



**THE CITY OF KEY WEST**  
**Code Compliance Division**

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

**NOTICE OF CODE VIOLATION AND  
ADMINISTRATIVE HEARING**

DATE: July 15, 2011  
RE: CASE NUMBER 11-00000939

CERTIFIED MAIL RECEIPT#: 7007 3020 0000 5346 0032

To:  
George B Davis  
Po Box 793  
Key West FL 33041

Subject Address:  
300 Blk of Duval St  
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**

00010 LOCATIONS Sec. 6-3 - Photos were taken of George B Davis performing on the corner of Eaton and Duval less than 20' from the closest intersection.

**Violation Detail**

00020 Permit required; Sec. 6-2 - Photos were taken of George B Davis performing in violation of the insurance requirements.

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:**

**August 31, 2011**

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.**

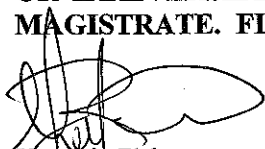
You have a right to have an attorney present at the hearing. If an attorney represents you, your attorney must file written notice with this office prior to the hearing date.

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.**



Yesenia Beltranena  
Code Compliance Officer  
City of Key West  
(305) 809-3740

Hand Served this 20 day of July, 2011

Received by: [Signature]

Served By: [Signature] George Davis

Yesenia Beltranena

CASE NUMBER 11-00000939  
PROPERTY ADDRESS STREET CITY

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VIOLATION: LOCATIONS QUANTITY: 1  
DESCRIPTION: Sec. 6-3 DATE: 7/15/11  
LOCATION:

## NARRATIVE :

Photos were taken of George B Davis performing on the corner of Eaton and Duval less than 20' from the closest intersection.

## ORDINANCE DESCRIPTION :

Sec. 6-3. - Locations.

(a)The following locations in the Historic District shall not be used by street performers or street artists permitted under this ordinance:

i. Mallory Square.

ii. Wall Street.

iii. In front of or abutting a federal, state or local government building.

iv. In front of or abutting a church, synagogue or other place of worship.

v. In front of or abutting a theatre.

vi. The Key West Bight Harborwalk.

vii. The Truman Waterfront property.

viii. The area commonly known as the Southernmost Point extending from the center of the intersection of South and Duval Streets westward to the Southernmost Point monument then continuing northward to center of the intersection of United and Whitehead Streets.

ix. The area defined in section 6-1 as the Duval Street Corridor Cultural District.

x. Whitehead Street from Front Street to Eaton Street.

xi. The area commonly known as Clinton Square including those portions of Whitehead, Greene and Front Streets.

(b) The use of a location on public property by a permit holder is on a daily, first-come, first-served basis. No permit holder shall make efforts to reserve a location; and each permit holder shall abandon a location at the end of his or her working day, including the removal of all personal property of the permit holder.

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## ORDINANCE DESCRIPTION :

(c) The White Street Pier shall not be used by street performers or street artists.

(d) A license holder cannot establish themselves within 20 feet of the closest intersection or within ten feet of another permit holder. Street performers may combine performances subject to the limitation as set forth in subsection 6-4(k).

(e) A permit holder within this article shall establish themselves in an area that is at least five feet from the adjacent property line and at least 12 inches from the adjacent street curb as described in attached "Exhibit B" to Ord. No. 11-07.

## CORRECTIVE ACTION REQUIRED :

Relocate to approved locations.

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 VIOLATION: Permit required; QUANTITY: 1  
 DESCRIPTION: Sec. 6-2 DATE: 7/15/11  
 LOCATION:

## NARRATIVE :

Photos were taken of George B Davis performing in violation of the insurance requirements.

## ORDINANCE DESCRIPTION :

(a) A permit system for street performers and street artists is hereby established. It shall be unlawful for any person to engage in any street performance or art vending on public property in the Historic District within the area defined in section 6-1 as the Artisan and Performer Corridor without first obtaining a permit as required by this article. This ordinance shall not apply to impromptu behavior by persons not holding themselves out as public performers.

(b) The city through its licensing division shall issue street performer permits (Permit "A") and art vending permits (Permit "B") for use in the area defined in section 6-1 as the Artisan and Performer Corridor. Each Permit "A" and "B" shall be effective for a period of one year from the date of issuance. Those permits which have not been paid for in full and picked up at the licensing department within 14 days of notification that the permit is ready shall be forfeited.

(c) The licensing division shall establish a standard application form for "A" and "B" permits. This application form shall include, but not be limited to:

(i) Name, address and telephone number of the applicant;

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## ORDINANCE DESCRIPTION :

(ii) A photograph of the applicant;

(iii) A declaration under penalty of perjury that the applicant for a "B" permit shall vend art that is only of his or her own original creation;

(iv) A hold-harmless agreement releasing the city and its employees from all claims and actions arising out of the street performance or art vending on public property; and

(v) A description of the performance or the art.

All applications to the licensing division must be made in person by the applicant;

(vi) Permittee shall furnish and maintain public liability and property damage insurance providing coverage for all claims and damage to property or bodily injury, including death which may arise from street performances or art vending on city rights-of-way under this ordinance. Such insurance shall provide coverage of not less than \$300,000.00 for bodily injury and property damage respectively, per occurrence. The city shall be named as an additional insured. All policies required under this ordinance shall provide such policies may not be terminated or cancelled without 30 days' written notice sent via certified mail to the licensing official for the City of Key West. Performers are permitted to submit a group policy provided that the individual members possess coverage consistent with this section.

(vii) Applications for a Permit "B" shall also include a valid sales tax receipt issued by the State of Florida.

(d) A permit is nontransferable.

(e) A person whose permit application is denied for any reason may appeal to the circuit court.

(f) There shall be a limitation of five permits issued for palm weaving per year to be determined by lottery system established by the licensing department. All other requirements under chapter 110 for palm weavers must be complied with. Coconut fruits are expressly excluded from this permitting section.

(g) There shall be a fee of \$150.00 collected at the time of permit application for either Permit "A" or "B".

CORRECTIVE ACTION REQUIRED :