

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

TOWN OF SEWALL'S POINT, FLORIDA,

Case No.: B23-0064

Petitioner,

vs.

MARK GRIFFIN AND MARIE GRIFFIN,

Respondent(s).

**ORDER FINDING VIOLATION AND ASSESSING FINE AND CLAIM OF LIEN**

Property Address: 11 Heritage Way, Sewall's Point, Florida 34996  
Parcel Control Number: 01-38-41-013-000-00070-2

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 14<sup>th</sup> day of February 2023, 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 Respondents, Mark Griffin and Marie Griffin, were present at the hearing. The February 14<sup>th</sup> hearing was a continuation of the hearing held on January 10, 2024, at which the Respondents were in attendance and were provided an opportunity to present testimony.
2. At the conclusion of the January 10<sup>th</sup> hearing, the matter was continued to a date certain (i.e. February 14, 2024).
3. The Respondents were 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.
4. 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.
5. The Respondents presented testimony.
6. All testimony was given under oath and all evidence presented was admitted without objection.
7. 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**

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 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**

10. 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 a permit for the cutting, trimming, pruning or removal of the subject tree or, in the alternative obtain 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, which permit was applied for after the January 10<sup>th</sup> hearing date and prior to the February 14<sup>th</sup> hearing date.

11. Upon the recommendation of the Town, and without objection or dispute by the Respondents, an administrative fine in the amount of \$472.00 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.

12. 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 14<sup>th</sup> day of February 2023.

TOWN OF SEWALL'S POINT SPECIAL  
MAGISTRATE

BY:   
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TYSON WATERS, ESQ.

Copies of this Order were provided to the following:

Respondent  
Town Manager