



AGENDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
CITY OF PORT ORANGE

Meeting Date: Wednesday, October 26, 2016

Time: 9:00 AM

Type of Meeting: Regular

Location: Council Chambers
City Hall, 1000 City Center Circle

A. CALL TO ORDER

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

B. FORMAL HEARING (COMPLIANCE OR NON-COMPLIANCE)

4. CEB Case No.: 16-1215

Respondent: Sara R. Bonner

Address of Violation: 52 Woodfield Dr., Port Orange, FL 32129

Code Officer: Deborah Faircloth

First Notified: 09/14/2016

Compliance: No

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

5. CEB Case No.: 16-1324

Respondent: HSBC Bank Natl Assoc Tr
c/o Carrington Mtg Services LLC

Address of Violation: 6716 Merryvale Lane, Port Orange, FL 32128

Code Officer: Scott Allman

First Notified: 09/23/2016

Compliance: No

Cited for violation(s) - Chapter 3, Section 303 Swimming Pools, Spas and Hot Tubs of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances, 303.1 Swimming Pools and

Chapter 42 (Nuisances) of the City of Port Orange Code of Ordinances, Article II, (Garbage, Junk and Undergrowth), Section 42-46, (Cleanliness of Property Generally Duty of Owner), (d) Maintenance of improved residential lots.

C. ORDER IMPOSING FINE/LIEN

6. **CEB Case No.:** 16-1033

Respondent: Mitchell J. Scala

Katherine Scala

Peter M. Scala

Address of Violation: 1353 E. Dexter Drive, Port Orange, FL 32129

Code Officer: Scott Allman

First Notified: 08/12/2016

Compliance: No

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

City of Port Orange Code of Ordinances, Article II, 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.

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
OCTOBER 19, 2016

THE SPECIAL MAGISTRATE HEARING of the City of Port Orange was called to order by Special Magistrate Branch at 9:07 a.m.

PRESENT: Raymond Branch, Special Magistrate

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

Consideration of Minutes

Special Magistrate Branch approved the September 28, 2016 meeting minutes as presented, with a question as to Case #16-1247, 5400 Turton Lane – Redmond. Chris Hutchison, Code Enforcement Supervisor, said the property has not been abated. The case will come back after the property is abated. 156 Sand Pebble will be scheduled for Order Setting Fine/Lien once the mobile home is demolished.

Deborah Faircloth, Code Compliance Inspector, was sworn in by Special Magistrate Branch and advised that the pool enclosure and condition of the pool have not been abated because of the hurricane and damage assessment. She has inspected the property, which is still in violation. She has spoken to a vendor to abate the property. Once the property is abated, she will confirm the pool and enclosure are in violation and bring the case back. She asked for a continuance of the pool issues until November 9, 2016 when the Order Setting Fine/Lien will be heard for the overgrowth as is already set via the original notice, or until December 14, 2016 to allow time for abatement.

Special Magistrate Branch granted the continuance until December 14, 2016 to allow time for abatement and inspection.

Oaths

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

FORMAL HEARING (COMPLIANCE OR NON-COMPLIANCE)

4. **CEB Case No.:** 16-1498
Respondent: Jaqueline M. & Donald A. Acosta
Address of Violation: 825 Upland Drive, Port Orange, FL 32127
Code Officer: Scott Allman
First Notified: 09/10/2016

Compliance: No

Cited for repeat violation - Chapter 3, Section 303 Swimming Pools, Spas, and Hot Tubs of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances, 303.1 Swimming Pools

Scott Allman, Code Compliance Inspector, was sworn in by Special Magistrate Branch and testified as to the notice provided to the property owners and the condition of the property. This is a repeat violation. Mr. Allman presented photographs taken by him showing the violation of the unclean swimming pool.

Mr. Hutchison was sworn in by Special Magistrate Branch and testified as to the residents living in the home, whom he was told are the adult children of the property owner. There are utilities turned on and a dog in the home.

Mr. Allman tendered a flyer from Volusia County Mosquito Control confirming the condition of the swimming pool being a health and safety violation that will attract mosquitos.

Mr. Allman recommended the property owners be found in repeat violation of the above referenced code and the violation be corrected immediately by cleaning and maintaining the pool in a good and sanitary condition or by installing a hard cover over the pool. If the property owners do not comply, he recommends the City have the option of abating the violation as it is a health and safety issue. He advised that the City would contact a pool company to provide a hard cover. Special Magistrate Branch is satisfied by the testimony that a health and safety violation has occurred and continues to occur. He believes it would be in the best interest of the public to have interaction with Volusia County Public Health Department. Mr. Allman advised that the County has stated they cannot access the property.

Special Magistrate Branch found the property in repeat violation as a health and safety violation and awarded the City the option to abate the violation.

Mr. Allman submitted a cost sheet into evidence in the amount of \$55.52.

Special Magistrate Branch granted the recommendations as presented and submitted the photographs and cost sheet into evidence with no objection. Further costs for the abatement shall be awarded as well.

ORDER IMPOSING FINE/LIEN – There were no cases to be heard.

PUBLIC COMMENTS – There were no public comments.

ADJOURNMENT – 10:07 a.m.

Special Magistrate Raymond Branch



CITY COUNCIL AGENDA ITEM

REQUESTED COUNCIL MEETING DATE 10/26/2016

Consent item: No

Name	Activity	Activity_Date	Status	Cost
Sara R. Bonner	Cost to mail Notice of Violation/Notice of Hearings	09/15/2016	Certified mailing returned unclaimed on 10/11/16	\$7.34
J. Bennett Kitterman, Brock & Scott PLLC	Cost to mail Notice of Violation/Notice of Hearings to 1501 NW 49th St. Suite 200, Ft. Lauderdale, FL 33309	09/15/2016	Green card received and signed by Renee LaFayette (undated)	\$7.34
Clerk of Court	Cost to record Finding of Fact, Conclusion of Law & Order	10/26/2016		\$27.00
Sara R. Bonner	Cost to mail Finding of Fact, Conclusion of Law & Order	10/26/2016		\$7.34
J. Bennett Kitterman, Brock & Scott PLLC	Cost to mail Finding of Fact, Conclusion of Law & Order to 1501 NW 49th St. Suite 200, Ft. Lauderdale, FL 33309	10/26/2016		\$7.34

Total: 56.36



**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 16-1215

To: Sara R Bonner
52 Woodfield Dr.
Port Orange, FL 32129

Re: 52 Woodfield Dr.
Port Orange, FL 32129
Parcel ID: 6307-01-00-0520

LEGAL DESCRIPTION: LOT 52 RAVENWOOD SUB MB 33 PGS 170-171 INC PER OR 4187 PG 0728 PER UNREC D/C
PER D/C 5960 PG 2457 PER OR 7131 PG 3635
Volusia County Public Records
Volusia County, FL

An inspection of the premises on May 25, 2016, indicates that certain violation(s) of the City of Port Orange Code exists.

Property owner was notified of the violations noted below and given three (3) days to correct. A re-inspection was done on June 17, 2016, resulting in non-compliance.

This correspondence will serve as official notification that the below stated violation(s) must be corrected by September 29, 2016.

Briefly stated, the property is in violation of the following:

1. City of Port Orange Code of Ordinances, Chapter 42, Article II, Section 42-26 Cleanliness of property generally – Duty of owner (d) Maintenance of improved residential lots, (f) Garbage, waste, trash, etc., prohibited, (h) Abutting property owner maintenance of parkages.
 - The entire property is overgrown and needs to be mowed and maintained with all undergrowth cut back along house and fences. All garbage, waste, trash, etc., is to be cleaned up and removed from entire property and parkage. The adjacent parkage is to be mowed and maintained as provided in subsection (d) of the above ordinance along with removing any trash or debris from that area.

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

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

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

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

NOTICE OF HEARING AS TO VIOLATION(S) ALLEGED

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

Pursuant to Chapter 2, Article V, Code of Ordinances and Section 162.06, Florida Statutes, you are hereby called upon to take notice that a PUBLIC HEARING will be conducted in the above-styled cause by the **Special Magistrate October 26, 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 \$ 14.68 as indicated on the cost sheet submitted into evidence. The respondent will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion.

NOTICE OF HEARING SETTING FINE AND LIEN

In the event the **Special Magistrate**, during the hearing on **October 26, 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 **December 14, 2016, at 9:00 a.m.**, or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The Code Enforcement Special Magistrate will consider setting fine lien on the above referenced case at said PUBLIC HEARING. Please govern yourself accordingly.

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

DATED this 14th day of September, 2016.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: Deborah Faircloth
Deborah Faircloth

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Sara R Bonner, 52 Woodfield Dr., Port Orange, FL 32129, RE: 52 Woodfield Dr., Port Orange, FL 32129, was

☐ Hand-delivered

☒ Posted at the property

this 14th day of September, 2016.

Time: approx. _____

Deborah Faircloth
Deborah Faircloth

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Sara R Bonner, 52 Woodfield Dr., Port Orange, FL 32129, RE: 52 Woodfield Dr., Port Orange, FL 32129, was

☒ Posted at City Hall

☒ Sent via certified and regular

this 15 day of September, 2016.



Secretary, Special Magistrate

cc: J Bennett Kittermann, Brock & Scott PLLC, 1501 NW 49th St., Ste. 200, Ft. Lauderdale, FL 33309

✓
by regular + certified mail

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: 6307-01-00-0520 **2016 Preliminary Tax Roll** Last Updated: 08-07-2016

Owner Name and Address

Alternate Key	3592271	Parcel Status	Active Parcel (Real Estate)
Short Parcel ID	6307-01-00-0520	Mill Group	402 Port Orange
Full Parcel ID	07-16-33-01-00-0520	2015 Final Mill Rate	20.86510
Created Date	30 DEC 1981		
Property Class	01 Single Family		
Ownership Type	Estate	Ownership Percent	100
Owner Name	BONNER SARA R		
Owner Name/Address 1			
Owner Address 2	52 WOODFIELD DR		
Owner Address 3	PORT ORANGE FL		
Owner Zip/Postal Code	32129		
Situs Address	52 WOODFIELD DR PORT ORANGE 32129		

Legal Description

LOT 52 RAVENWOOD SUB MB 33 PGS 170-171 INC PER OR 4187 PG 0728 PER UNREC D/C PER D/C 5960 PG 2457 PER OR 7131 PG 3635

Sales History

Book Page	Sale Date	Sale Instrument	Qualified Unqualified	Improved	Sale Price
4187 0728	03/1997	Warranty Deed	Affiliated Parties	Yes	10
4173 0144	01/1997	Warranty Deed	Affiliated Parties	Yes	1
3598 1736	03/1991	Warranty Deed	Qualified Sale	Yes	67,000
2385 0520	09/1982	Warranty Deed	Qualified Sale	Yes	72,100
2139 0348	01/1980	Warranty Deed	Qualified Sale	Yes	50,600

History of Values

Year	Land	Bldg(s)	Misc. Impr.	Just Value	School Assessed	Non-School Assessed	School Exemption	School Taxable	Non-School Exemption	Non-School Taxable
2015	12,883	87,965	0	100,848	100,848	100,848	0	100,848	0	100,848
2014	12,883	88,185	0	101,068	96,654	96,654	25,500	71,154	25,000	46,154

[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	6.0	116.0	6.00	FRONT FEET	180.02	97	100	100	100	1,049
0101	IMP PVD THRU .49 AC	70.0	106.0	70.00	FRONT FEET	180.00	94	100	100	100	11,834
Neighborhood	5890 RAVENWOOD SUB MB 33 PGS 170 &										
	Total Land Classified										0
	Total Land Just										12,883

Building Characteristics

Building Number: 112176 (Building 1 of 1)

Bldg. No.	Improvement Type	Base Perimeter	Year Built	Quality Grade	Architecture	Phys. Depr.	Func. Obs.	Loc. Obs.	Next Review
112176	Single Family		178 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	1	A/C		Yes

Section Number	Area Type	Exterior Wall Type	Number Stories	Year Built	Attic Finish	Bsmt Area	Bsmt Finish	Floor Area
001	Res BASE Area (BAS)	CONC OR CINDER BLOCK	1.0	1977	N	0%	0%	1608 Sq. Feet
002	Patio (PTO)	C B STUCCO	1.0	1977	N	0%	0%	144 Sq. Feet
003	Finished Garage (FGR)	C B STUCCO	1.0	1977	N	0%	0%	580 Sq. Feet
004	Porch, Open Finished (FOP)	C B STUCCO	1.0	1977	N	0%	0%	189 Sq. Feet
005	Unfinished Enclosed Porch (UEP)	Non-Applicable	1.0	1997	N	0%	0%	104 Sq. Feet
006	Porch, Open Unfinished (UOP)	Non-Applicable	1.0	1997	N	0%	0%	48 Sq. Feet

Prepared By: **JOYCE A. PRATER**
PROFESSIONAL TITLE AGENCY, INC.
2763 S. RIDGEWOOD AVENUE, SUITE C SOUTH DAYTONA, FL 32119
incidental to the issuance of a title insurance policy.
File No.: **0463*P6092**
Parcel ID #: **6307-01-00-0520**
Grantee(s) SS # ,

Doc stamps 0.70
(Transfer Amt \$ 10)
Instrument # 97048018
Book: 4187
Page: 728
Diane M. Matousek
Volusia County, Clerk of Court

WARRANTY DEED
(INDIVIDUAL)

This **WARRANTY DEED**, dated March 18, 1997
by
ROBERT E. BONNER

whose post office address is
862 Terrace Avenue, Daytona Beach, Florida 32114
hereinafter called the GRANTOR, to
WILLIAM R. BONNER and SARA R. BONNER, Husband and Wife

whose post office address is
52 WOODFIELD DRIVE, PORT ORANGE, FL 32119
hereinafter called the GRANTEE:

(Wherever used herein the terms "GRANTOR" and "GRANTEE" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations.)
WITNESSETH: That the GRANTOR, for and in consideration of the sum of \$10.00 and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the GRANTEE, all that certain land situate in **VOLUSIA** County, Florida, viz:

LOT 52, RAVENWOOD SUBDIVISION, ACCORDING TO THE PLAT THEREOF, RECORDED IN MAP BOOK 33, PAGES 170 AND 171 OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

Grantor hereby warrants that the property described in this instrument is not his constitutional homestead as provided by the Florida Constitution.

SUBJECT TO covenants, conditions, restrictions, reservations, limitations, easements and agreements of record, if any; taxes and assessments for the year 1997 and subsequent years; and to all applicable zoning ordinances and/or restrictions and prohibitions imposed by governmental authorities, if any,

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 except as above noted, 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.

IN WITNESS WHEREOF, GRANTOR has signed and sealed these presents the date set forth above.

SIGNED IN THE PRESENCE OF THE FOLLOWING WITNESSES:

Robert E. Bonner
ROBERT E. BONNER

Signature: Joyce A. Prater
Print Name: **JOYCE A. PRATER**

Signature: Yvonne S. Schwab
Print Name: **YVONNE S. SCHWAB**

State of Florida
County of **VOLUSIA**

I am a notary public of the state of Florida, and my commission expires: _____
THE FOREGOING INSTRUMENT was acknowledged before me on March 18, 1997 by
ROBERT E. BONNER

who is personally known to me or who has produced DRIVER LICENSE as identification and who DID take an oath.
(type of identification) (did/did not)



JOYCE A. PRATER
COMMISSION # CC448399 EXPIRES
April 17, 1999
BONDED THRU TROY FAIR INSURANCE, INC.

Signature: Joyce A. Prater
Print Name: **JOYCE A. PRATER**
Notary Public

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

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

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

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

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

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

preservation, tree removal, change of grade, etc., shall be effective. In the event of any conflict between this section and any other provision of this Code or applicable provision of the land development code, the other sections of this Code or applicable provisions of the land development code shall prevail and govern.

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

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

BONNER AKA
SARA
RICHARDSON
BONNER
DECEASED

Party Contact Detail

No Contact Information Returned

Party Attorney Detail

	Name	Type	Bar #	SPN	Start
	J BENNETT KITTERMANN	PRIMARY ATTORNEY	98636	841280	10/19/2015

Attorney Contact Detail

Date	Type	Details
01/01/1900	Mailing Address	BROCK & SCOTT PLLC 1501 NW 49TH ST STE 200 FT LAUDERDALE Florida 33309

Case Cost Sheet Log

Case No. 16-1324

Name	Activity	Activity_Date	Status	Cost
HSBC Bank Nat'l Assoc TR	Costs to mail Notice of Violation/Notice of Hearings to HSBC Bank, c/o Carrington Mtg Services & CT Corporation System, RA	09/26/2016	Green card received from CT Corporation dated 9/28/16; nothing from HSBC Bank	\$13.34
Clerk of Court	Fee to record Finding of Fact, Conclusion of Law & Order	10/26/2016		\$27.00
HSBC Bank Nat'l Assoc TR	Costs to mail Notice of Violation/Notice of Hearings to HSBC Bank, c/o Carrington Mtg Services & CT Corporation System, RA (Certified & Regular)	10/26/2016		\$13.34

Total: 53.68



**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 16-1324

To: HSBC Bank Natl Assoc Tr,
% Carrington Mtg Services LLC
1600 S. Douglas Rd, Suite 200-A
Anaheim, CA 92806

C/O CT Corporation System
Registered Agent
1200 South Pine Island Road
Plantation, FL 33324

Re: 6716 Merryvale Ln
Port Orange, FL 32128

Parcel ID: 6331-16-00-6720

LEGAL DESCRIPTION: LOT 672 WATERS EDGE PHASE VI MB 48 PGS 196-200 INC PER OR 5871 PG 0624 PER
OR 7197 PG 4991

Volusia County Public Records
Volusia County, FL

An inspection of the premises on August 9, 2016, indicates that certain violation(s) of the City of Port Orange Code exists.

Property owner was notified of the violations noted below and given 10 days to correct. A re-inspection was done on August 25, 2016 and September 15, 2016 resulting in non-compliance.

This correspondence will serve as official notification that the below stated violation(s) must be corrected by October 21, 2016.

Briefly stated, the property is in violation of the following:

1. Chapter 3, Section 303 Swimming Pools, Spas and Hot Tubs of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances, 303.1 Swimming Pools.
 - An inspection of the property was conducted on August 9, 2016. During that inspection, I observed a pool in the back yard that is not being maintained. I contacted Carrington Services and spoke with Vanessa and M.J. and notified them of the violations. They were given two weeks for compliance. A re-inspection was conducted on August 25, 2016 which revealed non-compliance. I contacted Adam with Carrington who could not find where any work orders had been issued for the correction of the violations. Adam requested more time which was granted and I e-mailed him a detailed list of what needed to be done at the property. A second re-inspection was conducted on September 15, 2016 which again revealed non-compliance. To correct the violation, the pool must be maintained in a clean and sanitary condition or properly covered.
2. 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 August 9, 2016. During that inspection, I observed high weeds and grass. I contacted Carrington Services and spoke with Vanessa and M.J. and notified them of the violations. They were given two weeks for compliance. A re-inspection was conducted on August 25, 2016

which revealed non-compliance. I contacted Adam with Carrington who could not find where any work orders had been issued for the correction of the violations. Adam requested more time which was granted and I e-mailed him a detailed list of what needed to be done at the property. A second re-inspection was conducted on September 15, 2016 which again revealed non-compliance. To correct the violation, the entire property needs to be mowed, maintained and all high weeds trimmed.

Attachments: ☒ Copy of code

☒ Copy of Deed

☒ Copy of Tax Roll

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

NOTICE OF HEARING AS TO VIOLATION(S) ALLEGED

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

Pursuant to Chapter 2, Article V, Code of Ordinances and Section 162.06, Florida Statutes, you are hereby called upon to take notice that a PUBLIC HEARING will be conducted in the above-styled cause by the **Special Magistrate** October 26, 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 \$14.68 as indicated on the cost sheet submitted into evidence. The respondent will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion.

NOTICE OF HEARING SETTING FINE AND LIEN

In the event the **Special Magistrate**, during the hearing on October 26, 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 December 14, 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 23rd day of September, 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 HSBC Bank Natl Assoc Tr, Carrington Mtg Services LLC, 1600 S. Douglas Rd, Suite 200-A, Anaheim, CA 92806, C/O CT Corporation System (Registered Agent), 1200 South Pine Island Road, Plantation, FL 33324, RE: 6716 Merryvale Ln, Port Orange, FL 32128, was

☐ Hand-delivered

Recipient of hand delivered documents: _____

☒ Posted at the property

this 23rd day of September, 2016.

Time: approx. 12:45 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 HSBC Bank Natl Assoc Tr, Carrington Mtg Services LLC, 1600 S. Douglas Rd, Suite 200-A, Anaheim, CA 92806, C/O CT Corporation System (Registered Agent), 1200 South Pine Island Road, Plantation, FL 33324, RE: 6716 Merryvale Ln, Port Orange, FL 32128, was

☒ Posted at City Hall

☒ Sent via certified and regular

this 26 day of Sept., 2016.

John H. Henshaw
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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[Estimate of Taxes](#)

Parcel Information: 6331-16-00-6720 **2016 Preliminary Tax Roll** Last Updated: 09-18-2016

Owner Name and Address

Alternate Key	6086486	Parcel Status	Active Parcel (Real Estate)
Short Parcel ID	6331-16-00-6720	Mill Group	602 Port Orange
Full Parcel ID	31-16-33-16-00-6720	2015 Final Mill Rate	22.54410
Created Date	19 APR 2002		
Property Class	01 Single Family		
Ownership Type	Fee Simple	Ownership Percent	100
Owner Name	HSBC BANK USA NATL ASSOC TR		
Owner Name/Address 1	% CARRINGTON MTG SERVICES LLC		
Owner Address 2	1600 S DOUGLAS RD STE 200-A		
Owner Address 3	ANAHEIM CA		
Owner Zip/Postal Code	92806		
Situs Address	6716 MERRYVALE LN PORT ORANGE 32128		

Legal Description
LOT 672 WATERS EDGE PHASE VI MB 48 PGS 196-200 INC PER OR 5871 PG 0624 PER OR 7197 PG 4991

Sales History

Book Page	Sale Date	Sale Instrument	Qualified Unqualified	Improved	Sale Price
7197 4991	12/2015	Certificate of Title	Government acquisition	Yes	420,100
5871 0624	06/2006	Warranty Deed	Qualified Sale	Yes	622,843

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	43,000	327,817	34,330	405,147	405,147	405,147	0	405,147	0	405,147
2014	43,000	322,091	32,935	398,026	398,026	397,212	0	398,026	0	397,212

[Display Value History](#)

Land Data

Code	Land Use Type	Frontage	Depth	No. Units	Unit Type	Rate	Depth	Loc	Shp	Phy	Just Value
0136	IMP CANAL 1	90.0	163.0	1.00	LOT	43000.00	100	100	100	100	43,000
Neighborhood 4966 WATERS EDGE PH VI MB 48 PG 196											
Total Land Classified											0
Total Land Just											43,000

Building Characteristics

Building Number: 204786 (Building 1 of 1)

Bldg. No.	Improvement Type	Base Perimeter	Year Built	Quality Grade	Architecture	Phys. Depr.	Func. Obs.	Loc. Obs.	Next Review
204786	Single Family	315	2006	450		2%	0%	0%	2999
Roof Type	HIP	Floors		Carpet	Bedrooms	5	4 Fixture Bath 0		
Roof Cover	ASPHALT SHINGL	Wall Type		Drywall	X Fixture Bath	2	5 Fixture Bath 1		
Heat Type1	Forced Ducted	Heat Source1		Electricity	2 Fixture Bath	1	6 Fixture Bath 0		
Heat Type2		Heat Source2			3 Fixture Bath	4	7 Fixture Bath 0		
Foundation	Concrete Slab	Year Remodeled			Fireplaces	0	A/C Yes		

Section Number	Area Type	Exterior Wall Type	Number Stories	Year Built	Attic Finish	Bsmt Area	Bsmt Finish	Floor Area
001	Res BASE Area (BAS)	C B STUCCO	1.0	2006	N	0%	0%	2856 Sq. Feet
002	Porch, Open Finished (FOP)	Non-Applicable	1.0	2006	N	0%	0%	473 Sq. Feet
003	Finished Garage (FGR)	Non-Applicable	1.0	2006	N	0%	0%	804 Sq. Feet
004	Porch, Open Finished (FOP)	Non-Applicable	1.0	2006	N	0%	0%	198 Sq. Feet
005	Porch, Open Finished (FOP)	Non-Applicable	1.0	2006	N	0%	0%	130 Sq. Feet
006	Upper Story, Finished (FUS)	TILE OR WD FR STUCCO	1.0	2006	N	0%	0%	790 Sq. Feet

7

12/21/2015 04:34 AM
Instrument# 2015-234697 # 1
Book: 7197
Page: 4991
Diane M. Matousek
Volusia County, Clerk of Court

**In The Circuit Court, Seventh Judicial Circuit
In And For Volusia County, Florida**

HSBC BANK USA, NATIONAL ASSOCIATION, ETC
Plaintiff(s)

VS.

ANDREA J LUNT, ET AL
Defendant(s)

Case No. 2011 32722 CICI
Div.

CERTIFICATE OF TITLE

The undersigned Clerk of the Circuit Court certifies that a Certificate of Sale has been filed in this action and on the 18th day of December, 2015 for the property described herein and that no objections to the sale have been filed within the time allowed for filing objections. The following property in Volusia County, Florida:

**LOT 672, WATER'S EDGE, PHASE VI, ACCORDING TO PLAT THEREOF AS
RECORDED IN MAP BOOK 48, PAGE 196 THROUGH 200, INCLUSIVE, OF THE
PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.**

Property address: 6716 Merryvale Lane, Port Orange, FL 32128

FILED
DEC 18 2015
CLERK OF THE CIRCUIT COURT
VOLUSIA COUNTY, FLORIDA
CC 64

was sold to and the Certificate of Title is hereby issued to:

HSBC BANK USA, NATIONAL ASSOCIATION, AS TRUSTEE FOR CARRINGTON MORTGAGE LEND TRUST,
SERIES 2007-HE1 ASSET-BACKED PASS-THROUGH CERTIFICATES

whose address is: C/O Carrington Mortgage Services, LLC 1600 South Douglas Road, Suite 200-A Anaheim, CA,
92806

Witness my hand and seal on 18th day of December, 2015 in Volusia County, Florida.



Diane M. Matousek, Clerk of the Circuit Court
Volusia County, Florida

By:

Deputy Clerk

/s/ Ava Skeel

Sale Amt. \$420,100.00 D/S \$2,940.70 Parcel ID # 31-16-33-16-00-6720

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

CARRINGTON MORTGAGE SERVICES, LLC

Filing Information**Document Number** M07000002416**FEI/EIN Number** 20-8745846**Date Filed** 04/26/2007**State** DE**Status** ACTIVE**Principal Address**1600 S. Douglass Road
STE 200-A & STE 110
Anaheim, CA 92806

Changed: 12/15/2015

Mailing Address1600 S. Douglass Road
STE 200-A & STE 110
Anaheim, CA 92806

Changed: 12/15/2015

Registered Agent Name & AddressCT CORPORATION SYSTEM
1200 SOUTH PINE ISLAND ROAD
PLANTATION, FL 33324**Authorized Person(s) Detail****Name & Address**

Title MGRM

CARRINGTON MORTGAGE HOLDINGS, LLC
1600 S. Douglass Rd., STE 200-A & 110
Anaheim, CA 92806

Title CSO

FULCO, DARREN ACOO
1600 S. Douglass Rd., STE 200-A & 110
Anaheim, CA 92806

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)

CHAPTER 3

GENERAL REQUIREMENTS

SECTION 301 GENERAL

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

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

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

SECTION 302 EXTERIOR PROPERTY AREAS

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

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

Exception: *Approved* retention areas and reservoirs.

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

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

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

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

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

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

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

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

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

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

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

SECTION 303 SWIMMING POOLS, SPAS AND HOT TUBS

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

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

Case Cost Sheet Log

Case No. 16-1033

Name	Activity	Activity_Date	Status	Cost
All Respondents	Mailing costs for Notice of Violation/Notice of Hearings via certified and regular mail	08/15/2016	Certified mailings returned unclaimed on 9/20/16; regular mail was not returned	\$22.02
Clerk of Court	Recording fees for Finding of Fact, Conclusion of Law, & Order	09/14/2016		\$27.00
All Property owners	Mailing costs for Finding of Fact, Conclusion of Law, & Order via certified and regular mail	09/14/2016	Certified mailings returned REFUSED; regular mail was not returned	\$22.02
Clerk of Court	Fees to record Order Imposing Fine/Lien	10/26/2016		\$44.00
All property owners	Mailing costs for Order Setting Fine/Lien via certified and regular mail	10/26/2016		\$22.02

Total: 137.06



**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 16-1033

To: Mitchell J. Scala, Katherine Scala

And Peter M. Scala

1353 E. Dexter Dr

Port Orange, FL 32129

Re: 1353 E. Dexter Dr

Port Orange, FL 32129

Parcel ID: 6307-07-00-0010

LEGAL DESCRIPTION: LOT 1 HIDDEN LAKE SUB PHASE I MB 37 PGS 121-122 INC PER OR 2593 PG 1318 PER OR 6450 PG 4070 PER OR 6498 PGS 4126-4127.

Volusia County Public Records

Volusia County, FL

An inspection of the premises on June 23, 2016, indicates that certain violation(s) of the City of Port Orange Code exists.

Property owner was notified of the violations noted below and given ten days to correct. A re-inspection was done on August 3, 2016, resulting in non-compliance.

This correspondence will serve as official notification that the below stated violation(s) must be corrected by August 31, 2016.

Briefly stated, the property is in violation of the following:

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

- On June 23, 2016, I observed a chain link fence on the property that is need of repair. A re-inspection on August 3, 2016 confirmed the condition to be the same. There are missing rails and the fence is leaning in several areas. To correct the alleged violation, the fence needs to be repaired to be in its original and upright condition.

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

- On June 23, 2016, I observed a truck parked and stored on the side of the home. I also observed items being stored on the side of the home and in the driveway. A re-inspection on August 3, 2016 confirmed the condition to be the same. To correct the alleged violation, all items stored on the side of the home must be removed and properly stored. The truck stored on the side of the home must be removed and properly stored.

Attachments: ☒ Copy of code

☒ Copy of Deed

☒ Copy of Tax Roll

Failure to comply after this date may result in the commencement of appropriate code enforcement action and/or possible fine of up to \$4,000.00 per day for a first violation, \$5,000.00 per day per violation for a repeat violation, and up to \$15,000.00 per violation if the code enforcement board or special magistrate finds the violation to be irreparable or irreversible in nature.

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

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

NOTICE OF HEARING AS TO VIOLATION(S) ALLEGED

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

Pursuant to Chapter 2, Article V, Code of Ordinances and Section 162.06, Florida Statutes, you are hereby called upon to take notice that a PUBLIC HEARING will be conducted in the above-styled cause by the **Special Magistrate** September 14, 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 \$ 22.02 as indicated on the cost sheet submitted into evidence. The respondent will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion.

NOTICE OF HEARING SETTING FINE AND LIEN

In the event the **Special Magistrate**, during the hearing on September 14, 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 October 26, 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 12th day of August, 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 Mitchell J. Scala, Katherine Scala and Peter M. Scala, RE: 1353 E. Dexter Dr, Port Orange, FL 32129, was

☐ Hand-delivered

Recipient of hand delivered documents: _____

☒ Posted at the property

this 12th day of August, 2016.

Time: approx. 10:55 am

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 Mitchell J. Scala, Katherine Scala and Peter M. Scala, RE: 1353 E. Dexter Dr, Port Orange, FL 32129, was

☐ Posted at City Hall

☒ Sent via certified and regular

this 15 day of August, 2016.

Secretary, Special Magistrate
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: 6307-07-00-0010 **2016 Preliminary Tax Roll** Last Updated: 08-07-2016

Owner Name and Address

Alternate Key	3596986	Parcel Status	Active Parcel (Real Estate)
Short Parcel ID	6307-07-00-0010	Mill Group	402 Port Orange
Full Parcel ID	07-16-33-07-00-0010	2015 Final Mill Rate	20.86510
Created Date	30 DEC 1981		
Property Class	01 Single Family		
Ownership Type	Joint Tenancy with Right of Survivorship	Ownership Percent	100
Owner Name	SCALA MITCHELL J &		
Owner Name/Address 1			
Owner Address 2	1353 DEXTER DR		
Owner Address 3	PORT ORANGE FL		
Owner Zip/Postal Code	32129		
Situs Address	1353 E DEXTER DR PORT ORANGE 32129		

Additional Owners

Ownership Type	Joint Tenancy with Right of Survivorship	Ownership Percent	100.00
Additional Owner Name	SCALA KATHARINE &		
Ownership Type	Joint Tenancy with Right of Survivorship	Ownership Percent	100.00
Additional Owner Name	SCALA PETER M &		

Legal Description

LOT 1 HIDDEN LAKE SUB PHASE I MB 37.PGS 121-122 INC PER OR 2593 PG 1318 PER OR 6450 PG 4070 PER OR 6498 PGS 4126-4127

Sales History

Book Page	Sale Date	Sale Instrument	Qualified Unqualified	Improved	Sale Price
6498 4126	06/2010	Warranty Deed	Institutional / bank	Yes	80,000
6450 4070	03/2010	Certificate of Title	Unqualified Sale	Yes	100
2593 1318	08/1984	Warranty Deed	Qualified Sale	Yes	62,300
2424 0274	02/1983	Warranty Deed	Qualified Sale	Yes	54,000
2292 0217	08/1981	Warranty Deed	Unqualified Sale	No	691,000
2238 1779	02/1981	Warranty Deed	Unqualified Sale	No	380,000
2212 1175	10/1980	Quit Claim Deed	Unqualified Sale	No	88

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	20,812	76,979	1,538	99,329	85,647	85,647	25,000	60,647	25,000	35,647
2014	20,812	74,033	0	94,845	84,967	84,967	25,000	59,967	25,000	34,967

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	100.0	115.0	100.00	FRONT FEET	215.00	97	100	100	100	20,812
Neighborhood 5864 HIDDEN LAKE PH I,II,III,IV-A&											
Total Land Classified											0
Total Land Just											20,812

Building Characteristics

Building Number: 112647 (Building 1 of 1)

Bldg. No.	Improvement Type	Base Perimeter	Year Built	Quality Grade	Architecture	Phys. Depr.	Func. Obs.	Loc. Obs.	Next Review
112647	Single Family	162	1983	300		23%	0%	0%	2999
Roof Type	GABLE	Floors		Carpet	Bedrooms	4	4 Fixture Bath		0
Roof Cover	ASPHALT ROLLED	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
	Area Type	Exterior Wall Type							

Prepared by Yvonne Allen
an employee of
Rels Settlement Services
5700 Smetana Drive, Suite 400
Minnetonka, Minnesota 55343
877-813-7316
Fax # 956736
File # 0256529348B

Return to:
Rels Title
4477 Legendary Dr #101
Destin FL 32541

SPECIAL WARRANTY DEED

State of Florida

County of Volusia

THIS SPECIAL WARRANTY DEED is made this 6/30/10, between Wells Fargo Financial System Florida, Inc. having a business address at: 4119 121st St, Urbandale, IA 50323 ("Grantor"), and Peter M. Scala, a married man and Katharine Scala, a married woman and Mitchell J. Scala, a single man as Joint Tenants and Rights of Survivorship having a mailing address of: 1806 Chandell Ct. Port Orange FL 32128 ("Grantee"),

WITNESSETH, that the said Grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other valuable considerations, receipt and sufficiency of which is hereby acknowledged, has granted, bargained, sold, remised, released, conveyed and confirmed unto said "Grantee", its successors and assigns forever, the following described land, situate, lying and being in the County of Volusia, State of Florida, to-wit:

Lot 1, HIDDEN LAKE SUBDIVISION PHASE I, as Per Map recorded in Map Book 37, Pages 121 and 122, Public Records of Volusia County, Florida.

Commonly known as: 1353 DEXTER DR E., PORT ORANGE, FL 32129

Tax Parcel Identification Number: 630707000010.

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

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 Grantor hereby covenants with said Grantee that Grantor is lawfully seized of said land in fee simple; that it has good right and lawful authority to sell and convey said land; and that said land is free of all encumbrances except taxes accruing subsequent to 2010. That it hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons claiming by, through or under Grantor, but against none other.

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

Wells Fargo Financial System Florida, Inc.

Anne McFadden

By: Anne McFadden

Vice President

Signed, sealed and delivered in our presence:

Justin Edgington
Witness Signature

Justin Edgington
Print Name

Tim Seager
Witness Signature

Tim Seager
Print Name

State of _____

County of _____

The Foregoing Instrument Was Acknowledged before me on 6-30-10, by Anne McFadden the Vice President of Wells Fargo Financial System Florida, Inc. who is are personally known to me or who has/have produced a valid driver's license as identification.



Ryan Raymond
NOTARY PUBLIC

Ryan Raymond
Notary Print Name

My Commission Expires: 5/2/11

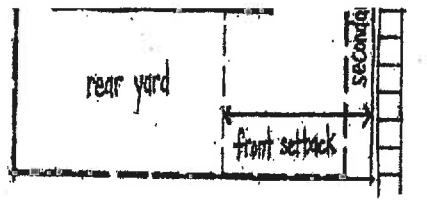
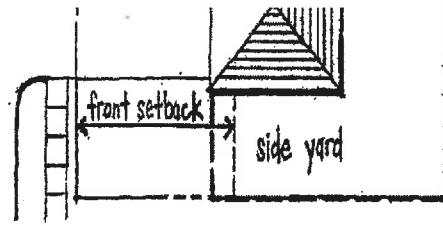
Sec. 42-32. - Storage of vehicles, furniture, etc.

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

**Non-Conforming Lot & Structure****Non-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

**CITY OF PORT ORANGE, FLORIDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
CASE NO. 16-1033**

CITY OF PORT ORANGE,
a Florida municipal corporation,

Petitioner,

MITCHELL J. SCALA
KATHERINE SCALA
PETER M. SCALA
1353 E. DEXTER DRIVE
PORT ORANGE, FL 32129
PARCEL ID: 6307-07-00-0010

Respondent.

_____ /

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

THIS CAUSE came on for public hearing before the Code Enforcement Special Magistrate on September 14, 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), MITCHELL J. SCALA, KATHERINE SCALA, and PETER M. SCALA, (hereinafter referred to as "Respondent(s)", whose mailing address is 1353 E. Dexter Drive, Port Orange, FL 32129, is/are the owner(s) of the property located at 1353 E. Dexter Drive, Port Orange, FL 32129, and more particularly described as:

LOT 1 HIDDEN LAKE SUB PHASE I MB 37 PGS 121-122 INC PER OR 2593 PG 1318 PER OR 6450
PG 4070 PER OR 6498 PGS 4126-4127

B. A chain link fence on the property is in need of repair, along with improper storage of a truck and other items being stored on the side of the home and in the driveway. These conditions were first observed at the real property described above on June 23, 2016; re-inspections were made on August 3, 2016 and September 12, 2016 and confirmed most condition as being the same. Respondent removed the improperly stored truck; however, other items remain improperly stored. Respondent(s) received notice via certified mail dated August 15, 2016, posting on the property on August 12, 2016, and posting at City Hall on August 15, 2016, that the aforesaid conditions constituted a violation of Chapter 16 (Miscellaneous Regulations), Section 3 (Fences and Walls), (b) General Provisions, (4) Design and Maintenance, (b) and (d) of the City of Port Orange Land Development Code and Article II, Section 42-32 Storage of vehicles, furniture, etc. of the City of Port Orange Code of Ordinances, and was to be corrected by August 31, 2016.

C. At the time of this hearing, 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), by reason of the foregoing, has/have violated the above referenced code, in that the Respondent(s) failed, on or before the date set in the notice of violation, to remedy the conditions as stated is therefore subject to the provisions of the City of Port Orange Municipal Code 2.207.

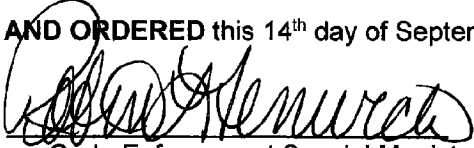
ORDER:

A. Respondent(s) shall correct the aforesaid violation by this ORDER on or before October 14, 2016. ("Compliance Date"). In the event that the property is not brought into compliance on or before the Compliance Date, and/or not maintained in a state of compliance, a daily fine of \$100.00 per day will be assessed for each day the property is in violation beyond the Compliance Date. If paragraph D. above is checked and the Respondent(s) has/have not abated the condition by the Compliance Date, then notice of the violation will be given to the City Council. The City Council may repair the condition and charge the Respondent(s) with the reasonable costs of the repairs. Additionally, as per Chapter 2, Section 2-214, Code of Ordinances: "In addition to any fines, the Special Magistrate may impose additional fines to cover all costs incurred by the city in enforcing its codes and all costs or repairs pursuant to sub section (a)." The cost to date is \$71.04 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 14th day of September, 2016.

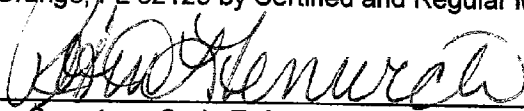
Attest: 
Secretary, Code Enforcement Special Magistrate

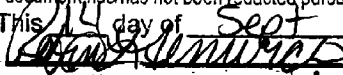
By: _____
Code Enforcement Special Magistrate

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), MITCHELL J. SCALA, KATHERINE SCALA, and PETER M. SCALA, 1353 E. Dexter Drive, Port Orange, FL 32129 by Certified and Regular Mail this 14 day of September, 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 14 day of Sept, 2016.
By: 
/s/ Robin L. Fenwick

