



Town of Fort Myers Beach

CODE COMPLIANCE

2731 Oak Street Fort Myers Beach, FL 33931

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

04/25/2025

Case Number:	20250396
Certified Mail:	9589 0710 5270 0636 6431 42
Regular Mail	

**MCCARTHY WENDY L + UNKNOWN HEIRS OF
 MCCARTHY JANET E
 5740 LAUDER ST
 FORT MYERS BEACH, FL 33931**

**SITE ADDRESS: 5740 LAUDER ST
 PARCEL STRAP NO: 334624W20030D0050**

NOTICE OF VIOLATION

YOU ARE HEREBY NOTIFIED that an inspection of the above-referenced property on by Town of Fort Myers Beach Code Enforcement Officer Terri Weich indicates that the following items are in violation:

MAINTAININ OF A PROPERTY IN NEED OF REPAIR OR DEMOLITION. INCLUDING BUT NOT LIMITED TO TALL GRASS/WEEDS IN EXCESS OF 12". MISSING AND HANGING SIDING. MISSING HAND/GUARDRAILS, MISSING/DAMAGED DOORS. MISSING GARAGE DOORS. MISSING WALLS. DRY ROTTED WOOD. STAIRS DAMAGED AND PULLING AWAY FROM BUILDING WITH MISSING RAILINGS. VARMIN AND HABITAT IN AND AROUND HOME. MISCELLANEOUS DEBRIS, GARBAGE, AND HOUSEHOLD ITEMS UNDER AND AROUND THE HOME. HOME APPEARS TO BE LEANING.

These items are a violation of the following Town Codes:

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:

(g) 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.

Cha. 6-, Sec. 304.1: Exterior of Structure *The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so not to pose a threat to the public health, safety and welfare.*

Cha. 6-1, Sec. 302.5: Rodent Harborage Structures and exterior property *shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated by approved processes that will not be injurious to human health. After pest elimination, proper precautions shall be taken to eliminate rodent harborage and prevent reinfestation.*

Cha. 6-1, Sec. 304.2 Protective treatment Exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim balconies, decks and fences, shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated, and surfaces repainted. Siding and masonry joints, as well as those between the building envelope and the perimeter of windows, doors, and skylights, shall be maintained with weather resistant and watertight. Metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion, and surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. surfaces designed for stabilization by oxidation are exempt from this requirement.

Cha. 6-1, Sec. 304.5: Foundations Walls Foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pests.

LDC Sec. 6-1. - Adoption of International Property Maintenance Code.; 308.1 Accumulation of rubbish or garbage. Exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage.

LDC Sec. 6-1. - Adoption of International Property Maintenance Code.; 308.2 Disposal of rubbish. Every occupant of a structure shall dispose of all rubbish in a clean and sanitary manner by placing such rubbish in approved containers.

Sec. 18-35. - Sanitation. (a) Pollution of waters. No person shall throw, discharge, or otherwise place or cause to be placed in the waters of any fountain, pond, lake, marsh, swamp, stream, bay, gulf or other body of water in or adjacent to any park or any tributary, stream, storm sewer, or drain flowing into such waters, any substance, matter or thing, liquid or solid.

(b) Refuse and trash. No person shall bring in or dump, deposit or leave any bottles, broken glass, ashes, paper, boxes, cans, dirt, rubbish, waste, garbage, refuse, or other trash. No such materials shall be placed in any waters in or contiguous to any park, or left anywhere on the grounds' thereof, but shall be placed in the proper receptacles where these are provided; where receptacles are not so provided, all such materials shall be carried away from the park by the person responsible for its presence, and properly disposed of elsewhere.

Sec. 26-45 - Permits required.

(a) A permit is required prior to starting any work addressed by this article, except where explicitly stated otherwise.

(b) Permit applications must be submitted to the director on an appropriate form containing the following:

(1) The names, addresses and telephone numbers of the property owner(s);

(2) The name, address and telephone number of the property owner's agent, if applicable;

(3) Written authorization from the property owner to the agent, if applicable;

(4) The property street address;

(5) The property STRAP number;

(6) A site plan, showing the following:

a. The proposed location of the work relative to riparian property lines; and

b. Dimensions and side setbacks of all proposed structures or work.

(7) Copies of all necessary state and federal agency approvals; and

(8) The appropriate fee.

(c) Work relating to commercial or multi-slip docks may require a development order in accordance with ch. 10 of this LDC and construction drawings sealed by a professional engineer or registered architect. All development order applications will be reviewed for compliance with this article.

(d) The director has the discretion to require construction drawings sealed by a professional engineer or registered architect and a sealed boundary or record survey identifying the property boundary or riparian extensions into the waterbody in relation to construction or work. The director also has the discretion to require submission of a sealed post-construction as-built survey certified to the town prior to issuance of a certificate of completion for any permit under this section.

(e) The director may conduct on-site inspections to determine if the proposed work or structure meets the required minimum standards.

(f) A permit is required to replace an existing structure; however, ordinary minor repairs may be made without a permit to the extent allowed by § 6-111 of this code.

(g) The director can authorize minor design alterations necessary to comply with the Americans with Disabilities Act.

(h) Permit approvals granted under this section will be based upon the information submitted by the applicant. An approval under this section does not constitute a legal opinion regarding the riparian rights boundaries of the subject property or adjacent property and may not be used to substantiate a claim of right to encroach into another property owner's riparian rights area.

Sec. 6-2. - Amendments. (Weeds) (w) Section 302.4 Weeds, is hereby amended to read as follows:

All premises and exterior property shall be maintained free from weeds or plant growth in excess of 12 inches. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs, provided, however, this term shall not include cultivated flowers and gardens and native beach vegetation such as sea oats. Upon failure of the owner or agent having charge of a property to cut and destroy weeds after service of a notice of violation and having been given a reasonable time to cut and destroy the weeds, any duly authorized employee of the Town or contractor hired by the Town shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the owner or agent responsible for the property. All costs incurred by the Town to cut and destroy the weeds shall be a lien upon

such real estate for said costs. The lien shall be superior to all other liens and encumbrances, including prior recorded mortgage or judgments and only inferior to liens for taxes. In the event the owner or agent fails and refuses to pay or reimburse the Town for its 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.

COMPLIANCE:

The following action is needed to bring the violation(s) into compliance. APPLY, RECEIVE, AND PAY FOR ALL PERMITS REQUIRED TO DEMOLISH THE HOME OR REPAIR THE HOME SO IT IS HABITABLE INCLUDING REMOVAL OF ALL LOOSE SIDING OR ANYTHING THAT COULD BECOME A PROJECTILE IN HIGH WINDS. MAINTAIN THE GRASS/WEEDS UNDER 12". REMOVE ALL JUNK, DEBRIS, AND HOUSEHOLD ITEMS FROM THE SITE..

You are hereby directed to bring these violations into compliance within 15 DAYS FROM RECEIPT/POSTING.

ONCE THIS VIOLATION(S) IS (ARE) IN COMPLIANCE, IT IS YOUR OBLIGATION TO NOTIFY CODE ENFORCEMENT SO THAT THE PROPERTY CAN BE INSPECTED TO VERIFY THAT THE VIOLATION(S) HAS (HAVE) 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 (are) 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 or code@fmbgov.com if you have any questions concerning this Notice of Violation.

Respectfully,

Terri Weich
Code Enforcement Officer
Town of Fort Myers Beach



Apr 25, 2025 10:08:10 AM
Town of Fort Myers Beach



Apr 25, 2025 10:10:56 AM
Town of Fort Myers Beach



Apr. 25, 2025 10:11:00 AM
Town of Fort Myers Beach



Apr 25, 2025 10:05:53 AM
Town of Fort Myers Beach



Apr 25, 2025 10:05:55 AM
Town of Fort Myers Beach



Apr 25, 2025 10:06:09 AM
Town of Fort Myers Beach



Apr 25, 2025 10:06:16 AM
Town of Fort Myers Beach



Apr 25, 2025 10:06:18 AM
Town of Fort Myers Beach



Apr 25, 2025 10:06:37 AM
Town of Fort Myers Beach

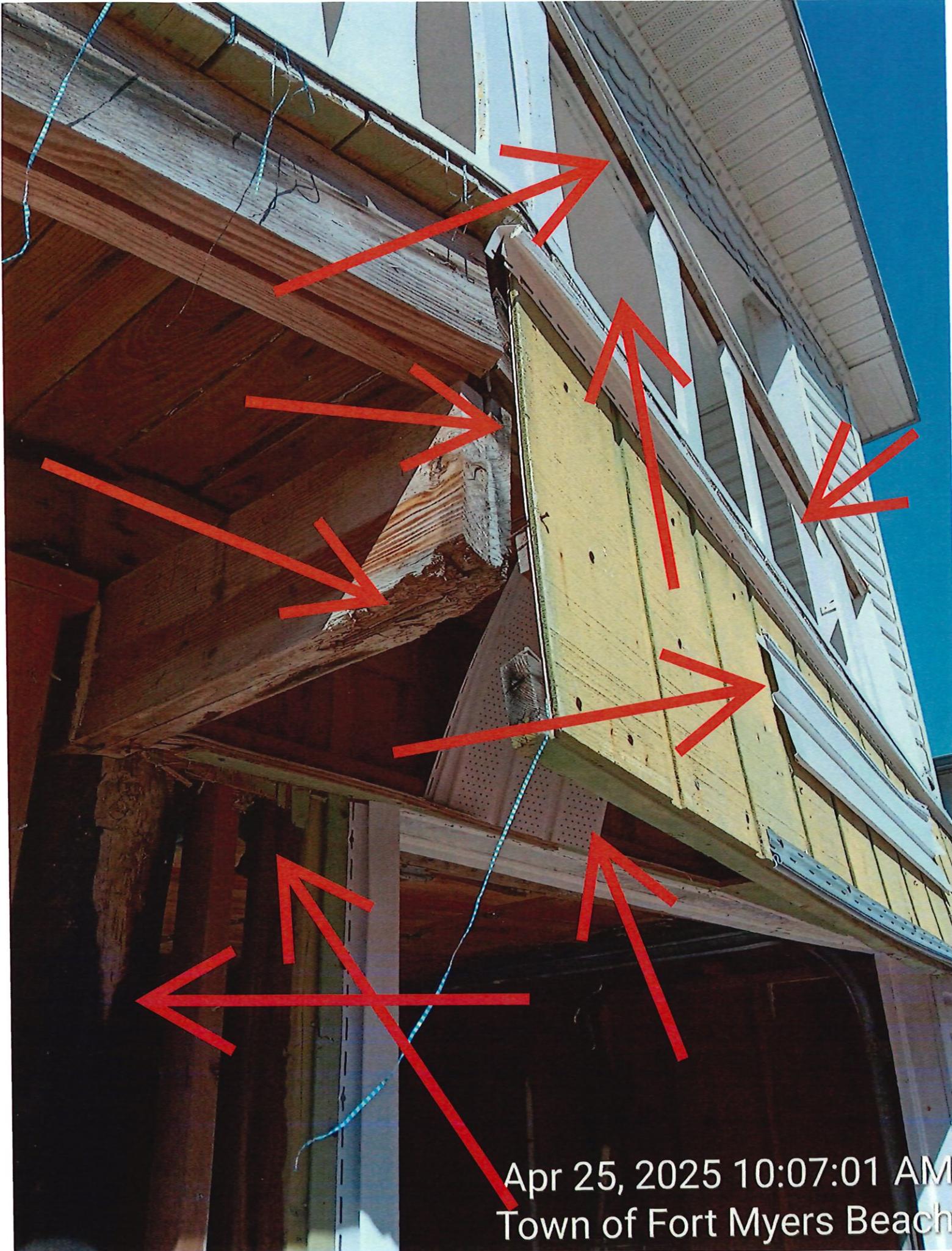


Apr 25, 2025 10:06:41 AM
Town of Fort Myers Beach





Apr 25, 2025 10:06:52 AM
Town of Fort Myers Beach



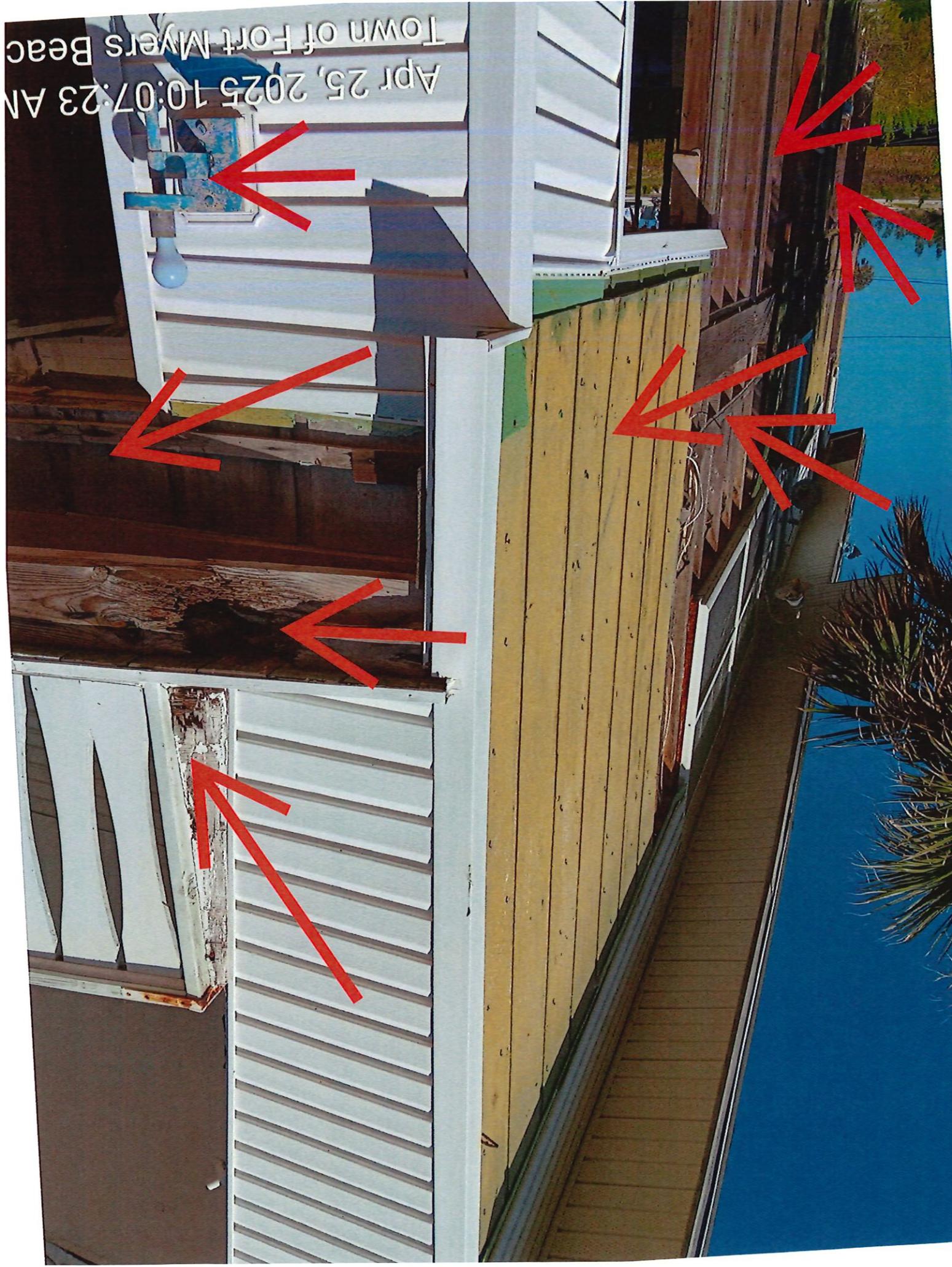
Apr 25, 2025 10:07:01 AM
Town of Fort Myers Beach



Apr 25, 2025 10:07:14 AM
Town of Fort Myers Beach

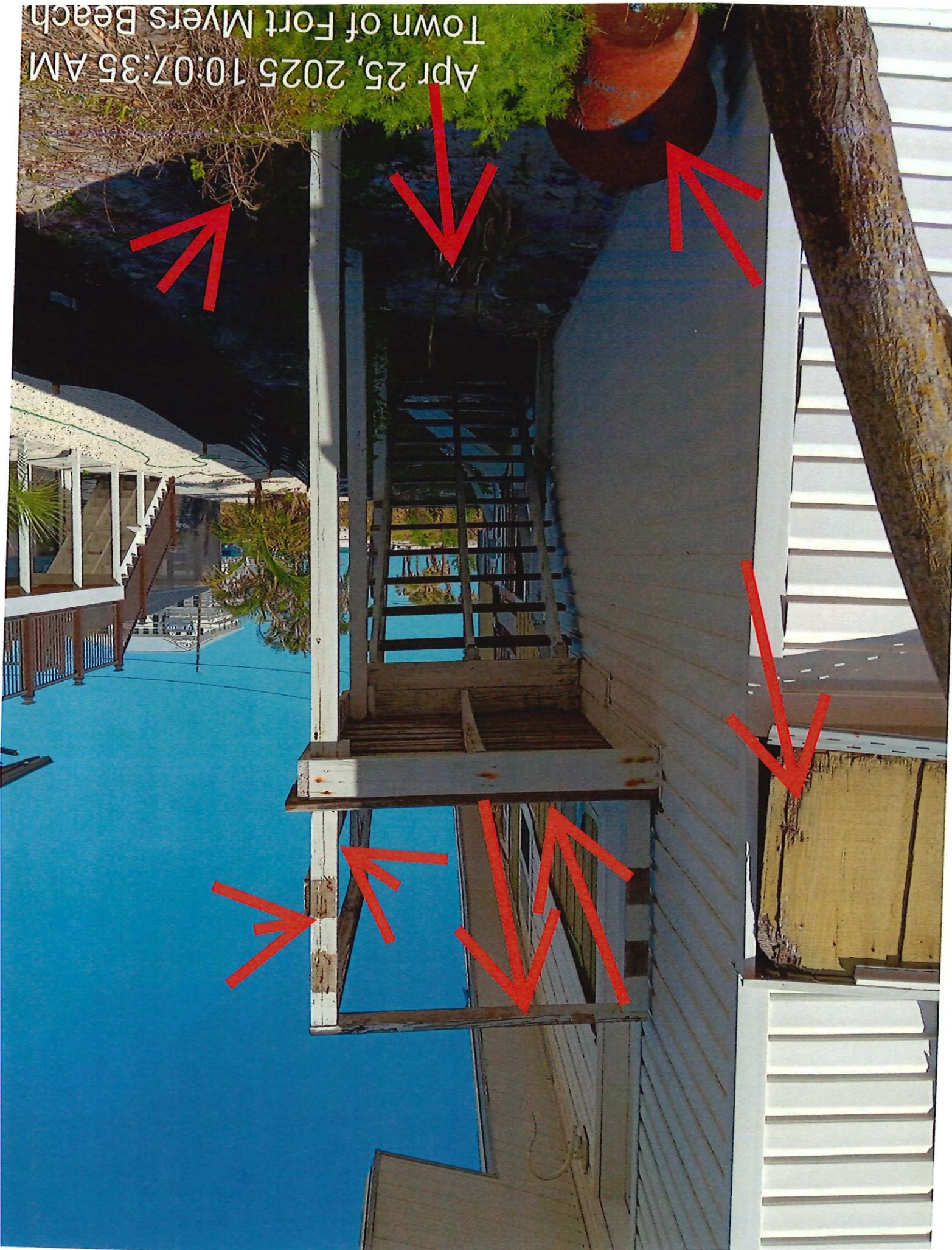


Apr 25, 2025 10:07:17 A
Town of Fort Myers Bea



Apr 25, 2025 10:07:23 AM
Town of Fort Myers Beach

Apr 25, 2025 10:07:35 AM
Town of Fort Myers Beach



Apr 25, 2025 10:07:39 AM
Town of Fort M...



Apr 25, 2025 10:07:42 AM
Town of Fort Myers Beach



Apr 25, 2025 10:07:53 AM
Town of Fort Myers Beach

