



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: June 6, 2013
RE: CASE NUMBER 13-00000758

CERTIFIED MAIL RECEIPT#: 7012 2210 0000 6252 9030

To:
Andrea Shaye Morgan
4646 Thornlea Road
Orlando, Florida 32817

Subject Address:
621 Eaton Street
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 1-2

Sec. 74-209. - Delinquent payments; disconnection and reconnection of service.

(1)

An account shall be considered delinquent if payment for service is not received within 30 days of the date of meter reading.

(a)

If the due date falls on a weekend or legal holiday, it shall be extended to the next business day. In the event partial payment of a bill is made, that portion of the bill not paid within 30 days of billing shall be considered delinquent. However, government accounts shall be considered delinquent if payment is not received within 45 days of the date of meter reading.

(b)

The city manager is authorized to approve waiver of the delinquent account charge for a two-month billing period following mandatory or voluntary evacuation orders due to hurricane.

(2)

Delinquent accounts shall be charged a delinquent account charge in the amount greater of \$4.00 or ten percent of the total amount that is the delinquent outstanding balance unless the outstanding balance is less than \$5.00, in which instance no delinquent account charge will be

dy

imposed. In the event a partial payment is made between the 30th and 45th day from the date of meter reading, the total bill shall be subject to the delinquent account charge. However, all qualified senior citizens/disabled and government accounts are exempt from a delinquent account charge.

(3)

Service may be discontinued if the total delinquent amount that is past due is not received within 15 days of the current meter reading date shown on the bill. Failure to pay amounts due within the time designated for payment may result in a decision of the city manager or his agent causing disconnection of sewer service until all amounts due, including delinquent fees and accrued interest, have been paid in full. The city shall give 48 hours notice by hand delivery, use of a door hanger, notice by mail or telephone of proposed disconnection to the customer.

(4)

For service to be restored, the customer must request restoration of service and pay all amounts due, including the applicable service charge, and a guaranteed payment deposit.

(5)

In the event service is suspended twice as a result of account delinquency, service shall not be restored until the customer has paid a guaranteed payment deposit in an amount three times the average of the prior 12 months billing or \$200.00, whichever is greater.

(6)

Notwithstanding any other provision of this article when sewer service is subject to disconnection or has been discontinued due to account delinquency, the city may restore such service prior to payment of all amounts due, provided the customer has entered into a negotiated payment agreement.

(7)

Failure to pay amounts due within the time designated for payment shall result in the city exercising all reasonable business efforts to collect such unpaid amount, including, but not limited to, placing a lien on the property for all amounts due, including delinquent fees, interest, attorney fees and filing charges.

Count 2-2

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.

For your information:

Sec. 74-210. - Charges constitute lien.

The city shall have a lien on all lands or premises served by the city sewer system for all sewer service charges until paid, which lien shall be prior to all other liens on such lands or premises except the lien of state, county and municipal taxes and shall be on a parity with the lien of such state, county and municipal taxes. Such liens, when delinquent for more than 30 days, may be foreclosed by the city in the manner provided by the state laws for the foreclosure of mortgages on real property.

TO WIT: Responding to this complaint I sent an email to Ms. Morgan letting her know that this case will be presented to our Special Magistrate on the next hearing date of June 26th, 2013. She has ignored numerous emails sent to her by our utility manager Mr. Michael Turner. Mr. Turner has tried to help Ms. Morgan reach an agreement to begin paying a delinquent utility account of

\$6003.36 US\$. Three separate utility liens were filed on 6.14.2012 for 390.30 US\$ - 2600.40 US\$ and 1540.69 US\$.

CORRECTIVE ACTION: Pay delinquent utility account.

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:**

June 26th, 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.



Leonardo Hernandez
Code Compliance Officer
City of Key West
(305) 809-3730 Desk
(305) 797-8701 Cell