



THE CITY OF KEY WEST
Code Compliance Division

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

AMENDED
NOTICE OF CODE VIOLATION AND
ADMINISTRATIVE HEARING

DATE: February 23, 2011
RE: CASE NUMBER 10-00001526

CERTIFIED MAIL RECEIPT#: 7007 3020 0000 5346 9493

To:
Perfect Pedicab, Inc
401 Southard St
Key West FL 33040

Subject Address:
Front St & Duval St
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):

Violation Detail

00010 RESTRICTIONS IN HISTORIC Sec. 18-415 - Stop all further OPCing in unauthorized areas.

Violation Detail

00020 CONDITIONS OF USE - PERMI Sec. 6-151 - In violation of section 6-151(C)(9) were it states under the conditional use of their license "NO OPERATOR OR DRIVER SHALL: SOLICIT PASSENGERS FOR FARES."

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:**

March 30, 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.


Yesenia Beltranena
Code Compliance Officer
City of Key West
(305) 809-3740

Hand Served this _____ *day of* _____, 2011

Received by: _____

Served By: _____

CASE NUMBER 10-00001526
 PROPERTY ADDRESS STREET CITY

 VIOLATION: RESTRICTIONS IN HISTORIC QUANTITY: 1
 DESCRIPTION: Sec. 18-415 DATE: 11/19/10
 LOCATION: FRONT & DUVAL

NARRATIVE :

Stop all further OPCing in unauthorized areas.

ORDINANCE DESCRIPTION :

- (1) No off-premises canvasser may operate on the public right-of-way at the following prohibited streets or areas:
- Duval Street.
 - Front Street.
 - Wall Street.
 - Exchange Street.
 - Fitzpatrick Street.
 - Tift Alley.
 - The area known as Clinton Square, including that portion of Whitehead Street between Front Street and a point one hundred feet south of Greene Street, and including the portion of Greene Street from Whitehead Street to Front Street.
 - The area known as the Key West Bight, including all city-owned leasehold properties, parking lots, streets, the Harbor Walk and docks.

CORRECTIVE ACTION REQUIRED :

Cease activity

 VIOLATION: CONDITIONS OF USE - PERM QUANTITY: 1
 DESCRIPTION: Sec. 6-151 DATE: 2/23/11
 LOCATION:

NARRATIVE :

In violation of section 6-151(C)(9) were it states under the conditional use of their license "NO OPERATOR OR DRIVER SHALL: SOLICIT PASSENGERS FOR FARES."

ORDINANCE DESCRIPTION :

- The original or a copy of the permit, as well as fares corresponding to those listed on the application, shall be posted on each motorized and nonmotorized entertainment vehicle at all times.
- All drivers must be 18 years of age or older.
- No operator or driver shall:
 - Operate an entertainment vehicle in such a manner that would jeopardize the safety of a passenger transported therein or of the general public.
 - Operate an entertainment vehicle in such a way as to intentionally impede vehicular traffic or create a hazardous situation.
 - Park, stand or stop the entertainment vehicle in a manner which violates any city ordinance or state law or

CASE NUMBER 10-00001526
PROPERTY ADDRESS STREET CITY

ORDINANCE DESCRIPTION :

disrupts the flow of vehicular traffic on a public street or in a manner which may impede the flow of pedestrian traffic.

- (4) Operate an entertainment vehicle in disregard of any traffic control device.
 - (5) Obstruct vehicular and pedestrian traffic by unnecessarily weaving or changing lanes of travel.
 - (6) Operate an entertainment vehicle in the wrong direction on a one-way street.
 - (7) Operate an entertainment vehicle in disregard of any applicable state traffic law.
 - (8) Operate an entertainment vehicle with more than three passengers, but such number shall not include the driver.
 - (9) Solicit passengers for fares.
 - (10) Charge in excess of the fares stated in the application.
 - (11) Drive abreast of another vehicle except when passing.
 - (12) Fail to drive to the righthand side of the road or traffic lane.
 - (13) Fail to use traffic hand signals.
 - (14) Stop or stand on Duval Street, except where lawfully parked or standing in a parking space or loading zone or at a traffic signal.
 - (15) Drive on North Roosevelt Boulevard.
 - (16) Fail to yield to traffic in a lawful manner. Where possible without danger and where lawful, drivers shall use loading zones and similar street features to allow other traffic to pass.
 - (17) Drive or park on a sidewalk.
- (d) The name, address, and phone number of the permit holder shall be displayed on signage on the side or back of each motorized and nonmotorized entertainment vehicle or on the vehicle itself, in block letters at least two inches in height.
- (e) Violations of this section shall be punished as provided in section 1-15.



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Code Compliance Division

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AMENDED
NOTICE OF CODE VIOLATION AND
ADMINISTRATIVE HEARING

DATE: February 23, 2011
RE: CASE NUMBER 10-00001526

CERTIFIED MAIL RECEIPT#: 7007 3020 0000 5346 9509

To: ANTHONY CATALFOMO C/O CATAFOMO
& FARRELLY R/A FOR PERFECT PEDICAB,
INC.
506 LOUISA ST
KEY WEST FL 33040

Subject Address:
Front St & Duval St
Key West, FL 33040

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Violation Detail

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Violation Detail

00020 CONDITIONS OF USE - PERMI Sec. 6-151 - In violation of section 6-151(C)(9) were it states under the conditional use of their license "NO OPERATOR OR DRIVER SHALL: SOLICIT PASSENGERS FOR FARES."

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:**

March 30, 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.**

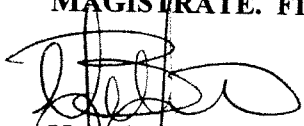
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If you intend to request a continuance from the Hearing Date set out above you must submit a written request for a continuance addressed to the Special Magistrate and mailed to PO Box 1409, Key West, FL 33041 or delivered to the Special Magistrate's 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.

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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.


Yesenia Beltranena
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 PROPERTY ADDRESS STREET CITY

 VIOLATION: RESTRICTIONS IN HISTORIC QUANTITY: 1
 DESCRIPTION: Sec. 18-415 DATE: 11/19/10
 LOCATION: FRONT & DUVAL

NARRATIVE :

Stop all further OPCing in unauthorized areas.

ORDINANCE DESCRIPTION :

- (1) No off-premises canvasser may operate on the public right-of-way at the following prohibited streets or areas:
- a. Duval Street.
 - b. Front Street.
 - c. Wall Street.
 - d. Exchange Street.
 - e. Fitzpatrick Street.
 - f. Tift Alley.
 - g. The area known as Clinton Square, including that portion of Whitehead Street between Front Street and a point one hundred feet south of Greene Street, and including the portion of Greene Street from Whitehead Street to Front Street.
 - h. The area known as the Key West Bight, including all city-owned leasehold properties, parking lots, streets, the Harbor Walk and docks.

CORRECTIVE ACTION REQUIRED :

Cease activity

 VIOLATION: CONDITIONS OF USE - PERMITS QUANTITY: 1
 DESCRIPTION: Sec. 6-151 DATE: 2/23/11
 LOCATION:

NARRATIVE :

In violation of section 6-151(C)(9) where it states under the conditional use of their license "NO OPERATOR OR DRIVER SHALL: SOLICIT PASSENGERS FOR FARES."

ORDINANCE DESCRIPTION :

- (a) The original or a copy of the permit, as well as fares corresponding to those listed on the application, shall be posted on each motorized and nonmotorized entertainment vehicle at all times.
- (b) All drivers must be 18 years of age or older.
- (c) No operator or driver shall:
 - (1) Operate an entertainment vehicle in such a manner that would jeopardize the safety of a passenger transported therein or of the general public.
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CASE NUMBER 10-00001526
PROPERTY ADDRESS STREET CITY

ORDINANCE DESCRIPTION :

disrupts the flow of vehicular traffic on a public street or in a manner which may impede the flow of pedestrian traffic.

- (4) Operate an entertainment vehicle in disregard of any traffic control device.
 - (5) Obstruct vehicular and pedestrian traffic by unnecessarily weaving or changing lanes of travel.
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 - (10) Charge in excess of the fares stated in the application.
 - (11) Drive abreast of another vehicle except when passing.
 - (12) Fail to drive to the righthand side of the road or traffic lane.
 - (13) Fail to use traffic hand signals.
 - (14) Stop or stand on Duval Street, except where lawfully parked or standing in a parking space or loading zone or at a traffic signal.
 - (15) Drive on North Roosevelt Boulevard.
 - (16) Fail to yield to traffic in a lawful manner. Where possible without danger and where lawful, drivers shall use loading zones and similar street features to allow other traffic to pass.
 - (17) Drive or park on a sidewalk.
- (d) The name, address, and phone number of the permit holder shall be displayed on signage on the side or back of each motorized and nonmotorized entertainment vehicle or on the vehicle itself, in block letters at least two inches in height.
- (e) Violations of this section shall be punished as provided in section 1-15.



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To:
Orion Burnham EE For
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Key West FL 33040

Subject Address:
Front St & Duval St
Key West, FL 33040

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Yesenia Beltranena
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