



THE CITY OF KEY WEST
Code Compliance Division

P.O. BOX 1409
KEY WEST, FL 33041
(305) 809-3740

REPEAT
NOTICE OF CODE VIOLATION SCHEDULED
FOR ADMINISTRATIVE HEARING

DATE: August 13, 2017
RE: CASE NUMBER 17-00000869

CERTIFIED MAIL RECEIPT#: Posted @ Subject Address

To:
Isherwood Janice
523 Elizabeth St
Key West, FL 33040

Subject Address:
523 Elizabeth 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 Gerald L. Leggett.

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):

REPEAT

Count 1 of 3: Sec. 26-126. - Clearing of property of debris and **noxious material required.**

For the purposes of promoting the health, safety, and general welfare of the city residents, the city manager is authorized and empowered to require that vacant lands and/or improved property within the city be cleared of debris and any noxious material, including garbage, litter, rubbish, refuse, solid waste, trash or industrial waste or high grass or weeds which tend to:

- (1) Be a **breeding** place or haven for snakes, rodents, **insects**, and vermin;
- (2) Create a fire hazard or **endanger** the lives and property of the city residents;
- (3) Create a traffic hazard; or
- (4) Create a nuisance or other unsightly or **unsanitary condition.**

COUNT 1 IS A REPEAT VIOLATION

Count 2 of 3: Sec. 26-31. - Offensive and nuisance conditions prohibited.

No person shall permit, cause, keep, maintain or do any nuisance or contribute to the nuisance, as defined by the laws of this state, this Code or city ordinances, or cause or permit to be committed, caused, kept, maintained or done or contribute to the committing, causing, keeping or maintaining of any such nuisance within the city's jurisdictional limits.

Count 3 of 3: Sec. 26-32. - Nuisances illustrated.

The following are declared to be nuisances; provided, however, that the following shall not be deemed to be exclusive:

(1) All substances which emit or cause foul, obnoxious, unhealthful or disagreeable odor or effluvia, in the neighborhood where they exist.

(2) All carcasses of animals remaining exposed for 12 hours after death.

(3) Any growth of weeds, grasses or bushes to excessive height, provided that this shall not apply to planted and cultivated flowers, shrubbery or other landscaping.

(4) All slop, foul or dirty water, filth, refuse or offal, discharged in or upon any street, avenue, sidewalk, alley, park, public enclosure or other public place, or allowed to accumulate there or in a pond or pool.

(5) Any article, instrumentality or physical thing that, in the reasonable opinion of the city manager, poses an immediate threat of injury to persons or damage to property in the public right-of-way or other public area.

(6) The keeping or allowing to remain on any premises any trees, shrubs or other vegetation infected with fungus or other diseases that will or might spread to other noninfected trees, shrubs or other vegetation.

(7) Stagnant water in a swimming pool, cistern or fountain that is a breeding ground or feeding area for mosquitoes.

To Wit: I traveled to the subject property regarding an anonymous complaint received regarding odor. Upon arrival, we observed several cans of cat feed throughout the front plane of the home. A foul odor was detected emitting from the property. It was determined the presence of the odor was from cats defecating and urinating. Additionally, a large bee hive was observed on the side of the home.

Corrective Action: Please clean property of debris which tend to promote breeding of insects and rodents (Debris and Food Containers left outside). Please clean property of any substance which tend to emit or cause foul odors. Please have the bees removed from the property as they are considered hazardous to your self and the general public.

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:**

August 30th 2017

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.



Gerald L. Leggett
Code Compliance Officer
City of Key West
(305) 809-3745



THE CITY OF KEY WEST

Code Compliance Division

P.O. Box 1409, Key West, FL 33040

(305) 809-3740 (305) 809-3978 FAX

BEFORE THE CODE ENFORCEMENT SPECIAL MAGISTRATE OF THE CITY OF KEY WEST, FLORIDA

CITY OF KEY WEST

FILE NO. 17-869

CERTIFIED MAIL # 7017 1070 0000 0343 0182

Vs

Janice Isherwood
523 Elizabeth Street
Key West, Florida 33040

ORDER IMPOSING LIEN/ FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

This cause having come before the Special Magistrate on August 30, 2017, pursuant to the Florida Statutes Chapter 162 and Article VI et seq of the Key West Code, and the Special Magistrate having heard sworn testimony, having reviewed the evidence submitted, and being otherwise advised of the premises; The Special Magistrate finds Janice Isherwood is in violation of Key West Code of Ordinances, section(s) 26-126 -- Repeat - **Dismissed**; 26-31 and 26-32. In that the following condition(s) exists 523 Elizabeth Street, Key West, FL: **Count 1:** Failure to clean property of debris which tend to promote breeding of insects and rodents (debris and food containers left outside). - **Dismissed** **Count 2:** Failure to clean property of any substance which shall permit, cause or do any nuisance or contribute to the nuisance. **Count 3:** Failure to remove all substances which emit or cause foul, obnoxious, unhealthful or disagreeable odor or effluvia as it was determined that the present of the odor was from cats defecating and urinating. Additionally, a large bee hive was observed on the side of the home.

Accordingly, it is hereby
ORDERED:

1. Imposed is an Administrative Fee of \$250. Also imposed is a fine of \$250 for Count 2 per day and \$250 for Count 3 per day if compliance is not obtained by September 26, 2017. A compliance hearing will be held on September 27, 2017 at City Hall, 1300 White Street, Key West, FL at 1:30 pm. All fines and fees are payable within thirty (30) days from the date of this order to the City of Key West, Attn: Code Compliance Division, PO Box 1409, Key West, FL 33041.
2. The Respondent is further ordered to contact the City of Key West Code Inspector to verify compliance, which may include an inspection. Any continuing fine imposed shall continue to accrue until such time as the Code Inspector inspects the property and verifies compliance with this Order. This Order may be recorded in the official records of Monroe County and shall constitute a lien, pursuant to Florida Statutes Section 162.09 (3), for judgment purposes. This case may serve as a predicate for a repeat violation should similar violations occur in the future as applicable.
3. If you request that the fine be reduced or mitigated, you must be in compliance and you must request in writing to appear before the Special Magistrate two weeks prior to a hearing to show cause why said fine should be mitigated.

Done and Ordered this 31 day of August 2017.

The Code Enforcement Special Magistrate of the City of Key West, Florida


Donald E Yates

Certificate of Order and Service

I hereby certify that this is a true and correct copy of the above Order and that a true and correct copy has been furnished to the Respondent(s) and/or Authorized Representative via certified mail to address of record with the Monroe Property Appraiser's Office on this 1 day of September, 2017.



Mary Anderson



THE CITY OF KEY WEST

Code Compliance Division

P.O. Box 1409, Key West, FL 33040

(305) 809-3740 (305) 809-3978 FAX

BEFORE THE CODE ENFORCEMENT SPECIAL MAGISTRATE OF THE CITY OF KEY WEST, FLORIDA

CITY OF KEY WEST

FILE NO. 17-869

CERTIFIED MAIL # 7017 1070 0000 0343 0182

Vs

Janice Isherwood
523 Elizabeth Street
Key West, Florida 33040

Doc# 2144927 11/27/2017 10:27AM
Filed & Recorded in Official Records of
MONROE COUNTY KEVIN MADOK

ORDER IMPOSING LIEN/ FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

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Doc# 2144927
Bk# 2880 Pg# 1307

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Donald E Yates

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Mary Anderson