

ORDINANCE NO. 2001- 020

AN ORDINANCE OF INDIAN RIVER COUNTY, FLORIDA AMENDING SECTION 103.03.3. OF THE INDIAN RIVER COUNTY CODE TO CHANGE THE COMPOSITION OF THE INDIAN RIVER COUNTY BUILDING CODE BOARD OF ADJUSTMENT AND APPEALS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, in Section 103.03, Indian River County Code, the Board of County Commission by ordinance has established certain regulatory commissions and boards including the Board of Zoning Adjustment and the Building Code Board of Adjustment and Appeals; and

WHEREAS, the ordinance as presently structured requires one member of the Building Code Board of Adjustment and Appeals to be a representative of the Board of Zoning Adjustment; and

WHEREAS, such a requirement may violate the prohibition against dual office holding set out in Article II, Section 5 of the Florida Constitution,

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF INDIAN RIVER COUNTY, FLORIDA, that:

SECTION 1. AMENDMENT.

Section 103.03.3. of the Indian River County Code is hereby amended to read as follows:

3. *Building code board of adjustment and appeals.* There is hereby created the building code board of adjustment and appeals. The board shall consist of (7) members. The membership of the board shall to the extent practicable, consist of at least one architect, one engineer, one general contractor, ~~and four~~ (4) three (3) members with experience in the building industry, and one (1) lay person. ~~One member of the board shall be a representative of the board of the zoning adjustments.~~

SECTION 2. CODIFICATION.

It is the intention of the Board of County Commissioners that the provisions of this ordinance shall become and be made a part of the Indian River County Code and the word "ordinance" may be changed to "section," "article," or other appropriate word or phrase and the sections of this Ordinance may be renumbered or relettered to accomplish such intention; providing, however, that Sections 2, 3, and 4 shall not be codified.

SECTION 3. SEVERABILITY.

If any section, or any sentence, paragraph, phrase, or word of this ordinance is for any reason held to be unconstitutional, inoperative, or void, such holding shall not affect the remaining portions 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.

SECTION 4. EFFECTIVE DATE

This ordinance shall take effect upon filing with the Florida Secretary of State.

This ordinance was advertised in the Vero Beach Press-Journal on the 29th day of June, 2001, for a public hearing to be held on the 17th day of July, 2001, at which time it was moved for adoption by Commissioner Macht, seconded by Commissioner Tippin, and adopted by the following vote:

Chairman Caroline D. Ginn	<u>Aye</u>
Vice Chairman Ruth M. Stanbridge	<u>Absent</u>
Commissioner Fran B. Adams	<u>Aye</u>
Commissioner Kenneth R. Macht	<u>Aye</u>
Commissioner John W. Tippin	<u>Aye</u>

The Chairman thereupon declared the ordinance duly passed and adopted this 17th day of July, 2001.

BOARD OF COUNTY COMMISSION
INDIAN RIVER COUNTY, FLORIDA

By: Caroline D. Ginn
Caroline D. Ginn, Chairman

ATTEST: Jeffrey K. Barton, Clerk

By: Patricia Jones
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

BY William G. Collins II
WILLIAM G. COLLINS II
DEPUTY COUNTY ATTORNEY

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ACKNOWLEDGMENT by the Department of State of the State of Florida, this 24
day of July, 2001.