



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 17, 2012
RE: CASE NUMBER 11-633

CERTIFIED MAIL RECEIPT#: 7007 3020 0000 5345 6356

To:
Arturo Cobo
Elsa Degraffenreid R/S
P O Box 1273
Key West, FL 33041

Subject Address:
1517 Dennis 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: A business tax receipt is required for a property owner to rent any portion of their property. On May 13, 2011, I observed three dwelling units and a business with separate entrances and exits. On May 16, 2012, I observed a total of five dwelling units and 1 business. This property has business tax receipts for Keys Armored Express, Inc. (armored truck service) and Keys Armored Express Inc. (security service). There are five mailboxes.

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 person actually transacts any business or practices a profession, shall be considered as engaging in business and shall be liable for a business tax receipt fee thereon.

To wit: There are five dwelling units being rented non-transiently on these two parcels listed under one address.

Corrective Action: Obtain a business tax receipt from the City of Key West for all dwelling units including paying back fines and fees.

Count 2: Property Owner shall obtain building permits prior to any construction. On May 13, 2011, I observed three dwelling units and a business with separate entrances and exits. On May 16, 2012, I observed a total of five dwelling units and 1 business. This property has business tax receipts for Keys Armored Express, Inc. (armored truck service) and Keys Armored Express, Inc. (security service). There are five mailboxes.

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.

To wit: There are five dwelling units on these two parcels listed under one address which are being rented non-transiently. Monroe County Property Appraiser lists Building #1 as a commercial unit. This commercial property was altered to accommodate two dwelling units. There are also two detached dwelling units built without building permits. Building #2 was altered to accommodate one single family residence without building permits. On May 16, 2012, I observed that the electric was altered to accommodate new 220 wiring. This new electric construction was done without an electrical permit or an electrical inspection.

Corrective Action: Obtain all necessary after the fact building permits including all back fees and fines.

Count 3: An electrical permit is required prior to construction of any type or character. On May 13, 2011, I observed three dwelling units and a business with separate entrances and exits. On May 16, 2012, I observed a total of five dwelling units and 1 business. This property has business tax receipts for Keys Armored Express, Inc. (armored truck service) and Keys Armored Express Inc. (security service). There are five mailboxes.

Sec. 14-256 Required.

Except as otherwise provided in this division, no person shall install any electrical apparatus or perform any other work coming under this article without first obtaining a written permit from the building department.

To wit: There are five dwelling units on these two parcels listed under one address which are being rented non-transiently. Monroe County Property Appraiser lists Building #1 as a commercial unit with one business. This commercial property was altered to accommodate two dwelling units. There are also two detached dwelling units built without building permits. Building #2 was altered to accommodate one single family residence without building permits. On May 16, 2012, I observed that the electric was altered to accommodate new 220 wiring for 2 wall air conditioners. This new electric construction was done without an electrical permit or an electrical inspection.

Corrective Action: Obtain all necessary after the fact building permits including all back fees and fines.

Count 4: An electrical inspection is required. On May 13, 2011, I observed three dwelling units and a business with separate entrances and exits. On May 16, 2012, I observed a total of five dwelling units and 1 business. There are five mailboxes.

Sec. 14-262 Request for inspection.

A request for the inspection of electrical work, such as roughing-in, equipment installations, final inspection or electrical work for light, heat or power of any character, must be made at the building department as soon as the job is ready. The request for inspection must be made by the person installing the wiring, and failure to request such inspection constitutes a violation of this Code.

To wit: There are five dwelling units on these two parcels listed under one address which are being rented non-transiently. Monroe County Property Appraiser lists Building #1 as a commercial unit. This commercial property was altered to accommodate two dwelling units. There are also two detached dwelling units built without building permits. Building #2 was altered to accommodate one single family residence without building permits. On May 16, 2012, I observed that the electric was altered to accommodate new 220 wiring for 2 wall air conditioners. This new electric construction was done without an electrical permit or an electrical inspection.

Corrective Action: Obtain all necessary after the fact building permits including all back fees and fines. The person who installed the wiring shall request the inspection.

Count 5: A mechanical building permit is required prior to any construction of any type or character.

Sec. 14-325 Permits required.

(a) Permits will be issued only to master mechanics, limited master mechanics and homeowners-occupants who qualify.

(b) Permits will be required for air-cooled and water-cooled refrigeration and air conditioning equipment installed in commercial buildings, motels, hotels, stores, apartments and roominghouses, regardless of the horsepower rating of the units. If central plants are installed, installation must be according to the applicable sections of this Code.

To wit: There are five dwelling units on these two parcels listed under one address which are being rented non-transiently. Monroe County Property Appraiser lists Building #1 as a commercial unit. This commercial property was altered to accommodate two dwelling units. There are also two detached dwelling units built without building permits. Building #2 was altered to accommodate one single family residence without building permits. On May 16, 2012, I observed that the electric was altered to accommodate new 220 wiring for two wall air conditioners. This new electric construction was done without an electrical permit or an electrical inspection or a mechanical permit or mechanical inspection.

Corrective Action: Obtain all necessary after the fact building permits including all back fees and fines.

Count 6: A plumbing permit is required prior to any construction of any type or character.

Sec. 14-358 Amendments to Florida Plumbing Code.

The Florida Plumbing Code adopted by the provisions of section 14-356 is hereby amended, altered and changed in the following respects:

Section 106.3 Schedule of permit fees is amended to read as follows: No person, firm or corporation shall commence work in connection with the items listed herewith without first submitting plans for the same, securing approval and a permit therefor, and paying for the permit at the following rates.

To wit: There are five dwelling units on these two parcels listed under one address which are being rented non-transiently. Monroe County Property Appraiser lists Building #1 as a commercial unit. This commercial property was altered to accommodate two dwelling units. There are also two detached dwelling units built without building permits.

Corrective Action: Obtain all necessary after the fact building permits including all back fees and fines.

Count 7: A mechanical inspection is required.

Sec. 14-327 Inspection.

It shall be the duty of the building official to inspect all refrigeration and air conditioning apparatus, equipment and installations within the city.

To wit: There are five dwelling units on these two parcels listed under one address which are being rented non-transiently. Monroe County Property Appraiser lists Building #1 as a commercial unit. This commercial property was altered to accommodate two dwelling units. There are also two detached dwelling units built without building permits. Building #2 was altered to accommodate one single family residence without building permits. On May 16, 2012, I observed that the electric was altered to accommodate new 220 wiring for two wall air conditioners. This new electric construction was done without an electrical permit or an electrical inspection or a mechanical permit or mechanical inspection.

Corrective Action: Obtain all necessary after the fact building permits including paying all back fines and fees.

Count 8: Coin operated washing machines and all other plumbing disposal systems must be connected to public sewer after having been inspected by chief building official.

Sec. 14-362. - Connection to public sewer.

Where a public sewer becomes available to an abutting property on which has been constructed a septic tank, leaching field, cesspool, leaching well or other method of sewage disposal, such septic tank, leaching field, cesspool, leaching well, etc., shall be emptied of its entire contents and filled with earth or suitable fill, and the waste, drainage, etc., of such premises shall be connected with the public sewer in accordance with this Code. Where such transfer from an outmoded disposal system is made to the public sewer, the building official shall first examine all plumbing facilities of such place and ascertain that it is in such condition so as to be in conformity with this Code and that it is safe and dependable to connect with the public sewer. If finding it not to conform to this Code, the building official shall require such owner-occupant, agent, tenant or other person occupying such premises to immediately provide such alterations as shall be necessary to comply with this Code.

For Your Information: Sec. 66-109 Schedule of Taxes states "Coin-operated machines.

a. Nonlaundry, per unit10.24

b. Laundry, per unit6.56".

The coin operated machines are located behind building #2.

Corrective Action: Obtain all necessary inspections and after the fact permits to connect all plumbing facilities to the public sewer.

Count 9: A Certificate of Occupancy is required from the Chief Building Official prior to occupancy by any persons. On May 16, 2012, I observed a total of five dwelling units and 1 business. There are five mailboxes.

Sec. 90-363. - Certificate of occupancy—Required.

No land or building or part thereof erected or altered in its use or structure after the effective date of the ordinance from which this section derives shall be used until the chief building official shall have issued a certificate of occupancy stating that such land, building, or part thereof and the proposed use thereof are found to be in conformity with the provisions of the land development regulations. Development permits shall also be required as provided in section 90-356. It shall be the duty of the chief building official to make a final inspection of the building or premises and to issue a certificate of occupancy if the land, building or part thereof and the proposed use thereof are found to conform with the land development regulations or, if such certificate is refused, to state such refusal in writing together with the cause. Failure to obtain a certificate of occupancy shall be deemed a violation of the land development regulations.

To wit: There are five dwelling units on these two parcels listed under one address which are being rented non-transiently. Monroe County Property Appraiser lists Building #1 as a commercial unit. This commercial property was altered to accommodate two dwelling units. There are also two detached dwelling units built without building permits. Building #2 was altered to accommodate one single family residence without building permits. On May 16, 2012, I observed that the electric was altered to accommodate new 220 wiring for two wall air conditioners. This new electric construction was done without an electrical permit or an electrical inspection or a mechanical permit or mechanical inspection.

Corrective Action: Obtain all necessary after the fact building permits and inspections and obtain a certificate of occupancy for all dwellings.

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:**

June 12, 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

Hand served this _____ *day of* _____, 2012 @ _____ *am/pm.*

Received by: _____ *Served By:* _____



THE CITY OF KEY WEST

Code Compliance Division

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

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DATE: May 17, 2012

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Key West, FL 33040

Subject Address:
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To wit: There are five dwelling units on these two parcels listed under one address which are being rented non-transiently.

Corrective Action: Obtain business tax receipts from the City of Key West for all dwelling units including paying back fines and fees.

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June 12, 2012

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Barbara Meizis
Code Compliance Officer
City of Key West

Hand served this _____ day of _____, 2012 @ _____ am/pm.

Received by: _____ Served By: _____