

**NOTICE OF ADMINISTRATIVE HEARING BEFORE THE TREE
COMMISSION OF THE CITY OF KEY WEST**

**City of Key West
Petitioner,**

December 28, 2011

Vs.

**Chris Fogarty
Fogarty Builders
1315 Johnson Street
Key West, Florida 33040
Co-respondent,**

An administrative hearing before the Tree Commission for the City of Key West will be held on Monday, January 9, 2012, at 5:00 p.m., at Old City Hall, 510 Green St. Key West, Florida.

This hearing will be conducted pursuant to sections 110-288 et. seq. of the Key West City Code. The purpose of this hearing will be to determine if a code violation has been committed by the above named Respondent. Your presence is required at the next Tree Commission meeting.

Date of alleged violation: On or before October 18, 2011

Alleged code violation:

Section 110-256. Tree Abuse.

- (a) *Generally.* Tree abuse is prohibited, and abused trees shall not be counted toward fulfilling landscape requirements. The city may require the abused trees to be replaced.**
- (b) *Prohibited acts.* A tree shall be considered abused if one or more of the following actions has taken place:**
 - (1) Significant damage has been inflicted upon any part of the tree, including the root system, by machinery, storage of materials, soil compaction, excavation, vehicle accidents, chemical application or change to the natural grade.**
 - (3) Cutting upon any tree which permanently reduces the function of the tree or causes it to go into shock.**
 - (4) Cutting upon a tree which destroys its natural shape.**

Section 110-321. Permit Required.

- (a) Unless a tree removal permit approved by the tree commission and issued by the chief building official has been obtained, no person, whether on publicly or privately owned land, shall willfully cause harm or major maintenance to or hatracking or removal of the following:**
- (1) Any tree listed as "specially protected" in section 110-253;**
 - (2) Any dicot tree which is 3 ½ inches or more in diameter at breast height;**

Factual allegation: Causing Damage to an Autograph tree during Construction.

If the Tree Commission for the City of Key West finds that there has been a violation of the above code section, it will elect to enter into a compliance settlement agreement pursuant to section 110-291 of the Key West City Code or recommend a fine and further hearing before the Special Master of The City of Key West pursuant to section 110-294 of the Key West City Code.

I hereby certify that the forgoing notice has been sent by certified U.S. Mail to the above named Respondent's listed address.

If you have any question please call the office at (305) 809-3764.

**Karen DeMaria
Interim Urban Forestry Manager**