

ORDINANCE NO. 2009-21

AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA; AMENDING ARTICLE VIII OF THE MALABAR LAND DEVELOPMENT CODE; AMENDING SECTION 1-8.14.G. REQUIRING MITERED ENDWALLS IN RESIDENTIAL INSTALLATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING AN EFFECTIVE DATE.

WHEREAS, In order to improve the drainage structures maintenance process and increase conformity with the requirements of the NPDES permit the Town Council desires to provide minimum requirements for endwalls when culvert pipes are newly installed or replaced.

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

Section 1. Section 1-8.14.G of Article VIII of the Land Development Code of the Town is hereby amended in full to read as follows:

“G. Proposed type of endwall treatment. All endwalls for pipe culverts where the pipe diameter is less than 30 inches located in residential areas and located on lanes and/or minor and major collector roadways shall be mitered and comply with the 2008 FDOT Design Standards Index 273 and turnouts per 2008 FDOT Index 515.

Section 2. Severability. In the event a court of competent jurisdiction shall hold or determine that any part of the this ordinance is invalid or unconstitutional, the remainder of the is Ordinance shall not be effected and it shall be presumed that the Town Council, Town of Malabar did not intend to enact such invalid or unconstitutional revision. It shall further be assumed that the Town Council would have enacted the remainder of this Ordinance without said invalid and unconstitutional revision, thereby causing said remainder to remain in full force and effect.

Section 3. Conflict. All ordinances or resolutions or part of ordinances or resolutions in conflict herewith are hereby repealed.

Section 4. This Ordinance shall become effective immediately upon its adoption.

The foregoing Ordinance was moved for adoption by Council member Rivet. The motion was seconded by Council member Dezman and, upon being put to a vote, the vote was as follows:

Council Member Nancy Borton	<u>Aye</u>
Council Member Brian Vail	<u>Aye</u>
Council Member Steve Rivet	<u>Aye</u>
Council Member Jeffrey (Jeff) McKnight	<u>Aye</u>
Council Member Patricia (Pat) Dezman	<u>Aye</u>

Passed and adopted by the Town Council, Town of Malabar, Brevard County, Florida this 4th day of May, 2009.

BY:

TOWN OF MALABAR

Thomas Eschenberg
Mayor Thomas M. Eschenberg, Chair

First Reading: 04/06/09
Second Reading: 05/04/09

ATTEST:

Debby K. Franklin
Debby K. Franklin
Town Clerk/Treasurer

APPROVED as to form and content:

Karl Bohne
Karl W. Bohne, Jr.
Town Attorney