



**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: February 11, 2013  
RE: CASE NUMBER 12-1416

CERTIFIED MAIL RECEIPT#: 7012 2210 0000 6252 6114

To:  
Peter & Carole Bombaro  
1075 Duval Street #R17  
Key West, FL 33040

Subject Address:  
1075 Duval Street R26  
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: Sec. 18-602. - Rebuttable presumption of violation.**

There shall be a rebuttal presumption that a property owner without a business tax receipt is in violation of this division upon the existence of any of the following:

- (1) A lease between a property owner and a tenant that by its terms demonstrates a rental of a residential property of less than 30 days or one calendar month;
- (2) An advertisement in any medium, such advertisement that holds out the residential property for rental for a period of less than 30 days or one calendar month; or
- (3) Testimony is present by any person who is a neighbor or by a representative of a condominium or homeowners association board that a pattern of activity generally associated with unlicensed transient rental activity is occurring at the property.

A presumption of illegal activity, as set forth above, may be rebutted by direct testimony under oath by the alleged tenant of the alleged unlicensed rental; or, in the case of a citation based upon an advertisement where the property owner is not cited for a completed rental transaction, by direct testimony under oath by the property owner.

**To wit:** On September 27, 2012 the city received a complaint regarding advertising for transient rentals at the property of 1075 Duval Street # R26. This property holds a non-transient rental license.

**Corrective action:** Cease advertising and renting transiently at the property of 1075 Duval Street #R26.

**Count 2: Sec. 18-601 License required**

(a) The short-term rental of a residential property is a business activity that required the property owner to hold a business tax receipt issued by the city. A state or country license without 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:** A transient rental license is required to rent this townhome transiently.

**For your information:** Sec. 18-603 Penalty for violation - A violation of this division shall be punishable in accordance with section 1-15 of this Code of Ordinances. Each day an unlicensed residential unit is rented or advertised for rental constitutes a separate violation.

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:**

**February 27, 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) 809-3740

*Hand Served this* \_\_\_\_\_ *day of* \_\_\_\_\_, 2013

*Received by:* \_\_\_\_\_

*Served By:* \_\_\_\_\_