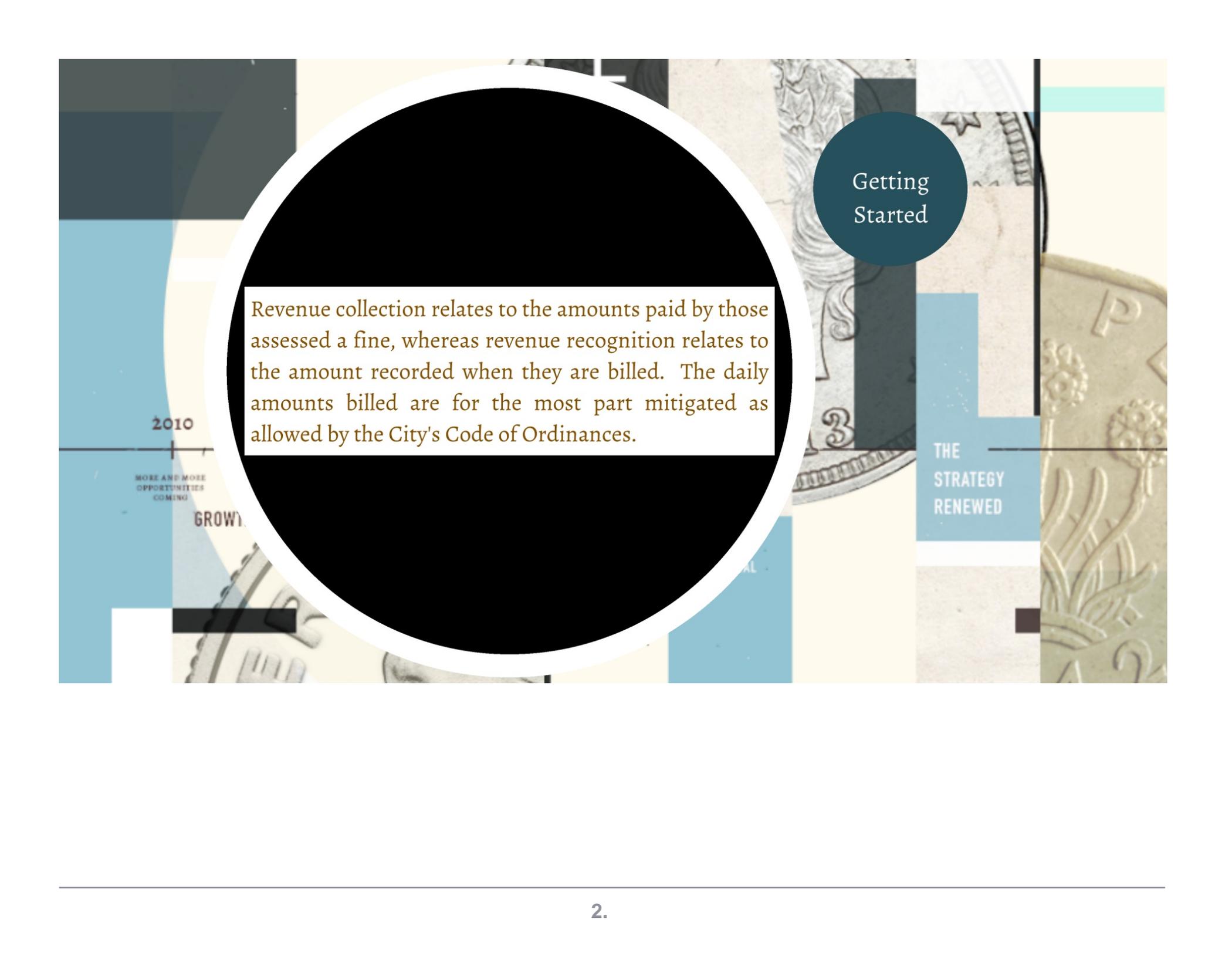


Revenue
Collection vs.
Recognition

Compliance
vs.
Citations

Show Me The Money
October 2021



The background is a collage of various elements. On the left, there's a vertical timeline with the year '2010' and the text 'MORE AND MORE OPPORTUNITIES COMING' and 'GROW'. In the center, there's a large black circle with a white border. On the right, there's a teal circle containing the text 'Getting Started'. Below it, there's a teal rectangle with the text 'THE STRATEGY RENEWED'. The background also features images of coins, including a silver coin with the number '3' and a gold coin with the letter 'P' and a floral design.

Getting Started

Revenue collection relates to the amounts paid by those assessed a fine, whereas revenue recognition relates to the amount recorded when they are billed. The daily amounts billed are for the most part mitigated as allowed by the City's Code of Ordinances.

What constitutes a "fine"?

Sec. 14-32. - Fines; costs of repairs.

(a) A special magistrate, upon notification by the code enforcement official that an order of the special magistrate or the prior code enforcement board has not been complied with by the set time or upon finding that a repeat violation has been committed, may order the violator to pay a fine in an amount specified in this section for each day the violation continues past the date set by the special magistrate for compliance or, in the case of a repeat violation, for each day the repeat violation continues beginning with the date the repeat violation is found to have occurred by the code enforcement officer. In addition, the special magistrate may direct that all reasonable repairs which are required to bring the property into compliance are made and charge the violator with the reasonable cost of the repairs, along with the fine imposed pursuant to this section. If a finding of a violation or of a repeat violation has been made as provided in this chapter, a hearing shall not be necessary for issuance of the order imposing the fine. If, after due notice and hearing, the special magistrate finds a violation to be irreparable or irreversible in nature, they may order the violator to pay a fine as specified in this section.

(b) A fine imposed pursuant to this section shall not exceed \$250.00 per day for a first violation and shall not exceed \$500.00 per day for a repeat violation, and, in addition, may include all costs of repairs pursuant to subsection (a) of this section. However, if the special magistrate finds the violation to be irreparable or irreversible in nature, they may impose a fine not to exceed \$5,000.00 per violation.

(c) In determining the amount of any fine, the special magistrate shall consider the following factors:

- (1) The gravity of the violation;*
- (2) Any actions taken by the violator to correct the violation; and*
- (3) Any previous violations committed by the violator.*

(Ord. No. 14-14 , § 3(3-2), 12-1-14)

Notice of
Violation
(NOV)

Citations

Orders

Sec. 14-31. - Notice of violation.

(a) The city hereby adopts the code enforcement provisions of F.S. ch. 162, pt. I, as supplemented by this chapter. It shall be the duty of the code compliance officer to initiate enforcement proceedings of the various codes.

(b) Except as provided in subsections (e) and (f) of this section, if a violation of any code is found, **the code compliance officer shall notify the violator and give them a reasonable time to correct the violation.**

(c) Should the violation continue beyond the time specified for the correction, the code enforcement official shall execute a written notice of violation which shall include a statement of facts and circumstances of the alleged violation and shall identify the code or ordinance which has been violated and **shall schedule a public hearing before the special magistrate. Written notice** of the scheduled hearing, which shall contain the date, time, and place of the hearing, and a copy of the notice of violation, shall be provided to the **violator**. Failure to provide proper notice may be grounds for continuing the hearing but shall not be grounds for dismissal of the charges.

(d) If the violation is **corrected and thereafter recurs**, or if the violation is not corrected by the time specified for the correction, the case shall be presented to the special magistrate even if the violation has been corrected prior to the hearing, and, if practicable, the notice shall so state.

(e) If a **repeat violation is found**, the code enforcement officer shall notify the violator but is not required to give the violator a reasonable time to correct the violation. The code enforcement officer, upon notifying the violator of a **repeat violation**, shall schedule a hearing before the special magistrate and shall provide notice pursuant to F.S. § 162.12, as amended. The case may be presented to the special magistrate even if the **repeat violation** has been corrected prior to the hearing, and the notice shall so state. If the repeat violation has been corrected, the special magistrate retains the right to schedule a hearing to impose the payment of reasonable enforcement fees upon the repeat violator.

(f) **If the code enforcement officer has reason to believe a violation presents a serious threat to public health, safety, or welfare, or if the nature of the violation constitutes an irreparable or irreversible violation, the code enforcement officer shall make a reasonable effort to notify the violator and may immediately notify the special magistrate and request a hearing.**

(Ord. No. 14-14 , § 3(3-1), 12-1-14)



Code Compliance

**CITY OF MARCO ISLAND
CODE ENFORCEMENT UNIT
NOTICE OF VIOLATION**

Date of Violation: _____ Compliance Date: _____ Case #: _____

THE FOLLOWING VIOLATION(S) OF THE CITY OF MARCO ISLAND CODE EXISTS AT:

VEHICLE: _____ TAG: _____ STATE: _____ VIOLATOR: _____

VIOLATION	CODE SECTION	Contractor/Builder
Abandoned or Derelict Vehicle / Trailer	30-1007(a)	
Boat and Boat Trailer Parking	30-1007(c)(1)	
Parking on Unapproved Surface	30-86(g)(2)	
Weeds / Tall Grass	18-36(10)	
Illegal Dumping	18-36(1)	
Litter and Debris	18-36(9)	
Placement of Waste at Curb	18-36(8)	
Work without a Permit	6-111(105.1)	
Staging without a Permit	30-793(2)(i)	
Illicit Discharge	18-212	
Stormwater Pollution Prevention for Construction	18-213	
Public Nuisance	18-36(4)	
Right of Way Obstruction	18-36(5)	
Damaged Sidewalk	42-36(a)	
Irrigation: Day: Time:	18-75	
Meters	52-49(b)	
Signage	Chapter 30 Article IV	
Noxious Plants	18-36(3)	
Construction on a Sunday	18-105(1)	
Other:		
Other:		

Remarks: _____

Failure to correct the violation(s) on or before the date specified above may result in fines, penalties and administrative costs. You may be summoned to appear at a hearing before the Code Enforcement Magistrate and if found in violation can be fined up to \$500 per day for repeat violations, and up to \$5,000 if the violation is irreparable or irreversible. Your cooperation in taking immediate action to correct this violation is appreciated. You may contact the officer listed below for any questions.

COMMUNITY SERVICE OFFICER _____ PHONE# _____

Educating the Public

<p>What is a yard overgrowth?</p> <ul style="list-style-type: none"> Grasses or weeds that exceed 15 inches high are a violation of the City Code. Owners of developed or undeveloped lots should control all excessive growth by cutting or removing the grasses and weeds. The practice of scalping or removing grass by clearing the topsoil is prohibited.   	<p>Sec. 18-36 (9) Prohibited Activities and Conditions Wind-driven debris and litter.</p>    <p>All owners, contractors, disposal contractors, cleaning persons, and commercial businesses shall store their litter in such a manner as to eliminate wind-driven debris and litter in and about the city, their residence, or their business.</p> <p>Spillage and overflow around containers shall constitute an illegal accumulation of litter and shall be cleaned up immediately.</p>	<p>Sec. 18-36 (4) Prohibited Activities and Conditions Public nuisances. No owner, lessee, occupant, guest, or agent for the owner shall allow the keeping of a public nuisance on any property, developed or undeveloped.</p>   
<p>Construct and maintain sidewalks</p> <p>Generally, it shall be the duty of every owner of property to construct, reconstruct, maintain and keep in good condition and repair, sidewalks in front of or abutting upon the owner's property.</p>  <p>It is unlawful for any owner, occupant or agent of any property to allow a sidewalk in front of or abutting such property to remain in a condition that renders it unsafe, dangerous or detrimental for the purpose for which it is intended.</p> <p>For more information, visit cityofmarcoisland.com to learn more about the Code of Ordinances</p>  	<p>Construct and maintain sidewalks</p> <p>Encroachment it is the duty of each owner of abutting property to maintain the sidewalk and driveway apron in such a way that it is free of overgrowth of grass, weeds, sand, debris, and encroachments.</p>  <p>A clearance zone encompassing the entire width of the sidewalk by 7 1/2 feet in height shall be maintained. Vegetative encroachments are not permitted.</p> <p>For more information, visit cityofmarcoisland.com to learn</p> 	<p>Off-site staging no further than 150 feet from the building lot with written authorization from the property owner and proof of notification to adjoining property owners when, in the opinion of the building official, site constraints such as, but not limited to, an irregular shaped lot where building activity will take place indicates its appropriateness.</p>  <p>In such case, only equipment, materials and vehicles used in the construction process of the permitted structure may be staged:</p> <p>Any additional or unauthorized materials or lack of upkeep or reasonable maintenance shall result in revocation of the temporary use permit by the building official.</p> <p>For more information, visit cityofmarcoisland.com to learn more about</p> 
<p>Placement of waste at curb. Owners, lessees, commercial businesses, or occupants of any property shall not place their trash receptacle, bagged garbage, yard waste, recycle bin, or other waste or abandoned property out by the curb of their property for trash pickup before 6:00 p.m. of the evening before the scheduled pickup day.</p>   <p>All owners, lessees, commercial businesses, or occupants of any property shall remove any such containers and place them inside their garage or to the side or rear of their dwelling or structure by 7:00 p.m. on the evening of trash pickup.</p> 	<p>Sec 18-36 (10) Prohibited Activities and Conditions Weeds and litter on private property. Owners, lessees, occupants, or agents of the owner of any lot, developed or undeveloped, shall control all excessive growth of grasses or weeds over 15 inches by cutting the grasses and weeds.</p>  <p>Owners, lessees, occupants or agents for the owner of developed and undeveloped lots shall control all excessive growth of grasses or weeds within the right-of-way adjacent to their property by cutting or removing the grasses and weeds.</p> <p>The practice of scalping or removing grass or weeds by clearing the topsoil is prohibited except when done as part of the building process when a permit has been issued for the property.</p> 	

Citations

Sec. 14-42. - Irreparable or irreversible civil violations; violations that present threat to the public.

A code compliance officer may issue a civil violation citation to a person or entity **with no prior notice of violation** when the code compliance officer, upon personal investigation, has reasonable cause to believe that **the violation presents a serious threat to the public health, safety or welfare, is a repeat violation, or if the violator is involved in a transient violation, or if the violation constitutes an irreparable or irreversible violation.**

Sec. 14-43. - Citations in general.

(a) A code compliance officer is authorized to issue a citation to an alleged violator when, based upon personal investigation, the code compliance officer has the reasonable cause to believe that the person has committed a violation of the code.

(b) The issuance of the civil violation citation shall comply with the following requirements:

(1) The maximum civil penalty for each violation is \$500.00;

(2) A code compliance officer shall only issue a citation upon reasonable cause to believe that a person has committed an act in violation of a code or an ordinance;

(3) A citation issued shall be subject to contest before county court or special magistrate, as may be provided by code and general law.

Sec. 14-44. - Procedure for issuing citations.

Except as provided in this chapter, prior to issuing a citation, a code compliance official shall provide notice of violation to the alleged violator and shall establish a reasonable amount of time within which the person must correct the violation. Such time period shall be no more than 30 days. If upon personal investigation, the code compliance official finds that the person has not corrected the violation within the time period specified, the code compliance official may issue a citation to the violator responsible for the violation.

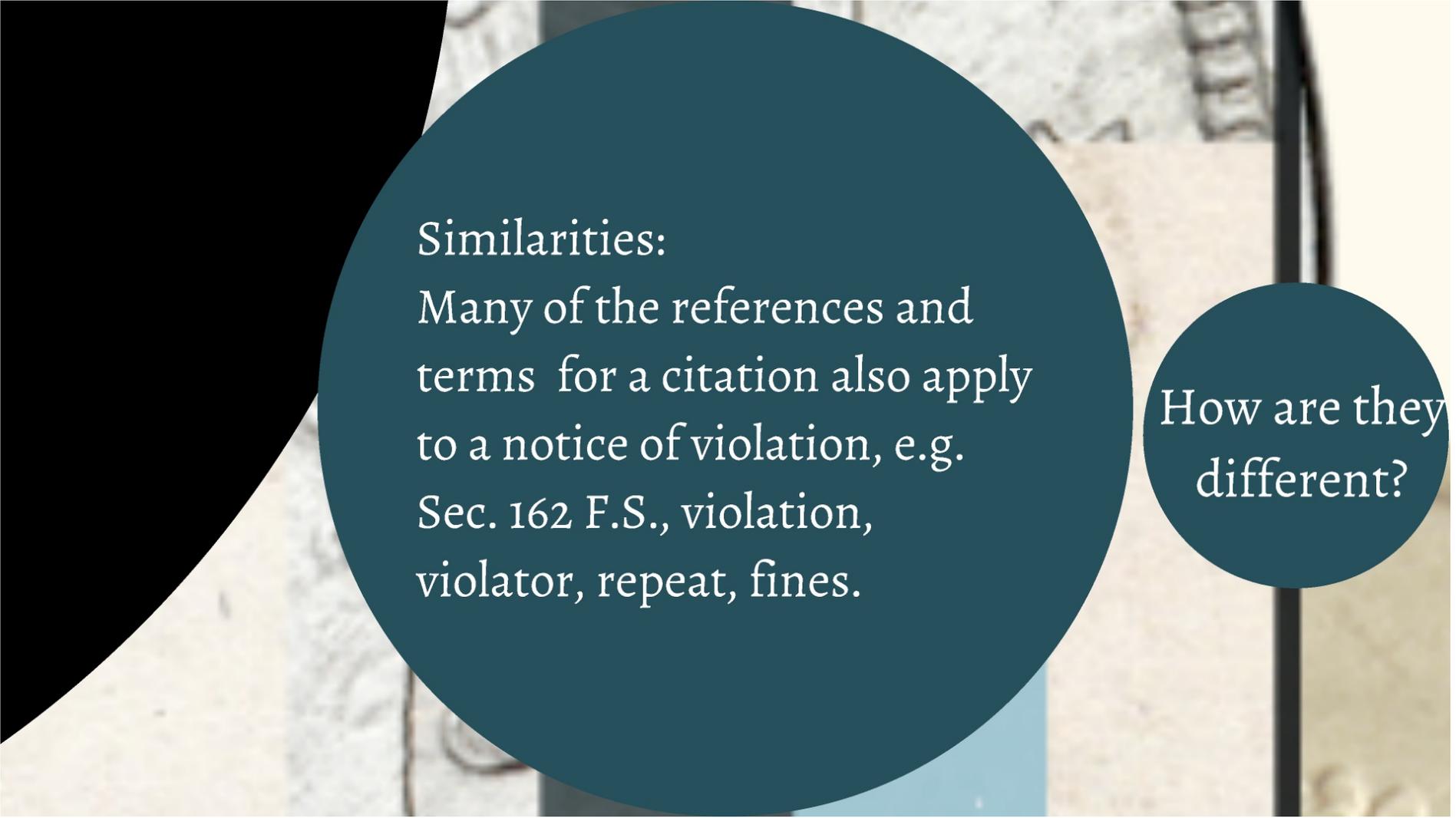
Sec. 14-45. - Form of citation.

The form of the civil violation citation issued pursuant to this section shall be in the form as provided by general law.

Sec. 14-46. - Schedule of civil penalties and fines.

(a) **By resolution the council shall establish civil penalties with fines that lists the sections of the code or ordinances,** as they may be amended from time to time; which may be enforced pursuant to the provisions of this chapter and prescribe the dollar amount of civil penalty for the violation of those sections.

Differences &
Similarities



Similarities:

Many of the references and terms for a citation also apply to a notice of violation, e.g. Sec. 162 F.S., violation, violator, repeat, fines.

How are they different?

What are the differences? Types of violations and the forms used.

Currently, these are mostly being used for parking and noise violations.

Case # _____ MI# 520 - 543

**CITY OF MARCO ISLAND
MARCO ISLAND POLICE DEPARTMENT
CODE ENFORCEMENT UNIT
CITATION**

The undersigned certifies that he/she has reasonable cause to believe that the person has committed the violation stated below.

Month	Day	Year	Time	AM/PM
-------	-----	------	------	-------

Name _____
Address _____
City _____ State _____ Zip Code _____

Telephone No.	L.D.	Date of birth	Race	Sex	Height
---------------	------	---------------	------	-----	--------

Location of Violation(City of Marco Island) _____

Ordinance/Code No. _____ Section(s) _____

Description of Violation _____ Date Violation Observed: _____

Vehicle Make/Type (if applicable)	Year	Color	Tag No.
-----------------------------------	------	-------	---------

OPTIONS

I have been informed of the violation of which I have been charged and elect the following option:

1) _____ Not contest the citation and pay the civil penalty of \$ _____ plus costs of _____ for a total of \$ _____ within 30 days of issuance of this citation to the City of Marco Island.

2) _____ Contest the violation and request a court date in writing from the City of Marco Island within 30 days of issuance of citation.

I UNDERSTAND THAT IF I FAIL TO PAY THE CIVIL PENALTY OR FAIL TO REQUEST A COURT DATE WITHIN THE TIME PERIOD MENTIONED IN OPTION #2 OR FAIL TO APPEAR FOR A COURT DATE THAT I HAVE REQUESTED, A JUDGMENT WILL BE ENTERED AGAINST ME IN THE AMOUNT OF \$500. I FURTHER UNDERSTAND THAT IF I CHOOSE TO CONTEST THE CITATION AND I AM FOUND IN VIOLATION, THE COURT MAY IMPOSE PENALTIES AGAINST ME IN AN AMOUNT UP TO \$500, PLUS COURT COSTS.

SIGNATURE (RECIPIENT) SIGNATURE (INVESTIGATOR)

PRINT (RECIPIENT'S NAME) PRINT (INVESTIGATOR'S NAME)

____ 1st OFFENCE ____ 2nd OFFENCE ____ 3rd OFFENCE

____ REPEAT OFFENDER ____ IRREVERSIBLE/IRREPARABLE

SEE REVERSE FOR INSTRUCTIONS

INSTRUCTIONS

PAYMENT OF CITATION: You may pay the amount indicated in option #1 of this citation along with any costs imposed by law within 30 days of issuance of your citation. Payment may be made at the office listed below between the hours of 8:00 a.m. and 5:00 p.m. Monday through Friday.

CITY OF MARCO ISLAND
50 Bald Eagle Drive
Marco Island, FL 34145

PAYMENT MUST BE MADE BY CASH, MONEY ORDER, OR CHECK PAYABLE TO: CITY OF MARCO ISLAND (DO NOT MAIL CASH)

ALL FEES MUST BE REMITTED IN U.S. FUNDS

REQUEST FOR HEARING: You may request a court date in writing by submitting a copy of your citation within 30 days of issuance of your citation (and marking option #2) to:

MARCO ISLAND POLICE DEPARTMENT
Code Enforcement Unit
51 Bald Eagle Drive
Marco Island, FL 34145

NOTICE

This citation is issued pursuant to Section 162.21, Florida Statutes. The violation for which you are charged is a civil infraction. Your signature on this citation does not constitute an admission of a violation, however, willful refusal to sign and accept this citation is a misdemeanor of the 2nd degree as provided in S. 162.21(6), Florida Statutes.

I UNDERSTAND THAT IF I FAIL TO PAY THE CIVIL PENALTY OR FAIL TO REQUEST A COURT DATE WITHIN THE TIME PERIOD MENTIONED IN OPTION #2 OR FAIL TO APPEAR FOR A COURT DATE THAT I HAVE REQUESTED, A JUDGMENT WILL BE ENTERED AGAINST ME IN THE AMOUNT OF \$500. I FURTHER UNDERSTAND THAT IF I CHOOSE TO CONTEST THE CITATION AND I AM FOUND IN VIOLATION, THE COURT MAY IMPOSE PENALTIES AGAINST ME IN AN AMOUNT UP TO \$500, PLUS COURT COSTS.

OFFICER'S NOTES:

Due Process

If Option 1 is selected and payment is received timely, then revenue is recognized and a fine exists.

Option 2 on the Citation provides the alleged violator the ability to contest the purported violation.

The following could result in additional fines and judgements:

Failure to pay within 30 days under Option 1 ; Failure to request a hearing within 30 days under Option 2; or Failure to appear on the date requested under Option 2.

Magistrate Orders

Sec. 14-22. - Powers and duties of the special magistrate.

The special magistrate shall have the jurisdiction and authority to do the following:

- (1) Adopt rules and regulations for the conduct of hearings to be approved by council;
- (2) Subpoena violators and witnesses to appear at its hearings, which subpoena may be served by the Collier County Sheriff or any person authorized by law to serve process;
- (3) Subpoena evidence to its hearings, including, but not limited to, records, surveys, plats, and other documentary evidence; which subpoena may be served by the Collier County Sheriff or any person authorized by law to serve process;
- (4) Take testimony under oath;
- (5) Hold hearings on notice of violations or contested citations where applicable;**
- (6) Issue orders having the force of the law to command whatever steps are necessary to bring a violation into compliance;**
- (7) Modify or reduce any existing orders, including any assessed fines prior to their recordation pursuant to guidelines adopted by resolution of the council;**
- (8) Such other powers as provided by general law.

Code/Policy based on Florida Statutes (F.S.), and Attorney General Opinions (AGO's).

Number: AGO 86-76
Date: August 27, 1986
Subject: Code enforcement board, fines for noncompliance

Chapter 162, F.S., known as the "Local Government Code Enforcement Boards Act," authorizes counties and municipalities, at their option, to create administrative boards for the purpose of providing "an equitable, expeditious, effective, and inexpensive method of enforcing the codes and ordinances . . . in force in counties and municipalities . . ." Sections 162.02 and 162.03, F.S., as amended by ss. 1 and 2, Ch. 86-201, Laws of Florida. Such technical codes include, but are not limited to, occupational license, fire, building, zoning and sign codes.

Section 162.07, F.S., as amended by s. 6, Ch. 86-201, Laws of Florida, sets forth the conduct of the hearing. See, e.g., s. 162.07(3), which, among other things, provides: "All testimony shall be under oath and shall be recorded. The enforcement board shall take testimony from the code inspector and alleged violator. Formal rules of evidence shall not apply, but fundamental due process shall be observed and shall govern the proceedings." Subsection (4) of s. 162.07 goes on to provide:

This statute now provides that after the code enforcement board has been notified by the code inspector that the order has not been complied within the time set for compliance or that the same violation has been repeated by the same violator, may order the violator to pay a fine up to the limits prescribed by the statute. Thus, the amended statute clearly contemplates that two separate orders must be entered before a fine can be assessed against a code violator. The first order shall be based upon findings of fact and may include a notice that if the order is not complied with by a specified date, a fine may be imposed. If the code inspector subsequently notifies the board that the order has not been complied with or the violation has been repeated, then the board may enter an order assessing a fine. However, the amended statute makes it clear that another hearing shall not be required for the issuance of the subsequent order setting the fine, thus providing an administratively streamlined procedure.

This office in previous opinions has concluded that the code enforcement board, as an administrative creature, created and operating pursuant to the authority set forth in Ch. 162, F.S., has only such authority as is set forth in the statutes pertaining to the board. See AGO's 86-10, 85-84, 85-27, 85-17, and 84-55. If a municipality utilizes the enforcement mechanism and procedures provided in Ch. 162, F.S., it must accept the prescribed enforcement boards and the enforcement procedures set forth in the act. Therefore, a municipality derives no delegated authority from Ch. 162, F.S., to enforce its codes in any manner other than as provided in that chapter. And as stated in AGO 86-10, "municipalities derive no home rule power from s. 2(b), Art. VIII, State Const., or s. 166.021, F.S., to regulate the code enforcement boards or to impose any duties or requirements on such boards or to otherwise regulate the statutorily prescribed enforcement procedure." Thus, as stated above, the statute appears to contemplate that two separate orders will be issued: one ordering compliance and setting the date for compliance; the other ordering payment of the fine.

The total amount due on these infractions was \$17,750 based on the daily fines; The Magistrate mitigated the total amount down to \$1,125, or 6.3% of the balance.

**CITY OF MARCO ISLAND
CODE ENFORCEMENT SPECIAL MAGISTRATE**

THE CITY OF MARCO ISLAND, FLORIDA SM Case #: [REDACTED]

Petitioner,
v. [REDACTED]
Respondent

Property Address: [REDACTED]

**FINDINGS OF FACT, CONCLUSIONS OF LAW, AND
ORDER OF THE SPECIAL MAGISTRATE**

THIS CAUSE came on for public hearing before the Special Magistrate on October [REDACTED] and the Special Magistrate, having heard testimony under oath, received other evidence and heard arguments respective to all appropriate matters, thereupon issues its Findings of Fact, Conclusions of Law, and Order of the Special Magistrate as follows:

1. THAT the Respondent, [REDACTED], is the property owner of record (the "Owner") for the property located at the Property Address indicated above (the "Property").
2. THAT the Owner was not present for the hearing.
3. THAT the Special Magistrate has jurisdiction in this cause pursuant to Section 14-22 of the City of Marco Island (the "City") Code.
4. THAT all notices required by the City Code of Ordinances have been properly addressed.

Violations as Specified in the Notice of Violation posted [REDACTED]

1. 18-36(3) Noxious Plants
Noxious plants were observed on the property. A compliance date of [REDACTED] was granted

CONCLUSIONS OF LAW

Based on the evidence presented and the findings of fact, the Special Magistrate concludes that the violation as stated in the Notice of Violation did exist and has continued to exist.

ORDER OF THE MAGISTRATE

1. THAT the Owner shall pay a one-time fine of \$200.00.
2. THAT the Owner shall correct the violation within 7 days of the date of this hearing. Failure to meet this requirement will result in a fine of \$100.00 per day until the violations are corrected.
3. THAT the City may correct the violation if it still exists after 21 days from the date of this hearing. All costs of correcting the violation will be assessed against the Property.
4. THAT the Owner shall pay a fee of \$50.00 to reimburse the City for administrative costs incurred in bringing this matter before the Special Magistrate.

Liens of Certified Orders - Sec. 162.09, F.S.

(3) A certified copy of an order imposing a fine, or a fine plus repair costs, may be recorded in the public records and thereafter shall constitute a lien against the land on which the violation exists and upon any other real or personal property owned by the violator. Upon petition to the circuit court, such order shall be enforceable in the same manner as a court judgment by the sheriffs of this state, including execution and levy against the personal property of the violator, but such order shall not be deemed to be a court judgment except for enforcement purposes. A fine imposed pursuant to this part shall continue to accrue until the violator comes into compliance or until judgment is rendered in a suit filed pursuant to this section, whichever occurs first. A lien arising from a fine imposed pursuant to this section runs in favor of the local governing body, and the local governing body may execute a satisfaction or release of lien entered pursuant to this section. After 3 months from the filing of any such lien which remains unpaid, the enforcement board may authorize the local governing body attorney to foreclose on the lien or to sue to recover a money judgment for the amount of the lien plus accrued interest. No lien created pursuant to the provisions of this part may be foreclosed on real property which is a homestead under s. 4, Art. X of the State Constitution. The money judgment provisions of this section shall not apply to real property or personal property which is covered under s. 4(a), Art. X of the State Constitution.

Meeting these legal technicalities will determine our success if the City decides to sue for a money judgment. In addition, homesteaded properties can't be foreclosed, and mortgaged properties have a senior lien.



Revenue
Collection vs.
Recognition

Compliance
vs.
Citations

Show Me The Money
October 2021



While the amount outstanding from FY2016-FY2021 is over \$1.1M, when we examined those fines that are over \$10,000 there are 24 properties that make up \$993,366, or 85%, of the total outstanding amount. Further, of those 24 properties, three (3) of them had outstanding fines totaling \$477,754, or 41% of the total. The City recorded liens against these three properties. One property which owed \$156,954 was recently mitigated by the Magistrate when the property owner came into compliance, and the Magistrate lowered the amount owed to \$3,500, or 2.2% of the balance owed.

2019 Code cases
 Open 97
 Closed/Unfounded 2428/883
 Compliance 97%
 Total 3408
 2020 Code cases
 Open 583
 Closed/Unfounded 2164/228
 Compliance 80%
 Total 2973

AR Code	CODE	Values		
Year		Sum of Billed Amount	Sum of Paid Amount	Sum of Due Amount
2016		255,000	133,889	121,111
2017		36,520	27,120	9,400
2018		503,628	102,048	401,580
2019		555,928	148,029	407,899
2020		75,145	22,908	52,238
2021		280,089	106,030	174,059
Grand Total		1,706,310	540,023	1,166,287

Resources

Title

Policy Options:

- 1.** The City Council may direct the City Manager to contract with a Collections Agency to collect outstanding fines plus interest. The Collections Agency would receive a fee or percentage of the money collected. However, the City is still responsible for issuing a satisfaction or release of a lien. A Collections Agency cannot negotiate settlement of a lien (AGO 2001-09).
- 2.** The City Council may direct the City Attorney to seek a Court Judgement against contractors or residents that have outstanding fines. This action would constitute litigation and may be costly to the City.
 - a.** If Council chooses to take this course of action, staff recommends determining a threshold amount (i.e. \$20,000) in order to benefit from the cost of litigation.
 - b.** Council may direct the City Attorney to seek foreclosures against non-homesteaded properties.
 - c.** Council may direct the City Attorney to seek a civil judgment in the amount owed for homesteaded properties or non-property owners.
- 3.** The City Council may consider withholding permits to residents and contractors that fail to pay fines, however the current Inter-Local Agreement puts the burden of discipline on the County Licensing Board.
 - a.** If the Council chooses to take this action, staff will bring back a draft ordinance for consideration.
 - b.** The City Attorney is researching other cities that have these procedures in place.

Contacting Code

Citizens are encouraged to report a suspected violation by contacting the Code Enforcement Unit at (239) 389-5060 while the violation is occurring.

For Code Enforcement comments, questions, or concerns contact us at (239) 389-5060 or send an email to: mipdcode@cityofmarcoisland.com.

ANONYMOUS COMPLAINTS WILL NOT BE INVESTIGATED per F.S.

"A code inspector may not initiate an investigation of a potential violation of a code or ordinance by way of an anonymous complaint. A person who reports a potential violation of a code or an ordinance must provide his or her name and address..."

References

References

1

https://library.municode.com/fl/marco_island/codes/code_of_ordinances?nodeId=PTIICOOOR_CH14COCOOR

2

<https://www.cityofmarcoisland.com/police/page/code-violation-examples>

3

<https://www.cityofmarcoisland.com/police/page/code-compliance-faqs>

Revenue
Collection vs.
Recognition

Compliance
vs.
Citations

Show Me The Money
October 2021

