

CITY OF MARATHON



Memorandum

Meeting Date: November 15, 2022

To: Honorable Mayor John Bartus and City Council Members

Through: George Garrett, City Manager

From: Ted Lozier, P.E., MBA, Code Compliance Director

Subject: Code Compliance Report

Department Overview

The Code Department serves the community by helping people know, understand, and adhere to the many various city codes. By ensuring compliance with the City's Code of Ordinances we help achieve public health, safety and welfare of the residents and visitors of Marathon, and enhance the quality of life throughout the community.

- Currently, the goal of code compliance is to achieve voluntary compliance. Our policy approach to code compliance is both reactive (complaint driven) and proactive (needs driven through staff observation or priority driven by policy). For example, a code case could be opened after investigating and verifying a complaint. While inspecting the complaint, other violations at this and/or other properties could be observed, resulting in additional code cases. And proactive compliance of vacation rentals is currently an ongoing, growing activity (see p. 3).
- We seek cooperation with appropriate people with many groups such as other city, county, state, and federal government departments, property owners, contractors, attorneys, realtors, vacation rental agents, mortgagors, and business owners to achieve compliance.
- When voluntary compliance fails, a more formal, procedural due process (see p. 2) is utilized throughout the compliance enforcement process which includes having cases heard before either the Code Compliance Board or the Special Magistrate. Follow-up work continues and code cases remain open until compliance is achieved and all fines and fees have been paid.
- Most violations have been related to one of the following: Building without or violating construction permits, vacation rental licensing, property maintenance and standards, trash containers, signage standards, or building recertifications. Other violations have related to noise complaints, abandoned vehicles/boats, parking issues, land use issues, rights-of-way issues, licensing issues, debris and solid waste issues, and animal control issues.
- Other department activities include licensing passenger vehicles for hire and addressing requests from real estate activity within Marathon. We receive requests and provide title search information on properties regarding open code cases and the status of compliance, fees and fines owed, and records of liens.

Activities Summary - 2022 Calendar Year to Date

Calls/Walk Ins Complaints Inquiries	Real Estate Property Searches	Code Cases Initiated	Code Cases Noticed for Hearing	Code Cases Resolved	Fees and Fines Collected
765	437	321	90	212	\$218,000

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.
- vi. Determine if violation is apparent and if compliance is needed. Generally:
 - (1) If no violation is found, 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 to alleged violator of specific violations with measures needed to correct violation and reasonable time to comply.
 - (3) Follow-up with complainant.
- vii. Perform follow-up inspections for compliance. If compliance obtained, make note and close case. Otherwise, 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. Perform follow-up inspections and work with violator to obtain compliance.
- x. Assuming compliance is reached, 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, or foreclosure proceedings).

While some violations are corrected within several days, other violations may 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, 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.

Activity Summary - Vacation Rental Compliance

The summary below is an example of one of our proactive code compliance activities related to compliance for the vacation rentals in Marathon. The city contracted with an advertisement monitoring system service provider which starting in July has helped identify potential violations.

The table below shows the number of vacation rental code violations in 2022 that have been heard at Code Hearings along with the associated fines for the violation(s). Depending on the severity of the violation, these cases are resolved through compliance or are fined to address the irreparable damages (e.g., renting for long periods without having a license). Other violators react quickly to the notices of violation and achieve compliance (these cases are not included in the table).

Month (2022)	Vacation Rental Cases	Total Fines	Notes
January	-	-	No Code Hearing
February	1	0	Withdrawn by Compliance
March	2	\$7,500	-
April	-	-	-
May	1	\$5,000	Repeat Violator
June	-	-	-
July	2	0	Withdrawn by Compliance
August	3	\$11,000	-
September	-	-	No Hearing
October	5	\$9,000	One Withdrawn by Compliance

The results show a slight uptick in the number of code violations in July through August as compared to January through June. This in part is related to the use of the vacation rental advertisement monitoring system. This increasing trend is expected to continue in the coming months.