

# City of South Daytona

## Office of the City Manager

1672 S. Ridgewood Avenue • South Daytona, FL 32119 • 386/322-3014



### MEMORANDUM

To: James L. Gillis, Jr, City Manager

From: Becky Witte, Deputy City Clerk

Date: March 31, 2023

Re: Resolution No. 2023-07 declaring the structure located on Lot 1 at 1930 S. Ridgewood Avenue as unsafe and unfit for human habitation and potentially injurious to the public health, safety or welfare so as to constitute a threat to public health, welfare and safety of the community and authorizing the City to proceed with the demolition of the structure and the filing of a lien on the said property pursuant to the City's Code of Ordinances.

---

On February 17, 2023, the Chief Building Official found the mobile home located on Lot 1 of 1930 S. Ridgewood Avenue was unfit for human habitation and was potentially injurious to the health, safety, and welfare of the general public by identifying the following: unsafe and unsanitary conditions on the property, and apparent failure of the roof system.

The roof was severed from the mobile home during the hurricanes at the end of September 2022 during Hurricane Ian. City staff is being told that the owner of the mobile home was working on removing the structure but has turned the title of the mobile home over to the owner of the Mobile Home Community, Ra Mar.

The items cited by the Building Official include, but are not limited to:

- (1) City of South Daytona, Code of Ordinances, Article IX. Housing, Section 5-189, Adopting the International Property Maintenance Code. International Property Maintenance Code 111.1.3, Structure unfit for human occupancy. A structure is unfit for human occupancy whenever the code official finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is insanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.
- (2) City of South Daytona Code of Ordinances 5-200, Prohibited. It shall be unlawful to keep or maintain any building or structure located within the city in a dilapidated, unsanitary or unsafe condition.
- (3) City of South Daytona, Code of Ordinances, Article IX. Housing, Section 5-189, Adopting the International Property Maintenance Code. International Property Maintenance Code 304.4, Structural members. Structural members shall be maintained free from deterioration and shall be capable of safely supporting the imposed dead and live loads.

# City of South Daytona

## Office of the City Manager

1672 S. Ridgewood Avenue • South Daytona, FL 32119 • 386/322-3014



- (4) City of South Daytona, Code of Ordinances, Article IX. Housing, Section 5-189, Adopting the International Property Maintenance Code. International Property Maintenance Code 304.7, Roofs and drainage. The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

Any form of plastic, cloth, fabric, material commonly known as "tarp," wood, or other material that is used to conceal loose or missing shingles, cracks, holes or openings that expose or could expose an interior part of a structure, including the contents therein, to rain, hail or wind, or to theft or loss must be removed and permanent repairs completed within 30 days.

Due to the continued deterioration of the structure and the opinion of the Chief Building Official finding the structure unfit for human habitation and potentially injurious to the health, safety, and welfare of the general public, staff requests Council, in accordance with the City of South Daytona Code of Ordinances section 5-200, adopt an order to have the structure demolished:

### ***Sec. 5-201. - Finding and notice requiring correction.***

*If at any time, upon the recommendation and after investigation by the building inspector, a building or other structure located and situate on private property within the city shall have become so dilapidated, deteriorated or otherwise unsafe or unfit for human habitation or use, or otherwise unsafe or injurious, or potentially injurious to the public health, safety or welfare, the city council may adopt an order declaring such building or other structure to be so dilapidated, deteriorated or otherwise unsafe or unfit for human habitation or use, or otherwise unsafe or injurious, or potentially injurious to the public health, safety or welfare, as the case may be, and in said order shall specify the time within which the owner or owners of said building or structure, shall cause the said building or structure to be demolished, removed or refurbished at the sole expense of said owner or owners, and without compensation by said city; and shall cause a copy of said order to be delivered to said owner or owners or any of them, either in person or by registered mail. If the owner or owners cannot be located so that personal delivery of a copy of said order cannot be made upon any of them, or if the post office address of said owner or owners, or either of them cannot, after reasonable inquiry be determined, then a copy of said order shall be posted in a conspicuous place upon said building or structure.*

*The above determination of the city council shall be at a public hearing where the owner of the structure or building is provided a notice thereof and an opportunity to be heard. Notice of the public hearing shall be either hand delivered to the owner or sent by certified mail to the address of said individual on record with the tax assessor's office. The city shall also post the notice of hearing on the subject building or structure.*

### **Funding:**

Funding is proposed to come from the General Fund. The elimination of blight is for the betterment of the entire community and is an effort to maintain the highest property values.

# City of South Daytona

## Office of the City Manager

1672 S. Ridgewood Avenue • South Daytona, FL 32119 • 386/322-3014



### **Staff recommendation:**

Approval of Resolution No. 2023-07 and an order be issued for the structures on the property on Lot 1 at 1930 S. Ridgewood Avenue to be demolished, removed and site stabilized by seeding/hay installation if not repaired or removed on or before April 18, 2023 by the property owner.

If approved and the property owner fails to repair or remove the structure by the date specified above, the cost for the city to remove the structure will be approximately \$5,600.

### **Attachments:**

Recent pictures of the proposed structure are attached to this memorandum for review.

## **RESOLUTION NO. 2023-07**

**A RESOLUTION OF THE CITY OF SOUTH DAYTONA, FLORIDA; ADOPTED PURSUANT TO CHAPTER 5 (BUILDING, HOUSING AND STRUCTURAL REGULATIONS, ARTICLE X, DANGEROUS STRUCTURES) OF THE SOUTH DAYTONA CODE OF ORDINANCES FINDING THE STRUCTURES LOCATED ON LOT 1 AT 1930 S. RIDGEWOOD AVENUE, SOUTH DAYTONA, FLORIDA IS UNSAFE AND UNFIT FOR HUMAN HABITATION AND POTENTIALLY INJURIOUS TO THE PUBLIC HEALTH, SAFETY OR WELFARE SO AS TO CONSTITUTE A THREAT TO THE PUBLIC HEALTH, WELFARE AND SAFETY OF THE COMMUNITY; AUTHORIZING THE CITY TO PROCEED WITH THE DEMOLITION OF SAID STRUCTURES AND LIENING THE SAID PROPERTY PURSUANT TO THE CITY'S CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE.**

**WHEREAS**, this resolution pertains to the real property located on Lot 1 at 1930 S. Ridgewood Avenue, South Daytona, Parcel Number 5344-16-00-0577 (Subject Property) which is owned by Lori Evans (Property Owner); and

**WHEREAS**, the City has found that the structures on this site are unfit for human habitation (Code Reference – City of South Daytona Code of Ordinances Chapter 5, Article X, Sections 5-200 and 5-201); and

**WHEREAS**, on February 17, 2023, the Chief Building Official identified the following: Unsafe and unsanitary conditions exist on the property, and the structure has an apparent failure of the roof system; and

**WHEREAS**, due to the condition of the Subject Property the Chief Building Official believes that it is appropriate to present this case to the City Council for further action pursuant to Chapter 5, Article X of the City's Code of Ordinances.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SOUTH DAYTONA, FLORIDA:**

**Section 1.** Based on the evidence presented at a public hearing held on 11<sup>th</sup> day of April, 2023, the City Council hereby makes the following findings:

1. That the owner of the property located on Lot 1 at 1930 S. Ridgewood Avenue, South Daytona (Subject Property) is Lori Evans, whose address is 1930 S. Ridgewood Avenue, Lot 1, South Daytona (Property Owner).
2. That the Property Owner was noticed on March 23, 2023 via posting of the home and via US Certified Mail of this public hearing and was given an opportunity to be heard on the issue of the condition of the Subject Property.
3. On February 17, 2023, the Chief Building Official found that the structures on the property are not only unfit for human habitation but are potentially injurious to the health, safety and welfare of the general public.
4. On February 17, 2023, the Chief Building Official cited the following violations:
  - a. Rotten and dilapidated structure.
  - b. Apparent failure of the roof system (IPMC 304.4 and 304.7).
  - c. Structural Members deteriorated and unable to safely support the imposed dead and live load.
  - d. Roof and Flashing is not sound, tight or free from defects that admit rain.
5. The Building Official in a letter dated March 23, 2023, gave the Property Owner until March 31, 2023 to have a full engineering assessment of the structures on site and submitted with permit applications for all required repairs OR have removed the structure and all accessory elements.
6. A Notice of the City Council Hearing was posted on site and sent via Certified Mail on March 23, 2023.

**Section 2.** Based on the above findings presented at a public hearing, the City Council hereby orders the following:

1. That the Property Owner is given to **April 18, 2023** to have a full engineering assessment of the structures on site and submitted with permit applications for all required repairs OR have the structure and all accessory elements

demolished/removed from the property at their sole expense and without compensation from the City of South Daytona and obtain a final inspection approval by Chief Building Official.

2. If the Property Owner fails to comply with this Order by the above date, the City is authorized to proceed with any and all available legal remedies, including but not limited to the demolition of the structures on the Subject Property and the recording of a lien in the Public Records for the costs incurred by the City.

**Section 3.** If any section, subsection, sentence, clause, phrase, or portion of this Resolution, or application hereof, is for any reason held invalid or unconstitutional by any Court, such portion or application shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions or application hereof.

**Section 4.** That all resolutions made in conflict with this Resolution are hereby repealed.

**Section 5.** That this Resolution shall become effective immediately upon its adoption.

**PASSED AND ADOPTED** upon first and final reading at a regular meeting of the City Council of the City of South Daytona held in the City of South Daytona, Florida, on the 11<sup>th</sup> day of April 2023.

**CITY OF SOUTH DAYTONA**

\_\_\_\_\_  
William C. Hall, Mayor

ATTEST:

\_\_\_\_\_  
James L. Gillis Jr.  
City Manager

Approved as to form and legality for use and reliance of the City of South Daytona, Florida:

\_\_\_\_\_  
Wade C. Vose, City Attorney



















## City of South Daytona Building Department

1672 S. Ridgewood Avenue • South Daytona, FL 32119 • (386) 322-3024



March 23, 2023

Lori Evans  
1930 S. Ridgewood Avenue, Lot 1  
South Daytona, Florida 32119

9171 9690 0935 0269 6742 78

9171 9690 0935 0269 6742 85

The property located 1930 S. Ridgewood Avenue, Lot 1, South Daytona, Florida located on parcel number 5344-16-00-0577 (the "Subject Property") was posted UNFIT for HUMAN HABITATION on February 17, 2023. The structure on the Subject Property is dilapidated and is not only unfit for human habitation, but is potentially injurious to the health, safety and welfare of the general public (Code Reference-City of South Daytona Code of Ordinances Chapter 5, Article X Sections 5-200 and 5-201).

Items cited in violation include, but are not limited to:

- (1) City of South Daytona, Code of Ordinances, Article IX. Housing, Section 5-189, Adopting the International Property Maintenance Code. International Property Maintenance Code 111.1.3, Structure unfit for human occupancy. A structure is unfit for human occupancy whenever the code official finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is insanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.
- (2) City of South Daytona Code of Ordinances 5-200, Prohibited. It shall be unlawful to keep or maintain any building or structure located within the city in a dilapidated, unsanitary or unsafe condition.
- (3) City of South Daytona, Code of Ordinances, Article IX. Housing, Section 5-189, Adopting the International Property Maintenance Code. International Property Maintenance Code 304.4, Structural members. Structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads.
- (4) City of South Daytona, Code of Ordinances, Article IX. Housing, Section 5-189, Adopting the International Property Maintenance Code. International Property Maintenance Code 304.7, Roofs and drainage. The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

Any form of plastic, cloth, fabric, material commonly known as "tarp," wood, or other material that is used to conceal loose or missing shingles, cracks, holes or openings that expose or

could expose an interior part of a structure, including the contents therein, to rain, hail or wind, or to theft or loss must be removed and permanent repairs completed within 30 days.

As the owner of the Subject Property, you have until **March 31, 2023** to have a full engineering assessment of the structure on the Subject Property submitted, with permit applications for all required repairs, **OR** have removed the structure and all accessory elements. All impervious surfaces are required to be removed and the site sodded or seeded for stabilization purposes.

You are required to contact the Code Enforcement Department for reinspection upon satisfying the above conditions. Code Enforcement has been notified and will be addressing additional site issues through the established code process.

Should the Subject Property remain out of compliance past **March 31, 2023**, you will be required to appear before the City of South Daytona City Council for a public hearing on **Tuesday, April 11, 2023 at 6:00pm at South Daytona City Hall, 1672 S. Ridgewood Avenue, South Daytona**, for a demolition request pursuant to Sec. 5-201, City of South Daytona Code of Ordinances. **This may result in the structure being ordered to be demolished, removed, or refurbished at your sole expense without compensation by the City of South Daytona.** We look forward to your prompt attention in this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read 'John Boden', with a long horizontal flourish extending to the right.

John Boden, Chief Building Official  
City of South Daytona

CC:

What Box Son LLC

RE: RA MAR Mobile Home Park

720 Mullet Road, Suite N-327

Cape Canaveral, Florida 32920