

CITY OF MARATHON

Memorandum



Meeting Date: November 10, 2020

To: Honorable Mayor Cook and City Council Members

Through: Chuck Lindsey, City Manager

From: Douglas Lewis

Subject: Code Compliance Report
October 2020

Vacation Rentals and Trash:

The Code Department is looking into ways to curb the growth of trash cans sitting on the side of the road long before and after normal trash pick up days and times. The Code Department has begun to write citations for violators that do not remedy the situation within one hour of notice.

General statistics: The City has a total of 748 vacation rentals as of this report. We have 251 registered vacation rental property managers with the City. Only 82 of those list a Marathon, Duck Key or KCB address. That leaves 172 or more than 68 percent of all VR managers outside the City of Marathon. We have property managers as far away as Utah, Wisconsin, and Nova Scotia. With 59 out of state and out of country property managers, that's almost as many as are here in Marathon.

COVID-19 Measures

With execution of the Governor's Executive Order 20-244 on September 25, the ability to levy financial penalties against individuals relating to COVID measures has been eliminated.

Monroe County Ordinance 24-2020 remains in force, requiring among other things, that: "An operator, manager, employee, customer or patron of a business establishment must wear a face covering while in that business establishment when unable to engage in social distancing." The Code Department continues to relay this mandate when discussing complaints with complainants and businesses.

Very few complaints have been received in the last 2 months, and none of these have been confirmed via Code Department investigation, usually as the offending party is no longer at the business.

The **Monroe County Short-Term Vacation Rental Reopening Plan** also remains in effect, without a corresponding City Code that can be used to write a citation for Vacation Rental owners not in compliance. Similarly, however, the Code Department continues to relay the mandated items, including the local contact, signage requirements, and occupancy limits.

Code Compliance Activity

14 cases were considered for Special Magistrate Hearing via Zoom on September 17, but prior to the Hearing, 2 cases were withdrawn when stipulated agreements were reached, 3 cases were withdrawn based on compliance, and 3 cases were tabled for further development. The remaining 6 cases resulted in findings of violation by the Special Magistrate. 14 Notices have been sent for the November 19, 2020 Hearing.

Properties in non-compliance continue to increase and multiple Hearings remain necessary to proceed through the backlog created during the inability to hold in-person meetings during March to August.

\$60,000 has been collected as a result of a 2019 stipulated agreement.

Multiple cases are being reviewed for the next legal step to collect outstanding fines.

Code Cases: August 2020

Cases opened: 20
Cases closed: 9

Total open cases: 205*

(*A large portion of these cases remain open due to fines/ fees due or are moving toward compliance via application for building permits/ active permits not yet inspected and closed out.)

Code Department staff responded to numerous Code complaints either by telephone, email, online, or in-person. A total of 20 new cases were opened. Not all complaints resulted in open cases as they were either quickly resolved, unfounded, civil in nature, or subsequent complaints on an existing Code case. An example of complaints that typically will not result in a Code case (unless egregious or repeated) are Vacation Rental garbage issues. On average, 2 new complaints are received per week and addressed directly with the owner/ agent; once the problem is resolved, no further action is necessary, and no case is opened.

Code Cases: September 2020

Cases opened: 25
Cases closed: 2

Total open cases: 228*

(*A large portion of these cases remain open due to fines/ fees due or are moving toward compliance via application for building permits/ active permits not yet inspected and closed out.)

Code Department staff responded to numerous Code complaints either by telephone, email, online, or in-person. A total of 25 new cases were opened. Not all complaints resulted in open cases as they were either quickly resolved, unfounded, civil in nature, or subsequent complaints on an existing Code case. An example of complaints that typically will not result in a Code case (unless egregious or repeated) are Vacation Rental garbage issues. On average, 2 new complaints are received per week and addressed directly with the owner/ agent; once the problem is resolved, no further action is necessary and no case is opened.

August 2020

CASE TYPE	Count
Building Code	10
RV-Habitation	1
Sewer - Failure to Connect	1
Vacation Rental	8
Total:	20

September 2020

CASE TYPE	Count
Abandoned boat	1
Building Code	6
Environmental	2
Licensing	1
Multiple Violation	2
Property Standards	6
RV-Habitation	1
Vacation Rental	6
Total:	25

August Case Actions

Notice of Violation: 8

Courtesy Notices (written or verbal): 6

Citations: 9

Building permit applications received on code cases: 3

Building permits picked up on code cases: 5

Payments (administrative fees and citations): 10

Stop work orders: 1

Initial/re-inspections: 40

Case Review/ Research: 70

Communication in person, via telephone or email regarding open cases: 77

September Case Actions

Notice of Violation: 20

Courtesy Notices (written or verbal): 5

Citations: 7

Building permit applications received on code cases: 8

Building permits picked up on code cases: 2

Payments (administrative fees and citations): 5

Stop work orders: 2

Initial/re-inspections: 75

Case Review/ Research: 80

Communication in person, via telephone or email regarding open cases: 137

Legal involvement in the collection of fines

The Code department would like to proceed with additional collection measures on the following properties:

1104 26th Street, Ocean

347 Guava Avenue

495 91st Street, Ocean

11189 5th Avenue, Ocean

2207 Yellowtail Drive

58876 Overseas Highway