

CITY COUNCIL

CITY OF PUNTA GORDA

12/2/2015

 **Print**

Ordinance/Resolution

Title: **GA-09-15** - An Ordinance of the City of Punta Gorda, Florida, amending the Punta Gorda Code, Chapter 7, "Building Regulations", Article II, "Building Contractors", Section 7-12, "Application and Fees for a Certificate of Competency", Section 7-18, "Certificate of Competency Requirements", and Section 7-19, "Issuance of Certificate of Competency", to update Certificate of Competency Requirements, Application Process and Fee; deleting in their entirety Sections 7-21 and 7-22 as obsolete; amending Article III, "Building Codes and Regulations", Section 7-31, "Additions, Amendments and Modifications to Building Code", Section 7-32, "Violations of Building Code; Penalties", and Section 7-33, "Building Permit Fees", to update penalties for violations and building permit fees; providing for conflict and severability; and providing an effective date. **SECOND READING**

Funds: n/a

Recommended Action: City Council adoption of the proposed ordinance at this second reading.

Summary: The proposed ordinance amends Chapter 7 "Building Regulations", as recommended by the Building Board. Changes include:

- updates to the Certificate of Competency registration requirements and application process to eliminate duplication of efforts between various regulating agencies;
- increasing the application fee to recoup administrative costs;
- deletion of obsolete requirements; and
- authorization for the Building Official to waive certain fees for just cause.

City Council approved the proposed ordinance at first reading on November 18, 2015.

Department/Division: Building

EXHIBITS:

1.  [GA-09-15 Proposed Ordinance](#)

CITY OF PUNTA GORDA

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF PUNTA GORDA, FLORIDA, AMENDING THE PUNTA GORDA CODE, CHAPTER 7, “BUILDING REGULATIONS”, ARTICLE II, “BUILDING CONTRACTORS”, SECTION 7-12, “APPLICATION AND FEES FOR A CERTIFICATE OF COMPETENCY”, SECTION 7-18, “CERTIFICATE OF COMPETENCY REQUIREMENTS”, AND SECTION 7-19, “ISSUANCE OF CERTIFICATE OF COMPETENCY”, TO UPDATE CERTIFICATE OF COMPETENCY REQUIREMENTS, APPLICATION PROCESS AND FEE; DELETING IN THEIR ENTIRELY SECTIONS 7-21 AND 7-22 AS OBSOLETE; AMENDING ARTICLE III, “BUILDING CODES AND REGULATIONS”, SECTION 7-31, “ADDITIONS, AMENDMENTS AND MODIFICATIONS TO BUILDING CODE”, SECTION 7-32, “VIOLATIONS OF BUILDING CODE; PENALTIES”, AND SECTION 7-33, “BUILDING PERMIT FEES”, TO UPDATE PENALTIES FOR VIOLATIONS AND BUILDING PERMIT FEES; PROVIDING FOR CONFLICT AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Chapter 7, Article II of the Punta Gorda, governs the registration of persons and businesses engaging in contracting or specialty contracting within the City of Punta Gorda, including the application and issuance of Certificates of Competency; and

WHEREAS, Chapter 7, Article III of the Punta Gorda Code, sets forth the building code and regulations controlling the construction, alteration, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every building or structure, or any appurtenances connected or attached to such buildings or structures, within the city limits of the Punta Gorda; and

WHEREAS, it has been determined that changes are needed to Certificate of Competency registration provisions to streamline the process and avoid duplication of efforts by other jurisdictions within the State of Florida, as well as to ensure the recovery of administrative costs associated with the registration process; and

WHEREAS, the Building Board has reviewed and recommends approval of the amendments to Chapter 7 as set forth herein.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF PUNTA GORDA, FLORIDA, THAT:

I. Chapter 7, Article II, Section 7-12, of the Punta Gorda Code is hereby amended to read as follows: *[additions are shown as underline and deletions are shown as ~~strikethrough~~]*

Sec. 7-12. Application and Fees for a Certificate of Competency.

- (a) The fee for a ~~building contractor's~~ Certificate of Competency shall be ~~seventy-five dollars (\$75.00)~~ one hundred dollars (\$100.00) payable annually on or before ~~October first~~ September 30 of each year. ~~Thereafter, said e~~ Certificates shall not ~~be~~ renewed on or before September 30 ~~without paying an additional~~ shall be considered delinquent fee of twenty-five dollars (\$25.00). Payment of such fee(s) shall not relieve any applicant from the requirement to pay ~~an occupational license tax~~ the Local Business Tax imposed by Section 12-1 of this Code. The fee for a contractor who engages in business as a building contractor, as defined herein, prior to obtaining a ~~certification~~ Certificate of Competency shall be three hundred dollars (\$300.00) payable at the time of application. All applicants for certificates under this Chapter shall apply to the Building Official by executing and filing the required application form at the office of the Building ~~Official~~ Division and paying the required fee. The application shall contain information as to name, qualifications, financial and business references, place of business, residence of applicant and shall be notarized.

Contractors who hold a Certificate of Competency issued by the State may, at their option, pay a file maintenance fee of twenty-five dollars (\$25.00) annually for the Building Division to maintain the ~~ir contractor's~~ worker's compensation and liability information ~~on in~~ its database for permitting purposes. After the initial payment, said fee is due on or before September 30 of each year. If a contractor decides not to subscribe to this service, they will be required to provide worker's compensation and liability insurance information with each permit application.

Note: No Changes to Paragraph (b)

- (c) Duration, renewal of Certificate of Competency; ~~inactive certificates.~~

~~(1)~~ All Certificates of Competency issued under the provisions of this Article shall expire on ~~the thirtieth day of~~ September 30 of each year. Any holder of a certificate may renew his/~~her~~ certificate within ninety (90) days from its expiration without reexamination and shall secure his current certificate by paying the required fee.

~~(2) Upon the application of a contractor, an inactive certificate will be issued for a fee of twenty-five dollars (\$25.00). This certificate may be renewed annually. Should this contractor wish to return to active business in this City, he shall notify the Building Official and apply for a new certificate before beginning any construction work. Unless the Building Official rules otherwise, such certificate will be issued without reexamination.~~

Note: No Changes to Paragraphs (d) through (f)

- (g) Any person who can show proof that they were previously granted a City of Punta Gorda specialty contractor's Certificate of Competency by the grandfather clause and let it lapse, may at the discretion of the Building Official have their certificate renewed by paying a one hundred dollar (\$100.00) late fee, along with the submission of all ~~the~~ current Certificate of Competency renewal requirements, including payment of the ~~seventy-five dollar (\$75.00)~~ one hundred dollar (\$100.00) renewal fee. Reinstatement by this method will be on a one time approval only. Any further failures to renew will result in the applicant being required to show proof of having passed a Block exam.

II. Chapter 7, Article II, Section 7-18, of the Punta Gorda Code is hereby amended to read as follows: *[additions are shown as underline and deletions are shown as strikethrough]*

Sec. 7–18. Certificate of Competency requirements.

- (a) Registered general contractors, building contractors, residential contractors, and specialty contractors shall comply with the following:
- (1) Complete an application for certificate of competency.
 - (2) ~~Show proof of four (4) years experience as required therein in construction or the educational equivalent thereof.~~ Provide a clear copy of the applicant's State of Florida driver's license or State of Florida identification card.
 - (3) Show proof of insurance in the following amounts: bodily injury liability, three hundred thousand dollars (\$300,000.00); property damage, fifty thousand dollars (\$50,000.00).
 - (4) ~~Give four (4) credit references. A report from a recognized credit reporting agency may be required by the Building Official if deemed necessary.~~ Provide a clear copy of applicant's current license issued by the State of Florida, Department of Business and Professional Regulation or a current Certificate of Competency issued by a Florida municipality.
 - (5) ~~Applicant shall have sufficient education and knowledge of business practice to successfully conduct a business in the City.~~
 - (6) ~~Applicant shall submit the names of contractors and architects or suppliers who are familiar with his ability and skills.~~
 - (7) ~~Applicant shall show proof of a passing grade from an approved independent testing agency in the category of license (certificate) applied for, except for the following:~~
 - a. ~~Acoustic, insulation and domed ceiling contractors.~~
 - b. ~~Asphalt driveway and parking lot paving and coating contractors.~~
 - c. ~~Ceramic tile, marble and pool tile contractors.~~
 - d. ~~Drywall contractors.~~
 - e. ~~Fence erection contractors.~~
 - f. ~~Job site cleanup contractors.~~
 - g. ~~Lawn sprinkler, irrigation contractors.~~ h. ~~Painting and wall covering contractors.~~
 - i. ~~Plaster, stucco, sprayerete, and pool marcite contractors.~~ j. ~~Reinforcing steel/pool steel contractors.~~
 - k. ~~River rock contractors.~~
 - l. ~~Swimming pool shell (gunite, etc.) contractors.~~ m. ~~Utility shed placement and tie down contractors.~~
 - n. ~~Cloth type fabric decorative awning installation contractors.~~ o. ~~Finish carpentry contractors.~~
 - p. ~~Elevator installer.~~
 - q. ~~Cabinet/millwork installation.~~
 - r. ~~Mobile home installation and setup.~~ s. ~~Well drilling contractor.~~
 - t. ~~Windows, doors/overhead.~~

~~(8) Applicant shall show proof of State registration with the Florida Construction Industry Licensing Board.~~

~~(9)~~(5) Payment of all required fees.

Note: No Changes to Paragraphs (b) through (d)

III. Chapter 7, Article II, Section 7-19, of the Punta Gorda Code is hereby amended to read as follows: *[additions are shown as underline and deletions are shown as ~~striketthrough~~]*

Sec. 7-19. Issuance of Certificate of Competency.

(a) The Building Official shall review all applications ~~and verify references and credit references, noting such verification on the application,~~ and if deemed complete, shall cause a City of Punta Gorda Certificate of Competency to be issued to the applicant.

~~(b) If the Building Official is satisfied with all of the references, and all other requirements have been met, he shall cause the Certificate of Competency to be issued.~~

IV. Chapter 7, Article II, Sections 7-21 and 7-22, of the Punta Gorda Code are hereby deleted in their entirety.

Sec. 7-21. ~~Testing.~~ Reserved.

~~(a) Only approved independent testing agencies will be accepted for the administration of contractor's licensing examinations.~~

~~(b) A passing grade shall be seventy five (75) percent or better, unless passing scores for different tests are set forth.~~

~~(c) The applicant shall submit with his application a letter from the jurisdiction administering such test indicating the name of the test, the date taken, the score and the full name of the individual taking such test.~~

Sec. 7-22. ~~Schedule of time required in trade.~~ Reserved.

~~The amount of time required in trade for certification in all trades or occupation shall be as provided for under Chapter 489 of the Florida Statutes.~~

V. Chapter 7, Article II, Section 7-31, of the Punta Gorda Code is hereby amended to read as follows: *[additions are shown as underline and deletions are shown as ~~striketthrough~~]*

Sec. 7-31. Additions, amendments and modifications to building code.

In addition to the regulations imposed by other sections of this chapter, the following requirements shall apply:

No changes to Paragraphs (a) or (b).

(c) Any violation of Subsection 7-31(b) not corrected within forty-eight (48) hours after notification to the contractor (directly or through a member of the company) or owner shall be subject to the following:

- (1) On the third day a stop work order (red tag) will be placed on the job ~~;~~ and a fine of one hundred dollars (\$100.00) per day will be imposed until the violation is eliminated; ~~and the stop work order will continue until the fine is paid.~~
- (2) In addition, the City of Punta Gorda shall be authorized to clean up all debris and empty all containers on said site, either in-house or through a contractor, and the cost of the cleanup will be added to the fine imposed.
- (3) No inspections will be made and no certificate of occupancy will be issued until all fines and costs have been paid.

No changes to Paragraphs (d) or (e).

VI. Chapter 7, Article II, Section 7-32, of the Punta Gorda Code is hereby amended to read as follows: *[additions are shown as underline and deletions are shown as ~~strikethrough~~]*

Sec. 7-32. Violations of building code; penalties.

No changes to Paragraph (a).

(b) Any person violating paragraph (a) shall:

- (1) Upon conviction, be punished as provided in section 1-6 of this Code, and subsequent continued violations may be so punished from time to time notwithstanding previous convictions or acquittals of the original violation or charge, and providing further that no convictions or acquittals shall be deemed to bar any civil remedy to enforce compliance with the regulations of the building code or to abate any nuisance arising from a violation thereof; or
- (2) Be brought before the Code Enforcement Board and, upon being found guilty of violation of any provision of this section, be fined in accordance with law; and/or
- (3) Be brought before the Building Board and, upon being found guilty of violation of any provision of this section, be subject to the same remedies and penalties provided in Section 7-13(c) through (e) of this Chapter; and/or
- (4) Pay quadruple the amount of permit fee required where construction is commenced before a permit is obtained, unless waived by the Chief Building Official for just cause.

VII. Chapter 7, Article II, Section 7-34, of the Punta Gorda Code is hereby amended to read as follows: *[additions are shown as underline and deletions are shown as ~~strikethrough~~]*

Sec. 7-33. Building permit fees.

Building permit fees are hereby established as follows:

No changes to Paragraphs (a) through (f).

(g) The fee for the following permits shall be:

- (1) Residential plans change \$ 50.00
- (2) Commercial plans change \$ 75.00
- (3) Restamp of jobsite prints \$ 50.00
- (4) ~~2nd~~ Second rejection for same item during review \$ 75.00
- (5) Reinspection fees:
 - i. Wrong address \$ 50.00
 - ii. Any type of inspection turned down due to faulty construction or code violation \$ 50.00
 - iii. Repairs or corrections not made when reinspection is called \$ 50.00
 - iv. Work not ready for inspection when called. In the event the inspector is unable to complete his work due to premises being locked or unavailable or for other reasons, reinspection shall be made by special appointment with the inspector, but shall require a reinspection fee \$ 50.00
 - v. A reinspection fee may be waived by the Chief Building Official for just cause.
- (6) Extension of expired permits (unless waived by the Chief Building Official for just cause) \$100.00
- ~~(7) Commercial name change \$100.00~~
- ~~(8)~~ 7 Change of contractor (same plans and specifications) \$100.00
- ~~(9)~~ 8 Dredging \$450.00
- ~~(10)~~ 9 Miscellaneous work \$100.00
- ~~(11)~~ 10 Review of plans prior to application (non-refundable) -- 50% of proposed permit fee.

VIII. It is the declared intent of the City Council that, if any section, subsection, sentence, clause, phrase or provision of this ordinance is held invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be so construed as to render invalid or unconstitutional the remaining provisions of this ordinance.

IX. Any ordinances or parts of ordinances in conflict herewith are repealed to the extent of such conflict.

X. This ordinance shall take effect immediately upon its adoption.

ADOPTED in regular session of the City Council of the City of Punta Gorda, Florida this _____ day of _____, 2015.

RACHEL KEESLING, Mayor

ATTEST:

APPROVED AS TO FORM:

KAREN SMITH, City Clerk

DAVID M. LEVIN, City Attorney