



**THE CITY OF KEY WEST**  
**Code Compliance Division**  
P.O. BOX 1409  
KEY WEST, FL 33041  
(305) 809-3740

**NOTICE OF ADMINISTRATIVE HEARING**

DATE: November 21, 2012  
RE: CASE NUMBER 12-1523

CERTIFIED MAIL RECEIPT#: 7003 3110 0003 4758 4105

To:  
Jean L Delice  
Christela Brevil  
1116 White Street  
Key West, FL 33040

Subject Address:  
Mo's Restaurant  
1116 White 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: Sec. 30-1. - Fees for false alarms and fire code inspections.**

Fees shall be charged for false fire alarms in accordance with the provisions of sections 30-2 to 30-8, herein. Fees shall be charged to the business owner for initial and annual fire prevention code inspections and re-inspections performed on structures, buildings, or occupancies by the fire department in the amounts set forth in section 30-9, herein.

**To wit:** A fire inspection was done on April 19, 2012. The fee of \$50 has not been paid.

**Corrective action:** Pay the fire inspection fee of \$50.

**Count 2: Sec. 66-102. - Dates due and delinquent; penalties.**

(a) All licenses shall be sold by the city beginning August 1 of each year, are due and payable on or before September 30 of each year, and expire on September 30 of the succeeding year. If September 30 falls on a weekend or holiday, the tax is due and payable on or before the first working day following September 30. Licenses that are not renewed when due and payable are delinquent and subject to a delinquency penalty of ten percent for the month of October, plus an additional five percent penalty for each subsequent month of delinquency until paid. However, the total delinquency penalty may not exceed 25 percent of the business tax for the delinquent establishment.

(b) Any person who engages in or manages any business, occupation, or profession without first obtaining a local business tax receipt, if required, is subject to a penalty of 25 percent of the license due, in addition to any other penalty provided by law or ordinance.

(c) Any person who engages in any business, occupation, or profession covered by this article who does not pay the required business tax within 150 days after the initial notice of tax due and who does not obtain the required business tax receipt is subject to civil actions and penalties, including court costs, reasonable attorneys' fees, additional administrative costs incurred as a result of collection efforts, and a penalty of up to \$250.00.

**To wit:** The business tax receipt for Mo's is delinquent.

**Corrective action:** Pay the business tax receipt for Mo's.

### **Count 3: Sec. 58-63. – Delinquency**

(a) Solid waste charges shall become delinquent 20 days after date of billing.

(b) Any solid waste service charge which becomes delinquent shall be assessed a one-time penalty charge, which shall appear on the next billing statement, of the greater of \$5.00 or 15 percent of the delinquent service charge amount. If any rates, fees or charges established for the use and privilege of use of the city solid waste collection system shall not be paid within 30 days after the rates, fees or charges shall become due and payable, the city may, at the expiration of such 30-day period and after 15 days' written notice, which notice may be given and may run within the 30-day period, disconnect the premises from the sewer system for which the solid waste rates, fees or charges have not been paid. The owner of the premises may cause to have his premises reconnected at his own expense with the sewer system, provided that the owner pays to the city its actual cost of disconnecting the premises and all delinquent solid waste rates, fees or charges.

**To wit:** The solid waste account is past due.

**Corrective action:** Pay the delinquent solid waste account.

### **Count 4: Sec. 74-206. - Owner's responsibility for payment**

The owner of the property being served the city sewer system shall be responsible for payment of all amounts due from rates and charges established by this article.

**To wit:** The sewer account is delinquent.

**Corrective action:** Pay the delinquent sewer account.

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:**

**December 19, 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.**



Bonnita Badgett  
Code Compliance Officer  
City of Key West

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

*Received by:* \_\_\_\_\_ *Served By:* \_\_\_\_\_