

**City of South Daytona
Code Compliance Department**

1672 S. Ridgewood Avenue • South Daytona, FL 32119 • 386/322-3025



Memorandum

AGENDA ITEM

Item # 19

Date: November 9, 2021

To: James L. Gillis Jr., City Manager
From: Josh McEnany, Code Compliance Manager
Date: October 29, 2021
Re: Council Consideration of Ordinance No. 2021-14, Amending Section 5-189 of the City Code of Ordinances to adopt the 2021 edition of the International Property Maintenance Code.

In 2010, the city incorporated by reference the 2009 International Property Maintenance Code (IPMC) with modifications which are outlined in Section 5-189 of the Code of Ordinances (via Ordinance No. 2010-09).

The International Code Council (ICC) publishes an updated International Property Maintenance Code (IPMC) every three (3) years. Between publications, the ICC carefully reviews proposed changes submitted by code enforcement officials, building officials, industry representatives, and other interested parties. The IPMC sets forth requirements for the safe use of existing structures in the interests of the social and economic welfare of the community.

A local government which adopts a model code like the IPMC cannot assume that all provisions of the model code are consistent with its own state's laws and existing codes. Therefore, the City has taken care to make amendments to the IPMC to ensure consistency with previously adopted codes, ordinances and laws. The attached ordinance covers modifications including providing for the creation of a code official, defining weeds and prohibiting noxious weeds, supplementing provisions relating to interior surfaces, protective treatment, roofs and drainage, and boarding standards, and removing provisions for a Board of Appeals.

Staff requests the council approve the first reading of Ordinance No. 2021-14 to amend Section 5-189 of the City Code of Ordinances to adopt the 2021 edition of the International Property Maintenance Code.

ORDINANCE NO. 2021-14

AN ORDINANCE OF THE CITY OF SOUTH DAYTONA, FLORIDA, AMENDING SECTION 5-189 OF THE CITY OF SOUTH DAYTONA CODE OF ORDINANCES TO ADOPT THE 2021 EDITION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE; PROVIDING CERTAIN AMENDMENTS THERETO TO CONFORM TO FLORIDA LAW AND THE CITY'S EXISTING CODE OF ORDINANCES BY PROVIDING FOR THE CREATION OF A CODE OFFICIAL; DEFINING WEEDS AND PROHIBITING NOXIOUS WEEDS; SUPPLEMENTING PROVISIONS RELATING TO INTERIOR SURFACES, PROTECTIVE TREATMENT, ROOFS AND DRAINAGE, AND BOARDING STANDARDS; AND REMOVING PROVISIONS FOR A BOARD OF APPEALS AS SET FORTH IN THE 2021 EDITION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS, SEVERABILITY, APPLICABILITY, AND AN EFFECTIVE DATE.

WHEREAS, Chapters 166 and 163, *Florida Statutes*, govern municipal authority to enact regulations to protect health, safety, and welfare; and

WHEREAS, the City of South Daytona (the "City") actively participates in the enforcement of regulations important to ensuring safe, sanitary, and habitable property maintenance and structures; and

WHEREAS, under its home rule powers, the City may regulate and govern property maintenance to ensure the well-being of its citizens; and

WHEREAS, in 2010, the City determined that it was in the best interest of the health, safety, and welfare of the citizens, businesses, and patrons of such businesses within the City, to adopt the 2009 International Property Maintenance Code and International Fire Code as published by the International Code Council for the maintenance and control of buildings and structures, with amendments thereto to comply with Chapter 162, *Florida Statutes*; the *Florida Building Code*; and the City's Code of Ordinances; and

WHEREAS, the International Property Maintenance Code and International Fire Code are updated every three years to remain current with best practices and modifications to the ICC model codes; and

WHEREAS, the City has determined that it is in the best interest of the health, safety, and welfare of the citizens, businesses, and patrons of such businesses within the City, to adopt the 2021 International Property Maintenance Code and International Fire Code as published by the International Code Council for the maintenance and control of buildings and structures, with amendments thereto to comply with Chapter 162, *Florida Statutes*; the *Florida Building Code*; and the City's Code of Ordinances; and

WHEREAS, the City of South Daytona City Council finds that it is important to enact this Ordinance in order to protect the health, safety, and welfare of the citizens of the City; and

WHEREAS, for purposes of this Ordinance, underlined type shall constitute additions to the original text, *** shall constitute ellipses to the original text and ~~striketrough~~ shall constitute deletions to the original text.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SOUTH DAYTONA, VOLUSIA COUNTY, FLORIDA THAT:

SECTION 1. Recitals. The above recitals are true and correct and are incorporated herein by reference.

SECTION 2. Adoption. The City Council of the City of South Daytona hereby amends Code of Ordinances Section 5-189. "International Property Maintenance Code adopted." as follows:

International Property Maintenance Code adopted.

- (a) With the ~~exceptions~~ modifications referenced below, the city hereby adopts the ~~2009~~ 2021 edition of the International Property Maintenance Code and International Fire Code published by the International Code Council, and incorporates the same by reference, including all codes incorporated therein and including all subsequent editions and revisions which may from time to time be made by the International Code Council. Copies of the International Property Maintenance Code and International Fire Code, together with this ordinance, are on file in the Office of the City Clerk of the City of South Daytona.
- (b) The following sections of the ~~2009~~ 2021 International Property Maintenance Code and International Fire Code are hereby amended as follows:
 - (1) IPMC and IFC, Section 101.1. These regulations shall be known as the Property Maintenance Code (IPC), and International Fire Code (IFC), of the City of South Daytona, hereinafter referred to as "this Code."
 - (2) IPMC, Section 102.3 and IFC, Section 102.4 entitled "Application of other codes and application of the International Building Code," is hereby amended to read as follows: Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the current edition of the Florida Building Code, Florida Fuel Gas Code, Florida Plumbing Code, Florida Mechanical Code, Florida Residential Code, Florida Existing Building Code and the National Electrical Code NFPA 70. Nothing in this Code shall be construed to cancel, modify, or set aside any provisions of the City of South Daytona's Consolidated Land Development Regulations. All references to the International Model Codes shall be changed to the equivalent currently adopted edition of the Florida Codes:
 - a. International Building Code is Florida Building Code.
 - b. International Plumbing Code is Florida Plumbing Code.
 - c. International Mechanical Code is Florida Mechanical Code.
 - d. International Fuel Gas Code is Florida Fuel Gas Code.

- e. International Residential Code is Florida Residential Code.
 - f. International Existing Building Code is Florida Existing Building Code.
 - g. International Electrical Code is National Electrical Code NFPA 70.
 - h. International Fire Code is Florida Fire Prevention Code.
 - i. International Zoning Code is City of South Daytona's Consolidated Land Development Regulations.
- (3) IPMC and IFC, Section 103.1, entitled "~~General~~ Creation of agency," shall read as follows: The Community Development Department or designee is hereby ~~charged with the primary responsibility of enforcing this Code~~ created and the official in charge thereof shall be known as the code official. The function of the agency shall be the implementation, administration and enforcement of the provisions of this code.
 - (4) IPMC and IFC, Section 103.2, entitled "Appointment," shall read as follows: The Code Official shall be appointed by the City Manager ~~or designee~~.
 - (5) IPMC, Section ~~103.5~~ 104, entitled "Fees," is hereby deleted in its entirety.
 - (6) IPMC, Section 106.2 and IFC, Section ~~109.2~~ 110.3, entitled "Notice of Violation," is hereby deleted in its entirety.
 - (7) IPMC, Section ~~106.3~~ 109.3 and IFC, Section ~~109.2.3~~ 110.3.3, entitled "Prosecution of Violation," is hereby deleted in its entirety.
 - (8) IPMC, Section ~~107~~ 111.4, entitled "Notices and Order," is hereby deleted in its entirety.
 - (9) IPMC, Section ~~109~~ 112, entitled "Emergency Measures," is hereby deleted in its entirety.
 - (10) IPMC, Section ~~110~~ 113, entitled "Demolition," is hereby deleted in its entirety.
 - (11) IPMC Section 107 entitled "Means of Appeal" is hereby deleted in its entirety.
 - (12) IPMC, Section 201.4 and IFC, Section 201.4, entitled "Terms not Defined," is hereby amended to read as follows: Words not defined herein or in the referenced Florida Codes shall have meanings defined in the Florida Statutes, other documents, manuals, or standards adopted elsewhere in the Code of Ordinances. Words not defined in those documents shall have the meaning stated in the Webster's Ninth New Collegiate Dictionary, as revised.
 - (13) IPMC, Section ~~304.4~~ 302.4, entitled "Weeds," shall read as follows: All premises and exterior property shall be maintained free from weeds or plant growth in excess of twelve (12) inches. Noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, excluding trees or shrubs (but

including invasive trees or shrubs) provided; however, this term shall not include cultivated flowers and gardens.

- (14) IPMC, Section 304.14, entitled "Insect Screens," shall read as follows: Year-round, every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged, or stored, shall be supplied with approved, tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition.
- (15) IPMC, Section 309.5, entitled "Occupant," is hereby deleted in its entirety.
- (16) IPMC, Section 404.2, entitled "Minimum room widths," shall be amended to read as follows: A habitable room, other than a kitchen, shall not be less than 7 feet (2134 mm) in any plan dimension. For purposes of this Code, "habitable room" does not include space occupied by built-in equipment, including but not limited to wardrobes, cabinets, closets, utility spaces, storage areas, appliances, and other similar areas. Kitchens shall have a clear passageway of not less than 3 feet (914 mm) between counter fronts and appliances or counter fronts and walls.
- (17) IPMC, Section 404.4.1, entitled "Room Area," shall read as follows: Every living room shall contain at least 120 square feet, and every bedroom shall contain at least 70 square feet of habitable floor area. Every room occupied for sleeping purposes by more than one occupant shall contain at least 50 square feet of habitable floor area for each occupant. For purposes of this subsection, "occupant" is defined as a person 18 years or older. Also, for purposes of this Code, "habitable floor area" does not include space occupied by built-in equipment, including but not limited to built-in wardrobes, cabinets, closets, storage, or appliances, and other similar built-in areas.

~~At the time of the enactment of this Ordinance, dwelling units with bedrooms less than 70 square feet may be occupied by no more than one occupant per substandard-sized bedroom.~~
- (18) ~~IPMC, Section 404.4.5, entitled "Other requirements," is hereby deleted in its entirety.~~
- (19) IPMC, Section 602.3, entitled "Heat Supply," shall read as follows: Every owner and operator of any building who rents, leases, or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from November 15th to March 15th sufficient to maintain a temperature of not less than 68 degrees Fahrenheit in all habitable rooms, bathrooms, and toilet rooms.
- (20) IPMC, Subsection 602.4, entitled "Occupiable Work Spaces," shall read as follows: Indoor occupiable work spaces shall be supplied with heat during the period from November 15th to March 15th sufficient to maintain a temperature of not less than 68 degrees Fahrenheit during the period the spaces are occupied.

- (21) IPMC and IFC, Supplemental Code. The provisions of this Code shall be supplemental to all other codes and other ordinances of the City.
- (22) IPMC, Section 303.1, entitled "Swimming Pools" shall read as follows: Swimming pools shall be maintained in a clean and sanitary condition, and in good repair. Swimming pools and spas shall be kept free of health hazards, including algae and debris accumulation and breeding conditions for mosquitoes.
- (23) IPMC, Section 605.2 Minimum Electrical Equipment. The minimum electrical service and equipment shall be as per the edition of NFPA 70, National Electrical Code that was in effect at the time the subject structure was built but no less than required by NFPA 70, NEC 2008 edition.
- ~~(23)~~(24) IPMC, Section 605.3, entitled "Luminaries," is hereby deleted in its entirety.
- ~~(24)~~(25) IPMC, Section ~~704.3~~ 704.6.3, "Power source". The subsection entitled "Exception," is deleted in its entirety.
- ~~(25)~~(26) IPMC, Section ~~704.4~~ 704.6.2, "Interconnection". The subsection entitled "Exceptions" is deleted in its entirety.
- ~~(27)~~ IPMC, Section 304.2, entitled "Protective Treatment," shall add: 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.
- ~~(28)~~ IPMC, Section 304.7, entitled "Roofs and drainage," shall add: 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.
- ~~(29)~~ IPMC, Section 305.3, entitled "Interior surfaces," shall add: Window coverings not manufactured specifically as window treatments, including, but not limited to: fabric/material, sheets, blankets, paper, cardboard, plastic, aluminum, garbage bags, trellis, wood, wire, etc are prohibited.
- ~~(30)~~ IPMC, Section A101.1 entitled "General," shall add: Openings such as doors, windows or other apertures may be temporarily protected up to seven (7) days prior to the projected landfall of any named storm or weather system. Temporary protection must be removed within fourteen (14) days after the storm threat has passed. Materials used to protect or cover the opening can be any material approved for use by the then current edition of the Florida Building Code.
- ~~(31)~~ IPMC, Appendix A-2, Section B101 is deleted in its entirety.

SECTION 3. Administrative Actions. The City Manager, or designee, is hereby authorized and directed to implement the provisions of this Ordinance and to take any and all necessary

administrative actions to include, but not be limited to, the adoption of administrative forms, policies, procedures, processes and rules.

SECTION 4. Codification. The provisions of this Ordinance, including its recitals, shall become and be made a part of the City of South Daytona Code of Ordinances and the Sections of this Ordinance may be re-numbered or re-lettered to accomplish such intention and the word "Ordinance", or similar words, may be changed to "Section," "Article", or other appropriate word; provided, however, that Sections 1, 3, 4, 5, 6, and 7 shall not be codified. The Code codifier is granted liberal authority to codify the provisions of this Ordinance.

SECTION 5. Conflicts. All ordinances or parts thereof in conflict with this Ordinance are hereby repealed to the extent of such conflict.

SECTION 6. Severability. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance, or application hereof, is for any reason held invalid or unconstitutional by any court of competent jurisdiction, 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 thereof.

SECTION 7. Effective Date. This Ordinance shall take effect immediately upon enactment.

APPROVED upon first reading on the 9th day of November, 2021 at a regular meeting of the City Council of the City of South Daytona.

APPROVED AND ADOPTED upon second and final reading on the ____th day of _____, 2021 at the regular meeting of the City of South Daytona City Council.

CITY OF SOUTH DAYTONA:

ATTEST:

William C. Hall, Mayor

James L. Gillis, Jr., City Manager

CERTIFIED AS TO FORM:

Wade C. Vose, City Attorney