



THE CITY OF KEY WEST
Code Compliance Division

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

2ND AMENDED
NOTICE OF IRREPARABLE CODE VIOLATION
AND ADMINISTRATIVE HEARING

DATE: August 25, 2011
RE: CASE NUMBER 11-615

CERTIFIED MAIL RECEIPT#: POSTED

To:
Kara Constance & John Mccoy
215 Eneas Lane
Key West FL 33040

Subject Address:
215 Eneas Lane
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 BUILDING PERMITS,DISPLAY Sec. 14-37

Count 1

On May 3, 2011 French doors had been installed without a permit. A stop work order was posted. On July 26, 2011 a second stop work order was issued for stucco, repairing soffit and fascia, installation of A/C units, and installation of copper tubing. On August 1, 2011 it was determined that a portion of the carport had been enclosed without permits.

Sec. 14-37. - Building permits; professional plans; display of permits.

(a) Building permit required; display. Building permits shall be procured from the building official before performance of any work or construction of any character, whether permanent or temporary. Within 48 hours after it is issued, the applicant must cause the permit to be posted and displayed at the work site so that it is readily visible from an adjacent public street throughout the term of the work. No work shall be performed unless a proper permit is so posted.

Correction action: Cease activity until building permits are obtained

Violation Detail

00020 CERT OF APPROPRIATENESS Sec. 102-152

Count 2

On May 3, 2011 French doors had been installed without a certificate of appropriateness. A stop work order was posted. On July 26, 2011 a second stop work order was issued for stucco, repairing soffit and fascia, installation of A/C units, and installation of copper tubing without a certificate of appropriateness. On August 1, 2011 it was determined that a portion of the carport had been enclosed without a certificate of appropriateness.

Sec. 102-152. - Requirements for permits.

(a) No person shall cause any of the activity in this section to occur without first obtaining a certificate of appropriateness for such work and all other permits required by the Code of Ordinances, including the land development regulations. A certificate of appropriateness is required for the erection of any new structure, building, fence, deck or sign or the painting, repainting, repair, alteration, remodeling, landscaping or demolition of the exterior of any existing building, structure, fence, deck, sign, landscape, or lot located in any of the following areas: (1) In the historic preservation districts of the city; (2) In tidal waters contiguous to and within 600 feet of the historic preservation districts; (3) In a location so as to directly affect any building, structure or property listed in the city historic sites survey as may be amended from time to time and the National Register of Historic Places; or (4) Within a building, structure, archaeological site or district classified as "contributing" on the city historic preservation survey. (b) A certificate of appropriateness may only be granted by a vote of the historic architectural review commission, attested by signature of its presiding member.

Correction action: Cease activity until a certificate of appropriateness is obtained to change out the door, stucco, installation of A/C units, installation of copper tubing, and enclosing a portion of carport.

Violation Detail

00030 STOP WORK ORDER & PENALTY Sec. 102-158

Count 3

On July 26, 2011 a second stop work order was posted for working over the initial stop work order posted on May 3, 2011.

Sec. 102-158. - Stop work order and penalty.

(a) The city manager is authorized and directed to post a signed and dated notice to stop work on any site on which work is being performed in violation of the laws and regulations of the city or of the historic architectural review commission. Any person who engages in the following activities shall be guilty of an offense punishable as provided in section 1-15 (1) Performing work with actual or constructive knowledge that the work site has been posted by such notice, which notice has not been withdrawn by dated, signed order of the city manager; or (2) Removing, defacing, concealing or altering such notice to stop work without dated, signed authorization of the city manager. (b) Where such offenses are of a continuing nature, no two separate offenses shall be charged against that same person for the same property within any one-hour period.

Corrective action: Cease activity until a building permit and Certificate of Appropriateness are obtained.

Violation Detail

00040 CERTIFICATE OF OCCUPANCY - REQUIRED Sec. 90-363

Count 4

On August 1, 2011 it was determined that a certification of occupancy had not been obtained for the portion of the carport that was enclosed for living space.

Sec. 90-363. - Certificate of occupancy—Required.

No land or building or part thereof erected or altered in its use or structure after the effective date of the ordinance from which this section derives shall be used until the chief building official shall have issued a certificate of occupancy stating that such land, building, or part thereof and the proposed use thereof are found to be in conformity with the provisions of the land development regulations. Development permits shall also be required as provided in section 90-356. It shall be the duty of the chief building official to make a final inspection of the building or premises and to issue a certificate of occupancy if the land, building or part thereof and the proposed use thereof are found to conform with the land development regulations or, if such certificate is refused, to state such refusal in writing together with the cause. Failure to obtain a certificate of occupancy shall be deemed a violation of the land development regulations

Corrective action: Obtain a Certificate of Occupancy for the addition.

Violation Detail

00050 ELECTRICATL PERMIT – REQUIRED

Count 5

On July 26, 2011 electrical work for the A/C units was installed without an electrical permit.

Sec. 14-256. - Required.

Except as otherwise provided in this division, no person shall install any electrical apparatus or perform any other work coming under this article without first obtaining a written permit from the building department.

Corrective action: Obtain an electrical permit for the A/C units

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.



Ginny Haller
Code Compliance Officer
City of Key West
(305) 809-3740