



E H <ericka.hering@gmail.com>

Follow up to code violation for STR - filed on 3/17/2025

Boatwright, C <cboatwright@pinellas.gov>
To: Ericka Hering <ericka.hering@gmail.com>

Wed, Mar 19, 2025 at 10:02 AM

Good morning Ms. Herring,

I received your voicemail after I had returned from the field this past Monday. I did drive by the property yesterday and those vehicles were not on the side of the road.

I understand your frustration with this Airbnb.

Code enforcement does not write parking tickets nor do we tow vehicles with valid tags.

I would suggest calling the non-emergency Sheriff office if parking is blocking traffic.

The biggest issue is determining who's an actual guest at this residence and who is just visiting the guest.

Also, Per the County attorney, David Barrera, we are Not enforcing advertising of 10+ or more people until further notice.

I will contact the property owner ref. this parking issue and I will continue to monitor this property for violations I can enforce.

The best time to reach me by phone is 7am till 9am then 1pm to 2:45pm

From: Ericka Hering <ericka.hering@gmail.com>
Sent: Wednesday, March 19, 2025 8:43 AM
To: Boatwright, C <cboatwright@pinellas.gov>

Subject: Follow up to code violation for STR - filed on 3/17/2025

Officer Boatwright,

I am contacting you to follow up on a complaint I filed via phone on 3/17/2025 regarding this short term rental in violation of max occupancy, and cars being parked in the street. I also left you a voice message on 3/17/2025. There were a total of 8 vehicles with 5 in the street/on grass.

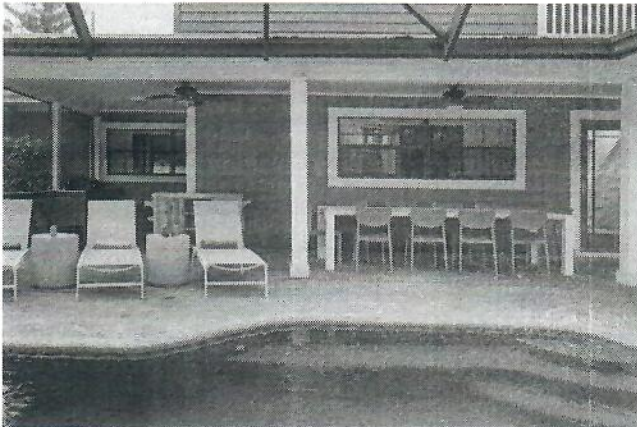
We witnessed this violation **multiple days starting 3/16/2025**. See photos below.

Below is the link to the listing -5BR, 9 beds, 16+ persons. \$868/night.

I am hoping for an update regarding the status of my complaint.

Thank you,

Ericka Hering



Home in Seminole · ★5.0 · 5 bedrooms · 9 beds · 3 baths

airbnb.com

[Quoted text hidden]

Regulations on Vacation Rentals

SECTION 1: Basic Regulations

1. Definitions:

A. *Vacation Rental:* Any residential dwelling or dwelling unit which is rented or leased, or which is advertised or held out to the public as a dwelling which may be regularly rented or leased, for a period of less than 30 days.

B. *Commercial Event:* any gathering of people, celebration, or party which is held or occurs on residentially zoned property which has been leased by the owner, the owner’s agent, or a tenant for consideration in exchange for holding the event at that property, and either (a) at which the parking for the attendees cannot be contained within the property and the required setbacks, or (b) from which sound or noise which is excessive and unnecessary, meaning sound or noise which is plainly audible or plainly discernible from any neighboring residential property.

C. *Other Event:* any gathering of people, celebration, or party which is held or occurs at a Vacation Rental, and (a) which exceeds the occupancy limits as determined at Section 2 G, below, (b) at which the parking for the attendees cannot be contained within the property and the required setbacks, or (c) from which sound or noise which is excessive and unnecessary, meaning sound or noise which is plainly audible or plainly discernible from any neighboring residential property.

D. *Plainly audible:* sound or noise that can be measured or detected by a human without benefit of hearing aid by a reasonable person or ordinary sensibilities.

E. *Plainly discernible:* ground or airborne vibrations associated with sound which can be detected by the human senses of a reasonable person of ordinary sensibilities.

F. *Designated Responsible Party:* The owner, or any person eighteen (18) years of age or older designated by the owner, tasked with responding to requests, complaints, or other problems relating to or emanating from the Vacation Rental. There shall only be one designated responsible party for each Vacation Rental. An owner may retain a private property management company to serve as the designated responsible party.

G. *Bedroom:* Any room used principally for sleeping purposes and meeting applicable building code requirements for a bedroom.

H. *Town:* The Town of St. Lucie Village, Florida.

I. *Dwelling:* Any building or portion thereof designed for or used for residential purposes.

J. *Dwelling Unit*: A room or group of rooms within a dwelling that forms a single independent habitable unit used or intended to be used for living, sleeping, sanitation, cooking, and eating purposes by only one family.

K. *Improved Spaces*: approved parking spaces which are improved by asphalt, concrete, crushed rock, stone, shell, or millings.

2. **Vacation Rental Regulations:**

A. No person or entity shall operate a Vacation Rental within the Town without first registering with the Town's Clerk, which registration must be approved by the Board of Alderman, and submitting the Required Documentation described at Section 3 B 2. All currently existing Vacation Rentals shall register by _____, 2023.

B. No Commercial Event or Other Event may be held at any Vacation Rental.

C. Any noise that is plainly audible from an adjacent property from 10:00 p.m. to 8:00 a.m. is prohibited. No amplification system, device or sound system speakers shall be used outdoors, or indoors in a manner that is plainly audible or plainly discernable from an adjacent residential property.

D. No more than one boat is permitted per dock slip/lift; a dock may only be used by the owner or renter of the Vacation Rental; and, no live-aboard use is permitted.

E. Parking and storage of vehicles, boats and recreational vehicles shall conform to the requirements and limitations set forth herein.

F. **Vacation Rental Parking Regulations:**

- 1) Parking shall be limited to the number of spaces and locations set forth in the approved application.
- 2) All vehicles, except for service and delivery vehicles, shall be parked on-site and not on any property other than that on which the Vacation Rental is located.
- 3) Parking shall be limited to Improved Spaces and shall not be permitted in the grass or other unimproved areas.
- 4) Vehicles other than service or delivery vehicles, shall not be parked in any right of way, whether paved or unpaved, and shall not obstruct any sidewalks or pedestrian walkways.
- 5) In determining the number of spaces, accessible spaces in a garage or carport may be counted, as may spaces in an existing area improved for

Chapter 974

- Section 974.01. Short title and purpose.
- Section 974.02. Definitions referenced.
- Section 974.03. Noise and vibration restrictions, in general.
- Section 974.04. Specific noise and vibration prohibitions.
- Section 974.05. Additional noise control standards by zoning district.
- Section 974.06. Exemptions.
- Section 974.07. Opportunity for administrative approval.

Section 974.01. Short title and purpose.

This chapter shall be known and may be cited as the "Indian River County Noise and Vibration Control Ordinance."

It is the purpose and intent of this chapter to regulate uses and activities in such a manner as to prevent excessive noises and vibrations which degrade the quality of life, disturb the public peace, and jeopardize the health, safety and welfare of the citizens of Indian River County. It is further the intent of this chapter to recognize that factors such as the time of day, location (e.g., proximity to residences), and necessity of sounds incidental to allowed uses and activities must be considered in balancing the protection of public peace, individual freedoms and private property rights.

(Ord. No. 90-16, § 1, 9-11-90)

Section 974.02. Definitions referenced.

The definitions of certain terms used in this chapter are set forth in Chapter 901, Definitions, of the Indian River County Land Development Code.

(Ord. No. 90-16, § 1, 9-11-90)

Section 974.03. Noise and vibration restrictions, in general.

It shall be unlawful for any person to make, continue, or cause to be made or continued any excessive, unnecessary, or unreasonably loud noise or vibration which disturbs the peace or quiet of any neighborhood or which would cause discomfort or annoyance to any reasonable person of normal sensitivity. Moreover, it shall be prohibited for any person to engage in any use or activity that creates any such noise or vibration contrary to the specific provisions of this chapter.

(Ord. No. 90-16, § 1, 9-11-90)

Section 974.04. Specific noise and vibration prohibitions.

The following standards and restrictions shall apply to uses and/or activities in unincorporated Indian River County, except as may conflict with the provisions of section 974.06, Exemptions, of this chapter. Uses and/or activities in compliance with the standards and restrictions of this section shall not be subject to the noise control standards set forth in section 974.05.

(1) *Radios, television sets, musical instruments, and similar devices.* It shall be unlawful to use, operate, or permit to be played, used, or operated, any radio receiving set, musical instrument, phonograph, television set, or other machine or device for the production or reproduction of sound between the hours of 10:00 p.m. and 6:00 a.m. in such manner as to create a noise or vibration disturbance to neighboring premises.

Pertaining to radios, cassette players, disk players and similar devices associated with motor vehicles, no such device shall be operated in such a manner as to create a noise or vibration disturbance at one hundred (100) feet or more from such device, when operated on a public right-of-way or public space.

(2) *Construction equipment and activity.* It shall be unlawful to operate any equipment or perform any outside construction or repair work on buildings, structures, roads, or projects within the county between the hours of 8:00 p.m. and 6:00 a.m. unless an administrative approval as set forth in section 974.07 for such construction or repair work between such hours has been obtained from Indian River County on the basis of good cause shown.

Staff recommended a thirty-day extension **until May 21, 2021**, for the property to be brought into compliance, by removing the structure, or starting the permitting process, or be subject to a \$100 per day fine.

02:32:57

ON MOTION BY Ms. DiFrancesco SECONDED BY, Mr. James Kordiak the Board voted unanimously (7-0) to find the violation and grant an extension of thirty-days, until May 21, 2021, for compliance or a \$100 per day fine would be imposed. The motion passed.

Note for the record that the Respondent was present for this hearing.

02:36:01 **Case #2021020066 – Maxine Hayden Shrewsbury**

Mr. Thomas Allred, IRC Code Enforcement Officer, entered fifteen photographs into evidence and described this case relating to junk, trash, and debris, property maintenance, recreational vehicle illegal use, and recreational vehicle storage. Mr. Allred stated that the only outstanding issue is the vehicle storage. Staff recommended a thirty-day extension **until May 21, 2021**, for the property to be brought into compliance, or be subject to a \$100 per day fine.

02:38:19

ON MOTION BY Mr. Karl Zimmermann, SECONDED BY Mr. David Myers, the Board vote unanimously (7-0) to find violation and grant an extension of thirty-days, until May 21, 2021, for compliance or a \$100 per day fine would be imposed. The motion passed.

Note for the record that the Respondent was present for this hearing.

02:38:34 **Case #2021040030 – Mitchell D. Dudek**

Mr. Andy Sobczak, Chief of Code Enforcement and Environmental Planning, gave a brief history of this case and described 2 separate noise complaints from neighbors of the Respondent. The County approved a Resolution (Resolution 2016-056) that establishes fines related to noise violations. Based on the Resolution, short term vacation rentals are subject to a \$100.00 initial fine, and all subsequent violations are subject to a \$300.00 fine per day / offense. The total fine in this case for two violations is \$600.00. **Staff recommended upholding the two separate \$300.00 fines with a total amount of \$600.00.**



Ms. Susan Prado called a witness, Dr. Tom Gillman, and questioned where he lived in accordance with the subject property. Dr. Gillman pointed it out on the aerial. Ms. Prado asked Mr. Gillman to describe the incident leading to the police report on March 13, 2021. Dr. Gillman described the day, and stated that he attempted to rectify the situation in the past by discussing the parking, noise and trespassing with the homeowners. He stated that they laughed at him, and told him that "The property would be rented anyway, get used to it.", so he no longer speaks to them.

Ms. Susan Prado called a second witness, Mrs. Kathy Gillman, and questioned where Mrs. Gillman was located to hear the disturbance. Mrs. Gillman stated that she was outside on her porch discussing how loud the noise was coming from the vacation rental. She stated that she heard it from her vehicle driving down the street to get to her home.

The Representative for the Respondent, Mr. Barry Segal questioned if Mrs. Gillman called the Sherriff's Office, and she responded that she hadn't, they asked Dr. Conway to do it. Mr. Segal questioned if Mrs. Gillman attempted to speak to the Sherriff's office when they arrived, and Mrs. Gillman stated that she did not.

Ms. Susan Prado called a third witness, Mr. Earth, and questioned where he was on the night of March 13, 2021. Mr. Earth gave a timeline of his night and spoke to the amplified noise coming from the Dudek residence. Mr. Seagal questioned if Mr. Earth could physically see where the noise was coming from, Mr. Earth stated that he could not see, but was sure it was coming from the Dudek residence.

Ms. Susan Prado called a fourth witness, Mrs. Earth, and asked her to describe the night of March 13, 2021. Mrs. Earth gave a timeline of her night and spoke to the amplified noise coming from the Dudek residence stating that it was very loud and the language in it was very foul.

Ms. Susan Prado called a fifth witness, Dr. Miles Conway. Mr. Myers questioned if Dr. Conway was home on the night in question, when he was called by the Gillman's. Dr. Conway responded that he was. Mr. Myers questioned why Mr. Gillman didn't call the authorities himself, since he was in closer proximity to the subject property. Dr. Conway responded that when he heard the loud commotion he went to investigate and ran into the Gillman's, discussed the loud noise, and sent a message to Sherriff Flowers along with an audio recording documenting the incident. Mr. Myers questioned if Mr. Walter Forman's home was occupied. Dr. Conway responded that he was not present during the first incident on March 13, 2021, but he was present on March 29, 2021, as he intermittently resides in the home. Dr. Conway played the audio messages and video recording for the Board.

Mr. Petrulak questioned where Dr. Conway was standing when he created the recordings. Dr. Conway responded that he was standing at his fence line. The first recording was in his driveway, and the second recording was at his fence line. He stated that he did his due diligence to make sure that there was no one in the park, or Highway A1A, and to

confirm the location of the noise. Dr. Conway stated that the police reported that there was no music when they arrived because the renters had turned it off, and from the home's location you can see the authorities coming.

Ms. Prado questioned Dr. Conway about the second incident on March 29, 2021, and he described the events of the day leading up to the call to the Code Enforcement. Dr. Conway spoke and made a complaint to Mr. Andy Sobczak and allowed him to listen to the noise disturbance over the phone as evidence. He stated he once again performed his due diligence to be sure the sound wasn't coming from the park behind him or Highway A1A. Dr. Conway stated that he made a subsequent recording as evidence, standing once again at his fence line. Dr. Conway played the recording for the Board Members.

Mr. Segal stated that he did a public records request to the Sherriff's Office and he did not see a police report, audio, or video recording from that date and questioned if Dr. Conway filed a police report on March 29, 2021, or if Code Enforcement came out on that date. Dr. Conway responded he did not file a police report and that Code Enforcement did not come out to that location. Mr. Segal questioned if Dr. Conway sent the video and audio recordings to the County, Dr. Conway responded that he did. Mr. Segal questioned if at any point Dr. Conway left his property to make the recordings, Dr. Conway stated that he was either on his property line or on Dr. Forman's property because he was confirming the source of the noise. Mr. Segal stated that all the videos Dr. Conway has shown appear to be on the Dudek residence. Dr. Conway stated that was not true, he used the zoom function.

Mr. Segal stated that there isn't sufficient evidence presented to warrant a noise violation with amplified music.

03:28:14

ON MOTION BY Mr. David Myers, SECONDED BY Mr. Pete Clements, the Board voted (7-0) to find the violation and upholding the two separate \$300.00 fines with a total amount of \$600.00. The motion passes.

Note for the record that a Representative for the Respondent was present for this hearing.

*** Mr. James Kordiak, Member-At-Large Appointee, exited the meeting at 5:05pm***

EVIDENTIARY HEARINGS

03:30:50 Case #2021020072 – Jesus and Yolanda Magana

5

2024280er

581 plus accrued interest. A lien created pursuant to this part may
582 not be foreclosed on real property that is a homestead under s.
583 4, Art. X of the State Constitution. The money judgment
584 provisions of this section do not apply to real property or
585 personal property that is covered under s. 4(a), Art. X of the
586 State Constitution.

587 (h)1. If a code violation related to the vacation rental is
588 found by the code enforcement board or special magistrate to be
589 a material violation of a local law, ordinance, or regulation
590 that does not solely apply to vacation rentals, and the
591 violation is directly related to the vacation rental premises,
592 the local government must issue a written notice of such
593 violation.

594 2. If a code violation related to the vacation rental is
595 found to be a material violation of a local law, ordinance, or
596 regulation as described in subparagraph 1., the code enforcement
597 board or special magistrate must make a recommendation to the
598 local government as to whether a vacation rental registration
599 should be suspended.

600 3. The code enforcement board or special magistrate must
601 recommend the suspension of the vacation rental registration if
602 there are:

603 a. One or more violations on 5 separate days during a 60-
604 day period;

605 b. One or more violations on 5 separate days during a 30-
606 day period; or

607 c. One or more violations after two prior suspensions of
608 the vacation rental registration.

609 4. If the code enforcement board or special magistrate

3

2024280er

610 recommends suspension of a vacation rental registration, a local
611 government may suspend such registration for a period of:

612 a. Up to 30 days for one or more violations on 5 separate
613 days during a 60-day period;

614 b. Up to 60 days for one or more violations on 5 separate
615 days during a 30-day period; or

616 c. Up to 90 days for one or more violations after two prior
617 suspensions of a vacation rental registration.

618 5. A local government may not suspend a vacation rental
619 registration for violations of a local law, ordinance, or
620 regulation which are not directly related to the vacation rental
621 premises.

622 6. A local government shall provide notice of the
623 suspension of a vacation rental registration to the vacation
624 rental operator and the division within 5 days after the
625 suspension. The notice must include the start date of the
626 suspension, which must be at least 21 days after the suspension
627 notice is sent to the vacation rental operator and the division.

628 Effective January 1, 2026, a local government shall use the
629 vacation rental information system described in s. 509.244 to
630 provide notice of the suspension of a vacation rental
631 registration to the division.

632 (i)1. A local government may revoke or refuse to renew a
633 vacation rental registration if:

634 a. A vacation rental registration has been suspended three
635 times pursuant to paragraph (h);

636 b. There is an unsatisfied, recorded municipal lien or
637 county lien on the real property of the vacation rental.

638 However, the local government shall allow the vacation rental

2024280er

639 operator at least 60 days before the revocation of a
640 registration to satisfy the recorded municipal lien or county
641 lien; or

642 c. The vacation rental premises and its owner are the
643 subject of a final order or judgment by a court of competent
644 jurisdiction lawfully directing the termination of the premises'
645 use as a vacation rental.

646 2. A local government shall provide notice within 5 days
647 after the revocation of, or refusal to renew, a vacation rental
648 registration to the vacation rental operator and the division.
649 The notice must include the date of revocation or nonrenewal,
650 which must be at least 21 days after the date such notice is
651 sent to the vacation rental operator and the division. Effective
652 January 1, 2026, a local government shall use the vacation
653 rental information system described in s. 509.244 to provide
654 notice of the revocation of or refusal to renew a vacation
655 rental registration to the division.

656 (j) A vacation rental operator may appeal a denial,
657 suspension, or revocation of a vacation rental registration, or
658 a refusal to renew such registration, to the circuit court. An
659 appeal must be filed within 30 days after the issuance of the
660 denial, suspension, or revocation of, or refusal to renew, the
661 vacation rental registration. The court may assess and award
662 reasonable attorney fees and costs and damages to the prevailing
663 party.

664
665 This subsection does not prohibit a local government from
666 establishing a local law, ordinance, or regulation if it is
667 uniformly applied without regard to whether the residential