



THE CITY OF KEY WEST
Code Compliance Division

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

11-12

NOTICE OF ADMINISTRATIVE HEARING

Date: November 3, 2010
Re: Case Number 10-00000930

CERTIFIED MAIL RECEIPT#: 7005 3110 0002 0247 6109

To: Dennis D & Leigh A Hooten
2829 Seidenberg Ave
Key West Fl 33040

Subject Address:
2829 Seidenberg 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

PARKING & STORAGE VEHICLE Sec. 108-677

Vehicles without current license tags must be in an enclosed structure or removed from private property.

OWNER RESPONSIBILITY Sec. 74-206

It is the owners responsibility to pay all delinquent sewer/solid waste charges.

DELINQUENCY Sec. 58-63

The delinquent sewer/solid waste charges are due and payable immediately or you may make payment arrangements with the Revenue Department by calling (305) 809-3860. It is the owners responsibility to pay all delinquent sewer/solid waste charges.

CLEARING OF PROPERTY Sec. 26-126

Front yard must be cleared of debris and any noxious material, including garbage, litter, rubbish, refuse, solid waste, trash or high grass or weeds which tend to be a breeding place or haven for snakes, rodents, insects, and vermin. Anything holding standing water must be turned over to avoid mosquito infestation. Vehicles not having current tags must be removed or properly licensed.

OBSTRUCTION OF STREETS Sec. 62-2

It shall be unlawful for any person willfully to obstruct the free, convenient and ordinary use of any public right-of-way, street, roadway, alley, sidewalk, swale or public square by impeding, hindering, stifling, retarding or restraining the passage of either pedestrian or vehicular traffic or

by endangering the safe movement of pedestrians or vehicles travelling thereon. Your bushes and trees must be trimmed back to the property line immediately.

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:**

December 08, 2010

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.



Barbara Meizis
Code Compliance Officer
City of Key West

Hand served this _____ day of _____, 2010 @ _____ am/pm.

Received by: _____ Served By: _____

CASE NUMBER 10-00000930
 PROPERTY ADDRESS 2829 SEIDENBERG AVE

 VIOLATION: PARKING & STORAGE VEHICLE QUANTITY: 1
 DESCRIPTION: Sec. 108-677 DATE: 9/25/10
 LOCATION: 2829 SEIDENBERG

NARRATIVE :

Vehicles without current license tags must be in an enclosed structure or removed from private property.

ORDINANCE DESCRIPTION :

Automotive vehicles or trailers of any kind or type without current license plates shall not be parked or stored on any residentially zoned property other than in completely enclosed buildings.

 VIOLATION: OWNER RESPONSIBILITY QUANTITY: 1
 DESCRIPTION: Sec. 74-206 DATE: 9/25/10
 LOCATION: 2829 SEIDENBERG

NARRATIVE :

It is the owners responsibility to pay all delinquent sewer/solid waste charges.

ORDINANCE DESCRIPTION :

The owner of the property being served the city sewer system shall be responsible for payment of all amounts due from rates and charges established by this article.

CORRECTIVE ACTION REQUIRED :

Pay all charges and back fees immediately upon receipt of this notice.

 VIOLATION: DELINQUENCY QUANTITY: 1
 DESCRIPTION: Sec. 58-63 DATE: 9/25/10
 LOCATION: 2829 SEIDENBERG

NARRATIVE :

The delinquent sewer/solid waste charges are due and payable immediately or you may make payment arrangements with the Revenue Department by calling (305) 809-3860. It is the owners responsibility to pay all delinquent sewer/solid waste charges.

ORDINANCE DESCRIPTION :

(a) Solid waste charges shall become delinquent 20 days after date of billing.
 (b) Any solid waste service charge which becomes delinquent shall be assessed a one-time penalty charge, which shall appear on the next billing statement, of the greater of \$5.00 or 15 percent of the delinquent service charge amount. If any rates, fees or charges established for the use and privilege of use of the city solid waste

VIOLATION DETAIL

CASE NUMBER 10-00000930
 PROPERTY ADDRESS 2829 SEIDENBERG AVE

ORDINANCE DESCRIPTION :

collection system shall not be paid within 30 days after the rates, fees or charges shall become due and payable, the city may, at the expiration of such 30-day period and after 15 days' written notice, which notice may be given and may run within the 30-day period, disconnect the premises from the sewer system for which the solid waste rates, fees or charges have not been paid. The owner of the premises may cause to have his premises reconnected at his own expense with the sewer system, provided that the owner pays to the city its actual cost of disconnecting the premises and all delinquent solid waste rates, fees or charges.

CORRECTIVE ACTION REQUIRED :

Payment is due immediately upon receipt of this notice.

 VIOLATION: CLEARING OF PROPERTY QUANTITY: 1
 DESCRIPTION: Sec. 26-126 DATE: 9/25/10
 LOCATION: 2829 SEIDENBERG

NARRATIVE :

Front yard must be cleared of debris and any noxious material, including garbage, litter, rubbish, refuse, solid waste, trash or high grass or weeds which tend to be a breeding place or haven for snakes, rodents, insects, and vermin. Anything holding standing water must be turned over to avoid mosquito infestation. Vehicles not having current tags must be removed or properly licensed.

ORDINANCE DESCRIPTION :

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 REQUIRED :

Property needs to be cleaned and maintained.

 VIOLATION: OBSTRUCTION OF STREETS QUANTITY: 1
 DESCRIPTION: Sec. 62-2 DATE: 11/03/10
 LOCATION: 2829 SEIDENBERG

NARRATIVE :

CONTINUED

CASE NUMBER 10-00000930
PROPERTY ADDRESS 2829 SEIDENBERG AVE

NARRATIVE :

It shall be unlawful for any person willfully to obstruct the free, convenient and ordinary use of any public right-of-way, street, roadway, alley, sidewalk, swale or public square by impeding, hindering, stifling, retarding or restraining the passage of either pedestrian or vehicular traffic or by endangering the safe movement of pedestrians or vehicles travelling thereon. Your bushes and trees must be trimmed back to the property line immediately.

ORDINANCE DESCRIPTION :

Sec. 62-2. Obstructions.

(a) It shall be unlawful for any person willfully to obstruct the free, convenient and ordinary use of any public right-of-way, street, roadway, alley, sidewalk, swale or public square by impeding, hindering, stifling, retarding or restraining the passage of either pedestrian or vehicular traffic or by endangering the safe movement of pedestrians or vehicles travelling thereon.

(b) This section shall not apply to the right of assembly or to any other purpose for which a government has issued a permit; provided, however, that a permit to use a public area for a commercial purpose does not authorize obstruction.

(c) Violations shall be punishable as provided in section 1-15.

CORRECTIVE ACTION REQUIRED :

Remove obstruction or cease activity.