



**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 11-00001200

CERTIFIED MAIL RECEIPT#: 7007 3020 0000 5345 2792

To:  
TIM GALLAGHER  
4410 N.E. 18<sup>TH</sup> Avenue  
Oakland Park, FL 33334

Subject Address:  
2904 HARRIS AVE  
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):

**Violation Detail**

**Count 1:**

**CERTIFICATE OF OCCUPANCY REQUIRED Sec. 90-363**  
Date Est: September 26, 2011 Location: 2904 HARRIS AVENUE

On 22 Sep 11, I observed a habitable unit at the rear of the subject property. A check of the City records indicates there is no Certificate of Occupancy for this unit.

**Count 2: BUSINESS TAX RECEIPT REQUIRED Sec. 66-87**  
Date Est: September 26, 2011 Location: 2904 HARRIS AVENUE

On 22 Sep 11, I observed a habitable unit at the rear of the subject property being rented without the benefit of a business tax receipt.

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.**



Jim Young  
Code Compliance Officer  
City of Key West  
305.809.3737  
jjyoung@keywestcity.com

CASE NUMBER 11-00001200  
PROPERTY ADDRESS 2904 HARRIS AVE

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VIOLATION: CERTIFICATE OF OCCUPANCY QUANTITY: 1  
DESCRIPTION: Sec. 90-363 DATE: 9/26/11  
LOCATION: 2904 HARRIS

## NARRATIVE :

September 26, 2011 11:25:13 AM keywjy.  
On 22 Sep 11 I observed a habitable unit at the rear of  
subject property. A check with the City records indicates  
there is no C/O for this unit.

## ORDINANCE DESCRIPTION :

No land or building or part thereof erected or altered in  
its use or structure after the effective date of the  
ordinance from which this section derives shall be used  
until the chief building official shall have issued a  
certificate of occupancy stating that such land, building,  
or part thereof and the proposed use thereof are found to  
be in conformity with the provisions of the land  
development regulations. Development permits shall also be  
required as provided in section 90-356. It shall be the  
duty of the chief building official to make a final  
inspection of the building or premises and to issue a  
certificate of occupancy if the land, building or part  
thereof and the proposed use thereof are found to conform  
with the land development regulations or, if such  
certificate is refused, to state such refusal in writing  
together with the cause. Failure to obtain a certificate of  
occupancy shall be deemed a violation of the land  
development regulations.

## CORRECTIVE ACTION REQUIRED :

Cease activity until a Certificate of Occupancy is obtained.