



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

June 17, 2019

Tree Commission
City of Key West
Petitioner,

Vs.

James Hamilton
321 Catherine Street
Key West, FL 33040

An administrative hearing before the Tree Commission for the City of Key West will be held on **Tuesday, July 9, 2019**, 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 May 16, 2019 at 922 Thomas Street, 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.
 - (3) Cutting upon any tree which permanently reduces the function of the tree or causes it to go into irreversible decline.
- (c) *Additional prohibitions.*
- (3) If a root or roots of a tree on private property migrates into another property, the owner of the tree must consult with the Urban Forestry Manager before commencing any work that will result in severing the root.

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

(5) Attachments to trees; excessive cut or fill.

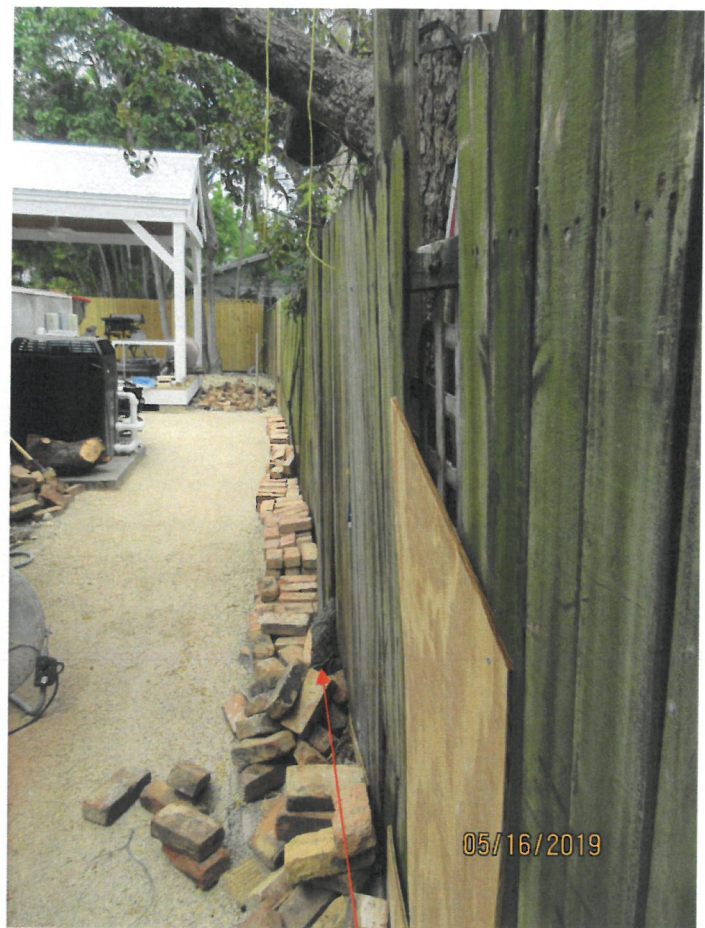
ii. *Excessive cut and/or fill.* It shall be unlawful to remove any material or ground within the dripline of a tree which is necessary for the growth of the subject tree.

Sec. 110-321. Required.

(a) Unless a tree removal permit approved by the tree commission and issued by the Urban Forestry Manager has been obtained, no person, whether on publicly or privately owned land, shall cause tree abuse or other harm, or major maintenance to, hatracking, transplanting, topping or removal of the following:

(1) Any tree listed as "specially protected" in section 110-253;

Factual allegation: Primary structural roots from a Tamarind tree located on 916 Thomas Street have been cut in association with the placement of brick pavers on 922 Thomas Street.



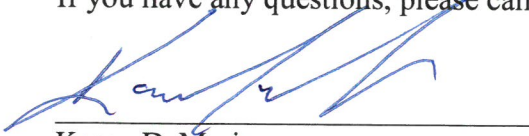


If the Tree Commission for the City of Key West finds that there has been a violation of the above code section, it will elect to enter into a compliance settlement agreement pursuant to section 110-291 of the Key West City Code or recommend a fine and further hearing before the Special Master of the 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 via e-mail, regular mail, and certified U.S. Mail to the above named Respondent's listed address on this **18th day of June 2019.**

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


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

cc: Gregory Oropeza