

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

TOWN OF SEWALL'S POINT, FLORIDA,

Case No.: B24-0026

Petitioner,

vs.

CHARLES SIMPSON,

Respondent(s).

ORDER FINDING VIOLATION AND ASSESSING FINE AND CLAIM OF LIEN

Property Address: 8 N. Sewall's Point Road, Sewall's Point, Florida 34996

Parcel Control Number: 35-37-41-003-000-00020-5

Re: Violation of Code Section(s): Section 14-164 – Permit and application required for property rental; and Section 14-165(e) – Miscellaneous Provisions; owner-occupied dwellings with rooms for rental; prohibition of short term rentals

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 12th day of June 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, Charles Simpson, 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 posting the property and 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 Respondent 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 and continued to exist as of the date of the hearing.
7. As of the date of the hearing, Respondent has cured the violation.

CONCLUSIONS OF LAW

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

9. The Respondent violated the above-listed code section(s) of the Town of Sewall's Point Code of Ordinances, specifically for offering to rent or lease all or part of a residential dwelling in the Town without obtaining a permit in violation of Sections 14-164 and 14-165 of the Town of Sewall's Point Code of Ordinances.

ORDER

10. The Respondent is hereby ordered to comply with Sections 14-164 and 14-165 of the Town of Sewall's Point Code of Ordinances.

11. 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 12th day of June 2024.

TOWN OF SEWALL'S POINT SPECIAL
MAGISTRATE

BY: 

TYSON WATERS, ESQ.

Copies of this Order were provided to the following:

Respondent

Town Manager