



THE CITY OF KEY WEST
Code Compliance Division
P.O. BOX 1409
KEY WEST, FL 33041
(305) 809-3740

NOTICE OF ADMINISTRATIVE HEARING

DATE: May 16, 2018
RE: CASE NUMBER 18-00000280

CERTIFIED MAIL RECEIPT#: 7017 1070 0000 0343 3343

To:
Robert Janicki
724 Amelia Street
Key West, FL 33040

Subject Address:
1205 11th ST
Key West, FL 33040

TAKE NOTICE that the City of Key West Code Compliance Division has requested the City of Key West Special Magistrate to conduct an administrative hearing regarding code violation(s) reported to you by **NOTICE OF CODE VIOLATION** concerning the above noted subject address.

You were noticed that your property is in violation of the City of Key West Code of Ordinances for the following reason(s):

Count 1. Sec. 14-37. - Building permits; professional plans; display of permits; address; exceptions.

(a) Building permit required; display. Building permits shall be procured from the chief building official before performance of any work or construction of any character, whether permanent or temporary. Within 48 hours after it is issued, the applicant must cause the permit to be posted and displayed at the work site so that it is readily visible from an adjacent public street throughout the term of the work. No work shall be performed unless a proper permit is so posted. Inspections may not be performed if the permit is not posted and address numbers are not a minimum of 4" high and clearly visible from the street.

Exception 1: Total contract price less than \$1,000.00 per FBC Sect. 105.2.2 Minor Repairs. Ordinary minor repairs may be made with the approval of the chief building official without a building permit, provided the repairs do not include the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or load-bearing support, or the removal or change of any required means of egress, or rearrangements of parts of a structure affecting the egress requirements; additionally, ordinary minor repairs shall not include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electrical circuit wiring systems or mechanical equipment or other work affecting public health or general safety, and such repairs shall not violate any of the provisions of the technical codes.

Any new electrical circuits or wiring will require a permit.

Any new plumbing fixtures or piping will require a permit.

Exception 2: Painting, both interior and exterior, residential or commercial does not require a permit. Tile repair or installation, floor covering, including carpet, laminate, resilient, and wood, both residential and commercial, do not require a permit.

Work that falls under the \$1,000.00 threshold for a building permit may be performed only by the property owner or a licensed contractor. Unlicensed workers, including 'handymen' are not allowed to conduct any type of work to a residential or commercial structure.

(b) Professional plans required. Professional plans shall be required as follows:

(1) Plans for work requiring a building permit shall be submitted in multiple sets, as determined by the chief building official, to the chief building official and shall be prepared by, and bear the seal of, an architect or structural engineer duly registered in the state, except if the work is by the owner-occupant upon a one- or two-family residence, and the work is cosmetic, nonstructural repair, alteration or addition.

(2) Notwithstanding subsection (b)(1) of this section, plans for work which requires a building permit and which involves mechanical, plumbing or electrical repairs, alterations or additions shall be prepared by and shall bear the impress seal of an engineer duly registered in the state, as reasonably required in the interest of health and safety by the chief building official.

(3) The chief building official may waive the requirements in [subsection] (b)(1) and/or (2) by special permission.

To Wit: On March 9, 2018, Jason Turner, Building Inspector and myself, Officer Badgett went to the property of 1205 11th Street. Regarding work being done without the benefit of a permit. Mario allowed us in. He stated he is going to rent the place and was doing renovations to the property with the owner. The owner Robert Janicki was not present. I placed a Stop Work Order for Building, electrical and plumbing work being done without the benefit of a permit. In the main house a window, an exterior sliding glass door and an exterior door has been removed and closed in. New fixtures have been removed from the bathroom in the main house. All the plumbing will need after the fact permits. The back room has all doors removed for entry and all exterior and inter walls have been removed. There is a shed at the rear of the property that has been converted to living space and is close to the property line with electric and plumbing installed without the benefit of a permit. The tiki Hut has been converted to living space with a full kitchen, full bathroom and electric installed without the benefit of a permit.

Corrective action: All work to cease until after the fact permits are issued.

Count 2 Sec. 14-262. - Request for inspection.

A request for the inspection of electrical work, such as roughing-in, equipment installations, final inspection or electrical work for light, heat or power of any character, must be made at the building department as soon as the job is ready. The request for inspection must be made by the person installing the wiring, and failure to request such inspection constitutes a violation of this Code. (Code 1986, § 31.089)

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Corrective action: All work to cease until after the fact permits are issued.

Count 3. FBC P2503.1 INSPECTIONS: New plumbing work and parts of existing systems affected by new work or alterations shall be inspected by the building official to ensure compliance with the requirements of this code.

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Corrective action: All work to cease until after the fact permits are issued.

Count 4. FBC 1612.4 Flood Hazard Construction

The design and construction of buildings and structures located in flood hazard areas, including flood hazard areas subject to high-velocity wave action, shall be in accordance with Chapter 5 of ASCE 7 and with ASCE 24.

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Corrective action: The new rear room in the main house, the tiki hut and shed shall comply to this ordinance.

Count 5. Sec. 18-117. - Acts declared unlawful.

It shall be unlawful for any contractor, as defined in section 18-116, operating anywhere within the city, licensed individually or as a firm contractor, or any officers, directors or qualified representatives of a firm contractor to commit any one or more of the acts or omissions set forth in this section. It shall also be unlawful for any property owner to commit any one or more of the acts or omissions set forth in this section as it may pertain to a property owner who directly employs others to perform construction work at a property. Violations of this section by a property owner shall be subject to the authority of the special master. The following acts are declared unlawful:

- (1) Contract or do any work outside the scope of operation, as set out in the definition of the particular type of contractor for which he is qualified, or to perform or offer to purport to perform any architectural or engineering or surveying services in violation of state statutes.
- (2) Abandon without legal excuse a construction project or operation in which he is engaged or under contract as a contractor.

- (3) Divert funds or property received for the execution or completion of a specific construction project or operation or for a specified purpose to any other use whatsoever.
 - (4) Depart from or disregard in any material respect the plans or specifications of a construction job without the consent of the owner or his duly authorized representative.
 - (5) Disregard or violate, in the performance of his contracting business, any of the building, safety, health insurance or worker's compensation laws of the state or resolutions of the city commission concerning such.
 - (6) Misrepresent any material fact in his application and supporting papers in obtaining a license under this article.
 - (7) Fail to fulfill his contractual obligation through inability to pay all creditors for material furnished or work or services performed in the operation of his business for which he is licensed under this article.
 - (8) Aid or abet an unlicensed person to evade the provisions of this article or allow his license to be used by any unlicensed person or to act as an agent of an unlicensed person with the intent to evade this article.
 - (9) Commit any fraudulent act as a contractor by which another is substantially injured.
- (Code 1986, § 33.02)

To wit: On March 9, 2018, Jason Turner, Building Inspector and myself, Officer Badgett went to the property of 1205 11th Street. Regarding work being done without the benefit of a permit. Mario allowed us in. He stated he is going to rent the place and was doing renovations to the property with the owner. The owner Robert Janicki was not present. I placed a Stop Work Order for Building, electrical and plumbing work being done without the benefit of a permit.

Corrective action: Cease using unlicensed contractors.

In accordance with Florida Statutes § 162 and Code of Ordinances, City of Key West, § 2-631 through § 2-647, The City of Key West has scheduled a hearing to be held at **City Hall, 1300 White Street, Key West, Florida at 1:30 P.M. on:**

May 30, 2018

The Chambers will be open at 1:00 PM. These proceedings may be televised.

The purpose of this hearing is to determine if a violation(s) exists, the appropriate action to be taken, if any is required, and if any fines or penalties are to be imposed. **YOU ARE REQUESTED TO APPEAR AT THIS HEARING** to present evidence and/or testimony to show cause, if any, why you should not comply with City Ordinances. **YOUR FAILURE TO APPEAR MAY RESULT IN A FINE OR PENALTY BEING IMPOSED AGAINST YOU AND A LIEN BEING IMPOSED UPON YOUR PROPERTY.**

You have a right to have an attorney present at the hearing. If an attorney represents you, your attorney must file written notice with this office prior to the hearing date.

If you intend to request a continuance from the Hearing Date set out above you must submit a written request for a continuance addressed to the Special Magistrate and mailed to PO Box 1409, Key West, FL 33041 or delivered to the Special Magistrate's Legal Analyst at 1300 White Street, Key West, FL 33040. All requests must be received at least five (5) working days prior to the Hearing Date set out above. If the request is not received five (5) working days prior to the Hearing Date you or your attorney must appear on the Hearing Date to petition the Special Magistrate for a continuance. If any continuance is granted this will not stay discovery and all records previously requested must be supplied to the City or formally objected to.

Be advised that, if you decide to appeal any decision of the Special Magistrate in this code enforcement hearing, you shall be responsible to ensure that a verbatim record of the proceedings of this code enforcement hearing is made, such that any evidence and testimony upon which an appeal may be based can be submitted to the appellate court.

If you are found to be in violation of City of Key West Ordinances, administrative costs in the amount of **\$250.00** may be levied for administrative recovery for prosecution and investigation in addition to levied fines associated with the violation(s). **Failure to pay these costs will result in a lien against the property in violation.**

PER FLORIDA STATUTES SECTION 162.09, YOUR FAILURE TO CORRECT THE VIOLATION (S) MAY RESULT IN THE IMPOSITION OF A FINE OF UP TO \$250.00/DAY, AND \$500.00/DAY FOR A REPEAT VIOLATION. IF THE VIOLATION (S) IS IRREPARABLE OR IRREVERSIBLE, A FINE OF UP TO \$5000.00 MAY BE IMPOSED BY THE SPECIAL MAGISTRATE. FINES MAY BE IMPOSED ON A PER DAY/ PER VIOLATION BASIS.



Bonnita Badgett
Code Compliance Officer
City of Key West

Hand served this _____ *day of* _____, 2018 @ _____ *am/pm.*

Received by: _____ *Served By:* _____