

**CITY OF DELTONA, FLORIDA
SPECIAL MAGISTRATE CODE ENFORCEMENT HEARING MINUTES
Wednesday, May 22, 2013**

The Regular meeting of the Special Magistrate Code Enforcement Hearing was held on Wednesday, May 22, 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	Sonjia Kihlmire	Present

Also present were: Enforcement Services Officers; Tray Black, Mark Gibson, Shanna Hogan, Richard Lovett, Julie Hughes and Lonnie Wilson.

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 April 24, 2013 were approved, by Special Magistrate, Charles Cino.

7. ANNOUNCEMENTS: - The Hearing Clerk, stated that under, New Business, case(s) DEL-13-095 and DEL-13-103 are/were withdrawn and under Repeat Business, DEL-13-061, Repeat of DEL-13-032 was brought into Compliance.

8. SWEARING IN OF OFFICERS AND WITNESSES:

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

9. OLD BUSINESS:

A. DEL-13-002

Grover Rios

559 Macy Ave., Lake Helen, Florida 32744

Property Address: 2242 Kent Rd., Deltona, Florida 32738

Parcel No.: 30-18-31-74-59-0170

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 the house remodel. (Enforcement Services Officer Richard Lovett)

Order of Compliance was issued.

B. DEL-13-018

William J. McCurdy Jr.

2258 North Normandy Blvd., Deltona, Florida 32725

Property Address: 2258 N. Normandy Blvd., Deltona, Florida 32725

Parcel No.: 30-18-31-04-24-0210

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 Mark Gibson)

Mr. & Mrs. McCurdy were present and found to be in Compliance. Order of Compliance was issued.

C. DEL-13-058

Rafael Morales

1242 Buccaneer Ave., Deltona, Florida 32725

Property Address: 1242 Buccaneer Ave., Deltona, Florida 32725

Parcel No.: 30-18-31-06-09-0260

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 the window replacements. (Enforcement Services Officer Tray Black)

Order of Compliance was issued.

D. DEL-13-063

Jorge L. Medina

990 Windbrook Dr., Deltona, Florida 32725

Property Address: 990 Windbrook Dr., Deltona, Florida 32725

Parcel No.: 30-18-31-12-01-0110

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 Tray Black)

\$50.00 a day fine, effective May 23, 2013 and to run until in compliance or a cap of \$10,000.00 is met.

E. DEL-13-064

Jorge L. Medina

990 Windbrook Dr., Deltona, Florida 32725

Property Address: 990 Windbrook Dr., Deltona, Florida 32725

Parcel No.: 30-18-31-12-01-0110

Violation of City of Deltona Ordinance, Section 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)

\$50.00 a day fine, effective May 23, 2013 and to run until in compliance or a cap of \$10,000.00 is met.

F. DEL-13-075

Jean Guichon

1621 Oakland Dr., Deltona, Florida 32738

Property Address: 1621 Oakland Dr., Deltona, Florida 32738

Parcel No.: 30-18-31-16-21-0030

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)

\$50.00 a day fine, effective May 23, 2013 and to run until in compliance or a cap of \$10,000.00 is met.

10.

New Business:

A. DEL-13-087

Michelle R. Evans Life Estate

% Andrew B. Kelly

PO Box 201, Deland, Florida 32721

Property Address: 1429 Birwood St., Deltona, Florida 32725

Parcel No.: 30-18-31-11-51-0150

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 Lonnie Wilson)

Order of Non Compliance with a Hearing to impose fine at the June 26, 2013 Code Hearing.

B. DEL-13-088

The Florida LP

5909 Hampton Oaks Bldg 1, Ste G, Tampa, Florida 33610

Property Address: 1202 Voyager St., Deltona, Florida 32725

Parcel No.: 30-18-31-05-45-0010

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 fence. (Enforcement Services Officer Shanna Hogan)

Order of Non Compliance with a Hearing to impose fine at the June 26, 2013 Code Hearing.

C. DEL-13-090

The Florida LP

5909 Hampton Oaks Bldg 1, Ste G, Tampa, Florida 33610

Property Address: 1202 Voyager St., Deltona, Florida 32725

Parcel No.: 30-18-31-05-45-0010

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 A/C change out. (Enforcement Services Officer Shanna Hogan)

Order of Non Compliance with a Hearing to impose fine at the June 26, 2013 Code Hearing.

D. DEL-13-093

Johny and Patricia Rosado

128 South Courtland Blvd., Deltona, Florida 32738

Property Address: 128 S. Courtland Blvd., Deltona, FL 32738

Parcel No.: 30-18-31-63-07-0080

Violation 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)

Respondent found in Non Compliance and a Tow Order was signed for this property.

E. DEL-13-095

Haley M. Taft

1061 Pinder St., Deltona, Florida 32725

Property Address: 1061 Pinder St., Deltona, Florida 32725

Parcel No.: 30-18-31-07-43-0280

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 Shanna Hogan)

Withdrawn.

F. DEL-13-098

Betty L. Moseley Foulks

3461 Monument Dr., Deltona, Florida 32738-9459

Property Address: 3461 Monument Dr., Deltona, Florida 32738

Parcel No.: 30-18-31-62-06-0010

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)

Found in Non Compliance and a fine for \$250.00 a day was issued effective June 1, 2013. A pool abatement will also be issued if Compliance is not met. A cap on this fine was not set.

G. DEL-13-099

Betty L. Moseley Foulks

3461 Monument Dr., Deltona, Florida 32738-9459

Property Address: 3461 Monument Dr., Deltona, Florida 32738

Parcel No.: 30-18-31-62-06-0010

Violation of City of Deltona Ordinance, Section 18-5, which adopts 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 Julie Hughes)

Order of Non Compliance. Hearing to impose fine will be heard on June 26, 2013, if Compliance on June 25, 2013 is not met.

H. DEL-13-100

Betty L. Moseley Foulks

3461 Monument Dr., Deltona, Florida 32738-9459

Property Address: 3461 Monument Dr., Deltona, Florida 32738

Parcel No.: 30-18-31-62-06-0010

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 Julie Hughes)

Order of Non Compliance. Hearing to impose fine will be heard on June 26, 2013, if Compliance on June 25, 2013 is not met.

I. DEL-13-103

Dawn Castonguay

2700 Courtland Blvd., Deltona, Florida 32738

Property Address: 1770 Bavon Dr., Deltona, Florida 32725

Parcel No.: 30-18-31-65-15-0060

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 Lonnie Wilson)

Withdrawn.

J. DEL-13-104

Amelee & Marty R. Bayer

400 Pimlico Dr., Ste 114-120, Pleasanton, CA 94588

Property Address: 3173 Snow Dr., Deltona, Florida 32738

Parcel No.: 30-18-31-54-24-0020

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 August 28, 2013 Code Hearing. 90 days given to comply.

K. DEL-13-105

Trust Reliable LLC TR

688 Elwood St., Deltona, Florida 32725

Property Address: 688 Elwood St., Deltona, Florida 32725

Parcel No.: 30-18-31-03-58-0070

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. (Enforcement Services Officer Richard Lovett)

Order of Non Compliance. Hearing to impose fine will be heard on June 26, 2013, if Compliance on June 25, 2013 is not met.

L. DEL-13-106

Trust Reliable LLC TR

688 Elwood St., Deltona, Florida 32725

Property Address: 688 Elwood St., Deltona, Florida 32725

Parcel No.: 30-18-31-03-58-0070

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 Richard Lovett)

Order of Non Compliance. Hearing to impose fine will be heard on June 26, 2013, if Compliance on June 25, 2013 is not met.

M. DEL-13-107

Fariss & Fareed Peter Nsheiwat

2727 Howland Blvd., Deltona, Florida 32738

Property Address: 2727 Howland Blvd., Deltona, Florida 32738

Parcel No.: 30-18-31-53-24-0150

Violation of City of Deltona Ordinance, Section 22-150 (a)

Garage sales are permitted provided that no more than two such sales are held at the same residence during any calendar year, and that such sales are limited to a duration of three days. (Enforcement Services Officer Richard Lovett)

Respondent found in Non Compliance at the time of the violation, then came into Compliance and the case was Dismissed.

11. OTHER and REPEAT BUSINESS:

A. DEL-13-061- Repeat DEL-13-032

Thomas V. & Judy Bamundo

2970 Willow Bay Terrace, Casselberry, Florida 32707

Property Address: 1105 Fort Smith Blvd., Deltona, Florida 32725

Parcel No.: 30-18-31-13-15-0370

Violation of City of Deltona Ordinance, Section 18-5, which adopts 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 Julie Hughes)

Respondent came into Compliance prior to the Order going into effect and an Order of Compliance was issued with no Fine(s).

B. DEL-13-092 – Repeat DEL-12-119

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 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 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)

Order of Non Compliance and given 30 days to comply or a fine of \$500.00 a day, with a \$30,000.00 cap, retro back to May 22, 2013 Code Hearing will be imposed. A Hearing to impose an Abatement Order will be held on/at the June 26, 2013 Code Hearing.

C. DEL-13-101- Repeat DEL-13-005

Robert Groesbeck

3031 Mallard Dr., Deltona, Florida 32738

Property Address: 943 Halstead St., Deltona, Florida 32725

Parcel No.: 30-18-31-28-18-0070

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.
(Enforcement Services Officer Lonnie Wilson)

If Respondent(s) continue to be in Compliance for 90 days, an Order of Dismissal will be issued.

D. DEL-13-108 Repeat 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 38-114, 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 Richard Lovett)

If Respondent(s) continue to be in Compliance for 90 days, an Order of Dismissal will be issued.

12. DISCUSSION:

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

13. ADJOURNMENT (6:35 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