

**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: July 18, 2024  
Re: Council Consideration of Ordinance No. 2024-04, Amending Section 5-189 of the City Code of Ordinances to adopt the 2024 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). In 2021, the City Council adopted Ordinance No. 2021-14 adopting the 2021 edition of the International Property Maintenance Code.

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 has additional modifications which have been renumbered or removed from the 2024 version of the IPMC.

Staff also proposes the addition of Section 304.20, Minimum Standards. This modification places the minimum standards applied to residential properties within a concise list within the Property Maintenance Code.

Staff requests the council approve the first reading of Ordinance No. 2024-04 to amend Section 5-189 of the City Code of Ordinances to adopt the 2024 edition of the International Property Maintenance Code.

**ORDINANCE NO. 2024-04**

**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 2024 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 REMOVING 2021 CODE REFERENCES WHICH HAVE BEEN REMOVED OR UPDATED; REVISING REFERENCES TO DELETED PORTIONS WITH RESPECT TO THE 2024 EDITION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE; UPDATING CORRESPONDING CODE REFERENCES; ADDING MINIMUM STANDARDS FOR STRUCTURES AND PREMISES; PROVIDING FOR CODIFICATION, 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 modifications referenced below, the city hereby adopts the ~~2021~~ 2024 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 ~~2021~~ 2024 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, Section 103.1, entitled "Creation of agency," shall read as follows: The Community Development Department or designee is hereby 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.
  - (5) IPMC, Section 104, entitled "Fees," is hereby deleted in its entirety.
  - (6) IPMC, Section ~~106.2~~ 107.2 and IFC, Section 110.3, entitled "Notice of Violation," is hereby deleted in its entirety.
  - ~~(7) IPMC, Section 109.3 and IFC, Section 110.3.3, entitled "Prosecution of Violation," is hereby deleted in its entirety.~~
  - ~~(8) IPMC, Section 111.4, entitled "Notices and Order," is hereby deleted in its entirety.~~
  - ~~(9) IPMC, Section 112, entitled "Emergency Measures," is hereby deleted in its entirety.~~
  - ~~(10) IPMC, Section 113, entitled "Demolition," is hereby deleted in its entirety.~~
  - ~~(11)~~ (7) IPMC Section 107 106 entitled "Means of Appeal" is hereby deleted in its entirety.
  - ~~(12)~~ (8) 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)~~ (9) IPMC, Section 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.
  - (10) IPMC, Section 304, add Section 304.20. Minimum standards.

304.20.1 All buildings shall present a neat and fresh appearance and be free of all peeling paint, mildew, rust, graffiti, dirt, and deteriorated or mismatched roofing material.

304.20.2 All parts of any building and/or structure shall be structurally sound. Rotten or weakened sections shall be repaired, replaced, or removed.

304.20.3 Nonfunctional elements on any building, structure, or premises, such as unused sign poles, brackets, empty electrical conduit, etc., shall be removed and the remaining surface shall, if damaged, be repaired or rebuilt to match adjacent surfaces and the original condition. All loose wires and/or conduits shall be secured.

304.20.4 Broken or missing windows shall be repaired, replaced, or properly abandoned. All windows must fit tightly and have sashes of proper size and design. Abandonment of window openings shall be accomplished by using the same material as the adjacent surface.

304.20.5 Awnings that are torn, badly faded, frayed, or structurally compromised shall be repaired, replaced, or removed.

304.20.6 All roofs, gutters, and downspouts shall be maintained to prevent damage to the structure and adjoining properties.

304.20.7 All retaining walls, seawalls, nonstructural walls, dumpster enclosures, fences, lighting devices and supports, outdoor service and seating areas, and signs and their supporting elements shall be structurally sound and kept free of graffiti, overgrowth, trash and debris, and shall be maintained to present a painted, rust-free, neat and fresh appearance.

304.20.8 All parking areas and vacant lots shall be kept free of overgrowth, weeds, trash and debris. Potholes and broken pavement shall be repaired. Paving and striping shall be maintained to a neat and clean condition with a fresh appearance. All dead tree limbs and dead trees shall be removed from parking areas and vacant lots.

304.20.9 Landscaping shall be kept in a neat and well-maintained condition. Tree branches shall be maintained at a minimum distance of three (3) feet from building roofs and walls. Plant growth, such as shrubs, bushes, and palm trees, shall be maintained at a minimum distance of twelve (12) inches from building walls.

~~(14)~~ (11) 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)~~ (12) IPMC, Section 309.5, entitled "Occupant," is hereby deleted in its entirety.

- (16) (13) 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) (14) 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.
- (18) (15) 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.
- (19) (16) 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.
- (20) (17) IPMC and IFC, Supplemental Code. The provisions of this Code shall be supplemental to all other codes and other ordinances of the City.
- (21) (18) 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.
- ~~(22) 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) (19) IPMC, Section 605.3, entitled "Luminaries," is hereby deleted in its entirety.
- (24) (20) IPMC, Section 704.6.3, "Power source". The subsection entitled "Exception," is deleted in its entirety.
- (25) (21) IPMC, Section 704.6.2, "Interconnection". The subsection entitled "Exceptions" is deleted in its entirety.

- ~~(26)~~ (22) 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.
- ~~(27)~~ (23) 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.
- ~~(28)~~ (24) 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.
- ~~(29)~~ (25) 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.
- ~~(30)~~ (26) 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 23<sup>rd</sup> day of July, 2024 at a regular meeting of the City Council of the City of South Daytona.

**APPROVED AND ADOPTED** upon second and final reading on the 13<sup>th</sup> day of August, 2024 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





## Business Impact Estimate Form

This Business Impact Estimate Form is provided to document compliance with and exemption from the requirements of Sec. 166.041(4), Fla. Stat. If one or more boxes are checked below under “Applicable Exemptions”, this indicates that the City has determined that Sec. 166.041(4), Fla. Stat., does not apply to the proposed ordinance and that a business impact estimate is not required by law. If no exemption is identified, a business impact estimate required by Sec. 166.041(4), Fla. Stat. will be provided in the “Business Impact Estimate” section below. In addition, even if one or more exemptions are identified, the City may nevertheless choose to provide information concerning the proposed ordinance in the “Business Impact Estimate” section below. This Business Impact Estimate Form may be revised following its initial posting.

### Proposed ordinance’s title/reference:

Ordinance No. 2024-04

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 2024 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 REMOVING 2021 CODE REFERENCES WHICH HAVE BEEN REMOVED OR UPDATED; UPDATING CORRESPONDING CODE REFERENCES; ADDING MINIMUM STANDARDS FOR EXTERIOR STRUCTURES; AS SET FORTH IN THE 2024 EDITION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE; PROVIDING FOR CODIFICATION, CONFLICTS, SEVERABILITY, APPLICABILITY, AND AN EFFECTIVE DATE.

### Applicable Exemptions:

- The proposed ordinance is required for compliance with Federal or State law or regulation;
- The proposed ordinance relates to the issuance or refinancing of debt;
- The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;

- The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant, or other financial assistance accepted by the municipal government;
- The proposed ordinance is an emergency ordinance;
- The ordinance relates to procurement; or
- The proposed ordinance is enacted to implement the following:
  - Part II of Chapter 163, Florida Statutes, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements, and development permits;
  - Sections 190.005 and 190.046, Florida Statutes, regarding community development districts;
  - Section 553.73, Florida Statutes, relating to the Florida Building Code; or
  - Section 633.202, Florida Statutes, relating to the Florida Fire Prevention Code.

**Business Impact Estimate:**

**The City hereby publishes the following information:**

- 1. A summary of the proposed ordinance (must include a statement of the public purpose, such as serving the public health, safety, morals and welfare):**

The proposed Ordinance amends the City Code to adopt the 2024 International Property Maintenance Code, as modified therein, which adopts property maintenance standards for all property located in the City of South Daytona, including residential, commercial, and industrial land. The City previously adopted the 2021 International Property Maintenance Code.

- 2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the municipality, including the following, if any:**

- (a) An estimate of direct compliance costs that businesses may reasonably incur if the ordinance is enacted:**

No additional costs will be incurred.

The ordinance updates the property maintenance standards in South Daytona from the previously-adopted 2021 International Property Maintenance Code (IPMC) to the 2024 International Property Maintenance Code, recommended by the International Code Council to best protect the public health, safety and welfare. The International Property Maintenance Code addresses topics such as maintenance of exterior surfaces (e.g., roofs, walls, soffits, windows); swimming pools; weed growth; and sidewalks in a clean, safe, and sanitary condition and in a proper state of repair. Only businesses maintaining their property as nuisances will be directly affected by potential code enforcement liens

or nuisance abatement liens, as determined by the City's Special Master or a court of law. If a property maintenance violation exists, direct compliance costs will vary depending on the scope of the nuisance and the repair and restoration work necessary to correct the violation to restore the property into a clean, safe, and sanitary condition as required by the IPMC. Therefore, direct compliance costs cannot be generally determined at this time. However, overall, businesses in South Daytona will benefit from enforcement of uniform property maintenance standards that will protect the public health, safety, welfare, and aesthetics of the surrounding community.

**(b) Identification of any new charge or fee on businesses subject to the proposed ordinance, or for which businesses will be financially responsible:**

None.

**(c) An estimate of the municipality's regulatory costs, including an estimate of revenues from any new charges or fees that will be imposed on businesses to cover such costs:**

The City of South Daytona will continue to utilize its Code Compliance Officers, Building Official and Fire Marshal to enforce the property maintenance standards and issue notices of violation or notices to abate nuisances, as applicable. No new regulatory costs are anticipated. No new charges or fees are anticipated to business owners.

**3. A good faith estimate of the number of businesses likely to be impacted by the ordinance:**

All businesses within the City of South Daytona will be impacted.

**4. Additional information the governing body determines may be useful (if any):**

None

**Note:** *The City's provision of information in the Business Impact Estimate section above, notwithstanding an applicable exemption, shall not constitute a waiver of the exemption or an admission that a business impact estimate is required by law for the proposed ordinance. The City's failure to check one or more exemptions below shall not constitute a waiver of the omitted exemption or an admission that the omitted exemption does not apply to the proposed ordinance under Sec. 166.041(4), Fla. Stat., Sec. 166.0411, Fla. Stat., or any other relevant provision of law.*