



# 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: December 3, 2013  
RE: CASE NUMBER 13 00001025

CERTIFIED MAIL RECEIPT#: 7007 3020 0000 5347 5968

To:  
Historic Tours of America, Inc.  
Edwin O. Swift, III, Registered Agent  
201 Front Street – Suite 107  
Key West, FL 33040

Subject Address:  
Five Guys Burgers – K Five I LLC  
500 Truman Avenue 1  
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. 108-650. Provision for handicapped parking and loading zones**

(a) Location. Parking spaces designated for physically handicapped people and accessible passenger loading zones that serve a particular building shall be located on the shortest possible accessible circulation route to an accessible entrance of the building. In separate parking structures or lots that do not serve a particular building, parking spaces for physically handicapped people shall be located on the shortest possible circulation route to an accessible pedestrian entrance of the parking facility.

(b) Parking spaces. Parking spaces shall be provided as follows:

(1) Any commercial real estate property owner offering parking for the general public shall provide specially designed and marked motor vehicle parking spaces for the exclusive use of physically disabled persons who have been issued parking permits pursuant to F.S. § 316.1958, 320.0842, 320.0843, 320.0845 or 320.0848.

**To Wit:** On 1 Nov 2013 I conducted a site visit. I observed and photographed the handicapped parking space being blocked by two red cones. Additionally there is a motorcycle parked without the benefit of a handicap placard. This motorcycle belongs to a tenant at this location per DMV. There are also two untagged scooters parked in the access lane of the handicapped parking spot. Per the employee of Five Guys, the scooters belong to him and he is also a resident of 500 Truman Ave.

**Corrective Action:** Permanently remove the cones and notify tenants without a handicap placard to immediately remove all motor vehicles from this handicapped parking spot.

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* \_\_\_\_\_, 2013 @ \_\_\_\_\_ *am/pm.*

*Received by:* \_\_\_\_\_ *Served By:* \_\_\_\_\_