

ORDINANCE NO. 2008-10

AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA; AMENDING CHAPTER 8 FIRE PREVENTION AND PROTECTION; AMENDING ARTICLE IV FIRE DEPARTMENT; AMENDING SECTION 8-93 RELATING TO THE DUTIES OF THE FIRE CHIEF; PROVIDING FOR REPEAL, SEVERABILITY AND INCORPORATION INTO THE CODE OF ORDINANCES; PROVIDING FOR AN EFFECTIVE DATE.

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

SECTION 1. Section 8-93 of Article IV of Chapter 8 of the Code of Ordinances of the Town is hereby amended in full to read as follows:

“Sec. 8-93. Fire Chief; duties and authorities.

The fire chief shall:

- (1) Formulate written regulations, policies and procedures to govern the fire department and be responsible to the town administrator, for the personnel, equipment, budget, administration, morale, general efficiency, and effectiveness of the department.
- (2) Assist the proper authorities in suppressing the crime of arson by investigating or causing to be investigated the cause, origin and circumstances of all fires.
- (3) Maintain complete records of all fires, inspections, apparatus and minor equipment, personnel, and other information pertaining to the department.
- (4) Report to the town administrator the condition of the apparatus and equipment, the number of fires during the month, the number and purpose of other runs made, the number of members responding to each fire or other run, and any changes in membership. Notify the fire marshal and the building inspector of the location, cause, date and loss occasioned by fire.
- (5) Conduct or cause to be conducted at least twice per month, suitable drills or instruction in the operation and handling of equipment, first aid and rescue work, salvage, fire prevention, water supplies, and all other matters generally considered essential to good firemanship and safety of life and protection of property from fire.”

SECTION 2 REPEAL. All ordinances or parts of ordinances or resolutions in conflict herewith are hereby repealed and all ordinances or parts of ordinances or resolutions not in conflict herewith are hereby continue in full force and affect.

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. CODIFICATION. It is the intention of the Town Council of the Town of Malabar, Brevard County, Florida, and it is hereby provided that the provisions of this ordinance shall become and made part of the Code of Ordinances of the Town of Malabar.

SECTION 5. EFFECTIVE DATE. The ordinance shall take effect immediately upon its adoption.

The foregoing Ordinance was moved for adoption by council member Vail. The motion was seconded by Council member Borton and, upon being put to a vote, the vote was as follows:

Council Member Nancy Borton	<u>Aye</u>
Council Member Brian Vail	<u>Aye</u>
Council Member Charles (Chuck) McClelland	<u>Aye</u>
Council Member Jeffrey (Jeff) McKnight	<u>Aye</u>
Council Member Patricia (Pat) Dezman	<u>Excused</u>

PASSED AND ADOPTED by the Town Council, Town of Malabar, Brevard County, Florida this 06 day of October, 2008.

BY: Town of Malabar

Thomas Eschenberg
Mayor Thomas M. Eschenberg

First Reading 09/08/08
Second Reading 10/06/08

ATTEST:
(seal)

By Debby Franklin
Debby K. Franklin
Town Clerk/Treasurer

Approved as to form and
legal sufficiency by:

Karl Bohne
Karl W. Bohne, Jr.
Town Attorney