



THE CITY OF KEY WEST
Code Compliance Division

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

**AMENDED NOTICE OF CODE VIOLATION AND
ADMINISTRATIVE HEARING**

Date: August 9, 2011
Re: Case Number 11-00000510

Certified Mail Receipt#: 7007 3020 0000 5346 6706

To: Dead Donkey, LLC
Karen Cabanas, R/A
1407 Sun Terrace
Key West FL 33040

Subject Address:
Street City
Key West, FL 33040

Certified Mail Receipt#: 7007 3020 0000 5346 6690

To: Jason D McIntire
15 Cormorant Ln
Key West FL 33040

Subject Address:
Street City
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 business is in violation of the City of Key West Code of Ordinances for the following reason(s):

Violation Detail

PROHIBITION AGAINST UNREASONABLE Sec. 26-192

Date Est: April 21, 2011 Location: approximately 537 Eaton Street

You shall not cause disturbing noise which is uninvited or disruptive and unreasonably loud or is raucous and jarring, due to volume, character, or duration, and is causing an actual interference with a person's ability to enjoy peacefully his residence.

OBSTRUCTION OF STREETS Sec. 62-2

Date Est: April 21, 2011 Location: approximately 537 Eaton Street

You shall not willfully obstruct the free, convenient and ordinary use of any public right-of-way, street, roadway, sidewalk, swale... by instructing your customers to move to the sidewalk when conducting your walking tour by impeding, hindering, stifling, retarding or restraining the passage of either pedestrian or vehicular traffic or by endangering the safe movement of pedestrians or vehicles travelling thereon.

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 **Old City Hall, 510 Greene Street, Key West, Florida at 1:30 P.M. on August 3, 2011 and was continued to:**

September 28, 2011

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 3139 Riviera Drive, 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.



Barbara Meizis
Code Compliance Officer
City of Key West

Hand served this _____ **day of** _____, **2011 @** _____ **am/pm.**

Received by: _____ Served By: _____

CASE NUMBER 11-00000510
 PROPERTY ADDRESS STREET CITY

VIOLATION: PROHIBITION AGAINST UNREA QUANTITY: 1
 DESCRIPTION: Sec. 26-192 DATE: 4/21/11
 LOCATION: STREET CITY

NARRATIVE :

You shall not cause disturbing noise which is uninvited or disruptive and unreasonably loud or is raucous and jarring, due to volume, character, or duration, and is causing an actual interference with a person's ability to enjoy peacefully his residence.

ORDINANCE DESCRIPTION :

Sec. 26-192. Prohibition against unreasonable noise. No person shall make, continue, or cause to be made any unreasonable noise or disturbing noise.

CORRECTIVE ACTION REQUIRED :

Cease activity.

VIOLATION: OBSTRUCTION OF STREETS QUANTITY: 1
 DESCRIPTION: Sec. 62-2 DATE: 8/09/11
 LOCATION: STREET CITY

NARRATIVE :

You shall not willfully obstruct the free, convenient and ordinary use of any public right-of-way, street, roadway, sidewalk, swale... by instructing your customers to move to the sidewalk when conducting your walking tour by impeding, hindering, stifling, retarding or restraining the passage of either pedestrian or vehicular traffic or by endangering the safe movement of pedestrians or vehicles travelling thereon.

ORDINANCE DESCRIPTION :

Sec. 62-2. Obstructions.
 (a) It shall be unlawful for any person willfully to obstruct the free, convenient and ordinary use of any public right-of-way, street, roadway, alley, sidewalk, swale or public square by impeding, hindering, stifling, retarding or restraining the passage of either pedestrian or vehicular traffic or by endangering the safe movement of pedestrians or vehicles travelling thereon.
 (b) This section shall not apply to the right of assembly or to any other purpose for which a government has issued a permit; provided, however, that a permit to use a public area for a commercial purpose does not authorize obstruction.
 (c) Violations shall be punishable as provided in section 1-15.

CORRECTIVE ACTION REQUIRED :

Remove obstruction or cease activity.