



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

NOTICE OF ADMINISTRATIVE HEARING

DATE: May 9, 2011
RE: CASE NUMBER 11-00000284

CERTIFIED MAIL RECEIPT#: 7007 3020 0000 53445 9630

To: Robert Burke
1105 Washington St.
KEY WEST FL 33040

Subject Address:
3629 Flagler Ave
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):

Violation Detail
00010 CLEARING OF PROPERTY Sec. 26-126
Date Est: March 02, 2011 Location: Qty: 001
Lot is overgrown and needs to be cleared of debris.

Violation Detail
00020 Removal of graffiti Sec. 26-37
Date Est: March 02, 2011 Location: BUILDING AT REA Qty: 001
Graffiti needs removed from building at the rear of property

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 25, 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.

Sandra Myers

Bonnita Myers
Code Compliance Officer
City of Key West

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

Received by: _____ *Served By:* _____

CASE NUMBER 11-00000284
PROPERTY ADDRESS 3629 FLAGLER AVE

VIOLATION: CLEARING OF PROPERTY QUANTITY: 1
DESCRIPTION: Sec. 26-126 DATE: 3/02/11
LOCATION:

NARRATIVE:

Lot is overgrown and needs to be cleared of debris.

ORDINANCE DESCRIPTION:

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.

CORRECTIVE ACTION REQUIRED:

Property needs to be cleaned and maintained.

VIOLATION: Removal of graffiti QUANTITY: 1
DESCRIPTION: Sec. 26-37 DATE: 4/16/11
LOCATION: BUILDING AT REA

NARRATIVE:

Graffiti needs removed from building at the rear of property

ORDINANCE DESCRIPTION:

(a) It is prohibited for an owner to allow graffiti to remain for more than seven calendar days on a commercial property or on a residential property.

(b) Whenever the city becomes aware of the existence of graffiti on any property, a code enforcement officer is authorized upon such discovery, to give, or cause to be given, notice to take corrective action to the property owner or the property owner's agent or manager. It shall not be a defense that the graffiti was placed on the property prior to the effective date of this section. The code enforcement division is authorized to develop a standard "Notice to Remove Graffiti" form.

(1) Commercial property. For commercial property, the property owner or the property owner's agent or manager shall take corrective action within seven calendar days from the receipt or delivery of the code enforcement notice.

(2) Residential property. For residential property, the property owner, or property owner's agent shall take

CASE NUMBER 11-00000284
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ORDINANCE DESCRIPTION :

corrective action within seven calendar days from the receipt or delivery of the code enforcement notice.

(c) The city shall waive painting permit and historic architectural review commission requirements, if any, for abating graffiti, subject to the use of the same colored exterior paint.

(d) Graffiti abatement shall consist of:

(1) Painting of the entire wall and/or nonpermanent structure, or a portion thereof (if the latter is approved by the building official), that is defaced by graffiti; or
(2) Pressure-cleaning or any other method that will successfully remove graffiti from a wall or nonpermanent structure, without causing damage.

CORRECTIVE ACTION REQUIRED :