

ORDINANCE NO. 2024-01

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WHEREAS, the existing codes and ordinances governing such activities are outdated; and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 referenced in Chapter 6 remain in force unless found to be in conflict with Florida Statute 553:

“Section 6-1. Codes and amendments adopted

As of December 31, 2023, 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 2023 8th Edition, Florida Building Code, Building, and the following volumes:

- The 2023 8th Edition, FBC, Residential
- The 2023 8th Edition, FBC, Accessibility
- The 2023 8th Edition, FBC, Energy Conservation
- The 2023 8th Edition, FBC, Florida Existing Building Code
- The 2023 8th Edition, FBC, Plumbing
- The 2023 8th Edition, FBC, Mechanical
- The 2023 8th Edition, FBC, Fuel Gas
- The 2023 8th Edition, FBC, Test Protocols for High Velocity Hurricane Zones

Additionally, the following:

- The Florida Fire Prevention Code, 2023 8th Edition, Chapter 9
- The National Electric Code (2020 Edition) N.F.P.A. 70*
- Dictionary of Architecture and Construction, 4th Edition

The following Codes are also adopted:

- The Standard Amusement Device Code, 1985 Edition.
- International Property Maintenance Code, 2024 edition as published by the International Code Council.
- The Uniform Code for Abatement of Dangerous Buildings, 1997 Edition.
- Life Safety Code NFPA 101, 2024 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 Scardino. 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 Jim Clevenger
- Council Member David Scardino
- Council Member Mary Hofmeister

Aye
Excused
Aye
Aye
Aye

PASSED AND ADOPTED by the Town Council, Town of Malabar, Brevard County, Florida this 1st day of April, 2024

BY:
TOWN OF MALABAR

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

First Reading Approved: 03/04/2024: Vote: 3 to 0
Second Reading: 04/01/2024

ATTEST:

By Richard W. Kohler

Richard W. Kohler
Town Clerk

Approved as to form and content:

Karl W. Bohn, Jr.
Karl W. Bohn, Jr., Town Attorney



PROOF OF PUBLICATION

Richard W. Kohler
Town Of Malabar
2725 Malabar Rd
Malabar FL 32950-4427

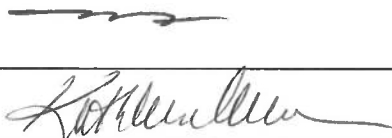
STATE OF WISCONSIN, COUNTY OF BROWN

Before the undersigned authority personally appeared, who on oath says that he or she is the Legal Advertising Representative of the Florida Today, a daily newspaper published in Brevard County, Florida; that the attached copy of advertisement, being a Legal Ad in the matter of Public Notices, was published on the publicly accessible website of Brevard County, Florida, or in a newspaper by print in the issues of, on:

03/14/2024

Affiant further says that the website or newspaper complies with all legal requirements for publication in chapter 50, Florida Statutes.

Subscribed and sworn to before me, by the legal clerk, who is personally known to me, on 03/14/2024



Legal Clerk

Notary, State of WI, County of Brown

1-7-25

My commission expires

Publication Cost: \$93.08
Order No: 9929729 # of Copies:
Customer No: 1127265 1
PO #:

THIS IS NOT AN INVOICE!

Please do not use this form for payment remittance.

KATHLEEN ALLEN
Notary Public
State of Wisconsin

Ad#9929729 3/14/2024
TOWN OF MALABAR NOTICE OF
PUBLIC HEARING

The Malabar Town Council, Brevard County, Florida will convene in the Town Hall, 2725 Malabar Road, Malabar, Florida on Monday, April 1, 2024, at 7:30pm, or as soon thereafter as the matter can be heard, for a public hearing on the following topic:

ORDINANCE 2024-01
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.

Copies of the Code pertaining to this are available in the Clerk's office for review, 2725 Malabar Road, Malabar, Florida, during regular business hours. All interested parties may email comments to townclerk@townofmalabar.org or mail comments to 2725 Malabar Road, Malabar, FL 32950 or appear and be heard at this meeting of the Town Council with respect to these topics. Persons with disabilities needing assistance to participate in any of these proceedings should contact the Clerk's Office, ADA Coordinator, 48 hours in advance of the meeting at 321-727-7764. Richard Kohler, Town Clerk.