

**CITY OF DELTONA, FLORIDA
SPECIAL MAGISTRATE CODE ENFORCEMENT HEARING MINUTES
Wednesday, July 24, 2013**

The Regular meeting of the Special Magistrate Code Enforcement Hearing was held on Wednesday, July 24, 2013 in the City Hall Commission Chambers, 2345 Providence Boulevard, Deltona, Florida.

1. CALL TO ORDER:

The meeting was called to order at 5:30 p.m. by Special Magistrate Cino.

2. ROLL CALL:

Special Magistrate	Charles Cino	Present
Hearing Clerk	Dana Johnson	Present
Hearing Clerk	Sonjia Kihlmire	Present
Director of Department	Dale Baker	Present

Also present were: Enforcement Services Officers; Steve Braukhoff, Julie Hughes, Lonnie Wilson, Tray Black, Richard Lovett, Danita Thompson.

3. STATEMENT BY SPECIAL MAGISTRATE:

Presented by Charles Cino.

Mr. Cino has taken Judicial Notice of all City of Deltona Ordinances, State Statutes, Florida Building and Fire Code and the International Property Maintenance Code.

4. PLEDGE OF ALLEGIANCE:

5. DISCLOSURE OF EX PARTE COMMUNICATIONS: None

6. APPROVAL OF MINUTES:

The Minutes of the Special Magistrate Hearing for June 26, 2013 were approved, by Special Magistrate, Charles Cino.

7. ANNOUNCEMENTS: - The Director of the Building and Enforcement Services Department stated that under New Business, case(s) DEL-13-137, DEL-13-138, DEL-13-139, DEL-13-145, DEL-13-151, DEL-13-154, DEL-13-157, and DEL-13-159 are/were withdrawn.

8. SWEARING IN OF OFFICERS AND WITNESSES:

Special Magistrate Charles Cino swore in all that were present to testify.

9. OLD BUSINESS:

A. DEL-13-027

**Randy Lee and Susan Bergman
23 Leslie Cove, Cartersville, GA 30121
Property Address: 1194 Gage Ave., Deltona, Florida 32738
Parcel No.: 30-18-31-38-14-0120**

Violation of City of Deltona Ordinance, specifically Section 18-5, reference to 304.6, adopting the latest edition of the International Property Maintenance Code, which states that exterior walls shall be free from holes, breaks, loose or **rotting surfaces** and the surface properly coated where required to prevent deterioration. (Enforcement Services Officer Steve Braukhoff)

An Order imposing penalty/lien was issued for \$250.00 a day, effective August 29, 2013 if still in non-compliance, and to continue until in compliance or the cap of \$25,000 is reached. Witness David G. Collins was present. Susan Bergman was not present when case was called but came in afterwards and Special Magistrate Cino explained the order.

B. DEL-119

**American Home Real Estate Partnership III LP
57 Executive Park Dr. S, Ste 120, Atlanta, GA 30329
Property Address: 3352 Merchant Terrace, Deltona, FL 32738
Parcel No.: 30-18-31-36-26-0120**

Violation of City of Deltona Ordinance, Section 18-3, which adopts 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(s) for the air conditioning unit. (Enforcement Services Officer Julie Hughes)

An Order imposing penalty/lien was issued for \$50.00 a day, effective July 24, 2013, and to continue until in compliance or the cap of \$10,000 is reached.

C. DEL-13-131

Tracy Cochran

1444 Falmouth Ave., Deltona, Florida 32725

Property Address: 1444 Falmouth Ave., Deltona, Florida 32725

Parcel No.: 30-18-31-30-06-0070

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.

Violation of City of Deltona Ordinance, Section 38-114, which states that furniture outside must be designed to be placed outdoors or stored inside a covered structure. In addition, storage of materials relating to residential use, children's play toys, firewood, brush, logs or any other material intended to be used in fireplaces or other permitted burning facilities, shall be permitted only in the rear yard to the rear wall of the home. (Enforcement Services Officer Lonnie Wilson)

An Order of Compliance was issued based on officer testimony. Affidavit of Compliance will be supplied by officer.

10. NEW BUSINESS

A. DEL-13-134

Kelvin Beal

1721 S. Acadian Dr., Deltona, Florida 32725

Property Address: 1721 S. Acadian Dr., Deltona, Florida 32725

Parcel No.: 30-18-31-15-09-0090

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 for converting garage to living space. (Enforcement Services Officer Tray Black)

Order of Non-Compliance with a Hearing to Impose fine at the October 23, 2013 Code Hearing. Kelvin Beal was present and stated he had bought the property in its present condition and that the home is in pre-foreclosure.

B. DEL-13-135

John J. Bentley
2563 Treehaven Drive, Deltona, Florida 32738
Property Address: 1586 Ross Dr.
Parcel No.: 30-18-31-31-07-0090

Violation 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 Tray Black)

An Administrative fine of \$250.00 was levied.

C. DEL-13-137

Paul Andrew Tracey & Barbara J. Tracey
766 Mentmore Cir., Deltona, Florida 32738
Property Address: 766 Mentmore Cir., Deltona
Parcel No.: 30-18-31-41-09-0350

Violation City of Deltona Ordinance, Sec. 14-9(e) Prohibited actions: No person shall keep, maintain, raise, or feed, in the city, any animal determined to be a public nuisance in accordance with section 14-2 (1) Is repeatedly found at large. (Enforcement Services Officer Tray Black)

Withdrawn.

D. DEL-13-138

**Paul Andrew Tracey & Barbara J. Tracey
766 Mentmore Cir., Deltona, Florida 32738
Property Address: 766 Mentmore Cir., Deltona
Parcel No.: 30-18-31-41-09-0350**

Violation City of Deltona Ordinance, Sec. 14-3(C) Prohibited animals: Number of dogs and cats. It shall be unlawful to keep, maintain or raise in the city more than five dogs and/or cats on one parcel of land of one acre or less. (Enforcement Services Officer Tray Black)

Withdrawn.

E. DEL-13-139

**John W. and Barbara J. Jones
439 Acadia Dr., Joppa, MD 21085
Property Address: 3253 Post St., Deltona, Florida 32738
Parcel No.: 30-18-31-38-20-0170**

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)

Withdrawn.

F. DEL-13-140

George A. Clark

3247 Bretton Woods Ter., Deltona, Florida 32725

Property Address: 3247 Bretton Woods Ter., Deltona, Fl. 32725

Parcel No.: 05-18-31-19-00-1120

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)

Found to be in Non-Compliance, executed actions to come into compliance and case was dismissed. Order of Dismissal.

G. DEL-13-141

George A. Clark

3247 Bretton Woods Ter., Deltona, Florida 32725

Property Address: 3247 Bretton Woods Ter., Deltona, Fl. 32725

Parcel No.: 05-18-31-19-00-1120

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 Richard Lovett)

Order of Non Compliance with a Hearing to impose fine at the August 28, 2013 Code Hearing.

H. DEL-13-142

Clemencia and Rocio Naranjo

2064 Apricot Dr., Deltona, Florida 32725

Property Address: 2064 Apricot Dr., Deltona, Fl. 32725

Parcel No.: 30-18-31-10-11-0150

Violation 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)

Order of Non Compliance with a Hearing to impose fine at the October 23, 2013 Code Hearing. Rocio Naranjo was present at the hearing.

I. DEL-13-143

Clemencia and Rocio Naranjo
2064 Apricot Dr., Deltona, Florida 32725
Property Address: 2064 Apricot Dr., Deltona, Fl. 32725
Parcel No.: 30-18-31-10-11-0150

Violation of City of Deltona Ordinance, Section 66-56, which prohibits all vehicles that are inoperable, wrecked, partially dismantled or otherwise mechanically incapable of being operated in their present condition, or are without a current state license tag if required, unless parked in a fully enclosed garage. (Enforcement Services Officer Richard Lovett)

Order of Non Compliance with a Hearing to impose fine at the October 23, 2013 Code Hearing. Rocio Naranjo was present at the hearing.

J. DEL-13-145

Tulsie and Yashomatti Persaud
2289 Haulover Blvd., Deltona, Florida 32738
Property Address: 2289 Haulover Blvd., Deltona, Florida 32738
Parcel No.: 30-18-31-33-25-0030

Violation of City of Deltona Ordinance, Section 66-20, which states that motor vehicles shall not be parked anywhere within that portion of the lot lying across the full width of the lot between the front lot line and front most part of the principle structure, except on approved driveways or driveway extensions. (Enforcement Services Officer Steve Braukhoff)

Withdrawn.

K. DEL-13-146

Noel A. Reyes
3049 Bonkirk Dr., Deltona, Florida 32738-9596
Property Address: 3049 Bonkirk Dr., Deltona, Florida 32738
Parcel No.: 30-18-31-39-05-0140

Violation of City of Deltona Ordinance, Section 18-5, which adopts the latest edition of the International Property Maintenance Code, Section 304.7, which states that the roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. (Enforcement Services Officer Richard Lovett)

Order of Non Compliance with a Hearing to impose fine at the August 28, 2013 Code Hearing.

L. DEL-13-147

Noel A. Reyes

3049 Bonkirk Dr., Deltona, Florida 32738-9596

Property Address: 3049 Bonkirk Dr., Deltona, Florida 32738

Parcel No.: 30-18-31-39-05-0140

Violation of City of Deltona Ordinance, Section 18-5, reference to 304.6, adopting the latest edition of the International Property Maintenance Code, which states that exterior walls shall be free from holes, breaks, loose or rotting surfaces and the surface properly coated where required to prevent deterioration. (Enforcement Services Officer Richard Lovett)

Order of Non Compliance with a Hearing to impose fine at the August 28, 2013 Code Hearing.

M. DEL-13-148

Noel A. Reyes

3049 Bonkirk Dr., Deltona, Florida 32738-9596

Property Address: 3049 Bonkirk Dr., Deltona, Florida 32738

Parcel No.: 30-18-31-39-05-0140

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 - Repair or remove the fence structure. (Enforcement Services Officer Richard Lovett)

Order of Non Compliance with a Hearing to impose fine at the August 28, 2013 Code Hearing.

N. DEL -13-151

Peter Pober

2 Second Pl., Brooklyn, NY 11231

Property Address: 651 Fort Smith Blvd., Deltona, Florida 32738

Parcel No.: 30-18-31-21-06-0220

Violation of City of Deltona Ordinance, Section 18-5, adopting the latest edition of the International Property Maintenance Code, Section 304.2, which states that all exterior surfaces, including but

not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences, and shall be kept in sound working condition and maintained in good repair – Repair or replace damaged front door. (Enforcement Services Officer Tray Black)

Withdrawn.

O. DEL-13-152

Paula Outzen LLC

PO Box 1116, Deleon Springs, Florida 32130

Property Address: 978 Saxon Blvd., Deltona, Florida 32725

Parcel No.: 30-18-31-11-43-0230

Violation 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 Administrative Fine of \$250.00 was levied.

P. DEL-13-153

Francisco Muniz

1575 Cranbrook Ave, Deltona, Florida 32725

Property Address: 1575 Cranbrook Ave., Deltona, Fl. 32725

Parcel No.: 30-18-31-55-04-0010

Violation 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 Tray Black)

An Administrative Fine of \$250.00 was levied.

- Q. DEL-13-154**
Vandenir R. DeSouza
10455 Allenby St., Riverside, CA 92505
Property Address: 1651 Galiano St., Deltona, Florida 32725
Parcel No.: 30-18-31-72-12-0020

Violation of City of Deltona Ordinance, Section 18-5, which adopts the latest edition of the International Property Maintenance Code, Section 304.7, which states that the roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. (Enforcement Services Officer Tray Black)

Withdrawn.

- R. DEL-13-155**
Donna McDaniel Est.
Christoher McDaniel Per Rep.
2938 Clovis Dr., Deltona, Florida 32738
Property Address: 2938 Clovis Dr., Deltona, Florida 32738
Parcel No.: 30-18-31-41-43-0070

Violation of City of Deltona Ordinance, Section 66-56, which prohibits all vehicles that are inoperable, wrecked, partially dismantled or otherwise mechanically incapable of being operated in their present condition, or are without a current state license tag if required, unless parked in a fully enclosed garage. (Enforcement Services Officer Julie Hughes)

Order of Non Compliance with a Tow Order to be issued at the August 28, 2013 Code Hearing if still in non-compliance.

S. DEL-13-156

Sheri L. and Philip Robinson

3669 Pamona St., Deltona, Florida 32738

Property Address: 3669 Pamona St., Deltona, Florida 32738

Parcel No.: 30-18-31-62-31-0080

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.

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 Julie Hughes)

Order of Non Compliance with a Hearing to impose fine at the August 28, 2013 Code Hearing.

T. DEL-13-157

Emory and Gladys Green

2181 Brisson Ave., Sanford, Florida 32771

Property Address: 80 S. Courtland Blvd., Deltona, Fl. 32738

Parcel No.: 30-18-31-63-13-0090

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 Julie Hughes)

Withdrawn.

U. DEL-13-158

Emory and Gladys Green
2181 Brisson Ave., Sanford, Florida 32771
Property Address: 80 S. Courtland Blvd., Deltona, Fl. 32738
Parcel No.: 30-18-31-63-13-0090

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.

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 Julie Hughes)

Order of Non Compliance with a Hearing to impose fine at the August 28, 2013 Code Hearing.

V. DEL-13-159

Jonathan Preservati
2351 Belen Dr., Deltona, Florida 32738
Property Address: 2351 Belen Dr., Deltona, Florida 32738
Parcel No.: 30-18-31-41-13-0020

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 Danita Thompson)

Withdrawn.

W. DEL-13-163

**Roy William and Jenna Marie Messer
2932 W. Covington Dr., Deltona, Florida 32738
Property Address: 2932 W. Covington Dr., Deltona, Fl. 32738
Parcel No.: 30-18-31-32-86-0070**

Violation of City of Deltona Ordinance, Section 66-19(3), which states boats/trailers/recreational vehicles shall not be parked or stored either within a public right of way or within that portion of a lot across the full width of the lot between the front lot line and front most part of the principle structure. (Enforcement Services Officer Steve Braukhoff)

Respondent found in non-compliance and an Order of Non Compliance and Tow Order issued. Ms. Messer came in and left prior to the hearing on her case.

11. OTHER and REPEAT BUSINESS:

A. DEL-13-144 – Repeat DEL-10-163

**Clemencia and Rocio Naranjo
2064 Apricot Dr., Deltona, Florida 32725
Property Address: 2064 Apricot Dr., Deltona, Florida 32725
Parcel No.: 30-18-31-04-13-0370**

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 Richard Lovett)

Respondent found to be in non-compliance and repeat violator, now in compliance. Order of Dismissal.

12. DISCUSSION:

- A. By the Special Magistrate**
- B. By the Enforcement Services Director**

13. ADJOURNMENT (6:25 pm)

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.



Special Magistrate, Charles Cino



Hearing Clerk, Dana Johnson