

ORDINANCE 2019-09

AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, AMENDING CHAPTER 11, SECTIONS 11-8 (a) OF THE CODE OF ORDINANCES OF THE TOWN; PROVIDING FOR THE MAINTENANCE OF PROPERTY; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION; PROVIDING AN EFFECTIVE DATE.

NOW THEREFORE BE IT ORDAINED, by the Town Council of the Town of Malabar, Brevard County, Florida, that:

SECTION 1. Section 11-8 (a) of Chapter 11 of the Code of Ordinances of the Town, is hereby amended in full as follows:

“Sec. 11-8. Residential requirements.

(a) Maintenance of ~~private~~ property. All owners and/or tenants, agents, lessors, lessees or occupants of property within the town shall maintain their property in a clean and litter free condition, including sidewalks, grass strips, and contiguous alleys, curbs and public or private right-of-ways abutting their property to the edge of pavement of a paved road or to the edge of the road surface for an unpaved road, including easements.”

SECTION 2. Conflicting Provisions. In the case of a direct conflict between any provision of this ordinance and a portion or provision of any other appropriate federal, state or county law, rule code or regulation, the more restrictive shall apply.

SECTION 3. Severability. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared severable.

SECTION 4. Inclusion in Code. It is the intention of the Town Council of Malabar that the provisions of this ordinance shall become and be made a part of the Town Code, and that the sections of this ordinance may be renumbered or relettered and that the word “ordinance” may be changed to “section”, “article”, or such other appropriate word or phrase in order to accomplish such intentions.

SECTION 5. Effective Date. This ordinance shall take effect upon adoption.

SECTION 6. The foregoing Ordinance was moved for adoption by Council Member Vail. The motion was seconded by Council Member Korn and, upon being put to a vote, the vote was as follows:

Council Member Grant Ball	<u>Aye</u>
Council Member Brian Vail	<u>Aye</u>
Council Member Steve Rivet	<u>Excused</u>

Council Member Dick Korn

Aye

Council Member Danny White

Aye

Passed and adopted by the Town Council, Town of Malabar, Brevard County, Florida this 5th day of August, 2019.

TOWN OF MALABAR

By: original signed
Mayor Patrick T. Reilly, Council Chair

ATTEST:

Debby K. Franklin, CMC
Town Clerk/Treasurer

(seal)

Approved as to form and content:

Karl W. Bohne, Jr.
Town Attorney

First Reading: 7/15/19 – 3 Ayes; 2 Nays (CM Rivet, CM Ball)
2nd Reading: 8/5/19