



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

**NOTICE OF ADMINISTRATIVE HEARING**

DATE: July 2, 2012  
RE: CASE NUMBER 12-662

CERTIFIED MAIL RECEIPT#: 7003 3110 0003 4757 9521

To:  
Argelia A McCrory  
127 Areca Drive  
Mulberry, FL 33860

Subject Address:  
1800 Blanche 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:** In an area canvas the city Code Inspector noticed yard debris and garbage containers left on the city row in front of 1800 Blanche St.

**Sec. 58-31. Container and receptacle requirements.**

(c) Garbage, yard waste, and rubbish may be placed in the same containers. Yard waste will be collected with the garbage on the scheduled pickup day only if it is placed in containers and the container does not exceed set limits. Containers shall not exceed 32 gallons in capacity unless they are designed to be mechanically dumped. Any waste not containerized, with the exception of bulk waste and excess yard waste, shall not be placed out on city property (including the right-of-way).

(d) It shall be unlawful for a property owner or customer to fail to provide sufficient containers to contain all refuse between collections. No refuse will be collected unless placed in proper containers or unless it meets the requirements set forth for bulk and excess yard waste pickup in section 58-35.

(e) Infectious, inflammable and explosive materials and human or animal wastes shall not be placed in containers for regular collection. Refuse, clothing, bedding, or other refuse from homes or other places where highly infectious or contagious diseases have prevailed should be disposed of under the supervision and direction of the county health officer.



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DATE: July 2, 2012  
RE: CASE NUMBER 12-662

CERTIFIED MAIL RECEIPT#: 7003 3110 0003 4757 9514

To:  
Argelia A Mccrory  
1800 Blanche Street  
Key West, FL 33040

Subject Address:  
1800 Blanche 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):

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(d) It shall be unlawful for a property owner or customer to fail to provide sufficient containers to contain all refuse between collections. No refuse will be collected unless placed in proper containers or unless it meets the requirements set forth for bulk and excess yard waste pickup in section 58-35.

(e) Infectious, inflammable and explosive materials and human or animal wastes shall not be placed in containers for regular collection. Refuse, clothing, bedding, or other refuse from homes or other places where highly infectious or contagious diseases have prevailed should be disposed of under the supervision and direction of the county health officer.

(f) All containers, including recycling containers, placed upon city property, including the right-of-way, for pickup by the city's franchise hauler must not be placed on city property before 4:00 p.m. of the night before scheduled pickup and must be removed from city property by 8:00 p.m. of the day of such pickup. Bulk waste for pickup by the city's franchise hauler or by a non-franchised licensed hauler must not be placed on city property before 4:00 p.m. of the night before scheduled pickup.

**To wit:** Clean the city right-of-way in front of your property and bring garbage cans in after pickup.

**Count 2:** The city found in the investigation of said property found a delinquent Sewer and Solid Waste Account.

**Sec. 58-63. - Delinquency.**

(a) Solid waste charges shall become delinquent 20 days after date of billing.

(b) Any solid waste service charge which becomes delinquent shall be assessed a one-time penalty charge, which shall appear on the next billing statement, of the greater of \$5.00 or 15 percent of the delinquent service charge amount. If any rates, fees or charges established for the use and privilege of use of the city solid waste collection system shall not be paid within 30 days after the rates, fees or charges shall become due and payable, the city may, at the expiration of such 30-day period and after 15 days' written notice, which notice may be given and may run within the 30-day period, disconnect the premises from the sewer system for which the solid waste rates, fees or charges have not been paid. The owner of the premises may cause to have his premises reconnected at his own expense with the sewer system, provided that the owner pays to the city its actual cost of disconnecting the premises and all delinquent solid waste rates, fees or charges.

**To wit:** Contact the cities Revenue Department to pay the past due account.

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:**

**August 22, 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 Badgett  
Code Compliance Officer  
City of Key West

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

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