

CITY OF MARATHON

Memorandum



Meeting Date: July 25, 2023

To: Honorable Mayor Luis Gonzalez and City Council Members

Through: George Garrett, City Manager

From: Ted Lozier, Code Compliance Director

Subject: Code Compliance: Vacation Rentals and Code Investigation Process

Vacation Rentals Update

With an additional staff code officer starting and trained since April 2023, we have been able to increase the vacation rental compliance/enforcement efforts and we anticipate these additional efforts to continue. For July, eighteen cases are noticed for the Code Hearing. Compliance/enforcement violations include mainly the following: renting or advertising without a license, renting or advertising for less than the 7-night minimum, renting over occupancy, not renewing in a timely manner, and trash service violations.

For comparison, the number of vacation rental licenses issued over the past year (July 2022 to July 2023) is 1,046. The number issued in the year prior (July 2021 to July 2022) over the same time frame was 889, which indicates an increase of 157 licenses over this past year.

Code Compliance Case Process

The following is an overview of the actions taken after the Code Department receives a complaint or becomes aware of a potential violation.

- i. If a complaint is submitted, respond to complainant (with a response time goal of 24 hours). Confirm complainant contact information and location of alleged violation.
- ii. Determine urgency (e.g. life, health, or safety issue)
- iii. As necessary, gather additional information (e.g. who is the alleged violator, who are the witnesses, what was or is being done, is it currently happening or when did or does it occur, how is it happening, how long has it happened, is it life, health and safety related, an environmental issue, a public nuisance, etc.)
- iv. Research location information, property ownership, zoning, prior complaints/code violations, open permits, other historical issues, etc.
- v. Perform site visit inspection. As necessary and if possible, discuss issues with property owner, other city personnel; document site conditions and problems with photos and inspection notes.

- vi. Determine if violation is apparent and if compliance is needed. The following steps are taken:
 - (1) If no violation is found/confirmed, make note, follow-up with complainant, and close complaint.
 - (2) If violation is found, attempt to communicate with alleged violator and/or property owner to achieve compliance (partner with other departments/agencies as necessary). If compliance is reached, then make note and close case. Otherwise, provide formal Notice of violation to alleged violator of specific violations with measures needed to correct violation and reasonable time to comply.
 - (3) Follow-up with complainant on corrective measures; evaluate any progress made towards compliance.
- vii. Perform follow-up inspections for compliance. If compliance obtained, make note and close case. Otherwise, provide formal Notice of Hearing; Prepare case to be heard before Special Magistrate or Code Compliance Board Hearing.
- viii. Prepare for and present case at hearing. Assuming a finding that an alleged violator did in fact violate code, orders for compliance are determined along with fees and fines.
- ix. Issue the Findings and Orders from the Code Hearing to the violator. Perform follow-up inspections and work with violator to obtain compliance.
- x. Once compliance is obtained, and all fees and fines are paid, make note and close case. Otherwise, continue tracking case with follow-up inspections, filing liens, invoicing, and implementation of further compliance steps (such as - license revocation, coordination with other departments/agencies, stipulated settlement agreements or foreclosure proceedings).

While some violations are corrected within several days, other violations take longer to achieve resolution. Depending on the timing of the initiation of the code case, the amount of time the violator is provided to comply (ranging from 2 days to 30 days), the scheduling of the Code Hearing and the subsequent time frames within the hearing's finding and orders, it will take several weeks (and potentially longer) before compliance is achieved. Fines and property liens are recorded, and follow-up work continues with the property owners until compliance is achieved.