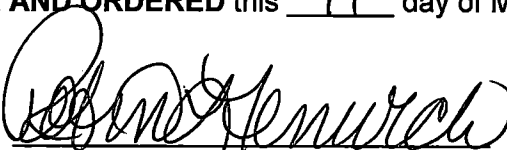
ORDER:

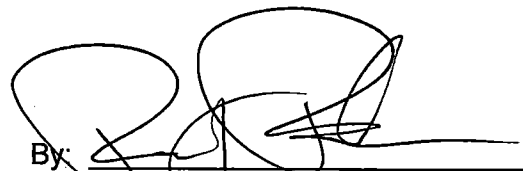
A. Respondent(s), Cheryl Geno, shall correct the aforesaid violation by this ORDER on or before May 9, 2016. In the event that the property is not brought into compliance on or before May 9, 2016, and/or not maintained in a state of compliance, a fine in the amount of \$250.00 per day will be imposed plus costs in the amount of . 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. 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.

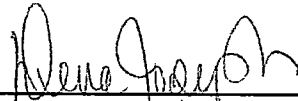
C. A certified copy of this Order may be recorded in the public records of Volusia County, Florida, and shall thereafter constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property. The findings in this Order shall be binding upon Respondent(s) 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 11 day of May, 2016.

Attest: 
Secretary, Code Enforcement Special Magistrate

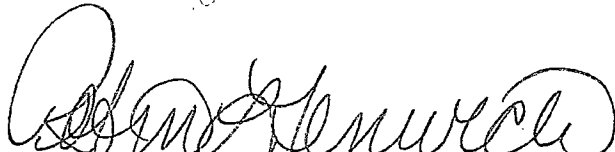
By: 
Code Enforcement Special Magistrate

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



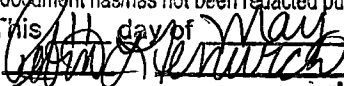
Code Compliance Inspector

I HEREBY CERTIFY that a true and correct copy of the foregoing Findings of Fact, Conclusion of Law, and Order have been furnished to Respondent(s), Cheryl Geno, 1421 Chamale Lane, Port Orange, FL 32129 by Certified and Regular Mail this 11 day of May, 2016.



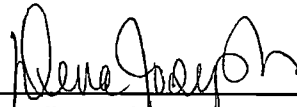
Secretary, Code Enforcement Special Magistrate



CITY OF PORT ORANGE, FLORIDA
I HEREBY CERTIFY the foregoing is a true copy
of the original filed in this office.
This document has/has not been redacted pursuant to Florida Law.
This 11 day of May, 2016.
By: 

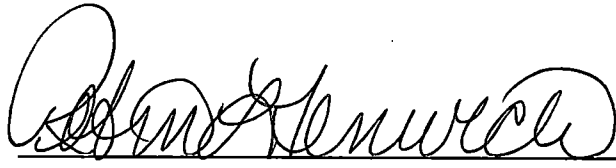
/s/ Robin L. Fenwick

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



Code Compliance Inspector

I HEREBY CERTIFY that a true and correct copy of the foregoing Findings of Fact, Conclusion of Law, and Order have been furnished to Respondent(s), Cheryl Geno, 1421 Chamale Lane, Port Orange, FL 32129 by Certified and Regular Mail this 11 day of May, 2016.



Secretary, Code Enforcement Special Magistrate

Case Cost Sheet Log

Case No. 16-276

Name	Activity	Activity_Date	Status	Cost
Clerk of Court	Recording Fees - Finding of Fact/Conclusion of Law & Order	04/27/2016		\$27.00
Vicki L. Bassett	Mailing costs - Finding of Fact/Conclusion of Law & Order to 909 Tree Garden Drive, Port Orange, FL 32127	04/27/2016		\$6.46

Total: 33.46



**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 16-276

To: Vicki L. Bassett
909 Tree Garden Dr
Port Orange, FL 32127

Re: 909 Tree Garden Dr
Port Orange, FL 32127
Parcel ID: 6316-03-01-0050

LEGAL DESCRIPTION: LOT 5 BLK 1 DEEP FOREST VILLAGE MB 33 PGS 98 TO 100 INC PER OR 4120 PG 2156
Volusia County Public Records
Volusia County, FL

An inspection of the premises on March 3, 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), of the City of Port Orange Code of Ordinances, Article II (Garbage, Junk and Undergrowth), Section 42-32 (Storage of Vehicles, Furniture, Etc.) No owner of property within the city shall permit the storage of vehicles or parts of vehicles, furniture, appliances or other personal property upon the premises, except in an enclosed building.

An inspection of the property was conducted on March 3, 2016. Upon inspection, I observed stored items in the driveway and in front of the home. A re-inspection was conducted on March 10, 2016 and I again viewed multiple stored items in the driveway and in front of the home. I took photos of the stored items and notified the owner that I would be issuing a Notice of Hearing. To correct the violation, all stored items must be removed from in front of the home and driveway and properly stored.

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 20, 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 April 27, 2016 at 9:00 a.m.**, or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The **Special Magistrate** will receive testimony and evidence at said PUBLIC HEARING and shall make such findings of facts and conclusions of law as supported by the testimony and evidence pertaining to the matter alleged below, and shall issue a Final Order affording the proper relief. A certified copy of the Final Order may be recorded in the public records of the county and shall constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property, and the findings therein shall be binding upon the violator and, if the violation concerns real property, upon any subsequent purchasers, successors in interest, or assigns. If you fail to appear at the Hearing, the **Special Magistrate** may base any findings solely on the testimony and evidence presented by the Code Enforcement Inspector. Please govern yourself accordingly.

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

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

NOTICE OF HEARING SETTING FINE AND LIEN

In the event the **Special Magistrate**, during the hearing on **April 27, 2016** enters a Final Order finding a violation as alleged, pursuant to Chapter 7, Code of Ordinances, City of Port Orange, Florida, you are hereby called upon to take notice that a 2nd PUBLIC HEARING will be conducted in the above-styled cause by the Code Enforcement Special Magistrate on **June 8, 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- J. Scott Allman.

DATED this 11 day of March, 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 Vicki L. Bassett, 909 Tree Garden Dr, Port Orange, FL 32127, was

☒ Hand-delivered

Recipient of hand delivered documents: Mrs Bassett

☐ Posted at the property

this 11 day of March, 2016.

Time: approx. 3:00 pm

J. Scott Allman
J. Scott Allman

☐ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Vicki L. Bassett, 909 Tree Garden Dr, Port Orange, FL 32127, was

☐ Posted at City Hall

☐ Sent via certified

this _____ day of _____, 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: 6316-03-01-0050 2015 Working Tax Roll Last Updated: 02-28-2016

Owner Name and Address

Alternate Key	3642082	Parcel Status	Active Parcel (Real Estate)
Short Parcel ID	6316-03-01-0050	Mill Group	402 Port Orange
Full Parcel ID	16-16-33-03-01-0050	2015 Final Mill Rate	20.86510
Created Date	31 DEC 1981		
Property Class	01 Single Family		
Ownership Type		Ownership Percent	100
Owner Name	BASSETT VICKI L		
Owner Name/Address 1			
Owner Address 2	909 TREE GARDEN DR		
Owner Address 3	PORT ORANGE FL		
Owner Zip/Postal Code	32127		
Situs Address	909 TREE GARDEN DR PORT ORANGE 32127		

Legal Description

LOT 5 BLK 1 DEEP FOREST VILLAGE MB 33 PGS 98 TO 100 INC PER OR 4120 PG 2156

Sales History

Book Page	Sale Date	Sale Instrument	Qualified Unqualified	Improved	Sale Price
4120 2156	07/1996	Warranty Deed	Qualified Sale	Yes	80,000
3915 2904	04/1994	Warranty Deed	Qualified Sale	Yes	72,500
3444 1452	03/1990	Quit Claim Deed	Affiliated Parties	Yes	100
2714 0417	08/1985	Warranty Deed	Qualified Sale	Yes	73,000
2284 0580	07/1981	Warranty Deed	Qualified Sale	Yes	66,000

History of Values

Year	Land	Bldg(s)	Misc. Impr.	Just Value	School Assessed	Non-School Assessed	School Exemption	School Taxable	Non-School Exemption	Non-School Taxable
2015	24,659	84,820	0	109,479	99,213	99,213	25,000	74,213	25,000	49,213
2014	24,659	78,104	0	102,763	98,426	98,426	25,000	73,426	25,000	48,426

[Display Value History](#)

Land Data

Code	Land Use Type	Frontage	Depth	No. Units	Unit Type	Rate	Depth	Loc	Shp	Phy	Just Value
0101	IMP PVD THRU .49 AC	90.0	197.0	90.00	FRONT FEET	230.00	119	100	100	100	24,659
Neighborhood 5744 DEEP FOREST VILLAGE SUB MB33											
Total Land Classified											0
Total Land Just											24,659

Building Characteristics

Building Number: 116625 (Building 1 of 1)

Bldg. No.	Improvement Type	Base Perimeter	Year Built	Quality Grade	Architecture	Phys. Depr.	Func. Obs.	Loc. Obs.	Next Review
116625	Single Family	204	1977	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		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)	VINYL SIDING	1.0	1977	N	0%	0%	1676 Sq. Feet
002	Patio (PTO)	Non-Applicable	1.0	1977	N	0%	0%	156 Sq. Feet
003	Finished Garage (FGR)	Non-Applicable	1.0	1977	N	0%	0%	420 Sq. Feet
004	Porch, Open Finished (FOP)	Non-Applicable	1.0	1977	N	0%	0%	45 Sq. Feet

This Instrument Prepared by: Debra Price,
An Officer of Associated Land Title Group, Inc. (357),
632 Dunlawton, Suite C, Port Orange, FL 32127,
For Purposes of Title Ins.
File # 357-1956
Parcel ID # 6316-03-01-0050

07/09/1996 08:29
Doc stamps 560.00
(Transfer Amt \$ 80000)
Instrument # 96116419
Book: 4120
Page: 2156

Warranty Deed

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

Made July 3, 1996, BETWEEN

Douglas Creech and Anne Creech, husband and wife
whose post office address is 967 Tall Pine Drive Port Orange, Florida 32127 of the County of Volusia, State of Florida, grantor, and

Vicki L. Bassett, a married woman
whose post office address is 909 Tree Garden Port Orange, Florida 32127 of the County of Volusia, State of Florida, grantee,

WITNESSETH: That the 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, successors and assigns forever, the following described land, situate, lying and being in Volusia County, Florida to-wit:

Lot 5, Block 1, Deep Forest Village Subdivision, as per Map 33, page 99, Public Records of Volusia County, Florida.

Subject to easements and restrictions of record, if any, which are specifically not extended or reimposed hereby. Subject to 1996 taxes and assessments.

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.

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

Signed, sealed and delivered in the presence of:

Susan Borich
Witness Signature

Douglas Creech
Douglas Creech

Susan Borich
PLEASE PRINT OR TYPE NAME AS IT APPEARS

Anne Creech
Anne Creech

Debra Price
Witness Signature

Debra Price
PLEASE PRINT OR TYPE NAME AS IT APPEARS

STATE OF Florida

COUNTY OF Volusia

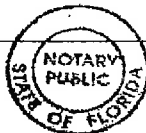
I HEREBY CERTIFY, that on July 1, 1996, before me personally appeared Douglas Creech and Anne Creech, husband and wife who are personally known to me or have produced the identification identified below, who are the persons described in and who executed the foregoing instrument, and who after being duly sworn say that the execution hereof is their free act and deed for the uses and purposes herein mentioned.

SWORN TO AND SUBSCRIBED before me the undersigned Notary Public by my hand and official seal, the day and year last aforesaid.

() To me personally known (X) Identified by Driver's License () Identified by _____

My Commission Expires: _____

Commission No.: _____



DEBRA PRICE
My Comm Exp. 3/01/98
Bonded By Service Ins
No. CC351743
☐ Personally Known ☒ Other I.D.

Debra Price
Notary Public
Debra Price
PLEASE PRINT OR TYPE NAME AS IT APPEARS

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)