

ORDINANCE 2023-104

AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES, TITLE IX, GENERAL REGULATIONS, CHAPTER 96, FLORIDA BUILDING CODE, SUBCHAPTER 'BUILDING CODE', BY UPDATING REFERENCES TO THE FLORIDA BUILDING CODE; PROVIDING FOR THE REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING FOR INCLUSION IN THE CITY OF PALM BAY CODE OF ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, as follows:

SECTION 1. The City of Palm Bay Code of Ordinances, Title IX, General Regulations, Chapter 96, Florida Building Code, Subchapter 'Building Code', Section 96.01, Adopted, is hereby amended and shall henceforth read as follows:

"Section 96.01 ADOPTED.

(A) >>2023<< Florida Building Code 7th >>, 8th, << Edition or as amended - Building mandated by the State of Florida, and exclusive of Chapter 1 - Administration, is hereby recognized as the Building Code for the city.

(1) The city's administrative amendments to the >>2023<< Florida Building Code - Building, Chapter 1, Administration, are hereby adopted, and by reference, incorporated herein >>and provided<< as Exhibit A 04-20-23, and made a part of this section as if fully set forth herein. >>A copy of the 2023 Florida Building Code shall be available for reference thru the City Clerk's Office.<<

(B) >>2023<< Florida Building Code 7th >>, 8th, << Edition or as amended - Residential mandated by the State of Florida is hereby recognized as the Residential Building Code for the city.

(C) >>2023<< Florida Building Code 7th >>, 8th, << Edition or as amended - Plumbing mandated by the State of Florida is hereby recognized as the Plumbing Code for the city.

(D) >>2023<< Florida Building Code 7th >>, 8th, << Edition or as amended - Mechanical mandated by the State of Florida is hereby recognized as the Mechanical Code for the city.

(E) >>2023<< Florida Building Code 7th >>, 8th, << Edition or as amended
- Fuel Gas mandated by the State of Florida is hereby recognized as the Fuel Gas Code for the city.

(F) >>2023<< Florida Building Code 7th >>, 8th, << Edition or as amended
- Existing Building mandated by the State of Florida is hereby recognized as the Existing Building Code for the city.

(G) >>2023<< Florida Building Code 7th >>, 8th, << Edition or as amended
- Accessibility mandated by the State of Florida is hereby recognized as the Accessibility Code for the city.

(H) >>2023<< Florida Building Code 7th >>, 8th, << Edition or as amended
- Energy Conservation mandated by the State of Florida is hereby recognized as the Energy Conservation Code for the city.

(I) 2017 >>2020<< or as amended National Electrical Code - Electrical mandated by the State of Florida >>, and exclusive of Article 210.52, << is hereby recognized as the Electrical Code for the City.

>>(1) Article 210.52 of the 2023 National Electrical Code is hereby adopted and, by reference, incorporated herein and provided as Exhibit B. A copy of Article 210.52 shall be available for reference thru the City Clerk's Office.<<

* * *

SECTION 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed and all ordinances or parts of ordinances not in conflict herewith are hereby continued in full force and effect.

SECTION 3. It is the intention of the City Council of the City of Palm Bay that the provisions of this Ordinance shall be made a part of the City of Palm Bay Code of Ordinances and the sections may be renumbered to accomplish such intention.

SECTION 4. If any portion, clause, phrase, sentence or classification of this ordinance is held or declared to be either unconstitutional, invalid, inapplicable, inoperative or void, then such declaration shall not be construed to affect other portions of the ordinance; it is hereby declared to be the express opinion of the City Council of the

City of Palm Bay that any such unconstitutional, invalid, inapplicable, inoperative or void portion or portions of this ordinance did not induce its passage, and that without the inclusion of any such portion or portions of this ordinance, the City Council would have enacted the valid constitutional portions thereof.

SECTION 5. The provisions within this ordinance shall take effect December 31, 2023.

Read in title only at Meeting 2023-30, held on December 7, 2023; and read in title only and duly enacted at Meeting 2023-33, held on December 21, 2023.



Terese M. Jones, CITY CLERK

Reviewed by CAO:

Rob Medina, MAYOR

Strikethrough words shall be deleted; highlighted words that will included will be placed in between two arrow symbols (>> <<). Deletions and additions constitute the proposed amendment. Words remaining are now in effect and remain unchanged.

leg



Florida
GANNETT

PO Box 631244 Cincinnati, OH 45263-1244

PROOF OF PUBLICATION

CITY OF PALM BAY
attn: Accounts Payable
City Of Palm Bay
120 Malabar Rd Se
Palm Bay FL 32907-3009

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:

12/11/2023

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 12/11/2023

Legal Clerk

Notary, State of WI, County of Brown

My commission expires

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Ad9594810 12/11/2023
CITY OF PALM BAY, FLORIDA
NOTICE OF PUBLIC HEARING
Notice is hereby given that the City Council of the City of Palm Bay, Florida, will hold a public hearing for the purpose of enacting Ordinances 2023-103, 2023-104, and 2023-105 at City Hall, 120 Malabar Road, SE, Palm Bay, on December 21, 2023, at 6:00 P.M., listed as shown:
ORDINANCE 2023-103
AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES, TITLE V, LEGISLATIVE CHAPTER 50, BOARDS, SUBCHAPTER "PALM BAY INFRASTRUCTURE ADVISORY AND OVERSIGHT BOARD", BY MODIFYING THE SUNSET DATE AND REINSTATING THE BOARD; PROVIDING FOR THE REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING FOR INCLUSION IN THE CITY OF PALM BAY CODE OF ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.
ORDINANCE 2023-104
AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES, TITLE IX, GENERAL REGULATIONS, CHAPTER 9A, FLORIDA BUILDING CODE, SUBCHAPTER "BUILDING CODE"; BY UPDATING REFERENCES TO THE FLORIDA BUILDING CODE; PROVIDING FOR THE REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING FOR INCLUSION IN THE CITY OF PALM BAY CODE OF ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.
ORDINANCE 2023-105
AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, VACATING AND ABANDONING A PORTION OF THE REAR TEN (10) FOOT PUBLIC UTILITY AND DRAINAGE EASEMENT, LOCATED WITHIN LOT 15, BLOCK 2124, PORT MALABAR UNIT 42, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 21, PAGE 114, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, AND LEGALLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE.

Interested parties may appear at the meeting and be heard with respect to the proposed ordinance(s). The ordinance draft(s) may be inspected by the public from 9:30 A.M. to 5:00 P.M., weekdays, in the Office of the City Clerk, City Hall, 120 Malabar Road, SE, Palm Bay, Florida.
If an individual decides to appeal any decision made by the City Council with respect to any matter considered at this meeting, a record of the proceedings will be required and the individual will need to ensure that a verbatim transcript of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based (Section 218.015, Florida Statutes). Such person must provide a method for recording the proceedings verbatim.
Terese M. Jones, CMC
City Clerk

RECEIVED

DEC 12 2023

City of Palm Bay
Planning Division