



**THE CITY OF KEY WEST**

**Tree Commission**

Post Office Box 1409 Key West, FL 33041-1409

Telephone: 305-809-3725

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**NOTICE OF ADMINISTRATIVE HEARING  
BEFORE THE TREE COMMISSION OF THE CITY OF KEY WEST**

October 1, 2020

Tree Commission  
City of Key West  
Petitioner,

Vs.

Marino Construction Group  
1114 White Street  
Key West, FL 33040

An administrative hearing before the Tree Commission for the City of Key West will be held on **Tuesday, October 13, 2020**, at 5:00 p.m., at **Josephine Parker City Hall at Historic Glynn R. Archer School, 1300 White Street, Key West, Florida.**

This hearing will be conducted pursuant to sections 110-288 et. seq. of the Key West City Code. The purpose of this hearing will be to determine if a code violation has been committed by the above named Respondent. **Your presence is required at this Tree Commission meeting.**

**Date of alleged violation: prior to April 13, 2020 at 1909 Venetia Street, Key West, FL:**

**Sec. 110-256. Tree abuse.**

(b) *Prohibited acts.* A tree shall be considered abused if a person takes an action so that one of the following occurs:

- (1) Significant damage has been inflicted upon any part of a tree, including the root system, by machinery, storage of materials, soil compaction, excavation, vehicle accidents, chemical application or change to the natural grade.
- (2) Damage inflicted to or cutting upon a tree which permits infection or pest infestation.

**Sec. 110-366. Protective barricades; performance bond.**

All trees on a site shall be protectively barricaded before and during construction activities. The minimum barricading shall be subject to review by the Urban Forestry Manager.

*Key to the Caribbean – average yearly temperature 77 ° Fahrenheit.*

**Sec. 110-368. Failure to comply.**

Any owner, tenant, contractor or agent thereof who fails to provide tree protection as stated in this division shall be guilty of tree abuse.

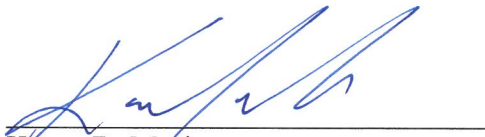
**Factual allegation: Two (2) Gumbo limbo trees were not properly protected during demolition and construction of the site causing irreputable damage to both trees. One of the Gumbo limbo trees was also not properly transplanted.**

If the Tree Commission for the City of Key West finds that there has been a violation of the above code section, it will elect to enter into a compliance settlement agreement pursuant to section 110-291 of the Key West City Code or recommend a fine and further hearing before the Special Master of the City of Key West pursuant to section 110-294 of the Key West City Code.

Attendees are hereby notified that a complete and accurate record of the proceeding is required under Florida Statute 286.0105 if an appeal is sought. Appellants are responsible for providing transcription services.

I hereby certify that the forgoing notice has been mailed to the Respondents and has been sent via e-mail, regular mail, and certified U.S. Mail to the above named Respondent's listed address on this **1<sup>st</sup> day of October 2020.**

If you have any questions, please call the office at (305) 809-3768.



Karen DeMaria

Urban Forestry Manager

[kdemaria@cityofkeywest-fl.gov](mailto:kdemaria@cityofkeywest-fl.gov)