TOWN OF SEWALL'S POINT

Code Enforcement Board Meeting
March 08, 2023
10:00 AM

I. **CALL TO ORDER**

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**

III. **VIOLATION CASES**

a. **Case No. B23-0001 – 1 Fieldway Drive – Marek Andrew M Estate - Violation of Town Ordinance Code Article 1 - Section 22-2 – Non-Compliance of Property Maintenance Standards**

1) B23-0001 1 Fieldway Drive - Hearing Packet.pdf

IV. **OPEN GOVERNMENT OVERVIEW – TYSON WATERS, ESQUIRE**

a. **PRESENTATION**

1) Open Government Presentation.pdf

V. **COMMENTS FROM BOARD MEMBERS**

VI. **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.

Town of Sewall's Point

BUILDING DEPARTMENT

Notice of Non-Compliance

CASE #B23-0001

Property Owner: Marek Andrew M Estate
Owner Address: 1 Fieldway Dr
Sewall's Point, FL 34996

DATE: January 10, 2023

VIOLATION ADDRESS: 1 Fieldway Dr
PARCEL ID #: 35-37-41-002-003-00030-8

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. We would like to make you aware that your property is in violation of the following Town of Sewall's Point Code of Ordinances:

Non-Compliance violation: Property Maintenance Code

Sec. 22-2

(b) *Code adopted and incorporated by reference.* The International Property Maintenance Code (IPMC), most current edition, as published and amended from time to time by the International Code Council, is hereby adopted as the Property Maintenance Code of the Town of Sewall's Point for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures as herein provided. To the extent that the International Property Maintenance Code conflicts with the provisions of any town ordinance or code, the town ordinance or code shall apply.

(f) *Landscape areas.* Owners and occupants of all private property, whether developed, undeveloped or uncleared, shall be responsible for maintaining their property, from the edge of their property line to the edge of the improved right-of-way, including the adjacent swale area, if any, in accordance with these standards.

(1) *Developed property:*

a. Shall be kept free of debris, rubbish, trash or litter.

b. Shall be maintained free of diseased or dead trees and plant materials.

c. Shall be kept free and clear of all prohibited species unless otherwise set forth herein.

d. Shall be maintained in a neat and healthy condition reasonably free of weeds, accumulation of decayed, dead or dying vegetative matter or bare dead areas. A reasonable bare area may be permitted along a property line to prevent the infringement of growth onto an adjoining property.

e. Lawns shall be maintained in a neat and healthy condition reasonably free of weeds, accumulation of decayed, dead, dying, or bare areas. Lawns shall be kept no higher than eight inches in height.

*Mold on exterior of property

Please comply on or before **January 20, 2023** and contact the undersigned Code Enforcement Officer to verify compliance. If you require further information or otherwise wish to discuss the notice of non-compliance, 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.

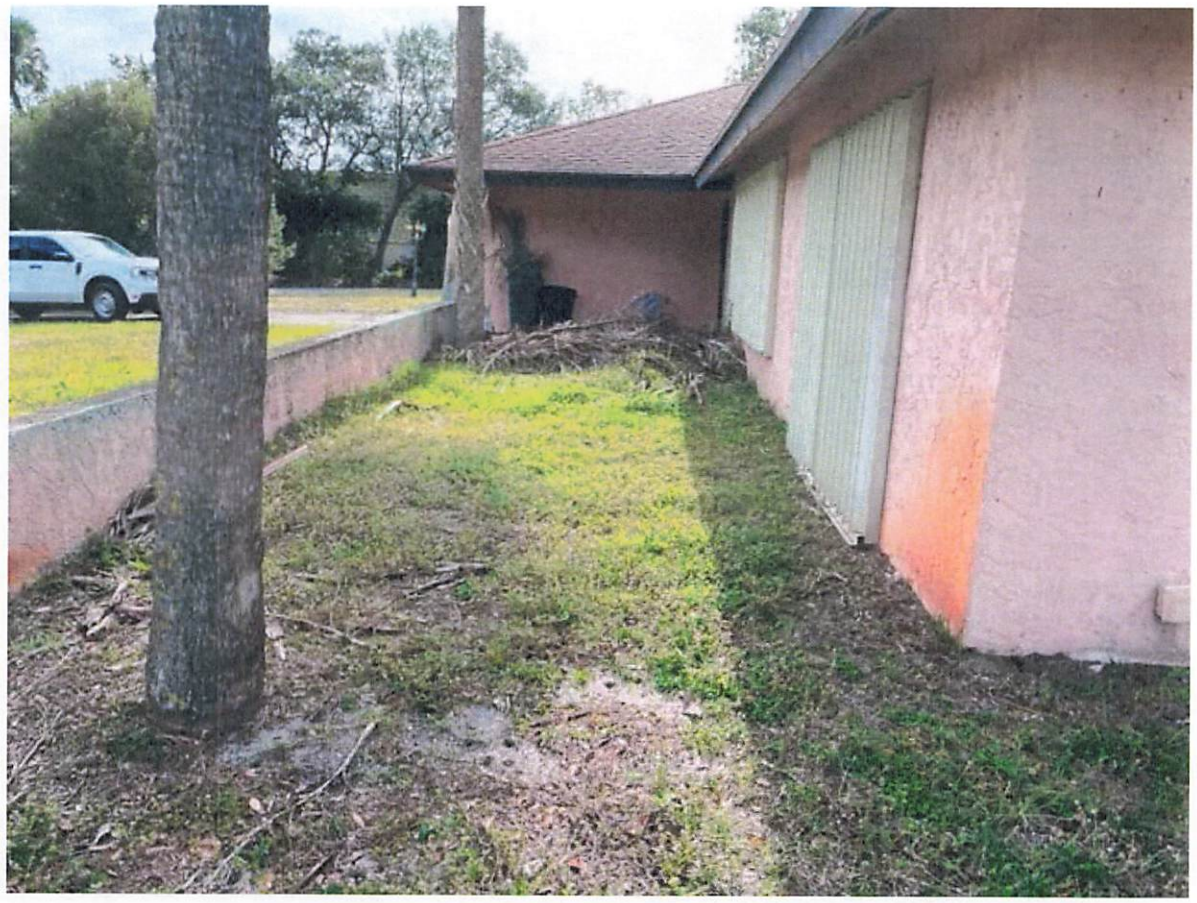
Jack Reisinger, C.B.O., Town Building Official

From: jack Reisinger
To: Chrystal Gomez
Subject: 1 Fieldway
Date: Tuesday, January 10, 2023 11:19:51 AM





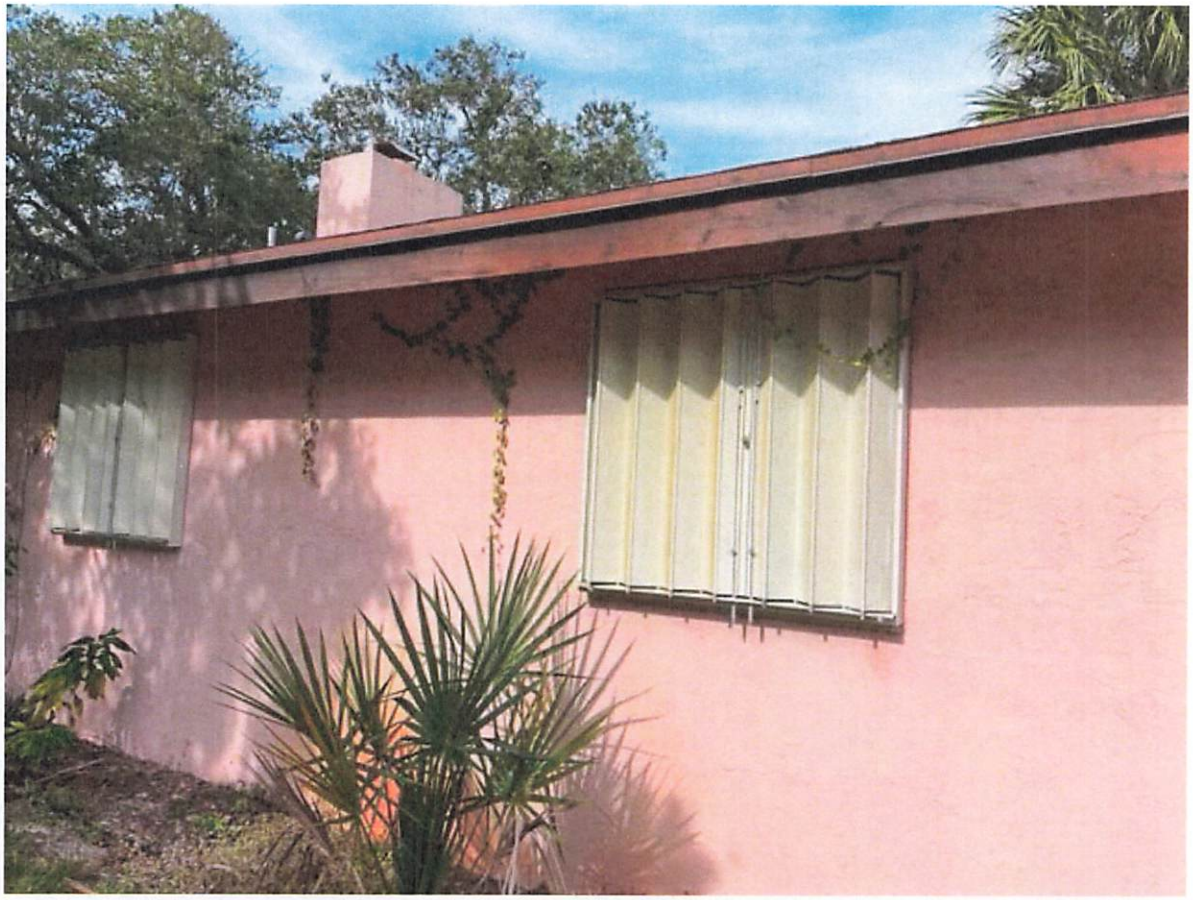












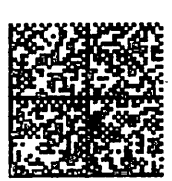




Sent from my iPhone

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

FIRST-CLASS



US POSTAGE IMI PITNEY BOWES

ZIP 34996
02 7H
0006051328

$ 000.57⁰
JAN 10 2023

MAREK ANDREW M ESTATE
1 FIELDWAY DR
SEWALL'S POINT, FL 34996

Basic Info

PIN	AIN	Situs Address	Website Updated
35-37-41-002-003-00030-8	9431	1 FIELDWAY DR SEWALLS POINT FL	1/10/23

General Information

Property Owners
MAREK ANDREW M ESTATE

Mailing Address
1 FIELDWAY DR
STUART FL 34996-6620

Tax District
SEWALL'S POINT

Parcel ID
35-37-41-002-003-00030-8

Account Number
9431

Property Address
1 FIELDWAY DR SEWALLS POINT FL

Legal Description
INDIALUCIE, LOT 3 BLK 3 OR 340/2158

Use Code/Property Class
0100 - 0100 Single Family

Neighborhood
120500 Melody Hill,India Lucie

Legal Acres
0.423

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	$ 288,000	$ 119,300	$ 407,300	$ 82,844	$ 324,456	$ 0	$ 324,456

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
4/1/79

Sale Price
$ 22,000

Grantor (Seller)
SELLER - see file for name

Deed Type
03

Doc Num
N/A

Book & Page
0468 0594

Legal Description

INDIALUCIE, LOT 3 BLK 3 OR 340/2158

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

AFFIDAVIT CONFIRMING HAND DELIVERY OF NOTICE

Street Address: **1 Fieldway Dr**
PCN: **35-37-41-002-003-00030-8**
Case No.: **B23-0001**

Signature of recipient of Notice of Violation and Notice of Hearing

_____ _____
Signature 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, Jack Reisinger, 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 1 Fieldway DR at 11:41 a.m, Sewall's Point, Florida, on the 19 day of January, 2023.

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

_____ 1-19-23
Signature **Date**

The foregoing instrument was acknowledged before me this 19th day of January, 2023, by Jack Reisinger. He/She is personally known to me or has produced _____ as identification.

_____
Notary Public, State of Florida
My Commission Expires:

CHRYSTAL GOMEZ
Commission # GG 289550
Expires February 24, 2023
Bonded Thru Budget Notary Services

From: jack Reisinger
To: Chrystal Gomez
Subject: 1 Fieldway
Date: Tuesday, January 10, 2023 11:19:51 AM





















Sent from my iPhone

From: Jack Reisinger
To: Chrystal Gomez
Subject: Posting 1 Fieldway
Date: Thursday, January 19, 2023 11:46:02 AM





Sent from my iPhone

Town of Sewall's Point

BUILDING DEPARTMENT

Notice of Violation and Notice of Hearing*

CASE #B23-0001

Property Owner: Marek Andrew M Estate
Owner Address: 1 Fieldway Dr
Sewall's Point, FL 34996

DATE: February 7, 2023

VIOLATION ADDRESS: 1 Fieldway Dr
PARCEL ID #: 35-37-41-002-003-00030-8

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 and/or the Florida Building Code:

Violation: Property Maintenance Code

Sec. 22-2

(b) *Code adopted and incorporated by reference.* The International Property Maintenance Code (IPMC), most current edition, as published and amended from time to time by the International Code Council, is hereby adopted as the Property Maintenance Code of the Town of Sewall's Point for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures as herein provided. To the extent that the International Property Maintenance Code conflicts with the provisions of any town ordinance or code, the town ordinance or code shall apply.

(f) *Landscape areas.* Owners and occupants of all private property, whether developed, undeveloped or uncleared, shall be responsible for maintaining their property, from the edge of their property line to the edge of the improved right-of-way, including the adjacent swale area, if any, in accordance with these standards.

(1) *Developed property:*

a. Shall be kept free of debris, rubbish, trash or litter.

b. Shall be maintained free of diseased or dead trees and plant materials.

c. Shall be kept free and clear of all prohibited species unless otherwise set forth herein.

d. Shall be maintained in a neat and healthy condition reasonably free of weeds, accumulation of decayed, dead or dying vegetative matter or bare dead areas. A reasonable bare area may be permitted along a property line to prevent the infringement of growth onto an adjoining property.

e. Lawns shall be maintained in a neat and healthy condition reasonably free of weeds, accumulation of decayed, dead, dying, or bare areas. Lawns shall be kept no higher than eight inches in height.

*Mold on exterior of property

To avoid the need to go to a hearing and the possibility of any fines, please comply the violation(s) on or before **February 21, 2023**, 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 March 8, 2023 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, 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.

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

CERTIFIED MAIL®



7021 1970 0000 7171 8803

FIRST-CLASS



US POSTAGE IMI PITNEY BOWES

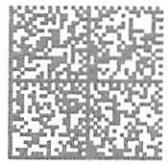
ZIP 34996
02 7H
0006051328

$ 008.10⁰
FEB 07 2023

MAREK ANDREW M ESTATE
1 FIELDWAY DR
SEWALLS POINT, FL 34996

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

FIRST-CLASS



US POSTAGE IMI PITNEY BOWES

ZIP 34996
02 7H
0006051328

$ 000.60⁰
FEB 07 2023

MAREK ANDREW M ESTATE
1 FIELDWAY DR
SEWALLS POINT, FL 34996

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

$

Total Postage and Fees

$

Postmark Here

MAREK ANDREW M ESTATE
1 FIELDWAY DR
SEWALLS POINT, FL 34996

31

See Reverse for Instructions

7021 1970 0000 7171 8803

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 32 **s.**

AFFIDAVIT CONFIRMING HAND DELIVERY OF NOTICE

Street Address:1 FIELDWAY DR
PCN: 35-37-41-002-003-00030-8
Case No.: B23-0001

Signature of recipient of Notice of Violation and Notice of Hearing

_____ _____
Signature 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, Jack Reisinger, 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 Front door at 1 Fieldway DR, Sewall's Point, Florida, on the 8 day of February, 2023.

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

_____ 2.8.23
Signature **Date**

The foregoing instrument was acknowledged before me this 8th day of Feb, 2023, by Jack Reisinger. He/She is personally known to me or has produced _____ as identification.

CHRYSTAL GOMEZ
Commission # GG 289550
Expires February 24, 2023
Bonded Thru Budget Notary Services

_____
Notary Public, State of Florida
My Commission Expires:

From: Jack Reisinger
To: Chrystal Gomez
Subject: Photo
Date: Wednesday, February 8, 2023 2:03:25 PM



Sent from my iPhone

USPS Tracking®

FAQs >

Remove ✕

Tracking Number:

70211970000071718803

Copy Schedule a Redelivery (https://tools.usps.com/redelivery.htm)

Latest Update

This is a reminder to arrange for redelivery of your item before February 24, 2023 or your item will be returned on February 25, 2023. You may arrange redelivery by using the Schedule a Redelivery feature on this page or may pick up the item at the Post Office indicated on the notice.

Get More Out of USPS Tracking:

USPS Tracking Plus®

Delivery Attempt: Action Needed
Reminder to Schedule Redelivery of your item before February 24, 2023
February 15, 2023

Notice Left (No Authorized Recipient Available)
STUART, FL 34996
February 10, 2023, 3:28 pm

Departed USPS Regional Facility
WEST PALM BEACH FL DISTRIBUTION CENTER
February 9, 2023, 9:56 pm

Arrived at USPS Regional Facility
WEST PALM BEACH FL DISTRIBUTION CENTER
February 8, 2023, 9:33 pm

Hide Tracking History

Feedback

Text & Email Updates

Schedule Redelivery

USPS Tracking Plus®

Product Information

See Less

Track Another Package

Enter tracking or barcode numbers

Need More Help?

Contact USPS Tracking support for further assistance.

FAQs

OPEN GOVERNMENT OVERVIEW: January 2020

Patricia R. Gleason

Special Counsel for Open Government

Attorney General Ashley Moody

SUNSHINE LAW

- Florida's Government in the Sunshine Law provides a right of access to governmental proceedings at both the state and local levels. In the absence of statutory exemption, it applies to any gathering of two or more members of the same board to discuss some matter which will foreseeably come before that board for action.

SCOPE OF THE SUNSHINE LAW

- Board members may not engage in private discussions with each other about board business, either in person or by telephoning, emailing, texting or any other type of electronic communication (i.e Facebook, blogs).



SCOPE OF THE SUNSHINE LAW

- While an individual board member is not prohibited from discussing board business with staff or a nonboard member, these individuals may not be used as a liaison to communicate information between board members. For example, a board member cannot ask staff to poll the other board members to determine their views on a board issue.

SCOPE OF THE SUNSHINE LAW

There are three basic requirements:

1. Meetings of public boards or commissions must be open to the public
2. Reasonable notice of such meetings must be provided; and
3. Minutes of the meetings must be prepared and open to public inspection.

SCOPE OF THE SUNSHINE LAW

- The Sunshine Law applies to advisory boards created pursuant to law or ordinance or otherwise established by public agencies or officials.

SCOPE OF THE SUNSHINE LAW

- Staff meetings are not normally subject to the Sunshine Law.
- However, staff committees may be subject to the Sunshine Law if they are deemed to be part of the "decision making process" as opposed to traditional staff functions like factfinding or information gathering.

SCOPE OF THE SUNSHINE LAW

- Only the Legislature may create an exemption from the Sunshine Law (by a two-thirds vote). Exemptions are strictly construed.
- An exemption from the Public Records Law does not allow a board to close a meeting. Instead, a specific exemption from the Sunshine Law is required.

BOARD MEETINGS

- While boards may adopt reasonable rules and policies to ensure orderly conduct of meetings, the Sunshine law does not allow boards to ban nondisruptive videotaping, tape recording, or photography at public meetings.

BOARD MEETINGS

- Section 286.0114, F.S., provides, subject to listed exceptions, that boards must allow an opportunity for the public to be heard before the board takes official action on a proposition. The statute does not prohibit boards from "maintaining orderly conduct or proper decorum in a public meeting."

PENALTIES

- Civil action
- Criminal penalties
- Suspension or removal from office

PUBLIC RECORDS LAW

- Florida's Public Records Act, Chapter 119, Florida Statutes, provides a right of access to records of state and local governments as well as to private entities acting on their behalf.
- If material falls within the definition of "public record" it must be disclosed to the public unless there is a statutory exemption.

THE TERM "PUBLIC RECORDS" MEANS:

a) All "documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software or other material, regardless of the physical form, characteristics, or means of transmission" (**includes electronic communications like text messages, emails**).
b) Made or received pursuant to law or ordinance or in connection with the transaction of official business
c) By any agency [including a private entity acting 'on behalf of' a public agency]
d) Which are used to perpetuate, communicate, or formalize knowledge.

PROVIDING PUBLIC RECORDS

a) Public records cannot be withheld at the request of the sender
b) A requestor is not required to show a "legitimate" or "noncommercial interest" as a condition of access
c) A request cannot be denied because it is "overbroad"
d) Unless authorized by another statute, an agency may not require that public records requests be in writing or require the requester to identify himself or herself

PROVIDING PUBLIC RECORDS

- The Public Records Act does not contain a specific time limit (such as 24 hours or 10 days).
- The Florida Supreme Court has stated that the only delay in producing records permitted under the statute is the reasonable time allowed the custodian to retrieve the record and redact those portions of the record the custodian asserts are exempt.

FEES

- Chapter 119 authorizes the custodian to charge a fee of up to 15 cents per one-sided copy for copies that are 14 inches by 8 1/2 inches or less. An additional 5 cents may be charged for two-sided copies. For other copies, the charge is the actual cost of duplication of the record. Actual cost of duplication means the cost of the material and supplies used to duplicate the record but does not include labor or overhead cost.

FEES

- In addition to the actual cost of duplication, an agency may impose a reasonable service charge for the actual cost of extensive labor and information technology required due to the large volume of a request.



RETENTION

- All public records must be retained in accordance with retention schedules approved by the Department of State
- Even exempt records must be retained

PENALTIES FOR NONCOMPLIANCE

A. Criminal penalties

B. Civil action

C. Attorney's fees



ADDITIONAL RESOURCES

- Office of Attorney General Ashley Moody website: http://www.myfloridalegal.com
- First Amendment Foundation website: http://www.floridafaf.org