

**CODE ENFORCEMENT ORDER
TOWN OF SEWALL'S POINT, FLORIDA**

TOWN OF SEWALL'S POINT, FLORIDA,

Case No.: B24-0021

Petitioner,

vs.

OKEECHOBEE LAND COMPANY,

Respondent(s).

ORDER FINDING VIOLATION AND ASSESSING FINE AND CLAIM OF LIEN

Property Address: 6 N Ridgeview Road, Sewall's Point, Florida 34996

Parcel Control Number: 01-38-41-006-002-00040-4

Re: Violation of Code Section(s): Section 70-22 – Permit Required for Tree Removal; Section 70-1 – Tree Canopy Cut More Than 25%

The Special Magistrate appointed by the Town of Sewall's Point to hear code enforcement cases for the Town, in accordance with Chapter 18, Article II, Division 1 of the Town of Sewall's Point's Code of Ordinances, has heard testimony at the Code Enforcement hearing held on the 8th day of May 2024, and based on the evidence and testimony presented, the following FINDINGS OF FACT, CONCLUSIONS OF LAW, and ORDER are hereby entered:

FINDINGS OF FACT

1. Emilio Perez, as President of the Respondent, Okeechobee Land Company, was present at the hearing and was provided an opportunity to present evidence and testimony.
2. The Respondent was properly notified of the violation and the hearing, which notice included mailing notice to the property owner pursuant to Section 18-207 of the Town of Sewall's Point Code of Ordinances.
3. The Town Building Official, John "Jack" Reisinger, presented competent substantial evidence which included testimony, photographs and other documentation to establish that the Respondent was in violation of the above cited section(s) of the Town of Sewall's Point Code of Ordinances.
4. The Respondents presented testimony and evidence.
5. All testimony was given under oath and all evidence presented was admitted without objection.
6. Testimony and evidence established that a violation of the above cited section(s) of the Town of Sewall's Point Code of Ordinances existed on the subject property.

CONCLUSIONS OF LAW

7. Pursuant to Section 18-102 of the Town of Sewall's Point Code of Ordinances, the Building Official is a code enforcement officer.

8. The Respondents violated the above-listed code section(s) of the Town of Sewall's Point Code of Ordinances, specifically for cutting, trimming and/or pruning a tree without obtaining a permit in violation of Sections 70-1 and 70-22 of the Town of Sewall's Point Code of Ordinances.

ORDER

9. The Respondents were ordered to comply with Sections 70-1 and 70-22 of the Town of Sewall's Point Code of Ordinances by obtaining documentation from an arborist certified by the ISA or a Florida licensed landscape architect that the subject tree poses an unacceptable risk to persons or property, on or before May 31, 2024, failing which a fine of \$5,000 would be assessed against Respondent for the violations found herein.

10. Upon the recommendation of the Town, and without objection or dispute by the Respondents, an administrative fine in the amount of \$300.00 is assessed against the Respondents for costs associated with the Town enforcement of the violation(s) set forth herein, the payment of which shall be due immediately.

11. Should the Respondents violate the same Section or Sections of the Town of Sewall's Point Code of Ordinances again, the Respondents may be subject to a fine of up to Five Hundred Dollars (\$500.00) per day for such repeat violation. Should the violations be deemed to be irreparable and irreversible, the Respondents may be subject to a fine of up to \$5,000.00 for each violation. Additionally, the code enforcement officer is not required to give a reasonable time to correct a repeat violation or an irreparable/irreversible violation and the case may be presented to the Special Magistrate even if the repeat violation has been corrected or the irreparable/irreversible violation has stopped prior to the Special Magistrate hearing.

DONE AND ORDERED this 8th day of May 2024.

TOWN OF SEWALL'S POINT SPECIAL
MAGISTRATE

BY: 

TYSON WATERS, ESQ.

Copies of this Order were provided to the following:

Respondent
Town Manager

**CODE ENFORCEMENT ORDER
TOWN OF SEWALL'S POINT, FLORIDA**

TOWN OF SEWALL'S POINT, FLORIDA,

Case No.: B24-0022

Petitioner,

vs.

BRIDGET BARATTA,

Respondent(s).

ORDER FINDING VIOLATION AND ASSESSING FINE AND CLAIM OF LIEN

Property Address: 25 N Ridgeview Road, Sewall's Point, Florida 34996

Parcel Control Number: 01-38-41-006-003-00040-2

Re: Violation of Code Section(s): Section 22-2 – Property Maintenance Standards; General

The Special Magistrate appointed by the Town of Sewall's Point to hear code enforcement cases for the Town, in accordance with Chapter 18, Article II, Division 1 of the Town of Sewall's Point's Code of Ordinances, has heard testimony at the Code Enforcement hearing held on the 8th day of May 2024, and based on the evidence and testimony presented, the following FINDINGS OF FACT, CONCLUSIONS OF LAW, and ORDER are hereby entered:

FINDINGS OF FACT

1. The Respondent, Bridgett Baratta, was not present at the hearing, nor was any representative of Respondent present at the hearing.
2. The Respondent was properly notified of the violation and the hearing, which notice included mailing notice to the property owner pursuant to Section 18-207 of the Town of Sewall's Point Code of Ordinances.
3. The Town Building Official, John "Jack" Reisinger, presented competent substantial evidence which included testimony, photographs and other documentation to establish that the Respondent was in violation of the above cited section(s) of the Town of Sewall's Point Code of Ordinances.
4. All evidence presented by the Town was admitted without objection.
5. Testimony and evidence established that a violation of the above cited section(s) of the Town of Sewall's Point Code of Ordinances existed on the subject property and continued to exist as of the date of the hearing.

CONCLUSIONS OF LAW

6. Pursuant to Section 18-102 of the Town of Sewall's Point Code of Ordinances, the Building Official is a code enforcement officer.
7. The Respondent is in violation of the above-listed code section(s) of the Town of Sewall's Point Code of Ordinances for property maintenance standards, specifically the failure to keep

and maintain the subject property free of common prohibited species in violation of Section 22-2(f)(4) of the Town of Sewall's Point Code of Ordinances.

ORDER

8. The Respondent is hereby ordered to comply with Section 22-2(f)(4) of the Town of Sewall's Point Code of Ordinances by removing all common prohibited species on or before May 31, 2024. Should the Respondent fail to complete such work prior to the date set forth herein, a daily fine of Five Hundred Dollars (\$500.00) per day shall be imposed for each day thereafter the violation continues to exist. Said violation shall continue until the Town issues an Affidavit of Compliance and it shall be the responsibility of the Respondent to notify Town staff when the subject property is in compliance.

9. The Respondent is further ordered to pay administrative costs in the amount of Three Hundred Dollars (\$300.00) incurred by the Town for the enforcement and prosecution of this violation, which amount shall be due and paid in full immediately.

10. Should the Respondent violate the same Section or Sections of the Town of Sewall's Point Code of Ordinances again, Respondent may be subject to a fine of up to Five Hundred Dollars (\$500.00) per day for such repeat violation. Should the violations be deemed to be irreparable and irreversible, Respondent may be subject to a fine of up to \$5,000.00 for each violation. Additionally, the code enforcement officer is not required to give a reasonable time to correct a repeat violation or an irreparable/irreversible violation and the case may be presented to the Special Magistrate even if the repeat violation has been corrected or the irreparable/irreversible violation has stopped prior to the Special Magistrate hearing.

DONE AND ORDERED this 8th day of May 2024.

TOWN OF SEWALL'S POINT SPECIAL
MAGISTRATE

BY: 

TYSON WATERS, ESQ.

Copies of this Order were provided to the following:

- Respondent
- Town Manager

**CODE ENFORCEMENT ORDER
TOWN OF SEWALL'S POINT, FLORIDA**

TOWN OF SEWALL'S POINT, FLORIDA,

Civil Violation Citation: CE03925

Petitioner,

vs.

GEORGE OLSEN,

Respondent(s).

ORDER ASSESSING CITATION FINE

Property Address: 177 S. Sewall's Point Road, Sewall's Point, Florida 34996

PCN: 13-38-41-006-000-00060-8

Re: Violation of Code Section(s): Section 42-24(c) – Parking Restrictions, Enclosure of restricted vehicles in R-1 district

The Special Magistrate appointed by the Town of Sewall's Point to hear challenges to civil citations issued pursuant to Chapter 18, Article II, Division 2, of the Town's Code of Ordinances, has heard testimony at the Special Magistrate hearing held on the May 8, 2024, and based on the evidence and testimony presented, the following FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER are hereby entered:

FINDINGS OF FACT

1. The Respondent, George Olsen, was present at the hearing and provided testimony, including acknowledgment of violating the above cited section(s) of the Code of Ordinances.
2. The Respondent was properly notified of the violation and the hearing.
3. The Town attorney, Town police officers and Town staff presented competent substantial evidence which included testimony and photographs to establish that the Respondent was in violation of the above cited section(s) of the Code of Ordinances on March 1, 2024, and on prior occasions.
4. Testimony and photographs established that Respondent parked one or more restricted vehicles on the subject property on the dates set forth in the citation that were not totally concealed from view by a fence or wall behind the front building line, or a hedge, of any abutting property or any street or road.

CONCLUSIONS OF LAW

1. Pursuant to Section 18-102 of the Town of Sewall's Point Code of Ordinances, all of the Town's police officers are code enforcement officers.
2. The Respondent violated the Town of Sewall's Point Code of Ordinances by parking one or more restricted vehicles on the subject property that were not totally concealed from view by a fence or wall behind the front building line, or a hedge, of any abutting property or any street or road on March 1, 2024, in violation of the above cited section(s) of the Code of Ordinances.
3. Any subsequent violation by Respondent of the above cited section(s) of the Code of Ordinances shall be deemed a repeat violation.

ORDER

1. The citation is affirmed.

2. The Respondent is assessed a fine in the amount of \$500.00, which amount shall be paid within thirty (30) days of the date of this Order.

DONE AND ORDERED this 8th day of May 2024.

TOWN OF SEWALL'S POINT SPECIAL
MAGISTRATE

BY:  _____
TYSON WATERS, ESQ.

Copies of this Order were provided to the following:

Respondent

Town Manager