

ORDINANCE NO. 18-041

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, **AMENDING CHAPTER 5, ARTICLE I** OF THE CODE OF ORDINANCES ENTITLED "**BUILDING CODE**"; AMENDING SECTION 5-1.140.2.1, TO PROVIDE ADDITIONAL RULES FOR CONSTRUCTION BOARD OF ADJUSTMENT AND APPEALS MEMBERSHIP; AMENDING SECTION 5-1.140.2.2, PROVIDING FOR BOARD TERMS; AMENDING SECTION 5-1.140.2.3 PROVIDING BOARD QUORUM REQUIREMENTS; AMENDING SECTION 5-1.140.2.4 PROVIDING BOARD SECRETARY DUTIES; AMENDING SECTION 5-1.140.2.5, TO PROVIDE CONDUCT OF BOARD MEMBER REQUIREMENTS; AMENDING SECTION 5-1.140.6.1, PROVIDING BOARD RULE MAKING AUTHORITY; PROVIDING FOR A SEVERABILITY CLAUSE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Florida State Statute §553 provides, in part, authority of municipal enforcement and interpretation the Florida Building Code; and

WHEREAS, The International Property Maintenance Code, Chapter 1 provides for scope and administration of the code;

WHEREAS, Florida State Statutes §286 and §289 provide, in part, municipal requirements for compliance with Florida's open meetings laws and sunshine law; and

WHEREAS, Chapter 5, Article I, of the Code of Ordinances, provides for the regulation of the Florida Building Code; which shall be amended from time to time to ensure compliance with State Statutes and to provide exceptional service to the public.

NOW, THEREFORE, BE IT ORDAINED by City Commission of the City of Fort Pierce, Florida:

SECTION 1. Chapter 5, Article I, Sec 5-1.140.2.1, of the Code of Ordinances, is hereby amended to read as follows:

Sec. 5-1.140.2.1 Membership. The Construction Board of Adjustment and Appeals should be composed of two (2) division I contractors, one electrical contractor, one mechanical contractor, one plumbing contractor, one architect, one engineer and two (2) members of the general public whenever possible. A board member shall not act in a case in which he has a personal or financial interest. The general public members shall be residents of the city who are not, and have never been an employee of or a practitioner of the construction industry or any closely related profession.

SECTION 2. Chapter 5, Article I, Sec 5-1.140.2.2, of the Code of Ordinances, is hereby amended to read as follows:

Sec. 5-1.140.2.2. Terms. The terms of office of the board members shall be staggered so no more than 1/3 of the board is appointed or replaced in any twelve (12) month period. Vacancies shall be filled for an un-expired term in the manner in which original appointments are required to be made. Continued absence of any member from required meetings of the board shall, at the discretion of the applicable governing body, render any such member subject to immediate removal from office. After having served four (4) consecutive terms, a member shall not be eligible for reappointment to the board for a period of two (2) years.

SECTION 3. Chapter 5, Article I, Sec 5-1.140.2.3, of the Code of Ordinances, is hereby amended to read as follows:

Sec. 5-1.140.2.3 Quorum and Voting. ~~A simple majority~~ Six members of the board shall constitute a quorum. In varying any provision of this code, the affirmative votes of the majority present, ~~but not less than three affirmative votes,~~ shall be required. In modifying a decision of the building official, not less than four affirmative votes, ~~but not less than a majority of the board,~~ shall be required.

SECTION 4. Chapter 5, Article I, Sec 5-1.140.2.4, of the Code of Ordinances, is hereby amended to read as follows:

Sec. 5-1.140.2.4 Secretary of Board. ~~A person shall be appointed by the local jurisdiction to act~~ The director of building and community response, or his designee, shall serve as the secretary of the board, and shall make a detailed record of all of its proceedings, which shall set forth the reasons for its decision, the vote of each member, the absence of a member and any failure of a member to vote.

SECTION 5. Chapter 5, Article I, Sec 5-1.140.2.5, of the Code of Ordinances, is hereby established to read as follows:

Sec. 5-1.140.2.5 Conduct of Board Members. Any board member found guilty or responsible for committing a violation related to the construction industry by any city, county or state shall submit the order determining such violation or guilt to the City Clerk within seven (7) days of the date of the order.

Any applicant seeking board appointment previously found guilty or responsible for committing a violation related to the construction industry by any city, county or state shall submit the order determining such violation or guilt to the City Clerk therein with their application for appointment.

SECTION 6. Chapter 5, Article I, Sec 5-1.140.6.1, of the Code of Ordinances, is hereby established to read as follows:

Sec. 5-1.140.6.1 Rules and Regulations. ~~The board shall establish rules and regulations for its own procedure not inconsistent with the provisions of this code. The board shall have the authority to make such by-laws, and procedural rules necessary to the orderly conduct of its meetings. Any such rule must be consistent with the Charter and ordinances of the city, and both state and federal law.~~ The board shall meet on call of the chairman. The board shall meet within thirty (30) calendar days after notice of appeal has been received.

SECTION 7. The provisions of this Ordinance are declared to be severable and 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 shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION 8. All ordinances or parts of ordinances in conflict herewith are and the same shall be repealed and shall be of no further course or effect whatsoever.

SECTION 9. This ordinance is and the same shall become effective immediately upon final passage hereof.

APPROVED AS TO FORM
AND CORRECTNESS:

Ben Bryan, Jr.
Interim City Attorney

**STATE OF FLORIDA
COUNTY OF ST. LUCIE**

WE, THE UNDERSIGNED, Mayor Commissioner and the City Clerk of the City of Fort Pierce, Florida, do hereby certify that the foregoing and above Ordinance No. 18-041 was duly advertised by title only in the St. Lucie News Tribune on November 9, 2018; copy of said Ordinance was made available at the office of the City Clerk to the public upon request; said Ordinance was duly introduced, read by title only, and passed on first reading by the City Commission of the City of Fort Pierce, Florida, on November 19, 2018; and was duly introduced, read by title only, and passed on second and final reading on Monday, December 3, 2018, by the City Commission of the City of Fort Pierce, Florida.

IN WITNESS HEREWITH, we hereunto set our hands and affix the Official Seal of the City of Fort Pierce, Florida, this 3rd day of December, 2018.

ATTEST

Linda Hudson
MAYOR COMMISSIONER

Linda W. Cox
CITY CLERK

(CITY SEAL)