

## ORDINANCE NO. 2021-

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF INDIAN RIVER COUNTY, FLORIDA AMENDING SECTION 401.07 (THE INDIAN RIVER COUNTY WIND BORNE DEBRIS REGION AND BASIC WIND SPEED MAP) OF PART I (STANDARD CODES GENERALLY) OF CHAPTER 401 (BUILDING CODES) OF THE CODE OF INDIAN RIVER COUNTY, TO REPLACE THE EXISTING WIND SPEED MAP WITH TWO UPDATED WIND SPEED MAPS; AND PROVIDING FOR CODIFICATION; SEVERABILITY; CONFLICT OF ORDINANCES; AND EFFECTIVE DATE OF THE ORDINANCE.**

**WHEREAS**, the Florida legislature enacted the “Florida Building Codes Act” in 2001 to provide for uniform adoption, updating, amendment, interpretation, and enforcement of a single, unified statewide building code; and

**WHEREAS**, the Florida Building Code is currently applied, administered, and enforced uniformly and consistently in Indian River County; and

**WHEREAS**, the Florida Building Code is adopted and updated with new editions every three years pursuant to Florida Statutes. Changes to the previous code include revision of the Wind Borne Debris Region and Basic Wind Speed Map affecting Indian River County; and

**WHEREAS**, Chapter 401 of the Code of Indian River County currently adopts the Florida Building Code and pursuant to state law, the County Code must now be amended; and

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

### **Section 1. Enactment Authority.**

Article VIII, section 1 of the Florida Constitution and chapter 125, Florida Statutes vest broad home rule powers in counties to enact ordinances, not inconsistent with general or special law, for the purpose of protecting the public health, safety and welfare of the residents of the county. The Indian River County Board of County Commissioners specifically determines that the enactment of this ordinance is necessary to protect the health, safety and welfare of the residents of Indian River County.

### **Section 2. Amendment of Section 401.07 (The Indian River County Wind Borne Debris Region and Basic Wind Speed Map) of Part 1 (Standard Codes Generally) of Chapter 401 (Building Codes) of the Code of Indian River County, Florida.**

Section 401.07 (The Indian River County Wind Borne Debris Region and Basic Wind Speed Map) of Part 1 (Standard Codes Generally) of Chapter 401 (Building Codes) of the

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Code of Indian River County, Florida is hereby stricken in its entirety and replaced with the following:

**CHAPTER 401. – BUILDING CODES**

**PART 1. - STANDARD CODES GENERALLY**

\* \* \*

**Section 401.07. - The Indian River County Wind Borne Debris Region and Basic Wind Speed Map.**

Indian River County hereby adopts and establishes the geographic boundary of the wind borne debris regions in Indian River County as set out in the attached Exhibit 1 "Indian River County Wind Speeds Risk Categories 1 thru 3 Map" and Exhibit 2 "Indian River County Wind Speeds Risk Category 4 Map." This wind borne debris region coincides with Figures 1609.3 (1), (2), (3) and (4) of the Florida Building Code, 2020 7<sup>th</sup> Edition, and has a basic wind speed of one hundred forty (140) miles per hour or greater. Wind borne debris requirements of the Florida Building Code applies in the entire county.

**Section 3. Codification.** It is the intention of the Board of County Commissioners that the provision of this ordinance shall become and be made part of the Indian River County Code, and that the sections of this ordinance may be renumbered or re-lettered and the word ordinance may be changed to section, article or such other appropriate word or phrase in order to accomplish such intention.

**Section 4. Severability.** If any part of this ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, the remainder of this ordinance shall not be affected by such holding and shall remain in full force and effect.

**Section 5. Conflict.** All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**Section 6. Effective Date.** This ordinance shall become effective upon adoption by the Board of County Commissioners and filing with the Department of State.

This ordinance was advertised in the Indian River Press Journal on the 20<sup>th</sup> day of December, 2020, for a public hearing to be held on the 5<sup>th</sup> day of January, 2021, at which time it was moved for adoption by Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, and adopted by the following vote:

Chairman Joseph E. Flescher	_____
Vice-Chairman Peter D. O'Bryan	_____
Commissioner Susan Adams	_____
Commissioner Joseph Earman	_____
Commissioner Laura Moss	_____

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The Chairman thereupon declared the ordinance duly passed and adopted this \_\_\_\_ day of January, 2021.

**BOARD OF COUNTY  
COMMISSIONERS OF INDIAN RIVER  
COUNTY, FLORIDA**

By: \_\_\_\_\_  
Joseph E. Flescher, Chairman

**ATTEST: Jeffrey R. Smith, Clerk  
and Comptroller**

By: \_\_\_\_\_  
Deputy Clerk

EFFECTIVE DATE: This Ordinance was filed with the Department of State on the \_\_\_\_ day of \_\_\_\_\_, 2021.