



THE CITY OF KEY WEST
Code Compliance Division

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

**NOTICE OF REPEAT/IRREPARABLE CODE
VIOLATION AND ADMINISTRATIVE HEARING**

DATE: August 10, 2012
RE: CASE NUMBER 12-904

CERTIFIED MAIL RECEIPT#: 7003 3110 0003 4757 9965

To:
Sean Seckel
Scott Zurbrigen
10415 Greendale Drive
Tampa, FL 32987

Subject Address:
1224 Florida 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: You shall have a business tax receipt from the City of Key West to rent your property transiently.

Sec. 18-601. - License required.

(a) The short-term rental of a residential property is a business activity that requires the property owner to hold a business tax receipt issued by the city. A state or county license without an accompanying city license is insufficient. Notwithstanding the existence of any other regulation of the city regulating the transient use of property, the short-term rental of a residential property without a business tax receipt violates the law.

(b) It shall be unlawful for a property owner to lease a residential property for a period of less than 30 days or one calendar month without having obtained a business tax receipt under this division.

To wit: You rented this property from Wednesday, June 20, 2012 to Wednesday, June 27, 2012. You obtained a reservation/damage deposit of \$1,500. You kept a \$275 cleaning fee and \$100 pool/spa fee from the \$1,500. The web complaint listed a White Lincoln with plate number R95 3LP which is a rental car from Avis.

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KEY WEST, FL 33041
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DATE: August 10, 2012
RE: CASE NUMBER 12-904

CERTIFIED MAIL RECEIPT#: 7003 3110 0003 4757 9972

To:
Sean P Seckel
P O Box 4199
Key West, FL 33041

Subject Address:
1224 Florida 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

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Count 2: The property owners held out the property as being available for rent transiently contrary to Sec. 122-1371(d)(9) on June 20, 2012.

Count 3: The property owners held out the property as being available for rent transiently contrary to Sec. 122-1371(d)(9) on June 21, 2012.

Count 4: The property owners held out the property as being available for rent transiently contrary to Sec. 122-1371(d)(9) on June 22, 2012.

Count 5: The property owners held out the property as being available for rent transiently contrary to Sec. 122-1371(d)(9) on June 23, 2012.

Count 6: The property owners held out the property as being available for rent transiently contrary to Sec. 122-1371(d)(9) on June 24, 2012.

Count 7: The property owners held out the property as being available for rent transiently contrary to Sec. 122-1371(d)(9) on June 25, 2012.

Count 8: The property owners held out the property as being available for rent transiently contrary to Sec. 122-1371(d)(9) on June 26, 2012.

Count 9: The property owners held out the property as being available for rent transiently contrary to Sec. 122-1371(d)(9) on June 27, 2012.

Sec. 122-1371 Transient living accommodations in residential dwellings; regulations.

(d) General regulations. The following regulations shall pertain to transient lodging use of or within a residential dwelling.

(9) It shall be unlawful for any owner, tenant, broker, realtor, agent or other representative of the owners to hold out or advertise a residential dwelling for transient rental if the property is not permitted, as provided hereunder. A broker or realtor who is found in violation of this regulation shall be subject to business tax receipt revocation.

To wit: The captioned property was held out and/or advertised as being available transiently on **June 20, 2012 through June 27, 2012** without the benefit of a valid transient rental license.

Count 10: A business tax receipt is required to rent your property.

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

To wit: A business tax receipt is required to rent this property.

Count 11: Transient rentals are not allowed in the Historic Medium Density Residential (HMDR) district.

Sec. 122-599 Prohibited uses.

In the historic medium density residential district (HMDR), all uses not specifically or provisionally provided for in this subdivision are prohibited.

For Your Information: Sec. 122-597. - Permitted uses. Uses permitted in the historic medium density residential district (HMDR) are as follows: (1) Single-family and two-family residential dwellings. (2) Multiple-family residential dwellings. (3) Group homes with less than or equal to six residents as provided in section 122-1246. Sec. 122-598. – Conditional uses. Conditional uses in the historic medium density residential district (HMDR) are as follows: (1) Group homes with seven to 14 residents as provided in section 122-1246 (2) Cultural and civic activities. (3) Educational institutions and day care. (4) Nursing homes/rest homes and convalescent homes. (5) Parks and recreation active and passive. (6) Places of worship. (7) Protective services. (8) Public and private utilities. (9) Parking lots and facilities.

To wit: Cease activity of renting this property transiently.

Count 12: Owner is responsible for delinquent sewer/solid waste account. The combined amount due as of August 10, 2012 is \$4,975.51.

Sec. 58-63. - Delinquency.

(a) Solid waste charges shall become delinquent 20 days after date of billing.

(b) Any solid waste service charge which becomes delinquent shall be assessed a one-time penalty charge, which shall appear on the next billing statement, of the greater of \$5.00 or 15 percent of the delinquent service charge amount. If any rates, fees or charges established for the use and privilege of use of the city solid waste collection system shall not be paid within 30 days after the rates, fees or charges shall become due and payable, the city may, at the expiration of such 30-day period and after 15 days' written notice, which notice may be given and may run within the 30-day period, disconnect the premises from the sewer system for which the solid waste rates, fees or charges have not been paid. The owner of the premises may cause to have his premises reconnected at his own expense with the sewer system, provided that the owner pays to the city its actual cost of disconnecting the premises and all delinquent solid waste rates, fees or charges.

For Your Information: the last payment made on this delinquent account was made on May 19, 2009.

Corrective Actions: Immediately pay the delinquent amount by contacting revenue department at (305) 809-3860.

Count 13: Owner is responsible for delinquent sewer/solid waste account. The combined amount due as of August 10, 2012 is \$4,975.51.

Sec. 74-206 Owner's responsibility for payment.

The owner of the property being served the city sewer system shall be responsible for payment of all amounts due from rates and charges established by this article.

For Your Information: the last payment made on this delinquent account was made on May 19, 2009.

Corrective Actions: Immediately pay the delinquent amount by contacting revenue department at (305) 809-3860.

Count 14: Cameras were installed on front porch and side driveway without benefit of a building permit.

Sec. 14-37. - Building permits; professional plans; display of permits.

(a) Building permit required; display. Building permits shall be procured from the building official before performance of any work or construction of any character, whether permanent or temporary. Within 48 hours after it is issued, the applicant must cause the permit to be posted and displayed at the work site so that it is readily visible from an adjacent public street throughout the term of the work. No work shall be performed unless a proper permit is so posted.

(b) Professional plans required. Professional plans shall be required as follows:

(1) Plans for work requiring a building permit shall be submitted in duplicate or in triplicate if required by the state to the building official and shall be prepared by, and bear the seal of, an architect or structural engineer duly registered in the state, except if the work is by the owner-occupant upon a one- or two-family residence, and the work is cosmetic, nonstructural repair, alteration or addition.

(2) Notwithstanding subsection (b)(1) of this section, plans for work which requires a building permit and which involves mechanical, plumbing or electrical repairs, alterations or additions shall be prepared by and shall bear the impress seal of an engineer duly registered in the state, as reasonably required in the interest of health and safety by the building official.

(c) Work done by owner-occupant. A building permit may be issued to the owner-occupant of real property to construct or cause to be constructed, while the owner-occupant is present on the site, a one- or two-family residential structure for his own use and not offered for sale or lease or to repair the structure without being required to be a qualified contractor himself in accordance with this article and without being required to employ a licensed contractor. The owner-occupant may not construct or repair or cause the construction or repair of more than one such structure during any one-year period.

Corrective Actions: Make application and obtain after the fact building permit for the installation of the cameras on the front porch and side yard driveway.

Count 15: Cameras were installed on front porch and side driveway without of a Historic Architectural Review Commission Certificate of Appropriateness.

Sec. 14-40. - Permits in historic districts.

(a) Requirements. No building or work permit required by this Code for work in the historic zoning districts of the city or in tidal waters contiguous to and within 600 feet of the historic zoning districts shall be issued until a certificate of appropriateness has been granted by vote of the historic architectural review commission, attested by signature of its presiding member, and until the city manager finds that the building or work permit conforms to all laws and regulations of the city.

(b) Contents. All permits issued by the city shall show the nature and extent of the intended work in detail sufficient to demonstrate that the project is consistent with all city laws and regulations and of the historic architectural review commission.

(c) Stop work order; penalty. The building official is authorized to post a signed and dated notice to stop work on any site on which work is being performed in violation of the city laws and regulations or of the historic architectural review commission. Any person shall be guilty of an offense punishable as provided in section 1-15 if the person:

(1) Performs work with actual or constructive knowledge that the work site has been posted by such notice, which notice has not been withdrawn by a dated, signed order of the building official; or

(2) Removes, defaces, conceals or alters such notice to stop work, without a dated, signed authorization of the building official.

Where such offenses are of a continuing nature, no two separate offenses shall be charged against the same person within any one-hour period.

Corrective Actions: Make application and obtain after the fact Historic Architectural Review Commission Certificate of Appropriateness for the installation of the cameras on the front porch and side yard driveway.

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:**

September 26, 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 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) 809-3740

Hand Served this day of , 2012

RECEIVED BY:

SERVED BY: