

**CITY OF DELTONA, FLORIDA
SPECIAL MAGISTRATE CODE ENFORCEMENT HEARING MINUTES
Wednesday, June 27, 2012**

The Regular meeting of the Special Magistrate Code Enforcement Hearing was held on Wednesday, June 27, 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 Support	Yoselin Rodriguez	Present

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

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 May 30, 2012 were approved, by Special Magistrate, Charles Cino.

7. ANNOUNCEMENTS: - The Director, Dale Baker, states that under, New Business, case(s) DEL-12-111 and DEL-12-112, and DEL-12-123 are withdrawn. DEL-12-104, has been brought into Compliance and an Order of Compliance was signed by the Special Magistrate.

8. SWEARING IN OF OFFICERS AND WITNESSES:

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

9. OLD BUSINESS:

A. DEL-12-025

Genaro & Maria Castillo L/E

PO Box 336. Debary, Florida 32713

Property Address: 767 West 9th St., Deltona, Florida 32725

Parcel No.: 30-18-31-20-12-0030

Violation of City of Deltona Ordinance, Section 18-5, adopting the latest edition of the International Property Maintenance Code, Section 108.1.5(9) which states a building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, ventilation, mechanical or plumbing system, or otherwise, is determined by the code official to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease. (Enforcement Services Officer Julie Hughes)

Second Amended Order of Non Compliance with a Hearing to impose fine at the July 25, 2012 Code Hearing.

B. DEL-12-076

LUCA Property LLC

1471 Edison Terrace, Deltona, Florida 32725

Property Address: 1668 Brentlawn St., Deltona, Florida 32725

Parcel No.: 30-18-31-55-24-0170

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 room enclosure. (Enforcement Services Officer Julie Hughes)

Second Amended Order of Non Compliance with a Hearing to impose fine at the July 25, 2012 Code Hearing.

C. DEL-12-080

Peter R. and Edgar Soto

602 Armadillo Dr., Deltona, Florida 32725

Property Address: 602 Armadillo Dr., Deltona, Florida 32725

Parcel No.: 30-18-31-04-36-0160

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) poured concrete. (Enforcement Services Officer Shanna Hogan)

The existing Order of Non Compliance will remain on this property as Lis Pendens has been filed.

D. DEL-12-094

Theresa C. Konash

PO Box 4098, Deltona, Florida 32725

Property Address: 1237 West Portillo Dr., Deltona, Florida 32725

Parcel No.: 30-18-31-13-12-0100

Violation of City of Deltona Ordinance, Section 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 Tray Black)

First Amended Order of Non Compliance with a Hearing to impose fine at the July 25, 2012 Code Hearing. Ms. Konash was present at the Hearing.

E. DEL-12-097

Alex P. And Leah J. Digges

10 Bass Lake Dr., Debary, Florida 32713

Property Address: 1621 Bloomfield Ave., Deltona, Florida 32725

Parcel No.: 30-18-31-72-03-0120

Violation 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 Julie Hughes)

Alex Digges and his son were present at the Hearing. Mr. Cino gave them an additional 30 days to clean up the back yard. First Amended Order of Non Compliance with a Hearing to impose fine at the July 25, 2012 Code Hearing.

10. New Business:

A. DEL-11-150

Charles Ruggles and Augusta Richardson

1314 Hayward Ave., Deltona, Florida 32738

Property Address: 1314 Hayward Ave., Deltona, Florida 32738

Parcel No.: 30-18-31-38-12-0140

City of Deltona Ordinance Section 18-5 reference to International Property Maintenance Code, Section 304.9, Overhang Extensions, which states: All overhang extensions including, but not limited to canopies, marquees, signs, metal awnings, fire escapes, standpipes, and exhaust ducts shall be maintained in good repair and be properly anchored so as to be kept in sound condition, when required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar treatment. (Enforcement Services Officer Steve Braukhoff)

Order for a \$100.00 a day fine, effective immediately and to continue until property is in compliance or the cap of \$20,000.00 is met.

B. DEL-11-151

Charles Ruggles and Augusta Richardson
1314 Hayward Ave., Deltona, Florida 32738
Property Address: 1314 Hayward Ave., Deltona, Florida 32738
Parcel No.: 30-18-31-38-12-0140

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 Steve Braukhoff)

Order for a \$100.00 a day fine, effective immediately and to continue until property is in compliance or the cap of \$20,000.00 is met.

C. DEL-12-106

Michael K. Leard
2939 Wynman Court, Deltona, Florida 32738
Property Address: 2939 Wyman Court, Deltona, Florida 32738
Parcel No.: 30-18-31-59-27-0040

Violation of Deltona City Ordinance, Section 14-9 - Prohibited actions. (e) 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 thereof.

Violation: City of Deltona Ordinance, Section Sec. 14-2. It is unlawful for a person to permit animals to become a public nuisance. An animal shall be declared a public nuisance animal if such animal:

- (1) Is repeatedly found at large;
 - (10) Has otherwise been determined to be a stray.
- (Enforcement Services Officer Steve Braukhoff)

Mr. Leard was present at this Hearing. He was found to be in non-compliance at the time of the violation, completed tasks to bring him in compliance and now the case is dismissed.

D. DEL-12-107

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

Violation 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 Tray Black)

Order of Non Compliance, with a Hearing to impose fine at the July 25, 2012 Code Hearing. Both owners were present.

E. DEL-12-108

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

Violation: City of Deltona Ordinance, Section 66-18(h), "Restrictions on trucks and other vehicles" which states that a maximum of (2) vehicles may be parked in the side or rear yard. (Enforcement Services Officer Tray Black)

Order of Non Compliance, with a Hearing to impose fine at the July 25, 2012 Code Hearing. Both owners were present.

F. DEL-12-109

Joseph Genest
501 Fuller Ave., Deltona, Florida 32725
Property Address: 501 Fuller Ave., Deltona, Florida 32725
Parcel No.: 30-18-31-05-19-0090

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 Tray Black)

Order for a \$100.00 a day fine, effective immediately and to continue until property is in compliance or the cap of \$20,000.00 is met.

G. DEL-12-110

Joseph Genest

501 Fuller Ave., Deltona, Florida 32725

Property Address: 501 Fuller Ave., Deltona, Florida 32725

Parcel No.: 30-18-31-05-19-0090

Violation 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 Tray Black)

Found to be in non-compliance at the time of the violation, completed tasks to bring him in compliance and now the case is dismissed.

H. DEL-12-111

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 City of Deltona Ordinance 18-5, which adopts the International Property Maintenance Code, Section 506.1, General Sanitary Drainage System that states; All plumbing fixtures shall be properly connected to either a public sewer system or to an approved private sewage disposal system. (Enforcement Services Officer Tray Black)

Withdrawn.

I. DEL-12-112

Shannon Friend

679 Comstock Dr., Deltona, Florida 32738

Property Address: 679 Comstock Dr., Deltona, Florida 32738

Parcel No.: 30-18-31-21-17-0060

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 room added inside the garage. (Enforcement Services Officer Steve Braukhoff)

Withdrawn.

J. DEL-12-113

**Manuel F. Rodriguez and Evelyn Pintado
2489 Founder St., Deltona, Florida 32738
Property Address: 2489 Founder St., Deltona, Florida 32738
Parcel No.: 30-18-31-33-11-0220**

Violation City of Deltona Ordinance, Section 18-5, adopting 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)

A fine of \$250.00 was levied by the Special Magistrate, effective immediately.

K. DEL12-114

**Manuel F. Rodriguez and Evelyn Pintado
2489 Founder St., Deltona, Florida 32738
Property Address: 2489 Founder St., Deltona, Florida 32738
Parcel No.: 30-18-31-33-11-0220**

Violation City of Deltona Ordinance, Section 18-5, adopting the latest edition of the International Property Maintenance Code, Section 108.1.1, which states that an unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible. (Enforcement Services Officer Richard Lovett)

Order for a \$100.00 a day fine, effective immediately and to continue until property is in compliance or the cap of \$20,000.00 is met.

L. DEL-12-115

**DP LLC Trustee/2460 Tracey Lane Trust
PO Box 520385, Longwood, Florida 32752
Property Address: 2460 Tracy Lane, Deltona, Florida 32738
Parcel No.: 30-18-31-45-28-0040**

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 tasks to bring him in compliance and now the case is dismissed.

M. DEL-12-116

Paul Niemi

1201 Portillo Court, Deltona, Florida 32725

Property Address: 2856 Trenton Lane, Deltona, Florida 32738

Parcel No.: 30-18-31-32-49-0110

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 house remodel. (Enforcement Services Officer Richard Lovett)

Found to be in non-compliance at the time of the violation, completed tasks to bring him in compliance and now the case is dismissed.

N. DEL-12-117

PJ Estate LLC

1201 Portillo Court, Deltona, Florida 32738

Property Address: 3108 Wainwright St., Deltona, Florida 32738

Parcel No.: 30-18-31-32-94-0090

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 water heater. (Enforcement Services Officer Richard Lovett)

Found to be in non-compliance at the time of the violation, completed tasks to bring him in compliance and now the case is dismissed.

O. DEL-12-118

Shawn H. Marden

1060 Pinder St., Deltona, Florida 32725

Property Address: 1060 Pinder St., Deltona, Florida 32725

Parcel No.: 30-18-31-05-63-0100

Violation: City of Deltona Ordinance, Section Sec. 4-2. It is unlawful for a person to permit animals to become a public nuisance. An animal shall be declared a public nuisance animal if such animal:

(1) Is repeatedly found at large;

(Enforcement Services Officer Richard Lovett)

Mr. Marden and his son were present at this Hearing. Respondent given 90 days to remain in compliance and if he does so and no complaints are filed during this time on his animals, this case will be dismissed. (Case Continued until September 26, 2012)

P. 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)

Order of Non Compliance with a Hearing to impose fine at the July 25, 2012 Code Hearing.

Q. DEL-12-121

Daniel S. and Evelyn Echt

2450 Haulover Blvd., Deltona, Florida 32738-1814

Property Address: 2450 Haulover Blvd., Deltona, Florida 32738

Parcel No.: 30-18-31-33-19-0130

Violation 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 Richard Lovett)

Found to be in non-compliance at the time of the violation, completed tasks to bring him in compliance and now the case is dismissed. A Tow Order was signed for this property, due to violation history.

R. 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)

An Administrative fine was imposed for \$250.00, due to no Business tax License.

S. DEL-12-123

Jorge Ivan Monsalve

637 White Crane Court, Chuluota, Florida 32766

Property Address: 2757 Sweet Springs St., Deltona, Florida 32738

Parcel No.: 30-18-31-32-57-0420

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 Danny Ron)

Withdrawn.

T. DEL-12-124

Albertino and Maria Aviles Berrios

2202 Danforth Ave., Deltona, Florida 32738

1225 Giovanni St., Deltona, Florida 32725

Property Address: 2202 Danforth Ave., Deltona, Florida 32738

Parcel No.: 30-18-31-74-39-0140

Violation City of Deltona Ordinance, Section 18-5, reference to 108.1.5.9, adopting the latest edition of the International Property Maintenance Code, which states a building or structure, or any portion thereof, used or is intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, ventilation, mechanical or plumbing system, or otherwise, is determined by the code official to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness and disease. (Enforcement Services Officer Dennis Mues)

Albertino Berrios was present and stated he didn't have the funds to correct the housing violations on this property. His translator/friend stated she would help him fill out assistance papers (SHIP Program) at City Hall. Special Magistrate Cino gave him 60 days to accomplish some repairs or make some effort to fix up his property. Order of Non Compliance, with a Hearing to impose fine slated for August 22, 2012.

U. DEL-12-125

Luigi Bluni

706 Leeward Dr., Deltona, Florida 32738

Property Address: 706 Leeward Dr., Deltona, Florida 32738

Parcel No.: 30-18-31-19-07-0210

Violation City of Deltona Ordinance, Section 18-5, reference to 304.7, adopting the latest edition of the International Property Maintenance Code, 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 Steve Braukhoff)

Order for a \$250.00 a day fine, effective immediately and to continue until property is in compliance or the cap of \$20,000.00 is met.

V. DEL-12-126

Sheree Williams

1255 Anderson St., Deltona, Florida 32725

Property Address: 1979 Lindhurst Ave., Deltona, Florida 32725

Parcel No.: 30-18-31-15-05-0020

DANGEROUS DOG Sec. 14-166. - Classification.

(a)

The provisions of F.S. § 767.12 through F.S. § 767.16, or their successors, which apply to dangerous dogs, are hereby adopted and incorporated herein by reference, except as otherwise provided in this division.

(b)

Any dog that is the subject of a dangerous dog investigation shall be immediately impounded by the animal control authority pending the outcome of the investigation and resolution of any hearings related to the dangerous dog classification.

(c)

No dog that is the subject of a dangerous dog classification may be relocated or ownership transferred pending the outcome of any investigation or any hearings related to the determination of a dangerous dog classification.

(d)

After the investigation, the animal control officer involved shall make an initial determination as to whether there is sufficient cause to classify a dog as dangerous. If the animal control officer makes an initial determination that a dog should be classified as a dangerous dog, the animal control officer shall provide written notification to the owner by registered mail, certified hand delivery or service in conformance with the statutory provisions relating to the service of process.

(e)

Within seven calendar days from the date the owner received such notification, the owner may file a written request for a hearing before the City's Special Magistrate to make final determination as to whether the dog shall be classified as dangerous. The request shall be delivered to the City of Deltona Director of Enforcement Services or his designee. The hearing, if requested, shall be held as soon as possible, but not more than 21 calendar days and no sooner than five days after receipt of the request from the owner.

(f)

If the owner fails to request a hearing within the seven-day period, the initial determination made by the animal control officer shall automatically become final; and the dog shall then be deemed classified as a dangerous dog under this section.

(g)

The owner shall submit a cashier's check, payable to the City of Deltona, in an amount of \$125.00, to cover the special magistrate's fee at the time the request for a hearing is made. Said deposit will be used to pay the special magistrate should the owner be declared the losing party. If the special magistrate's fee exceeds the deposit, the losing party will be responsible for any and all additional fees. If the owner prevails, the deposit will be returned to the owner within 30 days of the special magistrate's ruling.

(h)

During this hearing process and any appeal, the owner shall be responsible for paying all boarding costs and other fees as may be required to humanely and safely keep the animal during the process.

(i)

Each case before the special magistrate shall be presented by an animal control officer who will have the burden of presenting evidence that the dog is dangerous and should be classified as such. If the evidence indicates that the dog is dangerous, the burden is on the owner to present evidence that the dog is not dangerous. At the hearing, the owner may question witnesses presented by the animal control officer, call witnesses, present evidence, and examine evidence.

(j)

All testimony shall be under oath and shall be recorded. The special magistrate shall hear testimony from the animal control officer, the owner of the dog, and any witnesses for either side. The special magistrate may question witnesses as deemed necessary and appropriate. Formal rules of evidence shall not apply, but fundamental due process shall be observed and shall govern the proceedings.

(k)

At the conclusion of the hearing, the special magistrate shall issue findings

of fact, based on evidence of record and conclusions of law, and shall issue an order classifying the dog as dangerous, or an order stating that there is insufficient cause to declare the dog dangerous.

(l)

Nothing in this section shall prohibit the special magistrate from taking a case under advisement or continuing a hearing in the interest of justice.

(m)

Once a dog has been classified as a dangerous dog, the animal control officer shall provide written notification to the owner by registered mail, certified hand delivery, or service in conformance with the statutory provisions relating to the service of process. The owner may file a written request for a hearing in the county court to appeal the classification within ten business days after the receipt of a written determination of dangerous dog classification. Such an appeal shall not be a hearing de novo, but shall be limited to appellate review of the record created before the special magistrate. Upon remand by the appellate court, the matter will be brought to hearing before the special magistrate in no less than five, nor more than 21 days from the date of the appellate court's written order.

(n)

The dog must remain in the impounding facility pending a resolution of the appeal or, the dog may be redeemed by the owner if, before the conclusion of the appeal, the requirements established in subsection 14-166(f) are completed.

(o)

Within 14 days after a dog has been classified as dangerous by the animal control authority or a dangerous dog classification is upheld by the county court on appeal, the owner of the dog must obtain a certificate of registration for the dog from animal control, and the certificate shall be renewed annually. The cost of the certificate is \$250.00 per year. Animal control is authorized to issue such certificate of registration, and renewals thereof, only to persons who are at least 18 years of age and who present to the animal control officer sufficient evidence of:

(1)

A current certificate of rabies vaccination for the dog.

(2)

A proper enclosure to confine a dangerous dog and the posting of the premises with a clearly visible warning sign at all entry points that informs both children and adults of the presence of a dangerous dog on the property.

(3)
Permanent identification of the dog, such as a tattoo on the inside thigh or electronic implantation.

(4)
The owner of a dangerous dog must provide to the animal control authority proof from a licensed veterinarian that the dog is sterilized before a certificate of registration may be issued.

(5)
In order to protect the public and to afford relief from the severe harm and injury which is likely to result from a dangerous dog attack, every owner of a dangerous dog shall maintain and be able to provide evidence of the owner's financial ability to respond in damages up to and including the amount of \$50,000.00 for bodily injury to or death of any person or damage to property which may result from the ownership, keeping or maintenance of such dog. Proof of ability to respond in damages shall be given by filing with the animal control office a certificate of insurance from an insurance company authorized to do business in the state, stating that the owner is and will be insured against liability for such damages; or by posting with the animal control office a surety bond conditioned upon the payment of such damages during the period of such registration; or by posting a personal bond secured by a mortgage in real property or security interest in personal property up to and including the amount of \$50,000.00.

(p)
The owner of any dog confiscated for destruction pursuant to section 14-170 of this division, shall have ten days after receipt of written notification under section 14-166 of this division in which to request a hearing. If the owner, upon an unfavorable determination at the hearing, subsequently files a written appeal under section 14-166 or section 14-170, the dog must be held and may not be destroyed while the appeal is pending. The owner shall be responsible for payment of all fees, boarding costs, and other related expenses incurred by the city during the period a dog is quarantined or impounded under section 14-166 or 14-170 of this division.

(Ord. No. 96-51, § 13(2)—(6), 10-7-1996; Ord. No. 20-02, § 3, 8-19-2002; Ord. No. 22-2006, § 4, 9-6-2006; Ord. No. 04-2008, § 1, 2-18-2008)

Sec. 14-167. - Fencing required.

In addition to the requirements in this division, an owner who maintains any dangerous dog as defined in F.S. § 767.11(1) out-of-doors must fence a portion of his property with a perimeter or area fence. Within this perimeter fence, the dangerous dog must be humanely confined inside a pen or kennel of adequate size. The pen or kennel may not share common fencing with the area or perimeter fence. The kennel must have sides and a secure top attached to all sides, and the sides must be either buried two feet into the ground, sunk into a concrete pad, or securely attached to a wire bottom. The gate to the kennel must be locked.

(1)

It is unlawful for the owner of a dangerous dog to permit the dog to be outside a proper enclosure unless the dog is muzzled and restrained by a substantial chain or leash and under control of a person who is physical able to control the dog. Any dog found not muzzled and/or restrained will be impounded by animal control.

(Enforcement Services Officer Steve Braukhoff)

Order of Non Compliance with a Hearing to impose a fine at the August 22, 2012 Code Hearing. Due to Lis Pendens on this property, no fine can be Ordered at this time.

W. DEL-12-127

Luigi Bluni

706 Leeward Dr., Deltona, Florida 32738

Property Address: 706 Leeward Dr., Deltona, Florida 32738

Parcel No.: 30-18-31-19-07-0210

Violation 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.

Violation 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 Steve Braukhoff)

Order for a \$250.00 a day fine, effective immediately and to continue until property is in compliance or the cap of \$20,000.00 is met.

11. OTHER BUSINESS:

A. DEL-12-105 (Repeat of DEL-11-021)

James L. and Elizabeth A. Mars –Revocable Trust

779 Tulip St., Deltona, Florida 32725

Property Address: 779 Tulip St., Deltona, Florida 32725

Parcel No.: 30-18-31-03-43-0190

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 Lonnie Wilson)

A \$100.00 a day fine was Ordered to be retroactive back to May 17, 2012, due to being a repeat offender. A \$20,000.00 cap has been set if compliance is not met prior to reaching this amount.

12. DISCUSSION:

A. By the Special Magistrate

B. By the Enforcement Services Director

13. ADJOURNMENT (6:55 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, Sonjia Kihlmire