



**CODE COMPLIANCE  
SPECIAL MAGISTRATE HEARING**

Marathon Council Chambers  
9805 Overseas Highway, Marathon  
Thursday, July 15, 2021, at 2:00 P.M.

**Minutes**

**A. CALL TO ORDER**

The Code Compliance Special Magistrate Hearing of July 15, 2021 was called to Order by Special Magistrate, James (Jack) Bridges at 2:28 P.M., at the Marathon Council Chambers, 9805 Overseas Hwy., Marathon, Florida.

**Staff Present:**

City Attorney Steven Williams  
Code Admin. Asst./SMRS Maria Thorley  
Code Compliance Officer Erin Dafoe  
Code Compliance Officer Don Law

Members of the public present.

**B. PLEDGE OF ALLEGIANCE** - The Pledge of Allegiance was recited.

**C. ADDITIONS/DELETIONS/CORRECTIONS/ANNOUNCEMENTS**

- The following cases were withdrawn by compliance: 2. C-21-4 and 3. C-21-30

**D. APPROVAL OF MINUTES**

- Special Magistrate Bridges approved the minutes of May 20, 2021, hearing.

**E. SWEARING IN OF WITNESSES TO TESTIFY**

- Special Magistrate Bridges called for witnesses to be sworn in and administered the Oath.

**F. NOTICES**

- Notices were read into the record.
- There were no Ex-Parte Communications.

**G. CASES FOR PUBLIC HEARING:**

**CODE OFFICER, ERIN DAFOE**

**4. C-21-35 (New Case)**

Manuel E Costa and Yipsis Costa  
58214 Overseas Hwy, Grassy Key (RE#00368490-000000)

The Respondent(s) was/were present at the hearing, sworn in, and was/were properly noticed of the hearing by certified mail and afforded the opportunity to appear and speak. Mr. Costa stated he has applied for a building permit to cure the violation.

Attorney Williams concurred with the Respondent; however, the permit still needs to be issue and the work completed with final inspections.

An initial inspection April 8, 2021, revealed alteration work performed, including but not limited to the installation of an A/C Minisplit (50 Amp) Plug and A/C Minisplit Unit without the benefit of a permit. On July 14, 2021, the Respondent(s) submitted a building permit application for said work; however, he has not obtained a building permit.

Exhibits A through D were entered and accepted into evidence by Special Magistrate Bridges.

Based on the evidence presented at the hearing, it is determined that the violation of §6-52 (a) (1) b of the City of Marathon Code, as set forth in the Notice of Violation/Notice of Hearing served upon the Respondent(s) has not been corrected.

**RECOMMENDATION(S)**: The Special Magistrate heard the testimony, and a Findings of Fact, Conclusion of Law and Order was entered finding the property in violation of the stated code and Ordered Respondent(s) to obtain an after-the-fact building permit for the alteration work performed, including but not limited to the installation of an A/C Minisplit (50 Amp) Plug and an A/C Minisplit Unit, with final inspections passed and approved within thirty (30) days starting from the date of July 16, 2021. Respondent(s) shall pay an Administrative Fee in the amount of Three Hundred Dollars (\$300.00) within thirty (30) days starting from the date of July 16, 2021. In the event the violation(s) is/are not corrected by the date set for compliance, August 15, 2021, Respondent(s) shall pay a fine in the amount of One Hundred Dollars (\$100.00) per day, which shall accrue for each day the violation(s) continues to exist past the compliance date set forth herein. This fine is calculated by taking into consideration: The gravity of the violation; The steps taken by the Respondent to correct the violation; and any previous violations, pursuant to Chapter 162.09 (2) (b) (1) - (3), F.S.

**CODE OFFICER, DON LAW**

**5. C-21-27 (New Case)**

Carolina C Rodriguez-Hernandez  
854 92nd St, Marathon (RE#00350350-000000)

The Respondent(s) was/were present at the hearing, was sworn in, and was/were properly noticed of the hearing by certified mail and afforded the opportunity to appear and speak. Ms. Rodriguez-Hernandez stated she did as she was asked, to tie down the trailer and that this is her livable habitat. She will work with the city to correct the violation.

Attorney Williams stated that to correct the violation the RV must be moved out of the residential lot and relocate to an RV location, as it was not intended to be a permanent structure. The City did give a period following State of Emergency from Hurricane Irma, for RV's to be allowed in certain residential areas and districts that was adopted under Ordinance 2019-01; however, the term of the ordinance has expired and no longer permitted by the City.

Initial inspection of the property March 24, 2021, revealed a Recreational Vehicle (RV) being used for habitation followed by a reinspection on April 21, 2021, showed the Recreational Vehicle (RV) still present on the property.

Exhibits A through D were entered and accepted into evidence by Special Magistrate Bridges.

Based on the evidence presented at the hearing, it is determined that the violation of §103.22 of the City of Marathon Code, as set forth in the Notice of Violation/Notice of Hearing served upon the Respondent(s) has not been corrected.

**RECOMMENDATION(S)**: The Special Magistrate heard the testimony, and a Findings of Fact, Conclusion of Law and Order was entered finding the property in violation of the stated code and Ordered Respondent(s) to relocate the Recreational Vehicle (RV) to a licensed Recreational Vehicle (RV) Park within ninety (90) days starting from the date of July 16, 2021. Respondent(s) shall pay an Administrative Fee in the amount of Three Hundred Dollars (\$300.00) within thirty (30) days starting from the date of July 16, 2021. In the event the violation(s) is/are not corrected by the date set for compliance, October 14, 2021, Respondent(s) shall pay a fine in the amount of One Hundred Dollars (\$100.00) per day, which shall accrue

for each day the violation(s) continues to exist past the compliance date set forth herein. This fine is calculated by taking into consideration: the gravity of the violation; the steps taken by the Respondent to correct the violation; and any previous violations, pursuant to Chapter 162.09 (2) (b) (1) - (3), F.S.

**CODE OFFICER, ERIN DAFOE**

**4. C-18-407 (C2018-0408) (New Case)**

Ralph Robert Frasco  
922 99th Street, Marathon, FL (RE: 00352050-000000)

The Respondent(s) was/were not present at the hearing, but was sworn in, and was/were properly noticed of the hearing by certified mail and afforded the opportunity to appear and speak

Initial inspection of the property on November 5, 2018, and December 6, 2018, revealed deck and dock damage and the Building Official deemed the structure unsafe for its intended use.

Exhibits A through E were entered and accepted into evidence by Special Magistrate Bridges.

Based on the evidence presented at the hearing, it is determined that the violation of §6-91 (a) (b) (1) (2) (c) (1) (2) (4) (d) and §104.64 B. 11 of the City of Marathon Code, as set forth in the Notice of Violation/Notice of Hearing served upon the Respondent(s) has not been corrected.

A neighbor of Mr. Frasco spoke regarding the unforeseen situation with the property and the ongoing health issues with her neighbor and wanted to show her support.

**RECOMMENDATION(S):** The Special Magistrate heard the testimony, and a Findings of Fact, Conclusion of Law and Order was entered finding the property in violation of the stated code and Ordered Respondent(s) to apply for and obtain after-the-fact building permits for all repairs necessary to make the structure safe for its intended use with sealed drawings from a Florida licensed architect or engineer within six (6) months with permits closed out starting from the date of July 16, 2021. These violations are hereby declared a serious threat to public health, safety, and welfare; thereby, authorizing the City Manager or designee to make necessary corrections to bring the Property into compliance. Respondent(s) shall pay an Administrative Fee in the amount of Three Hundred Dollars (\$300.00) within thirty (30) days starting from the date of July 16, 2021. In the event the violation(s) are not corrected by the date set for compliance, January 16, 2022, Respondent(s) shall pay a fine in the amount of One Hundred Dollars (\$100.00) per day, for each count of the following violations of §6-91 (a) (b) (1) (2) (c) (1) (2) (4) (d) and §104.64 B. 11, which shall accrue for each day the violation(s) continues to exist past the compliance date set forth herein. This fine is calculated by taking into consideration: the gravity of the violation; the steps taken by the Respondent to correct the violation; and any previous violations, pursuant to Chapter 162.09 (2) (b) (1) - (3), F.S.

**H. OLD BUSINESS** - None

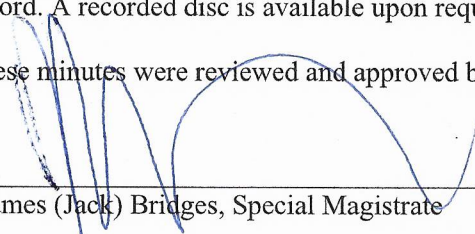
**I. NEW BUSINESS** - None

**J. DISCUSSION ITEMS** - None

**K. ADJOURNMENT** - With no further business to come before the Special Magistrate, the meeting was adjourned at 3:20P.M.

The above represents a summary of the Code Compliance Hearing held July 15, 2021. This is not a verbatim record. A recorded disc is available upon request.

These minutes were reviewed and approved by James (Jack) Bridges, Special Magistrate.

  
\_\_\_\_\_  
James (Jack) Bridges, Special Magistrate

  
\_\_\_\_\_  
Date