



**THE CITY OF KEY WEST
Tree Commission**

Post Office Box 1409 Key West, FL 33041-1409
Telephone: 305-809-3725

**NOTICE OF ADMINISTRATIVE HEARING
BEFORE THE TREE COMMISSION OF THE CITY OF KEY WEST**

June 21, 2021

Tree Commission
City of Key West
Petitioner,

Vs.

Divoll Construction Inc
1200 4th Avenue #201
Key West, FL 33040

An administrative hearing before the Tree Commission for the City of Key West will be held on **Tuesday, July 13, 2021**, at 5:00 p.m., at **Josephine Parker City Hall at Historic Glynn R. Archer School, 1300 White Street, Key West, Florida.**

This hearing will be conducted pursuant to sections 110-288 et. seq. of the Key West City Code. The purpose of this hearing will be to determine if a code violation has been committed by the above named Respondent. **Your presence is required at this Tree Commission meeting.**

Date of alleged violation: prior to April 19, 2021 at 805 Olivia Street, Key West, FL:

Sec. 110-256. Tree abuse.

- (b) *Prohibited acts.* A tree shall be considered abused if a person takes an action so that one of the following occurs:
- (1) Significant damage has been inflicted upon any part of a tree, including the root system, by machinery, storage of materials, soil compaction, excavation, vehicle accidents, chemical application or change to the natural grade.
 - (2) Damage inflicted to or cutting upon a tree which permits infection or pest infestation.
- (c) *Additional prohibitions.*
- (1) No private property owner or agent shall damage, cut, or carve any tree or tree root located on the owner's property; or allow any liquid, solid or biological substance that is harmful to trees to be placed within the dripline.

- (3) If a root or roots of a tree on private property migrates into another property, the owner of the tree must consult with the Urban Forestry Manager before commencing any work that will result in severing the root.
- (4) Trenching of any kind shall not be done within the dripline of any tree. Only mechanical- or auger-type equipment shall be used to place conduit under a tree root system

Sec. 110-321. Required.

- (a) Unless a tree removal permit approved by the tree commission and issued by the Urban Forestry Manager has been obtained, no person, whether on publicly or privately owned land, shall cause tree abuse or other harm, or major maintenance to, hatracking, transplanting, topping or removal of the following:
 - (1) Any tree listed as "specially protected" in section 110-253;

Factual allegation: The roots one (1) Strangler Fig tree have been cut for the installation of utilities without benefit of a tree trimming permit. The tree is growing on the property line with 811 Olivia Street.



If the Tree Commission for the City of Key West finds that there has been a violation of the above code section, it will elect to enter into a compliance settlement agreement pursuant to section 110-291 of the Key West City Code or recommend a fine and further hearing before the Special Master of the City of Key West pursuant to section 110-294 of the Key West City Code.

Attendees are hereby notified that a complete and accurate record of the proceeding is required under Florida Statute 286.0105 if an appeal is sought. Appellants are responsible for providing transcription services.

I hereby certify that the forgoing notice has been mailed to the Respondents and has been sent via e-mail, regular mail, and certified U.S. Mail to the above named Respondent's listed address on this **21th day of June 2021.**

If you have any questions, please call the office at (305) 809-3768.



Karen DeMaria

Urban Forestry Manager

kdemaria@cityofkeywest-fl.gov

cc: Greg Oropeza, Oropeza Stones & Cardenas

Sidney Magee-property owner at 811 Olivia Street

Marjorie Ingelsby-tenant at 811 Olivia Street