

**CITY OF DELTONA, FLORIDA
SPECIAL MAGISTRATE CODE ENFORCEMENT HEARING MINUTES
WEDNESDAY January 28, 2009**

The Regular meeting of the Special Magistrate Code Enforcement Hearing was held on Wednesday, January 28, 2009 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
Enforcement Services Director	Dale Baker	Present
City Attorney	George Trovato	Present
Hearing Clerk	Sonjia Kihlmire	Present

Also present were: Enforcement Services Officers, Steve Braukhoff, Richard Lovett, Lonnie Wilson, Albert Grimsley, Jody Palermo and Danny Ron.

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 November 25, 2008 were approved, by Special Magistrate, Charles Cino.

7. ANNOUNCEMENTS: - The Director of Enforcement Services, Dale Baker, stated under Old Business that Officer Lonnie Wilson found case #DEL-08-150 in Compliance, Officer Danny Ron found case #DEL-08-158 in Compliance, Officer Richard Lovett found case #DEL-08-218 and case #DEL-08-219 in Compliance. Under new Business, Officer Steve Braukhoff would like to continue case #DEL-09-006, until the April 22, 2009 Code Hearing, Officer Albert Grimsley would like to continue case DEL-09-009 until the February 25, 2009 Code Hearing, and Officer Jody Palermo would like to withdraw case DEL-09-015 and case DEL-09-016.

8. SWEARING IN OF OFFICERS AND WITNESSES:

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

9. OLD BUSINESS:

A. DEL-08-150

Sharyl R. Mawby

1126 Prescott Blvd., Deltona, Florida 32738

Property Address: 1126 Prescott Blvd., Deltona, Florida 32738

Parcel No.: 30-18-31-40-54-0170

Violation of the 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 your shed. **(Enforcement Services Officer Lonnie Wilson)**

Complied

B. DEL-08-157

Archie Leroy Tabor

1074 Fort Smith Blvd., Deltona, Florida 32725

Property Address: 1074 Fort Smith Blvd., Deltona, Florida 32725

Parcel No.: 30-18-31-13-16-0070

Violation of City of Deltona Ordinance, Section 38-114, which states that storage of building materials, commercial and/or industrial equipment, materials, objects or waste relating to commercial or industrial uses, or any equipment, materials or objects that are not incidental to a residential use, shall be prohibited. **(Enforcement Services Officer Danny Ron)**

Continued to February 25, 2009 Code Hearing- Mr. Tabor was present.

C. DEL-08-158

Richard C. Trein ETAL

1155 Leeward Dr., Deltona, Florida 32738

Property Address: 1155 Leeward Dr., Deltona, Florida 32738

Parcel No.: 27-18-31-00-00-0123

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 all accessory structures, including detached garages, fences and walls, shall be maintained and kept in good repair and sound structural condition. **(Enforcement Services Officer Danny Ron)**

Complied

D. DEL-08-202

Joseph Rose and Judithann Galloway
1528 N. Normandy Blvd., Deltona, Florida 32725
Property Address: 1528 N. Normandy Blvd., Deltona, Florida 32725
Parcel No.: 30-18-31-03-32-0260

Violation of the 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 your shed. **(Enforcement Services Officer Jody Palermo)**

Order of \$100.00 a day with a cap of \$10,000.00, effective January 28, 2009. Notice was sent to 3 different locations to try and track this owner, along with posting the property. No response from the owner.

E. DEL-08-217

Rachel M. Thompson
915 Rockhill St., Deltona, Florida 32725
Property Address: 915 Rockhill St., Deltona, Florida 32725
Parcel No.: 30-18-31-24-03-0180

Violation of the 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 a room enclosure. **(Enforcement Services Officer Richard Lovett)**

Amended Order of Non Compliance, case continued to February 25, 2009. Fine of \$250.00 a day, with a \$10,000.00 cap, will be effective February 26, 2009, if the owner is not in compliance.

F. DEL-08-218

Rodney R. Vermilio & Suzanne Elaine H & W
216 Markham Woods Rd., Longwood Florida 32779
Property Address: 1320 Stillwater Ave., Deltona, Florida 32725
Parcel No.: 30-18-31-24-03-0210

Violation of City of Deltona code of Ordinance, Section 22-4, 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)**

Complied

G. DEL-08-219

Jorge D. & Zoraida Perez
401 Taylorville St., Deltona, Florida 32725
Property Address: 1315 Whitewood Dr., Deltona, Florida
Parcel No.: 30-18-31-01-37-0050

Violation of City of Deltona code of Ordinance, Section 22-4, 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)**

Complied

10. NEW BUSINESS:

A. DEL-09-002

Edilio & Maribel Garcia & Sergio Urena
9181 Wickham Way, Orlando, Florida 32836
1681 Providence Blvd., Deltona, Florida 32725
Property Address: 1681 Providence Blvd., Deltona, Florida 32725
Parcel No.: 30-18-31-14-05-0010

Violation of City of Deltona Ordinance, Section 18-5, reference 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 Danny Ron)**

Found in Non Compliance with a Hearing to impose fine at the February 25, 2009 Code Hearing.

B. DEL-09-006

Rhonda K. & Claude C. Christian
2981 Allston St., Deltona, Florida 32738
Property Address: 2981 Allston St., Deltona, Florida 32738
Parcel No.: 30-18-31-44-10-0060

Violation of the 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 a shed. **(Enforcement Services Officer Steve Braukhoff)**

Case continued to April 22, 2009 Code Hearing.

C. DEL-09-008

Nydia Kritikos TTEE

PO Box 5099, Deltona, Florida 32728

Property Address: 1110 Deltona Blvd., Deltona, Florida 32725

Parcel No.: 30-18-31-10-10-0320

Violation of City of Deltona Ordinance, Section 18-5, reference 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 Albert Grimsley)**

Withdrawn

D. DEL-09-009

Juergen P. Nerzak and Nancy R. Neilsen

804 North Briarcliff Circle, Maryville, TN 37803

Property Address: 1417 Linden Court, Deltona, Florida

Parcel No.: 30-18-31-72-15-0160

Violation of City of Deltona code of Ordinance No. 11-2007, Section 22-4, 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 Albert Grimsley)**

Case continued to the February Code Hearing.

E. DEL-09-010

William & Tammy Lacaillade

2735 Cordgrass St., Oviedo, Florida 32765

Property Address: 1620 Lindsey Terrace, Deltona, Florida

Parcel No.: 30-18-31-72-09-0100

Violation of City of Deltona code of Ordinance No. 11-2007, Section 22-4, 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 Albert Grimsley)**

Respondent found in Non Compliance at the time of the violation and in compliance at the January Code Hearing. Case was dismissed.

F. DEL-09-011

Aarambh Shah

13901 SW 22ND Street, Miami, Florida 33175

Property Address: 1605 Providence Blvd., Deltona, Florida

Parcel No.: 30-18-31-72-06-0040

Violation of City of Deltona code of Ordinance No. 11-2007, Section 22-4, 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 Albert Grimsley)**

Respondent found in Non Compliance at the time of the violation and in compliance at the January Code Hearing. Case was dismissed.

G. DEL-09-014

TRESTE LLC TR

924 W. Colonial, Orlando, Florida 32804

Property Address: 111 Caribbean St., Deltona, Florida

Parcel No.: 36-18-30-05-09-0060

Violation of City of Deltona code of Ordinance No. 11-2007, Section 22-4, 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 Jody Palermo)**

Order of fine at \$100.00 a day, effective January 28, 2009, with a cap of \$10,000.00.

H. DEL-09-015

TRESTE LLC TR

924 W. Colonial, Orlando, Florida 32804

Property Address: 111 Caribbean St., Deltona, Florida

Parcel No.: 36-18-30-05-09-0060

Violation of City of Deltona code of 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 Jody Palermo)**

Withdrawn

I. DEL-09-016

TRESTE LLC TR

924 W. Colonial, Orlando, Florida 32804

Property Address: 111 Caribbean St., Deltona, Florida

Parcel No.: 36-18-30-05-09-0060

Violation of City of Deltona Ordinance, Section 18-5, reference 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 Jody Palermo)**

Withdrawn

J. DEL-09-017

Thomas or Lindsey Hirtreiter

2064 Monterey Dr., Deltona, Florida 32738-7755

Property Address: 2064 Monterey Dr., Deltona, Florida 32738-7755

Parcel No.: 30-18-31-17-17-0130

Violation of City of Deltona Ordinance, Sec. 14-7. Proper care; custody; penalties.

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

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

(1) Care of confined animals. Except as authorized by law, no animal shall be confined without an adequate supply of food, water and protection from the weather by providing

shelter. If any animal is found to be confined without adequate food, water or shelter, it shall be lawful for any animal control officer, sheriff, code enforcement officer, from time to time as may be necessary, to enter into and upon any area or building where such animal is confined and supply it with adequate food and water in accordance with the procedures found in section 14-88. If such animal is not cared for by a person other than an animal control officer within 24 hours of the posting of notification as described in section 14-88, such animal shall be presumed to have been abandoned under circumstances in which the animal's life or health is endangered.

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

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

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

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

Respondent found in Non Compliance at the time of the violation and in compliance at the January Code Hearing. Case was dismissed. Ms. Linsey Hirtreiter was present for this Hearing.

11. REPEAT CASES:

- A. DEL-09-001(Repeat Offender – Citation #C0361
Gary Hancock & Julia L. Wood
PO Box 471013, Lake Monroe, Florida 32747-1013
Property Address: 2317 Fairgren Ave., Deltona, Florida
Parcel No.: 30-18-31-74-28-0100**

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 Danny Ron)**

Abatement Order granted by Special Magistrate Charles Cino, effective immediately.

12. OTHER BUSINESS: None

13. DISCUSSION:

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

14. ADJOURNMENT: Meeting adjourned at 6:20 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 J. Cino

ATTEST:

Sonjia Kihlmire, Hearing Clerk