

ORDINANCE NO. 03-2005

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 7, ARTICLE II, SECTIONS 7-16, 7-18, 7-18.1, OF THE TOWN CODE REPEALING THE STANDARD BUILDING, GAS, MECHANICAL AND PLUMBING CODE, 1994 EDITIONS AND THE NATIONAL ELECTRIC CODE, 1993 EDITION, AND ALL AMENDMENTS THERETO, AND ADOPTING THE FLORIDA BUILDING CODE AND ALL AMENDMENTS THERETO, TO IMPLEMENT CHAPTER 553, FLORIDA STATUTES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Lake Park, Florida ("Town") is a duly constituted municipality having such power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, the Town of Lake Park Commission has the authority to and has adopted building codes to cover all types of construction, erection, alteration, repair or demolition of any building for which it has construction regulation responsibility; and

WHEREAS, pursuant to Ordinance Nos. 12-1991, 27-1993, and 3-1996, the Town Commission enacted provisions, which were codified into the Town Code at Chapter 7, Article II, Sections 7-16, 7-18 and 7-18.1, by adopting by reference the Standard Building Gas, Mechanical, and Plumbing Code, 1994 Editions as promulgated by the Southern Building Code Congress International and the National Electric Code, 1993 edition as promulgated by the National Fire Protection Association, and all amendments thereto, as the minimum construction standards for the Town; and

WHEREAS, subsequent to the enactment of these Ordinances by the Town, the Florida Legislature amended Chapter 553, Florida Statutes, and created the "Florida Building Codes Act", to provide for the uniform adoption, updating, amendment,

interpretation and enforcement of a single, unified state building code, known as the "Florida Building Code", which consists of a single set of documents that apply to the design, construction, erection, alteration, modification, repair or demolition of public or private buildings, structure or facilities in the State of Florida; and

WHEREAS, the "Florida Building Codes Act" was intended to provide for the consistent application and enforcement of a uniform building code thereby providing effective, economical and reasonable protection of the public's health, safety and general welfare; and

WHEREAS, the Florida Building Commission has adopted administrative provision requirements, rules and regulations in the implementation of the Florida Building Code; and

WHEREAS, the Town desires to eliminate any confusion as to which building Code provisions are to be followed in the Town.

NOW, THEREFORE, be it ordained by the Town Commission of the Town of Lake Park, Florida that:

Section 1. The whereas clauses are hereby incorporated as true and correct as the findings of fact and conclusions of law of the Town Commission.

Section 2. The Town Commission hereby amends Chapter 7, Article II, Section 7-16 of the Town Code as follows:

Sec. 7-16. Standard Codes adopted.

There is adopted by reference as fully and to the same extent as if set out at length herein the ~~Standard Building, Gas, Mechanical and Plumbing Codes, 1994 editions, as~~

~~promulgated by the Southern Building Code Congress International, and the National Electric Code, 1993 edition, as promulgated by the National Fire Protection Association, The Florida Building Code, as amended from time to time, as the minimum construction standards for the town; one (1) copy of each which is now and has been for the ten (10) days next preceding the adoption of this section on file in the office of the building official.~~

Section 3. The Town Commission hereby amends Chapter 7, Article II, Section 7-18 of the Town Code as follows:

Sec. 7-18. Amendments adopted.

There is hereby adopted by reference as fully and to the same extent as if set out at length herein, the amendments to the ~~Standard Building, Gas, Mechanical and Plumbing Codes, 1994 editions, and the amendments to the National Electric Code, 1993 edition~~ all of which have been reviewed by the building code advisory board of Palm Beach County, Florida Building Code, as amended from time to time, as part of the minimum construction standards for the town; one (1) copy of each which is now and has been for the ten (10) days next preceding the adoption of this section on file in the office of the building official; provided however, that the Lake Park Construction Codes, Administrative Code and the Lake Park Code shall govern the administration and enforcement of the minimum construction standard adopted pursuant to this chapter.

Section 4. The Town Commission hereby repeals Chapter 7, Article II, Section 7-18.1 of the Town Code as follows:

~~Sec. 7-18.1 Administrative Code adopted.~~

There is hereby adopted by reference as fully and to the same extent as if set out at length herein the amendments to the Lake Park Construction Codes Administrative Codes; one (1) copy of each which is now and has been for the ten (10) days next preceding the adoption of this section on file in the office of the town clerk. The Lake Park Construction Codes Administrative Codes together with the Lake Park Code, shall govern the administrative and enforcement of the minimum construction standards for the town.

Section 5. Severability.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 6. Codification. The Sections of the Ordinance may be renumbered or relettered to accomplish such, and the word "Ordinance" may be changed to "section", "article", or any other appropriate word.

Section 7. Effective Date. This Ordinance shall take effect immediately upon adoption by the Town Commission.

Upon First Reading this 6 day of July, 2005, the foregoing ORDINANCE was offered by Commissioner Daly who moved its approval. The motion was seconded by Commissioner Carey, and being put to a vote, the result was as follows:

	X	AYE	NAY
MAYOR PAUL CASTRO	<u>X</u>		_____
VICE MAYOR PAUL GARRETSON	<u>X</u>		_____
COMMISSIONER G. CHUCK BALIUS	Absent		_____
COMMISSIONER ED DALY	<u>X</u>		_____
COMMISSIONER JEFF CAREY	<u>X</u>		_____

Upon Second Reading this 20 day of July 20 05 the foregoing ORDINANCE was offered by Commissioner Carey who moved its adoption. The motion was seconded by Commissioner Balius, and being put to a vote, the result was as follows:

	X	AYE	NAY
MAYOR PAUL CASTRO	<u>X</u>		_____
VICE MAYOR PAUL GARRETSON	<u>X</u>		_____
COMMISSIONER G. CHUCK BALIUS	<u>X</u>		_____
COMMISSIONER ED DALY	<u>X</u>		_____
COMMISSIONER JEFF CAREY	<u>X</u>		_____

The Mayor thereupon declared Ordinance No. 03-2005 duly passed and adopted this 20 day of July, 2005.

TOWN OF LAKE PARK, FLORIDA

BY: *Paul Castro*
Mayor Paul Castro

ATTEST:
Stephanie Thomas
Stephanie Thomas
Town Clerk

Approved as to form and legal sufficiency:
Thomas J. Baird
Thomas J. Baird, Town Attorney

