

RESOLUTION 07-2012

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, REPEALING RESOLUTION 02-2007 RELATING TO FIRE SAFETY INSPECTION FEES; PROVIDING FOR REPEAL OF RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council of Malabar adopted the most current edition of the Florida Fire Prevention Code as provided for in the Florida State Statute 633.0215 in order to establish building and structural regulations relating to fire prevention; and

WHEREAS, The Town Council has determined that the fees established in Resolution 02-2007 for fire safety inspections for local businesses shall be repealed; and

WHEREAS, the Town Council will continue to use the fees established in Resolution 11-2004 for plan review to cover the Town's cost in administering provisions of the code to comply with the Florida Fire Prevention Code, the Florida Building Code and Florida State Statute in requiring new construction inspections of commercial premises located within the Town of Malabar for the purpose of ensuring public health, safety and welfare of the citizens of the Town of Malabar; and,

NOW, THEREFORE BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, as follows:

SECTION 1. FEES. The Town of Malabar does hereby repeal the fees set out in Resolution 02-2007.

SECTION 2. NEW CONSTRUCTION SITE PLAN REVIEW AND INSPECTION FEES. The Town of Malabar shall perform site plan review and site improvement inspections, as required by law, on multi-family residential project sites with greater than three units proposed and all commercial projects sites. Proposed site plans are reviewed for access, fire fighting water, urban/rural interface, and property setbacks for fire safety. Subdivisions also require a similar review and site inspection to insure water requirements are met. Change of Use refers to an occupancy classification change within an existing building and fees shall be as set forth in Resolution 11-2004.

SECTION 3. CONFLICTS. All resolutions or parts thereof in conflict herewith are hereby repealed to the extent of such conflict with this resolution.

SECTION 4. SEVERABILITY. In the event a court of competent jurisdiction shall hold or determine that any part of this resolution is invalid or unconstitutional, the remainder of the resolution shall not be affected and it shall be presumed that the Town Council of the Town of Malabar did not intend to enact such invalid or unconstitutional provision. It shall further be assumed that the Town Council would have enacted the remainder of this resolution without said invalid or unconstitutional provision, thereby causing said remainder to remain in full force and effect.


SECTION 5. EFFECTIVE DATE. This Resolution shall become effective immediately upon its adoption.

The foregoing resolution was moved for adoption by Council Member Acquaviva. The motion was seconded by Council Member Beatty and, upon being put to a vote, the vote was as follows:

Council Member Carl Beatty	Aye
Council Member David White	Excused
Council Member Steven (Steve) Rivet	Aye
Council Member Jeffrey (Jeff) McKnight	Aye
Council Member Marisa Acquaviva	Aye


This Resolution was then declared to be duly passed and adopted this 19th day of March, 2012.

TOWN OF MALABAR


By: 

Mayor Thomas M. Eschenberg, Chair

ATTEST:


Debby K. Franklin, CMC
Town Clerk/Treasurer
(seal)

Approved as to form and content:


Karl W. Bohne, Jr., Town Attorney