

ORDINANCE NO. 2022-08

AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, ESTABLISHING A TEMPORARY MORATORIUM ON THE SUBMITTAL, PROCESSING, AND APPROVAL OF PETITIONS REQUESTING ACCEPTED DIRT ROADS TO BE PAVED THROUGH SPECIAL ASSESSMENTS APPROVED BY COUNCIL PURSUANT TO ARTICLE II OF CHAPTER 13, SECTION 13-52 (2); PROVIDING FOR FINDINGS, INTENT AND THE DURATION OF THE MORATORIUM; PROVIDING FOR AN EXTENSION PERIOD; PROVIDING FOR CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, in 2017 the Town Council adopted a process to allow property owners on an improved and accepted dirt lane to request paving of their road using a Special Assessment process and adopted its first Special Assessment for paving of Smith Lane; and

WHEREAS, in 2020 the Town Council has further adopted an ordinance to share in the cost of a portion of the paving as a method to encourage property owners on improved and accepted dirt lanes to Petition to have their road paved; and

WHEREAS, due to current economic turn-down affecting the Country, State and the Town as well as other factors, including the costs associated with the paving of roads within the Town, the Town Council desires to establish a temporary moratorium until a funding source for such paving is secured.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED, by the Town Council of the Town of Malabar, Florida, as follows:

Section 1. Legislative Findings.

That the above recitals are true and correct and are incorporated herein by reference.

Section 2. Intent and Purpose.

The intent and purpose of this Ordinance is to provide the Town of Malabar with the opportunity to review the financial impact of the cost-share policy adopted in Ordinance 2020-06 and investigate funding sources to permit it to proceed with the implementation of the cost-share requirement in Section 13-52 (2) of Article II, of Chapter 13.

Section 3. Moratorium Imposed.

The Town Council hereby prohibits the submission, processing and approval of any further petitions from property owners requesting road paving under the Special Assessment process as provided for in Section 13-52 (2) of Article II, of Chapter 13. Nothing herein shall affect the ability of the Town to impose any special assessments as authorized by Chapter 170 of the Florida Statutes or the provisions of Section 13-52 (1) of the Town Code. This moratorium is designed to only apply to the processes provided for in Section 13-52 (2) of the Town Code.

Section 4. Duration of Moratorium.

The moratorium imposed by this ordinance shall be effective October 1, 2022 through September 30, 2023, unless rescinded sooner. Prior to the expiration of the moratorium, the Town may extend the moratorium for additional periods of time.

Section 5. Ordinance to Be Liberally Construed.

This ordinance shall be liberally construed to carry out its purposes, which are deemed to be in the best interest of the public health, safety, and welfare of the citizens and residents of the Town of Malabar.

Section 6. Severability.

Should any section, phrase, sentence, provision, or portion of this Ordinance be declared by any court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole, or any part thereof, other than the part so declared to be unconstitutional or invalid.

Section 7. Effective Date

This Ordinance shall take effect October 1, 2022.

Section 8. Adoption.

The foregoing Ordinance was moved for adoption by Council Member Scardino. The motion was seconded by Council Member Vail 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 Dave Scardino
Council Member Mary Hofmeister

NAY
Aye
Aye
Aye
Aye

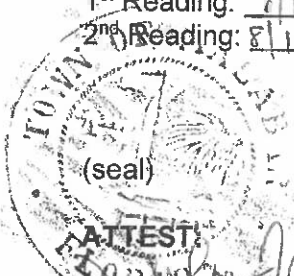
Passed and adopted by the Town Council, Town of Malabar, Brevard County, Florida this 15th day of Aug, 2022.

1st Reading: 8/11/2022

2nd Reading: 8/15/2022

By: TOWN OF MALABAR

Patrick T. Reilly
Mayor Patrick T. Reilly,
Council Chair



ATTEST:

Debby K. Franklin
Debby K. Franklin, C.M.C., Town Clerk/Treasurer

Approved for Legal Sufficiency:

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