9:15 A. M.

a. **ORDINANCE 08-019 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**

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 ~~strikethrough~~ 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.

AUTHENTICATION:

_____ _____

Mick Denham, Mayor Pamela Smith, City Clerk

APPROVED AS TO FORM: Kenneth B. Cuyler 11/12/08

Kenneth B. Cuyler, City Attorney Date

Publication and Hearing Dates:

Date of First Public Hearing: November 18, 2008
Ordinance Publication Date: _____
Date of Second Public Hearing: _____

Vote of Council Members:

Denham ____
Johnston ____
Jennings ____
Pappas ____
Ruane ____

Date filed with the City Clerk: _____