



THE CITY OF KEY WEST
Code Compliance Division

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

**NOTICE OF CODE VIOLATION AND
ADMINISTRATIVE HEARING**

DATE: June 8, 2011
RE: CASE NUMBER 11-699

CERTIFIED MAIL RECEIPT#: 7007 3020 0000 5346 9456

To:
Michael Syring
Michael Marrone T/C
905 Trinity Drive
Key West FL 33040

Subject Address:
905 Trinity Drive
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 OBSTRUCTION OF STREETS Sec. 62-2

Date Est: May 26, 2011 Location: 905 TRINITY DR Qty: 001

Large pile of household debris blocking the city right-of-way

Violation Detail

00020 CONTAINER AND RECEPTACLE Sec. 58-31

Date Est: May 26, 2011 Location: 905 TRINITY DR Qty: 001

Large pile of household debris on the city right-of-way.

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 29, 2011

The Chambers will be open at 1:00 PM. These proceedings may be televised.

A handwritten signature in the bottom right corner of the page.

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.



Ginny Haller
Code Compliance Officer
City of Key West
(305) 809-3740

Hand Served this _____ *day of* _____, 2011

RECEIVED BY: _____

SERVED BY: _____



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Code Compliance Division

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Key West FL 33040

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Key West, FL 33040

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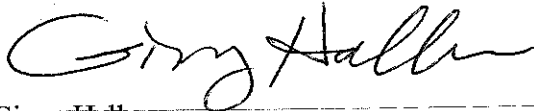
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Ginny Haller
Code Compliance Officer
City of Key West
(305) 809-3740

Hand Served this _____ day of _____, 2011

RECEIVED BY: _____

SERVED BY: _____

CASE NUMBER 11-00000699
 PROPERTY ADDRESS 905 TRINITY DR

 VIOLATION: OBSTRUCTION OF STREETS QUANTITY: 1
 DESCRIPTION: Sec. 62-2 DATE: 5/26/11
 LOCATION: 905 TRINITY DR

NARRATIVE :

Large pile of household debris blocking the city right-of-way

ORDINANCE DESCRIPTION :

Sec. 62-2. Obstructions.

(a) It shall be unlawful for any person willfully to obstruct the free, convenient and ordinary use of any public right-of-way, street, roadway, alley, sidewalk, swale or public square by impeding, hindering, stifling, retarding or restraining the passage of either pedestrian or vehicular traffic or by endangering the safe movement of pedestrians or vehicles travelling thereon.

(b) This section shall not apply to the right of assembly or to any other purpose for which a government has issued a permit; provided, however, that a permit to use a public area for a commercial purpose does not authorize obstruction.

(c) Violations shall be punishable as provided in section 1-15.

CORRECTIVE ACTION REQUIRED :

Remove obstruction or cease activity.

 VIOLATION: CONTAINER AND RECEPTACLE QUANTITY: 1
 DESCRIPTION: Sec. 58-31 DATE: 5/26/11
 LOCATION: 905 TRINITY DR

NARRATIVE :

Large pile of household debris on the city right-of-way.

ORDINANCE DESCRIPTION :

(a) All premises occupied as a dwelling, store or other place of business in the city shall have and maintain a proper watertight metal garbage container or plastic container for receiving garbage. It shall be provided with a good, tight and closely fitting metal or plastic cover, which cover shall be so constructed as to shed all rainwater and to prevent the access of flies to the contents of the can. Such cover shall be kept on at all times except when removed for the purpose of disposing of or removing garbage or for securing or airing the garbage can immediately after it has been emptied or before fresh garbage has been deposited in it.

(b) Residential and commercial receptacles for storage of refuse may not exceed 32 gallons in capacity and 50 pounds unless the receptacles can be mechanically dumped.

(c) Garbage, yard waste, and rubbish may be placed in the same containers. Yard waste will be collected with the

CASE NUMBER 11-00000699
PROPERTY ADDRESS 905 TRINITY DR

ORDINANCE DESCRIPTION :

garbage on the scheduled pickup day only if it is placed in containers and the container does not exceed set limits. Containers shall not exceed 32 gallons in capacity unless they are designed to be mechanically dumped. Any waste not containerized, with the exception of bulk waste and excess yard waste, shall not be placed out on city property (including the right-of-way).

(d) It shall be unlawful for a property owner or customer to fail to provide sufficient containers to contain all refuse between collections. No refuse will be collected unless placed in proper containers or unless it meets the requirements set forth for bulk and excess yard waste pickup in section 58-35.

(e) Infectious, inflammable and explosive materials and human or animal wastes shall not be placed in containers for regular collection. Refuse, clothing, bedding, or other refuse from homes or other places where highly infectious or contagious diseases have prevailed should be disposed of under the supervision and direction of the county health officer.

(f) All containers, including recycling containers, placed upon city property, including the right-of-way, for pickup by the city's franchise hauler must not be placed on city property before 4:00 p.m. of the night before scheduled pickup and must be removed from city property by 8:00 p.m. of the day of such pickup. Bulk waste for pickup by the city's franchise hauler or by a non-franchised licensed hauler must not be placed on city property before 4:00 p.m. of the night before scheduled pickup.

(g) Any person placing for pickup on his property or city property, including the right-of-way, construction and demolition (C & D) debris shall contact the city's franchise hauler or a non-franchised licensed hauler to arrange for special pickup and disposal of such items. Items may not be placed upon city property, including the right-of-way, before 4:00 p.m. of the night before the scheduled pickup.