



# Town of Fort Myers Beach

## CODE COMPLIANCE

2525 Estero Blvd Fort Myers Beach, Florida 33931

Phone: (239) 765-0202 Fax: (239) 765-0909

November 09, 2022

CASE NUMBER:	20221107
CERTIFIED MAIL:	POSTED TO PROPERTY

**SCHMELING ROBERT W + JOLLIE CHERI R**  
**1621 SE 84TH CT**  
**VANCOUVER, WA 98664**

SITE ADDRESS: **800 THIRD ST**  
PARCEL STRAP NO: **244623W30030B0130**

### NOTICE OF VIOLATION

**YOU ARE HEREBY NOTIFIED** that an inspection of the above-referenced property on **11/09/2022** by Town of Fort Myers Beach Code Enforcement Officer **Code Enforcement** indicates that the property is in violation of the following Town Code(s):

#### **Structure in Right of Way**

#### **ARTICLE I. - PROPERTY MAINTENANCE CODES DIVISION 1. - INTERNATIONAL PROPERTY MAINTENANCE CODE Sec. 6-2. - Amendments. modified**

*The 2018 Edition of the International Property Maintenance Code is hereby amended as follows:*

*(q) Section 110.1 General, is hereby amended to read as follows:*

*The code official shall order the owner of any premises upon which is located any structure, which in the code official's judgment after review is so deteriorated or has become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary, or to board up and hold for future repair or to demolish and remove at the owner's option; or where there has been a cessation of normal construction in accordance with the Florida Building Code, the code official shall order the owner to demolish and remove such structure, or board up until future repair. Boarding the building up for future repair shall not extend beyond one year, unless approved by the Building Official.*

*(r) Section 110.3 Failure to comply, is hereby amended as follows:*

*If the owner of a premises fails to comply with a demolition order within the time prescribed, the Town shall cause the structure to be demolished and removed, either through an available public agency or by contract or arrangement with private persons, and the cost of such demolition and removal shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate for said costs. In the event the owner or person creating the need for demolition and removal fails and refuses to pay or reimburse the Town for the costs, the Town may foreclose said lien in accordance with the law applicable to the foreclosure of such liens and the Town shall be entitled to recover its reasonable attorney's fees and costs incurred in such foreclosure action.*

The Violation(s) can be brought into compliance by removing structure from right of way. You are hereby directed to bring these violations into compliance within 5 days of receipt of this notice.

**ONCE THIS VIOLATION(S) IS IN COMPLIANCE, IT IS YOUR OBLIGATION TO NOTIFY CODE ENFORCEMENT SO THAT THE PROPERTY CAN BE INSPECTED TO VERIFY THAT THE VIOLATION(S) HAS BEEN CORRECTED ON OR BEFORE THE ABOVE-SPECIFIED COMPLIANCE DATE.**

If you fail to correct the violation(s) by the date specified above, or if the violation(s) is brought into compliance and reoccur(s), the case may be scheduled for hearing before the Town of Fort Myers Beach Special Magistrate. The Code Enforcement Division may, in their discretion, schedule the case for a hearing and seek a finding of a violation by the Special Magistrate even if you have corrected the violation prior to the time set for the hearing.

You will be provided with a Notice of Hearing specifying the date, time and location of the hearing if, one is scheduled. Please be aware that under Florida Statutes, Chapter 162 and Town of Fort Myers Beach Land Development Code, Section 2-427(b), a fine of up to \$250.00 per day for the first violation or \$500.00 per day for a repeat violation may be imposed for each day the violation continues to exist past the date set for compliance by the Special Magistrate. If the Special Magistrate finds that a violation is irreparable or irreversible in nature, a fine of up to \$5,000.00 per violation may be imposed. The Special Magistrate may also assess the costs of prosecution of the case against you and you may be required to pay those fees, even if the violation has been corrected prior to the hearing.

Please contact the Town of Fort Myers Beach Code Enforcement Division at (239) 765-0202 or [code@fmbgov.com](mailto:code@fmbgov.com) if you have any questions concerning this Notice of Violation.

Respectfully,

*Code Enforcement*  
Code Enforcement Officer  
Town of Fort Myers Beach