



THE CITY OF KEY WEST

Code Compliance Division

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

NOTICE OF ADMINISTRATIVE HEARING

DATE: February 15, 2012
RE: CASE NUMBER 11-1399

CERTIFIED MAIL RECEIPT#: 7007 3020 0000 5346 2036

To:
Arthur Robert Kara Living Trust
918 Cornish Lane
Key West FL 33041

Subject Address:
7 Hunts Lane
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: On November 10, 2011 it was observed that a propane tank had been installed on the ground without HARC approval. No building or work permit required by this Code for work in the Historic District shall be issued until a Certificate of Appropriateness has been granted.

Sec. 14-40. - Permits in historic districts.

(a) Requirements. No building or work permit required by this Code for work in the historic zoning districts of the city or in tidal waters contiguous to and within 600 feet of the historic zoning districts shall be issued until a certificate of appropriateness has been granted by vote of the historic architectural review commission, attested by signature of its presiding member, and until the city manager finds that the building or work permit conforms to all laws and regulations of the city.

(b) Contents. All permits issued by the city shall show the nature and extent of the intended work in detail sufficient to demonstrate that the project is consistent with all city laws and regulations and of the historic architectural review commission.

(c) Stop work order; penalty. The building official is authorized to post a signed and dated notice to stop work on any site on which work is being performed in violation of the city laws and regulations or of the historic architectural review commission. Any person shall be guilty of an offense punishable as provided in section 1-15 if the person:

- (1) Performs work with actual or constructive knowledge that the work site has been posted by such notice, which notice has not been withdrawn by a dated, signed order of the building official; or
- (2) Removes, defaces, conceals or alters such notice to stop work, without a dated, signed authorization of the building official.

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

To Wit: Obtain HARC approval for installed propane tank.

Count 2: On November 10, 2011 it was observed that a propane tank had been installed on the ground.

Sec. 6.6.1.6 – Installation of Containers - NFPA 58 Liquefied Petroleum Gas Code 2008

Where necessary to prevent flotation due to possible high flood waters around aboveground or mounded containers on high water table for those underground and partially underground, containers shall be securely anchored.

To wit: Securely anchor the container.

Count 3: On November 10, 2011 it was observed that a propane tank had been installed on the ground.

Sec 6.6.2.1 - Installation of Cylinders - NFPA 58 Liquefied Petroleum Gas Code 2008 Edition

Cylinders shall be installed only aboveground and shall be set upon a firm foundation or otherwise be firmly secured. The cylinder shall not be in contact with the soil.

To wit: cylinder shall be set upon a firm foundation (concrete pad) or otherwise be firmly secured so as not to be in contact with the soil.

For your info: 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: 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.

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 28, 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:* _____