ORDINANCE NO. 2020-15

AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, RELATING TO BUILDING CODES; AMENDING CHAPTER 6, SECTION 6-1 OF THE CODE OF ORDINANCES OF THE TOWN; PROVIDING FOR ADOPTION OF CERTAIN MODEL BUILDING AND CONSTRUCTION CODES; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, it is the desire of the Town Council to adopt in all respects the various building and construction codes identified herein to provide for the health, safety and general welfare of the public; and

WHEREAS, the adoption of these codes is to facilitate proper inspection activities relating to construction and maintenance of buildings within the Town; and

WHEREAS, the existing codes and ordinances governing such activities are outdated; and

WHEREAS, such regulation and administration are in the best interest of the public.

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

SECTION 1. Sections 6-1 of Chapter 6 of the Malabar Code of Ordinances is hereby amended as follows and all other codes refered in Chapter 6 remain in force unless found to be in conflict with Florida Statute 553:

"Section 6-1. Codes and amendments adopted

<u>As of December 31, 2020</u>, the Florida Building Code supersedes all local building codes which are developed and maintained by the Florida Building Commission. It is updated every three years and may be amended annually to incorporate interpretative and clarifications. The <u>2020 7th Edition</u>, Florida Building Code, Building, and the following volumes:

- The 2020 7th Edition, FBC, Residential
- The 2020 7th Edition, FBC, Accessibility
- The 2020 7th Edition, FBC, Energy Conservation
- The 2020 7th Edition, FBC, Florida Existing Building Code
- The 2020 7th Edition, FBC, Plumbing
- The 2020 7th Edition, FBC, Mechanical
- The 2020 7th Edition, FBC, Fuel Gas
- The 2020 7th Edition, FBC, Test Protocols for High Velocity Hurricane Zones

Additionally, the following:

- The Florida Fire Prevention Code, 2018 7th Edition, Chapter 9
- The National Electric Code (2018 Edition) N.F.P.A. 70*
- Dictionary of Architecture and Construction, 4th Edition"

SECTION 2. Codification.

It is the intention of the Town Council of the Town of Malabar, Brevard County, that the provisions of Section 1 of this Ordinance become part of the Code of Ordinances of the Town of Malabar. The Town Clerk is hereby authorized and directed to cause the provisions of Section 1 of this ordinance to be incorporated into the Code of Ordinances.

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SECTION 3. Severability.

In the event a court of competent jurisdiction shall hold or determine that any part of this ordinance is invalid or unconstitutional, the remainder of this ordinance 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 ordinance without said invalid or unconstitutional provision, thereby causing said remainder to remain in full force and effect.

SECTION 4. Conflicts.

All ordinances or parts thereof in conflict herewith are hereby repealed to the extent of such conflict with this Ordinance.

SECTION 5. Effective Date.

This Ordinance shall become effective immediately upon its adoption.

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The foregoing Ordinance was moved. The motion was seconded by Council Memorate, the vote was as follows:		
Council Member Marisa Acquaviva Council Member Brian Vail Council Member Steve Rivet Council Member David Scardino Council Member Danny White	Aye Aye Aye Aye Aye	
PASSED AND ADOPTED by the Town Could 4th day of January, 2021	ncil, Town of Malabar	, Brevard County, Florida this
	BY: TOWN OF MALABAR	
	original signal	
First Reading Approved: 12/21/2020: Vote:4 Second Reading: 01/04/2021	4 to 0	
ATTEST: By Debby K. Franklin, C.M.C. Town Clerk/Treasurer		
(Seal)		
Approved as to form and content:		
Karl W. Bohne, Jr., Town Attorney		