

**ORDINANCE 09-02**

**AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AMENDING ARTICLE II OF CHAPTER 6 OF THE VILLAGE CODE REGARDING THE BUILDING CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, the Florida Legislature amended Section 553.73, Florida Statutes, to require the adoption of a new uniform building code every three years; and

**WHEREAS**, the 2007 Edition of the Florida Building Code takes effect March 1, 2009; and

**WHEREAS**, the Florida Fire Prevention Code is also amended from time to time, most recently on December 31, 2008; and

**WHEREAS**, the Village Council finds it in the public interest to amend the Village Code to provide that future editions of the Florida Building Code and the Florida Fire Prevention Code be automatically adopted by reference.

**NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AS FOLLOWS:**

**Section 1. Recitals.** The above recitals are true and correct and incorporated by this reference.

**Section 2. Amendment to Code:** Chapter 6 of the Village Code is hereby amended to read as follows:

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**Sec. 6-31. Adoption of applicable codes.**

(a) *Florida Building Code adopted.* The ~~2004 Edition of the~~ current edition of the Florida Building Code, as ~~adopted and amended by the Florida Building Commission~~ from time to time, is hereby adopted as the village's building code as if fully set forth herein. ~~retroactive to October 1, 2005, as provided by F.S. § 553.73.~~

(b) *Florida Fire Prevention Code adopted.* The 2004 current edition of the Florida Fire Prevention Code as amended from time to time, is adopted as the fire safety code for the village as if fully set forth herein. ~~effective retroactively to January 1, 2005.~~

(c) *Repeal of conflicting laws.* All special laws in conflict with this article are hereby repealed to the extent of such conflict.

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**Sec. 6-61. Work requiring building permit.**

(a) ~~In addition to the p~~Permits are required by as provided in the Florida Building Code, a building permit shall also be required and for the following work:

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(b) In addition to the exemptions provided for in the Florida Building Code, a building permit shall not be required for the following type of work:

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(2) Any roofing work measuring one roofing square (100 square feet) or ~~under~~ less.

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**Section 3. Severability.** The provisions of this Ordinance are declared to be severable, if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

**Section 4. Inclusion in the Code.** It is the intention of the Village Council and it is hereby ordained that the provisions of this Ordinance shall become and made a part of the code of Islamorada, Village of Islands, Florida, that the sections of the Ordinance may be renumbered or relettered to accomplish to accomplish such intentions, and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

**Section 5. Repeal of Conflicting Provisions.** The provisions of the Village Code and all ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

**Section 6. Effective Date.** This Ordinance shall be effective upon adoption on the second reading.

The foregoing Ordinance was offered by Vice Mayor Achenberg, who moved for its adoption of first reading. This motion was seconded by Councilman Reckwerdt, and upon being put to a vote, the vote was as follows:

Mayor Cathi Hill	YES
Vice Mayor Don Achenberg	YES
Councilman Dave Boerner	YES
Councilwoman Jill Zima Borski	YES
Councilman Michael Reckwerdt	YES

PASSED on First Reading this 26<sup>th</sup> day of February, 2009.

The foregoing Ordinance was offered by Councilman Reckwerdt, who moved for its adoption. This motion was seconded by Vice Mayor Achenberg, and upon being put to a vote, the vote was as follows:

Mayor Cathi Hill	YES
Vice Mayor Don Achenberg	YES
Councilman Dave Boerner	YES
Councilwoman Jill Zima Borski	YES
Councilman Michael Reckwerdt	YES

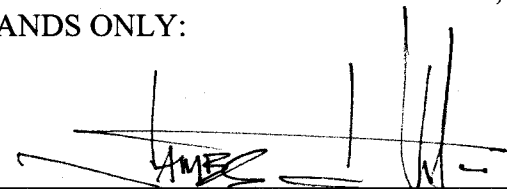
PASSED AND ADOPTED on second reading this 12<sup>th</sup> day of March, 2009.

  
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CATHI HILL, MAYOR

ATTEST:

  
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VILLAGE CLERK

APPROVED AS TO FORM AND LEGALITY FOR THE  
USE AND BENEFIT OF ISLAMORADA, VILLAGE OF  
ISLANDS ONLY:

  
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VILLAGE ATTORNEY