



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

NOTICE OF ADMINISTRATIVE HEARING

DATE: April 23, 2012
RE: CASE NUMBER 12-153

CERTIFIED MAIL RECEIPT#: 7007 3020 0000 5345 5755

To:
Stella A Rylander
534 Duval Street
Key West, FL 33040

Subject Address:
532 Duval Street 534
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 January 26, 2012 the city received a complaint Jay Rylander feeding cats and chickens on the city sidewalk. I visited the property and noticed a lot of cat food on the porch of an abandon house and also chicken feed trailing in to the property. I spoke with Jay and he showed me around the property and the cages for the chickens and roosters were not secure and chicken feed all over the ground of the property. Approximately 3 pounds of fresh cat food were in bowls all over the yard. The cage that is for the chickens and roosters has not been cleaned on a regular basis. The food is spread over the entire yard and porches and driveway.

Sec. 10-11 Keeping fowl or wildlife

The City shall not accept or be responsible for the keeping of any non-domesticated fowl or wildlife. Live poultry may be kept by any person in the city, provided that such poultry is kept in accordance with the following conditions: (1)All live poultry shall be kept in screened coops or pens which are maintained in a sanitary condition free from odors and free from fly breeding.(2)All poultry droppings shall be removed from the coops or pens at least every 24 hours, tightly wrapped, and disposed of as provided by sections of this code regarding disposal of solid waste. Droppings shall not be used for fertilizer.

CORRECTIVE ACTION: Secure the chickens to the cage and clean up feces every 24 hours.

Count 2. The yard area is very smelly and the flies are abundant. The odor and flies has become a nuisance to the city sidewalk and neighboring properties.

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Sec. 26-126. Clearing of property of debris and noxious material required.

For the purposes of promoting the health, safety, and general welfare of the city residents, the city manager is authorized and empowered to require that vacant lands and/or improved property within the city be cleared of debris and any noxious material, including garbage, litter, rubbish, refuse, solid waste, trash or industrial waste or high grass or weeds which tend to:

- (1) Be a breeding place or haven for snakes, rodents, insects, and vermin;
- (2) Create a fire hazard or endanger the lives and property of the city residents;
- (3) Create a traffic hazard; or
- (4) Create a nuisance or other unsightly or unsanitary condition.

CORRECTIVE ACTION: Control the flies and odor by cleaning the property of feces and extra feed.

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:**

May 23, 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.**

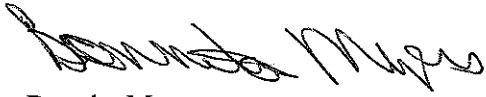
You have a right to have an attorney present at the hearing. If an attorney represents you, your attorney must file written notice with this office prior to the hearing date.

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 Myers
Code Compliance Officer
City of Key West

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

Received by: _____ *Served By:* _____