

ORDINANCE NO. 17-225

AN ORDINANCE AMENDING THE LAND DEVELOPMENT CODE; AMENDING SECTION 2.11.B.2 AS IT RELATES TO UNSAFE OR DILAPIDATED STRUCTURES; AMENDING SECTION 9.2.B., *LOCAL AMENDMENTS TO INTERNATIONAL PROPERTY MAINTENANCE CODE*; REPEALING ALL ORDINANCES AND RESOLUTIONS OR PARTS OF ORDINANCES AND RESOLUTIONS IN CONFLICT HEREWITH; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Chapter 22, Article II, City Code, sets forth requirements relating to the removal of unsafe and/or dilapidated structures situated within the City; and

WHEREAS, amendments have been proposed to the Land Development Code to incorporate International Property Maintenance Code provisions, with local amendments, relating to condemnation of unsafe or dilapidated structures situated within the City, and to delete by separate Ordinance the provision of Chapter 22, Article II, of the City Code; and

WHEREAS, local amendments to the International Property Maintenance Code are necessary to require that a minimum reasonable notice period is given to owners, and other interested parties as required by law, prior to certain condemnation procedures; and to create a lien against property for the City's costs to abate unsafe and dangerous conditions pursuant to the International Property Maintenance Code; and

WHEREAS, the Planning Board has reviewed the proposed amendments to the Land Development Code and recommends approval.

NOW, THEREFORE, BE IT ENACTED BY THE PEOPLE OF THE CITY OF DAYTONA BEACH, FLORIDA:

SECTION 1. Section 2.11.B.2., of the Land Development Code ("LDC"), is hereby amended to read as follows (deletions indicated by ~~strikeout~~; additions indicated by underline):

B. Powers and Duties. The Board of Building Codes, Fire Prevention Code, and Life Safety Code:

* * * (Section B.1. is omitted and remains unchanged)

2. *Decide Appeals.* To review and decide applications for an Appeal from:
 - a. City staff decisions directly related to administration of the provisions of the construction Codes (Florida Building Code and International Property Maintenance Code) adopted by reference and amended in Article 9: Construction Codes; and,
 - b. ~~City staff's denial of an application for a building permit to repair a structure condemned as unsafe or dilapidated in accordance with Chapter 22, Buildings and Building Regulations, Article II, Unsafe or Dilapidated Structures, of the Code of Ordinances.~~

SECTION 2. Section 9.2.B., of the LDC, *Local Amendments to International Property Maintenance Code*, is hereby amended to read as follows (deletions indicated by ~~strikeout~~; additions indicated by underline):

B. Local Amendments to International Property Maintenance Code.

1. City staff shall administer the International Property Maintenance Code and all codes incorporated therein. All references in the International Property Maintenance Code to the "code official" shall be deemed to refer to City staff except that for purposes of sections 108 through 111 of the International Property Maintenance Code, the "code official" shall be the City's building official or designee.
2. All expenses incurred by the city in abating building conditions in accordance with sections 108, 109, or 110 of the International Property Maintenance Code shall constitute a lien against the property until paid, including statutory interest. The city may recover such expenses by any means authorized by law or equity. "Expenses" shall include, but not be limited to, costs incurred in ascertaining ownership, architectural or engineer consultation, mailing or delivery of notices, costs for closing, repair, or demolition of structures, and recording fees.
23. All references in the International Property Maintenance Code to the "appeals board" shall be deemed to refer to the City's Board of Building Codes, and the composition of the Board of Building Codes as required by City ordinance shall be deemed to satisfy the board compositional requirements otherwise provided in the International Property Maintenance Code.

34. Section 106.4 of the International Property Maintenance Code is hereby amended to read as follows:

106.4 Violations. Violations of this code shall be subject to enforcement via any of the methods set forth in the Land Development Code.

~~Section 108 of the International Property Maintenance Code is hereby deleted. Unsafe or dilapidated structures may be abated as provided in Chapter 22 (Buildings and Building Regulations), Article 2 (Unsafe or Dilapidated Structures) of the Code of Ordinances. In addition, the failure to correct conditions causing a structure to be deemed unsafe shall be a violation of this Code.~~

5. Section 107.2 of the International Property Maintenance Code is hereby amended to read as follows:

107.2 Form. Such notice prescribed in Section 107.1 shall be in accordance with all of the following:

- a. Be in writing.
- b. Include a description of the real estate sufficient for identification.
- c. Include a statement of the violation or violations and why the notice is being issued.
- d. Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the dwelling unit or structure into compliance with the provisions of this code. For a correction order given pursuant to section 110, the time to be given to make the repairs and improvements required to bring the structure and/or equipment into compliance with this code shall, at a minimum, be 20 days from the date of service of the notice.
- e. Inform the property owner or owner's authorized agent of the right to appeal.
- f. Include a statement of the City's right to file a lien in accordance with Section 106.3 of this code or the City's Land Development Code.

6. Section 108.3 of the International Property Maintenance Code is hereby amended to read as follows:

108.3 Notice. Whenever the code official has condemned a structure or equipment under the provisions of this section, notice shall be posted in a conspicuous place in or about the structure affected by such notice; and if the structure is a multi-tenant building, at such locations on the property as are reasonably necessary to provide tenants notice. If the notice pertains to equipment, it shall be placed on the condemned equipment. Such notice shall also be served on the owner, owner's authorized agent or the person or persons responsible for the structure or equipment; and where required by law, on mortgagees of record, lienholders, and lawful tenants. The notice shall be served in accordance with Section 107.3. The notice shall be in the form prescribed in Section 107.2.

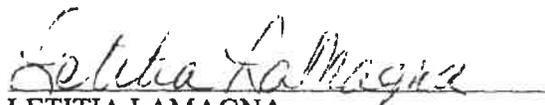
SECTION 3. A Public Hearing at 6:00 p.m., Wednesday, July 19, 2017, in Commission Chambers, City Hall, 301 South Ridgewood Avenue, Daytona Beach, Florida, after notice published, is deemed to comply with the requirements of the LDC and §166.041, Florida Statutes.

SECTION 4. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 5. This Ordinance shall become effective immediately upon its adoption.


DERRICK L. HENRY
Mayor

ATTEST:


LETITIA LAMAGNA
City Clerk

Passed: July 5, 2017
Adopted: July 19, 2017