AGENDA

CODE ENFORCEMENT SPECIAL MAGISTRATE

CITY OF PORT ORANGE

Meeting Date: Wednesday, October 9, 2024 **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 - September 25, 2024

B. FORMAL HEARING (COMPLIANCE OR NON-COMPLIANCE)

3. **CEB Case No.:** 23-1371
   Respondent: Arkagas LLC C/O Daniel Neary Registered Agent
   Address of Violation: 5784 Taylor Branch Road, Port Orange, FL 32127
   Code Officer: Dena Joseph
   First Notified: 12/8/2023

   Compliance: No

   Cited for violation(s) - Chapter 1 (Scope and Administration), Section 109 (Unsafe Structures and Equipment), 109.1.5 (Hazardous structures or premises), (3) and (4), of the 2024 International Property Maintenance Code, as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: 109.1.5 Hazardous structure or premises (3) and (4)

C. ADJOURNMENT

NOTICES – PURSUANT TO SECTION 286.0105 OF THE FLORIDA STATUTES, IF ANY PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE SPECIAL MAGISTRATE WITH RESPECT TO ANY MATTER CONSIDERED AT THIS PUBLIC MEETING OR HEARING, SUCH PERSON WILL NEED A RECORD OF THE PROCEEDINGS, AND THAT, FOR SUCH PURPOSE, SUCH PERSON MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED. THE CITY DOES NOT PREPARE OR PROVIDE SUCH A RECORD.

FOR SPECIAL ACCOMMODATIONS, PLEASE NOTIFY THE CITY CLERK'S OFFICE (PHONE: 386-506-5563) AS FAR IN ADVANCE AS POSSIBLE, BUT PREFERABLY WITHIN 2 WORKING DAYS OF YOUR RECEIPT OF THIS NOTICE OR 5 DAYS PRIOR TO THE MEETING OR HEARING DATE.

HELP FOR THE HEARING IMPAIRED IS AVAILABLE THROUGH THE ASSISTIVE LISTENING SYSTEM RECEIVERS CAN BE OBTAINED FROM THE CITY CLERKS' OFFICE.

IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT (ADA), IF YOU ARE A PERSON WITH A DISABILITY WHO NEEDS AN ACCOMMODATION IN ORDER TO PARTICIPATE IN THIS PROCEEDING, YOU ARE ENTITLED, AT NO COST TO YOU, 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, CITYCLERK@PORT-ORANGE.ORG, AS FAR IN ADVANCE AS POSSIBLE, BUT PREFERABLY WITHIN 2 WORKING DAYS OF YOUR RECEIPT OF THIS NOTICE OR 5 DAYS PRIOR TO THE MEETING OR HEARING DATE. IF YOU ARE HEARING OR VOICE IMPAIRED, CONTACT THE RELAY OPERATOR AT 7-1-1 or 1-800-955-8771.

UPON REQUEST BY A QUALIFIED INDIVIDUAL WITH A DISABILITY, THIS DOCUMENT WILL BE MADE AVAILABLE IN AN ALTERNATE FORMAT. IF YOU NEED TO REQUEST THIS DOCUMENT IN AN ALTERNATE FORMAT, PLEASE CONTACT THE CITY CLERK WHOSE CONTACT INFORMATION IS PROVIDED ABOVE.

CODE ENFORCEMENT SPECIAL MAGISTRATE
MEETING MINUTES
COUNCIL CHAMBERS – CITY HALL
1000 CITY CENTER CIRCLE
PORT ORANGE, FLORIDA
SEPTEMBER 25, 2024

THE CODE ENFORCEMENT SPECIAL MAGISTRATE MEETING of the City of Port Orange was called to order by Special Magistrate David Fuller at 9:03 a.m.

Present:	David Fuller, Special Magistrate
Also Present:	Tom Quane, Code Enforcement Officer Scott Allman, Code Enforcement Officer Tracee Cody, Deputy City Clerk

Oaths

Code Enforcement Officers, Tom Quane and Scott Allman, were sworn in by Special Magistrate Fuller.

CALL TO ORDER

1. Attorney Overview of Special Magistrate Code Enforcement Process

Special Magistrate Fuller dispensed with the overview of the code enforcement process as there were no members of the public present.

2. Consideration of Minutes - September 11, 2024

Special Magistrate Fuller approved the September 11, 2024 meeting minutes as presented.

FORMAL HEARING (COMPLIANCE OR NON-COMPLIANCE)

3. **CEB Case No.:** 24-609
   Respondent: Matthew J. Olson
   Address of Violation: 6065 Spruce Point Circle, Port Orange, FL 32128
   Code Officer: Dena Joseph
   First Notified: 5/22/2024

   Compliance: Yes

Cited for violation(s) - Chapter 42, (Nuisances), Article II (Garbage, junk and undergrowth), Section 42-26 (Cleanliness of property generally-duty of owner), (d)(Maintenance of improved residential lots) of the City of Port Orange Code of Ordinances: (h) Abutting property owner maintenance of parkages.

Scott Allman, Code Enforcement Officer, was sworn in by Special Magistrate Fuller and requested a dismissal of the case as it is in compliance. Special Magistrate Fuller granted the dismissal request.

4. **CEB Case No.:** 24-986
   Respondent: Marshall Carney
   Lindsey Carney
   Address of Violation: 6909 Vintage Lane, Port Orange, FL 32128
   Code Officer: Dena Joseph
   First Notified: 8/1/2024

   Compliance: Yes

Cited for violation(s) - Chapter 58 (Streets, sidewalks, and other public places), Sec. 58-40 (Removal of obstructions in rights-of-way), of the City of Port Orange Code of Ordinances.

Mr. Allman requested a dismissal of the case as it is in compliance. Special Magistrate Fuller granted the dismissal request.

5. **CEB Case No.:** 24-284
   Respondent: Susan Stevens
   Donald John Stevens
   Address of Violation: 365 Hearthstone Terrace, Port Orange, FL 32127
   Code Officer: Scott Allman
   First Notified: 3/19/2024

   Compliance: Yes

Cited for violation(s) - Chapter 70 (Traffic), Article II (Stopping, standing, and parking), Section 70-36 (Stopping, standing or parking prohibited in specified places), (a) (1) (k) (1), (2) & (3) of the City of Port Orange Code of Ordinances.
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.

Mr. Allman requested a dismissal of the case as it is in compliance. Special Magistrate Fuller granted the dismissal request.

6. **CEB Case No.:** 24-372
   Respondent: Kurt David Pierce
   Ami Marie Pierce
   Address of Violation: 611 Forest Troll Drive, Port Orange, FL 32127
   Code Officer: Scott Allman
   First Notified: 3/25/2024

Compliance: Yes

Cited for violation(s) - Chapter 70 (Traffic), Article II (Stopping, standing, and parking), Section 70-36 (Stopping, standing or parking prohibited in specified places), (a) (1) (k) (1), (2) & (3) of the City of Port Orange Code of Ordinances.
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.

Mr. Allman requested a dismissal of the case as it is in compliance. Special Magistrate Fuller granted the dismissal request.

7. **CEB Case No.:** 24-1020
   Respondent: Jennifer Wellnitz
   Address of Violation: 748 Merrimac Drive, Port Orange, FL 32127
   Code Officer: Scott Allman
   First Notified: 8/8/2024

   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 and (h) Abutting property owner maintenance of parkages.
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.

Mr. Allman testified as to the condition of the property, as well as the notice provided to the property owner. Photos were submitted into evidence and accepted by Special Magistrate Fuller with no objections. The violation was to be corrected by September 5, 2024 by mowing the entire property, trimming all high weeds and by removing all stored items including but not limited to; the mop bucket, kayak, cooler and other items on the driveway and side of the home.

Mr. Allman recommended the property owners be found in violation of the above referenced codes with the violations to be corrected by October 8, 2024 by removing all stored items including but not limited to; the mop bucket, kayak, cooler and other items on the driveway and side of the home. In the event 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 in the amount of $50.00 per day shall be imposed. Accused should be further ordered to contact the Code Enforcement Officer to arrange for a re-inspection of the property to verify compliance with the order. Mr. Allman requested any future violations under this ordinance be considered repeat. The cost sheet in the amount of $49.91 was tendered into evidence and accepted by Special Magistrate Fuller with no objections.

Special Magistrate Fuller granted the recommendation as presented. The property owner has until October 8, 2024 to remove all stored items including but not limited to;

the mop bucket, kayak, cooler and other items on the driveway and side of the home or a daily fine in the amount of $50.00 per day shall be imposed. Costs in the amount of $49.91 were awarded to the City.

8. **CEB Case No.:** 24-908
   Respondent: Jnl Wealth Investment LLC
   Address of Violation: 5195 Rogers Avenue, Port Orange, FL 32127
   Code Officer: Tom Quane
   First Notified: 7/19/2024

   Compliance: Yes

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

Tom Quane, Code Enforcement Officer, was sworn in by Special Magistrate Fuller and requested a dismissal of the case as it is in compliance. Special Magistrate Fuller granted the dismissal request.

9. **CEB Case No.:** 24-725
   Respondent: Diana Lynn Newth
   Address of Violation: 5169 Pineland Avenue, Port Orange, FL 32127
   Code Officer: Tom Quane
   First Notified: 6/18/2024

   Compliance: No

Cited for violation(s) - 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.

Mr. Quane testified as to the condition of the property, as well as the notice provided to the property owner. Photos were submitted into evidence and accepted by Special Magistrate Fuller with no objections. The violation was to be corrected by September 3, 2024 by repairing the fence to its original and upright condition or by removing the fence from the property.

Mr. Quane recommended the property owners be found in violation of the above referenced codes with the violations to be corrected by October 7, 2024 by repairing the fence to its original and upright condition or by removing the fence from the property. In the event 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 in the amount of $100.00 per day shall be imposed. Accused should be further ordered to contact the Code Enforcement Officer to arrange for a re-inspection of the property to verify compliance with the order. Mr. Quane requested any future violations under this ordinance be

considered repeat. The cost sheet in the amount of $70.57 was tendered into evidence and accepted by Special Magistrate Fuller with no objections.

Special Magistrate Fuller granted the recommendation as presented. The property owner has until October 7, 2024 to repair the fence to its original and upright condition or by removing the fence from the property or a daily fine in the amount of $100.00 per day shall be imposed. Costs in the amount of $70.57 were awarded to the City.

10. **CEB Case No.:** 24-1008
    Respondent: James Michael Tardella
    Address of Violation: 113 White Place, Port Orange, FL 32127
    Code Officer: Tom Quane
    First Notified: 8/6/2024

    Compliance: Yes

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

Mr. Quane requested a dismissal of the case as it is in compliance. Special Magistrate Fuller granted the dismissal request.

11. **CEB Case No.:** 24-968
    Respondent: Richard M. Gregoire
    Janne C. Gregoire
    Address of Violation: 5213 Rogers Avenue, Port Orange, FL 32127
    Code Officer: Tom Quane
    First Notified: 7/31/2024

    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 and (h) Abutting property owner maintenance of parkages.
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.

Mr. Quane testified as to the condition of the property, as well as the notice provided to the property owner. Photos were submitted into evidence and accepted by Special Magistrate Fuller with no objections. The violation was to be corrected by September 6, 2024 by mowing all high weeds, grass, and undergrowth, and removing or properly disposing of all trash and debris from the property.

Mr. Quane recommended the property owners be found in violation of the above referenced codes with the violations to be corrected by October 7, 2024 by mowing all high weeds, grass, and undergrowth, and removing or properly disposing of all trash and debris from the property. In the event 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 in the amount of $100.00 per day shall be imposed. Accused should be further ordered to contact the Code Enforcement Officer to arrange for a re-inspection of the property to verify compliance with the order. Mr. Quane requested any future violations under this ordinance be considered repeat. The cost sheet in the amount of $70.57 was tendered into evidence and accepted by Special Magistrate Fuller with no objections.

Special Magistrate Fuller granted the recommendation as presented. The property owner has until October 7, 2024 to mow all high weeds, grass, and undergrowth, and remove or properly dispose of all trash and debris from the property or a daily fine in the amount of $100.00 per day shall be imposed. Costs in the amount of $70.57 were awarded to the City.

ORDER IMPOSING FINE/LIEN

12. **CEB Case No.:** 24-627
    Respondent: HPA III ACQUISITIONS 1 LLC - Property Owner
    Corporation Service Company - Registered Agent
    Address of Violation: 5127 Pineland Avenue, Port Orange, FL 32127
    Code Officer: Tom Quane
    First Notified: 5/24/2024

    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), (f) Garbage, waste, trash, etc., prohibited, of the City of Port Orange Code of Ordinances (h) Abutting property owner maintenance of parkages.
City of Port Orange Land Development Code, Chapter 16 (Miscellaneous Regulations), Section 3 (Fences and Walls), (b) General Provisions, (4) Design and Maintenance, (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.

Mr. Quane requested an Order Setting Fine/Lien as the property was not in compliance by September 6, 2024, as ordered in the previous hearing on August 14, 2024 by the Special Magistrate. He requested a daily fine in the amount of $100.00 per day beginning September 7, 2024 for each and every day the violation exists as ordered in the Finding of Fact, Conclusion of Law & Order. A cost sheet for mailing and recording costs in the amount of $195.46 was tendered and submitted into evidence without objection.

Special Magistrate Fuller found the property in non-compliance and awarded a daily fine in the amount of $100.00 beginning September 7, 2024 for each and every day the violation exists and mailing and recording costs to date of $195.46. A lien in the amount of $195.46 shall be imposed.

ADJOURNMENT – 9:44 a.m.

_____
Special Magistrate David Fuller

Case Cost Sheet Log

Case No. 23-1371

Name	Activity	Activity_Date	Status	Cost
Arkagas LLC C/O Daniel Neary Registered Agent	Cost to Mail Notice of Violation and Notice of Hearings	08/30/2024	Certified receipt returned signed on 9/3	$10.33
Arkagas LLC, Property Owner	Cost to mail Notice of Violation and Notice of Hearing	08/30/2024	Certified receipt returned signed on 9/3	$10.33
Clerk of Court	Cost to record Finding of Fact	10/09/2024		$37.75
Arkagas LLC, Property Owner C/O Daniel Neary Registered Agent - Miami, FL	Cost to mail Finding of Fact	10/09/2024		$10.33
Arkagas LLC, Property Owner C/O Daniel Neary Registered Agent - Port Orange, FL	Cost to mail Finding of Fact	10/09/2024		$10.33

Total: $79.07

10/9
11/13

NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS

CITY OF PORT ORANGE, FLORIDA

CITY OF PORT ORANGE,

Petitioner

CASE NO. 23-1371

To: Arkagas LLC
Property Owner
4900 NW 2nd Avenue
Miami, FL 33127

C/O: Daniel Neary
Registered Agent
4900 NW 2 Avenue
Miami, FL 33127

Re: 5784 Taylor Branch Road
Port Orange, FL 32127
Parcel ID: 6317-03-00-0017
LEGAL DESCRIPTION: 17-16-33 TRIANGLE IN LOT 1 E OF HERBERT ST BEING 225.85 FT ON HERBERT ST & 224.48 FT ON TAYLOR RD PLAT 2 CRAIG FARMS PER OR 4431 PGS 4691-4730 INC PER OR 7208 PG 2646 PER OR 7592 PG 3331 PER OR 8305 PG 1010 PER OR 8306 PG 2614
Volusia County Public Records
Volusia County, FL

An inspection of the premises on December 8, 2023, indicates that certain violation(s) of the City of Port Orange Code exists. The property owner was notified of the violations noted below and given 30 days to correct. Re-inspections completed on January 31, 2024, March 26, 2024, & August 1, 2024, resulting in non-compliance.

This correspondence will serve as official notification that the below-stated violation(s) **must be corrected by September 29, 2024**, by doing the following: The canopy structure on the property was altered at the time of the inspection causing it to be unsafe. The canopy must be removed for the property to be in compliance. A permit must be obtained prior to the commencement of any work.

Failure to comply after this date may result in the commencement of appropriate code enforcement action and/or possible fine of up to $1,000.00 per day for a first violation, $5,000.00 per day per violation for a repeat violation, and up to $15,000.00 per violation if the 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 above specified time for correction given by the undersigned Code Enforcement Officer Dena Joseph, 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 Enforcement Officer to determine whether the property is in compliance. Briefly stated, the property is in violation of the following:

1. **Chapter 1 (Scope and Administration), Section 109 (Unsafe Structures and Equipment), 109.1.5 (Hazardous structures or premises), (3) and (4), of the 2024 International Property Maintenance Code, as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: 109.1.5 Hazardous structure or premises.** For the purpose of this code, any structure or premises that has any or all of the conditions or defects described as

follows shall be considered to be hazardous: **3.** Any building, structure or portion thereof that is dangerous. **4.** The building or structure, or any portion thereof, is clearly unsafe for its use and occupancy.

- The initial inspection of this property found the canopy structure on the property was altered, causing it to be unsafe.

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 9, 2024 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 above 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 Officer. Please govern yourself accordingly.

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

As per Chapter 2, Section 2-214, Code of Ordinances and Section 162.09(2)(d), Florida Statutes: "In addition to such fines, a code enforcement board or special magistrate may impose additional fines to cover all costs incurred by the local government in enforcing its codes and all costs of repairs." The costs incurred to date are $ 20.66 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 9, 2024** enters a Final Order finding a violation as alleged, pursuant to Chapter 2, 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 Special Magistrate on **November 13, 2024 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 consider setting the fine lien on the above-referenced case at said PUBLIC HEARING. 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 Officer. Please govern yourself accordingly.

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

DATED this 29th day of August 2024.

CITY OF PORT ORANGE, FLORIDA
CODE ENFORCEMENT OFFICER

By: _____
Dena Joseph, Code Enforcement Officer

☐ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to: Arkagas LLC, Property Owner, Daniel Neary, Registered Agent, 5784 Taylor Branch Road, Port Orange, FL 32127, RE: 5784 Taylor Branch Road, Port Orange, FL 32127, was

☐ Hand-delivered Recipient of hand delivered documents: _____
☒ Posted at the property August 24, 2024 (date)
☐ Posted at City Hall _____ (date)

_____
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: Arkagas LLC, Property Owner, C/O Daniel Neary, Registered Agent, 4900 NW 2 Avenue, Miami, FL 33127, RE: 5784 Taylor Branch Road, Port Orange, FL 32127, was sent via certified and regular mail this 30th day of August, 2024.

_____
Secretary, Special Magistrate

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to: Arkagas LLC, Property Owner, C/O Daniel Neary, Registered Agent, 5784 Taylor Branch Road, Port Orange, FL 32127, RE: 5784 Taylor Branch Road, Port Orange, FL 32127, was sent via certified and regular mail this 30th day of August, 2024.

_____
Secretary, Special Magistrate

RIGHT TO APPEAL
PURSUANT TO SECTION 162.11 OF THE FLORIDA STATUTES, ANY DECISION BY THE SPECIAL MAGISTRATE MAY BE APPEALED TO THE CIRCUIT COURT AND MUST BE FILED WITHIN THIRTY (30) DAYS OF THE EXECUTION OF THE ORDER. SUCH AN APPEAL SHALL BE LIMITED TO APPELLATE REVIEW OF THE TESTIMONY AND EVIDENCE OF THE PROCEEDING CREATED BEFORE THE SPECIAL MAGISTRATE.

RECORD OF PROCEEDINGS
PURSUANT TO SECTION 286.0105 OF THE FLORIDA STATUTES, IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE SPECIAL MAGISTRATE WITH RESPECT TO ANY MATTER CONSIDERED AT THE HEARING, SUCH PERSON WILL NEED A RECORD OF THE PROCEEDINGS, AND THAT, FOR SUCH PURPOSE, SUCH PERSON MAY NEED TO ENSURE AT HIS OR HER OWN EXPENSE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES ALL TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED. THE CITY DOES NOT PREPARE OR PROVIDE SUCH A RECORD.

ACCOMMODATIONS
IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT (ADA), 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, CITYCLERK@PORT-ORANGE.ORG, AS FAR IN ADVANCE AS POSSIBLE, BUT

PREFERABLY WITHIN 2 WORKING DAYS OF YOUR RECEIPT OF THIS NOTICE OR 5 DAYS PRIOR TO THE HEARING DATE. IF YOU ARE HEARING OR VOICE IMPAIRED, CONTACT THE RELAY OPERATOR AT 7-1-1 or 1-800-955-8771. HELP FOR THE HEARING IMPAIRED IS AVAILABLE THROUGH THE ASSISTIVE LISTENING SYSTEM RECEIVERS CAN BE OBTAINED FROM THE CITY CLERKS' OFFICE.

UPON REQUEST BY A QUALIFIED INDIVIDUAL WITH A DISABILITY, THIS DOCUMENT WILL BE MADE AVAILABLE IN AN ALTERNATE FORMAT. IF YOU NEED TO REQUEST THIS DOCUMENT IN AN ALTERNATE FORMAT, PLEASE CONTACT THE CITY CLERK WHOSE CONTACT INFORMATION IS PROVIDED ABOVE.