

Coding: Words in boldface type are deletions from existing ordinance; words underscored are additions.

ORDINANCE NO. 172

AN ORDINANCE OF THE TOWN OF SEWALL'S POINT, FLORIDA, AMENDING CHAPTER 2, ARTICLE 4 COMMISSIONS, BOARDS AND COMMITTEES, DIVISION 2, CODE ENFORCEMENT BOARD, SECTION 2-102 PROVIDING FOR REGULATION OF LOCAL CONSTRUCTION BY THE CODE ENFORCEMENT BOARD; REPEALING ORDINANCES AND RESOLUTIONS IN CONFLICT THEREWITH; PROVIDING FOR SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

WHEREAS, pursuant to Florida Statutes Chapter 489, the Town of Sewall's Point has the authority to create and appoint a Local Construction Regulation Board; and

WHEREAS, the Local Construction Regulation Board is a Board of no fewer than three residents who are appointed to maintain the proper standards of construction in the municipality; and

WHEREAS, the Town Commission of the Town of Sewall's Point, Florida, wishes to create a Local Construction Regulation Board and to incorporate said Local Construction Regulation Board into the currently existing Code Enforcement Board authorized and existing under Article 4, Division 2, of the Code of Ordinances of the Town of Sewall's Point; and

WHEREAS, the Town Commission of the Town of Sewall's Point, Florida, has determined that the following ordinance is necessary and proper to preserve and promote the public health, safety and welfare;

NOW, THEREFORE, be it enacted by the people of the Town of Sewall's Point, Florida, that:

1. Section 2-102, Creation, appointment and organization, of Chapter 2, Article 4, of the Sewall's Point Code of Ordinances is hereby amended to add a new subsection (g) as follows:

(g) The enforcement board shall also act as the local construction regulation board of the Town for the purpose of maintaining the proper standard of construction in the Town.

2. Section 2-105, Powers of the enforcement board, is hereby amended to add a new subsection (f) to read as follows:

(f) Issue orders denying the issuance of building permits to any contractor who, through the public hearing process, has been found by the enforcement board to be guilty of fraud or a willful building code violation within the Town. Notification of and information concerning such denial shall be submitted to the Department of Professional Regulation of the State of Florida within fifteen (15) days after the public hearing if such contractor is a state certificate holder.

SEPARATION.

If any section, sentence, clause, phrase or word of this Ordinance is for any reason held or declared to be unconstitutional, inoperative or void, such holding or invalidity shall not affect the remaining portions of this ordinance, and it shall be construed to have been the intent of the Board to adopt this Ordinance without such unconstitutional, invalid, or inoperative part therein, and the remainder of this Ordinance after the exclusion of such part or parts, shall be deemed to be held and be valid as if such part or parts had not been included herein. If this Ordinance or any provision thereof shall be held to be inapplicable to any person, groups of persons, property, kind of property, circumstances or set of circumstances, such holding shall not affect its applicability to any other person, property or circumstances.

REPEAL

Town Ordinances and Town Resolutions, or parts thereof, in conflict with this Ordinance are hereby abolished and repealed to the extent of such conflict.

INCORPORATION IN TOWN CODE

Provisions of this Ordinance shall be incorporated in the Town Code and the words "Ordinance" may be changed to "Section," "Article," or other appropriate word, and the

sections of this Ordinance may be renumbered or relettered to accomplish such intention.

EFFECTIVE DATE

This Ordinance shall become effective immediately upon the date of its passage according to law.

Adopted on first reading at a duly called meeting of the Town Commission of the Town of Sewall's Point, Florida, held on the 12th day of August, 1987.

Passed on second reading at a duly called meeting of the Town Commission of the Town of Sewall's Point, Florida, held on the 2d day of September, 1987.

ATTEST:

Joan Barrow
JOAN BARROW, Town Clerk

John C. Guenther
JOHN C. GUENTHER, Mayor-
Commissioner

Approved as to form and
correctness:
M. Lanning Fox
M. LANNING FOX, Town Attorney

Gilbert C. Strubell
GILBERT C. STRUBELL, Vice-Mayor
Commissioner

Robert R. Aune
ROBERT R. AUNE, Commissioner

Russell A. MacDonnell
RUSSELL A. MACDONNELL, Commissioner

Irene E. O'Brien
IRENE E. O'BRIEN, Commissioner