TOWN OF SEWALL'S POINT

SPECIAL MAGISTRATE HEARING AGENDA

Town of Sewall's Point, Town Hall Chambers,
One South Sewall's Point Road,
Sewall's Point, Florida 34996

December 14, 2022
10:00 AM

HONORABLE TYSON J. WATERS PRESIDING

I. CALL TO ORDER
   a. Pledge Allegiance to the Flag
   b. Roll Call

II. PUBLIC COMMENT ONÂ NON-AGENDA ITEMS- PLEASE SUBMIT A COMMENT CARD TO THE TOWN CLERK PRIOR TO THE START OF THE MEETING AND LIMIT YOUR COMMENTS TO THREE MINUTES

III. VIOLATION CASES
   a. Case No. B22-0056 – Harbour Bay Holdings LLC – 3766 SE Ocean Blvd. – Violation of Town Ordinance Section 22-202 – General and Section 22-32 – Prohibited Nuisances on Developed or Vacant Lots
      1) B22-0056 3766 SE Ocean Blvd_NOH.pdf
      2) Back-up Items.pdf

IV. COMMENTS FROM STAFF

CIVILITY CLAUSE: It is the policy of the Sewall's Point Town Commission that all persons addressing a town board or attending a Town board meeting shall conduct themselves in a manner that does not disrupt the orderly and efficient conduct of the meeting. Boisterous or unruly behavior; threatening or inciting an immediate breach of the peace; or use of profane, slanderous or obscene speech will not be tolerated and could result in ejection from the meeting after warning from the presiding officer. In accordance with the provisions of the Americans with Disabilities Act (ADA) this document may be requested in an alternate format. Persons in need of a special accommodation to participate in this proceeding shall, within 3 working days prior to any proceeding, contact the Town Clerk's office, One South Sewall's Point Road, Sewall's Point, Florida 34996 (772)287-2455. If any person decides to appeal any decision made by the Town Commission with regard to any matter considered at such meeting or hearing, s/he will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Town of Sewall's Point

BUILDING DEPARTMENT

Notice of Violation and Notice of Hearing*

CASE #B22-0056

Property Owner: Harbour Bay Holdings LLC
Owner Address: PO Box 318
Malverne, NY 11565

DATE: November 14, 2022
VIOLATION ADDRESS: 3766 SE Ocean Blvd
PARCEL ID #: 35-37-41-002-000-00010-8

The Town of Sewall's Point works to ensure that the Town is a great place to live and visit and to keep its neighborhoods safe and well maintained. Sometimes this requires Town staff to issue a code enforcement violation that may result in fines, administrative costs and liens. In an attempt to prevent that from occurring, we would like to make you aware that your property is in violation of the following Town of Sewall's Point Code of Ordinances:

Sec. 22-202 - General

This article shall only apply to commercial properties.
b. Garbage and trash containers at commercial properties shall be provided by the owner, tenant, lessee or occupant of the premises and shall be maintained in good condition. Any container that does not conform to the provisions of this chapter or that may have ragged or sharp edges or any other defect liable to hamper or injure the person collecting the contents thereof or leaks or does not adequately hold the trash shall be repaired or replaced upon notice by the town. If the town provides collection service, the town manager or designee shall have the authority to refuse collection service to those who do not comply therein.
C. Garbage and trash containers shall be kept in a clean, neat and sanitary condition at all times.
d. Garbage and trash containers shall be concealed from public view, either by opaque fencing, walls or similar barriers, and must be accessible without the necessity of unlocking a door, fence, gate or similar obstacle.
e. All garbage must be bagged before storing in a container. Containers shall be kept tightly covered at all times except when garbage or trash is actually being placed therein or collected.

Sec. 22-32 - Prohibited nuisances on developed or vacant lots.

The maintaining, using, placing, depositing, leaving or permitting to be or remain on any public or private property or lot of any of the following items, conditions or actions are hereby declared to be and constitute a nuisance and are prohibited within the town; provided, however, this enumeration shall not be deemed or construed to be conclusive, limiting or restrictive:

1. Accumulation of rubbish, trash, refuse, junk, debris, and other abandoned materials, metals, lumber or other things;
2. Any condition which provides harborage for rats, mice, and other vermin or for the breeding of mosquitoes;
3. Any building or other structure which is in such a dilapidated condition that it is unfit for human habitation, or kept in such an unsanitary condition that it is a menace to the health of people residing in the vicinity thereof, or presents a more than ordinarily dangerous fire hazard in the vicinity where it is located;
4. All disagreeable or obnoxious odors and stenches, as well as the conditions, substances or other causes which give rise to the emission or generation of such odors and stenches;

To avoid the need to go to a hearing and the possibility of any fines, please comply the violation(s) on or before **November 18, 2022** and contact the undersigned Code Enforcement Officer to verify compliance on or before that date. If you do not understand what is required to come into compliance or if you have any other questions regarding the violation, please contact the Code Enforcement Officer at the number below. We strive to work with our residents to resolve all code enforcement issues without the need for a hearing. However, if the violation remains after the time set for compliance above, the Code provides that the Town will hold a **public hearing before the Code Enforcement Board/Special Magistrate. This hearing will be held on December 14, 2022 at 10 a.m.** in the Town Commission Chambers, 1 S. Sewall's Point Road, Sewall's Point, Florida. The Code provides that the hearing may be held if the violation is not complied prior to the date given for compliance, even if the violation has been corrected prior to the hearing. These provisions also provide that if the violation is corrected and then re-occurs, the hearing may go forward. If you do not attend the hearing, the Code Enforcement Board/Special Magistrate may base the findings solely upon the testimony of the code enforcement officer and that of any other witness present and upon any evidence presented. Therefore, it is important that you are present at the hearing to share your perspective, testimony and evidence regarding the alleged violation.

If the Code Enforcement Board/Special Magistrate finds that the alleged violation exists on your property, Florida law makes the property owner responsible for the administrative costs incurred by the Town in pursuing the enforcement of the violation. These costs may be included with any fines imposed by the Code Enforcement

Board/Special Magistrate or may be collected as otherwise authorized by ordinance and/or law. The Code Enforcement Board/Special Magistrate has the authority to levy fines of up to $250.00 per day, per violation and up to $500.00 per day, per repeat violation, for each and every day that each violation continues.

Florida law provides that once ordered and recorded, the administrative costs (and all other costs incurred) and any fines imposed by the Code Enforcement Board/Special Magistrate will constitute a lien on the property described above and upon any other real or personal property owned by the property owner(s). The Town encourages all property owners who receive a notice of violation to contact the Town so that we may work together towards compliance so that these legal remedies are unnecessary.

The Town is required by law to advise you that if you disagree with a decision of the Code Enforcement Board/Special Magistrate, you may appeal to the Circuit Court of Martin County within 30 days after the order is entered. If a person decides to appeal any such order, with respect to any matter considered at subject hearing, they will need a record of the proceedings, and for such purpose, they may need to ensure that a verbatim record of the proceedings is made, which includes the testimony and evidence upon which the appeal is to be based (sec. 286.0105, Fla. Stat.).

If you require further information or otherwise wish to discuss the violation, please contact Jack Reisinger, Town Building Official, at **772-287-2455**. Please be sure to have your case number available so we may promptly assist you.

Thank you and we look forward to working with you to resolve this matter.

Jack Reisinger

Jack Reisinger, C.B.O., Town Building Official

*This Notice was __X___ sent certified mail, return receipt requested and first class mail.

Chrystal Gomez

From: Jack Reisinger
Sent: Monday, November 14, 2022 3:25 PM
To: Chrystal Gomez
Subject: FW: Dumpster area

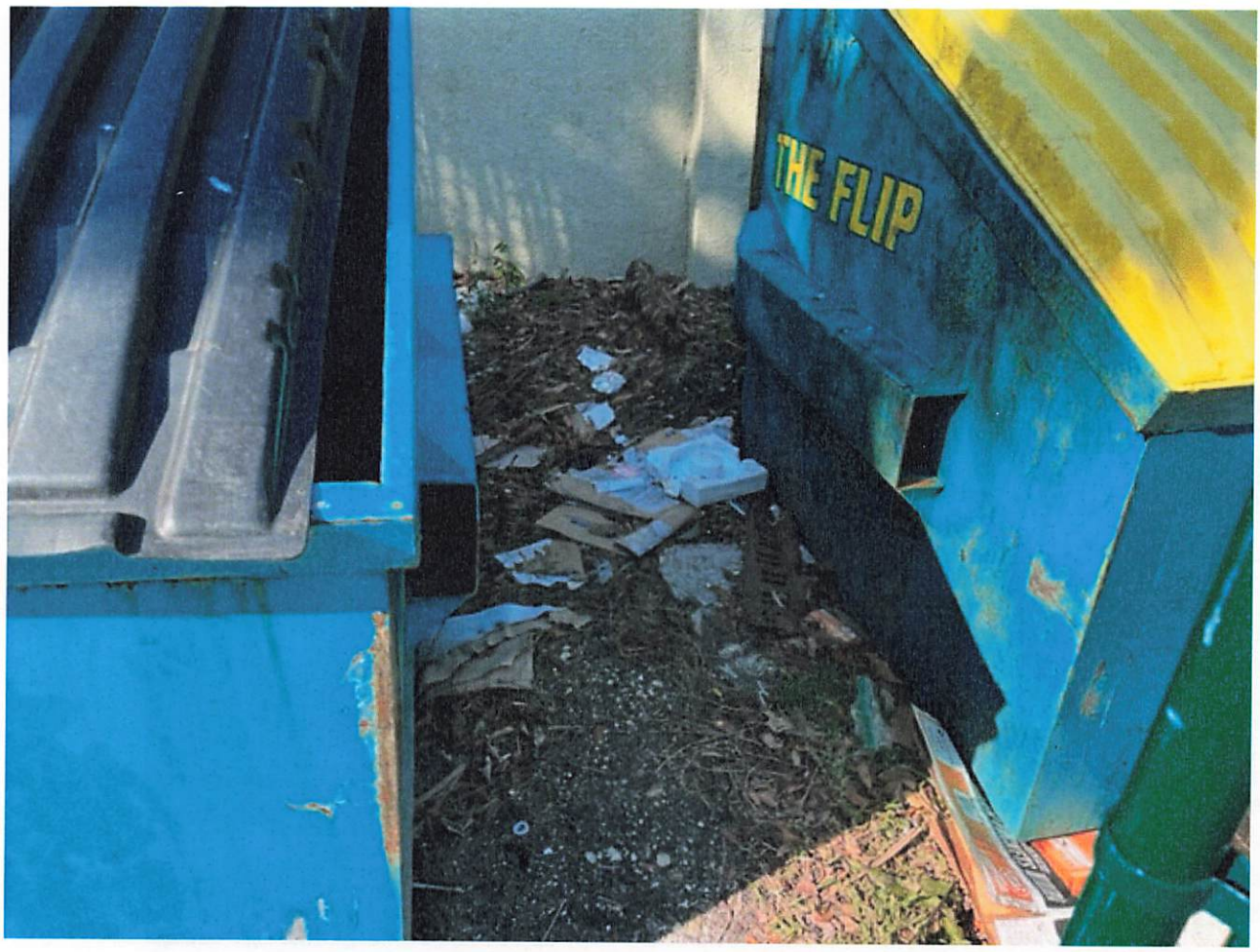
Please send a letter for a code board hearing
Thank you

From: Jack Reisinger
Sent: Monday, November 14, 2022 2:53 PM
To: Jack Reisinger <JReisinger@sewallspoint.org>
Subject: Dumpster area




THE FLIP


772.221.8


THE FLIP



Sent from my iPhone

Basic Info

PIN	AIN	Situs Address	Website Updated
35-37-41-002-000-00010-8	9410	3766 SE OCEAN BLVD SEWALLS POINT FL	11/14/22

General Information

Property Owners
HARBOUR BAY HOLDINGS LLC

Mailing Address
PO BOX 318
MALVERNE NY 11565

Tax District
SEWALL'S POINT

Parcel ID
35-37-41-002-000-00010-8

Account Number
9410

Property Address
3766 SE OCEAN BLVD SEWALLS POINT FL

Legal Description
INDIALUCIE, TR C

Use Code/Property Class
1600 - 1600 Community shopping center

Neighborhood
30600 E Ocean_E of PB Road

Legal Acres
4.95

Ag Use Size (Acre\Sq Ft)
N/A

Current Value

Year	Land Value	Improvement Value	Market Value	Value Not Taxed	Assessed Value	Total County Exemptions	County Taxable Value
2022	$ 1,034,990	$ 6,345,020	$ 7,380,010	$ 0	$ 7,380,010	$ 0	$ 7,380,010

Market values shown on the website reflect market conditions as of January 1st, the statutory assessment date. We are prohibited by law from relying on sales that occur after the January 1 assessment date. Therefore, market values shown on the website do not reflect today's market conditions, but rather the market conditions last year. In addition, the statutes require the county Property Appraiser to deduct for typical costs of sale (which include expenses such as commissions, title insurance, appraisals, inspection fees, etc.) when arriving at market value for tax purposes. That is why the market value for tax purposes is different from what a property would sell for today.

Current Sale

Sale Date
4/21/16

Sale Price
$ 7,600,000

Grantor (Seller)
H B ASSOCIATES OF THE TREASURE COAST LTD

Deed Type
Wd Full Covenant and Warranty Deed

Doc Num
2569831

Book & Page
2848 0629

Legal Description

INDIALUCIE, TR C

The legal description is intended for general information only. The Property Appraiser assumes no responsibility for the uses or interpretations of the legal description.

TOWN OF SEWALL'S POINT
1 S SEWALL'S POINT ROAD
SEWALL'S POINT, FL 34996

FIRST-CLASS

US POSTAGE PITNEY BOWES

ZIP 34996
02 7H
0006051328

$ 000.57⁰
NOV 14 2022

HARBOUR BAY HOLDINGS LLC
PO BOX 318
MALVERNE, NY 11565

CERTIFIED MAIL®

TOWN OF SEWALL'S POINT
1 S SEWALL'S POINT ROAD
SEWALL'S POINT, FL 34996

7020 3160 0001 3978 3510

FIRST-CLASS

US POSTAGE PITNEY BOWES

ZIP 34996
02 7H
0006051328

$ 007.82⁰
NOV 14 2022

HARBOUR BAY HOLDINGS LLC
PO BOX 318
MALVERNE, NY 11565

7020 3160 0001 3978 3510

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at *www.usps.com®*.

OFFICIAL USE

Certified Mail Fee

$

Extra Services & Fees *(check box, add fee as appropriate)*

- ☐ Return Receipt (hardcopy) $ _____
- ☐ Return Receipt (electronic) $ _____
- ☐ Certified Mail Restricted Delivery $ _____
- ☐ Adult Signature Required $ _____
- ☐ Adult Signature Restricted Delivery $ _____

Postage

Postmark Here

HARBOUR BAY HOLDINGS LLC
PO BOX 318
MALVERNE, NY 11565

11

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

Certified Mail service provides the following benefits:

- A receipt (this portion of the Certified Mail label).
- A unique identifier for your mailpiece.
- Electronic verification of delivery or attempted delivery.
- A record of delivery (including the recipient's signature) that is retained by the Postal Service™ for a specified period.

Important Reminders:

- You may purchase Certified Mail service with First-Class Mail®, First-Class Package Service®, or Priority Mail® service.
- Certified Mail service is *not* available for international mail.
- Insurance coverage is *not* available for purchase with Certified Mail service. However, the purchase of Certified Mail service does not change the insurance coverage automatically included with certain Priority Mail items.
- For an additional fee, and with a proper endorsement on the mailpiece, you may request the following services:
  - Return receipt service, which provides a record of delivery (including the recipient's signature). You can request a hardcopy return receipt or an electronic version. For a hardcopy return receipt, complete PS Form 3811, *Domestic Return Receipt;* attach PS Form 3811 to your mailpiece; for an electronic return receipt, see a retail associate for assistance. To receive a duplicate return receipt for no additional fee, present this USPS®-postmarked Certified Mail receipt to the retail associate.
  - Restricted delivery service, which provides delivery to the addressee specified by name, or to the addressee's authorized agent.
  - Adult signature service, which requires the signee to be at least 21 years of age (not available at retail).
  - Adult signature restricted delivery service, which requires the signee to be at least 21 years of age and provides delivery to the addressee specified by name, or to the addressee's authorized agent (not available at retail).
- To ensure that your Certified Mail receipt is accepted as legal proof of mailing, it should bear a USPS postmark. If you would like a postmark on this Certified Mail receipt, please present your Certified Mail item at a Post Office™ for postmarking. If you don't need a postmark on this Certified Mail receipt, detach the barcoded portion of this label, affix it to the mailpiece, apply appropriate postage, and deposit the mailpiece.

IMPORTANT: Save this receipt for your 12 s.

SENDER: *COMPLETE THIS SECTION*

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

HARBOUR BAY HOLDINGS LLC
PO BOX 318
MALVERNE, NY 11565

9590 9402 7167 1251 9190 12

2. Article Number *(Transfer from service label)*
7020 3160 0001 3978 3510

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X MARTINO ☐ Agent ☐ Addressee

B. Received by *(Printed Name)* C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
, enter delivery address below: ☐ No

MALVERNE NY 11565-2005
NOV 23 2022

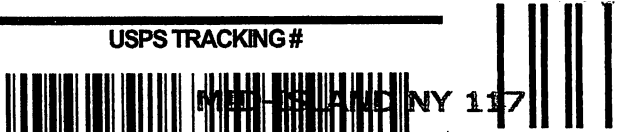
Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☐ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery
- Insured Mail
- Insured Mail Restricted Delivery (over $500)
- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

13

PS Form 3811, July 2020 PSN 7530-02-000-9053 Domestic Return Receipt

USPS TRACKING #



9590 9402 7167 1251 9190 12

First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

United States Postal Service

• Sender: Please print your name, address, and ZIP+4® in this box•

TOWN OF SEWALL'S POINT
1 S SEWALL'S POINT ROAD
SEWALL'S POINT, FL 34996

6-673601



USPS Tracking®

FAQs >

Remove ×

Tracking Number:

70203160000139783510

Copy Add to Informed Delivery (https://informeddelivery.usps.com/)

Latest Update

Your item was picked up at the post office at 9:28 am on November 23, 2022 in MALVERNE, NY 11565.

Feedback

Get More Out of USPS Tracking:

USPS Tracking Plus®

Delivered

Delivered, Individual Picked Up at Post Office
MALVERNE, NY 11565
November 23, 2022, 9:28 am

Reminder to pick up your item before December 2, 2022
MALVERNE, NY 11565
November 23, 2022

Available for Pickup
MALVERNE, NY 11565
November 18, 2022, 9:53 am

Arrived at Post Office
MALVERNE, NY 11565
November 18, 2022, 9:18 am

Departed USPS Regional Facility
GARDEN CITY NY DISTRIBUTION CENTER
November 17, 2022, 8:17 pm

Arrived at USPS Regional Facility

GARDEN CITY NY DISTRIBUTION CENTER
November 17, 2022, 12:18 pm

Departed USPS Regional Facility

WEST PALM BEACH FL DISTRIBUTION CENTER
November 16, 2022, 12:00 am

Arrived at USPS Regional Facility

WEST PALM BEACH FL DISTRIBUTION CENTER
November 15, 2022, 8:17 pm

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USPS Tracking Plus®

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Feedback

See Less

Track Another Package

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Need More Help?

Contact USPS Tracking support for further assistance.

FAQs