



# 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: October 8, 2013

RE: CASE NUMBER 13-1188

CERTIFIED MAIL RECEIPT#: 7007 3020 0000 5341 8637

To:

Roger W Akers  
Sandra J Henning R/S  
HC62 Box 42  
Raton, NM 87740

Subject Address:

804 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:** Repeat Violation. This property was found in violation of Sec. 26-126 on November 16, 2011.

### **Sec. 26-126. Clearing of property of debris and noxious material required**

The improved property shall be cleared of debris and any noxious material, including garbage, litter, rubbish, refuse, solid waste, trash or industrial waste 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; or (3) Create a nuisance or other unsightly or unsanitary condition.

**To Wit:** The largest location of debris is on the fifty foot fenceline adjacent to the property at 815 Pearl Street. This yard area on the Pine Street side is littered with discarded items and is leaning against the neighbor's fence along the entire 50 feet of property. When the picket burst through to the neighbor's property is when the debris became more apparent to the neighbor. These piles include six foot tall piles of plywood; metal yard furniture; coconuts; pool furniture; metal awnings (approximately 8' x 10'); roofing material; metal ladders; a couple of window screens; two small hand sinks; and some wooden saw horses adding to unsanitary, dangerous and nuisance conditions. Some of these items appear to be piled on top of the historic cistern. The second pile on the property is located on the Eisenhower side and is visible from city right of way. It contains a wood pile with roofing material on top and side; another metal awning; and window glass.

A handwritten signature in blue ink, appearing to be "R/S", is located in the bottom right corner of the page.

**For Your Information:** As stated above, this is a repeat violation for Sec. 26-126 which was found in violation at hearing on November 16, 2011.

**Corrective Action:** The debris piles shall be cleared immediately.

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:**

**October 30, 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.**

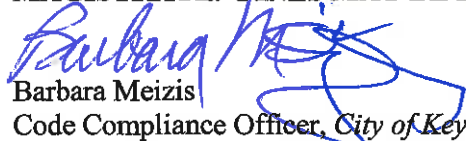
You have a right to have an attorney present at the hearing. If an attorney represents you, your attorney must file written notice with this office prior to the hearing date.

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.**



Barbara Meizis  
Code Compliance Officer, City of Key West  
(305) 809-3729

[bmeizis@keywestcity.com](mailto:bmeizis@keywestcity.com)



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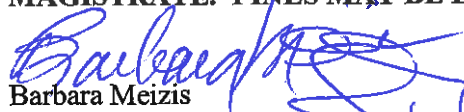
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