

**ORDINANCE NO. 2022-02**

**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 CONSTRUCTION CODES DEALING WITH ABATEMENT OF DANGEROUS BUILDINGS AS PROVIDED IN THE FLORIDA BUILDING CODE 1997 EDITION; 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 Town Council adopted the most recent Codes approved by the Florida Legislature in 2021 but failed to include codes dealing with unsafe structures as previously provided in Ordinance 2018-01; and

**WHEREAS**, the existing codes as adopted in Ordinance 2020-15 are still current and applicable to new construction, remodels and demolition and are in the best interest of the public; and

**WHEREAS**, codification of the codes dealing with unsafe, dangerous structures and the abatement process as stated in this ordinance are also 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 referenced in Chapter 6 shall remain in force unless found to be in conflict with Florida Statute 553:

**"Section 6-1. Codes and amendments adopted**

As of December 31, 2020, 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 2020 7<sup>th</sup> Edition, Florida Building Code, Building, and the following volumes are adopted:

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

Additionally, the following are adopted:

- The Florida Fire Prevention Code, 2018 7<sup>th</sup> Edition, Chapter 9
- The National Electric Code (2018 Edition) N.F.P.A. 70\*
- Dictionary of Architecture and Construction, 4<sup>th</sup> Edition"
- Uniform Code for Abatement of Dangerous Buildings, 1997 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.

**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.

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

- Council Member Marisa Acquaviva
- Council Member Brian Vail
- Council Member Steve Rivet
- Council Member David Scardino
- Council Member Mary Hofmeister

Excused  
Aye  
Aye  
Aye  
Aye

**PASSED AND ADOPTED** by the Town Council, Town of Malabar, Brevard County, Florida this 21st day of March 2021.

BY:

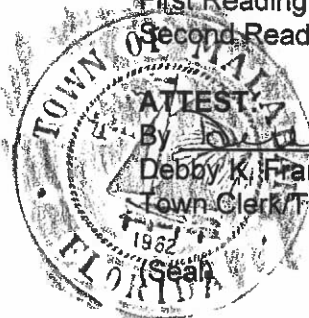
**TOWN OF MALABAR**

Patrick T. Reilly

Mayor Patrick T. Reilly / Council Chair

First Reading Approved: 03/07/2022: Vote: 5 to 0

Second Reading: 03/21/2022



ATTEST:

By Debbie K. Franklin  
Debbie K. Franklin, C.M.C.  
Town Clerk/Treasurer

Approved as to form and content:

Karl W. Bohne, Jr.  
Karl W. Bohne, Jr., Town Attorney