

ORDINANCE NO. 2012-53

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WHEREAS, the existing codes and ordinances governing such activities are outdated; and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 in full to read as follows:

“Section 6-1. Codes and amendments adopted

As of March 1, 2012, 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 Code is composed of seven main volumes:

- (1) The 2010 Florida Building Code, Building, which includes
 - A) Chapter 13 Energy Conservation
 - B) Chapter 11 Accessibility
- (2) The 2010 Florida Building Code, Residential
 - (3) 2010 Florida Existing Building Code
 - (4) 2010 Florida Building Code, Plumbing
 - (5) 2010 Florida Building Code, Mechanical
 - (6) 2010 Florida Building Code, Fuel Gas
 - (7) 2010 Test Protocols for High Velocity Hurricane Zones

All codes that are specifically referenced by any of the above are hereby adopted by reference. These would include, but are not limited to:

- (1) The Florida Fire Prevention Code, 2010 Edition, Chapter 9
- (2) The National Electric Code (2008 Edition) N.F.P.A. 70
- (3) National Electric Code for 1 and 2 Family Residences, N.F.P.A. 70A

The following Codes are also adopted:

- (1) The Standard Amusement Device Code, 1985 Edition
- (2) International Property Maintenance Code, 2006 edition as published by the International Code Council
- (3) The 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.

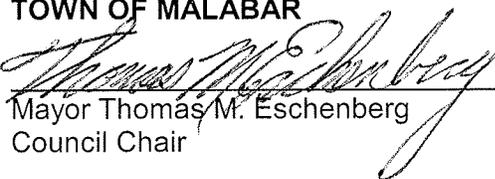
This Ordinance shall become effective immediately upon its adoption.

The foregoing Ordinance was moved for adoption by Councilmember Beatty. The motion was seconded by Councilmember Acquaviva and, upon being put to a vote, the vote was as follows:

- Council Member Carl Beatty
- Council Member David White
- Council Member Steve Rivet
- Council Member Jeffrey (Jeff) McKnight
- Council Member Marisa Acquaviva

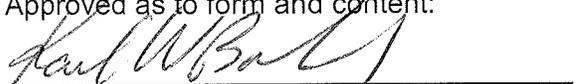
Aye
 Excused
 Excused
 Aye
 Aye

PASSED AND ADOPTED by the Town Council, Town of Malabar, Brevard County, Florida this 16 day of April, 2012

BY:
TOWN OF MALABAR

 Mayor Thomas M. Eschenberg
 Council Chair

First Reading: 3/19/2012
 Second Reading: 4/16/12

ATTEST:
 By 
 Debby K. Franklin, C.M.C.
 Town Clerk/Treasurer
 (Seal)

Approved as to form and content:

 Karl W. Bohne, Jr., Town Attorney