



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

NOTICE OF ADMINISTRATIVE HEARING

DATE: 4 February 2014
RE: CASE NUMBER 13-1569

CERTIFIED MAIL RECEIPT#: 7013 2630 0000 9565 0113

To:
Joseph P Browning TR
C/O Michael L Browning Trustee
402 Applerouth Lane
Key West, FL 33040

Subject Address:
1907 Roosevelt Drive A
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. 58-31 Container and receptacle requirements

(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.

To Wit: I observed and photographed bins stored on city right of way on 13 Dec 2013. Mr. Charles Lee – property manager - left voicemail upon receipt of the Notice of Code Violation (18 Dec 2013) that the bins would be appropriately stored on private property except for pickup dates. On 27 Dec 2013, 11 Jan 2014 and 31 Jan 2014 I observed and photographed bins stored on city right of way for which photos have been supplied with this notice.

Corrective Action: Store bins on private property except for pick up date.

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:**

February 26, 2014

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

Hand served this _____ *day of* _____, 2014 @ _____ *am/pm.*

Received by: _____ *Served By:* _____