



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

NOTICE OF ADMINISTRATIVE HEARING

DATE: March 15, 2011
RE: CASE NUMBER 11-212

CERTIFIED MAIL RECEIPT#: 7007 3020 0000 5345 9319

To:
Jarvis Nelson Osorio
Nelson Valdez
3800 Donald Avenue #B
Key West FL 33040

Subject Address:
1721 Johnson 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):

Violation Detail
00010 CLEARING OF PROPERTY Sec. 26-126

Your property needs to be cleared of debris, mowed and maintained.

Violation Detail
00020 MAINTENANCE OF AREA Sec. 62-31

You are required to maintain the area from your property line to the paved roadway.

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:**

April 27, 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.



Gary Addleman
Code Compliance Officer
City of Key West

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

Received by: _____ *Served By:* _____

CASE NUMBER 11-00000212
 PROPERTY ADDRESS 1721 JOHNSON ST

 VI OLATI ON: CLEARI NG OF PROPERTY QUANTI TY: 1
 DESCRI PTI ON: Sec. 26-126 DATE: 2/18/11
 LOCATI ON:

NARRATI VE :

Your property needs to be cleared of debris, mowed and maintained.

ORDI NANCE DESCRI PTI ON :

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.

CORRECTI VE ACTI ON REQUI RED :

Property needs to be cleaned and maintained.

 VI OLATI ON: MAI NTENANCE OF AREA QUANTI TY: 1
 DESCRI PTI ON: Sec. 62-31 DATE: 2/18/11
 LOCATI ON:

NARRATI VE :

You are required to maintain the area from your property line to the paved roadway.

ORDI NANCE DESCRI PTI ON :

It shall be the duty of owners and occupants of property to keep clean the area between their property line and the nearest adjacent paved roadway, including both the swale and sidewalk. This area shall be kept clean and free of weeds, trash, debris and other such obstructions, including garbage cans except as provided in section 58-31. Any planting in such area must be authorized by the city engineer and tree commission and thereafter maintained in such a way as to allow clear passage for pedestrians. Any owner or occupant who, after code enforcement notice, fails to comply with this section shall, upon conviction, be punished as provided in section 1-15.