



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

**NOTICE OF ADMINISTRATIVE HEARING**

DATE: November 3rd, 2013  
RE: CASE NUMBER 13-00001220

CERTIFIED MAIL RECEIPT#: 7007 3020 0000 5341 9719

To:  
Delfina Rodriguez  
241 E 15<sup>th</sup> Street  
Hialeah, Florida 33010-3553

Subject Address:  
1315 William 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 1-2**

**Sec. 26-31. Offensive and nuisance conditions prohibited.**

No person shall permit, cause, keep, maintain or do any nuisance or contribute to the nuisance, as defined by the laws of this state, this Code or city ordinances, or cause or permit to be committed, caused, kept, maintained or done or contribute to the committing, causing, keeping or maintaining of any such nuisance within the city's jurisdictional limits.

*(Code 1986, § 54.03)*

**Count 2-2 Sec. 26-126. Clearing of property of debris and noxious material required.**

For the purposes of promoting the health, safety, and general welfare of the city residents, the city manager is authorized and empowered to require that vacant lands and/or improved property within the city be cleared of debris and any noxious material, including garbage, litter, rubbish, refuse, solid waste, trash or industrial waste or high grass or weeds which tend to:

- (1) Be a breeding place or haven for snakes, rodents, insects, and vermin;
- (2) Create a fire hazard or endanger the lives and property of the city residents;
- (3) Create a traffic hazard; or
- (4) Create a nuisance or other unsightly or unsanitary condition.

*Key*

**FYI:**

**Sec. 26-32. Nuisances illustrated.**

The following are declared to be nuisances; provided, however, that the following shall not be deemed to be exclusive:

(1)

All substances which emit or cause foul, obnoxious, unhealthful or disagreeable odor or effluvia, in the neighborhood where they exist.

(2)

All carcasses of animals remaining exposed for 12 hours after death.

(3)

Any growth of weeds, grasses or bushes to excessive height, provided that this shall not apply to planted and cultivated flowers, shrubbery or other landscaping.

(4)

All slop, foul or dirty water, filth, refuse or offal, discharged in or upon any street, avenue, sidewalk, alley, park, public enclosure or other public place, or allowed to accumulate there or in a pond or pool.

(5)

Any article, instrumentality or physical thing that, in the reasonable opinion of the city manager, poses an immediate threat of injury to persons or damage to property in the public right-of-way or other public area.

(6)

The keeping or allowing to remain on any premises any trees, shrubs or other vegetation infected with fungus or other diseases that will or might spread to other noninfected trees, shrubs or other vegetation.

(7)

Stagnant water in a swimming pool, cistern or fountain that is a breeding ground or feeding area for mosquitoes.

**To Wit:** On October 9<sup>th</sup>, 2013 a notice of code violation was sent to property owner requesting the clearance of this property from the nuisance of discarded mattresses, rubbish and debris. Also property was advised by photographs and in writing via notice of code violation that there are windows opened that may contribute to the entrance of pests or potential break ins. Good service from notice of code violation was received on October 11<sup>th</sup>, 2013. As of today 11.03.2013 condition of property remains the same. This property was deemed inhabitable / unfit for human occupancy on April, 23<sup>rd</sup>, 2013 by the Chief Building Official.

**CORRECTIVE ACTION:** Please clear property of nuisance and secure property by closing / covering windows.

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:**

**November 20, 2013**

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.**



Leonardo Hernandez  
Code Compliance Officer  
City of Key West  
(305) 809-3730 Desk  
(305) 797-8701 Cell  
**Work Schedule Wed-Sun 3pm-12am**

*Hand served this* \_\_\_\_\_ *day of* \_\_\_\_\_, 2013 @ \_\_\_\_\_ *am/pm.*

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