

ORDINANCE 2025-17

AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, AMENDING SECTIONS 14-30, 14-31 AND 14-32 OF ARTICLE II. - TECHNICAL CODES AND STANDARDS OF CHAPTER 14 OF THE CITY OF MADEIRA BEACH CODE OF ORDINANCES TO REMOVE REFERENCES TO OUTDATED TECHNICAL CODES AND STANDARDS; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, City staff has reviewed the provisions of Article II. - Technical Codes and Standards in Chapter 14 of the Madeira Beach Code of Ordinances and recommends removing references to outdated technical codes and standards in Sections 14-30, 14-31 and 14-32; and

WHEREAS, City Staff is required to enforce the most current technical codes and standards; and

WHEREAS, the recommendations of the City staff have been found meritorious by the Board of Commissioners; and

WHEREAS, the Board of Commissioners has received input from the public at two public hearings.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF MADEIRA BEACH, FLORIDA, AS FOLLOWS:

Section 1. That Sections 14-30, 14-31 and 14-32 of Article II. - Technical Codes and Standards of Chapter 14 of the City of Madeira Beach Code of Ordinances shall be amended to read as follows:

Sec. 14-30. Administration of the Florida Building Code.

- (a) *Scope.* The city hereby adopts and incorporates by reference herein the Florida Building Code promulgated by the Florida Building Commission pursuant to Chapter 553, Part IV, Florida Statutes, as amended from time to time as well as Chapter 1 (Scope and Administration) ~~of the 2017 Florida Building Code (6th Edition)~~ of the Florida Building Code as may be amended from time to time. The provisions of this section shall govern the administration and enforcement of the Florida Building Code within the municipal limits of the city.
- (b) *Title.* The provisions of the following sections shall constitute and be known and be cited as the Florida Building Code, hereinafter known as "FBC."
- (c) *FBC remedial.*
- (1) *General.* The FBC is hereby declared to be remedial and shall be construed to secure the beneficial interests and purposes thereof, which are public safety, health and general welfare through structural strength, stability, sanitation, adequate light and ventilation, and safety to life and property from fire and other hazards attributed to the built environment including alteration, repair, removal, demolition, use and occupancy of buildings, structures or premises, and by regulating the installation and maintenance of all electrical, gas, mechanical and plumbing systems, which may be referred to as service systems.
- (2) *Quality control.* Quality control of materials and workmanship is not within the purview of the FBC except as it relates to the purposes stated herein.

- (3) *Permitting and inspection.* The inspection or permitting of any building, system or plan by the city under the requirements of the FBC shall not be construed in any court as a warranty of the physical condition of such building, system or plan or their adequacy. Neither the city nor any employee thereof shall be liable in tort for damages for any defect or hazardous or illegal condition or inadequacy in such building, system or plan, nor for any failure of any component of such, which may occur subsequent to such inspection or permitting, unless the city employee is found to have acted in bad faith or with malicious purpose in a manner exhibiting wanton and willful disregard of the safety, health and welfare of the public.

Sec. 14-31. Technical codes adopted—Fire codes.

- (a) The National Fire Protection Association 1 (NFPA 1) Uniform Fire Code, most current 2021 edition, as adopted by the State of Florida, including appendices and annex thereto shall apply, as may be subsequently amended.
- (b) The National Fire Protection Association 101 (NFPA 101) Life Safety Code, most current 2021 edition, as adopted by the State of Florida, including appendices and annex thereto shall apply, as may be subsequently amended.

Sec. 14-32. Same—Uniform Code for the Abatement of Dangerous Buildings.

- (a) The International Property Maintenance Code, most current 2015 edition, as adopted and amended, promulgated by the International Code Council, shall be used for the minimum standards for maintenance of residential properties.

- (b) The National Electrical Code (NEC), most current 2008 edition, as adopted and amended, including appendices.
- (c) Uniform fire safety standards adopted pursuant to F.S. § 633.022 shall apply, as may be subsequently amended.
- (d) Florida Fire Prevention Code adopted pursuant to F.S. § 633.0215 shall apply, as may be subsequently amended.

Section 2. That this Ordinance shall become effective immediately upon its passage and adoption.

Section 3. For purposes of codification of any existing section of the City of Madeira Beach Code of Ordinances herein amended, words underlined represent additions to original text, words ~~stricken~~ are deletions from the original text, and words neither underlined nor stricken remain unchanged.

Section 4. Ordinances or parts of ordinances in conflict herewith to the extent that such conflict exists are hereby repealed.

Section 5. In the event a court of competent jurisdiction finds any part or provision of the Ordinance unconstitutional or unenforceable as a matter of law, the same shall be stricken and the remainder of the Ordinance shall continue in full force and effect.

Section 6. The Codifier shall codify the substantive amendments to the Code of Ordinances of the City of Madeira Beach contained in Section 1 of this Ordinance as provided for therein and shall not codify the exordial clauses nor any other sections not designated for codification.

Section 7. Pursuant to Florida Statutes §166.041(4), this Ordinance shall take effect immediately upon adoption.

**PASSED AND ADOPTED BY THE BOARD OF COMMISSIONERS OF THE CITY
OF MADEIRA BEACH, FLORIDA, THIS _____ day of _____, 2025.**

Anne-Marie Brooks, Mayor

ATTEST:

Clara VanBlargan, MMC, MSM, City Clerk

APPROVED AS TO FORM:

Thomas J. Trask, City Attorney

PASSED ON FIRST READING:

PUBLISHED:

PASSED ON SECOND READING:
