



**THE CITY OF KEY WEST
Tree Commission**

Post Office Box 1409 Key West, FL 33041-1409
Telephone: 305-809-3725

**NOTICE OF ADMINISTRATIVE HEARING
BEFORE THE TREE COMMISSION OF THE CITY OF KEY WEST**

April 12, 2018

Tree Commission
City of Key West
Petitioner,

Vs.

Dave Sells
2601 S. Roosevelt Blvd #113C
Key West, FL 33040

An administrative hearing before the Tree Commission for the City of Key West will be held on **Tuesday, May 8, 2018**, at 5:00 p.m., at **Josephine Parker City Hall at Historic Glynn R. Archer School, 1300 White Street, Key West, Florida.**

This hearing will be conducted pursuant to sections 110-288 et. seq. of the Key West City Code. The purpose of this hearing will be to determine if a code violation has been committed by the above named Respondent. **Your presence is required at this Tree Commission meeting.**

Date of alleged violation: prior to November 13, 2017 at Mallory Square (Sunset Celebration), Key West, FL:

Sec. 110-256. Tree abuse.

(b) *Prohibited acts.* A tree shall be considered abused if a person takes an action so that one of the following occurs:

- (1) Significant damage has been inflicted upon any part of a tree, including the root system, by machinery, storage of materials, soil compaction, excavation, vehicle accidents, chemical application or change to the natural grade.
- (2) Damage inflicted to or cutting upon a tree which permits infection or pest infestation.

(c) *Additional prohibitions.*

- (1) No private property owner or agent shall damage, cut, or carve any tree or tree root located on the owner's property; or allow any liquid, solid or biological substance that is harmful to trees to be placed within the dripline.
- (2) No person shall cut or otherwise damage a root or roots of a tree located on public property without first obtaining a permit from the tree commission.

Key to the Caribbean – average yearly temperature 77 ° Fahrenheit.

Factual allegation: Warm to hot greasy water has been placed in a planter containing one (1) protected Lignum vitae tree. The tree has since died.



Key to the Caribbean – average yearly temperature 77 ° Fahrenheit.



If the Tree Commission for the City of Key West finds that there has been a violation of the above code section, it will elect to enter into a compliance settlement agreement pursuant to section 110-291 of the Key West City Code or recommend a fine and further hearing before the Special Master of the City of Key West pursuant to section 110-294 of the Key West City Code.

Attendees are hereby notified that a complete and accurate record of the proceeding is required under Florida Statute 286.0105 if an appeal is sought. Appellants are responsible for providing transcription services.

I hereby certify that the forgoing notice has been mailed to the Respondents and has been sent regular mail and certified U.S. Mail to the above named Respondent's listed address on this **13th day of April 2018**.

If you have any questions, please call the office at (305) 809-3768.



Karen DeMaria
Urban Forestry Manager
kdemaria@cityofkeywest-fl.gov

ec: Marilyn Wilbarger, City of Key West

ec: Susan Schaal, Sunset Celebration

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