



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

NOTICE OF CODE VIOLATION AND
ADMINISTRATIVE HEARING

DATE: October 15, 2012
RE: CASE NUMBER 12-1143

CERTIFIED MAIL RECEIPT#: 7003 3110 0003 4758 3504

To:
Robin Lacey & Diana Mellon-Lacey
PO Box 5181
Key West, FL 33041

Subject Address:
920 Eisenhower Drive
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. 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

To wit: A site visit was conducted on 15 August 2012. The property has a tree that has grown over the city sidewalk preventing pedestrian traffic. Property owner was asked to trim back within 72 hours. A second site visit was conducted on 28 August 2012. The tree has not been trimmed.

Count 2: 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.

To wit: A complaint was received on 13 August 2012. Officer Hernandez conducted a site visit 15 August 2012. The property is overgrown, unsightly and has two discarded mattresses, an old stove and piles of yard debris in the driveway. Photographs were taken and a door hanger was left requesting the property be cleaned of debris. A second site visit was conducted by Officers Hernandez and Corbett on 28 August 2012. The property has not been cleaned nor has the debris been removed.

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:**

November 14, 2012

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.

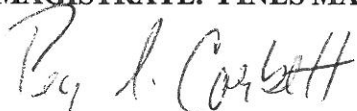
If you intend to request a continuance from the Hearing Date set out above you must submit a written request for a continuance addressed to the Special Magistrate and mailed to PO Box 1409, Key West, FL 33041 or delivered to the Special Magistrate's Legal Analyst at 3139 Riviera Drive, Key West, FL 33040. 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

finances 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.



Peg Corbett
Code Compliance Officer
City of Key West

Hand served this _____ *day of* _____, 2012 @ _____ *am/pm.*

Received by: _____ *Served By:* _____