



THE CITY OF KEY WEST

Code Compliance Division

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

NOTICE OF ADMINISTRATIVE HEARING

DATE: January 2, 2014

RE: CASE NUMBER 13-00001417

CERTIFIED MAIL RECEIPT#: 7007 3020 0000 5341 8019

To:
Dasha Renee Ray
1215 Mac Millan Drive
Key West, FL 33040

Subject Address:
1215 Mac Millan Drive
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. 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

To Wit: I observed and photographed a scooter blocking the city sidewalk directly in front of the subject property. The tenant who responded to a knock on the door stated that it belonged to his roommate. He did not immediately remove the scooter.

Corrective action: Remove the scooter from the city sidewalk.

Count 1: 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.

(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.

To Wit: The property owner was issued a permit to "enclose empty space at rear for laundry and infill of a carport under existing roof for storage only" in October 2001. A building final inspection was conducted by JW on 22 Nov 2002. This area is currently occupied by a tenant. No permits for the renovations required for the second kitchen or the second bathroom.

Corrective Action: Contact the city of Key West Building Department to apply for and obtain all required after the fact permits and inspections.

Count 3: Sec. 14-261. Failure to obtain

Whenever any person shall commence or proceed with any electrical installation or construction work for which a permit is required by the city, without first obtaining such permit, the person so commencing or proceeding with such work without a permit shall take out a belated permit covering such work and shall pay, double the specific permit fees provided by section 14-259 to be paid for a timely permit covering such work. Neither anything contained in this section nor the act of taking out and paying fees for a belated permit shall absolve any person of any penalty incurred for the doing of electrical construction or installation work without first obtaining a permit.

To Wit: The property owner did not apply for or obtain an electrical permit for the second kitchen.

Corrective Action: Contact the city of Key West Building Department to apply for and obtain all required after the fact electrical permits.

Count 4: 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.

To Wit: The property owner has a second unit which is occupied without the benefit of a certificate of occupancy.

Corrective Action: Contact the city of Key West Building Department to apply for and obtain a certificate of occupancy.

Count 5: Sec. 58-61 Determination and levy of charge

(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.

To Wit: The property owner has not obtained the required utility accounts for the second unit.

Corrective Action: Cease activity or contact the city of Key West to obtain all required utility accounts.

Count 6: Sec. 74-206 Owner's responsibility for payment

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.

To Wit: The property owner has a current delinquency of \$6,138.04

Corrective Action: Contact the city of Key West Collections Manager to remit payment in full.

Count 7: Sec. 66-87. Business tax receipt required for all holding themselves out to be engaged in business

No person shall engage in, manage, carry on or practice, wholly or in part, within the city limits, any business, profession or occupation without first procuring a city business tax receipt. For the purposes of this article, any person holding himself out to the public by sign, printed matter, telephone directory classified section, city directory or otherwise as being engaged in business or as offering services or property to the public for a consideration, regardless of whether such person actually transacts any business or practices a profession, shall be considered as engaging in business and shall be liable for a business tax receipt fee thereon.

To Wit: The subject property has two units individually rented without the benefit of the required business tax receipts.

Corrective Action: Contact the city of Key West Licensing Department to apply for and obtain the required non-transient rental licenses.

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:**

January 29, 2014

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.



Peg Corbett
Code Compliance Officer
City of Key West

Hand served this _____ *day of* _____, 2014 @ _____ *am/pm.*

Received by: _____ *Served By:* _____