



# Town of Fort Myers Beach

## CODE COMPLIANCE

2525 Estero Blvd Fort Myers Beach, Florida 33931

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

February 09, 2023

CASE NUMBER:	20230065
CERTIFIED MAIL:	Regular Mail Only

**GILL NICHOLAS J & GILL JENNIFER S +  
SCHEIFLA ALBERT JR  
6020 TRANSIT RD  
DEPEW, NY 14043**

**SITE ADDRESS: 110 HERCULES DR  
PARCEL STRAP NO: 294624W30060A0050**

### NOTICE OF VIOLATION

**YOU ARE HEREBY NOTIFIED** that an inspection of the above-referenced property on **01/17/2023** by Town of Fort Myers Beach Code Enforcement Officer **Bill Stout** indicates that the property is in violation of the following Town Code(s):

#### **Swimming Pool Barrier Not Present**

*Sec. 34 - 1742 Design and construction of fences and walls (c) Materials. Fences and walls must be constructed of traditional building materials including brick, stone, stucco over concrete block, finished concrete, metal, vinyl, wood (natural, stained, or painted), and composite products manufactured specifically for fences and walls. Non-traditional fence materials such as tires, mufflers, hubcaps are prohibited. Chain link and other wire fences are not permitted in front yards (the area between a street right-of-way or easement and minimum required street setback or build-to line).*

The Violation(s) can be brought into compliance by installing a temporary or permanent barrier and obtaining appropriate permit. 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,

***Bill Stout***

Code Enforcement Officer  
Town of Fort Myers Beach