



THE CITY OF KEY WEST

Code Compliance Division

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

NOTICE OF REPEAT CODE VIOLATION AND ADMINISTRATIVE HEARING

DATE: April 19, 2013
RE: CASE NUMBER 13-532

CERTIFIED MAIL RECEIPT#: 7012 2210 0000 6252 7807

To:
Daniel B Michie
Discount Dumpsters & Demolition
PO Box 423213
Marathon Shores, FL 33052

Subject Address:
1319 Eliza Street
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. 66-87. - Business tax receipt required for all holding themselves out to be engaged in business.

No person shall engage in, manage, carry on or practice, wholly or in part, within the city limits, any business, profession or occupation without first procuring a city business tax receipt. For the purposes of this article, any person holding himself out to the public by sign, printed matter, telephone directory classified section, city directory or otherwise as being engaged in business or as offering services or property to the public for a consideration, regardless of whether such person actually transacts any business or practices a profession, shall be considered as engaging in business and shall be liable for a business tax receipt fee thereon.

To wit: On April 18, 2013 in an area canvas the city code officer observed a dumpster on the city right-of-way without a permit at 1319 Eliza St. on the Florida Street side. The Code Officer called Key King, contractor of the property and Greg with Key King stated he hired Dan Michie to place a dumpster on the job site. Dan Michie is not licensed in the city of Key West.

Corrective action: Obtain a Business Tax Receipt.

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Count 2: Sec. 62-3. Schedule of right-of-way permit fees.

(a) The city manager or his designee, on behalf of the city, shall charge and collect for right-of-way permits at the rate set forth below:

- (1) Dumpster application fee\$10.00
- Dumpster permit fee10.00
- Dumpster renewal fee (15-day maximum) per day10.00

To wit: On April 18, 2013 in an area canvas the city code officer observed a dumpster on the city right-of-way without a permit at 1319 Eliza St. on the Florida Street side. The Code Officer called Key King, contractor of the property and Greg with Key King stated he hired Dan Michie to place a dumpster on the job site. Dan Michie is not licensed in the city of Key West. The dumpster placed on city right-of-way does not have a permit.

Corrective action: Obtain a right-of-way permit or cease activity.

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:**

May 22, 2013

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.



Bonnita Badgett
Code Compliance Officer
City of Key West
(305) 809-3740

Hand Served this day of _____, 2013

RECEIVED BY: _____

SERVED BY: _____