

CITY OF SANIBEL

ORDINANCE NO. 10-003

AN ORDINANCE AMENDING CHAPTER 14 OF THE SANIBEL CODE, "BUILDINGS AND BUILDING REGULATIONS", ARTICLE III, LICENSES, REGISTRATIONS AND CERTIFICATIONS, DIVISION 2, CONSTRUCTION CONTRACTORS, SECTION 14-123, CONTRACTORS REVIEW BOARD, FOR THE PURPOSE OF INCREASING THE BOARD MEMBERSHIP BY AN ADDITIONAL 3 SEATS; PROVIDING FOR CONFLICT AND SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Chapter 14 of the Sanibel Code of Ordinances sets forth the rules and regulations for Buildings and Building Regulations; and

WHEREAS, City Staff has requested that revisions to Chapter 14 of the Sanibel Code be considered by City Council; and

WHEREAS, the Council deems it necessary to make such revisions to the Land Development Code, as contained in this Ordinance;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Sanibel, Florida, that:

SECTION 1. The Code of Ordinances of the City of Sanibel, Chapter 14, Article III, Division 2, Section 14-123, entitled "Contractors review board", Subsections (a) and (b) are hereby amended, with underlining indicating additions and ~~strike through~~ indicating deletions, as follows:

Sec. 14-123. Contractors review board.

(a) There is hereby established a contractors review board (the "board") to assist in the proper administration of this ordinance. The contractors review board shall consist of ~~six~~ nine members who have been residents of the City of Sanibel for at least two years prior to the date of their appointment by city council, and contractor members shall remain active authorized or certified throughout their term. The requirement for two-year prior residency may be waived by resolution of the city council in the event that there are no applicants available who meet the prior two-year residency requirement. The members of the contractors review board shall include:

- (1) A licensed general, building, or residential contractor.
- (2) A licensed electrical contractor.
- (3) A licensed plumbing contractor.
- (4) A licensed mechanical or air conditioning contractor.
- (5) A licensed (Florida preferred) engineer.
- (6) A licensed (Florida preferred) architect.
- ~~(5)~~(7) Two ~~Three~~ citizens with no current contractor industry involvement.

~~Three~~ Five members shall be appointed for four years and ~~three~~ four members shall be appointed for two years. Thereafter, the term of office of each member shall be for four years. However, the city council may remove any member at any time with or without cause. Members appointed to fill vacancies caused by the death, resignation, or removal of a member shall serve the remainder of the unexpired term of their predecessors. The members shall serve without compensation.

(b) ~~Four~~ Five members of the board shall constitute a quorum at any meeting and a majority vote of those present and voting shall be required to make any decision, except where a two thirds majority is specified herein.

(c) The contractors review board shall elect the officers of a chairman and a vice-chairman as necessary from among its members. Election of the officers shall be conducted annually in April, with new officers taking charge at the next meeting.

(d) The contractors review board shall hold monthly meetings provided there are contractors licensing matters to be reviewed or addressed by the board. Each meeting shall be called to order by the chairman and in his absence by the vice-chairman or the senior board member.

(e) The contractors review board shall have the authority to make such bylaws, rules and regulations governing its body as it may deem necessary, provided that the same do not conflict with other regulations of the City of Sanibel or the constitution and laws of the United States or the State of Florida.

(f) The contractors review board shall review and approve, approve with conditions, or deny applications and licenses for persons desiring to obtain an authorized contractor's license from the City of Sanibel and address all other meeting agenda items as prepared by the licensing administrator.

(g) The contractors review board shall have the power and authority to revoke approval for examination or deny license after examination, or suspend or revoke an authorized contractor's license, and to order an authorized contractor to pay restitution for faulty or negligent contracting activities and/or fine such contractor up to \$5,000.00 for cause as determined in public hearing. Such fine or restitution order shall include a payment date and shall not prohibit the imposition of any other remedy and penalty provided at law or equity. When the authorized license has been suspended or revoked by said board, the Finance Department of the City of Sanibel shall likewise promptly cause similar action to occur on any occupational license or business license dependent upon such valid license. Causes for board action shall include, but not be limited to: Failure to correct any violation of the State of Florida Building Codes after notification of such violation in writing via certified letter by the City of Sanibel Building Official; failure to timely comply with any order of the City of Sanibel Contractors Review Board; failure to comply with, or any violation of, the provisions of this division; or other good and sufficient reasons including those set forth in sections 14-134 and 14-135.

(h) With respect to certified contractors, the contractors review board shall serve as the public hearing board required in Chapter 489, Florida Statutes, to deny or limit future permitting privileges within the City of Sanibel or to impose other disciplinary actions authorized for such local contractor regulatory boards.

SECTION 2. Codification.

This ordinance shall be deemed an amendment to City of Sanibel Ordinance No. 04-005, as amended, and the Sanibel Code of Ordinances and shall be codified in the Sanibel Code of Ordinances as such an amendment.

SECTION 3. Conflict.

All ordinances and parts of ordinances in conflict herewith shall be and the same are hereby repealed. If any part of this ordinance conflicts with any other part, it shall be severed and the remainder shall have full force and effect and be liberally construed.

SECTION 4. Severance.

If any section, subsection, sentence, clause, phrase or portion of this ordinance, or application hereof, is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion or application shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion of application hereof.

SECTION 5. Effective date.

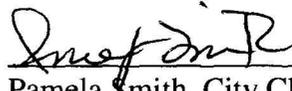
This ordinance shall take effect immediately upon adoption.

DULY PASSED AND ENACTED by the Council of the City of Sanibel, Florida, this 2nd, day of March, 2010.

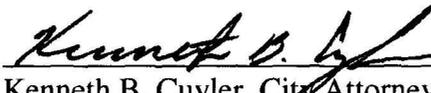


Mick Denham, Mayor

AUTHENTICATION:



Pamela Smith, City Clerk

APPROVED AS TO FORM:  2/22/10
Kenneth B. Cuyler, City Attorney Date

Publication and Hearing Dates:

Date of First Public Hearing: March 2, 2010
Ordinance Publication Date: March 4, 2010
Date of Second Public Hearing: March 16, 2010

Vote of Council Members:

Denham	yea
Ruane	yea
Harrity	yea
Jennings	yea
Pappas	yea

Date filed with the City Clerk: March 16, 2010

CITY OF SANIBEL

ORDINANCE NO. 08-019

AN ORDINANCE AMENDING CHAPTER 14 OF THE SANIBEL CODE, "BUILDINGS AND BUILDING REGULATIONS", ARTICLE III, LICENSES, REGISTRATIONS AND CERTIFICATIONS, DIVISION 2, CONSTRUCTION CONTRACTORS, SECTION 14-123, CONTRACTORS REVIEW BOARD; PROVIDING FOR CONFLICT AND SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Chapter 14 of the Sanibel Code of Ordinances sets forth the rules and regulations for Buildings and Building Regulations; and

WHEREAS, City Staff has requested that revisions to Chapter 14 of the Sanibel Code be considered by City Council; and

WHEREAS, the Council deems it necessary to make such revisions to the Land Development Code, as contained in this Ordinance;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Sanibel, Florida, that:

SECTION 1. The Code of Ordinances of the City of Sanibel, Chapter 14, Article III, Division 2, Section 14-123, entitled "Contractors review board", Subsections (a) and (b) are hereby amended, with underlining indicating additions and ~~striketrough~~ indicating deletions, as follows:

Sec. 14-123. Contractors review board.

(a) There is hereby established a contractors review board (the "board") to assist in the proper administration of this ordinance. The contractors review board shall consist of ~~five~~ six members who have been residents of the City of Sanibel for at least two years prior to the date of their appointment by city council, and contractor members shall remain active authorized or certified throughout their term. The requirement for two-year prior residency may be waived by resolution of the city council in the event that there are no applicants available who meet the prior two-year residency requirement. The members of the contractors review board shall include:

- (1) A licensed general, building, or residential contractor.
- (2) A licensed electrical contractor.
- (3) A licensed plumbing contractor.
- (4) A licensed mechanical or air conditioning contractor.
- (5) ~~One~~ Two citizens with no contractor industry involvement.

~~Initially, t~~Three members shall be appointed for four years and ~~two~~ three members shall be appointed for two years. Thereafter, the term of office of each member shall be for four years. However, the city council may remove any member at any time with or without cause. Members appointed to fill vacancies caused by the death, resignation, or removal of a member shall serve the remainder of the unexpired term of their predecessors. The members shall serve without compensation.

(b) ~~Three~~ Four members of the board shall constitute a quorum at any meeting and a majority vote of those present and voting shall be required to make any decision, except where a two thirds majority is specified herein.

(c) The contractors review board shall elect the officers of a chairman and a vice-chairman as necessary from among its members. Election of the officers shall be conducted annually in April, with new officers taking charge at the next meeting.

(d) The contractors review board shall hold monthly meetings provided there are contractors licensing matters to be reviewed or addressed by the board. Each meeting shall be called to order by the chairman and in his absence by the vice-chairman or the senior board member.

(e) The contractors review board shall have the authority to make such bylaws, rules and regulations governing its body as it may deem necessary, provided that the same do not conflict with other regulations of the City of Sanibel or the constitution and laws of the United States or the State of Florida.

(f) The contractors review board shall review and approve, approve with conditions, or deny applications and licenses for persons desiring to obtain an authorized contractor's license from the City of Sanibel and address all other meeting agenda items as prepared by the licensing administrator.

(g) The contractors review board shall have the power and authority to revoke approval for examination or deny license after examination, or suspend or revoke an authorized contractor's license, and to order an authorized contractor to pay restitution for faulty or negligent contracting activities and/or fine such contractor up to \$5,000.00 for cause as determined in public hearing. Such fine or restitution order shall include a payment date and shall not prohibit the imposition of any other remedy and penalty provided at law or equity. When the authorized license has been suspended or revoked by said board, the Finance Department of the City of Sanibel shall likewise promptly cause similar action to occur on any occupational license or business license dependent upon such valid license. Causes for board action shall include, but not be limited to: Failure to correct any violation of the State of Florida Building Codes after notification of such violation in writing via certified letter by the City of Sanibel Building Official; failure to timely comply with any order of the City of Sanibel Contractors Review Board; failure to comply with, or any violation of, the provisions of this division; or other good and sufficient reasons including those set forth in sections 14-134 and 14-135.

(h) With respect to certified contractors, the contractors review board shall serve as the public hearing board required in Chapter 489, Florida Statutes, to deny or limit future permitting privileges within the City of Sanibel or to impose other disciplinary actions authorized for such local contractor regulatory boards.

SECTION 2. Codification.

This ordinance shall be deemed an amendment to City of Sanibel Ordinance No. 04-005, as amended, and the Sanibel Code of Ordinances and shall be codified in the Sanibel Code of Ordinances as such an amendment.

SECTION 3. Conflict.

All ordinances and parts of ordinances in conflict herewith shall be and the same are hereby repealed. If any part of this ordinance conflicts with any other part, it shall be severed and the remainder shall have full force and effect and be liberally construed.

SECTION 4. Severance.

If any section, subsection, sentence, clause, phrase or portion of this ordinance, or application hereof, is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion or application shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion of application hereof.

SECTION 5. Effective date.

This ordinance shall take effect immediately upon adoption.

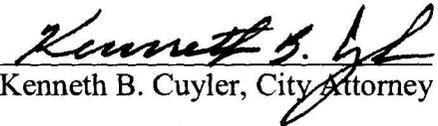
DULY PASSED AND ENACTED by the Council of the City of Sanibel, Florida, this 2nd, day of December, 2008.



Mick Denham, Mayor

AUTHENTICATION:


Pamela Smith, City Clerk

APPROVED AS TO FORM:  12/2/08
Kenneth B. Cuyler, City Attorney Date

Publication and Hearing Dates:

Date of First Public Hearing: November 18, 2008
Ordinance Publication Date: November 20, 2008
Date of Second Public Hearing: December 02, 2008

Vote of Council Members:

Denham yea
Ruane yea
Harrity yea
Jennings yea
Pappas yea

Date filed with the City Clerk: December 02, 2008

CITY OF SANIBEL

ORDINANCE NO. 05-010

AN ORDINANCE AMENDING ORDINANCE 04-005 WHICH ESTABLISHED A SYSTEM FOR THE LICENSING, REGISTRATION AND REGULATION OF CONSTRUCTION CONTRACTORS; AMENDING CERTAIN APPLICATION AND LICENSING PROVISIONS; PROVIDING FOR CONFLICT AND SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, City of Sanibel Ordinance No. 04-005 established a system for the licensing, registration and regulation of construction contractors, set forth definitions and provided certain exemptions, and established a Contractors Review Board to regulate contractor licensing requirements; and

WHEREAS, City Staff has requested that revisions to Ordinance No. 04-005 be considered; and

WHEREAS, City Council deems it necessary to make such revisions to the Contactor's Licensing Ordinance, as contained in this Ordinance;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Sanibel, Florida, that:

SECTION 1. City of Sanibel Ordinance 04-005, Subsection 18(C) is hereby amended as follows, with underlining indicating additions and ~~strike through~~ indicating deletions:

C. Class III Contractors:

The following are Class III Contractors and Licenses:

(1) Authorized for General Public Practice:
(after Section 5D requirements are met)

Asphalt Sealing/Coating	Awning
Cabinet Installer	Cabinet & Millwork
Ceramic Tile and Marble	Decorative Stone
Drywall, Hang and Finish-Residential	Elevator Installation Residential
Excavating	Fence
Fireplace Installer-Residential	Floor Covering
Garage Door	Gunite
Gutters & Downspouts	Insulation
LP Tank	Landseaping
Lath and Plaster	Lath Only
Mangrove Trimming	Marciting
Marine	<u>Painting and Wall Treatment</u>
Paving	Paving Interlock Blocks
Pile Driving	Plaster & Stucco
Plastering	Pollutant Storage
Prefab Building Installation	River Rock

Roof Spraying
Screen Repair
Stucco
Tile & Marble
~~Vegetation~~
Wood Flooring

Sandblasting
Specialty Structure
Tennis Court
Trim Carpentry
Welding

- (2) Authorized SubContractors only to Pool Builders:
Pool/Spa, Designated Subtrade (steel/pipe, shell, tile, deck, marcite)

SECTION 2. Codification.

This ordinance shall be deemed an amendment to City of Sanibel Ordinance No. 04-005, and shall be codified in the Code of Ordinances as such an amendment.

SECTION 3. Conflict.

All ordinances and parts of ordinances in conflict herewith shall be and the same are hereby repealed. If any part of this ordinance conflicts with any other part, it shall be severed and the remainder shall have full force and effect and be liberally construed.

SECTION 4. Severance.

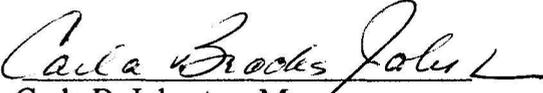
If any section, subsection, sentence, clause, phrase or portion of this ordinance, or application hereof, is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion or application shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion of application hereof.

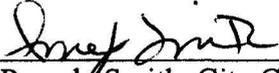
SECTION 5. Effective date.

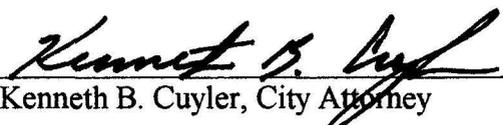
This ordinance shall take effect immediately upon adoption.

DULY PASSED AND ENACTED by the Council of the City of Sanibel, Florida, this 21st, day of June, 2005.

AUTHENTICATION:


Carla B. Johnston, Mayor


Pamela Smith, City Clerk

APPROVED AS TO FORM:  Date 6/14/05

First Reading June 07, 2005

Publication Date June 09, 2005

Second Reading June 21, 2005

Vote of Council Members:

Johnston yea

Denham yea

Brown yea

Jennings yea

Rothman yea

Date Filed with City Clerk: July 25, 2005

CITY OF SANIBEL

ORDINANCE NO. 05-006

AN ORDINANCE AMENDING ORDINANCE 04-005 WHICH ESTABLISHED A SYSTEM FOR THE LICENSING, REGISTRATION AND REGULATION OF CONSTRUCTION CONTRACTORS; PROVIDING FOR APPROVAL OF APPLICATIONS WITH CONDITIONS; DELETING STATE CERTIFIED CONTRACTOR INFORMATION REQUIREMENTS; AMENDING CERTAIN APPLICATION REQUIREMENTS; AMENDING CERTAIN APPLICATION AND LICENSING PROVISIONS; EXTENDING THE IMPLEMENTATION PERIOD FOR SAID ORDINANCE TO MAY 1, 2005; PROVIDING FOR CONFLICT AND SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, City of Sanibel Ordinance No. 04-005 established a system for the licensing, registration and regulation of construction contractors, set forth definitions and provided certain exemptions, and established a Contractors Review Board to regulate contractor licensing requirements; and

WHEREAS, City Staff has requested that revisions to Ordinance No. 04-005 be considered; and

WHEREAS, City Staff deems it necessary to make such revisions to the Land Development Code, as contained in this Ordinance;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Sanibel, Florida, that:

SECTION 1. City of Sanibel Ordinance 04-005, Sections 3, 4, 5, 6, 7, 17 and 24 are hereby amended as follows:

Section 3 is hereby amended as follows, with underlining indicating additions and ~~striketrough~~ indicating deletions:

SECTION 3. Contractors Review Board.

- A. There is hereby established a Contractors Review Board (the "Board") to assist in the proper administration of this ordinance. The Contractors Review Board shall consist of five (5) members who have been residents of the City of Sanibel for at least two (2) years prior to the date of their appointment by City Council, and Contractor members shall remain active Authorized or Certified throughout their term. The requirement for two (2) year residency may be waived by Resolution of the City Council in the event that there are no applicants available who meet the prior two (2) year residency requirement. The members of the Contractors Review Board shall include:

- (1) A licensed general, building, or residential Contractor.
- (2) A licensed electrical Contractor.
- (3) A licensed plumbing Contractor.
- (4) A licensed mechanical or air conditioning Contractor.
- (5) One citizen with no Contractor industry involvement.

Initially, three (3) members shall be appointed for four (4) years and two (2) members shall be appointed for two (2) years. Thereafter, the term of office of each member shall be for four (4) years. However, the City Council may remove any member at any time with or without cause. Members appointed to fill vacancies caused by the death, resignation, or removal of a member shall serve the remainder of the unexpired term of their predecessors. The members shall serve without compensation.

- B. Three (3) members of the Board shall constitute a quorum at any meeting and a majority vote of those present and voting shall be required to make any decision, except where a two thirds majority is specified herein.
- C. The Contractors Review Board shall elect the officers of a chairman and a vice-chairman as necessary from among its members. Election of the officers shall be conducted annually in April, with new officers taking charge at the next meeting.
- D. The Contractors Review Board shall hold monthly meetings provided there are contractors licensing matters to be reviewed or addressed by the Board. Each meeting shall be called to order by the chairman and in his absence by the vice-chairman or the senior board member.
- E. The Contractors Review Board shall have the authority to make such bylaws, rules and regulations governing its body as it may deem necessary, provided that the same do not conflict with other regulations of the City of Sanibel or the constitution and laws of the United States or the State of Florida.
- F. The Contractors Review Board shall review and approve, approve with conditions, or deny applications and licenses for persons desiring to obtain an Authorized Contractor's License from the City of Sanibel and address all other meeting Agenda items as prepared by the Licensing Administrator.
- G. The Contractors Review Board shall have the power and authority to revoke approval for examination or deny license after examination, or suspend or revoke an Authorized Contractor's License, and to order an Authorized Contractor to pay restitution for faulty or negligent contracting activities and/or fine such Contractor up to five thousand dollars (\$5,000.00) for cause as determined in public hearing. Such fine or restitution order shall include a payment date and shall not prohibit the imposition of any other remedy and penalty provided at law or equity. When the Authorized License has been suspended or revoked by said Board, the Finance Department of the City of

Sanibel shall likewise promptly cause similar action to occur on any occupational license or business license dependent upon such valid license. Causes for Board action shall include, but not be limited to: Failure to correct any violation of the State of Florida Building Codes after notification of such violation in writing via certified letter by the City of Sanibel Building Official; failure to timely comply with any order of the City of Sanibel Contractors Review Board; failure to comply with, or any violation of, the provisions of this Ordinance; or other good and sufficient reasons including those set forth in Section 14 and 15.

- H. With respect to Certified Contractors, the Contractors Review Board shall serve as the public hearing board required in Chapter 489, Florida Statutes, to deny or limit future permitting privileges within the City of Sanibel or to impose other disciplinary actions authorized for such local Contractor regulatory boards.

Section 4 is hereby amended as follows, with underlining indicating additions and ~~striketrough~~ indicating deletions:

SECTION 4. License Requirements.

- A. Whether working for a Authorized Contractor or a Certified Contractor, or for an unlicensed party, it shall be unlawful for any person, other than a Certified or Authorized Contractor as defined in this ordinance, desiring to engage in or work at the business or occupation of Contractor, as defined in this ordinance, in the City of Sanibel, to engage in said occupation or business until such person has first obtained a current Certified or Authorized Contractors License as provided in this ordinance, and has registered in the proper classification with the State of Florida Department of Business and Professional Regulation pursuant to the provisions of Chapter 489, Florida Statutes, when such registration is required, unless an Exemption set forth in Section 2 of this ordinance applies.
- B. Display of Contractor's license number. Any Contractor regulated pursuant to this ordinance shall include his State of Florida registration number, if required to be registered as a Contractor by the State of Florida, or his Authorized Contractors License number, if not registered, in any newspaper, airwave transmission, phone directory, internet web page or other advertising medium aired, circulated, displayed, distributed or marketed within the City of Sanibel which offers services of the Contractor regulated by this ordinance. For the purpose of this paragraph, the term "advertise" shall apply to business cards, business stationery, business proposals, contracts, construction site signs, handbills, billboards, flyers, trade association publications, classified advertisements, and manufacturer's authorized dealer listings, and any signs on Contractor business vehicles; but shall not include balloons, pencils, pens, hats, articles of clothing or other promotional

novelties, or free phone directory listings of one (1) to (3) lines which display only the Contractor's name and telephone number in whole or in part unbolded or unhighlighted prior or without further textual or pictorial elaboration in the overall display. When advertising on a vehicle, the minimum height of each number or letter of the license numbers shall be one-half inch (1/2") high.

- C. As a further requirement, each Authorized Contractor shall furnish the City Licensing Administrator evidence that such person is carrying a policy of Workman's Compensation Insurance as required by law, or has legal exemption thereto, plus Contractors Liability Insurance with respect to such business through an insurance company authorized to do business in the State of Florida, for General and Building Contractors \$300,000.00 bodily injury per accident, not less than \$50,000.00 for one person and \$50,000.00 for property damage; all other license categories an amount not less than \$50,000 for one person, \$100,000 for bodily injury per accident, and \$25,000 for property damage insurance. If such insurance expires, or is at any time cancelled during the term of a license, then the Authorized Contractors License issued, and permitting rights given to the insured, shall be immediately and automatically suspended and it shall be unlawful thereafter for the Contractor to engage in any business until such insurance and license is reinstated.

~~D. Additionally, Certified Contractors shall furnish the City Licensing Administrator with a current copy of their license, and Workmen's Compensation Insurance or legal exemption thereto, prior to permitting construction on sites in the City of Sanibel and such contractor shall thereafter be required to maintain current information on file. A biennial file maintenance fee in an amount established by City Resolution shall be due and payable from each state certified Contractor desiring that his license and insurance information be added or maintained in the Contractor files, such being a prerequisite to issuance of any permits in the City of Sanibel.~~

Section 5 is hereby amended as follows, with underlining indicating additions and ~~strikethrough~~ indicating deletions:

SECTION 5. Examination of Applicant.

- A. All applicants for a Journeyman (excluding Journeyman HVAC Installer), Irrigation Sprinkler, Class I or II Authorized Contractor License shall be required to take and pass a written trades examination unless Exempted hereinafter. The form of such examinations shall be approved by the Contractors Review Board. Tested applicants shall obtain a test grade of seventy (70) per cent or higher in order to pass the exam. In lieu of written trade exams for Class III Contractors, proof of experience, worthiness and acceptability for licensing shall be attested by three acceptable reference

letters, with no more than one Class III license being granted per applicant under such untested procedures.

~~B. Written Authorized Contractors License examinations shall be conducted in the City annually a minimum of four (4) times, unless specifically determined by the Contractors Review Board not to be necessary or useful. Special examinations at other locations shall be permitted upon payment of applicable fees.~~

~~C. Applications with fees, for any examination, must be filed with the Licensing Administrator at least four (4) weeks before the examination date.~~

~~D.~~ DB. In addition to aforesaid technical trade requirements, all Authorized Contractors licensed after (ADOPTION DATE May 18, 2004), when they cannot produce evidence of being in business of their applicable trade prior to said date, as a prerequisite to contracting directly with members of the general public (persons not holding a Contractors license) shall show evidence of their understanding of lien laws, notice of commencement procedures, insurance standards and other business and legal subjects necessary to protect the public by either:

- (1) Passing a written exam on Business & Law subjects, acceptable to the Board, with a score of Seventy (70) percent or higher, or
- (2) Completing of a course of instruction on Business & Law subjects from an educational institution acceptable to the Contractors Review Board.

~~E. Irrigation Sprinkler registrants will have until July 31, 2004 to comply with testing requirements. Until such time they shall register with the Licensing Administrator providing a copy of their current proof of liability and workers compensation paying the required licensing fees to receive an authorization certificate. Renewal shall be September 30 of each odd calendar year thereafter.~~

Section 6 is hereby amended as follows, with underlining indicating additions and ~~strikethrough~~ indicating deletions:

SECTION 6. Procedure for Obtaining Authorized Contractors License

An Authorized Contractors License shall be obtained as below:

- A. Any person or potential qualifying agent for a firm required or desiring to be qualified as an Authorized Contractor shall submit an application on a form prescribed by the Contractors Review Board and an application fee in an amount established by City Resolution. The Licensing Administrator shall retain the application and all supporting documents. In addition to the

application fees paid to the City of Sanibel, outside testing agencies or educational institutions may charge fees for their services and may require payment of such fees directly to them prior to providing their services to applicants.

B. The Licensing Administrator shall only submit ~~only~~ completed applications received a minimum of five (5) working days prior to any Contractor Review Board meeting. ~~for acceptance by the Contractors Review Board.~~ A complete application shall include all the following information:

- (1) The name, address and telephone number of the applicant.
- (2) The nature of the applicant's proposed contracting business.
- (3) The type of license for which the applicant is applying.
- (4) Detail on work history of the applicant and business(es) in which the applicant has worked during the past five years including the address of those businesses.
- (5) At least three (3) acceptable letters of reference from past employers, customers or knowledgeable observers, not related to the applicant, having first hand knowledge of the applicant's trade abilities. These letters of reference shall address and positively endorse the applicant's knowledge, experience, and ability as a Contractor in his trade. Such letters of reference shall be notarized or verifiable to include the address and contact phone number of the reference for authentication, before Board consideration of such letters.
- (6) Except in the electrical trade, applicants for Journeyman class license shall submit notarized or verifiable written evidence that they have had a minimum of two years experience or education in their field. Two years experience shall be experience gained through working as an apprentice or helper in the appropriate trade for two years, or one year specialized education in the trade at a recognized accredited college or acceptable trade skills development program plus one year of work experience in trade. Four years shall be required in lieu of two for applicants in the electrical trade.
- (7) Prequalification requirements for examinations for all Master applicants shall also include two years work experience as a licensed Journeyman, or at least four (4) years of verifiable evidence of journeyman level experience in the field in which they are applying if licensed as a Journeyman less than two years, with successful completion of the Journeyman examination required before the Master license application is acceptable.

- (8) Completion of a City licensing statement form, including a Credit Report of the individual, corporation and/or company, that the applicant has not been, or has been: convicted of any felony, adjudged bankrupt or insane, been refused a fidelity bond or been refused a Contractor's license or had one suspended or revoked within five years in any jurisdiction prior to their application for a City of Sanibel Authorized License.
- (9) Completion of a City licensing statement form that the applicant has not or has been convicted of a violation of chapter 489, Florida Statutes, (the State Construction Licensing Law).
- (10) The applicant must attach a recognizable closeup personal photograph and sign an Affirmation that all application information is true and correct.

Section 7 is hereby amended as follows, with underlining indicating additions and ~~striketrough~~ indicating deletions:

SECTION 7. Prerequisite to Issuance of Authorized Contractors License.

- A. The applicant (as individual or as the qualifying agent, as appropriate), has obtained a score of seventy (70) per cent or higher on any required written examination and possesses the necessary character, experience, knowledge and ability required for the type of license for which the application is made, and has submitted the additional information required pursuant to Sections 5 or 6 of this ordinance.
- B. The applicant provides evidence of Workmen's Compensation and Contractor's Liability coverage as required pursuant to Section 4, paragraph C, of this ordinance.
- C. The applicant possesses a registration issued by the Florida Department of Business and Professional Regulation, the Florida Construction Industry Licensing Board or the Florida Electrical Contractor's Licensing Board for license categories requiring such.
- D. The Contractors Review Board, following personal appearance of the applicant, determines all aforesaid licensing requirements have been satisfied. At least three affirmative votes of attending Board members shall be required for approval.
- E. A temporary license will be issued to new license applicants for a period of sixty (60) days in order for applicant to provide proof of liability insurance and workman's compensation.

Section 17 is hereby amended as follows, with underlining indicating additions and ~~strikethrough~~ indicating deletions:

SECTION 17. Additional Compliance Methods & Remedies.

- A. It shall be unlawful for any person to violate or fail to comply with any provision of this Ordinance. The violation of any provision of this Ordinance may be prosecuted in the same manner as misdemeanors are prosecuted, and shall be punished by a fine not to exceed Five Hundred Dollars (\$500.00) or imprisonment for a term not exceeding sixty (60) days, or by both such fine and imprisonment. Each day a violation of any provision of this Ordinance shall continue shall constitute a separate offense.
- B. The violation or failure to comply with any provision of this Ordinance may be referred by either the Contractors Review Board or the City of Sanibel Building Official to the City of Sanibel Hearing Officer for enforcement proceedings in accordance with the provisions of Part I of Chapter 162, Florida Statutes.
- C. A notice of violation for the violation or failure to comply with any provision of this Ordinance may be issued by a Code eEnforcement eOfficer pursuant to Chapter 162, Florida Statutes and any applicable Code Enforcement Codes or Ordinances of the City of Sanibel.
- D. It shall be unlawful and a violation of this Ordinance for any person to disregard or violate any provision of this Ordinance as provided by Section 489.127(1), Florida Statutes, or to otherwise violate any provision of Section 489.127(1) or 489.132(1), Florida Statutes. The Building Official of the City of Sanibel is hereby designated to enforce the provisions of s. 489.127(1) and s. 489.132(1) against persons who engage in activity for which an Authorized Contractors License or state certification or registration is required. A Code Enforcement Officer may issue a notice of violation for the violation of s. 489.127(1) or s. 489.132(1). For the schedule of penalties authorized by s. 489.127(5)(c), the civil penalty shall be \$500.00 for each violation of any provision of this Ordinance or any provision of s. 489.127(1) or s. 489.132. Each day a willful, knowing violation continues shall constitute a separate offense. In accordance with s. 489.127(5)(f), upon appeal, the Contractors Review Board shall hear such citations and may order the violator to pay a civil penalty of not less than the amount set forth on the citation but not more than \$1,000 per day for each violation if a public hearing occurs. All provisions of s. 489.127, including but not limited the form and issuance of citations, conduct of hearings, determination of penalties, the recording of certified copies of orders imposing civil penalties as liens against the real and personal property owned by violators, foreclosure of liens, and appeals, are

incorporated herein by reference as fully as if set forth verbatim. Monies collected pursuant to s. 489.127(5)(f) shall be maintained by the Finance Director of City of Sanibel and used to support future enforcement activities against unlicensed Contractors.

- E. As to each violation, the Building Official and/or any authorized code enforcement officer shall have discretion to select appropriate compliance method and remedy from among those listed in this Section or elsewhere available in this ordinance.
- F. The compliance methods and remedies provided under this Section 17 are supplemental and alternative to any other penalties and remedies elsewhere provided in this ordinance.

Section 24 is hereby amended as follows, with underlining indicating additions and ~~strikethrough~~ indicating deletions:

SECTION 24. Effective Date; Implementation Period.

This ordinance shall take effect immediately upon adoption provided, however, there is hereby established an Implementation Period in order to allow contractors operating within the City to obtain an Authorized Contractors License, such Implementation Period expiring on ~~March~~ May 1, 2005. Prior to ~~March~~ May 1, 2005, all activities by the City necessary to provide for the issuance of applications, testing, contractors licenses and related matters, including the establishment and operation of the City Contractors Review Board, shall occur. However, no enforcement of any penalty for failure to obtain an authorized contractors license or for any other violation of this ordinance shall occur prior to ~~March~~ May 1, 2005, at which time all provisions of this ordinance shall be in full force and effect and fully enforceable by the City. The purpose of the transition period from the date of ordinance adoption until ~~March~~ May 1, 2005, the Enforcement Date, is to assure smooth operation of this Contractors Licensing Ordinance and assist in fostering cooperation between the City and the building industry with regard to the implementation and enforcement of these regulations.

[NOTE: ALL SECTIONS AND SUBSECTIONS OF THIS ORDINANCE SHALL BE RENUMBERED OR RE-LETTERED IN ORDER TO BE CONSISTENT WITH THE AMENDMENTS SET FORTH HEREIN.]

SECTION 2. Codification.

This ordinance shall be deemed an amendment to City of Sanibel Ordinance No. 04-005, and shall be codified in the Code of Ordinances as such an amendment.

SECTION 3. Conflict.

All ordinances and parts of ordinances in conflict herewith shall be and the same are hereby repealed. If any part of this ordinance conflicts with any other part, it shall be severed and the remainder shall have full force and effect and be liberally construed.

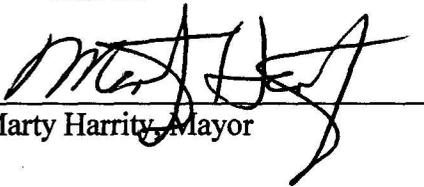
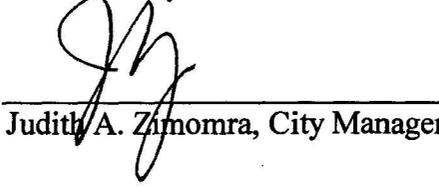
SECTION 4. Severance.

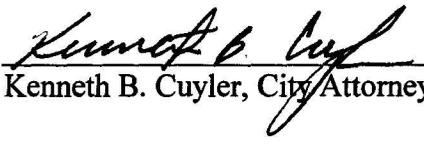
If any section, subsection, sentence, clause, phrase or portion of this ordinance, or application hereof, is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion or application shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion of application hereof.

SECTION 5. Effective date.

This ordinance shall take effect immediately upon adoption.

DULY PASSED AND ENACTED by the Council of the City of Sanibel, Florida, this 1st, day of March, 2005.

AUTHENTICATION:  Marty Harrity, Mayor  Judith A. Zimomra, City Manager

APPROVED AS TO FORM:  Kenneth B. Cuyler, City Attorney 2-9-05 Date

021505 First Reading
021805 Publication Date
030105 Second Reading

Vote of Council Members:

Harrity excused
Walsh yea
Brown yea
Jennings yea
Workman yea

Date Filed with City Clerk: March 7, 2005