



**THE CITY OF KEY WEST**  
**Code Compliance Division**

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

**AMENDED**  
**NOTICE OF CODE VIOLATION AND**  
**ADMINISTRATIVE HEARING**

DATE: February 20, 2013  
RE: CASE NUMBER 12-1454

CERTIFIED MAIL RECEIPT#: 7012 2210 0000 6252 6237

To:  
Floyd Roloff  
5950 Peninsular Drive  
Key West, FL 33040

Subject Address:  
2601 S Roosevelt Blvd C324  
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: Section 14-37 – Building Permits; professional plans; display of permit**

(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:

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:** I received a complaint on 2 October 2012 for remodeling this unit without the benefit of building permits. On 5 October 2012 I conducted a site visit with Dan McMahon (property manager) and confirmed that electrical, plumbing and renovations had been done. At this time I issued and posted a stop work order. The property owner was contacted and advised to obtain and post the required permit within ten business days. To date, no permits have been obtained.

**Count 2: Sec. 102-158. - Stop work order and penalty.**

(a) The city manager is authorized and directed to post a signed and dated notice to stop work on any site on which work is being performed in violation of the laws and regulations of the city or of the historic architectural review commission. Any person who engages in the following activities shall be guilty of an offense punishable as provided in section 1-15

(1) Performing work with actual or constructive knowledge that the work site has been posted by such notice, which notice has not been withdrawn by dated, signed order of the city manager; or

(2) Removing, defacing, concealing or altering such notice to stop work without dated, signed authorization of the city manager.

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

**To wit:** On 24 October 2012 I was contacted by the building inspector who had been contacted by a local plumber stating that the handyman who had been caught doing the work was requesting said plumber to obtain permits to complete the plumbing work. That plumber contacted our building department requesting a courtesy inspection. On this date, the building inspector, myself and Dan McMahon (property manager at Key West by the Sea) conducted a second site visit. Additional work had been done after the stop work order was issued. Further electrical lines had been run, and a wall had been completed which was previously in a state of raw patching.

**Count 3: Sec. 18-146 License Required**

Every person engaged in or who shall engage in the business or capacity of a contractor as defined in section 18-116 shall procure and maintain at all times while so engaged a city license.

**To wit:** Mr. Roloff is acting as a contractor without benefit of a license.

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:**

**March 27, 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.**

Peg Corbett  
Code Compliance Officer  
*City of Key West*  
(305) 809-3740

*Hand Served this* \_\_\_\_\_ *day of* \_\_\_\_\_, 2012

***RECEIVED BY:*** \_\_\_\_\_

***SERVED BY:*** \_\_\_\_\_