



**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: January 6, 2012  
RE: CASE NUMBER 11-1043

CERTIFIED MAIL RECEIPT#: 7007 3020 0000 5346 1770

To:  
Donald R Dye  
345 W 13<sup>th</sup> Street, Apt 6-H  
New York, NY 10014

Subject Address:  
825 Elizabeth Street  
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:** The captioned property was held out and/or advertised as being available on April 5, 2011 through April 13, 2011, on June 16, 2011 through July 1, 2011 and again on August 1, 2011 through August 31, 2011 without benefit of a non-transient rental license.

**Sec. 66-87 Business tax receipt required for all holding themselves out to be engaged in a business**

No person shall engage in, manage, carry on or practice, wholly or in part, within the city limits, any business, profession or occupation without first procuring a city business tax receipt. For the purposes of this article, any person holding himself out to the public by sign, printed matter, telephone directory classified section, city directory or otherwise as being engaged in business or as offering services or property to the public for a consideration, regardless of whether such person actually transacts any business or practices a profession, shall be considered as engaging in business and shall be liable for a business tax receipt fee thereon.

**To wit:** A business tax receipt is required to rent your property

**Count 2:** A transient license is required to rent your property transiently.

### **Sec. 18-601 TRANSIENT LICENSE**

(a) The short-term rental of a residential property is a business activity that requires the property owner to hold a business tax receipt issued by the city. A state or county license without an accompanying city license is insufficient. Notwithstanding the existence of any other regulation of the city regulating the transient use of property, the short-term rental of a residential property without a business tax receipt violates the law.

(b) It shall be unlawful for a property owner to lease a residential property for a period of less than 30 days or one calendar month without having obtained a business tax receipt under this division.

**To wit:** The captioned property was held out and/or advertised as being available on April 5, 2011 through April 13, 2011, and again on June 16, 2011 through July 1, 2011 without benefit of a transient rental license.

A Transient Unit is defined as a Transient Living Accommodation as Defined in 86-9. Section 86-9 of the Key West Code of Ordinances defines a Transient Living accommodation is any unit, group of units, dwelling, building, or group of buildings within a single complex of buildings, which is 1) rented for a period or periods of less than 30 days or one calendar month, whichever is less; or which is 2) advertised or held out to the public as a place rented to transients, regardless of the occurrence of an actual rental. Such a short-term rental use of or within a single-family dwelling, a two-family dwelling or a multifamily dwelling (each also known as a "residential dwelling") shall be deemed a transient living accommodation.

**Count 3:** The respondent held out the property in question as being available for rent transiently contrary to 122-1371(d)(9) on April 5, 2011.

**Count 4:** The respondent held out the property in question as being available for rent transiently contrary to 122-1371(d)(9) on April 6, 2011.

**Count 5:** The respondent held out the property in question as being available for rent transiently contrary to 122-1371(d)(9) on April 7, 2011.

**Count 6:** The respondent held out the property in question as being available for rent transiently contrary to 122-1371(d)(9) on April 8, 2011.

**Count 7:** The respondent held out the property in question as being available for rent transiently contrary to 122-1371(d)(9) on April 9, 2011.

**Count 8:** The respondent held out the property in question as being available for rent transiently contrary to 122-1371(d)(9) on April 10, 2011.

**Count 9:** The respondent held out the property in question as being available for rent transiently contrary to 122-1371(d)(9) on April 11, 2011.

**Count 10:** The respondent held out the property in question as being available for rent transiently contrary to 122-1371(d)(9) on April 12, 2011.

**Count 11:** The respondent held out the property in question as being available for rent transiently contrary to 122-1371(d)(9) on April 13, 2011.

**Count 12:** The respondent held out the property in question as being available for rent transiently contrary to 122-1371(d)(9) on June 16, 2011.

**Count 13:** The respondent held out the property in question as being available for rent transiently contrary to 122-1371(d)(9) on June 17, 2011.

**Count 14:** The respondent held out the property in question as being available for rent transiently contrary to 122-1371(d)(9) on June 18, 2011.

**Count 15:** The respondent held out the property in question as being available for rent transiently contrary to 122-1371(d)(9) on June 19, 2011.

**Count 16:** The respondent held out the property in question as being available for rent transiently contrary to 122-1371(d)(9) on June 20, 2011.

**Count 17:** The respondent held out the property in question as being available for rent transiently contrary to 122-1371(d)(9) on June 21, 2011.

**Count 18:** The respondent held out the property in question as being available for rent transiently contrary to 122-1371(d)(9) on June 22, 2011.

**Count 19:** The respondent held out the property in question as being available for rent transiently contrary to 122-1371(d)(9) on June 23, 2011.

**Count 20:** The respondent held out the property in question as being available for rent transiently contrary to 122-1371(d)(9) on June 24, 2011.

**Count 21:** The respondent held out the property in question as being available for rent transiently contrary to 122-1371(d)(9) on June 25, 2011.

**Count 22:** The respondent held out the property in question as being available for rent transiently contrary to 122-1371(d)(9) on June 26, 2011.

**Count 23:** The respondent held out the property in question as being available for rent transiently contrary to 122-1371(d)(9) on June 27, 2011.

**Count 24:** The respondent held out the property in question as being available for rent transiently contrary to 122-1371(d)(9) on June 28, 2011.

**Count 25:** The respondent held out the property in question as being available for rent transiently contrary to 122-1371(d)(9) on June 29, 2011.

**Count 26:** The respondent held out the property in question as being available for rent transiently contrary to 122-1371(d)(9) on June 30, 2011.

**Count 27:** The respondent held out the property in question as being available for rent transiently contrary to 122-1371(d)(9) on July 1, 2011.

**Sec. 122-1371 TRANSIENT LIVING ACCOMMODATIONS IN RESIDENTIAL DWELLINGS; REGULATIONS**

(d) General regulations. The following regulations shall pertain to transient lodging use of or within a residential dwelling.

(9) It shall be unlawful for any owner, tenant, broker, realtor, agent or other representative of the owners to hold out or advertise a residential dwelling for transient rental if the property is not permitted, as provided hereunder. A broker or realtor who is found in violation of this regulation shall be subject to business tax receipt revocation.

**To wit:** The captioned property was held out and/or advertised as being available on April 5, 2011 through April 13, 2011, and again on June 16, 2011 through July 1, 2011 without benefit of a transient rental license.

**Count 28:** The caption property is located in the HHDR district which prohibits transient rentals

**Sec. 122-629 Prohibited uses in HHDR**

In the historic high density residential district (HHDR), all uses not specifically or provisionally provided for in this subdivision are prohibited.

**To wit:** Transient rentals are prohibited in the HHDR district.

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:**

**January 25, 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.

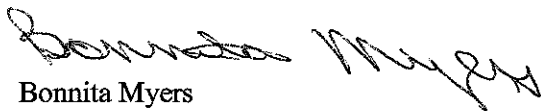
If you intend to request a continuance from the Hearing Date set out above you must submit a written request for a continuance addressed to the Special Magistrate and mailed to PO Box 1409, Key West, FL 33041 or delivered to the Special Magistrate's Legal Analyst at 3139 Riviera Drive, Key West, FL 33040. 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  
(305) 809-3740

Hand Served this      day of      , 2012

**RECEIVED BY:**

**SERVED BY:**