



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

**NOTICE OF REPEAT CODE VIOLATION AND
ADMINISTRATIVE HEARING**

DATE: March 12, 2012
RE: CASE NUMBER 12-428

CERTIFIED MAIL RECEIPT#: 7007 3020 0000 5345 50038

To:
Discount Dumpsters LLC
Daniel Michie III
PO Box 523213
Marathon Shores, FL 33052

Subject Address:
1430 7th 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: Repeat violation for having a dumpster placed on the city right of way on March 9, 2012 without the benefit of a permit.

Sec. 58-32. - Dumpsters on public right-of-way.

(a) Any person or firm intending to place a dumpster on the public right-of-way shall apply to the city for a dumpster permit. A permitted dumpster located on the right-of-way shall bear a notice, to city specifications, identifying the address of the property using the dumpster and the expiration date of the permit. An applicant for a dumpster permit or renewal of permit shall pay a fee, as set forth in section 62-3

(b) The permit issued under subsection (a) of this section shall be valid for 15 days from the date of issuance. The permit may be renewed for up to an additional 15-day period. If use of the dumpster on the public right-of-way is not complete by the expiration of the renewal period, the permittee may apply for a new permit. The city may deny a permit or permit renewal if the applicant has an outstanding charge or fine related to dumpster use. The city may also deny a permit or permit renewal if the location of the proposed dumpster would be intrusive upon or disruptive to the neighborhood, its traffic flow or parking. In such event, the applicant may appeal the denial to the city manager. The applicant shall be entitled to notice and hearing by the city manager.

Handwritten signature or initials

(c) The placement of a permitted dumpster in the public right-of-way shall not substantially interfere with either pedestrian or vehicular traffic flow. A permitted dumpster located in the right-of-way shall bear the permit or a copy of the permit in plain view on the street side of the dumpster, near the top of the dumpster.

(d) If a dumpster is to be placed in a public parking space, the permittee shall pay the sum of \$16.00 per day for each obstructed parking meter. Payment shall be made in advance to the building department.

(e) Permits will not be granted to any firm intending permanently to place a dumpster on the right-of-way. Any dumpster scheduled for regular solid waste service shall not be placed on the right-of-way and must comply with requirements for placement set forth in subsection 58-31(f).

(f) Any firm failing to obtain a permit or failing to display a valid permit shall be subject to a fine of up to \$500.00 pursuant to section 1-15 of this Code.

To wit: Obtain a permit prior to placing the dumpster on the right of way.

Count 2: Repeat violation for having a dumpster placed on the city right of way on March 12, 2012 without the benefit of a permit.

Sec. 58-32. - Dumpsters on public right-of-way.

(a) Any person or firm intending to place a dumpster on the public right-of-way shall apply to the city for a dumpster permit. A permitted dumpster located on the right-of-way shall bear a notice, to city specifications, identifying the address of the property using the dumpster and the expiration date of the permit. An applicant for a dumpster permit or renewal of permit shall pay a fee, as set forth in section 62-3

(b) The permit issued under subsection (a) of this section shall be valid for 15 days from the date of issuance. The permit may be renewed for up to an additional 15-day period. If use of the dumpster on the public right-of-way is not complete by the expiration of the renewal period, the permittee may apply for a new permit. The city may deny a permit or permit renewal if the applicant has an outstanding charge or fine related to dumpster use. The city may also deny a permit or permit renewal if the location of the proposed dumpster would be intrusive upon or disruptive to the neighborhood, its traffic flow or parking. In such event, the applicant may appeal the denial to the city manager. The applicant shall be entitled to notice and hearing by the city manager.

(c) The placement of a permitted dumpster in the public right-of-way shall not substantially interfere with either pedestrian or vehicular traffic flow. A permitted dumpster located in the right-of-way shall bear the permit or a copy of the permit in plain view on the street side of the dumpster, near the top of the dumpster.

(d) If a dumpster is to be placed in a public parking space, the permittee shall pay the sum of \$16.00 per day for each obstructed parking meter. Payment shall be made in advance to the building department.

(e) Permits will not be granted to any firm intending permanently to place a dumpster on the right-of-way. Any dumpster scheduled for regular solid waste service shall not be placed on the right-of-way and must comply with requirements for placement set forth in subsection 58-31(f).

(f) Any firm failing to obtain a permit or failing to display a valid permit shall be subject to a fine of up to \$500.00 pursuant to section 1-15 of this Code.

To wit: Obtain a permit prior to placing the dumpster on the right of way.

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 28, 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 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.



Bonnita Myers
Code Compliance Officer
City of Key West

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

Received by: _____ *Served By:* _____