

ORDINANCE FOR CALHOUN COUNTY

ORDINANCE 97-6

AN ORDINANCE SETTING UP A LICENSING PROGRAM TO REGULATE CONTRACTORS IN CALHOUN COUNTY; PROVIDING FOR DEFINITIONS OF VARIOUS KINDS OF CONTRACTORS, REGISTRATION, BOARD AND RELATED DEFINITIONS, CREATING THE CALHOUN COUNTY CONSTRUCTION INDUSTRY LICENSING BOARD; PROVIDING THAT THE MEMBERS OF SAID BOARD SHALL BE THE SAME AS THOSE OF THE CONSTRUCTION BOARD OF ADJUSTMENT AND APPEALS OF CALHOUN COUNTY AS AUTHORIZED BY THE STANDARD BUILDING CODE, AND PROVIDING FOR THE POWERS, DUTIES AND RESPONSIBILITIES OF SAID BOARD; PRESCRIBING QUALIFICATIONS AND MAKING PROVISIONS FOR THE REGISTRATION AND EXAMINATION OF CONTRACTORS; PROVIDING FOR THE RENEWAL THEREOF AND MAKING CERTAIN EXCEPTIONS AND EXEMPTIONS FROM SAID PROVISIONS; PROVIDING FOR THE PAYMENT AND COLLECTION OF FEES IN CONNECTION THEREWITH AND MAKING PROVISION FOR THE USE AND DISPOSITION THEREOF; MAKING CERTAIN ACTS UNLAWFUL AND PRESCRIBING FOR SEVERABILITY, REPEAL OF CONFLICTING ORDINANCES AND EFFECTIVE DATE.

Dec 22 10 22 AM '97

FILED

WHEREAS, questions have arisen regarding the adoption of certain ordinances in Calhoun County, including questions regarding the adoption of the predecessor of this ordinance and in an abundance of caution and pursuant to the emergency procedures contained in Florida Statute §125.66(3), the Board of County Commissioners have chosen to readopt certain ordinances; and,

WHEREAS, the State of Florida has required that certain boards be set up to review complaints against building contractors operating in Calhoun County, and

WHEREAS, it is in the best interest of the citizens and residents of Calhoun County, Florida, for the Board of County Commissioners of Calhoun County to establish these boards to review and investigate complaints by citizens and to make recommendations to the State Board of Contractors regarding improper activities by contractors;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF CALHOUN COUNTY, FLORIDA, that:

Section 1: Occupational License.

Upon the issuance to an applicant of a Certificate of Competency, the applicant and holder shall be deemed to have an occupational license for the conduct, within Calhoun County, Florida, for the business or occupation for which the Certificate is issued. The Certificate shall reflect that the holder is the holder of such Calhoun County occupational license. No additional fee shall be charged by the building department for such license. The occupational license shall remain in effect in conjunction with and for the same term as the Certificate of Competency. Upon the revocation, suspension or termination of the Certificate of Competency for any reason, the occupational license shall be deemed terminated.

Section 2. Definitions: As used in this Ordinance:

(1) "Contractor" means, except those herein exempted, and unless the contract otherwise clearly indicates, any person who, for compensation, undertakes to, submits a bid to, or does himself or by others construct, repair, alter, remodel, add to, subtract from or improve any building or structure, including related improvements to real estate, for others or for resale to others. "Contractors" are subdivided into categories as follows:

(a) "General Contractor" means a contractor whose services are unlimited as to the type of work which he may do or contract to do as set forth in subsection (1) above.

(b) "Building Contractor" means a contractor whose services are limited to construction of commercial buildings and single-family or

multi-family residential buildings, which commercial or residential buildings do not exceed three (3) stories in height, and accessory use structures in connection therewith, or a contractor whose services are limited to remodeling, repair or improvement of any size building if the services do not affect the structural members of the building.

(c) "Residential Contractor" means a contractor whose services are limited to the construction, remodeling, repair or improvement of one-family, two-family, or three-family residences not exceeding two stories in height, and accessory use structures in connection therewith.

(d) "Sheet Metal Contractor" means a contractor whose services are unlimited in the sheet metal trade and who has the experience, knowledge and skill necessary for the manufacture, fabrication, assembling, handling, erection, installation, dismantling, conditioning, adjustment, insulation, alteration, repair, servicing or design, when not prohibited by law, of ferrous or nonferrous metal work of U. S. 10 gauge or its equivalent or lighter gauge and of other materials, including but not limited to, fiberglass, used in lieu thereof and of air-handling systems, including the setting of air-handling equipment and reinforcement of same and including the balancing of air-handling systems.

(e) "Roofing Contractor" means a contractor whose services are unlimited in the roofing trade and require the experience, knowledge and skill to install, maintain, repair, alter, extend or design, when not prohibited by law, and use materials and items used in the installation, maintenance, extension and alteration of all kinds of roofing, waterproofing, coating, repair, waterproof, stop leaks or extend the life of the roof.

(f) "Class A Air-conditioning Contractor" means a contractor whose services are unlimited in the execution of contracts requiring the experience, knowledge and skill to install, maintain, repair, fabricate, alter, extend or design, when not prohibited by law, central air-conditioning, refrigeration, heating and ventilating systems, including duct work in connection with a complete system only to the extent such duct work is performed by the contractor as is necessary to make complete an air-distribution system, boiler and unfired pressure vessels systems, and all appurtenances, apparatus, and/or equipment used in connection therewith, or to install, maintain, repair, fabricate, alter, extend or design piping, insulation of pipes, vessels and ducts, pressure

and process piping, pneumatic controls; to replace, disconnect or reconnect power wiring on the load side of the dedicated existing electrical disconnect switch; to install, disconnect and reconnect low voltage heating, ventilating and air conditioning control wiring; and install a condensate drain from an air-conditioning unit to an existing safe waste or other approved disposal, other than a direct connection to a sanitary system. The scope of work for such contractor shall also include any excavation work incidental thereof, but shall not include any work such as liquefied petroleum or natural gas lines within a building potable waterlines or connections, thereto, sanitary sewer lines, swimming pool piping and filters, or other electrical power wiring.

(g) "Class B Air Conditioning Contractor" means a contractor whose services are limited to 25 tons of cooling and 500,000 BTU of heating in any one system in the execution of contracts requiring the experience, knowledge and skill to install, maintain, repair, fabricate, alter, extend or design, when not prohibited by law, central air conditioning, refrigeration, heating and ventilating systems, including duct work in connection with a complete system only to the extent such duct work is performed by the contractor as is necessary to make complete an air-distribution system being installed under this classification; to install, maintain, repair, fabricate, alter, extend or design, when not prohibited by law, piping and insulation of pipes, vessels and ducts; to replace, disconnect or reconnect power wiring on the load side of the dedicated existing electrical disconnect switch; to install disconnect and reconnect low voltage heating, ventilating and air conditioning control wiring; and to install a condensate drain from an air conditioning unit to an existing safe waste or other approved disposal other than a direct connection to a sanitary system. The scope of work for such contractor shall also include any excavation work incidental thereto, but shall not include any work such as liquefied petroleum or natural gas fuel lines within a building, potable waterline, or connections thereto, sanitary sewer lines, swimming pool piping and filters or electrical power wiring.

(h) "Mechanical Contractor" means any contractor whose services are unlimited in the execution of contracts, or who obligates himself by implied or express contract to perform services, requiring the experience, knowledge and skill to install, maintain, repair, fabricate, alter, extend, or design, when not prohibited by law, central air-conditioning, refrigeration, heating and ventilation systems, including duct work in connection with a complete system only to the extent such duct work is performed by the contractor as is necessary to make

complete an air-distribution system, boiler and unfired pressure vessel systems, lift station equipment and piping, and all appurtenances, apparatus, or equipment used in connection therewith, and to install, maintain, repair, fabricate, alter, extend or design piping, insulation of pipes, vessels and ducts, pressure and process piping, pneumatic controlled piping, gasoline tanks and pump installations and piping for the same, stand pipes, air-piping, vacuum line piping, oxygen lines, nitrous oxide piping, ink and chemical lines, fuel transmission lines and natural gas lines within buildings; to replace, disconnect or reconnect power wiring on the load side of the dedicated existing electrical disconnect switch to install, disconnect and reconnect low voltage, heating, ventilating and air conditioning control wiring; and installation of a condensate drain from an air-conditioning unit to an existing safe waste or other approved disposal, other than a direct connection to a sanitary system. The scope of work for such contractor shall also include any excavation work incidental thereto, but shall not include any work such as liquified gas fuel lines within buildings, potable waterlines or connections thereto, sanitary sewer lines, swimming pool piping and filters, or electrical wiring.

(i) "Commercial Pool/Spa Contractor" means a contractor whose scope of work involves, but is not limited to, the construction, repair, water treatment and servicing of any swimming pool, or hot tub or spa, whether public, private or otherwise, regardless of use. The scope of such work includes a layout excavation, operation of construction pumps for dewatering purposes, steelwork, installation of light niches, construction of floors, guniting, fiberglassing, installation of tile and coping, installation of all perimeter and filter piping, installation of all filter equipment and chemical feeders of any type, plastering of the interior, construction of decks, installation of housing for pool equipment, and installation of package pool heaters. However, the scope of such work does not include direct connections to a sanitary sewer system or to potable waterlines.

(j) "Residential Pool/Spa Contractor" means a contractor whose scope of work involves, but is not limited to, the construction, repair, water treatment and servicing of any residential swimming pool or hot tub or spa, regardless of use. The scope of such work includes, layout, excavation, operation of construction of pumps for dewatering purposes, steelwork, installation of light niches, construction of floors, guniting, fiberglassing, installation of tile and coping, installation of all perimeter and filter piping, installation of all filter equipment and chemical feeders of any type, plastering of the interior, construction of decks, installation

of housing for pool equipment, and installation of package pool heaters. However, the scope of such work does not include direct connections to a sanitary sewer system or to potable waterlines.

(k) "Swimming Pool/Spa Servicing Contractor" means a contractor whose scope of work involves the servicing, repair, water treatment, including, but not limited to, the direct infusion of chlorine gas, and maintenance of any swimming pool or hot tub or spa, whether public or private. The scope of such work may include any necessary piping and repairs, replacement and repair of existing equipment or installation of any additional equipment as necessary. The scope of such work includes the reinstallation of tile and coping, repair and replacement of all piping, filter equipment and chemical feeders of any type, replastering, reconstruction of decks, and installation or addition of pool heaters.

(l) "Plumbing Contractor" means a contractor whose contracting business consists of the execution of contracts requiring the experience, knowledge or skill necessary to install, maintain, repair, alter, extend or when not prohibited by law, design plumbing. A plumbing contractor may install, maintain, repair, alter, extend, or when not prohibited by law, design the following without obtaining any additional local regulatory license, certificate, or registration; sanitation drainage or storm drainage facilities; venting systems, public or private water supply systems; septic tanks; drainage and supply wells; swimming pool piping; irrigation systems; or solar water heating systems and all apparatus or equipment used in connection therewith, including boilers and pressure process piping and including the installation of water, natural gas (excluding liquid petroleum gases) and storm and sanitary sewer lines; and water and sewer plants and substations. The scope of work of the plumbing contractor also includes the design, when not prohibited by law, and installation, maintenance, repair, alteration or extension of air-piping, vacuum line piping, oxygen line piping, nitrous oxide piping, and all related medical gas systems; fire line standpipe and fire sprinklers to the extent authorized by law; ink and chemical lines, fuel oil and gasoline piping and tank and pump installation, except bulk storage plants; and pneumatic control piping systems, all in such a manner as to comply with all plans, specifications, codes, laws and regulations applicable. The scope of the plumbing contractor shall apply to private property] and public property, shall include any excavation work incidental thereto, and shall include the work of the specialty contractor. Such contractor shall subcontract with a qualified contractor in the field concerned, all other work incidental to the work but which is specified

herein as being incidental to the work but which is specified herein as being the work of a trade other than that of the plumbing contractor. Nothing in this definition shall be construed to require certification or registration under this part of any authorized employee of a public natural gas utility or a private natural gas utility required by the Public Service Commission when disconnecting and reconnecting water lines in the servicing or replacement of an existing water heater.

(m) "Electrical Contractor" or "Unlimited Electrical Contractor" means any persons who conducts business in the electrical trade field and who has the experience, knowledge and skill to install, repair, alter, add to or design, in compliance with the law, electrical wiring, fixtures, appliances, apparatus, raceways, conduit, or any part thereof, which generates, transmits, transforms, or utilizes electrical energy in any form, including the electrical installation and systems within plants and substations, all in compliance with applicable plans, specifications, codes, laws and regulations. The term means any person, firm or corporation that engages in the business of electrical contracting under an express or implied contract; or that undertakes, offers to undertake, purports to have the capacity to undertake, or submits a bid to engage in the business of electrical contracting; or that does itself or by or through others engage in the business of electrical contracting.

(n) "Electrical Specialty Contractor" means a contractor whose scope of practice is limited to a specific segment of electrical or alarm contracting, including, but not limited to, residential electrical contracting, but not limited to, residential electrical contracting, maintenance of electrical fixtures, installation and maintenance of electrical fixtures, installations and maintenance of electrical outdoor advertising signs together with the interrelated parts and supports thereof. Categories of specialty electrical contractor shall be established by board rule.

(o) "Drywall Contractor" means a person who for compensation, undertakes to or submits a bid for the following scope of work; the installation, repair, finishing or handling in a construction manner of drywall products or gypsum products in new installations or renovations.

(p) "Underground Utility Contractor" means a contractor whose services are limited to the contraction, installation and repair on public or private property, of main sanitary sewer collection systems, main water distribution systems, and storm sewer collection systems,

and the continuation of utility lines from the main systems to a point of termination up to and including the meter location for the individual occupancy, sewer collection systems at property line on residential or single occupancy commercial properties, or on multi-occupancy properties at manhole or wye lateral extended to an invert elevation as engineered to accommodate future building sewers, water distribution systems, or storm sewer collection systems at storm sewer structures. An underground utility contractor shall not install any piping that is an integral part of a fire protection system as defined in §633.021(7) beginning at the point where the piping is used exclusively for such systems.

(2) "Board" means the Calhoun County Construction Industry Licensing Board created hereby unless the context otherwise requires.

(3) "Contracting" means, except as herein exempted, engaging in business as a contractor.

(4) "Registration" means registration with the Board as provided for herein.

(5) "Register" means the act of obtaining evidence of registration with the Board as provided for herein.

(6) "Registrant" means a person who has registered with the Board.

Section 3. The Calhoun County Construction Industry Licensing Board is hereby created and shall consist of seven (7) members and two (2) alternates who shall be the members of the Construction Board of Adjustment and Appeals of Calhoun County as authorized by the Standard Building Code and they, and their successors in office, in the individual capacities, shall be known and designated as the members of the Calhoun County Construction Industry Licensing Board. There is hereby imposed on the the additional duties as set forth herein. They shall receive no additional compensation as members of this board. Their duties and authority shall be as provided herein and in accordance with Florida Statute Chapter 489 specifically including the disciplinary control and oversight over locally licensed contractors.

Section 4. The Board shall meet regularly as the need presents itself. The Board shall elect officers from its membership, whose terms shall expire at the end of the calendar year in which they are elected to

serve. Special meetings of the Board may be held as the Board provides in its rules and regulations. Four (4) members shall constitute a quorum. The Board is authorized to adopt reasonable rules and regulations not in conflict with other ordinances of the County or State law. Any member of the Board may administer oaths and take testimony about all matters within the jurisdiction of the Board. The Building Official shall act as the Clerk of the Board and shall keep, maintain and preserve a current list of all persons registered with the Board, shall issue written evidence of registration with the Board and perform the normal duties of a Clerk and such duties as the Board may reasonably require.

Section 5. All money collected by the Board shall be received, deposited, expended and accounted for pursuant to law. The actual and necessary expenses of the Board in the administration of this ordinance shall be paid from the money collected under the provisions of this ordinance.

Section 6. Within 30 days after the effective date of this ordinance, all persons contracting in Calhoun County, Florida, shall register with the Board in the proper classification unless they are already certified by the Florida Construction Licensing Board. To qualify to be registered with the Board the applicant shall provide evidence to the Building Official that the applicant has current registration with the Department of Professional Regulation, adequate amount of liability insurance and workman's compensation insurance along with a Florida local occupational license and has as its/his/her principal place of business in Calhoun County, Florida.

Section 7. Persons who cannot meet the conditions of the preceding section, but who desire to enter the business of contracting in Calhoun County, Florida, shall register with said Board in the proper classification under one of the following provisions:

(1) File with the Board evidence of successful compliance with the license requirements for a contractor of another county or municipality in this state which has examination and licensing requirements as a pre-requisite to the issuance of said license and having passed a competency exam with a minimum score of 70%.

(2) File with the Board evidence of having passed a competency examination from a testing agency approved by the Board. Examinations shall be held at times and places outside the county. Each applicant shall take a written examination about his or her fitness for each category in

which the applicant wishes to register. The examination shall cover knowledge of basic principles of contracting and construction applicable to the category for which registration is requested. A passing grade on the examination shall be 70%.

Section 8. Registration permits the registrant to engage in contracting in Calhoun County, Florida, only for the type of work covered by the registration.

Section 9. As a prerequisite to registration, the Board shall require the applicant to submit satisfactory evidence that he has obtained public liability insurance in the amount required for registration with the State of Florida Department of Professional Regulation.

Section 10. When an individual proposes to do business in his own name, registration, when granted, shall be issued only to that individual.

Section 11. If the applicant proposing to engage in contracting is a partnership corporation, business trust or other legal entity, the application shall state the name of the partnership and of its partners, or the name of the corporation and its officers and directors, or the name of the business trust and its trustees, or the name of such other legal entity and its members, and furnish evidence of statutory compliance if a fictitious name is used. Such application shall also show that the person applying for the examination is legally qualified to act for the business; and that he has the authority to supervise the construction undertaken by such business corporation. The registration, when issued upon application of a business organization, shall be in the name of such business organization and the names of the qualifying individual or individuals shall be noted thereon.

Section 12. (1) At least one member or supervising employee of such business organization shall be registered under this ordinance in order for the business organization to hold a current registration in the category of the business conducted for which the member or supervising employee is qualified. If an individual so qualified on behalf of such business organization ceases to be affiliated with such business organization, he shall promptly notify the Board. In addition, if such individual is the only qualified individual affiliated with the business organization, the business organization shall notify the Board of the individual's termination and shall have a period of sixty (60) days from the termination of the individual's affiliation with the business organization in which to qualify another person under the provisions of the

business organization shall supply the same information to the Board as required for applicants.

Section 13. Registration shall expire annually at midnight on September 30.

(1) Failure to renew the registration during September shall cause the registration to become involuntarily inactive and it is unlawful thereafter for any person to engage or offer to engage or hold himself out as engaging in contracting under the registration unless the registration is restored or reissued.

(2) A registration which is inoperative because of failure to renew shall be restored on payment of the proper registration fee, if the application for restoration is made within ninety (90) days after such September 30th expiration. If the application for registration is not made within the 90 day period, the fee for restoration shall be double the registration fee; and in addition, the Board shall require the re-examination of the applicant if a period of 12 months has lapsed since registration became involuntarily inactive.

Section 14. The Board shall impose and collect the following annual fees:

<u>Type</u>	<u>In County</u>	<u>Out of County</u>
General Contractor	\$25.00	\$150.00
Building Contractor	25.00	150.00
Residential Contractor	25.00	150.00
Roofing Contractor	25.00	150.00
Class A Air Conditioning Contractor	25.00	150.00
Class B Air Conditioning Contractor	25.00	150.00
Commercial & Residential Contractor	25.00	150.00
Commercial Pool & Spa Contractor	25.00	150.00
Plumbing Contractor	25.00	150.00
Electrical Contractor	25.00	150.00
Drywall Contractor	25.00	150.00
Sign Contractor	25.00	150.00
Sheet Metal Contractor	25.00	150.00
Mechanical Contractor	25.00	150.00
Residential Pool/Spa Contractor	25.00	150.00
Swimming Pool/Spa Service Contractor	25.00	150.00

The price for out-of-county contractors will be the same as in-county contractors if an inter-local agreement is obtained from the out-of-county contractor's county or city as appropriate, stating that the price of competency cards for Calhoun County contractors in said county or city as appropriate is the same as Calhoun County charges for in-county contractors.

Any funds received by the Board from registration fees will be paid into the general revenue fund of Calhoun County, Florida.

Section 15. This ordinance does not apply to those exempted from the provisions of Chapter 489, Florida Statutes, being Section 489.103 thereof.

Section 16. Nothing herein shall be construed to require general contractors, building contractors or residential contractors to obtain additional licenses for specialty work where such specialty work is performed by employees of such contractors on projects for which they have substantially full responsibility and such contractors do not hold themselves out to the public as being specialty contractors.

Section 17. (1) The Board shall have the power in addition to all other powers provided for in this ordinance, and pursuant to Florida Statute Chapter 489, to suspend for a length of time not to exceed six months, or to revoke the registration or certification of any licensed contractor who shall be guilty of any one or more of the following acts or omissions:

- (a) Fraud or deceit in obtaining registration.
- (b) Negligence within the meaning of this ordinance or the Standard Building Code as adopted by Calhoun County.
- (c) Willful or deliberate disregard and violation of this ordinance or the County's Building Code.
- (d) Performing any act which assists a person or entity in engaging in the prohibited uncertified and unregistered practice of contracting if the certificate holder or registrant known or has reasonable grounds to know that person or entity was uncertified or unregistered.

(e) Knowingly combining or conspiring with an uncertified or registration to be used by an unregistered person with the intent to evade the provisions of this ordinance.

(2) Any person directly interested, the building official of Calhoun County, or the architect or engineer of any building or construction may prefer charges against a licensed contractor under this ordinance.

Such charges shall be made in writing and sworn to by the applicant and submitted to the Board. At the earliest possible date and no later than thirty (30) days after receipt of charges, it is the duty of the Board to investigate the charge and render its decision without delay. A copy of the charge, together with the time and place of the hearing shall be served on the accused at least five (5) days before the date fixed for the hearing. At the hearing the accused shall have the right to appear personally with counsel and to cross-examine witnesses against him and to produce witnesses and evidence in his defense.

If, after the hearing, the Board's decision is that the accused shall be guilty of the charges preferred against him, the Board shall thereupon suspend for a period of time or revoke the accused's registration as a licensed contractor or impose such other penalty, fees and cost as allowed by Statute. Upon the revocation of the accused's registration of competency, any and all rights or privileges to perform construction work or engage in the business of contracting in Calhoun County shall be revoked and withdrawn, no refund shall be made for amounts previously paid for registration of competency.

It shall be unlawful for any person to engage in or work at the business of contracting in Calhoun County when his registration has been revoked or suspended.

(3) The decision of the Calhoun County Construction Industry Licensing Board as provided herein shall be final and not subject to appeal unless within 30 days from the date of the written decision, issued by said Board, the contractor files the appropriate appeals or petitions with the Circuit Court in and for Calhoun County, Florida.

Section 18.

(1) It is unlawful for any person to engage in the business or act in the capacity of contractor in Calhoun County, Florida, without having been duly registered under the provisions hereof.

(2) Any person who violates any provision of this ordinance shall be guilty of a misdemeanor and shall upon conviction thereof, be punished by a fine not exceeding \$500.00 or by imprisonment not to exceed sixty (60) days or by both such fine and imprisonment.

Section 19. Severability: Should any section or provision of this ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

Section 20. Repeal: All ordinances or part of ordinances in conflict with or inconsistent with the provisions of this ordinance, are hereby subordinated to the provisions of this ordinance, or repealed, to the extent necessary to give this ordinance full force and effect.

Section 21. Effective Date: This ordinance shall take effect when it is passed, approved and published as provided by law.

PRESENTED AND READ in full or by title to the Board of County Commissioners for Calhoun County, Florida, on the 16th day of DECEMBER, 1997. *N/A.*

PASSED by the Board of County Commissioners for Calhoun County, Florida, the 16 day of Dec, 1997.

CALHOUN COUNTY BOARD OF
COUNTY COMMISSIONERS

BY: *Donnell Whitfield*
DONNELL WHITFIELD, Chairman

ATTEST:

Willie D. Wise
WILLIE D. WISE, Clerk

CERTIFIED A TRUE COPY

Janice Halley, Jr.
WILLIE D. WISE
CLERK CIRCUIT COURT
CALHOUN COUNTY, FLORIDA

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