

**CITY OF DELTONA, FLORIDA  
SPECIAL MAGISTRATE CODE ENFORCEMENT HEARING MINUTES  
Wednesday, October 24, 2012**

The Regular meeting of the Special Magistrate Code Enforcement Hearing was held on Wednesday, October 24, 2012 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	Sonjia Kihlmire	Present
Director	Dale Baker	Present
Administrative Staff	Yoselin Rodriguez	Present
Administrative Staff	Damaris Miranda	Present

Also present were: Enforcement Services Officers; Tray Black, Danny Ron, Richard Lovett, Steve Braukhoff, Shanna Hogan, Julie Hughes and Dennis Mues.

**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 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 September 26, 2012 were approved, by Special Magistrate, Charles Cino.

**7. ANNOUNCEMENTS:** - The Director, Dale Baker, states that under, New Business, case(s) DEL-12-191 and DEL-12-192 are withdrawn.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-12-107**

**Honorio Hernandez & Nilda Rodriguez**  
**930 Radcliff St., Deltona, Florida 32725**  
**Property Address: 930 Radcliff St., Deltona, Florida 32725**  
**Parcel No.: 30-18-31-30-17-0090**

**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 materials 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 Tray Black)

Compliance was met. Order of Compliance issued.

**B. DEL-12-164**

**Laurie D. Johnson**  
**1195 Acorn Court, Deltona, Florida 32725**  
**Property Address: 1195 Acorn Court, Deltona, Florida 32725**  
**Parcel No.: 30-18-31-02-20-0260**

**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 a fence. (Enforcement Services Officer Tray Black)

Amended Order of Non-Compliance issued by the Special Magistrate. Must have a permit prior to the November 28, 2012, Code Hearing or a fine may/can be imposed.

**C. DEL-12-169**

**Miguel Alvarez Quiles**  
**3193 Newmark Dr., Deltona, Florida 32738**  
**Property Address: 3193 Newmark Dr., Deltona, Florida 32738**  
**Parcel No.: 30-18-31-73-14-0060**

**Violation** of City of Deltona Ordinance, Section 18-5, which adopts 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. {damaged/missing door} (Enforcement Services Officer Danny Ron)

A \$100.00 a day fine was imposed, effective immediately with a \$20,000.00 cap. Fine to run until cap is met or compliance is achieved.

**D. DEL-12-170**

**Gary A. Gentile and Karen Sue E. Benson**  
**2811 Conyers Court, Deltona, Florida 32738**  
**Property Address: 2811 Conyers Court, Deltona, Florida 32738**  
**Parcel No.: 30-18-31-43-40-0010**

**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 materials 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 Danny Ron)

Order of Compliance issued based on the Affidavit of Compliance furnished by Officer Danny Ron.

**E. DEL-11-069, Repeat of DEL-10-024**

**Dorothy Haggerty EST**  
**2925 Keesler St., Deltona, Florida 32738**  
**Property Address: 2925 Keesler St., Deltona, Florida 32738**  
**Parcel No.: 30-18-31-32-11-0250**

**Violation** of City of Deltona Ordinance, Section 18-5, which adopts 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. {exterior walls} (Enforcement Services Officer Danny Ron)

Order issued September 26, 2012 for \$25.00 a day effective October 25, 2012 with a cap of \$20,000.00. Fine to run until cap is met or compliance is achieved, per Order from September 26, 2012 Code Hearing.

**10. New Business:**

**A. DEL-12-165**

**Finel J. Banks**

**942 Wilmington Dr., Deltona, Florida 32725**

**Property Address: 942 Wilmington Dr., Deltona, Florida 32725**

**Parcel No.: 30-18-31-05-76-0060**

**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 a roof. (Enforcement Services Officer Tray Black)

Order of Non Compliance issued with a Hearing to impose fine at the November 28, 2012 Code Hearing.

**B. DEL-12-177**

**Richard W. and Linda M. Rea**

**404 Swan Creek Road East, Fort Washington, MD 20744-6148**

**Property Address: 2852 Sweet Springs St., Deltona, Florida 32738**

**Parcel No.: 30-18-31-32-58-0150**

**Violation** City of Deltona Ordinance No. 11-2007, Chapter 22, which states that the owner of record of each dwelling unit or rooming house in which a 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 of Deltona for a local business tax license and provide a local point of contact person for each dwelling unit. (Enforcement Services Officer Richard Lovett)

Found to be in Non Compliance at the time of the violation, completed actions to bring case to compliance and case is now dismissed.

**C. DEL-12-178**

**Denise D. Engle**

**2419 Haulover Blvd., Deltona, Florida, 32738**

**Property Address: 2419 Haulover Blvd., Deltona, Florida 32738**

**Parcel No.: 30-18-31-33-27-0180**

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

Order of Non Compliance was issued by the Special Magistrate.

**D. DEL-12-179**

**Denise D. Engle**

**2419 Haulover Blvd., Deltona, Florida, 32738**

**Property Address: 2419 Haulover Blvd., Deltona, Florida 32738**

**Parcel No.: 30-18-31-33-27-0180**

**Violation** of City of Deltona Ordinance, Section 18-5, which adopts the latest edition of the International Property Maintenance Code, Section 304.3, which states that all buildings will have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of 4 inches high with a minimum stroke width of 0.5 inch. (Enforcement Services Officer Richard Lovett)

Order of Non Compliance was issued by the Special Magistrate.

**E. DEL-12-180**

**Rickey P. and Linda S. Singh**

**190-02 Woodhull Ave., Hollis, NY 11423**

**Property Address: 3221 Courtland Blvd., Deltona, Florida 32738**

**Parcel No.: 30-18-31-34-17-0110**

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

Found to be in Non Compliance at the time of the violation, completed actions to bring case to compliance and case is now dismissed.

**F. DEL-12-181**

**Christine D. Scrudder**

**2081 Swanson Dr., Deltona, Florida 32738**

**Property Address: 2081 Swanson Dr., Deltona, Florida 32738**

**Parcel No.: 30-18-31-17-21-0090**

**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:** City of Deltona Ordinance, Section 14-141(f) It is the responsibility of any owner, keeper or possessor of a domesticated dog or cat kept as a household pet within the city to cause such animal to wear at all times a metal tag bearing the legible number of a current license issued for such animal as provided for in this section.

**Violation:** 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 Steve Braukhoff)

Case continued until the November 28, 2012 Code Hearing.

**G. DEL-12-184**

**Carmen T. Reid**

**2691 Fair Oaks Dr., Deltona, Florida 32738**

**Property Address: 2691 Fair Oaks Dr., Deltona, Florida 32738**

**Parcel No.: 30-18-31-54-07-0070**

**Violation** of City of Deltona Ordinance, Section 66-18(a), which states that no vehicle greater than 10,000 pounds manufacturer's gross vehicle weight or designed to carry 16 or more passengers, or requiring a commercial driver's license (CDL) of any endorsement to operate shall be parked or stored in any residential or agricultural zoning district except in agricultural areas on lots of five acres or more. (Enforcement services Officer Richard Lovett)

A Tow Order was signed for this property, due to violation history and request by Officer Richard Lovett.

**H. DEL-12-185**

**Cristino Arriaga, % Garcia**

**1830 Tripoli Ave., Deltona, Florida 32725**

**Property Address: 1834 Tripoli Ave., Deltona, Florida 32725**

**Parcel No.: 30-18-31-03-46-0230**

**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 Shanna Hogan)

A \$25.00 a day fine was imposed, effective immediately with a \$10,000.00 cap. Fine to run until cap is met or compliance is achieved.

**I. DEL-12-186**

**Cristino Arriaga, % Garcia**

**1830 Tripoli Ave., Deltona, Florida 32725**

**Property Address: 1834 Tripoli Ave., Deltona, Florida 32725**

**Parcel No.: 30-18-31-03-46-0230**

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

A \$25.00 a day fine was imposed, effective immediately with a \$10,000.00 cap. Fine to run until cap is met or compliance is achieved.

**J. DEL-12-188**

**Frederick M. Antonia**  
**822 Superior St., Deltona, Florida 32725**  
**Property Address: 882 Yellowbird Ave., Deltona, Florida 32725**  
**Parcel No.: 30-18-31-05-67-0190**

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

Order of Non Compliance issued with a Hearing to impose fine at the November 28, 2012 Code Hearing.

**K. DEL-12-189**

**Robin H. Warren Est**  
**1456 Hartley Ave., Deltona, Florida 32725**  
**Property Address: 1456 Hartley Ave., Deltona, Florida 32725**  
**Parcel No.: 30-18-31-01-12-0500**

**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 Julie Hughes)

Respondent was not present. Order of Non Compliance issued with a Hearing to impose fine at the November 28, 2012 Code Hearing.

**L. DEL-12-190**

**Paul L. and Arleen Swarts**  
**1655 Nantucket St., Deltona, Florida 32725**  
**Property Address: 1655 Nantucket St., Deltona, Florida 32725**  
**Parcel No.: 30-18-31-11-24-0160**

**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 a garage enclosure. (Enforcement Services Officer Dennis Mues)

Respondent was present. Case continued until the November 28, 2012 Code Hearing.

**M. DEL-12-191**

**Kathy A. Menard**

**1710 Twin Oaks St., Deltona, Florida 32725**

**Property Address: 1710 Twin Oaks St., Deltona, Florida 32725**

**Parcel No.: 30-18-31-72-13-0020**

**Violation** of City of Deltona Ordinance, Section 14-141©, which states that it is 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 Tray Black)

Case was withdrawn.

**N. DEL-12-192**

**Kathy A. Menard**

**1710 Twin Oaks St., Deltona, Florida 32725**

**Property Address: 1710 Twin Oaks St., Deltona, Florida 32725**

**Parcel No.: 30-18-31-72-13-0020**

**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 Tray Black)

Case was withdrawn.

**O. DEL-12-193**

**Donna Martin**

**3071 Snow Dr., Deltona, Florida 32738**

**Property Address: 3071 Snow Dr., Deltona, Florida 32738**

**Parcel No.: 30-18-31-33-03-0080**

**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 a deck and pool. (Enforcement Services Officer Danny Ron)

Found to be in Non Compliance at the time of the violation, completed actions to bring case to compliance and case is now dismissed.

**P. DEL-12-194**

**Donna Martin**

**3071 Snow Dr., Deltona, Florida 32738**

**Property Address: 3071 Snow Dr., Deltona, Florida 32738**

**Parcel No.: 30-18-31-33-03-0080**

**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 materials 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 Danny Ron)

Order of Non Compliance issued with a Hearing to impose fine at the November 28, 2012 Code Hearing.

**Q. DEL-12-195**

**Jacob J. Rice and Robert J. Rice**

**1725 Haverhill Dr., Deltona, Florida 32725**

**Property Address: 1725 Haverhill Dr., Deltona, Florida 32725**

**Parcel No.: 30-18-31-72-14-0140**

**Violation** of City of Deltona Ordinance, Section 18-5, which adopts 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 kept in good repair. (Enforcement Services Officer Julie Hughes)

Property found in Non Compliance, completed the actions to bring them into Compliance and the case was dismissed.

**R. DEL-12-196**

**Robert V. and Amanda Reynolds**

**1612 North Merrick Dr., Deltona, Florida 32725**

**Property Address: 1612 North Merrick Dr., Deltona, Florida 32725**

**Parcel No.: 30-18-31-16-08-0040**

**Violation** 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 Shanna Hogan)

Order of Non Compliance issued with a Hearing to impose fine at the November 28, 2012 Code Hearing. Respondent was not present.

**S. DEL-12-197**

**Robert V. and Amanda Reynolds**

**1612 North Merrick Dr., Deltona, Florida 32725**

**Property Address: 1612 North Merrick Dr., Deltona, Florida 32725**

**Parcel No.: 30-18-31-16-08-0040**

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

Order of Non Compliance issued with a Hearing to impose fine at the November 28, 2012 Code Hearing.

**11. OTHER and REPEAT BUSINESS:**

**A. DEL-12-183, REPEAT OF CASE NO.: DEL-12-122**

**Cecilia Gregory**

**PO Box 3475, Deland, Florida 32721**

**Property Address: 2489 Cardena Ave., Deltona, Florida 32738**

**Parcel No.: 30-18-31-74-12-0010**

**Violation** City of Deltona Ordinance No. 11-2007, Chapter 22, which states that the owner of record of each dwelling unit or rooming house in which a 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 of Deltona for a local business tax license and provide a local point of contact person for each dwelling unit. (Enforcement Services Officer Richard Lovett)

A one-time fine of \$50.00 was imposed by the Special Magistrate effective immediately.

**B. DEL-12-136**

**German I. and Keira Espada**

**1033 Country Club Park, Deland Florida 32724**

**Property Address: 1516 Coronet Dr., Deltona Florida 32725**

**Parcel No.: 30-18-31-11-46-0210**

**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 a water heater. (Enforcement Services Officer Julie Hughes)

An Order imposing Fine/Lien was entered August 22, 2012, by the Special Magistrate, ordering German and Keira Espada to pay \$100.00 a day, beginning August 22, 2012 and to continue for each and every day the violation(s) exists or a cap of \$20,000.00 is reached. The respondent failed to come into compliance until October 02, 2012, The Code Officer, Julie Hughes, did an inspection on October 02, 2012 and issued an Affidavit of Compliance for this property. As of that date the fine of \$4,200.00, has not been paid and the owners are requesting a recommendation for a reduction in fine.

The respondent Keira Espada and her realtor Donna Pastor were present. Property is still in violation, Mr. Cino will not recommend a reduction until compliance is met. Case will continue to the November 28<sup>th</sup>, 2012 meeting to allow more time to come into compliance and pass the water heater inspection.

**C. DEL-12-119**

**Laurie D. Johnson**

**1195 Acorn Court, Deltona, Florida 32725-5745**

**Property Address: 1195 Acorn Court, Deltona, Florida 32725**

**Parcel No.: 30-18-31-02-20-0260**

**Violation** 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 Julie Hughes)

Second Amended Order of Non-Compliance issued by the Special Magistrate. Must have debris prior to the November 28, 2012, Code Hearing or a Hearing to impose fine will/may be held.

A request was made, by the owners, at the September 16, 2012 Code Hearing for Mr. Cino to hear the case details from the Respondent. He stated that he would hear the case remarks after this case was put back on the Agenda, so we will add it for remarks only, as it already has an Order on it.

Case continued until the November 28, 2012 Code Hearing. Mr. Cino will not recommend a reduction until property is in compliance.

**12. DISCUSSION:**

**A. By the Special Magistrate**

**B. By the Enforcement Services Director**

**13. ADJOURNMENT (6:36 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.

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Special Magistrate, Charles Cino

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Hearing Clerk, Sonjia Kihlmire