




THE CITY OF KEY WEST

Executive Summary

To: Jim Scholl, City Manager
From: Jim Young, Director of Code Compliance 
Date: April 6, 2016
Subject: Amendment to the Code Enforcement Ordinance

Action statement:

This measure proposes to amend Chapter Two entitled Administration, Article VI entitled Code Enforcement, of the City Code of Ordinances.

Background:

On January 4, 2007 Resolution 07-010 was passed by the Key West City Commission. This resolution changed the name of the Code Enforcement Division to the Code Compliance Division, however Article VI was not changed.

In 2014 Florida State Statute 162.12 (a) was amended regarding Notices. The Statute now states; "(a) Certified mail, and at the option of the local government return receipt requested, to the address listed in the tax collector's office for tax notices or to the address listed in the county property appraiser's database. The local government may also provide an additional notice to any other address it may find for the property owner. For property owned by a corporation, notices may be provided by certified mail to the registered agent of the corporation. If any notice sent by certified mail is not signed as received within 30 days after the postmarked date of mailing, notice may be provided by posting as described in subparagraphs (2)(b)1." This is also in conflict with City Ordinance Section Sec. 2-638 (a) (1) Notices, which states; "All notices required by this division shall be provided to the alleged violator by: Certified mail, return receipt requested, provided if such notice is sent under this subsection to the owner of the property in question at the address listed in the tax collector's office for tax notices and at any other address provided to the city by such owner and is returned as unclaimed or refused, notice may be provided by posting as described in subsection (b)(1) of this section and by first class mail directed to the addresses furnished to the city with a properly executed proof of mailing or affidavit confirming the first class mailing."

At a recent Code Compliance hearing it was discovered that there was a conflict with Florida State Statute and the City's Ordinance pertaining to how the special magistrate is provided legal counsel and who may present a case before the special magistrate. Therefore, these proposed amendments will clarify the role of the city attorney and his staff in providing legal counsel to the special magistrate and the presentation of code compliance cases before the special magistrate.

Options:

1. To approve the proposed ordinance revision which will update Chapter Two, Article VI.
2. To defeat the proposed ordinance amendment.

Recommendation:

To approve the proposed ordinance revision.