



# Town of Fort Myers Beach

## CODE COMPLIANCE

2525 Estero Blvd Fort Myers Beach, Florida 33931

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

January 28, 2023

CASE NUMBER:	20230148
CERTIFIED MAIL:	7022 2410 0002 8638 5509

**FITZPATRICK JAMES M + LISA M  
139 WINCHESTER RD  
ARLINGTON, MA 02474**

**SITE ADDRESS: 7945 ESTERO BLVD  
PARCEL STRAP NO: 034724W3001030010**

### NOTICE OF VIOLATION

**YOU ARE HEREBY NOTIFIED** that an inspection of the above-referenced property on **01/24/2023** by Town of Fort Myers Beach Code Enforcement Officer **John Encarnacao** indicates that the property is in violation of the following Town Code(s):

#### **Pool Barrier Required.**

*Sec. 34-1176 (c). - Swimming pools, tennis courts, porches, decks and similar recreation facilities. In-ground swimming pools, hot tubs and spas. Every swimming pool, hot tub, spa, or similar facility shall be enclosed by a fence, wall, screen enclosure or other structure, not less than four feet in height, constructed or installed so as to prevent unauthorized access to the pool by persons not residing on the property. For purposes of this subsection, the height of the structure shall be measured from the ground level outside of the area so enclosed. The enclosure may be permitted to contain gates, provided they are self-closing and self-latching.*

The Violation(s) can be brought into compliance by Installing temporary or permanent pool barrier with appropriate permits. You are hereby directed to bring these violations into compliance within 10 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,

*John Encarnacao*

Code Enforcement Officer  
Town of Fort Myers Beach