



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

**AMENDED NOTICE OF CODE VIOLATION AND
ADMINISTRATIVE HEARING**

Date: February 25, 2011
Re: Case Number 09-00002040

Certified Mail Receipt#: 7007 3020 0000 5345 8816 & 7007 3020 0000 5346 8809

To:
Peterson James T
2401 S Gessner Rd Apt 339
Houston TX 77063

Subject Address:
1609 Jamaica Dr
Key West, Fl 33040

2750 NE 6th Street
Pompano Beach, FL 33062

3-7-11

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): The hearing was scheduled for February 23, 2011 at which time the hearing was continued to March 30, 2011.

Violation Detail

DELINQUENT BUSINESS TAX Sec. 66-102

Date Est: December 14, 2009 Location: 1609 Jamaica Drive

Your business tax receipt for a nontransient rental is past due and must be paid immediately including any delinquent fees.

BUILDING PERMITS REQUIRED Sec. 14-37

Date Est: December 14, 2009 Location: 1609 Jamaica Drive

Subdivision of a single family residence into three separate units requires a building permit before construction.

BUILDING PERMITS REQUIRED Sec. 90-356

Date Est: December 14, 2009 Location: 1609 Jamaica Drive

Subdivision of a single family residence into three separate units requires a building permit before construction.

CERTIFICATE OF OCCUPANCY REQUIRED Sec. 90-363

A Certificate of Occupancy for each separate unit is required.

DETERMINATION AND LEVY OF CHARGE Sec. 58-61

A determination and levy of charges for sewer/solid waste collection for three units and pay all fines and fees.

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 the continued hearing to be held at **Old City Hall, 510 Greene Street, Key West, Florida at 1:30 P.M. on:**

March 30, 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.



Barbara Meizis
Code Compliance Officer
City of Key West

CASE NUMBER 09-00002040
 PROPERTY ADDRESS 1609 JAMAICA DR

 VIOLATION: DELINQUENT BUSINESS TAX QUANTITY: 1
 DESCRIPTION: Sec. 66-102 DATE: 5/01/10
 LOCATION: 1609 JAMAICA DR

NARRATIVE :

Your business tax receipt for a nontransient rental is past due and must be paid immediately including any delinquent fees.

ORDINANCE DESCRIPTION :

Dates due and delinquent; penalties.

(a) All licenses shall be sold by the city beginning August 1 of each year, are due and payable on or before September 30 of each year, and expire on September 30 of the succeeding year. If September 30 falls on a weekend or holiday, the tax is due and payable on or before the first working day following September 30. Licenses that are not renewed when due and payable are delinquent and subject to a delinquency penalty of ten percent for the month of October, plus an additional five percent penalty for each subsequent month of delinquency until paid. However, the total delinquency penalty may not exceed 25 percent of the business tax for the delinquent establishment.

(b) Any person who engages in or manages any business, occupation, or profession without first obtaining a local business tax receipt, if required, is subject to a penalty of 25 percent of the license due, in addition to any other penalty provided by law or ordinance.

(c) Any person who engages in any business, occupation, or profession covered by this article who does not pay the required business tax within 150 days after the initial notice of tax due and who does not obtain the required business tax receipt is subject to civil actions and penalties, including court costs, reasonable attorneys' fees, additional administrative costs incurred as a result of collection efforts, and a penalty of up to \$250.00.

(Code 1986, § 91.14; Res. No. 06-292, § 1, 9-6-2006)

State law references: Similar provisions, F.S. § 205.053.

CORRECTIVE ACTION REQUIRED :

Pay all penalties and obtain Business Tax Receipt.

 VIOLATION: BUILDING PERMITS, DISPLAY QUANTITY: 1
 DESCRIPTION: Sec. 14-37 DATE: 2/25/11
 LOCATION: 1609 JAMAICA DR

NARRATIVE :

You shall have building permits prior to subdividing property into three separate units.

ORDINANCE DESCRIPTION :

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

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 PROPERTY ADDRESS 1609 JAMAICA DR

ORDINANCE DESCRIPTION :

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.

(b) Professional plans required. Professional plans shall be required as follows:

(1) Plans for work requiring a building permit shall be submitted in duplicate or in triplicate if required by the state to the building official and shall be prepared by, and bear the seal of, an architect or structural engineer duly registered in the state, except if the work is by the owner-occupant upon a one- or two-family residence, and the work is cosmetic, nonstructural repair, alteration or addition.

(2) Notwithstanding subsection (b)(1) of this section, plans for work which requires a building permit and which involves mechanical, plumbing or electrical repairs, alterations or additions shall be prepared by and shall bear the impress seal of an engineer duly registered in the state, as reasonably required in the interest of health and safety by the building official.

(c) Work done by owner-occupant. A building permit may be issued to the owner-occupant of real property to construct or cause to be constructed, while the owner-occupant is present on the site, a one- or two-family residential structure for his own use and not offered for sale or lease or to repair the structure without being required to be a qualified contractor himself in accordance with this article and without being required to employ a licensed contractor. The owner-occupant may not construct or repair or cause the construction or repair of more than one such structure during any one-year period.

(Code 1986, § 31.010)

CORRECTIVE ACTION REQUIRED :

Obtain proper building permits and display at site.

 VIOLATION: BUILDING PERMIT REQUIRED QUANTITY: 1
 DESCRIPTION: Sec. 90-356 DATE: 2/25/11
 LOCATION: 1609 JAMAICA DR

NARRATIVE :

Building permits are required before subdivision of property into three separate units.

ORDINANCE DESCRIPTION :

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ORDI NANCE DESCRI PTI ON :

Sec. 90-356. Building permits required.

(a) No building or other structure shall be erected, demolished, moved, added to, or structurally altered without a building permit issued by the chief building official.

(b) In accordance with F.S. § 380.04, changes in use classification of a building or structure shall also require a development permit issued by the chief building official.

(c) All building permits issued shall be in conformity with the provisions of the fire codes, the building codes, and the land development regulations, except after written order in the form of an administrative review or a variance from the board of adjustment as provided for in the land development regulations. No building permit shall be granted unless the developer has submitted all requisite plans and permits required by the city and other entities having jurisdiction. No building permit shall be issued until concurrency management program requirements in chapter 94 are met.

(d) Any required supportive written documentation from other essential public facility and service agencies must be submitted and shall demonstrate that sufficient capacity exists to supply the proposed development.

(Ord. No. 97-10, § 1(1-2.3(A)), 7-3-1997)

 VI OLATI ON: CERTI FI CATE OF OCCUPANCY QUANTI TY: 1
 DESCRI PTI ON: Sec. 90-363 DATE: 2/25/11
 LOCATI ON: 1609 JAMAICA DR

NARRATI VE :

A Certificate of Occupancy is required for each separate unit.

ORDI NANCE DESCRI PTI ON :

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

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ORDINANCE DESCRIPTION :
development regulations.

CORRECTIVE ACTION REQUIRED :
Cease activity until a Certificate of Occupancy is obtained.

VIOLATION: DETERMINATION AND LEVY	QUANTITY: 1
DESCRIPTION: Sec. 58-61	DATE: 2/25/11
LOCATION: 1609 JAMAICA DR	

NARRATIVE :
A determination and levy of charges for sewer/solid waste collection for three units must be made and pay all delinquent charges.

ORDINANCE DESCRIPTION :
(a) The city commission shall determine, fix and levy upon all improved properties within the city a solid waste charge for the availability of waste collection, transfer and disposal service as set forth in this chapter.
(b) The fact that any residential or commercial unit located in the city is occupied or is capable of being occupied shall be prima facie evidence that garbage or solid waste is being produced or accumulated upon such premises. Temporary vacancy, regardless of duration, shall not constitute grounds for a refund or excuse the nonpayment of any solid waste charge. A solid waste charge for waste collection and disposal shall be levied against all existing and newly constructed residential or commercial units for which a certificate of occupancy is required.

CORRECTIVE ACTION REQUIRED :
Legalize all units.