

August 17, 2023, Code Enforcement Report
Annual Year in Review

A year has passed since my date of employment and it is therefore appropriate to look at the past, present and future, to assess Code Enforcement.

THE PAST:

A. Almost immediately upon hire I observed many owners/property managers did not know the tools within the Citizenserve program to be aware of code compliance issues. There were hundreds of unknown, months' old outstanding violations/fines. Accordingly, I sent an email blast to all owners and property managers as to the following:

1. Citations are lodged against the property/property owner as this is the only effective means of enforcement. Owners are ultimately responsible for compliance on their property.
2. There is no mechanism for notifying every property owner/manager of each new simple citation issued, typically for matters such garbage style violations, car parking, boat trailer parking.
3. Occupants/tenants should not expect a warning, rather citations will be issued on sight for the typical matters such garbage style violations and boat trailer parking.
4. Detailed instructions were given to search for properties with Citizenserve to reveal citations filed in any rental period. This allows the matter to be addressed directly with the renter.
5. All were reminded to know the KCB Code of Ordinances, and that all unpaid fines will become liens on the property.

A second email blast was sent setting forth specific instructions on how to pay online with receipt of payment to me. I noted it is the payor's responsibility to provide proof of payment, City Hall is no longer going to search the bank deposit records to try and ascertain who paid what. All were reminded to know the KCB Code of Ordinances, and that all unpaid fines will become liens on the property.

B. The issue of noise ordinance enforcement was raised in the first several commission meetings, and after study of the issue Chief DiGiovanni and I have developed a protocol for holding owners and property managers accountable. In short, each noise complaint will result in a code officer/police officer response, which first appearance may result in a citation depending on circumstances. If the issue is not immediately resolved and a second response is required a citation against the property will definitely be issued. In each instance the property manager will be put on notice and narrative notes recorded in Citizenserve. In the event a property presents a continuing problem, or a repetitive problem over different rentals, the Code Enforcement Board will be implicated, and both the rental license and the property manager Certification may be in jeopardy. This protocol has worked well, and over this past year only 8 noise citations were actually filed, all fines have been paid, and apologies issued.

C. A second email blast was sent late last September detailing "Renewed Points of Emphasis", in response to issues raised by the Key Colony Beach Police and Building Department. The points of emphasis included property address numbers, boat/trailer parking, use and storage and numbering of garbage cans, boat lift, boat dockage, seawall maintenance and floating docks.

D. On a daily/every other day basis I engaged in community patrols for observance of common violations such as garbage cans, boat trailer parking, building and lawn maintenance, litter, etc. From August 15, 2022, to present I have issued approximately 650 citations for garbage can violations, about 60 for trailers parking, 6 citations for rafted vessels, 3 junk car notices, 3 nuisance lighting notices, and approximately 30 letters/emails for yard maintenance (No fines have been issued for yard maintenance). There have also been floating docks violations, trash accumulation violations, fireworks violations, pets at large violations, and another 40 miscellaneous violations.

These numbers do not reflect hundreds of warnings and conversations leading to compliance for which no citations were issued. In other words, while on patrol if someone is present to speak with I will resolve the matter without a citation.

E. I am and have been involved in more complex violation investigations such as rentals without a license, building without a permit, discharge into canals, and building maintenance and safety standards. These kinds of violations are handled by legal document complaint and directed to the Code Enforcement Special Magistrate. To date, about 18 complaints have been filed for renting without a license (short term/long term), about 12 complaints have been filed for building without a permit, with several complaints for dumping/littering and property maintenance. These do not include dozens of letters to address violations before official code enforcement became necessary.

F. We have had 4 actual Code Hearing dates, and we have been successful in proving the violation (or having it stipulated too) *in every case presented*. In other words, these violations are actually happening, and interdiction was/is appropriate. Compliance Orders were issued, and fines imposed in most cases. The Special Magistrate has streamlined and made consistent this legal process. All properties, including 908 W Ocean Drive, have become compliant as per the court orders.

G. Last year we saved a Hawk's Bill Turtle nest, and I remain involved with Save-a-Turtle, and have interdicted several properties with turtle lighting issues. As soon as our new ordinance is adopted we will be in a stronger position to enforce these rules.

H. Last fall I conducted a public auction for four abandoned trailers in our lots, which yielded \$5,000.00 revenue for the city. Self-service digital locks have been added to the long-term lot (thank you, Tammie!), and this lot was expanded to create more resident trailer parking. I reorganized the lot to facilitate more space as well.

I. The enforcement of Florida State Fire Safety Regulations as per the Florida Department of Restaurants and Hotels for transient/non-transient lodging properties (rentals) last licensing cycle led to more than 100 properties failing renewal license inspections in some or all bedrooms. At my urging the city adopted a concise strategy for mitigating the loss of revenue by giving homeowners an option to initially rent the affected properties by removing the bedroom(s) and designating the rental license application for fewer occupants. Once structural changes were made to the property later, and the failed bedrooms are re-inspected and code compliant, the rental licenses were amended to increase the number of occupants. The Code and Building Departments have reinforced the safety of all persons is of paramount concern.

Interestingly, I and our Building Official attended a seminar at the Marathon Fire House presented by a statewide instructor from Alachua, FL, and this City is 100% correct and on-point with these inspections. It appears as though our neighboring jurisdictions will soon be joining as ignorance of these requirements is not smart or legal.

J. Last year I noted a split; certain owners in residence had been receptive to rigorous code enforcement, recognizing the volume of renters and their violations is a burden on the residents' quiet enjoyment of this community, while a vocal minority of owners objected to code and building enforcement, *particularly when they were the subject of enforcement*. I made it a point to invite conversation from any and all owners about violations and routinely voided (and still do) citations for good cause. However, enforcement needs to be applied uniformly and consistently, and what was or was not done in the past is not a standard for the future when we have over 670 rental units on this island.

That being said, last year's level of verbal and social media vitriol, hostility and profanity directed at City staff was *unwarranted under any circumstances, particularly by competent, adult people*. Complaining owners ignored the fact it is the diligent work of the building, code and law enforcement departments which makes this community "high end", thereby improving property values and rental revenues, yet which City efforts *were actually being hampered by* these complaining owners' resistance and confrontational attitudes.

The good news is after several months the negativity mostly dissipated and the vast majority of citizens, particularly owners in residence, have now *vigorously embraced code enforcement*. By example, July 4 week was particularly difficult from a bad renter standpoint, including a late-night incident of verbal harassment directed to owner/residents on 4th street which required police intervention, significant hazardous fireworks display with property damage on 3rd street which also required police intervention, and a trespass/arson situation on 7th street which also required police intervention. Fortunately, I was there to intercede and hold properties accountable and fines were paid in all instances. Constituents now rely on code enforcement to resolve these crises.

K. The issue of migrant chugs and the recital of *state mandated laws* governing the same as recited by FWC has caused quite a public stir, with most commentary uninformed. On January 6, 2023, Gov. DeSantis issued an emergency proclamation to deal with the migrant issue, removal of chugs included. However, Code is not aware of any new chugs which have landed in months.

THE CURRENT:

A. The Building Department is implementing a new, staggered schedule for fire safety inspections for rental properties, and the problem of failures appears to be drawing to a close as only a few properties have failed said inspections in this new licensing cycle., for a variety of reasons. Most of these units were allowed to continue renting through September 30, 2023, while repairs are pending.

B. Boats that extend over the adjoining property's line will continue to be a problem and addressed as this is a violation of code, and owners in residence are particularly sensitive to this problem. I have had several personal conversations with property managers to address specific properties. Vigorous enforcement of this issue will continue, particularly during busy rental seasons.

C. In response to numerous complaints the Building Department and I have recently focused on job site cleanliness and maintenance, contractor registration, rules and regulations, and permit posting. We are going to a zero-tolerance policy for the common trash and litter, mud runoff, parking violations, damage to property, and work outside of legal hours violations that repeatedly occur, most often by out-of-county laborers who have no appreciation of KCB. Accordingly, a new rules and regulations Notice is being issued with every new building permit for contractor education, and a similar version will also be laminated and posted at each job site. I (and hopefully the KCB PD) am also interdicting the many commercial vehicles illegally and hazardedly parked, including facing the wrong way in the lane of travel in violation of Florida law, and commonly on the public roadway instead of available parking areas and driveways. Progress has been steady but slow, so it continues.

D. The Key Colony Beach Police is by default doing some code enforcement when I am not on duty. Accordingly, Chief DiGiovanni and have agreed to emphasize uniform enforcement of these code violations, both roadside and canal side of all houses, and are working toward this goal. Noise, boat dockage, house numbering, trailer/RV storage, seawall maintenance, and elevator lift protocol are examples of these list items. I will likely accompany the PD on more canal patrols to assist in addressing violations.

THE FUTURE:

A. On the long-term agenda for Code is developing an effective strategy for compelling property managers to be more involved, diligent and accountable. It is Code's opinion it is easier for property managers to pay a citation for garbage, for example, than it is to actually pay someone to facilitate garbage cans back and forth from the curb. Same for boat dockage. It is evident this "cost of doing business" is easily absorbed with no behavior modification, and the residents suffer. Into the future it is the goal to have these managers keep these rental properties in compliance, which will likely require from them a much more hands-on approach, and my strategy will compel and encourage that. Quite simply, if property managers can't be at their properties every week, and cannot keep their properties in compliance, they should have their licenses suspended. A comprehensive strategy will be developed.

B. Code Enforcement and the Building Department continue to recognize the need to soon enforce seawall maintenance as per the Seawall Owner's Manuel which was recently distributed. The City Administrator and Code and Building should discuss a strategy for triaging the seawalls and proposing financing strategies for homeowners, and implement an enforcement protocol that is fair to both homeowners and affected neighbors. I need to spend more time patrolling from the canals to address seawall maintenance. The Code and Building Departments strongly believe this maintenance cannot be deferred much longer.

D. The Richard B. Harper case, 680 11th Street, is still pending further proceedings before Circuit Court/Special Master. Both he and his attorney swore under oath all unpermitted work at the property would cease pending further legal orders, but this did not happen. Harper has been at his property virtually every day, and based on me seeing him at odd times I strongly suspect he is again living onsite, possibly inside without a Certificate of Occupancy. The Circuit Court Appeal is not yet resolved.

E. I currently work hand-in-hand with the Building Department since I am the enforcement arm for all violations, and Lenny, Brandi, Karl and I are now delving deeply into areas of permitting, maintenance, FEMA compliance, and enforcement of the rules issued with each permit. A staggering number of contractors don't know or follow (or both) the rules, but we will get it under control.

SUMMARY:

In one year, approximately 825 code cases were opened, fines of \$236,495.40 were imposed (the bulk of which is 908 W Ocean Drive), fines of \$89,126.10 have been paid so far. More will be paid for license renewal.

I learned July 4, mini-season and the first week of lobster season suck for residents and I was on-duty continuously.

According to owners in residence I speak to, it is fair to say there has been vast improvement in the cleanliness of the city re: garbage cans and yard maintenance, general aesthetics of properties, etc., with measurable improvement in noise, trailer parking, boat dockage, etc. Many residents and the police officers have my personal cell and are free to call me anytime, day or night, as most issues can be resolved with a conversation and the residents are pleased to see the responsiveness as I always respond.

It is also fair to say 90% of the issues involving code enforcement such garbage cans, noise, car, boat and trailer parking, boat dockage, rafting of vessels, speeding and the like are directly the result of renter activity (conversely, renting without a license, building without a permit, and yard and building maintenance are owner issues), and multiple owners complain to me about renters but there is no obvious answer as renters won't change. I have heard from renters time and again "we paid for this we can do what we want", which is indicative of the "care not" attitude they exhibit toward this community.

For those residents who so vocally want a sense of community, i.e., a return to Marble Hall, they should be aware at current numbers there are less than 280 homesteads in KCB, and over 620 rental licenses, and that gap will grow each year as senior citizens age out of their homesteads, which typically then become rentals. There are at most half a dozen households here with school-age children.

Accordingly, is also fair to characterize KCB as essentially an industrial park for businesses. A majority of the rental licenses are possessed by real estate investment organizations whose principals likely have never even been in KCB. It is my opinion renters and out-state corporate landlords are not primary community members.

To enhance what community is left for those homesteads and owners in residence I think it imperative code enforcement continues to operate a uniformly applied, rule-of-law based system, strictly interpreting and applying the rules, particularly to the rental business community as this is the only way to temper the "care not" renter attitude that affects so many residents.