



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

NOTICE OF ADMINISTRATIVE HEARING

DATE: January 17, 2014
RE: CASE NUMBER 13-00001621

CERTIFIED MAIL RECEIPT#: 7013 2630 0000 9565 5804

To:
Mr. Timothy Behan
1801 N Roosevelt Boulevard marlin pier #18
Key West, Florida 33040

Subject Address:
1801 N Roosevelt Blvd Marlin pier #18
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. 14-185. Compartmentation and flotation devices.

- (a) *Compartmentation of devices.* Watertight pontoons, floats, hulls or other devices used to keep the floating home afloat shall be fitted with transverse or longitudinal watertight bulkheads which provide compartmentation sufficient to keep the fully loaded floating home afloat with positive stability with any one compartment flooded. This subsection may be waived by the building official upon certification by a competent architect or engineer familiar with such devices that design, materials and construction of the hull or other flotation device is such that the possibility of rupture is extremely remote.
- (b) *Construction generally.* Flotation devices shall be structurally sound and securely fastened to the floating home superstructure. Flotation devices shall be constructed so that access to each compartment is readily available from the first floor level of the completed floating home. The external surfaces of all flotation devices shall be watertight and thoroughly protected from corrosion from saltwater, solvents and weather.
- (c) *Bilge pump.* Where permanent-type flotation such as styrofoam or plastic foam is not provided, an adequate portable bilge pump shall be maintained in proper working order.
- (d) *Holding tank.* Flotation and decking shall provide access to the sewage pump.
- (e) *Material.* All material, such as decking, siding and subflooring, which is subjected to moisture or water splash shall be of a type not adversely affected by moisture or shall be treated.

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Count 2-2

Sec. 14-37. Building permits; professional plans; display of permits.

(a)

Building permit required; display. Building permits shall be procured from the building official before performance of any work or construction of any character, whether permanent or temporary. Within 48 hours after it is issued, the applicant must cause the permit to be posted and displayed at the work site so that it is readily visible from an adjacent public street throughout the term of the work. No work shall be performed unless a proper permit is so posted.

(b)

Professional plans required. Professional plans shall be required as follows:

(1)

Plans for work requiring a building permit shall be submitted in duplicate or in triplicate if required by the state to the building official and shall be prepared by, and bear the seal of, an architect or structural engineer duly registered in the state, except if the work is by the owner-occupant upon a one- or two-family residence, and the work is cosmetic, nonstructural repair, alteration or addition.

(2)

Notwithstanding subsection (b)(1) of this section, plans for work which requires a building permit and which involves mechanical, plumbing or electrical repairs, alterations or additions shall be prepared by and shall bear the impress seal of an engineer duly registered in the state, as reasonably required in the interest of health and safety by the building official.

(c)

Work done by owner-occupant. A building permit may be issued to the owner-occupant of real property to construct or cause to be constructed, while the owner-occupant is present on the site, a one- or two-family residential structure for his own use and not offered for sale or lease or to repair the structure without being required to be a qualified contractor himself in accordance with this article and without being required to employ a licensed contractor. The owner-occupant may not construct or repair or cause the construction or repair of more than one such structure during any one-year period.

To Wit: After conducting a site inspection on December 22nd, 2013 Mr. Behan was advised verbally that he needed to cease work he was doing without the benefit of building permits. . Ceiling beams, deck joists on the front deck have been erected. After the fact permits are supposed to be submitted per notice of code violation mailed out on January 2nd, 2014 and good service on notice was received on January 7th, 2014. After checking today January 17th, 2014 that Mr. Behan has not provided a building application to seek compliance I have decided to serve him this notice of hearing.

CORRECTIVE ACTION: Please provide a complete building application to apply for after the fact work done at your floating home

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:**

February 26, 2014

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
lhernand@keywestcity.com

Work schedule Monday-Friday 3pm-12am

Hand served this _____ *day of* _____, 2014 @ _____ *am/pm.*

Received by: _____ *Served By:* _____