



# City of Deltona

**SPECIAL MAGISTRATE CODE ENFORCEMENT  
HEARING**

**WEDNESDAY, September 25, 2013**

**DELTONA COMMISSION CHAMBERS  
2345 PROVIDENCE BLVD.  
DELTONA, FLORIDA**

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**AGENDA**

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. SPECIAL MAGISTRATE STATEMENT
4. DISCLOSURE OF EX PARTE COMMUNICATIONS
5. APPROVAL OF MINUTES
  - A. Minutes: Meeting – August 28, 2013
6. ANNOUNCEMENTS
7. SWEARING IN OF OFFICERS AND WITNESSES
8. OLD BUSINESS:

**A. DEL-13-149**

**Gabriel M. & Yokasta Fernandez**

**206 Via Tuscany Loop, Lake Mary, Florida 32746**

**Property Address: 1870 Providence Blvd. STE D-J, Deltona, FL,32725**

**Parcel No.: 30-18-31-65-16-0010**

**Violation** of City of Deltona Ordinance, Section 18-3, adopting the latest edition of the Florida Building Code, Section 105.1, which states that any owner, authorized agent, who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the Building Official and obtain the required permit. A permit is required for the freezer/coolers that was installed and also for the Type II heat hood that was permitted, but has since expired, without a final inspection. (Enforcement Services Officer Dennis Mues)

**B. DEL-13-169**

**Paula & Paul Outzen JTRS**

**798 Merrimac St., Deltona, Florida 32725**

**Property Address: 798 Merrimac St., Deltona, Florida 32725**

**Parcel No.: 30-18-31-30-05-0110**

**Violation** of City of Deltona Ordinance, Section 18-5, which adopting the latest edition of the International Property Maintenance Code, Section 302.7, which states all accessory structures, including detached garages, fences and walls, shall be maintained and kept in good repair and sound structural condition. (Enforcement Services Officer Danny Ron)

**C. DEL-13-171**

**Francis R. Burke**

**1475 Daroca Dr., Deltona, Florida 32725**

**Property Address: 1475 Daroca Dr., Deltona, Florida 32725**

**Parcel No.: 30-18-31-72-18-0110**

**Violation** of City of Deltona Ordinance, Section 18-5 adopting the latest edition of the International Property Maintenance Code, Section 303.1, which states that swimming pools shall be maintained in a clean and sanitary condition, and in good repair. (Enforcement Services Officer Danita Thompson)

**D. DEL-13-172**

**Francis R. Burke**

**1475 Daroca Dr., Deltona, Florida 32725**

**Property Address: 1475 Daroca Dr., Deltona, Florida 32725**

**Parcel No.: 30-18-31-72-18-0110**

**Violation** of City of Deltona Ordinance, Section 18-5, adopting the latest edition of the International Property Maintenance Code, Section 304.13, which states that every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight. (Enforcement Services Officer Danita Thompson)

**E. DEL-13-174**

**Suzanne Witmer**

**692 Comstock Dr., Deltona, Florida 32738**

**Property Address: 692 Comstock Dr., Deltona, Florida 32738**

**Parcel No.: 30-18-31-21-05-0110**

**Violation** of City of Deltona Ordinance, Section 38-110 (2), which states that accumulations of waste, yard trash, rubble and/or debris are declared to be a nuisance and must be abated in their entirety. (Enforcement Services Officer Danita Thompson)

**F. DEL-13-175**

**William L. & Cathy J. Appleby**

**1139 N. Old Mill Rd., Deltona, Florida 32725-2854**

**Property Address: 1139 N. Old Mill Rd., Deltona, Florida 32725**

**Parcel No.: 30-18-31-26-07-0270**

**Violation** of City of Deltona Ordinance, Section 38-110 (1), which states that weeds, where the greater portion of weeds on the lot exceeds 12 inches in height, are declared to be a nuisance and must be abated in their entirety. (Enforcement Services Officer Richard Lovett)

**G. DEL-13-178**

**Paul & Celia Bowen**

**998 Sylvia Dr., Deltona, Florida 32725**

**Property Address: 998 Sylvia Dr., Deltona, Florida 32725**

**Parcel No.: 30-18-31-08-30-0290**

**Violation** of City of Deltona Ordinance, Section 18-3, adopting the latest edition of the Florida Building Code, Section 105.1, which states that any owner, authorized agent, who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is

regulated by this code, or to cause any such work to be done, shall first make application to the Building Official and obtain the required permit – apply for a fence permit. (Enforcement Services Officer Danny Ron)

**H. DEL-13-182**

**Frederick G. & Deborah Rosberg**  
**2896 Clovis Drive, Deltona, Florida 32738-8933**  
**Property Address: 2896 Clovis Drive, Deltona, Florida 32738**  
**Parcel No.: 30-18-31-41-40-0040**

**Violation** of City of Deltona Ordinance, Section 38-110 (2), which states that accumulations of waste, yard trash, rubble and/or debris are declared to be a nuisance and must be abated in their entirety. (Enforcement Services Officer Jonathan Hogan)

**I. DEL-13-185**

**Gabriel M. & Yokasta Fernandez**  
**206 Via Tuscany Loop, Lake Mary, Florida 32746**  
**Property Address: 1870 Providence Blvd., Deltona, Florida 32725**  
**Parcel No.: 30-18-31-65-16-0010**

**Violation** of City of Deltona Ordinance, Section 18.5, reference to 605.1, adopting the latest edition of the International Property Maintenance Code, which states that all electrical equipment, wiring, and appliances shall be properly installed and maintained in a safe and approved manner. (Enforcement Services Officer Danny Ron)

**J. DEL-13-194**

**Christine Bielka-Semler-Kaplan**  
**779 Westline Ave., Deltona, Florida 32725**  
**Property Address: 779 Westline Ave., Deltona, Florida 32725**  
**Parcel No.: 30-18-31-66-17-0110**

**Violation** of City of Deltona Ordinance, Section 14-141(c) It shall be the duty of the owner or person responsible for any dog or cat brought into the city or acquired to have the dog or cat licensed in accordance with this division within 15 days after the dog or cat is brought into the city or acquired, or before the dog or cat reaches six months of age, whichever comes first. (Enforcement Services Officer Shanna Hogan)

**K. DEL-13-195**

**Christine Bielka-Semler-Kaplan**  
**779 Westline Ave., Deltona, Florida 32725**  
**Property Address: 779 Westline Ave., Deltona, Florida 32725**  
**Parcel No.: 30-18-31-66-17-0110**

**Violation** of City of Deltona Ordinance, Section Sec. 14-201(a) every person who owns or harbors a dog or cat in the city shall have such dog or cat annually vaccinated against rabies by a licensed veterinarian. Evidence of such vaccination shall consist of a current certificate issued and signed by the veterinarian administering the vaccination. The owner or custodian of any animal required by this section to be inoculated against rabies shall keep a current rabies tag with the year attached to the animal at all times.. (Enforcement Services Officer Shanna Hogan)

**L. DEL-13-200**

**James W. Outen**

**1112 W. Seagate Dr., Deltona, Florida 32725**

**Property Address: 1112 W. Seagate Dr., Deltona, Florida 32725**

**Parcel No.: 30-18-31-71-39-0050**

**Violation** of City of Deltona Ordinance, Section 38-110 (1), which states that weeds, where the greater portion of weeds on the lot exceeds 12 inches in height, are declared to be a nuisance and must be abated in their entirety. (Enforcement Services Officer Richard Lovett)

**9. New Business:**

**A. DEL-13-205**

**Graham & June Erdman**

**19 Peacocks Close, Suffolk United Kingdom C0108DA**

**Property Address: 760 Mentmore Cir, Deltona, Florida 32738**

**Parcel No.: 30-18-31-41-16-0020**

**Violation** of City of Deltona Ordinance, Section 38-110 (1), which states that weeds, where the greater portion of weeds on the lot exceeds 12 inches in height, are declared to be a nuisance and must be abated in their entirety. (Enforcement Services Officer Danita Thompson)

**B. DEL-13-206**

**Gregory J. Hamilton**

**3250 Planter Dr., Deltona, Florida 32738**

**Property Address: 3250 Planter Dr., Deltona, Florida 32738**

**Parcel No.: 30-18-31-42-19-0290**

**Violation** of City of Deltona Ordinance, Section 22-235(a), October 1 of each year, or at the same time thereafter as residential property is first offered for rent, the owner of record of each dwelling unit or rooming house in which residential quarters are rented or offered for rent to persons other than the owner or owner's immediate family, shall make written application to the city for a local business tax receipt to engage in the business of renting residential property, setting forth the address,

classification (whether single-family, multiple-family or rental room), and the local point of contact person of each dwelling unit to be issued a business tax receipt for rental, in such form or forms as the City of Deltona shall from time to time designate, together with such fees as the city commission may from time to time adopt by resolution. An agent of one or more owners may apply for multiple tax receipts, upon certifying that the agent has received written authorization from each owner represented provided that such authorization acknowledges receipt of a copy of this ordinance and applicable sections of the International Property Maintenance Code and acknowledges that failure to abide by this ordinance or other applicable codes and ordinances may result in a lien upon the property of the owner. The owner of record shall notify the city within 30 days when the local point of contact person changes. (Enforcement Services Officer Julie Hughes)

**C. DEL-13-207**

**Cheryl Y. Becker**

**1170 E. Fowler Dr., Deltona, Florida 32725**

**Property Address: 1170 E. Fowler Dr., Deltona, Florida 32725**

**Parcel No.: 30-18-31-10-19-0310**

**Violation of City of Deltona Ordinance, Section 18-3, adopting the latest edition of the Florida Building Code, Section 105.1, which states that any owner, authorized agent, who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the Building Official and obtain the required permit. Permit is required for the garage enclosure, windows, and doors.. (Enforcement Services Officer Julie Hughes)**

**D. DEL-13-209**

**Malarvizhi Podunavac**

**2511 Adelia Blvd., Deltona, Florida 32725**

**Property Address: 2511 Adelia Blvd., Deltona, Florida 32725**

**Parcel No.: 15-18-31-00-00-0272**

**Violation of City of Deltona Ordinance Section 14-7(B)(2)**

**Sec. 14-7. - Proper care; custody; penalties.**

**(a) The provisions of F.S. § 828.073, F.S. § 828.12, or their successors, are hereby adopted and incorporated herein by reference.**

**(b) Proper care. It shall be duty of every animal owner to provide proper care and unlawful for any person to commit cruelty to animals.**

(1) Care of confined animals. Except as authorized by law, no animal shall be confined without an adequate supply of food, water and protection from the weather by providing shelter. If any animal is found to be confined without adequate food, water or shelter, it shall be lawful for any animal control officer, sheriff, code enforcement officer, from time to time as may be necessary, to enter into and upon any area or building where such animal is confined and supply it with adequate food and water in accordance with the procedures found in section 14-88. If such animal is not cared for by a person other than an animal control officer within 24 hours of the posting of notification as described in section 14-88, such animal shall be presumed to have been abandoned under circumstances in which the animal's life or health is endangered.

(2) Endangering animal's health or life. No animal shall be mistreated or neglected to such degree or abandoned in any circumstance so that the animal's life or health is endangered. The term "mistreatment," "neglect" or "abandon" are as defined in section 14-1

Section 14-1 *Mistreat* means every act or omission, which causes or unreasonably permits the continuation of unnecessary abuse or unjustifiable pain or suffering. *Neglect* means failure to provide food, water, protection from the elements, exercise, change of air, or other care generally considered to be normal, usual and accepted for an animal's health and well-being consistent

*Abandon* means the leaving of an animal without food, water, and protection from the elements or other care generally considered to be normal for the animal's health and wellbeing by its owner, the person responsible for the animal's care or custody, or any other person having possession of such animal. An animal will not be considered abandoned if the owner or keeper arranges for a person to feed, water, and monitor the animal's condition on a scheduled or regular basis. Intervals between monitoring, watering, and feeding shall not exceed 24 hours.

(3) Injured animals. Any animal injured or killed on or along public streets or other right-of-way shall be presumed to be running at large. If the animal's owner cannot be identified the animal control officer will pick up injured animals and take those animals needing medical attention to an animal shelter. The owner of such animal shall be liable for all expenses of treatment and of impoundment, as well as any penalties, which may be imposed for violation of this section

(c) It shall be the duty of every owner of any animal, or anyone having any animal in his possession or custody, to exercise reasonable care and to take all necessary steps and precautions to protect other people, property and animals from injuries or damages that might result from the animal's behavior, regardless of whether such behavior is motivated by mischief, playfulness or ferocity.

(d) If the owner or keeper of any animal is a minor, his parent or guardian shall be responsible to ensure that all provisions of this chapter are complied with.

(e) Any person found in violation of this section is subject to the penalties prescribed in this chapter. (Enforcement Services Officer Steve Braukhoff)

**E. DEL-13-210**

**Maria A. Wieland**

**1143 Narragansett Pkwy., Warwick, RI, 02888**

**Property Address: 1525 Fort Smith Blvd., Deltona, Florida 32738**

**Parcel No.: 30-18-31-16-18-0030**

**Violation** of City of Deltona Ordinance, Section 38-110 (1), which states that weeds, where the greater portion of weeds on the lot exceeds 12 inches in height, are declared to be a nuisance and must be abated in their entirety. (Enforcement Services Officer Danita Thompson)

**F. DEL-13-212**

**Lindsay A. Brinkmann & Frank Perkowski**

**2870 Valmont Ln., Deltona, Florida 32738**

**Property Address: 2870 Valmont Ln., Deltona, Florida 32738**

**Parcel No.: 30-18-31-43-42-0010**

**Violation** of City of Deltona Ordinance, Section 18-3, adopting the latest edition of the Florida Building Code, Section 105.1, which states that any owner, authorized agent, who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the Building Official and obtain the required permit – apply for a fence permit (Enforcement Services Officer Jonathan Hogan)

**G. DEL-13-214**

**Navado A. & Sandra M. Edwards**

**PO Box 390568, Deltona, Florida 32739**

**Property Address: 2744 Corrigan Dr., Deltona, Florida 32738**

**Parcel No.: 30-18-31-32-78-0040**

**Violation** of City of Deltona Ordinance, Section 14-141(c) It shall be the duty of the owner or person responsible for any dog or cat brought into the city or acquired to have the dog or cat licensed in accordance with this division within 15 days after the dog or cat is brought into the city or acquired, or before the dog or cat reaches six months of age, whichever comes first. (Enforcement Services Officer Danny Ron)

**H. DEL-13-215**

**Jose A. Rodriguez & Cindy Lu Fontanez & Cesar A. Fuentes**  
**2426 Oak Hollow Dr., Kissimmee, Florida 34744**  
**Property Address: 1764 Laredo Dr., Deltona, Florida 32738**  
**Parcel No.: 30-18-31-73-13-0140**

**Violation** of City of Deltona Ordinance, Section 22-235(a), October 1 of each year, or at the same time thereafter as residential property is first offered for rent, the owner of record of each dwelling unit or rooming house in which residential quarters are rented or offered for rent to persons other than the owner or owner's immediate family, shall make written application to the city for a local business tax receipt to engage in the business of renting residential property, setting forth the address, classification (whether single-family, multiple-family or rental room), and the local point of contact person of each dwelling unit to be issued a business tax receipt for rental, in such form or forms as the City of Deltona shall from time to time designate, together with such fees as the city commission may from time to time adopt by resolution. An agent of one or more owners may apply for multiple tax receipts, upon certifying that the agent has received written authorization from each owner represented provided that such authorization acknowledges receipt of a copy of this ordinance and applicable sections of the International Property Maintenance Code and acknowledges that failure to abide by this ordinance or other applicable codes and ordinances may result in a lien upon the property of the owner. The owner of record shall notify the city within 30 days when the local point of contact person changes. (Enforcement Services Officer Danny Ron)

**I. DEL-13-216**

**Donald L. Sherman & Siviah Diane Few**  
**2041 N. Normandy Blvd., Deltona, Florida 32725**  
**Property Address: 2041 N. Normandy Blvd., Deltona, Florida 32725**  
**Parcel No.: 30-18-31-04-30-0130**

**Violation** of City of Deltona Ordinance, Section 22-235(a), October 1 of each year, or at the same time thereafter as residential property is first offered for rent, the owner of record of each dwelling unit or rooming house in which residential quarters are rented or offered for rent to persons other than the owner or owner's immediate family, shall make written application to the city for a local business tax receipt to engage in the business of renting residential property, setting forth the address, classification (whether single-family, multiple-family or rental room), and the local point of contact person of each dwelling unit to be issued a business tax receipt for rental, in such form or forms as the City of Deltona shall from time to time designate, together with such fees as the city commission may from time to time adopt by resolution. An agent of one or

more owners may apply for multiple tax receipts, upon certifying that the agent has received written authorization from each owner represented provided that such authorization acknowledges receipt of a copy of this ordinance and applicable sections of the International Property Maintenance Code and acknowledges that failure to abide by this ordinance or other applicable codes and ordinances may result in a lien upon the property of the owner. The owner of record shall notify the city within 30 days when the local point of contact person changes. (Enforcement Services Officer Danny Ron)

**J. DEL-13-217**

**Izzat H. Hatoum & Rabia A. Raad H&W**  
**2677 Sedgefield Ave., Deltona, Florida 32725**  
**Property Address: 2677 Sedgefield Ave., Deltona, Florida 32725**  
**Parcel No.: 30-18-31-71-06-0050**

**Violation** of City of Deltona Ordinance, Section 22-235(a), October 1 of each year, or at the same time thereafter as residential property is first offered for rent, the owner of record of each dwelling unit or rooming house in which residential quarters are rented or offered for rent to persons other than the owner or owner's immediate family, shall make written application to the city for a local business tax receipt to engage in the business of renting residential property, setting forth the address, classification (whether single-family, multiple-family or rental room), and the local point of contact person of each dwelling unit to be issued a business tax receipt for rental, in such form or forms as the City of Deltona shall from time to time designate, together with such fees as the city commission may from time to time adopt by resolution. An agent of one or more owners may apply for multiple tax receipts, upon certifying that the agent has received written authorization from each owner represented provided that such authorization acknowledges receipt of a copy of this ordinance and applicable sections of the International Property Maintenance Code and acknowledges that failure to abide by this ordinance or other applicable codes and ordinances may result in a lien upon the property of the owner. The owner of record shall notify the city within 30 days when the local point of contact person changes. (Enforcement Services Officer Danny Ron)

**K. DEL-13-218**

**Castaway Investment Properties**  
**PO Box 915814, Longwood Fl., 32779**  
**Property Address: 522 Gondolier Terrace., Deltona, Florida 32725**  
**Parcel No.: 30-18-31-04-15-0090**

**Violation** of City of Deltona Ordinance, Section 22-235(a), October 1 of each year, or at the same time thereafter as residential property is first offered for rent, the owner of record of each dwelling unit or rooming house in which residential quarters are rented or offered for rent to persons other than the owner or owner's immediate family, shall make written application to the city for a local business tax receipt to engage in the business of renting residential property, setting forth the address, classification (whether single-family, multiple-family or rental room), and the local point of contact person of each dwelling unit to be issued a business tax receipt for rental, in such form or forms as the City of Deltona shall from time to time designate, together with such fees as the city commission may from time to time adopt by resolution. An agent of one or more owners may apply for multiple tax receipts, upon certifying that the agent has received written authorization from each owner represented provided that such authorization acknowledges receipt of a copy of this ordinance and applicable sections of the International Property Maintenance Code and acknowledges that failure to abide by this ordinance or other applicable codes and ordinances may result in a lien upon the property of the owner. The owner of record shall notify the city within 30 days when the local point of contact person changes. (Enforcement Services Officer Danny Ron)

**L. DEL-13-219**

**Donald R. & Genevieve W. Burke**  
**2049 Claremont Dr., Deltona, Florida 32725**  
**Property Address: 2049 Claremont Dr., Deltona, Florida 32725**  
**Parcel No.: 30-18-31-08-48-0070**

**Violation** of City of Deltona Ordinance, Section 18-5 adopting the latest edition of the International Property Maintenance Code, Section 303.1, which states that swimming pools shall be maintained in a clean and sanitary condition, and in good repair. (Enforcement Services Officer Danny Ron)

**M. DEL-13-220**

**Eduardo Astudillo**  
**1371 Hayward Ave., Deltona, Florida 32738**  
**Property Address: 1371 Hayward Ave., Deltona, Florida 32738**  
**Parcel No.: 30-18-31-38-33-0260**

**Violation** of City of Deltona Ordinance No 11-2007, Chapter 22, Section 22-4, which states no person shall engage in, manage, transact, or carry on any business, occupation or profession within the City for which there is a local business tax required by this article or any other provisions of this Code unless such person shall first procure a local business receipt ("receipt") to conduct the same from the City. It shall be no defense of

nonpayment of any local business tax required by this article that the licensee did not receive any bill or notice that the same was due from the city. (Enforcement Services Officer Julie Hughes)

**N. DEL-13-221**

**Paul & Celia Bowen**

**998 Sylvia Dr., Deltona, Florida 32725**

**Property Address: 998 Sylvia Dr., Deltona, Florida 32725**

**Parcel No.: 30-18-31-08-30-0290**

**Violation of City of Deltona Ordinance, Section 14-121(a) It shall be unlawful for the owner or custodian of any dog, cat or other animal to fail to keep the dog, cat or other animal from running at large within the city. (Enforcement Services Officer Richard Lovett)**

**10. OTHER and REPEAT BUSINESS:**

**A. Hearing Request for Notice of Violation:**

**Jerry Edward Green**

**2811 Hayes Lane, Deltona, Florida 32738**

**Violation Address: Walmart Parking Lot, 101 Howland, Deltona, FL.**

**Mr. Green filed a written request for a Hearing on this matter within 10 days of the notice. (Enforcement Services Officer Jonathan Hughes)**

**11. DISCUSSION:**

**A. By the Special Magistrate**

**B. By the Enforcement Services Director**

**12. ADJOURNMENT:**

**NOTE:** If any person decides to appeal any decision made by the Code Enforcement Special Magistrate with respect to any matter considered at this meeting or hearing, he/she will need a record of the proceedings, and for such purpose he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence which the appeal is to be based. (F.S. 286.0105).

Individuals with disabilities needing assistance to participate in any of these proceedings should contact the City Clerk, at least three (3) working days in advance of the meeting date and time at (386) 878-8100.