



**MAGISTRATE HEARING DOCKET
CITY OF STUART, FLORIDA
121 S.W. FLAGLER AVE.
STUART, FLORIDA 34994**

**July 16, 2020 AT 10:00 AM
Commission Chambers**

Agenda items are available on our website at <http://www.cityofstuart.us>
Phone: (772) 288-5306 . Fax: (772) 288-5305 . E-mail: mkindel@ci.stuart.fl.us

In compliance with the Americans with Disabilities Act (ADA), anyone who needs a special accommodation to attend this meeting should contact the City's ADA coordinator at 772-288-5306 at least 48 hours in advance of the meeting, excluding Saturday and Sunday.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he will need a record of the proceeding, and that for such purpose he may 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.

WHAT IS CIVILITY?: Civility is caring about one's identity, needs and beliefs without degrading someone else's in the process. Civility is more than merely being polite. Civility requires staying "present" even with those persons with whom we have deep-rooted and perhaps strong disagreements. It is about constantly being open to hear, learn, teach and change. It seeks common ground as a beginning point for dialogue. It is patience, grace, and strength of character. Civility is practiced in our City Hall.

ROLL CALL

CALL TO ORDER

PLEDGE OF ALLEGIANCE

VIOLATION HEARINGS

1. **City of Stuart** V. Lorenzo
Vs Michael B. Rubin
CE20060046
6.11.16
Prohibited Signs - WARNING - This agenda item contains obscene language.
2. **City of Stuart** M. Cawley
Vs LakeWorth Town Plaza LLC
CE20050028
22-2
3. **City of Stuart** V. Lorenzo
Vs Robert & Susan Brown
CE20060057
10-61 (E)
Drainage and Rain Gutters
4. **City of Stuart v. L'Apri Midi Homes, LLC and Kevin Arbour** V. Lorenzo
CE20050019
20-20; 20-22; 3.01.03
5. **City of Stuart v. Thomas E. Hawken** N/A
CE 16050080
10-168 Unlawful Marine Construction and 105.1 Construct, enlarge, alter, repair, etc. w/out permit

10-168: UNLAWFUL MARINE CONSTRUCTION
105.1: CONSTRUCT, ENLARGE, ALTER,
REPAIR, MOVE, DEMOLISH OR INSTALL
WITHOUT A PERMIT.

Correction:10-168
REMOVE STRUCTURE AND OBTAIN ALL
REQUIRED PERMITS

105.1
OBTAIN REQUIRED PERMIT.IT IS THE
RESPONSIBILITY OF THE VIOLATOR TO
CONTACT THE CITY OF STUART CODE
ENFORCEMENT OFFICE WHEN THE
VIOLATION HAS BEEN CORRECTED.

ADJOURNMENT

**CITY OF STUART, FLORIDA
AGENDA ITEM REQUEST
MAGISTRATE HEARING DOCKET**

Meeting Date: 7/16/2020

Narrative:

Prohibited Signs - WARNING - This agenda item contains obscene language.

Magistrate Action:

Fine Amount:

\$100.00 per day

Administrative Costs:

\$300.00

ATTACHMENTS:

<i>Description</i>	<i>Upload Date</i>	<i>Type</i>
City of Stuart Vs Michael Rubin	7/9/2020	Exhibit

Martin County, Florida - Laurel Kelly, C.F.A Summary

generated on 7/7/2020 10:35:54 AM EDT

Parcel ID	Account #	Unit Address	Market Total Value	Website Updated
04-38-41-023-003-00070-8	21974	908 SE STYPMANN BLVD, STUART	\$206,380	7/4/2020

Owner Information	
Owner(Current)	RUBIN MICHAEL B
Owner/Mail Address	908 SE STYPMANN BLVD STUART FL 34994
Sale Date	4/25/2002
Document Book/Page	1641 0795
Document No.	
Sale Price	25000

Location/Description	
Account #	21974
Tax District	3100
Parcel Address	908 SE STYPMANN BLVD, STUART
Acres	.2240
Map Page No.	O-04B
Legal Description	STYPMANN PARK THIRD ADDN LOTS 7 8 & 9 BLK 3

NOTE: Legal description as shown is not to be used on legal documents. The legal description is intended for general information only. The Property Appraiser assumes no responsibility for the consequences of inappropriate uses or interpretations of the legal description.

Parcel Type	
Use Code	0100 Single Family
Neighborhood	333860 Highlands, Stypmann, Lake Clare

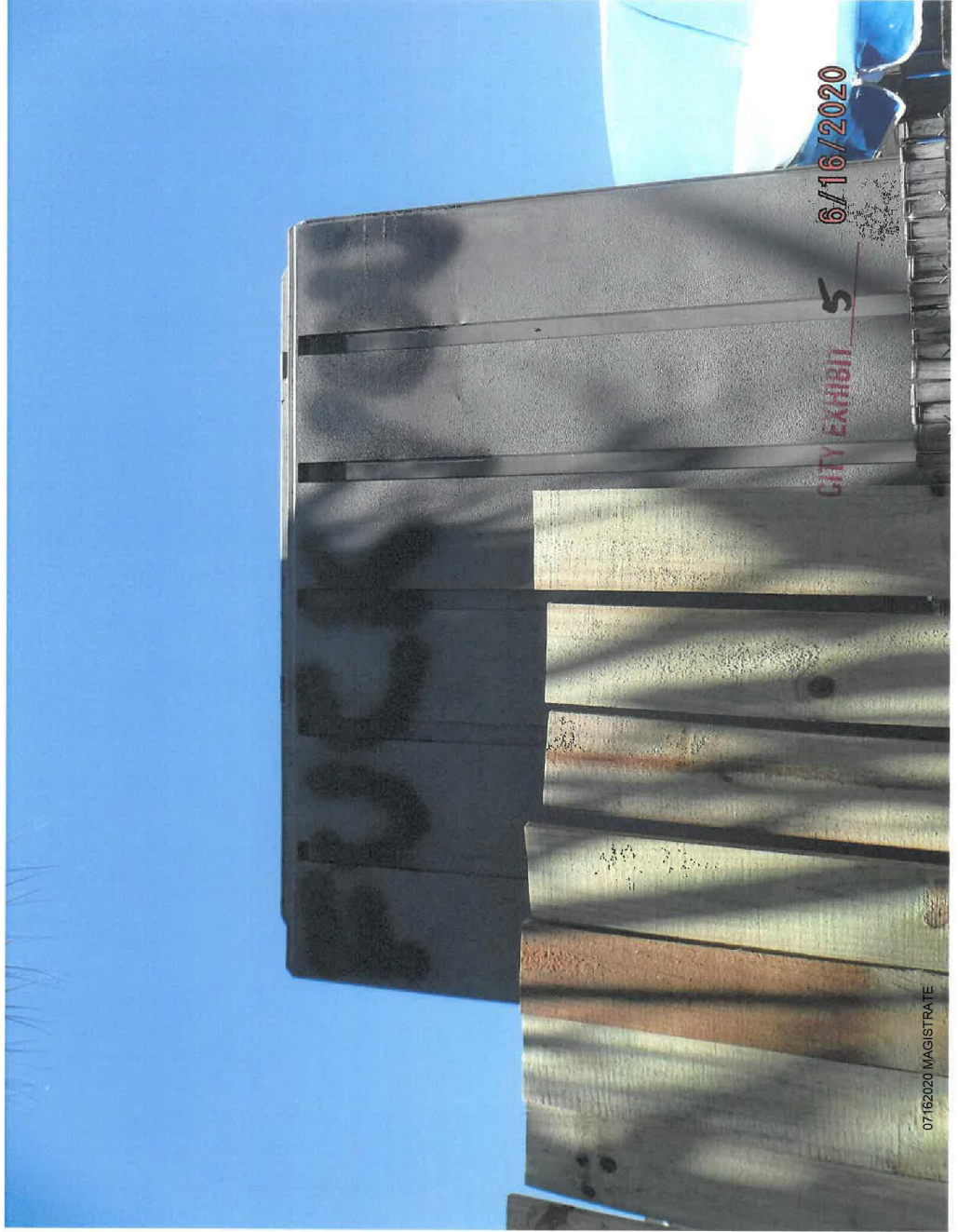
Assessment Information	
Market Land Value	\$120,000
Market Improvement Value	\$86,380
Market Total Value	\$206,380



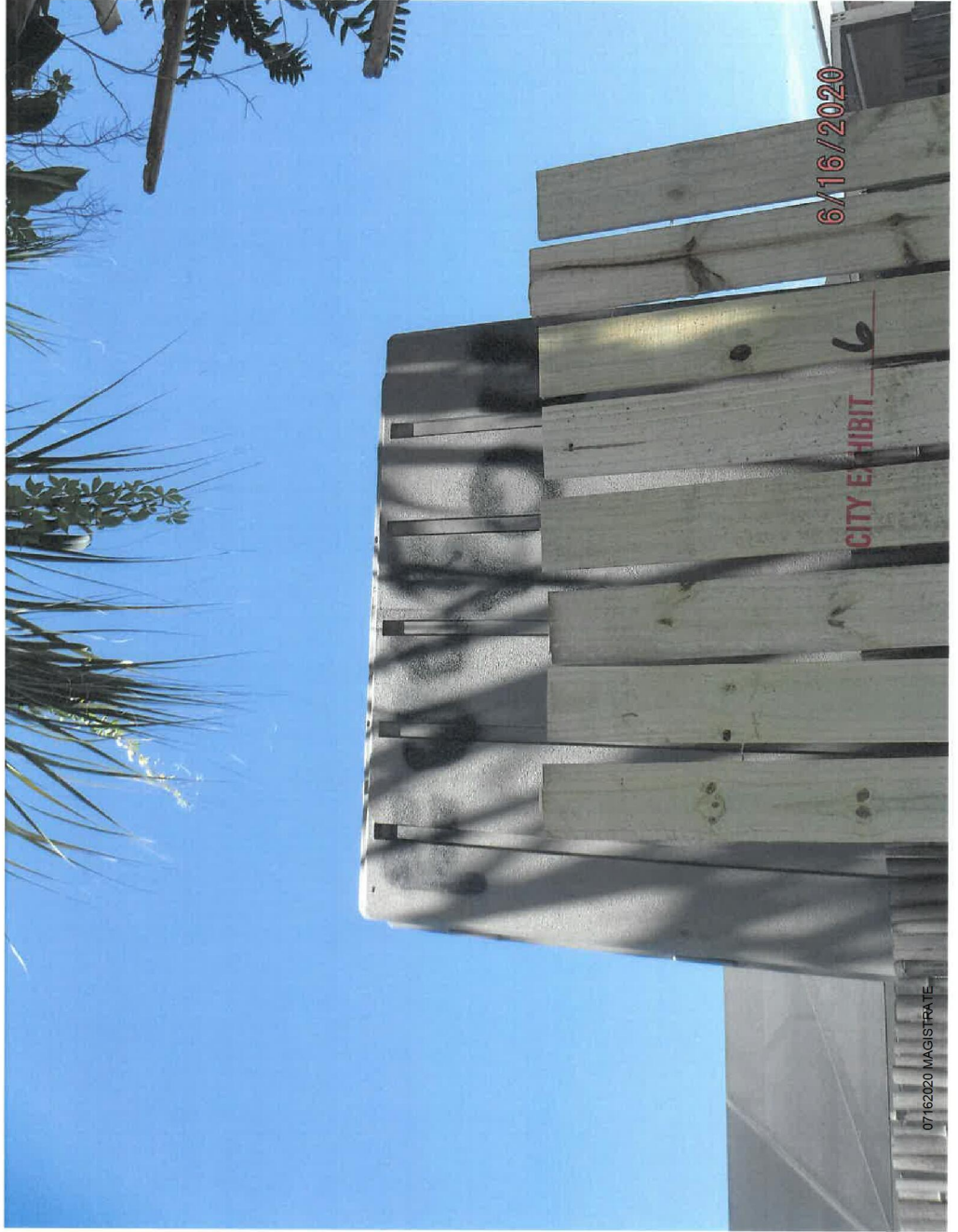




07/16/2020 MAGISTRATE



07/16/2020 MAGISTRATE







Stay off
my
property!

CITY EXHIBIT 9



CITY OF STUART
CODE ENFORCEMENT
830 SE MARTIN LUTHER KING, JR. BLVD
STUART, FL 34994-2139

NOTICE OF VIOLATION

Jun 29, 2020

RUBIN MICHAEL B
908 SE STYPMANN BLVD
STUART, FL 34994

Case #: CE20060046

You are hereby notified that the following violation(s) of the Code of Ordinances and/or the Land Development Regulations of the City of Stuart exists on the property listed:

ADDRESS: 908 SE STYPMANN BLVD OBSERVATION DATE: 06/16/20
PARCEL ID #: 0438410230030007080000 CORRECTION DATE: 06/26/2020

VIOLATION(S) 6.11.16
AND PROHIBITED SIGNAGE
CORRECTIVE Correction: 6.11.16
IMMEDIATELY REMOVE PROHIBITED SIGNAGE

ACTIONS:

NOTICE OF HEARING SUMMONS

Failure to correct the violation(s) by the above date will result in a presentation of this matter at a hearing before the Code Enforcement Magistrate on 07/16/2020 at 10:00AM in the City of Stuart Commission Chambers located at 121 SW Flagler Avenue, Stuart, Florida. The violation charged is a civil infraction and subjects you to a maximum civil penalty of up to \$250 per offense, per day, for repeat violations.

The Code Enforcement Magistrate will receive testimony and evidence at said Hearing and make Findings of Fact, as supported by the testimony and evidence pertaining to matters alleged in the Notice of Violation. You are entitled to present evidence and witnesses at the Hearing.

FAILURE to appear will result in the Magistrate proceeding in your absence. All fines constitute liens against the Real and Personal Property of the Respondent. Please govern yourself accordingly.

An administrative fee of \$300.00 will be assessed if you should fail to comply by the correction date above. Should you require additional information regarding this notice, please contact the Code Enforcement Division at (772) 288-5325 or (772) 600-1254.


Code Enforcement Officer
Chalmar Gregory / Vito Lorenzo / Deborah Carrasco
2018.06.30.001 8397 8007
Certified Mail #

CITY EXHIBIT 10

Nov

2008 2660 1000 0090 8100 7

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	
☐ Return Receipt (hardcopy)	\$
☐ Return Receipt (electronic)	\$
☐ Certified Mail Restricted Delivery	\$
☐ Adult Signature Required	\$
☐ Adult Signature Restricted Delivery	\$
Postage	
Total Postage and Fees	

Postmark
Here

6/29/2020

Mail To Michael B Rubin
Street and Apt. No., or PO Box No. 908 Stypmann Blvd
City, State, ZIP+4[®] Stuart, FL 34994

PS Form 3800, April 2015 PSN 7530-02-000-907 See Reverse for Instructions

STATE OF FLORIDA
CITY OF STUART
CODE ENFORCEMENT

AFFIDAVIT OF POSTING-MAGISTRATE HEARING

Code Enforcement Case Number: CE20060046

STATE OF FLORIDA)
COUNTY OF MARTIN)

I, VITO LORENZO, being fully sworn, deposes and states as follows:

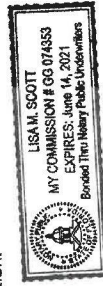
1. That I am an employee of the City of Stuart, Florida Code Enforcement Department; and
2. That part of my duties includes posting Notice of Violations/Notice of Hearing letters, and other correspondence; and
3. That on June 29, 2020 at 10:31 AM, I posted a Notice of Violation/Notice of Hearing for Magistrate to be held on July 16, 2020 at 10:00 AM, at City of Stuart City Hall, 121 SW Flagler Avenue, Stuart, Florida 34994, for Case No. CE20060046, 908 SE Stypmann Blvd., Stuart, Florida 34994 to: Michael B. Rubin, 908 SE Stypmann Blvd., Stuart, FL 34994; and
4. Said Notice was also posted on the public bulletin board for public viewing in front of City of Stuart City Hall located at 121 SW Flagler Avenue, Stuart, Florida 34994 on June 29, 2020; and
5. Said Notice was also served by certified U.S. Mail, postage pre-paid on June 29, 2020 to: Michael B. Rubin, 908 SE Stypmann Blvd., Stuart, FL 34994.

FURTHER AFFIANT SAYETH NAUGHT.

BY: Vito Lorenzo
Vito Lorenzo, Code Enforcement Officer

STATE OF FLORIDA
COUNTY OF MARTIN

Sworn to (or affirmed) and subscribed before me by means of ☒ physical presence or ☐ online notarization, this 04 day of July, 2020, by Vito Lorenzo, Code Enforcement Officer for the City of Stuart, Florida who is personally known to me or who has produced Personally Known as identification.



Lisa M. Scott
Notary Public, State of Florida

(Seal)

CITY EXHIBIT 12





**CITY OF STUART
CODE ENFORCEMENT**
830 SE MARTIN LUTHER KING, JR. BLVD
STUART, FL 34994-2139

NOTICE OF VIOLATION

Jun 29, 2020
RUBEN MICHAEL B
908 SE STUTTMANN BLVD
STUART, FL 34994

Case #: CE20060046

You are hereby notified that the following violation(s) of the Code of Ordinances and/or the Land Development Regulations of the City of Stuart exist on the property listed:

ADDRESS: 908 SE STUTTMANN BLVD
PARCEL ID #: 043841023006000700000
OBSERVATION DATE: 06/16/20
VIOLATION(S): 611.16
AND: PROHIBITED SIGNAGE
CORRECTIVE ACTION: IMMEDIATELY REMOVE PROHIBITED SIGNAGE

FAILURE TO APPEAR TO APPEAR WILL RESULT IN THE MAGISTRATE PROCEEDING IN YOUR ABSENCE. ALL FINES CONTINUE TO ACCRUE AGAINST THE REAL AND PERSONAL PROPERTY OF THE RESPONDENT. PLEASE GIVE YOURSELF ACCORDINGLY.

NOTICE OF HEARING SUMMONS

Failure to correct the violation(s) by the above date will result in a presentation of this matter at a hearing before the Code Enforcement Magistrate on 07/16/2020 at 10:00AM in the City of Stuart Chambers located at 121 SW Eagler Avenue, Stuart, Florida. The violation charged is a civil infraction and subjects you to a maximum civil penalty of up to \$250 per offense, per day, for repeat violations.

The Code Enforcement Magistrate will receive testimony and evidence at said hearing and make findings of fact, as supported by the testimony and evidence pertaining to matters alleged in the Notice of Violation. You are entitled to present evidence and witnesses at the hearing.

FAILURE TO APPEAR WILL RESULT IN THE MAGISTRATE PROCEEDING IN YOUR ABSENCE. ALL FINES CONTINUE TO ACCRUE AGAINST THE REAL AND PERSONAL PROPERTY OF THE RESPONDENT. PLEASE GIVE YOURSELF ACCORDINGLY.

An administrative fee of \$300.00 will be assessed if you should fail to comply by the correction date above.

Should you require additional information regarding this notice, please contact the Code Enforcement Division at (772) 286-5525 or (772) 600-1254.

[Signature]
Code Enforcement Officer
Chaimar Gregory / Vito Lorenzo / Deborah Carrasco

2020.06.09.0001.85.9
Certified Mail #

6/29/2020

CITY EXHIBIT 14

7/3	12
7/7	18
7/13	24
7/16	27
7/16	30
7/23	31
7/27	34
7/27	35

If a person decides considered at such purpose, he or she includes the hearing

All interested parties Disables Act (ADA) City's ADA coordinator Sunday, Stuart City Publish 6/30/2020

agency based upon hazardous emergency measures have action is necessary to ensure

erection of supplies, materials

June, 2020

[Signature]
CJ MEIER



07/16/2020 MAGISTRATE

RECEIVED

JUN 29 2020

CODE ENFORCEMENT
CITY OF STUART

**RESPONSE TO CODE ENFORCEMENT'S
MALICIOUS, SELECTIVE ENFORCEMENT OF THE CODE**

I. THE ALLEGED CONDUCT WHICH CAUSED THE INSTANT ALLEGED CODE VIOLATION WAS CONSTITUTIONALLY PROTECTED ACTIVITY UNDER THE FIRST AMENDMENT TO THE UNITED STATES CONSTITUTION; THEREFORE, PROSECUTION OF DEFENDANT UNDER THE STATE DISORDERLY INTOXICATION LAW IS CONSTITUTIONALLY IMPERMISSIBLE.

The First Amendment to the United States Constitution guarantees freedom of speech, the right to peaceably assemble, and the right to petition the government for a redress of grievances. These rights are protected from infringement by State governments by the Due Process Clause of the Fourteenth Amendment to the United States Constitution.

Under Article I, Section 4, of the Constitution of the State of Florida, Florida citizens are guaranteed freedom of speech, and in Article I, Section 5, their rights to peaceably assemble and petition are protected. Furthermore, under Article I, Section 23, Florida citizens have a right of privacy, that is, the right "to be let alone and free from governmental intrusion into the person's private life"

Where an incident involves mere verbal conduct, the First Amendment limits application of Florida's disorderly conduct and disorderly intoxication statutes to "fighting words" or "words like shouts of 'fire' in a crowded theater. *State v. Saunders*, 339 So. 2d 641 (Fla. 1976); *Wiltzer v. State*, 756 So. 2d 1063 (Fla. 4th DCA 2000). Words alone generally will not support a conviction for disorderly conduct. See *W.L. v. State*, 769 So. 2d 1132 (Fla. 3d DCA 2000) (First Amendment protected profanities and offensive speech that arrestee yelled at police officers when they asked for identification and, therefore, prohibited arrest and delinquency adjudication for disorderly conduct; the arrestee was doing nothing unlawful, never physically interfered with the police, and was punished for pure speech); *L.A.T. v. State*, 650 So. 2d 214, 215 (Fla. 3d DCA 1995) (holding that defendant's shouting

CITY EXHIBIT 15

in a Publix supermarket "is everybody watching this, police brutality Rodney King style" and screaming and cursing at the top of his lungs was insufficient to support a conviction for disorderly conduct).

The verbal conduct which can support a conviction for disorderly conduct or disorderly intoxication in Florida has been severely curtailed by the Florida Supreme Court in order to prevent the statute from being found unconstitutionally overbroad. Under modern Florida case law, the application of disorderly conduct and related charges to verbal conduct is limited to words which "by their very utterance . . . inflict injury or tend to incite an immediate breach of the peace," or to words, "known to be false, reporting some physical hazard in circumstances where such a report creates a clear and present danger of bodily harm to others." *Chandler v. State*, 744 So. 2d 1058, 1060 (Fla. 4th DCA 1999).

Florida Appellate courts have consistently rejected the notion that obscenities yelled at police officers can alone support a criminal charge for disorderly conduct or disorderly intoxication. In *D. C. E. v. State*, 381 So. 2d 1097 (Fla. 1st DCA 1979), a juvenile defendant was adjudicated delinquent of disorderly conduct for yelling obscenities at a police officer while leaning from the rear window of a car. On these facts, the First District reversed, holding that the curse words used by the defendant could not be characterized either as "fighting words which 'by their very utterance . . . inflict injury or tend to incite an immediate breach of the peace . . .'" (citations omitted) or as a "false report likely to create 'a clear and present danger of bodily harm to others.'" *Id.* at 1099 (citing *State v. Saunders*, 339 So.2d 641 at 644 (Fla. 1976)); *Harbin v. State*, 358 So.2d 856 (Fla. 1st DCA 1978); *Cianton v. State*, 357 So.2d 455 (Fla. 2d DCA 1978)).

In *C.P. v. State*, 644, So. 2d 600 (Fla. 2d DCA 1994) a juvenile, who was being investigated for drug activity at a motel, responded to an officer's question by saying, "Fuck you, pussy cracker." *Id.* at 601. Upon being arrested, the juvenile again became verbally abusive and yelled so loudly that people were coming out of their rooms to see what was going on. *Id.* On these facts, the Second District Court of Appeal reversed. The Court held that the evidence was insufficient to

CITY EXHIBIT 16

support a conviction for disorderly conduct. *Id.* at 601-02.

In *K.Y.E. v. State*, 557 So. 2d 956, 957 (Fla. 1st DCA 1990), the evidence established that, during a police officer's investigation, a juvenile defendant continually sang, "Fuck the police," after she repeatedly interrupted an officer's conversation with another individual and retreated to the front porch of her home at a second officer's direction. According to the second officer's testimony, he arrested the juvenile because her singing could be heard across the street where adults and children were gathered. The Court held that these facts did not support a finding that the words used by the juvenile tended to inflict injury or incite an immediate breach of the peace. *Id.* As such, the defendant's words, "Fuck the police," fell within the ambit of constitutionally protected speech. *Id.* (citations omitted).

In *W.L. v. State*, 769 So. 2d 1132 (Fla. 3d DCA 2000), a juvenile, while standing among a group of other juveniles and not engaging in any unlawful conduct, was arrested by police officers conducting a narcotics investigation when he directed a series of profanities toward them after they demanded his identification. The trial court entered an adjudication of delinquency and sentenced him to community control. *Id.* On these facts, the Third District Court of Appeal reversed, holding that the defendant was "punished simply for asserting his right to free speech in what the police considered—and what may well have been—an offensive manner. But the constitution does not permit that result [an adjudication of delinquency]." *Id.* at 1133 (citations omitted). The Court further explained that "the freedom of individuals to oppose or challenge police action without thereby risking arrest is one of the principal characteristics by which we distinguish a free nation from a police state." *Id.* (quoting *City of Houston v. Hill*, 482 U.S. 451, 462-63 (1987)).

In *D. C. E. v. State*, 381 So. 2d 1097, 1098 (Fla. 1st DCA 1979), a seventeen year-old juvenile leaned from the rear window of a car at a busy intersection and shouted "fucking pigs" three times at police officers stopped in traffic at the same intersection. An officer observed appellant drinking what later proved to be a rum drink. Several persons

at the intersection turned to see what the commotion was, but when the light changed, traffic moved on without incident. Id. On these facts, the First District Court of Appeal held that, due to the First Amendment rights of the defendant, an adjudication of delinquency for disorderly conduct constituted an unconstitutional application of a municipal ordinance, which the defendant was charged with violating. Id. at 1099. See also Miller v. State, 780 So. 2d 197 (Fla. 2d DCA 2001) (holding that loud and aggressive speech toward police officers constituted neither fighting words nor false words that created a clear and present danger of harm to others and, thus, were protected by the First Amendment. Id. at 198.

WHEREFORE, when the City decides to enforce it's own code, and, requires Neff/Stribble to remove the deliberately unmentioned tree on my property border which is a clear and constant danger to my property and person, requires them to stop pointing three (3) spotlights onto my property all night long, every night, and, further requires the Newton's at 543 Cortez to maintain their filthy, overgrown property overrun with mosquitos and vermin, then you can come talk to me.

The malicious, selective enforcement of the purported code is illegal, and, is a violation of my civil rights.

YOU HAVE SEEN THE DAMAGES YOUR REFUSAL TO ACT CAUSED ME IN 2017, AND, NOW, YOU ARE WILFULLY REFUSING TO TAKE ACTION AGAINST THE ZONE OF DANGER NEFF/STRIbble ARE DELIBERATELY PLACING MY PERSON AND PROPERTY INTO. THAT IS OUTRAGEOUS, AND, YOUR WILFUL BLINDNESS IS UNACCEPTABLE.

Until such time, you are on notice that any attempt to stifle my rights as a landowner, and attempt to censor my constitutionally protected speech will be met with a lawsuit in Federal Court.

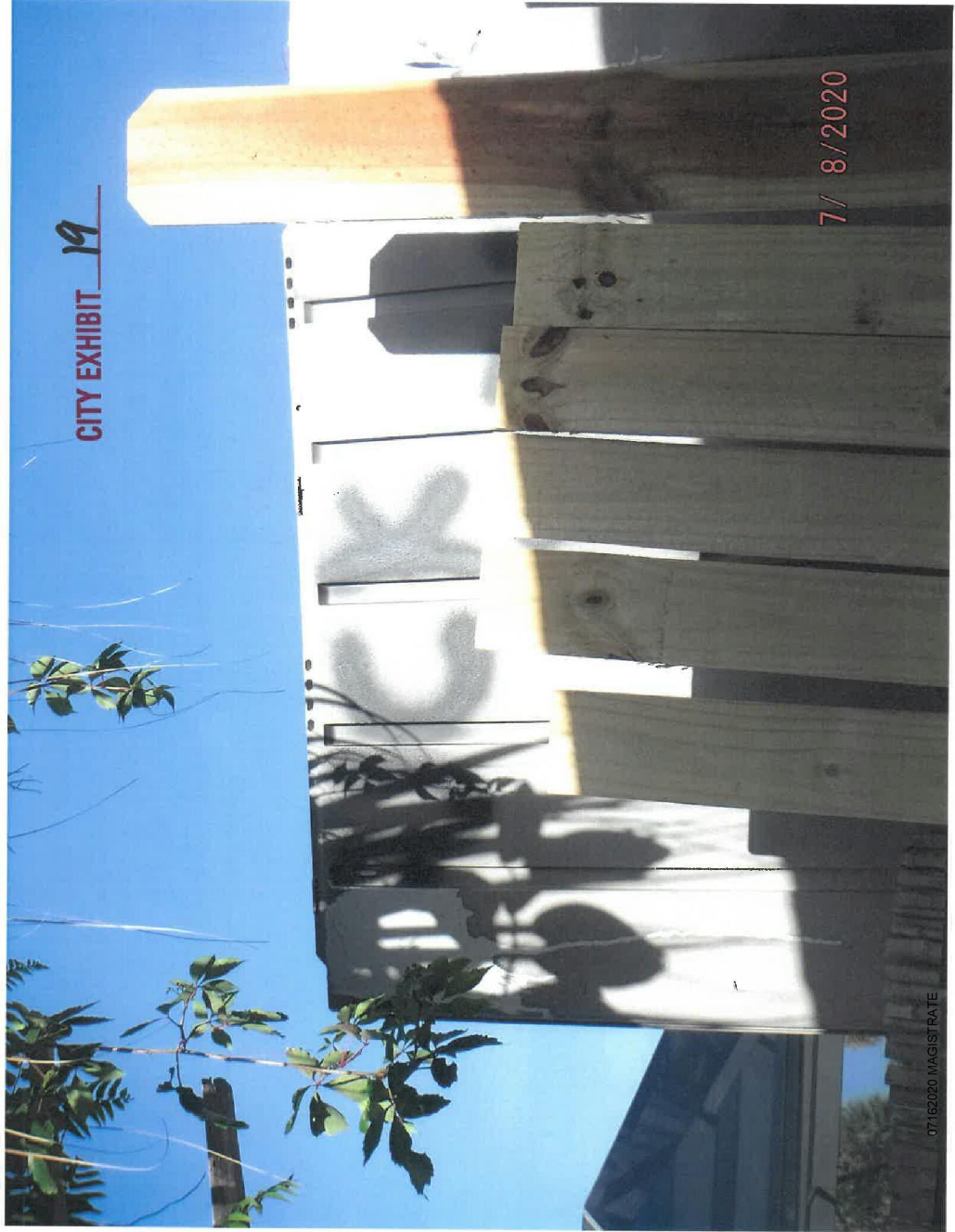
Lastly, the next time you tape something to my door, damaging my property, you will pay for repairs. STAY OFF OF MY PROPERTY.

Michael Rubin 6/24/20

Michael Rubin

908 SE Stypmann Blvd.
Stuart, Florida 34994

CITY EXHIBIT 18

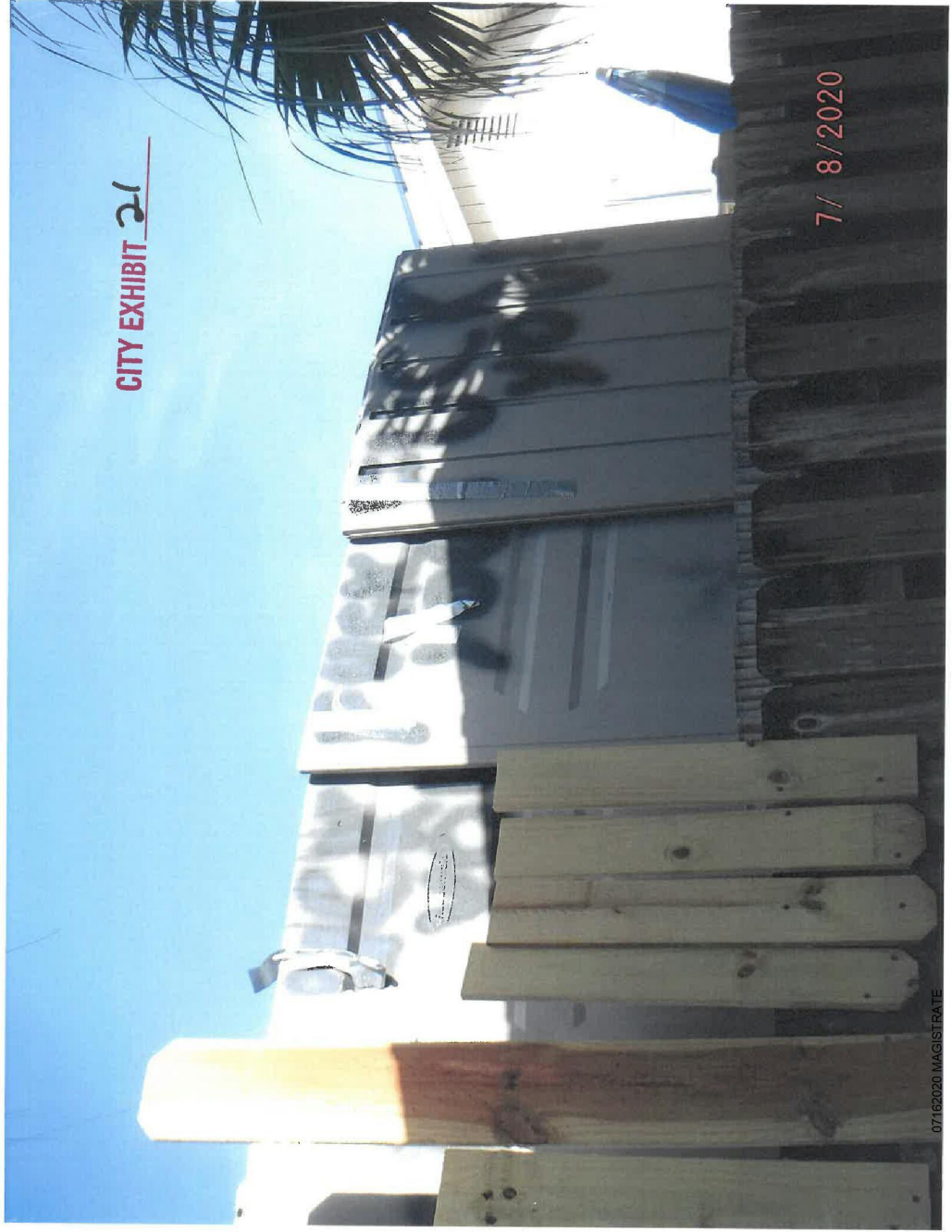


CITY EXHIBIT 19

7/ 8/2020

07/16/2020 MAGISTRATE





**CITY OF STUART, FLORIDA
AGENDA ITEM REQUEST
MAGISTRATE HEARING DOCKET**

Meeting Date: 7/16/2020

Narrative:

Magistrate Action:

Fine Amount:

Daily Fine of \$250.00

Administrative Costs:

300.00

ATTACHMENTS:

<i>Description</i>	<i>Upload Date</i>	<i>Type</i>
City of Stuart Vs LakeWorth Town Plaza LLC	7/15/2020	Exhibit

Martin County, Florida - Laurel Kelly, C.F.A

generated on 7/14/2020 2:41:09 PM EDT

Summary

Parcel ID	Account #	Unit Address	Market Total Value	Website Updated
38-38-41-002-026-00000-7	35130	2930 SE FEDERAL HWY 3160, STUART	\$16,010,810	7/11/2020

Owner Information	
Owner(Current)	LAKEWORTH TOWN PLAZA LLC
Owner/Mail Address	696 NE 125TH ST MIAMI FL 33161
Sale Date	7/18/2018
Document Book/Page	3005 1715
Document No.	2706472
Sale Price	22000000

Location/Description			
Account #	35130	Map Page No.	HG-7
Tax District	3100	Legal Description	SEWALLS POINT LAND CO TRS 26 TO 29 & 56 TO 59 & CLSD ST & PT OF WASHINGTON PK BLKS 2,4 & 6, ALL W OF US1, LESS OUTPARCELS A,B,C,D,E & LESS N 15' TO CITY & LESS WLY 15' OF TR 29 & 56 & LESS S 25' OF TRS 56 TO 59 MARTIN SQUARE
Parcel Address	2930 SE FEDERAL HWY 3160, STUART		
Acres	33.7043		

NOTE: Legal description as shown is not to be used on legal documents. The legal description is intended for general information only. The Property Appraiser assumes no responsibility for the consequences of inappropriate uses or interpretations of the legal description.

Parcel Type	
Use Code	1600 Community shopping center
Neighborhood	50400 Federal_Indian St

Assessment Information	
Market Land Value	\$4,698,110

CITY EXHIBIT

Detail by Entity Name

Florida Limited Liability Company
LAKEWORTH TOWN PLAZA, LLC

Filing Information

Document Number L13000069323
FEI/EIN Number 46-2755497
Date Filed 05/10/2013
Effective Date 05/10/2013
State FL
Status ACTIVE
Last Event LC AMENDMENT
Event Date Filed 06/15/2018
Event Effective Date NONE

Principal Address

696 NE 125TH STREET
NORTH MIAMI, FL 33161

Mailing Address

696 NE 125TH STREET
NORTH MIAMI, FL 33161

Registered Agent Name & Address

REYES, DAISY
696 NE 125TH STREET
NORTH MIAMI, FL 33161

Name Changed: 04/21/2014

Authorized Person(s) Detail

Name & Address

Title MGR

IZHAK, YORAM
696 NE 125TH STREET
NORTH MIAMI, FL 33161

Title MGR

SHASHUA, CARMEL
1111 LEE WAGNER BLVD #324
FT LAUDERDALE, FL 33315

Annual Reports

Report Year	Filed Date
2018	01/11/2018
2019	02/11/2019
2020	01/14/2020

CITY EXHIBIT 2

Document Images



DYNAFIRE

109-B Concord Drive
Casselberry, FL 32707
407.830.6500
DynaFire.com



Wireless
Alarm Monitoring

INSPECTION, TESTING AND MAINTENANCE OF PRIVATE SERVICE MAINS REPORT

Owner: Ramco-Gershenson, Inc WO#: 18036424 Hydrant #: 10

Owner's Address: Farmington Hills 48334 Owner's Phone Number: _____

Property Being Evaluated: Lake Worth Town Plaza LLC (Martin Square)

Property Address: 1705-1745, 3100, 3200-3300 SE, Federal + Stuart 34994 Time Of Inspection: Pm

Date of Work: 02/07/2020 All responses refer to the current work (inspection, testing and maintenance) performed on this date.

This work is (check one): ☐ Monthly ☐ Quarterly ☒ Annual ☐ Third Year ☐ Fifth Year

A. Inspection

1. Weekly Inspection Items

- a. Relief port on reduced pressure backflow prevention assemblies free of continuous discharge? ☐ Yes ☐ No ☒ N/A
- b. Sealed Control Valves & Valves on Backflow Assemblies:
1. In normal (open or closed) position? ☐ Yes ☐ No ☒ N/A
2. Accessible with seals in place? ☐ Yes ☐ No ☒ N/A
3. Free from external leaks? ☐ Yes ☐ No ☒ N/A
4. Provided with appropriate identification? ☐ Yes ☐ No ☒ N/A

2. Monthly Inspection Items

- a. Hose / hydrant houses accessible, free from physical damage and fully equipped?
1. In normal (open or closed) position? ☐ Yes ☐ No ☒ N/A
2. Lock or electric supervision in place? ☐ Yes ☐ No ☒ N/A
3. Accessible and free from external leaks? ☐ Yes ☐ No ☒ N/A
4. Provided with appropriate wrenches? ☐ Yes ☐ No ☒ N/A
5. Provided with appropriate identification? ☐ Yes ☐ No ☒ N/A

3. Semiannual Inspection Items

- a. Dry Barrel and Wall Hydrants:
1. Accessible and operating wrench available? ☒ Yes ☐ No ☐ N/A
2. Outlets lubricated? ☒ Yes ☐ No ☐ N/A
3. Free from ice or water in barrel? ☒ Yes ☐ No ☐ N/A
4. Free from leaks and cracks? ☒ Yes ☐ No ☐ N/A
5. Threads in good condition? ☒ Yes ☐ No ☐ N/A
6. Operating nut in good condition? ☒ Yes ☐ No ☐ N/A
- b. Monitor nozzles free of leaks, damage & corrosion? ☐ Yes ☐ No ☒ N/A

4. Annual Inspection Items

- a. Wet Barrel Hydrants:
1. Accessible and operating wrench available? ☐ Yes ☐ No ☒ N/A
2. Free from leaks at outlets and top of hydrants? ☐ Yes ☐ No ☒ N/A
3. Free from cracks in hydrant barrel? ☐ Yes ☐ No ☒ N/A
4. Outlets lubricated? ☐ Yes ☐ No ☒ N/A
5. Threads in good condition? ☐ Yes ☐ No ☒ N/A
6. Operating nut in good condition? ☐ Yes ☐ No ☒ N/A
- b. Mainline strainers free from plugging and corrosion? ☐ Yes ☐ No ☒ N/A
- c. Exposed piping is free from leaks, physical damage and corrosion? ☐ Yes ☐ No ☒ N/A
- d. Exposed piping is properly restrained? ☐ Yes ☐ No ☒ N/A

5. Fifth Year Inspection Item

Check valves internally inspected and all parts operate properly, move freely and are in good condition? ☐ Yes ☐ No ☐ N/A ☒ NIC

B. Testing

1. Quarterly Test

- a. Control valves (except OS&Y and gear-operated indicating butterfly valves) opened until spring or torsion is felt in rod, then closed back one-quarter turn? ☐ Yes ☐ No ☒ N/A

2. Semiannual Test

Monitor nozzles moved through full range? ☐ Yes ☐ No ☒ N/A

3. Annual Test

- a. Monitor nozzles flowed an acceptable amount of water? ☐ Yes ☐ No ☒ N/A
- b. Hydrants flowed until clear (at least 1 min)? ☐ Yes ☒ No ☐ N/A
- c. Dry barrel hydrants drain in at least 1 hour? ☐ Yes ☒ No ☐ N/A
- d. Dry barrel hydrants requiring pumping are identified? ☐ Yes ☐ No ☒ N/A
- e. All control valves operated through full range and returned to normal position? ☐ Yes ☐ No ☒ N/A
- f. Backflow devices passed backflow test? ☐ Yes ☐ No ☒ N/A ☐ NIC
- g. Backflow devices passed full flow test? ☐ Yes ☐ No ☒ N/A ☐ NIC

4. Fifth Year Test

Exposed and underground piping passed flow test at expected flows? ☐ Yes ☐ No ☒ N/A

C. Maintenance

1. Annual Maintenance

- a. Hose / hydrant houses and equipment in usable condition? ☐ Yes ☐ No ☒ N/A ☐ NIC
- b. Hydrant caps, stems, plugs, and threads lubricated? ☒ Yes ☐ No ☐ N/A
- c. Hydrants free of ice snow and damage? ☒ Yes ☐ No ☐ N/A
- d. Monitor nozzles are lubricated? ☒ Yes ☐ No ☐ N/A
- Comments: Any "No" answers, test failures or other problems found with the system must be explained here.

Hydrant to the right of old time pottery would not open

Hydrant in front of unit 3100 has pressure on cap and appears to have a broke stem

Yellow hydrant in front of little ceasers appears to have a broke stem and has pressure on caps

Inspector's Information

I certify that the information on this form is correct at the time and place of my inspection, and that all equipment tested at this time was left in operational condition upon completion of this inspection except as noted on Part III above.

Signature of Inspector: Richard Jarchion

Print Name: Richard Jarchion

License #: FPI 18-000133

Owner/Rep Signature: _____

Owner/Rep Print: _____

☒ RED ☐ GREEN ☐ (Owner/Rep not on site)

CITY EXHIBIT 3

FORM ID: SPRK04

07162020 MAGISTRATE

Page 28 of 45



**CITY OF STUART
CODE ENFORCEMENT**

830 SE MARTIN LUTHER KING, JR. BLVD
STUART, FL 34994-2139

NOTICE OF VIOLATION

May 26, 2020

**LAKEWORTH TOWN PLAZA LLC
696 NE 125TH ST
MIAMI, FL 33161**

Case #: CE20050028

You are hereby notified that the following violation(s) of the Code of Ordinances and/or the Land Development Regulations of the City of Stuart exists on the property listed:

**ADDRESS: 3030 SE FEDERAL HWY
PARCEL ID #: 3838410020260000070000**

OBSERVATION DATE: 05/22/20

CORRECTION DATE: 06/22/2020

**VIOLATION(S)
AND
CORRECTIVE
ACTIONS:**

22-2

The owner of a privately-owned fire hydrant is responsible for the inspection, flow testing, repair and maintenance of the fire hydrant to ensure that the hydrant is fully operational at all times.

Correction:22-2

Bring all fire hydrants on the property into compliance with Fire Code within 30 days.

NOTICE OF HEARING SUMMONS

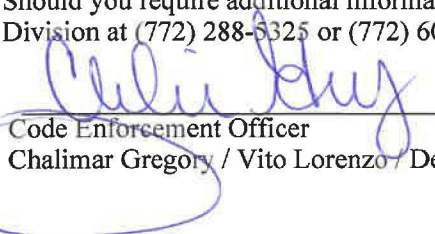
Failure to correct the violation(s) by the above date will result in a presentation of this matter at a hearing before the Code Enforcement Magistrate on **07/16/2020 at 10:00 AM** in the City of Stuart Commission Chambers located at 121 SW Flagler Avenue, Stuart, Florida. The violation charged is a civil infraction and subjects you to a maximum civil penalty of up to \$250 per offense, per day, for repeat violations.

The Code Enforcement Magistrate will receive testimony and evidence at said Hearing and make Findings of Fact, as supported by the testimony and evidence pertaining to matters alleged in the Notice of Violation. You are entitled to present evidence and witnesses at the Hearing.

FAILURE to appear will result in the Magistrate proceeding in your absence. All fines constitute liens against the Real and Personal Property of the Respondent. Please govern yourself accordingly

An administrative fee of \$300.00 will be assessed if you should fail to comply by the correction date above.

Should you require additional information regarding this notice, please contact the Code Enforcement Division at (772) 288-5325 or (772) 600-1254.


Code Enforcement Officer

Chalimar Gregory / Vito Lorenzo / Deborah Carrasco

7018 06800001 8397 7630

7017 1000 0000 3163 0470

Certified Mail #

CITY EXHIBIT 4

Chapter 22 - FIRE PREVENTION

Footnotes:

— (1) —

State Law reference— *Fire prevention and control, F.S. ch. 633; minimum fire safety standards, F.S. § 633.025; local fire chief authorized to enforce laws and rules of state fire marshal, F.S. § 633.121; explosives, F.S. ch. 552; sale of fireworks, F.S. ch. 791.*

ARTICLE I. - IN GENERAL

Sec. 22-1. - Volunteer firefighters authorized.

The fire chief may appoint such number of volunteer firefighters as he deems advisable. Such volunteers shall have the qualifications and perform the duties prescribed by the chief.

(Code 1981, § 8-1; Code 1995, § 42-1)

Sec. 22-2. - Flow testing of privately-owned fire hydrants.

- (a) As used in this section, a privately-owned fire hydrant is any fire hydrant not owned by the city that is connected to the city water system. A privately-owned fire hydrant connected to the city water system may be located outside the municipal boundary of the city.
- (b) The owner of a privately-owned fire hydrant is responsible for the inspection, flow testing, repair and maintenance of the fire hydrant to ensure that the hydrant is fully operational at all times. A flow test of a privately-owned fire hydrant shall be completed not less than once every 12 months by a person knowledgeable in the operation of fire hydrants who is competent in the opinion of the chief of the fire-rescue department to certify that the fire hydrant is in good working order. The results of a fire hydrant flow test shall be provided to the city fire-rescue department within ten days of the test.
- (c) The chief of the fire-rescue department may, if he believes that a particular hydrant may not be functioning properly, order that such hydrant be flow tested. Such test shall be completed by the owner and the results filed with the city fire-rescue department within 30 days of the notice to test the hydrant.

(Code 1995, § 42-2; Ord. No. 1973, §1, 4-26-2004)

CITY EXHIBIT 5

7018 0680 0001 8397 7630

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	\$

Postmark
Here

5/24/20

Postage	
\$	
Total Postage and Fees	
\$	

Sent To	
Lakewood Town Plaza LLC	
Street and Apt. No., or P.O. Box No.	
6916 NE 125th Street	
City, State, ZIP+4®	
Miami, FL 33161	

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

7017 1000 0000 3163 0470

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	\$

Postmark
Here

5/24/20

Postage	
\$	
Total Postage and Fees	
\$	

Sent To	
Daisy Reyes - RA	
Street and Apt. No., or P.O. Box No.	
6916 NE 125th Street	
City, State, ZIP+4®	
N. Miami, FL 33161	

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

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:	
Lakewood Town Plaza LLC	
6916 NE 125th St.	
Miami, FL 33161	
NMN 6916 NE 125th St	
9590 9402 2298 6225 2390 15	
2. Article Number (Transfer from service label)	
7018 0680 0001 8397 7630	
PS Form 3811, July 2015 PSN 7530-02-000-6053 Domestic Return Receipt	

COMPLETE THIS SECTION	
A. Signature	
X	
B. Received by (Printed Name)	C. Date of Delivery
D. Is delivery address different from item 1? ☐ Yes ☐ No	
If YES, enter delivery address below:	
3. Service Type	
☐ Adult Signature	☐ Priority Mail Express®
☐ Adult Signature Restricted Delivery	☐ Registered Mail™
☐ Certified Mail®	☐ Registered Mail Restricted Delivery
☐ Certified Mail Restricted Delivery	☐ Return Receipt for Hardcopy
☐ Collect on Delivery	☐ Signature Confirmation™
☐ Collect on Delivery Restricted Delivery	☐ Signature Confirmation Restricted Delivery
☐ Restricted Delivery	

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:	
Daisy Reyes - RA	
Lakewood Town Plaza LLC	
6916 NE 125th St.	
Miami, FL 33161	
NMN 6916 NE 125th St	
9590 9402 2298 6225 2390 22	
2. Article Number (Transfer from service label)	
7017 1000 0000 3163 0470	
PS Form 3811, July 2015 PSN 7530-02-000-6053 Domestic Return Receipt	

COMPLETE THIS SECTION	
A. Signature	
X	
B. Received by (Printed Name)	C. Date of Delivery
D. Is delivery address different from item 1? ☐ Yes ☐ No	
If YES, enter delivery address below:	
3. Service Type	
☐ Adult Signature	☐ Priority Mail Express®
☐ Adult Signature Restricted Delivery	☐ Registered Mail™
☐ Certified Mail®	☐ Registered Mail Restricted Delivery
☐ Certified Mail Restricted Delivery	☐ Return Receipt for Hardcopy
☐ Collect on Delivery	☐ Signature Confirmation™
☐ Collect on Delivery Restricted Delivery	☐ Signature Confirmation Restricted Delivery
☐ Restricted Delivery	

CITY EXHIBIT 6

ALERT: DUE TO LIMITED TRANSPORTATION AVAILABILITY AS A RESULT OF NATIO...

USPS Tracking®

[FAQs >](#)

Track Another Package +

Tracking Number: 70180680000183977630

Remove X

Your item was delivered to an individual at the address at 2:03 pm on May 28, 2020 in MIAMI, FL 33161.

 **Delivered**

May 28, 2020 at 2:03 pm
Delivered, Left with Individual
MIAMI, FL 33161

Feedback

Tracking History



Product Information



See Less ^

CITY EXHIBIT 7

Can't find what you're looking for?

Go to our FAQs section to find answers to your tracking questions.

ALERT: DUE TO LIMITED TRANSPORTATION AVAILABILITY AS A RESULT OF NATIO...

USPS Tracking®[FAQs >](#)**Track Another Package +****Tracking Number:** 70171000000031630470

Remove X

Your item was delivered to an individual at the address at 2:03 pm on May 28, 2020 in MIAMI, FL 33161.

 **Delivered**

May 28, 2020 at 2:03 pm
Delivered, Left with Individual
MIAMI, FL 33161

Feedback

Tracking History

Product Information

See Less ^**CITY EXHIBIT** 8**Can't find what you're looking for?**

Go to our FAQs section to find answers to your tracking questions.

**CITY OF STUART, FLORIDA
AGENDA ITEM REQUEST
MAGISTRATE HEARING DOCKET**

Meeting Date: 7/16/2020

Narrative:

Drainage and Rain Gutters

Magistrate Action:

Fine Amount:

\$100.00

Administrative Costs:

\$300.00

**CITY OF STUART, FLORIDA
AGENDA ITEM REQUEST
MAGISTRATE HEARING DOCKET**

Meeting Date: 7/16/2020

Narrative:

Magistrate Action:

Fine Amount:

\$100.00 per day per violation

Administrative Costs:

\$300.00

ATTACHMENTS:

<i>Description</i>	<i>Upload Date</i>	<i>Type</i>
City of Stuart v. L'Apri Midi Homes, LLC and Kevin Arbour - Consent Order	7/15/2020	Attachment

THE CITY OF STUART, FLORIDA

CODE ENFORCEMENT MAGISTRATE CASE NO.: CE13100006

CITY OF STUART,

Petitioner,

Vs.

L'APRI MIDI HOMES LLC,
a Florida Limited Liability Company and
Kevin Arbour, personally and as tenant,

Respondents.

_____ /

**CODE ENFORCEMENT
CONSENT AGREEMENT AND ORDER**

The City of Stuart, Florida (The City) and the Respondents, L'APRI MIDI HOMES LLC and Kevin Arbour, consent and agree to the following:

1. The City is a municipal corporation authorized by the laws of State of Florida to enforce its ordinances within its jurisdiction. A principal office at 121 S.W. Flagler Avenue, Stuart, Martin County, Florida.
2. The Respondent, L'APRI MIDI HOMES LLC is are a Florida Limited Liability Company and owns the property located at 420 SW California Avenue, Stuart, Florida.
3. The Respondent Kevin Arbour resides at 420 SW California Avenue, Stuart, Florida.
4. The Respondents were cited for accumulation of trash and solid waste.

5. In an attempt to avoid further code enforcement proceedings and to resolve the matter in its entirety, Respondents and the City of Stuart have entered an agreement regarding the site. The parties hereby stipulate and agree to the following terms.
6. An inspection has occurred and the condition of the property which led to the citation has been resolved.
7. The parties agree that the property shall be maintained free from code violation and the Respondents are aware that the authorization for a home business prohibits any employees other than direct relatives.
8. Respondent agrees to comply with all city laws and ordinances. Specifically, the tenant and landlord agree that they have entered a residential lease and therefore is limited to residential use.
9. If the Respondent fails to comply with any of the criteria set forth above, the City shall have the option to enter a civil penalty for \$250.00 per day for each violation which shall be assessed for each day the violations continues to remain unresolved with the City.
10. In accordance with §162.09, F.S. a separate hearing is not necessary for an issuance of an order and imposing a fine. Additional costs may be assessed at a later prosecution of this case, if the Respondents fail to comply with this Consent Agreement and Order.
11. The accrual of fines and/or costs may result in a lien being placed on any real or personal property owned by each individual Respondent for the full amount owed to the City.

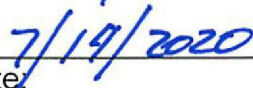
12. In the event that a new citation is issued, the Respondent bears the burden of contacting the City's Code Enforcement Division at to arrange for a re-inspection of the property in order to verify that the Respondents have complied with the outline as set forth above correctly, and that the property has been brought into compliance.

13. Nothing herein relieves the Respondents' of the requirement to comply with all applicable Federal, State or local laws, rules or ordinances, including the conditions and deadlines established herein.

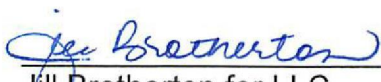
14. The persons signing this Consent Agreement have the authority to enter into the agreement and bind respective parties to the terms contained therein. This Consent Agreement is being entered in knowingly and voluntarily and with the intent of being bound thereby.

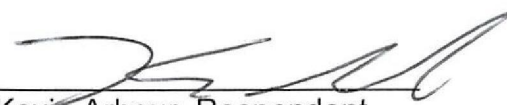
City of Stuart Florida Code Division by


Michael J. Mortell, City Attorney


Date

Respondents:


Jill Brotherton for LLC


Kevin Arbour, Respondent

CONSENT ORDER

This Matter came before the Magistrate on _____, 2020 upon the above Consent Agreement and are being fully advised in the premises;

IT IS HEREBY ORDERED that the above Consent Agreement is approved and the parties shall abide thereby, and

1/15/2020
1/15/2020

IT IS HEREBY FURTHER ORDERED that the Respondents shall fully comply with the terms above or shall be liable for the additional fines established in the Consent Agreement and that such fines, and additional costs in this case shall be assessed and paid to the City as provided above.

DONE AND ORDERED this _____ day of _____, 2020.

Paul Nicoletti, Magistrate

**CITY OF STUART, FLORIDA
AGENDA ITEM REQUEST
MAGISTRATE HEARING DOCKET**

Meeting Date: 7/16/2020

Narrative:

10-168: UNLAWFUL MARINE CONSTRUCTION

105.1: CONSTRUCT, ENLARGE, ALTER, REPAIR, MOVE, DEMOLISH OR INSTALL WITHOUT A PERMIT.

Correction:10-168

REMOVE STRUCTURE AND OBTAIN ALL REQUIRED PERMITS

105.1

OBTAIN REQUIRED PERMIT.IT IS THE RESPONSIBILITY OF THE VIOLATOR TO CONTACT THE CITY OF STUART CODE ENFORCEMENT OFFICE WHEN THE VIOLATION HAS BEEN CORRECTED.

Magistrate Action:

Fine Amount:

All fines and penalties set forth in the Stipulation are waived.

Administrative Costs:

N/A

ATTACHMENTS:

<i>Description</i>	<i>Upload Date</i>	<i>Type</i>
Amended Stipulation and Agreed Order	7/8/2020	Attachment

**CITY OF STEWART
CODE ENFORCEMENT DIVISION**

CITY OF STUART

v.

CASE NO. CE 16 050080

HAWKEN, THOMAS E.

AMENDED STIPULATION AND AGREED ORDER

THIS AMENDED STIPULATION AND AGREED ORDER entered into by and between the CITY OF STUART, a municipal corporation located as 121 SW Flagler Avenue, Stuart, Florida 33494 (hereinafter referred to as "CITY") and ROLANDO RODRIGUEZ and PAMELA A. RODRIGUEZ (hereinafter referred to as "RODRIGUEZ"), relating to the property located at 1401 Riverside Drive, Stuart, Florida (hereinafter referred to as "1401 Riverside").

WHEREAS, the CITY issued a notice of violation (hereinafter referred to as the "Violation") to the previous owner of 1401 Riverside, THOMAS E. HAWKEN (hereinafter referred to as "HAWKEN").

WHEREAS, the CITY and HAWKEN entered into a consent order regarding the Violation which was recorded in Official Records Book 2865, Page 279, Public Records of Martin County, Florida which has been partially completed by HAWKEN (hereinafter referred to as the "Stipulation").

WHEREAS, RODRIGUEZ is purchasing 1401 Riverside and the CITY and RODRIGUEZ are desirous of amended the Stipulation in according with the terms and conditions set forth herein.

NOW, THEREFORE, the CITY and RODRIGUEZ agree, as follows:

1. The removal of the Eastern Lift (described in Paragraph 3 of the Stipulation) has been completed.
2. The City of Stuart is willing to dismiss the consent order based upon the representation by Hawken that the Eastern Lift was removed. By dismissing the Consent Order, the City doesn't warrant any items described in the original consent order.
3. In the event that RODRIGUEZ desires to pursue the installation of a second western lift, RODRIGUEZ must obtain from the CITY, a waiver or exception to the riparian rights for the area depicted with hash marks in Exhibit "A" thus allowing 1401 Riverside to have two boat lifts on the Western side of the dock, not to exceed 15 feet into the riparian rights of the CITY. RODRIGUEZ must comply with the City Code to seek this exception which includes obtaining a riparian survey and setting the waiver for a public hearing.
4. All fines and penalties set forth in the Stipulation are waived.

WHEREFORE, the Parties have signed this Amended Stipulation on the dates below.

RODRIGUEZ

CITY OF STUART, FLORIDA


ROLANDO RODRIGUEZ

By: 
Printed: Michael J. Mortell
City Attorney


PAMELA A. RODRIGUEZ

CONSENT ORDER

This Matter came before the Magistrate on _____, 2020 upon the above Amended Stipulation and Agreed Order and being fully advised in the premises;

DONE AND ORDERED this ____ day of _____, 2020

_____, Magistrate

