

TOWN OF SEWALL'S POINT



**Special Magistrate Hearing
January 09, 2025
10:00 AM**

I. CALL TO ORDER

- a. **Pledge of Allegiance**
- b. **Swearing-In of Staff**

II. PUBLIC COMMENT ON 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. If the thirty (30) minute time period has been exhausted, the Special Magistrate will entertain any remaining comments near the end of the meeting with the same three (3) minute per person time limitation.

- a. **TOSP Public Comment Guidelines**
[SM TSP-Public Comment Guidelines.pdf](#)

III. VIOLATION HEARINGS

- a. **CE-03915 – Emilio Perez – 6 N. Ridgeview Road – Violation – Town Ordinance Chapter 10, Animals, Article 1, Section 10-3 (c) – Pet Nuisance**
[CE03915 6 N Ridgeview Rd_Hearing Packet.pdf](#)
[Sec._10_3.____Pets_constituting_nuisance_or_danger_to_health_and_safety..pdf](#)
[Perez Notification 01 09 25 SM.pdf](#)
[Affidavit of Posting - 6 North Ridgeview.pdf](#)

IV. ADJOURN

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.



Guidelines for Public Comments

- Everyone will have 3 minutes
- When recognized step forward to the podium and state your name for the record
- Remarks should be addressed to the Special Magistrate
- The public comment period is for receipt of public comments, not debate. It is not intended as a time for problem solving but rather for hearing the citizens for their input
- Any person addressing the Special Magistrate who disrupts the orderly and efficient conduct of the meeting, uses profane or obscene language may be removed from the meeting

Town of Sewall's Point
One South Sewall's Point Road, Sewall's Point, FL 34996
Civil Violation Citation

CE 03915

This Civil Citation is issued pursuant to Chap. 18, Sec. 18-226 of the Town of Sewall's Point's Code of Ordinances. In addition to the citation fine set forth below, the violation(s) charged hereby could subject you to a civil penalty of \$250 per violation per day and up to \$500 per day for a repeat violation, plus administrative costs.

This citation is issued on the 21 day of November, 2024 by the undersigned Code Enforcement Officer to:

Perez Emilio
(Last name) (First name)
6 N. Ridgerview Stuart FL 34996 (M.I.) 561-902-7606
(Street address) (City) (State) (Zip code) (Phone number—home) (Phone number—other)

For violation of the following Town Ordinance (Ordinance Number & Description) in the Town of Sewall's Point, Florida:

10-3(C) Pets constituting nuisance
By virtue of the following (Summary of Violation): Observed dog barking continuously
for more than 3 minutes

Location of Violation: 6 N. Ridgerview Rd Sewall's Point FL 34996
If vehicle related: Year _____ Make _____ Model _____ Tag# _____ State _____ Description _____

**YOU ARE HEREBY ORDERED TO CORRECT THE VIOLATION(S) CITED ABOVE AND TO PAY THE FINE SET FORTH,
OR APPEAR ON THE HEARING DATE.**

- ☐ Written Warning No Fine
- ☐ Class A Violation FINE \$100.00
- ☒ Class B Violation FINE \$150.00
- ☐ Class C Violation FINE \$250.00
- ☐ Class D Violation FINE \$500.00
(Or a repeat violation which may be fined at \$500 per day per violation)
- ☐ Class E Violation FINE \$50.00

VIOLATION CORRECTION DEADLINE: Immediately

FINES MUST BE PAID BY 4:00 P.M. ON THE 10TH DAY FOLLOWING
THE DATE OF ISSUANCE OF THIS CITATION.

HEARING DATE (IF APPLICABLE): 1-8-25 10:AM

Failure to correct the violation by the deadline set forth above may result in additional citations.

You may avoid daily fines and additional costs by complying with the code section(s) cited, if applicable, and paying the citation fine by either cash or a check, made payable to the Town of Sewall's Point received at the above address by 4:00 p.m. on the 10th day following the date of issuance. Cash payments MUST be hand delivered to the above address by the date due.

If you fail to correct the violation and pay the penalty in accordance with this citation, or if your check fails to clear, or if you wish to contest the citation, you are hereby commanded and summoned to appear at a hearing on the violation(s) charged, on the Hearing Date cited above in the Commission Chambers at Town Hall, located at 1 S. Sewall's Point Road, Sewall's Point, Florida.

If you fail to appear at the hearing to contest the Civil Violation Citation, you shall be deemed to have waived your right to a hearing and right to contest the citation, an order may be entered against you for an amount up to the maximum daily civil penalty, together with the citation fine and administrative costs, and a lien may be imposed. Overdue fines and costs or outstanding violations may result in the Town withholding permits, licenses and/or certificates of occupancy, by any department, governing body, or agent of the Town until the violator comes into compliance, and pays the Civil Violation Citation, including any administrative costs; or complies with the requirements in the order issued by the code enforcement board or special magistrate, or in the case of an appeal, by the court. Failure to respond to this Civil Violation Citation may result in the imposition of a lien or special assessment, if applicable, against the property of the violator. 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 you decide to appeal any such order, with respect to any matter considered at the subject hearing, you will need a record of the proceedings, and for such purpose, you 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.).

Signature of Citing Code Enforcement Officer

Name of the Receiving Party (if hand-delivered)
(any person over 15 years of age)

Date and Time of Issuance: Via certified mail 11-25-2024

Issued by CE Officer: _____

White Copy—Police Clerk

Yellow Copy—Defendant

Pink Copy—Town Clerk

Additional Case Information

Date: 11/21/2024

Time: 09:25 AM

CVC Number: 03915

Location: 6 North Ridgeview Road, Stuart, Florida 34996

2024-00014035

On 11/21/2024 I received a complaint in reference to a dog continuously barking at 6 North Ridgeview Road, at all hours of the day and night.

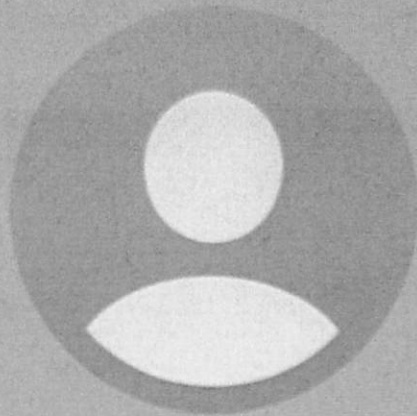
Upon arrival I could hear two dogs barking in the back of the residence. I then parked my vehicle and walked along the west side of the residence to get a better look at the dogs. Without being seen I remained at residence for 10 minutes. I observed and heard two medium sized black in color dogs barking along the back fence line of the property for more than the 3 minute allotted time per Town of Sewalls Point Ordinance (10-3(c). It shall be unlawful for any person to keep, harbor, own or maintain any domestic pet which causes a noise disturbance by barking, yelping, howling, screeching, chirping, cawing, crowing or whistling for continuous periods of three minutes or more at any time.

I then drove to the property behind the residence and observed nobody agitating the dogs on the other side of the dog's fence, but the dogs were still in fact barking. All of the above events were recorded on my department issued body worn camera.

With the above given facts I have determined the resident is in violation of the Town of Sewalls Point Ordinance and Violations of this section shall be a class B violation, punishable as set forth in chapter 18. Civil violations citations may also be issued under section 22-64 of the Town Code for violations of this section which also violate section 22-64 of the Town Code.

Officer's Name & ID Number

DeBlaker 075



PAHOKEE, FL

+1 (561) 902-7606



message



call



FaceTime



App Store

November 10, 2024

2:03 PM Incoming Call 

3 minutes

1:55 PM Outgoing Call

27 seconds

Calls with a checkmark have been verified by the carrier.



Favorites



Recents



Contacts



Keypad



Voicemail



Start Date/Time: 11/10/2024 13:24:20

End Date/Time: 11/10/2024 13:59:59

Daily CFS Detail

Agency: FL0430300 - Sewall's Point Police Department Sources: ALL From CFS: To:
Units: ALL Personnel: DeBlaker, Joshua, - 9083 CFS Types: ALL
Dispositions: ALL Include Canceled: No Layer: ALL
Areas: ALL Details: ALL

Created Date/Time	Dispatched Date/Time	Arrived Date/Time	CFS #	CFS Type	Report Req.	Caller Name Caller Phone	Priority	Source
11/10/2024 13:24:24	11/10/2024 13:27:11	11/10/2024 13:29:54	920	70A - All other A/C Calls	No	FETTERS, ROB 3144207689	Low	Non-Emergency
Entered by: MCSOFL \vajohnson		Location: 6 N RIDGEVIEW RD, SEWALLS POINT			ORIs: FL0430000, FL0430300			
Narrative Date/Time:		11/10/2024 13:25:00	Narrative: DOG IS IN THE BACK YARD OF THIS 1020					
Narrative Date/Time:		11/10/2024 13:25:13	Narrative: DOG HAS BEEN OUTSIDE BARKING SINCE FRIDAY					
Narrative Date/Time:		11/10/2024 13:25:31	Narrative: NO ONE HAS BEEN HOME COMPL HAS NOT SEEN ANY VEHS					
Narrative Date/Time:		11/10/2024 13:25:52	Narrative: 1017					
Narrative Date/Time:		11/10/2024 13:27:35	Narrative: 044 SEWALLS POINT PLAZA					
Narrative Date/Time:		11/10/2024 13:59:18	Narrative: DROVE TO RESIDENCE OBSERVED BLACK DOG IN THE REAR OF THE HOUSE. ATTEMPTED TO MAKE CONTACT BY KNOCKING ON THE DOOR; NO ANSWER, FOUND RESIDENT TELEPHONE NUMBER VIA TRUEPEOPLESEARCH.COM, LEFT VOICEMAIL;					
Narrative Date/Time:		11/10/2024 14:05:15	Narrative: AFTER KNOCKING ON THE FRONT DOOR THE DOG WAS BARKING, BUT AFTER SITTING FOR AWHILE THE DOG STOPPED, EVEN AFTER WALKING ALONG SIDE OF THE HOUSE. DOG NOT CONSISTENTLY BARKING, I STOOD OUTSIDE RESIDENCE FOR APPROXIMATELY 20 MINUTES AND DID NOT HEAR THE DOG.					
Narrative Date/Time:		11/10/2024 14:08:46	Narrative: MADE CONTACT WITH HOMEOWNER; HE ADVISED HES BEEN HAVING NEIGHBOR TROUBLES FOR QUITE SOME TIME AND THAT HE WILL TRY TO KEEP THE DOGS QUIET.					
Unit		ORI			Incident #		ORI	
AC6		FL0430000			2024-00158036		FL0430000	
044		FL0430300			2024-00013515		FL0430300	
Personnel			ORI		Disposition		Count	
2074: Mcgee, Shannon			FL0430000					
9083: DeBlaker, Joshua			FL0430300					



Start Date/Time: 11/21/2024 09:15:20

End Date/Time: 11/21/2024 09:59:59

Daily CFS Detail

Agency: FL0430300 - Sewall's Point Police Department Sources: ALL From CFS: To:
Units: ALL Personnel: DeBlaker, Joshua, - 9083 CFS Types: ALL
Dispositions: ALL Include Canceled: No Layer: ALL
Areas: ALL Details: ALL

Created Date/Time	Dispatched Date/Time	Arrived Date/Time	CFS #	CFS Type	Report Req.	Caller Name Caller Phone	Priority	Source
11/21/2024 09:15:28	11/21/2024 09:15:28	11/21/2024 09:15:28	520	TOV - Town Ordinance Violation	No		Low	Field Initiated

Entered by: SP\jdeblaker Location: 6 N RIDGEVIEW RD, SEWALLS POINT ORIs: FL0430300

Narrative Date/Time: 11/21/2024 09:35:35 Narrative: RECEIVED COMPLAINT OF A DOG CONTINUOUSLY BARKING AT ALL HOURS OF THE DAY AND NIGHT; REMAINED AT RESIDENCE FOR 10 MINUTES, OBSERVED AND HEARD TWO DOGS BARKING ALONG THE BACK FENCE LINE FOR MORE THAN THE ALLOTTED TIME PER TOWN ORDINANCE,DROVE TO PROPERTY BEHIND THE RESIDENCE OBSERVED NOBODY AGITATING THE DOGS ON THE OTHER SIDE OF THE DOG'S FENCE, BUT THE DOGS WERE STILL BARKING.

Unit	ORI	Incident #	ORI
044	FL0430300	2024-00014035	FL0430300
Personnel	ORI	Disposition	Count
9083: DeBlaker, Joshua	FL0430300		



Start Date/Time: 11/25/2024 09:01:20

End Date/Time: 11/25/2024 09:14:59

Daily CFS Detail

Agency: FL0430300 - Sewall's Point Police Department Sources: ALL

Units: ALL Personnel: DeBlaker, Joshua, - 9083 CFS Types: ALL

Dispositions: ALL Include Canceled: No Layer: ALL

Areas: ALL Details: ALL

Created Date/Time	Dispatched Date/Time	Arrived Date/Time	CFS #	CFS Type	Report Req.	Caller Name Caller Phone	Priority	Source
11/25/2024 09:01:23	11/25/2024 09:01:23	11/25/2024 09:01:23	759	FOL - Follow up	No		Low	Field Initiated

Entered by: SP\jdeblaker

Location: 6 N RIDGEVIEW RD, SEWALLS POINT

ORIs: FL0430300

Narrative Date/Time: 11/25/2024 09:03:33

Narrative: PER CHIEF, LEFT A COPY OF CVC TAPED ON TO THE FRONT DOOR WITH BLUE PAINTERS TAPE TO NOT LEAVE ANY RESIDUE, THE ACTUAL CVC WILL BE MAILED VIA CERTIFIED LETTER.

Unit	ORI	Incident #	ORI
044	FL0430300	2024-00014164	FL0430300
Personnel	ORI	Disposition	Count
9083: DeBlaker, Joshua	FL0430300		

Sec. 10-3. Pets constituting nuisance or danger to health and safety.

- (a) No dogs or other pets shall be allowed to be offensive, infected with disease or otherwise become a nuisance, danger or threat to the health and safety of the inhabitants of the town.
- (b) It shall be unlawful to keep or maintain within the corporate limits of the town any animal or fowl which constitutes or creates a nuisance obnoxious to any inhabitant of the town or which may be detrimental to the health or safety of the inhabitants of the town.
- (c) It shall be unlawful for any person to keep, harbor, own or maintain any domestic pet which causes a noise disturbance by barking, yelping, howling, screeching, chirping, cawing, crowing or whistling for continuous periods of three minutes or more at any time.

Violations of this section shall be a class B violation, punishable as set forth in chapter 18. Civil violations citations may also be issued under section 22-64 of the Town Code for violations of this section which also violate section 22-64 of the Town Code.

- (d) It shall be unlawful for any dog to be menacing or threatening to humans or other animals regardless of whether the dog is leashed at the time of the offense. The owner of the dog shall be the responsible party. Multiple victims shall be considered separate violations.

Violation of this section shall be a class C violation, punishable as set forth in chapter 18.

- (e) It shall be unlawful for any dog to cause an unprovoked attack making physical contact with any person or animal regardless of whether the dog is leashed at the time of the offense. The owner of the dog shall be the responsible party. Multiple victims shall be considered separate violations.

Violation of this section shall be a class D violation, punishable as set forth in chapter 18.

(Ord. No. 393, § 2, 1-28-2014; Ord. No. 467, § 3, 9-9-2024)

FRANK FENDER
Vice Mayor

KAIJA MAYFIELD
Commissioner

DAVID KURZMAN
Commissioner

VINNY BARILE
Commissioner

FRANK TIDIKIS
Commissioner

TOWN OF SEWALL'S POINT



ROBERT DANIELS, ICMA-CM
Town Manager

APRIL C. STONCIUS, MMC
Town Clerk

TINA CIECHANOWSKI
Chief of Police

JACK REISINGER, CBO
Building Official/PW Director

MARIA PIERCE
Finance/HR Director

Civil Violation Citation : CE03915

RE: 6 N Ridgeview Rd

Please note that if you intend to contest this citation at special magistrate that the date has been moved to January 09, 2025 at 10 am at Town Hall, 1 S Sewalls Point, FL 34996

If you would like to make payment, we would need to received payment by 12/20/24 to avoid being scheduled for hearing.

Chrystal Gomez
Town Administrative Assistant



Town of Sewall's Point One South Sewall's Point Road Sewall's Point, FL 34996
(772) 287-2455 Fax (772) 220-4765

THall@sewallspoint.org
www.sewallspoint.org



Town of Sewall's Point
One South Sewall's Point Road, Sewall's Point, FL 34996
Civil Violation Citation

CE 03915

This Civil Citation is issued pursuant to Chap. 18, Sec. 18-226 of the Town of Sewall's Point's Code of Ordinances. In addition to the citation fine set forth below, the violation(s) charged hereby could subject you to a civil penalty of \$250 per violation per day and up to \$500 per day for a repeat violation, plus administrative costs.

This citation is issued on the 11 day of November, 2021 by the undersigned Code Enforcement Officer to:

(Last name) Percey (First name) Emily (M.I.)
(Street address) 561-902-7606 (City) (State) (Zip code) (Phone number—home) (Phone number—other)

For violation of the following Town Ordinance (Ordinance Number & Description) in the Town of Sewall's Point, Florida:

By virtue of the following (Summary of Violation): Observed dog barking continuously

Location of Violation: 6 N. R. I. view Rd Sewall Point FL 34996

If vehicle related: Year Make Model Tag# State Description

**YOU ARE HEREBY ORDERED TO CORRECT THE VIOLATION(S) CITED ABOVE AND TO PAY THE FINE SET FORTH,
OR APPEAR ON THE HEARING DATE.**

- ☐ Written Warning No Fine
- ☐ Class A Violation FINE \$100.00
- ☒ Class B Violation FINE \$150.00
- ☐ Class C Violation FINE \$250.00
- ☐ Class D Violation FINE \$500.00
- ☐ Class E Violation FINE \$50.00

(Or a repeat violation which may be fined at \$500 per day per violation)

VIOLATION CORRECTION DEADLINE: Immediately

FINES MUST BE PAID BY 4:00 P.M. ON THE 10TH DAY FOLLOWING
THE DATE OF ISSUANCE OF THIS CITATION.

HEARING DATE (IF APPLICABLE): 1-8-22

1.9.25

Failure to correct the violation by the deadline set forth above may result in additional citations.

You may avoid daily fines and additional costs by complying with the code section(s) cited, if applicable, and paying the citation fine by either cash or a check, made payable to the Town of Sewall's Point received at the above address by 4:00 p.m. on the 10th day following the date of issuance. Cash payments MUST be hand delivered to the above address by the date due.

If you fail to correct the violation and pay the penalty in accordance with this citation, or if your check fails to clear, or if you wish to contest the citation, you are hereby commanded and summoned to appear at a hearing on the violation(s) charged, on the Hearing Date cited above in the Commission Chambers at Town Hall, located at 1 S. Sewall's Point Road, Sewall's Point, Florida.

If you fail to appear at the hearing to contest the Civil Violation Citation, you shall be deemed to have waived your right to a hearing and right to contest the citation, an order may be entered against you for an amount-up to the maximum daily civil penalty, together with the citation fine and administrative costs, and a lien may be imposed. Overdue fines and costs or outstanding violations may result in the Town withholding permits, licenses and/or certificates of occupancy, by any department, governing body, or agent of the Town until the violator comes into compliance, and pays the Civil Violation Citation, including any administrative costs; or complies with the requirements in the order issued by the code enforcement board or special magistrate, or in the case of an appeal, by the court. Failure to respond to this Civil Violation Citation may result in the imposition of a lien or special assessment, if applicable, against the property of the violator. 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 you decide to appeal any such order, with respect to any matter considered at the subject hearing, you will need a record of the proceedings, and for such purpose, you 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.).

Signature of Citing Code Enforcement Officer

Name of the Receiving Party (if hand-delivered)
(any person over 15 years of age)

Date and Time of Issuance: 11-25-2021

Issued by CE Officer:

White Copy—Police Clerk

Yellow Copy—Defendant

Pink Copy—Town Clerk

TOWN of SEWALL'S POINT

One South Sewall's Point Road
Sewall's Point, Florida 34996

FORWARD SERVICE REQUESTED

**EMILIO PEREZ
6 N RIDGEVIEW RD
SEWALLS POINT, FL 34996**

FIRST-CLASS



US POSTAGE TM **PITNEY BOWES**



ZIP 34996
02 7H
0006051328 **\$ 000.69⁰**
DEC 03 2024

AFFIDAVIT CONFIRMING HAND DELIVERY OF NOTICE

Street Address: 6 N. Ridgeview Rd, Sewall's Point, FL 34996
PCN: 01-38-41-006-802-00040-4
Case No.: 2024-00014035 CE03915

Signature of recipient of Notice of Violation and Notice of Hearing

Signature

Emilio Perez

Print Name

____ Respondent accepted notice but refused to sign.

☒ Posted Property and took photo, no answer at residence.

STATE OF FLORIDA)
COUNTY OF MARTIN)

I, Christopher Wade, being duly sworn, depose and say that:

1. I am a Code Enforcement Officer for the Town of Sewall's Point.
2. I hand delivered the Notice of Violation and Notice of Hearing to Posted at 6 N. Ridgeview Rd, Sewall's Point, Florida, on the 8th day of January, 2025.

I understand that I am swearing or affirming under oath to the truthfulness of the claims made above.

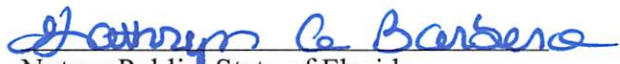

Signature

1/8/25
Date

The foregoing instrument was acknowledged before me this 8 day of January, 2025 by Christopher Wade. He/She is personally known to me or has produced _____ as identification.



KATHRYNA. BARBERA
Commission # HH 224582
Expires April 26, 2026


Notary Public, State of Florida
My Commission Expires:



DAVE KURZMAN
Mayor

VINNY BARILE
Vice Mayor

FRANK FENDER
Commissioner

KALJA MAYFIELD
Commissioner

FRANK TIDIKIS
Commissioner

TOWN OF SEWALL'S POINT



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Town Clerk

TINA CIECHANOWSKI
Chief of Police

JACK REISINGER, CBO
Building Official/PW Director

MARIA PIERCE
Finance/HR Director

Civil Violation Citation : CE03915

RE: 6 N Ridgeview Rd

Please note this letter is to advise you of the corrected date for the Civil Violation Citation to attend the special magistrate hearing on January 09, 2025 at 10am at Town Hall, 1 S Sewalls Point Rd, Sewalls point, FL 34996.

Officer Joshua DeBlaker

A handwritten signature in black ink, appearing to be "J. DeBlaker", is written over a horizontal line.

Delivery attempt:
1-7-25 8:50 A
1-7-25 2:49 P



One South Sewall's Point Road Sewall's Point, FL 34996
(772) 287-2455 Fax (772) 220-4765 www.sewallspoint.org

