

ORDINANCE NO. 2016-25

AN ORDINANCE ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, AMENDING CHAPTER 4, ENTITLED “BUILDINGS AND BUILDING REGULATIONS”, OF THE CITY OF GREENACRES CODE TO INCLUDE THE “2016 REVISED AMENDMENTS TO CHAPTER ONE OF THE FLORIDA BUILDING CODE 5TH EDITION” AND THEREIN REVISE THE MEMBERSHIP OF THE BUILDING BOARD OF ADJUSTMENT AND APPEALS, PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS; Chapter 553, Florida Statutes, established a uniform building code known as the “Florida Building Code” to be in effect for all jurisdictions within the state of Florida; and

WHEREAS; Chapter 553 Florida Statutes authorizes local jurisdictions to make administrative amendments to the Florida Building Code; and

WHEREAS; the City of Greenacres has amended the Florida Building Code through the adoption of the Greenacres “Amendments to Chapter One of the Florida Building Code”; and

WHEREAS; the Greenacres Amendments to Chapter One of the Florida Building Code established a Building Board of Adjustments and Appeals for the timely appeal of decisions of the Building Official; and

WHEREAS; Section 1.10 of the Greenacres Amendments to the Florida Fire Prevention Code utilizes the previously established Building Board of Adjustments and Appeals for the timely appeal of decisions of the Fire Marshal for matters concerning the Florida Fire Prevention Code; and

WHEREAS; the Florida legislature recently passed HB 535 revising Section 553.73 F.S. to require a Building Board of Appeals to have one of its members be from

the fire prevention and protection industry if it is to be utilized for appeals from the Fire Code ; and

WHEREAS; the City Council of the City of Greenacres desires to amend its Code in order to be in accord with the provisions of HB535 and Section 553.73 F.S., as amended.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF GREENACRES, FLORIDA, AS FOLLOWS:

Section 1. That Section 4-2, entitled “Florida Building Code” is hereby amended by deleting and adding the following provisions:

* * * * *

Sec. 4-2. - Florida Building Code.

(a) The city hereby adopts by reference the Florida Building Code as mandated by Chapter 553, Florida Statutes Including the Florida Building Code 5th Edition, Plumbing Appendix F.

(b) The city hereby adopts by reference the 2016 Revised Greenacres Amendments to Chapter One of the Florida Building Code 5th Edition as recommended by the Palm Beach County Building Code Advisory Board, and as conformed to the city's operational standards, which are on file in the city clerk's office.

* * * * *

Section 2. Repeal of Conflicting Ordinances

All ordinances or parts thereof or parts of the Code conflicting or inconsistent with the provisions of this ordinance are hereby repealed.

Section 3. Severability

If any section, part of a section, paragraph, sentence, clause, phrase or word of this Ordinance is for any reason held or declared to be unconstitutional, inoperative or void, such holdings of invalidity shall not affect the remaining portion of this Ordinance and it shall be construed to have been the legislative intent to pass the Ordinance without such unconstitutional, invalid or inoperative part therein, and the remainder of this Ordinance after the exclusion of such part or parts shall be deemed to be held valid as if such part or parts had not been included therein, or if this Ordinance or any of the provisions thereof shall be held inapplicable to any person, group of persons, property, kind of property, circumstances, or set of circumstances, such holdings shall not affect the applicability thereof to any other person, property or circumstances.

Section 4. Inclusion in Code

It is the intention of the City Council, entered as hereby ordained, that the provisions of this Ordinance shall become and be made a part of the Code of Laws and Ordinances of the City of Greenacres, Florida; that the Section(s) of this Ordinance may be renumbered or re-lettered to accomplish such intention, and that the word “ordinance” may be changed to “Section”, “Article” or another word.

Section 5. Effective Date

The provisions of this Ordinance shall become effective 5 days after adoption.

Passed on the first reading this 20th day of June, 2016.

PASSED AND ADOPTED on the second reading this ___ day of ___, 2016.

Voted

Samuel J. Ferreri
Mayor

()
Jonathan G. Pearce
Deputy Mayor

Attest:

Denise McGrew
City Clerk

()
Lisa Rivera
Councilwoman, District I

()
Peter Noble
Councilman, District II

()
Judith Dugo
Councilwoman, District III

()
Paula Bousquet
Councilwoman, District V

Approved as to Form and Legal Sufficiency:

James D. Stokes
City Attorney