



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

**February 7, 2019 AT 10:00 AM
Commission Chambers - MAGISTRATE HEARING**

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.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

VIOLATION HEARINGS

1. **City of Stuart Vs** V. Lorenzo
Harvey Plaza Inc
CE18120034
10-36
Work Without A Permit

2. **Fine Certification-** Chalimar Gregory
Philip W. Harvey
CE18030003
Fine Adjudication
A consent order has been previously entered and violated. The hearing is to determine the total outstanding fine.

3. **City of Stuart Vs** M. Isham- 166
Blue Door Coffe
Bar, Kathryn A.
Heathcock
S02867
20-151
Noise Violation

ADJOURNMENT

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

Meeting Date: 2/7/2019

Narrative:

Work Without A Permit

Magistrate Action:

Fine Amount:

\$100.00 a day

Administrative Costs:

\$300.00 in court costs

ATTACHMENTS:

<i>Description</i>	<i>Upload Date</i>	<i>Type</i>
City of Stuart Vs Harvey Plaza inc	2/1/2019	Attachment

Martin County, Florida - Laurel Kelly, C.F.A*generated on 1/18/2019 8:46:40 AM EST***Summary**

Parcel ID	Account #	Unit Address	Market Total Value	Website Updated
04-38-41-012-001-00010-8	21516	502 SE MARTIN LUTHER KING JR BLVD, STUART	\$149,580	1/12/2019

Owner Information

Owner(Current)	HARVEY PLAZA INC
Owner/Mail Address	506 SE MARTIN LUTHER KING JR BLVD STUART FL 34994
Sale Date	1/8/2007
Document Book/Page	2212 2783
Document No.	1984756
Sale Price	0

Location/Description

Account #	21516	Map Page No.	O-4B
Tax District	3100	Legal Description	LINCOLN PARK LOT 1 BLK 1 & W1/2 OF CLSD ALLEY ADJ TO E LINE
Parcel Address	502 SE MARTIN LUTHER KING JR BLVD, STUART		
Acres	.1258		

Parcel Type

Use Code	1600 Community shopping center
Neighborhood	30200 Downtown Stuart N of E Ocean

Assessment Information

Market Land Value	\$39,460
Market Improvement Value	\$110,120
Market Total Value	\$149,580

CITY EXHIBIT 1

Florida Department of State

DIVISION OF CORPORATIONS

[Department of State](#) / [Division of Corporations](#) / [Search Records](#) / [Detail By Document Number](#) /**Detail by Entity Name**

Florida Profit Corporation

HARVEY PLAZA, INC.

Filing Information

Document Number P01000092764
FEI/EIN Number 59-3760749
Date Filed 09/21/2001
State FL
Status ACTIVE
Last Event CANCEL ADM DISS/REV
Event Date Filed 10/11/2009
Event Effective Date NONE

Principal Address

508 MARTIN LUTHER KING, JR. BLVD.
STUART, FL 34994

Changed: 04/30/2014

Mailing Address

508 MARTIN LUTHER KING, JR. BLVD.
STUART, FL 34994

Changed: 04/30/2014

Registered Agent Name & Address

HARVEY, PHILIP W
508 MARTIN LUTHER KING, JR. BLVD.
STUART, FL 34994

Address Changed: 04/30/2014

Officer/Director Detail**Name & Address**

Title PSTD

HARVEY, PHILIP W
508 MARTIN LUTHER KING, JR. BLVD.
STUART, FL 34994

Title D

CITY EXHIBIT 2

02072019 MAGISTRATE



**Stuart Police Department
Code Enforcement Division**

Date: 12-18-18

Address: 502 Martin Luther King Jr Blvd

A FRIENDLY REMINDER

YOU ARE IN VIOLATION OF THE CITY ORDINANCE(S) LISTED BELOW:

The Code Enforcement Division asks for your immediate cooperation in complying with your violation(s).
**FAILURE TO COMPLY WITHIN 10 DAYS COULD RESULT IN FINES AND A SUMMONS TO
APPEAR IN FRONT OF THE MAGISTRATE.**

 Duty to keep property mowed and maintained

 NO PARKING OR STORING of motor vehicles, vessels, travel trailers, motorhomes, light utility trailers, or recreational vehicles in rear yard on any premises. **No parking or storing** in front or side yard *unless*, on an approved paved surface. No vehicle shall be in a state of major disassembly or disrepair.

 Breeding conditions prohibited. Swimming pools must be maintained and chlorinated.

 Duty to keep land free from the accumulation thereon of dead and dying trees and limbs and any other flora; rubbish, trash and other refuse including but not limited to; discarded appliances, furniture, tools, machinery, equipment, metal goods or other solid waste.

 Other

stop work
order

When complied please call:

Code Enforcement Officer

(772) 600-1254 or 287-1122 x 3932

V. Lorenzo 237

CITY EXHIBIT 3

Stuart CODE AND ORDINANCE VIOLATION NOTICE



CITATION NO. **S03377**

NO. E18120034

TO THE OWNER, LESSEE, TENANT, OCCUPANT OR PERSON IN CHARGE OF THE PROPERTY/VEHICLE DESCRIBED BELOW:

NAME: Mr. Asplait

PREMISE ADDRESS: 502 Martin Luther King Blvd

VEHICLE MAKE _____ MODEL _____ LICENSE _____ STATE _____

PLEASE TAKE NOTICE THAT ON (Date): 12-18-18 (Time) 12:46
YOU WERE FOUND IN VIOLATION OF:

ORDINANCE(S) # <u>8.06.01</u> # _____	
SPECIFICALLY THE VIOLATION CONSISTS OF:	
☐ ILLEGALLY PARKED OR INOPERABLE VEHICLE(S) ON	
☐ PROPERTY	☐ STREET
	FINE \$ _____
☐ UNPERMITTED EVENT	FINE \$ _____
☐ TRASH	FINE \$ _____
☐ HIGH GRASS OR WEEDS	FINE \$ _____
☐ LITTERING	☐ LITTERING BY HANDBILLS
	FINE \$ _____
☐ NOISE	FINE \$ _____
☒ WORK WITHOUT A PERMIT	FINE \$ <u>500.00</u>
☐ OTHER	FINE \$ _____
ADDITIONAL DESCRIPTION OF VIOLATION: _____	

THE ABOVE LISTED CHARGE(S) MUST BE PAID WITHIN 10 DAYS TO AVOID ANY FURTHER ACTION. TO PAY THE INDICATED FINE(S) MAIL OR RETURN IN PERSON YOUR SIGNED COPY OF THE VIOLATION ALONG WITH A CHECK TO:

STUART POLICE DEPARTMENT
830 Martin Luther King Blvd. Stuart,
FL 34994, 8:00 AM until 4:30 PM, Monday through Friday,
except holidays, or by phone at 772-220-3944

IN LIEU OF PAYING THE FINE YOU MAY CONTEST THE CITATION AND REQUEST TO APPEAR BEFORE THE MAGISTRATE. IF YOU WISH TO CONTEST THE CITATION, YOU MUST DO SO BY CALLING THE CODE CLERK AT 772-600-1254 WITHIN TEN (10) DAYS OF THE ISSUANCE OF THIS CITATION. IF YOU FAIL TO CONTEST THE CITATION WITHIN 10 DAYS, OR FAIL TO APPEAR AT THE HEARING TO CONTEST THE CITATION, OR IF YOU FAIL TO PAY THE FINE, YOU SHALL BE DEEMED TO HAVE WAIVED YOUR RIGHT TO CONTEST THE CITATION AND A MAGISTRATE'S ORDER MAY BE ENTERED AGAINST YOU FOR AN AMOUNT UP TO THE MAXIMUM CIVIL PENALTY ESTABLISHED BY ORDINANCE, PLUS COSTS.

ISSUING OFFICER: V. Lorenzo ID# 237

SIGNATURE OF VIOLATOR: [Signature] DATE 12-18-18

CITY EXHIBIT 4







12/18/2018

CITY EXHIBIT 7



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

NOTICE OF VIOLATION

Dec 28, 2018

**HARVEY PLAZA INC
506 SE MARTIN LUTHER KING JR BLVD
STUART, FL 34994**

Case #: CE18120034

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: **502 SE MARTIN LUTHER KING JR BLVD** OBSERVATION DATE: **12/18/18**
PARCEL ID #: **0438410120010001080000** CORRECTION DATE: **01/08/2019**
VIOLATION(S) **10-36**
AND **Work without a Permit**
CORRECTIVE **Correction: 10-36**
ACTIONS: **Obtain and Complete all Requirements of Permit**

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 **02/07/2019 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.

Vito Lorenzo

Code Enforcement Officer

Chalimar Gregory / Vito Lorenzo / Deborah Carrasco / Breana Jines

70180680000183975056
70180680000183975063

Certified Mail #

7016 0660 0001 8397 5063

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
12/28/18

Sent To Harvey Plaza, Inc.
Street and Apt. No., or PO Box No.
506 SE Martin Luther King Jr. Blvd.
City, State, ZIP+4
Stuart, FL 34994
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

NOV

7016 0660 0001 8397 5056

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
12/28/18

Sent To Philip W Harvey
Street and Apt. No., or PO Box No.
508 Martin Luther King Jr. Blvd.
City, State, ZIP+4
Stuart, FL 34994
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

CITY EXHIBIT 9



STUART POLICE DEPARTMENT

Joseph Tumminelli, Chief of Police

Serving with Pride
Protecting with Dignity

CODE ENFORCEMENT DIVISION
830 SE Martin L. King Blvd. Stuart, FL 34994
Telephone: 772 - 600 - 1254 Fax: 772 - 600 - 1211



RECEIPT OF HAND DELIVERY

DATE: 1/17/19

Property Owner

TO: Harvey Plaza Inc

ATTENTION: Philip W Harvey

Location of property in violation: 507 SE Martin Luther King JR Blvd

Date and Time of Service: 1/17/19 1:36pm

Recipient: Refused

Signature of Owner/ Recipient

Vito Longo
Signature of Officer Serving Notice

CITY EXHIBIT 10



1/31/2019

CITY EXHIBIT 11

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

Meeting Date: 2/7/2019

Narrative:

A consent order has been previously entered and violated. The hearing is to determine the total outstanding fine.

Magistrate Action:

ATTACHMENTS:

<i>Description</i>	<i>Upload Date</i>	<i>Type</i>
City Exhibit(s)Fine Certification	2/4/2019	Cover Memo

PCN: 04-38-41-012-001-00010-8

**CODE ENFORCEMENT MAGISTRATE
FOR THE CITY OF STUART, FLORIDA**

CITY OF STUART, FLORIDA,
a municipal corporation,

Case No. CE18030003
MAGISTRATE NICOLETTI

Petitioner,
v.

HARVEY PLAZA INC.
PHILIP W. HARVEY, R.A.
506 SE Martin Luther King, Jr. Blvd.
Stuart, Florida 34991

Respondent.

ORDER OF FINE CERTIFICATION AND AUTHORITY TO FORECLOSE LIEN

THIS CAUSE came before the Magistrate upon hearing for certification of a fine, upon proper notice given by the City of Stuart, Florida to the Respondent for continuing violation of Section 10-61, Section 10-61 (i) and Section 10-63 (a) (b) of the City of Stuart's Code of Ordinances, served upon the Respondent as fee simple title owner of the Subject Property ("Property Owner") on or about January 22, 2019. The Magistrate, having taken testimony and received documentary evidence makes the following findings of fact and conclusions of law.

FINDINGS OF FACT

1. The Magistrate has jurisdiction over the subject matter and the parties.
2. The Respondent is the fee simple owner of that certain tract of real property situates, lying, and being in Martin County, Florida, to wit:

LOT 1, BLOCK 1, less the Westerly 7 feet thereof, of Lincoln Park according to the Plat of Hillcrest and Lincoln Park, filed October 8, 1913, and recorded in Plat Book 5, Page 14, Palm Beach (now Martin) County, Florida, public records.

TOGETHER WITH 10' alley adjacent on the East side.

CODE ENFORCEMENT MAGISTRATE FOR THE CITY OF STUART, FLORIDA

Case No. CE18030003

HARVEY PLAZA, INC. / PHILIP W. HARVEY, Respondent

ORDER OF FINE CERTIFICATION AND AUTHORITY TO FORECLOSE LIEN

3. The City Code Enforcement Officer gave sworn testimony on February 7, 2019, that from March 1, 2018 and continuing to January 17, 2019, the Subject Property has been in continuous violation as cited in the Notice of Violation, and Stipulation and Agreed Order issued in this case for a total of 239 days at \$100.00 per day, per violation (\$71,700), and continuing on a daily basis until brought into compliance. Said testimony was unrefuted. The Respondent was not represented at the hearing.

4. The Petitioner moved **Exhibits 1 through 3** into evidence, and without objection it was so ordered.

CONCLUSIONS OF LAW

5. The Findings of Fact support, by a preponderance of the evidence that Respondent has continually violated Section(s) 10-61, 10-61 (i) and 10-63 (a) (b) of the City of Stuart's Code of Ordinances for at least 239 days, by failing to maintain the Subject Property.

ORDER

Based upon the Findings of Fact and Conclusions of Law, the Magistrate hereby finds that a violation of Section(s) 10-61, 10-61 (i) 10-63 (a) (b), City of Stuart's Code of Ordinances has continually existed on the property for 239 days, and pursuant to City Code, and Section 162.09(3), Florida Statutes, **IT IS ORDERED:**

A) Respondent's failure to comply with the requirements of the Final Order of Violation in this case dated May 9, 2019, has resulted in the **continuing levy of a fine in the amount of \$100.00 per day**, for each day Respondent remains in violation. Respondent is therefore ordered to **pay an Administrative Fine in the amount of \$71,700.00 (239 days x \$100.00 per day, per violation), as of February 7, 2019, which shall constitute a lien on the Subject Property.**

B) The City Attorney is hereby authorized to file a legal action in a court of competent jurisdiction to foreclose on the lien on the Subject Property, and to seek all accruing interest and costs, or to recover a money judgment, for the failure of the Respondent to cure the violation.

CODE ENFORCEMENT MAGISTRATE FOR THE CITY OF STUART, FLORIDA

Case No. CE18030003

HARVEY PLAZA, INC. / PHILIP W. HARVEY, Respondent

ORDER OF FINE CERTIFICATION AND AUTHORITY TO FORECLOSE LIEN

DONE AND ORDERED at City of Stuart City Hall, Stuart, Florida, on February 7, 2019.

PAUL J. NICOLETTI
Magistrate

A copy of this **Order of Fine Certification and Authority to Foreclose Lien** was emailed by the Magistrate to the City Clerk or her designee for recording in the Public Records of Martin County, Florida, and for distribution to the parties, on February 8, 2019.

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

Meeting Date: 2/7/2019

Narrative:

Noise Violation

Magistrate Action:

Fine Amount:

\$50.00

Administrative Costs:

\$300.00

ATTACHMENTS:

<i>Description</i>	<i>Upload Date</i>	<i>Type</i>
City Exhibts1-7	2/4/2019	Cover Memo



CODE AND ORDINANCE VIOLATION NOTICE



CITATION NO. **S02867**

NO: _____

TO THE OWNER, LESSEE, TENANT, OCCUPANT OR PERSON IN CHARGE OF THE PROPERTY/VEHICLE DESCRIBED BELOW:

NAME: Blue Door Coffee Bar

PREMISE ADDRESS: 38 SE Osceola St

VEHICLE MAKE _____ MODEL _____ LICENSE _____ STATE _____

PLEASE TAKE NOTICE THAT ON (Date): 11/24/18 (Time) 1:30 AM
YOU WERE FOUND IN VIOLATION OF:

ORDINANCE(S)# _____ # _____ # _____	
SPECIFICALLY THE VIOLATION CONSISTS OF:	
☐ ILLEGALLY PARKED OR INOPERABLE VEHICLE(S) ON	
☐ PROPERTY ☐ STREET	FINE \$ _____
☐ UNPERMITTED EVENT	FINE \$ _____
☐ TRASH	FINE \$ _____
☐ HIGH GRASS OR WEEDS	FINE \$ _____
☐ LITTERING ☐ LITTERING BY HANDBILLS	FINE \$ _____
☒ NOISE	FINE \$ <u>50</u>
☐ WORK WITHOUT A PERMIT	FINE \$ _____
☐ OTHER _____	FINE \$ _____
Decision Read/og - 77	
ADDITIONAL DESCRIPTION OF VIOLATION: <u>Multiple Noise Complaints</u>	
<u>& verbal warning - Case# 18-15457</u>	

THE ABOVE LISTED CHARGE(S) MUST BE PAID WITHIN 10 DAYS TO AVOID ANY FURTHER ACTION. TO PAY THE INDICATED FINE(S) MAIL OR RETURN IN PERSON YOUR SIGNED COPY OF THE VIOLATION ALONG WITH A CHECK TO:

STUART POLICE DEPARTMENT
830 Martin Luther King Blvd. Stuart,
FL 34994, 8:00 AM until 4:30 PM, Monday through Friday,
except holidays, or by phone at 772-220-3944

IN LIEU OF PAYING THE FINE YOU MAY CONTEST THE CITATION AND REQUEST TO APPEAR BEFORE THE MAGISTRATE. IF YOU WISH TO CONTEST THE CITATION, YOU MUST DO SO BY CALLING THE CODE CLERK AT 772-600-1254 WITHIN TEN (10) DAYS OF THE ISSUANCE OF THIS CITATION. IF YOU FAIL TO CONTEST THE CITATION WITHIN 10 DAYS, OR FAIL TO APPEAR AT THE HEARING TO CONTEST THE CITATION, OR IF YOU FAIL TO PAY THE FINE, YOU SHALL BE DEEMED TO HAVE WAIVED YOUR RIGHT TO CONTEST THE CITATION AND A MAGISTRATE'S ORDER MAY BE ENTERED AGAINST YOU FOR AN AMOUNT UP TO THE MAXIMUM CIVIL PENALTY ESTABLISHED BY ORDINANCE, PLUS COSTS.

ISSUING OFFICER: M. Isham ID# 166

SIGNATURE OF VIOLATOR: _____ DATE _____

CITY EXHIBIT 1

Sec. 20-151. - Sound regulation.

- (a) *Vehicles:* For all noise emanating from vehicles, including motor vehicles, the maximum permissible sound level, and all other vehicular noise regulation, shall be that prescribed in Sec. 316.293 and Sec. 403.415, Florida Statutes, as amended from time to time.
- (b) *All other sources of noise:* For all noise, except vehicle noise, the maximum permissible sound levels, at the property line from which the sound originates, shall be 80 decibels from 8:00 a.m. until 10:00 p.m., and 60 decibels from 10:00 p.m. until 8:00 a.m. at all times throughout the city.
- (c) *Use of self-calibrating sound level meter authorized:* Measurement of any sound level shall be made using a sound level meter. No court or magistrate shall require any particular user certification in the prosecution of offenses where it can be demonstrated the officer or witness using the sound level meter possesses the general knowledge and ability to accurately use the sound level meter, and the sound meter is self-calibrating, and was self-calibrated prior to its use. If the ambient sound level is less than 3 dBA higher than the background sound level, the source level cannot be derived and violation of the chapter cannot be substantiated.
- (d) *Location of measurement:* Measurement of any sound with a sound level meter shall be as follows:
 - (1) Non-vehicular noise originating from private property shall be measured at the property line of the property where the noise originates.
 - (2) Non-vehicular noise originating from a public right-of-way or public property shall be measured at a distance of 50 feet from the source of the noise.
- (e) *Exemptions:* Based upon public emergency, necessity or convenience, reasonable public custom, lack of jurisdiction, or municipal proprietary function, the following uses are exempted from the requirements of subsections (a) and (b):
 - (1) Law enforcement, fire suppression, rescue, and ambulance emergency operations.
 - (2) Holiday fireworks approved, sanctioned or sponsored by a governmental agency.
 - (3) Warning devices at railroads, airports, roadway intersections, and upon hazardous use structures; and the use of horns to warn of a dangerous condition.
 - (4) Burglar alarms and fire alarms.
 - (5) Aircraft and drones in lawful ground or aerial operations.
 - (6) Boats and other watercraft in lawful operations.
 - (7) Chimes or bells used in permitted clock towers, schools, or places of worship or assembly.
 - (8) Amplified sound associated with special events permitted by the city, including but not limited to: cultural and sporting events; artistic performances; ceremonial or traditional activities, including outdoor markets, festivals, speeches, concerts, or shows that have been permitted, approved, sanctioned, or sponsored by the city. Notwithstanding this exemption, the city as the permitting agency, reserves the right to require the operators of such special events to lower the sound pressure or to comply with subsection (b). Nothing contained herein shall be construed as otherwise exempting amplified sound venues from complying with the requirements of subsection (b) without a special event permit.
 - (9) Portable emergency power generators, portable pumps, portable compressors, and similar portable equipment run by a motor or internal combustion engine, used to abate a bona fide emergency condition. Such equipment shall not emit more than 85 dB sound pressure, off the premises from which it is originating.
 - (10) Sanitation operations which include the unloading, emptying or collection of any waste or recyclable container, and including the cleaning of authorized grease traps. Such operations shall only be permitted between the hours of 7:00 a.m. and 7:00 p.m. daily.

- (11) Landscape, power washing, lawn maintenance or similar temporary equipment operations, including those using truck mounted internal combustion engines, compressors or pumps. Such equipment shall not emit more than 85 dB sound pressure, off the premises from which it is originating.

([Ord. No. 2315-2015, § 1, 11-23-2015](#))

**CITY OF STUART, FLORIDA
CODE ENFORCEMENT MAGISTRATE**

Case No: **S02867**

Officer ID & Name: **166- Isham**

CITY OF STUART, FLORIDA,
Petitioner,
v.

Blue Door Coffee Bar
38 SE Osceola Street
Stuart, FL 34994 Respondent(s).

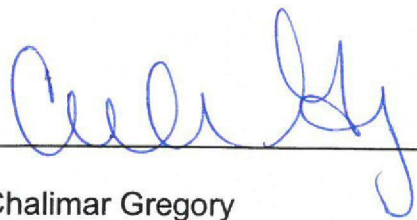
NOTICE OF HEARING – CITATION

Please take notice that on **Thursday** the **7th** day of **February, 2019**, at **10:00 A.M.**, the City will bring on to be heard before the Magistrate, City's Citation / Notice to Appear, Case No. **S02867** in the Commission Chambers, City Hall, 121 S.W. Flagler Avenue, Stuart, Florida. If you fail to attend, the Magistrate may proceed without you being present and may fine you up to \$500.00 and assess costs of this action of \$300.00.

Please govern yourself accordingly.

I HEREBY CERTIFY that a true copy of this Notice of Hearing was served upon the Respondent by **Certified U. S. Mail** ☒ or hand delivery ☐ on this **3rd day of January, 2018**.

CERT NO: 7017 1000 0000 3163 1385

By: 
Chalimar Gregory
Code Compliance Supervisor

7017 1000 0000 3163 1385

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 \$	Postmark Here 1-3 18
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 \$	
Sent To Blue Door Coffee Bar	
Street and Apt. No., or PO Box No. 38 SE Osceola Street	
City, State, ZIP+4® Stuart, FL 34994	
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions	

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
■ 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: Blue Door Coffee Bar 38 SE Osceola St. Stuart, FL 34994 2. Article Number (Transfer from service label) 7017 1000 0000 3163 1385	A. Signature X <i>[Signature]</i> B. Received by (Printed Name) C. Date of Delivery D. Is delivery address different from item 1? ☐ Yes If YES, enter delivery address below: ☐ No 3. Service Type ☐ Adult Signature ☐ Adult Signature Restricted Delivery ☒ Certified Mail® ☐ Certified Mail Restricted Delivery ☐ Collect on Delivery ☐ Collect on Delivery Restricted Delivery ☐ Restricted Delivery ☐ Priority Mail Express® ☐ Registered Mail™ ☐ Registered Mail Restricted Delivery ☐ Return Receipt for Merchandise ☐ Signature Confirmation™ ☐ Signature Confirmation Restricted Delivery
RECEIVED CODE ENFORCEMENT CITY OF STUART JAN 11 2018	

PS Form 3811, July 2015 PSN 7530-02-000-9053 Domestic Return Receipt

**CITY OF STUART, FLORIDA
CODE ENFORCEMENT MAGISTRATE**

Case No: **S02867**

Officer ID & Name: **166- Isham**

CITY OF STUART, FLORIDA,
Petitioner,
v.

**Blue Door Coffee Bar
Kathryn A. Heathcock- R.A.
40 SE Osceola St.
STUART, FL 34994**

Respondent(s).

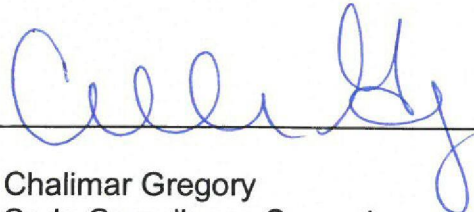
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Please govern yourself accordingly.

I HEREBY CERTIFY that a true copy of this Notice of Hearing was served upon the Respondent by **Certified U. S. Mail** ☐ or hand delivery ☒ on this **1st**, day of **February, 2018**.

CERT NO:

By: 
Chalimar Gregory
Code Compliance Supervisor

CITY EXHIBIT 5



STUART POLICE DEPARTMENT

David Dyess, Chief of Police

Serving with Pride
Protecting with Dignity

CODE ENFORCEMENT DIVISION

830 SE Martin L. King Blvd. Stuart, FL 34994
Telephone: 772 - 600 - 1254 Fax: 772 - 600 - 1211



RECEIPT OF HAND DELIVERY

DATE: 2.1.19

Property Owner

TO: Kathryn Heathcock - Registered Agent

ATTENTION: Blue Door Coffee Bar

Location of property in violation: 38 Se Osceola St.

Date and Time of Service: February 1st, 2019 @ 1457

Recipient: [Signature]

Signature of Owner/ Recipient

Signature of Officer Serving Notice

CITY EXHIBIT 6

Florida Department of State

DIVISION OF CORPORATIONS

[Department of State](#) / [Division of Corporations](#) / [Search Records](#) / [Detail By Document Number](#) /**Detail by Entity Name**

Florida Profit Corporation
BLUE DOOR ENTERPRISES, INC.

Filing Information

Document Number P07000058416
FEI/EIN Number 26-0156354
Date Filed 05/15/2007
Effective Date 05/24/2007
State FL
Status ACTIVE

Principal Address

38 SE OSCEOLA ST.
STUART, FL 34994

Mailing Address

PO BOX 2195
STUART, FL 34995

Registered Agent Name & Address

HEATHCOCK, KATHRYN A
40 SE OSCEOLA ST.
STUART, FL 34994

Address Changed: 01/31/2013

Officer/Director Detail**Name & Address**

Title P

HEATHCOCK, KATHRYN
PO BOX 2195
STUART, FL 34995

Title VP

HESS, WILLIAM T
PO BOX 2195
STUART, FL 34995

Annual Reports

Report Year **Filed Date**

CITY EXHIBIT 7