



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

**NOTICE OF ADMINISTRATIVE HEARING**

DATE: May 15, 2012  
RE: CASE NUMBER 12-341

CERTIFIED MAIL RECEIPT#: 7007 3020 0000 5345 6301

To:  
Margaret L Carey  
PO Box 645  
Greenville, MS 38702

Subject Address:  
719 Whitehead 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:** The property owner was notified and has allowed the graffiti to remain more than seven calendar days after receipt of the Notice To Remove Graffiti.

**Sec. 26-37. Removal of graffiti.**

(a) It is prohibited for an owner to allow graffiti to remain for more than seven calendar days on a commercial property or on a residential property.

(b) Whenever the city becomes aware of the existence of graffiti on any property, a code enforcement officer is authorized upon such discovery, to give, or cause to be given, notice to take corrective action to the property owner or the property owner's agent or manager...

(c) The city shall waive painting permit and historic architectural review commission requirements, if any, for abating graffiti, subject to the use of the same colored exterior paint.

(d) Graffiti abatement shall consist of:

(1) Painting of the entire wall and/or non-permanent structure, or a portion thereof (if the latter is approved by the building official), that is defaced by graffiti; or

(2) Pressure-cleaning or any other method that will successfully remove graffiti from a wall or non-permanent structure, without causing damage.

APY

**To wit:** On February 28, 2012, an anonymous complaint was phoned into the Code Compliance Department. The undersigned Code Officer observed a splash of pink paint across the front facade of this residence. A Notice To Remove Graffiti was sent by registered mail to the property owner, Margaret L. Carey of Greenville, MS 38702 on March 6, 2012. The notice was received by Angela Howard, dated 3/13/12 and signed.

For Your Information: The definition of Graffiti in Sec. 26-34 states "Graffiti means the unauthorized application of paint, ink, chalk, dye or other similar substance, or other inscribed or engraved material on public or private permanent structures located on publicly or privately owned real property within the city."

Corrective Actions: Remove Graffiti by painting over using the same colored exterior paint (appears to be white) or pressure-cleaning or any other method that will successfully remove graffiti from the wall.

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 12, 2012**

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

finer associated with the violation(s). **Failure to pay these costs will result in a lien against the property in violation.**

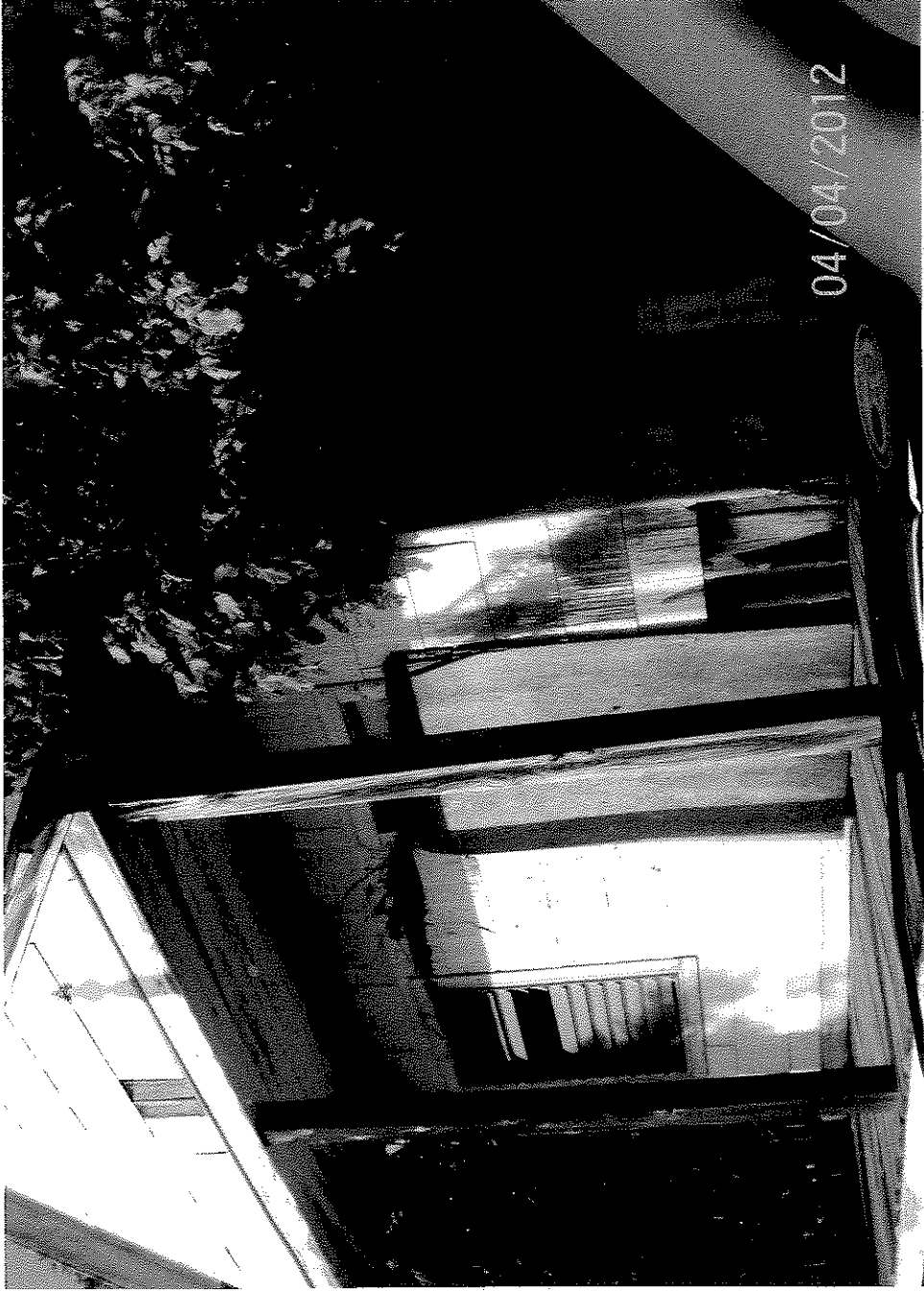
**PER FLORIDA STATUTES SECTION 162.09, YOUR FAILURE TO CORRECT THE VIOLATION (S) MAY RESULT IN THE IMPOSITION OF A FINE OF UP TO \$250.00/DAY, AND \$500.00/DAY FOR A REPEAT VIOLATION. IF THE VIOLATION (S) IS IRREPARABLE OR IRREVERSIBLE, A FINE OF UP TO \$5000.00 MAY BE IMPOSED BY THE SPECIAL MAGISTRATE. FINES MAY BE IMPOSED ON A PER DAY/ PER VIOLATION BASIS.**



Barbara Meizis  
Code Compliance Officer  
City of Key West

*Hand served this* \_\_\_\_\_ *day of* \_\_\_\_\_, 2012 @ \_\_\_\_\_ *am/pm.*

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





# THE CITY OF KEY WEST

## Code Enforcement Division

P.O. Box 1409, Key West, FL 33041

TEL: (305) 809-3740, FAX: (305) 809-3739

### **NOTICE TO REMOVE GRAFFITI**

THIS NOTICE REQUIRES YOUR IMMEDIATE ATTENTION

Case No.

12-341

Date:

March 6, 2012

To:

Margaret L Carey  
P O Box 645  
Greenville, MS 38702

Subject Address:

719 Whitehead Street  
Key West, FL 33040

Allowing graffiti to remain  
more than seven calendar days

Certified Mail Receipt#

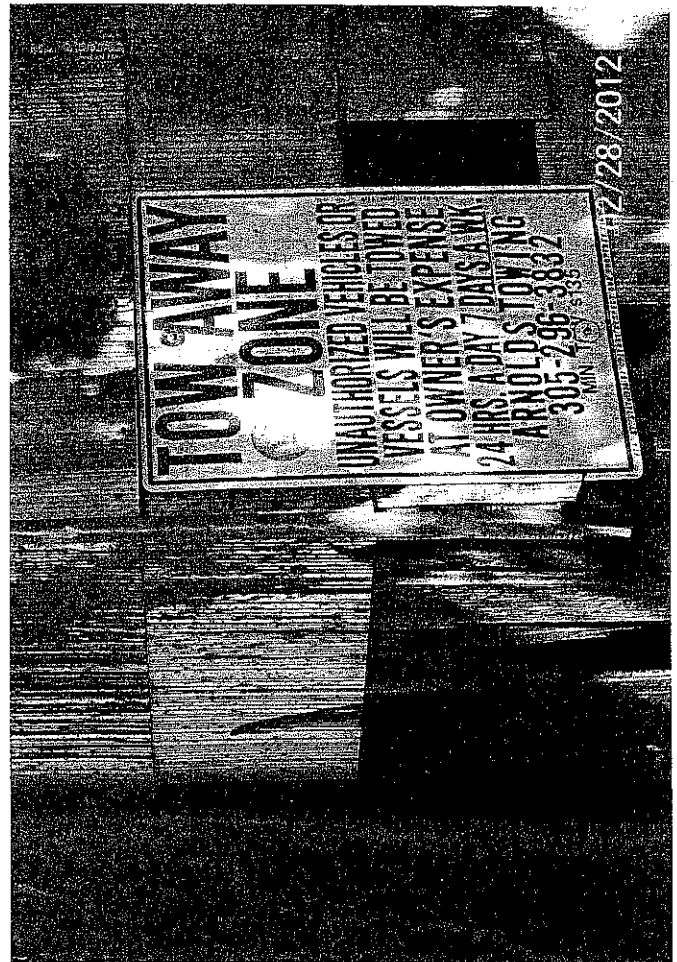
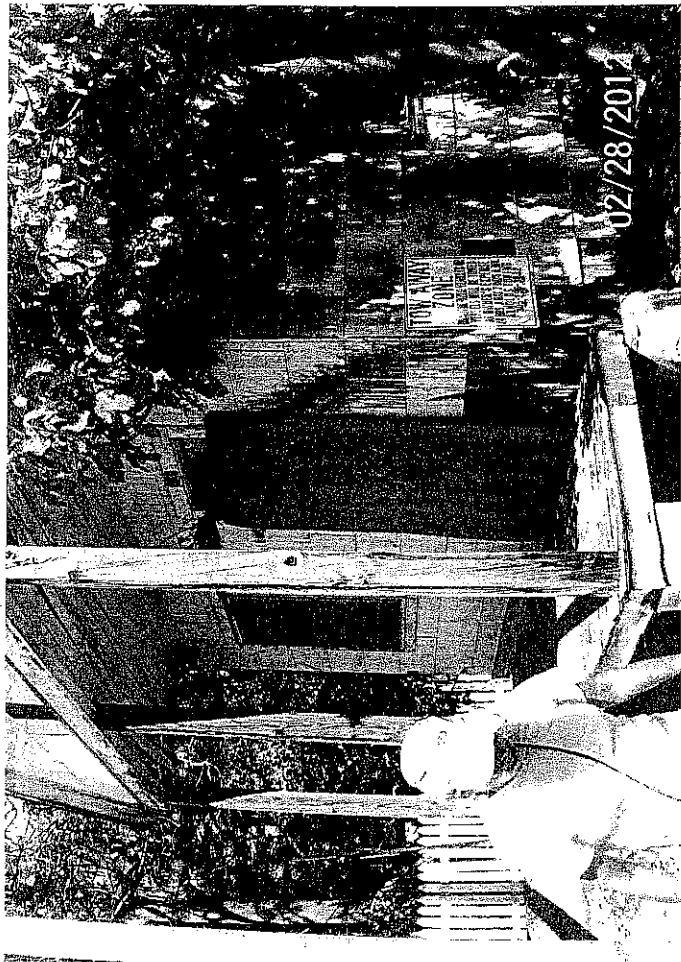
7007 3020 0000 5345 2679

According to the records of The City of Key West, you are the current property owner/ representative or the business owner at the above-referenced property. You are hereby noticed that your property is in violation of the City of Key West Code of Ordinances for the following reason(s):

#### **Sec. 26-37. Removal of graffiti.**

- (a) It is prohibited for an owner to allow graffiti to remain for more than seven calendar days on a commercial property or on a residential property.
- (b) Whenever the city becomes aware of the existence of graffiti on any property, a code enforcement officer is authorized upon such discovery, to give, or cause to be given, notice to take corrective action to the property owner or the property owner's agent or manager. It shall not be a defense that the graffiti was placed on the property prior to the effective date of this section. The code enforcement division is authorized to develop a standard "Notice to Remove Graffiti" form.
  - (1) *Commercial property.* For commercial property, the property owner or the property owner's agent or manager shall take corrective action within seven calendar days from the receipt or delivery of the code enforcement notice.
- (c) The city shall waive painting permit and historic architectural review commission requirements, if any, for abating graffiti, subject to the use of the same colored exterior paint.
- (d) Graffiti abatement shall consist of:
  - (1) Painting of the entire wall and/or nonpermanent structure, or a portion thereof (if the latter is approved by the building official), that is defaced by graffiti; or
  - (2) Pressure-cleaning or any other method that will successfully remove graffiti from a wall or nonpermanent structure, without causing damage.

Barbara Meizis  
Code Enforcement Officer  
City of Key West  
(305) 809-3740



U.S. Postal Service  
**CERTIFIED MAIL RECEIPT**  
 (Domestic Mail Only, No Insurance Coverage Provided)  
 For delivery information visit our website at [www.usps.com](http://www.usps.com)  
 5 2679 *Edm D-341 LTR*

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to *Edm D-341*  
*Margaret L. Carey*  
*PO Box 645*  
*Greenville, MS, 38702*

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  *Angela Howard*  Agent  Addressee

B. Received by (Printed Name) *Angela Howard* C. Date of Delivery *3/13/12*

D. Is delivery address different from item 1?  Yes  No  
 If YES, enter delivery address below:

3. Service Type  
 Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes