

ORDINANCE 2003-040

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF INDIAN RIVER COUNTY, FLORIDA, REPEALING INDIAN RIVER COUNTY CODE SECTION 103.03.3 "BUILDING CODE BOARD OF ADJUSTMENT AND APPEALS"; AND AMENDING CODE SECTIONS 400.07 AND 400.08 TO CHANGE THE NAME OF THE BUILDING CODE BOARD OF ADJUSTMENT AND APPEALS TO THE CONSTRUCTION BOARD OF ADJUSTMENT AND APPEALS

WHEREAS, Ordinances 91-12, and 2001-020 established and amended the Indian River County Building Code Board of Adjustments and Appeals; and

WHEREAS, the Legislature of the State of Florida has adopted a statewide unified building code that supercedes and replaces all local building codes, and

WHEREAS, Section 110 of the Florida Building Code authorizes the applicable local governing body to appoint members to a Construction Board of Adjustment and Appeals and further sets forth the duties, powers, membership and procedures of the Construction Board of Adjustment and Appeals; and

WHEREAS, the duties and obligations of the Building Code Board of Adjustments and Appeals will be performed by the Construction Board of Adjustment and Appeals; and

WHEREAS, as a result of the adoption of the Florida Building Code and accompanying changes to Florida Statutes, it has become necessary to repeal Section 103.03.3 of the Code of Indian River County and amend Chapter 400 of the County Code to eliminate references to the "Building Code Board of Adjustments and Appeals" and replace them with the "Construction Board of Adjustment and Appeals" so that the Code of Indian River County is consistent with the Florida Building Code;

NOW THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Indian River County, that section 103.03.3 of the Indian River Code "Building Code Board of Adjustments and Appeals" is hereby repealed in its entirety.

BE IT FURTHER ORDAINED by the Board of County Commissioners of Indian River County, that sections 400.07 and 400.08 of the Indian River Code are hereby amended to eliminate references to the "Building Code Board of Adjustments and Appeals" and change them to refer to the "Construction Board

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of Adjustment and Appeals" as indicated in Exhibit A, attached hereto and incorporated by reference herein.

This ordinance was advertised in the Press Journal on the 25th day of November, 2003, for a public hearing on 9th day of December, 2003, at which time it was moved for adoption by Commissioner Adams, and seconded by Commissioner Ginn, and adopted by the following vote:

Chairman Kenneth R. Macht	<u>Aye</u>
Vice Chairman Caroline D. Ginn	<u>Aye</u>
Commissioner Fran B. Adams	<u>Aye</u>
Commissioner Arthur R. Neuberger	<u>Aye</u>
Commissioner Thomas S. Lowther	<u>Aye</u>

The Chairman thereupon declared the ordinance duly passed and adopted this 9th day of December, 2003.

Attest: J. K. Barton, Clerk
By *Teresia M. Reddy*
Deputy Clerk

INDIAN RIVER COUNTY, FLORIDA
by its Board of County Commissioners
By *Kenneth R. Macht*
Kenneth R. Macht, Chairman

Approved as to form and Legal
Sufficiency
William K. DeBraal
William K. DeBraal
Assistant County Attorney

BCC Approved: December 9, 2003

Effective date: This ordinance was filed with the Department of State on _____ day of _____, 2003 and became effective that date.