

TOWN OF MALABAR

COUNCIL MEETING

AGENDA ITEM NO: 10.a.
Meeting Date: December 21, 2020

Prepared By: Lisa Morrell, Interim Town Manager

SUBJECT: Adopt Building Codes per 2020 Florida Building Commission (Ord 2020-15)

BACKGROUND/HISTORY:

The Florida Building Commission updates the various codes per F.S. 553 and become the latest revision for municipal building departments to comply with in reviewing, processing, and inspecting building permit applications every 3 years.

The Town of Malabar adopts the Florida Building Codes and any other applicable codes within The Town of Malabar's Code of Ordinances, Part II, Chapter 6, entitled Buildings and Building Regulations.

The ordinance includes the adoption of the updated Florida Building Code, Fire and Electrical Codes, and a Dictionary of Architecture and Construction per the Building Official.

The 2020 7th Edition, Florida Building Code, Building and the following volumes:

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

Additionally, the following:

- The Florida Fire Prevention Code, 2018 7th Edition, Chapter 9
- The National Electric Code (2018 Edition) N.F.P.A. 70* (* with Florida Amendments)
- Dictionary of Architecture and Construction, 4 Edition

All other Codes referenced in Chapter 6 remain in force.

FINANCIAL IMPACT:

Typical legal cost to advertise the public hearing before final adoption and then operational codification costs as adopted ordinances are included in the Land Development Code.

ATTACHMENTS:

Ord 2020-15

ACTION OPTIONS:

Approval of First Reading of Ord 2020-15

ORDINANCE NO. 2020-15

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, 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 7th Edition**, Florida Building Code, Building, and the following volumes:

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

Additionally, the following:

- The Florida Fire Prevention Code, **2018 7th Edition**, Chapter 9
- The National Electric Code (**2018 Edition**) N.F.P.A. 70*
- **Dictionary of Architecture and Construction, 4th 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 _____.
The motion was seconded by Council Member _____ 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 Danny White	_____

PASSED AND ADOPTED by the Town Council, Town of Malabar, Brevard County, Florida this _____ day of _____, 2020

BY:
TOWN OF MALABAR

Mayor Patrick T. Reilly, Council Chair

First Reading Approved: 12/21/2020: Vote: __ to __
Second Reading: 01/04/2021

ATTEST:
By _____
Debby K. Franklin, C.M.C.
Town Clerk/Treasurer

(Seal)

Approved as to form and content:

Karl W. Bohne, Jr., Town Attorney