



THE CITY OF KEY WEST Code Compliance Division

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

NOTICE OF REPEAT IRREPARABLE CODE VIOLATION AND ADMINISTRATIVE HEARING

DATE: February 14, 2013
RE: CASE NUMBER 13-223

CERTIFIED MAIL RECEIPT#: 7012 2210 0000 6252 6183

To: Cityview Trolley Tours of Key West, Inc.	Subject Address:
C/O Gregory Wythe, R/A	Cityview Trolley Tours of Key West, Inc.
234 Front Street	Mallory Square
Key West, FL 33040	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. 18-414 Prohibited in certain locations

No person shall engage in off-premises canvassing in the following locations:

- (1) Any publicly owned parking lot.
- (2) Mallory Dock, except that those artisans, vendors and performers authorized by the cultural preservation society to be present during the nightly sunset activities and participating in the drawing for the 60 available spaces administered by the society shall be exempt from the requirements of this article.
- (3) Any publicly owned beach or seawall or city-owned, state-owned, or federally owned right-of-way adjacent to any publicly owned beach or seawall.

To wit: I conducted a site visit on 11 February 2013. At 1220PM I observed a male employee of CityView Trolley approach an elderly couple who were exiting the cruise Ship Ryndam to ask if they had trolley tickets. When the couple replied no, the employee then handed them a CityView map and directed them to other CityView staff who then sold them tickets. Subject employee when asked produced identification and was issued a Notice of Irreparable Code Violation and Administrative Hearing. Subject name Tim Nechville, 7281 Shrimp Rd. Key West Fl.

2/14/2013

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 27, 2013

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
(305) 809-3740