



THE CITY OF KEY WEST

Code Compliance Division

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

NOTICE OF IRREPARABLE CODE VIOLATION AND ADMINISTRATIVE HEARING

DATE: July 1, 2011
RE: CASE NUMBER 11-824

CERTIFIED MAIL RECEIPT#: 7007 3020 0000 5345 9500

To:	Subject Address:
James Nabors II	3314 Riviera Dr
James Nabors III	Key West, FL 33040
PO Box 343	
Shalimar FL 32579	

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

Date Est: July 01, 2011 Location: 3314 RIVIERA DR Qty: 001

You shall not resurface a swimming pool without a building permit. It is an irreparable violation for working over a stop work order.

Violation Detail

00020 ACTS DECLARED UNLAWFUL. Sec. 18-117

Date Est: July 01, 2011 Location: 3314 RIVIERA DR Qty: 001

Aiding and abetting an unlicensed contractor.

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 03, 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

CASE NUMBER 11-00000824
PROPERTY ADDRESS 3314 RIVIERA DR

VIOLATION: BUILDING PERMITS, DISPLAY QUANTITY: 1
DESCRIPTION: Sec. 14-37 DATE: 7/01/11
LOCATION: 3314 RIVIERA DR

NARRATIVE :

You shall not resurface a swimming pool without a building permit. Irreparable violation for working over a stop work order.

ORDINANCE DESCRIPTION :

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.

(Code 1986, § 31.010)

CORRECTIVE ACTION REQUIRED :

Obtain proper building permits and display at site.

CASE NUMBER 11-00000824
PROPERTY ADDRESS 3314 RIVIERA DR

VIOLATION: ACTS DECLARED UNLAWFUL. QUANTITY: 1
DESCRIPTION: Sec. 18-117 DATE: 7/01/11
LOCATION: 3314 RIVIERA DR

NARRATIVE :

Aiding and abetting an unlicensed contractor.

ORDINANCE DESCRIPTION :

It shall be unlawful for any contractor, as defined in section 18-116, operating anywhere within the city, licensed individually or as a firm contractor, or any officers, directors or qualified representatives of a firm contractor to commit any one or more of the acts or omissions set forth in this section. It shall also be unlawful for any property owner to commit any one or more of the acts or omissions set forth in this section as it may pertain to a property owner who directly employs others to perform construction work at a property. Violations of this section by a property owner shall be subject to the authority of the special master. The following acts are declared unlawful:

- (1) Contract or do any work outside the scope of operation, as set out in the definition of the particular type of contractor for which he is qualified, or to perform or offer to purport to perform any architectural or engineering or surveying services in violation of state statutes.
- (2) Abandon without legal excuse a construction project or operation in which he is engaged or under contract as a contractor.
- (3) Divert funds or property received for the execution or completion of a specific construction project or operation or for a specified purpose to any other use whatsoever.
- (4) Depart from or disregard in any material respect the plans or specifications of a construction job without the consent of the owner or his duly authorized representative.
- (5) Disregard or violate, in the performance of his contracting business, any of the building, safety, health insurance or worker's compensation laws of the state or resolutions of the city commission concerning such.
- (6) Misrepresent any material fact in his application and supporting papers in obtaining a license under this article.
- (7) Fail to fulfill his contractual obligation through inability to pay all creditors for material furnished or work or services performed in the operation of his business for which he is licensed under this article.
- (8) Aid or abet an unlicensed person to evade the provisions of this article or allow his license to be used by any unlicensed person or to act as an agent of an unlicensed person with the intent to evade this article.
- (9) Commit any fraudulent act as a contractor by which another is substantially injured.