



THE CITY OF KEY WEST
Code Compliance Division
P.O. BOX 1409
KEY WEST, FL 33041
(305) 809-3740

NOTICE OF ADMINISTRATIVE HEARING

DATE: March 28, 2013
RE: CASE NUMBER 13-40

CERTIFIED MAIL RECEIPT#: 7012 2210 0000 6252 6589

To:
On Pointe Restaurant Group LLC
William Lay
3593 S Roosevelt Blvd
Key West, FL 33040

Subject Address:
Virgilio's
522 Duval Street 524
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 notified that your property is in violation of the City of Key West Code of Ordinances for the following reason(s):

Count 1: Sec. 62-2 Obstruction

(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

To wit: On January 9, 2013 the city received another complaint regarding garbage containers and debris obstructing the sidewalk. I checked with Waste Management and you have service of two 64 gallon and one 95 gallon containers 7 days a week. Recycle are seven 95 gallon containers Wednesday and Fridays. All the cans are being left on the city right of way seven days a week.

Corrective action: After pick up on scheduled days containers need to be removed from obstructing city right of way.



THE CITY OF KEY WEST

Code Compliance Division

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

NOTICE OF ADMINISTRATIVE HEARING

DATE: March 28, 2013
RE: CASE NUMBER 13-40

CERTIFIED MAIL RECEIPT#: 7012 2210 0000 6252 6596

To:
C T Corporation System
1200 South Pine Island Road
Plantation, FL 33324

Subject Address:
On Pointe Restaurant Group LLC
522 Duval Street 524
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):

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Corrective action: After pick up on scheduled days containers need to be removed from obstructing city right of way.

Count 2: Sec. 58-31 Container and receptacle requirements

(f) All containers, including recycling containers, placed upon city property, including the right-of-way, for pickup by the city's franchise hauler must not be placed on city property before 4:00 p.m. of the night before scheduled pickup and must be removed from city property by 8:00 p.m. of the day of such pickup. Bulk waste for pickup by the city's franchise hauler or by a non-franchised licensed hauler must not be placed on city property before 4:00 p.m. of the night before scheduled pickup.

To wit: On January 9, 2013 the city received another complaint regarding garbage containers and debris obstructing the sidewalk. I checked with Waste Management and you have service of two 64 gallon and one 95 gallon containers 7 days a week. Recycle are seven 95 gallon containers Wednesday and Fridays. All the cans are being left on the city right of way seven days a week.

CORRECTIVE ACTION: After pick up on scheduled days containers need to be removed from obstructing city right of way.

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:**

April 24, 2013

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 Badgett
Code Compliance Officer
City of Key West

305-809-3762

Hand served this _____ day of _____, 2013 @ _____ am/pm.

Received by: _____ Served By: _____