



**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 4, 2011  
Re: Case Number 10-00001181

Certified Mail Receipt#: 7007 3020 0000 5346 9103

To:  
Gloria K Mcgee  
John W Mcgee T/C  
2812 Fogarty Ave  
Key West Fl 33040

Subject Address:  
2812 Fogarty Ave  
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

NUMBER RESTRICTED Sec. 10-16

Date Est: September 13, 2010 Location: 2812 Fogarty Avenue

Number of domestic animals is limited to four unless animals are six months or younger, or operating a duly licensed kennel or pet shop.

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:**

**May 25, 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.**

  
Barbara Meizis  
Code Compliance Officer  
City of Key West

*Hand served this* \_\_\_\_\_ *day of* \_\_\_\_\_, 2011 @ \_\_\_\_\_ *am/pm.*

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

CASE NUMBER 10-00001181  
PROPERTY ADDRESS 2812 FOGARTY AVE

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VIOLATION: NUMBER RESTRICTED QUANTITY: 1  
DESCRIPTION: Sec. 10-16 DATE: 9/13/10  
LOCATION: 2812 FOGARTY AV

## NARRATIVE :

Number of domestic animals is limited to four unless animals are six months or younger, or operating a duly licensed kennel or pet shop.

## ORDINANCE DESCRIPTION :

No person may keep more than four domestic animals on any premises, unless the animals are six months or younger, without operating a duly licensed kennel or pet shop. However, exceptions to this requirement may be granted by the City commission, with any conditions deemed appropriate, for premises upon which are kept domestic animals of historical, social, or tourism significance. Any number of nonpoultry birds may be kept as long as they are adequately and humanely cared for and their noise does not reasonably intrude into the domain of the other persons.

## CORRECTIVE ACTION REQUIRED :

Remove additional animals.