

JESSE NELSON
MAYOR

VICKIE GAINER
CITY MANAGER

KEVIN OBOS
CITY ATTORNEY



COMMISSIONERS

SAM PEEBLES

PAT PERNO

JAMIE WARRICK

JUDY VANDERGRIFT

NOTICE

The public is invited to attend.

**CITY OF LYNN HAVEN
Board of Contractors Examining Board Meeting
Wednesday, October 18, 2023, at 10:00 AM
307 Ohio Avenue, Lynn Haven, FL 32444**

1. Call to order
2. Approval of Minutes dated 08/23/2023.
3. Discussion only of Chapter 14 - BUILDINGS AND BUILDING REGULATIONS - Changing of the Ordinances. The City Attorney will go through the entire chapter 14 to revise the ordinances as needed in preparation for the Board to present recommendations to the City Commission for approval.
4. Discussion only - Changing the name of Building Contractors Examining Board to Lynn Haven Board of Construction (any recommendations must be submitted to the City Commission for approval).
5. Discussion only - complaint form, fees for filing complaints (any recommendations must be submitted to the City Commission for approval).
6. Adjournment.

** IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT AND FLORIDA STATUTES, 286.26, PERSONS WITH DISABILITIES NEEDING SPECIAL ACCOMMODATION TO PARTICIPATE IN THIS PROCEEDING SHOULD CONTACT CITY HALL NO LATER THAN 48 HOURS PRIOR TO THE PROCEEDING AT (850) 265-2121 FOR ASSISTANCE. IF HEARING IMPAIRED, TELEPHONE THE FLORIDA RELAY SERVICE NUMBERS AT (800) 955-8771 (TDD) or (800) 955-8770 (VOICE) FOR ASSISTANCE.

**WEDNESDAY, AUGUST 23, 2023
BOARD OF CONTRACTORS MEETING – 10:00 A.M.**

Present: Jerry Wilson
Patrick Boykin
Charlie Brown Late 10:10 am
George Outlaw
Telford Reynolds
Charles Vannatter, Building Official
Kevin Obos, City Legal Counsel

Item # 1. Call to order.

Jerry Wilson called the meeting to order at 10:05 A.M.

Item # 2. Approval of Minutes dated 07/19/2023.

Motion by Pat Boykin

Second to the Motion George Outlaw

On Vote:

Jerry Wilson	aye
Patrick Boykin	aye
George Outlaw	aye
Telford Reynolds	aye

Motion passed: 4-0

Item # 3. Discussion only on updating the City Code of Ordinances Chapter 14.

Kevin Obos went over the suggested changes made from the last meeting and will have another update at the next meeting for review by the board to see if it is ready to be taken to the City Commission for approval.

Item # 4. Discussion only about changing the name of the Board of Contractors to the Board of Construction.

Again, it was brought up by George Outlaw, and Charlie Brown suggesting the name of this board be changed to Lynn Haven Board of Construction.

Item # 5. Discussion only about the Complaint Form and filing fees.

Motion by Telford Reynolds and second by Patrick Boykin to open the floor for discussion about the complaint form. No changes to the form except the name change to Lynn Haven Board of Construction. Everyone is still in agreement with the filing fees to be \$150.00 for residential and \$300.00 for commercial. Will discuss at the next meeting how many days suspension and what the tier violations they would like to see set up.

Item # 6. Adjourn.

Next Meeting is set for September 20, 2023, in the Garden Club Building at 10:00 am (CT). There being no further business the meeting adjourned at 11:02 A.M.

APPROVED THIS _____ DAY OF _____ 2023.

Jerry Wilson, Chairman

ATTEST:

Charles Vannatter, Building Official

prepared by
Gloria Thompson

DRAFT

DRAFT ORDINANCE NO.

AN ORDINANCE OF THE CITY OF LYNN HAVEN, FLORIDA, AMENDING THE CITY'S CODE OF ORDINANCES RELATED TO BUILDING CONTRACTORS EXAMINING BOARD; RENAMING THE BOARD; REVISING AND LIMITING THE DUTIES OF THE BOARD TO CONFORM WITH SECTION 489.113, FLORIDA STATUTES; PROVIDING FOR FILING FEES; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the 2023 Florida Legislature amended Section 163.211, Florida Statutes, to preempt the local licensing of contractors; and

WHEREAS, the City Commission desires to amend the Lynn Haven Code of Ordinances to continue to comply with Florida Statutes.

NOW, THEREFORE, BE IT ENACTED BY THE PEOPLE OF THE CITY OF LYNN HAVEN IN BAY COUNTY, FLORIDA:

SECTION 1. Article VIII of Chapter 15—*Building Contractors Examining Board*, of the City of Lynn Haven Code of Ordinances is hereby amended to read as follows (new text **bold and underlined**, deleted text ~~struck through~~):

ARTICLE VIII. - BUILDING CONTRACTORS EXAMINING BOARD OF CONSTRUCTION

Sec. 14-211. - Created.

There is created the ~~building contractors examining board~~ **of construction** of the city.

Sec. 14-212. - Members; appointment; terms.

(a) The ~~building contractors examining board~~ **of construction** of the city shall consist of five members, as follows:

- (1) A master electrician who is engaged in the profession and who holds a valid ~~state master electrician's~~ **license and city occupational license** ~~certificate in the city;~~
- (2) A master air conditioning mechanic who is engaged in the profession and who holds a valid ~~state master~~ **state** ~~air conditioning mechanic's~~ **license and city occupational license** ~~certificate in the city;~~
- (3) A master plumber who is engaged in the profession and who holds a ~~city~~ **city occupational license** ~~master plumber's certificate in the city;~~
- (4) A member from the field of general construction; and
- (5) A qualified elector in the city, preferably not from the field of general construction or any profession regulated by this chapter.

(b) The board shall be appointed by the city commission as follows:

- (1) The first and second members shall be appointed for a term of three years for the first term;

- (2) The third and fourth members shall be appointed for a term of two years for the first term; and
- (3) The fifth member shall be appointed for a term of one year for the first term.
- (c) Terms shall expire and new appointments shall be effective on October 25, 1994, provided that all members shall serve until their successors are duly qualified and appointed. After the first term, all members shall be appointed for a term of three years.

Sec. 14-213. - Chairman; secretary; quorum.

(a) The senior member of the ~~building contractors examining board~~ **of construction** shall act as chairman. The city manager-clerk, or his or her designated representative, shall serve as secretary to the board.

(b) Any three members shall constitute a quorum with an elected chairman pro tem in the absence of the regular chairman.

Sec. 14-214. - Meetings.

Meetings of the ~~building contractors examining board~~ **of construction** shall be held at such times as the board may by rule, from time to time, establish. Special meetings of the board may be called by the chairman or three members of the board at other times and places.

Sec. 14-215. - Records.

From and after the effective date of this ordinance, ~~t~~The ~~building contractors examining board~~ **of contractors** shall keep in the office of the **Building Services** department of ~~development and planning~~ a separate book for each trade or profession in which shall be recorded the names and addresses of each applicant **contractor against whom a grievance has been filed**, ~~for a certificate, the date of filing application, the final action of the board upon each application, the date of such action, whether the granting of a certificate was made with or without examination,~~ date and action of the board in **grievance** ~~revocation or suspension~~ proceedings, and the signatures of the members of the board participating in any action.

Sec. 14-216. - Powers and duties.

The powers and duties of the ~~building contractors examining board~~ **of construction** shall include the following:

(1) To prescribe forms for ~~applications for examinations, certificates of competency, permits, stationery, records,~~ **complaints for building code violations**, notices of violation, **notices or appeal** and such other documents as it shall deem necessary for the conduct of its business.

~~(2) To prepare, conduct and grade or designate written examinations of applicants for certificates of competency.~~

~~(3) To prepare or designate a basic written examination of homeowner applicants for permits and to establish a passing score of such examinations.~~

~~(4) (2)~~ To give notices of hearings and conduct hearings upon charges of violation of the provisions of this chapter by any person subject to the provisions of this chapter.

~~(5) (3)~~ To suspend or revoke **building permits or the ability to obtain building permits** ~~the certificate of competency~~ of any contractor, journeyman or other person found by the board to have violated any of the provisions of this chapter.

~~(6) (4)~~ To hear the appeal of any persons who may be aggrieved by any ruling or order of the chief building official or any inspector. Notice of appeal shall be filed with the secretary to the board within 30 days after the ruling or order from which the appeal is taken. The board shall as soon as may be practicable conduct a hearing at which the

city official and the aggrieved party shall be entitled to present evidence and cross examine witnesses. Either party may be represented by an attorney at law. The aggrieved party shall carry the burden of establishing by greater weight of the evidence that the ruling and order of the chief building official was arbitrary, unauthorized or otherwise unfounded. The hearing shall be conducted in a manner to provide the aggrieved party due process to challenge the ruling or order, and the decision of the board shall be contingent upon evidence and argument presented at the hearing. The rules of evidence shall not apply and any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons rely in the conduct of serious affairs. A record of the hearing shall be made by electronic recording or otherwise. The ~~examining~~ board shall recommend to the city ~~council~~ **commission** affirmation, reversal or modification of the ruling or order. The city ~~council~~ **commission** shall either approve the recommendation or ~~either~~ remand it to the ~~examining~~ board for further consideration. The city ~~council~~ **commission** shall not be authorized to modify the recommendation without the consent of the appellants. The aggrieved party shall be entitled to review the final decision of the city ~~council~~ **commission** by certiorari in the circuit court for the county. Notwithstanding any provisions of any building code, life safety code or other code adopted in this chapter by reference now or hereafter, the foregoing shall constitute the uniform and exclusive method of appeal in this chapter.

~~(7) To satisfy itself as to character and integrity of each applicant for a certificate of competency, by requiring such pertinent information as it may deem necessary.~~

~~(8) (5) To enforce provisions of this chapter wherever required or authorized.~~

Sec. 14-217. Revocation, suspension of building permits certificates of competency.

(a) ~~The building contractors examining board~~ **of construction** shall suspend or revoke any contractor's **building permits, or ability to obtain them,** ~~master's, or journeyman's certificate of competency,~~ if one or more of the following grounds shall exist:

- (1) Misrepresentation of any material fact in the application for a ~~certificate or for~~ a permit;
- (2) Performance of work in a negligent, incompetent or unworkmanlike manner;
- (3) Contracting in a name other than registered with the general building inspector;
- (4) Abandonment of any contract for the performance of work without legal grounds;
- (5) Diversion of property or funds received pursuant to contract for work;
- (6) Departure from the plans and specifications of any contract for work or accompanying application for permit without the consent of the party for whom the work is being performed;
- (7) Misrepresenting the requirements of this chapter regulating work in order to obtain or increase the scope of the work in any contract of construction work;
- (8) Failing to report to the general building inspector or his assistants or attempting to conceal the violation of any provision of this chapter;
- (9) Failing to report to the general building inspector or his assistants or attempting to conceal the violation of any provision of this chapter by any contractor;
- (10) Pledging or loaning his certificate to any person when not actively associated with that person in the performance of the work authorized by the certificate;
- (11) Default in payment either for labor or materials resulting in a lien being placed against a piece of property in question and the lien remaining unsatisfied for a period of 60 days or more; or

(12) Default in payment either for labor or materials resulting in a judgment being obtained or filed against the building, general or residential contractor and the judgment remaining unsatisfied for a period of 60 days or more.

(13) Violation of any applicable provision of F.S. § 489.129.

(14) Violation of any applicable provision of F.S. § 455.227.

(b) Any contractor, ~~master or journeyman~~ who shall violate, or assist in violating, any of the provisions of this article, may, upon conviction thereof, have his **building permits, or ability to be issued building permits,** ~~certificate of competency~~ suspended for not less than 30 days for the first offense, and for repeated offenses, may have his **building permits, or ability to be issued building permits,** ~~certificate of competency~~ suspended for a longer period than 30 days or have the same canceled or revoked by the board of examiners upon the recommendation of the building official.

~~(c)~~ Any time the building official or his assistants shall ascertain any of the grounds for revocation or suspension exist or there is filed with the board of examiners the complaint of any person alleging the existence of any such grounds, it shall be his or their duty to make a full, fact-gathering investigation and file, within 60 days of such complaint or assertion, with the board of examiners a written report thereof, together with a statement as to the existence of probable cause for suspension or revocation, and if the board ascertains that such probable cause exists, the board shall conduct a hearing thereon, after notice.

(d) At any time the report of the building official or his assistants shall show the existence of probable cause for suspension or revocation, the building official or his assistants shall serve upon the alleged violator a notice of the alleged grounds for suspension or revocation and the time, date and place of a hearing before the board thereupon. The notice shall be served not less than ten nor more than 30 days prior to such hearing. The alleged violator shall have the right to appear at the hearing, be represented by counsel, produce evidence and cross-examine witnesses. A record shall be kept of the hearing.

(e) Each case before the ~~examining~~ board shall be presented by the building official or his designee. The hearing need not be conducted in accordance with the formal rules relating to evidence and witnesses but fundamental due process shall govern the proceedings. Any relevant evidence shall be admitted if the board finds it competent and reliable, regardless of the existence of any common law or statutory rule to the contrary. The board may take testimony from the general building inspector and the alleged violator. Each party shall have the right to call and examine witnesses, to introduce exhibits; to cross-examine opposing witnesses on any matter relevant to the issues; to impeach any witness; and rebut the evidence against him.

(f) The board shall make findings of facts based on evidence of record. The fact-finding determination of the board shall be limited to whether the violation alleged did occur, and if so, whether the person named in the notice is responsible for that violation. If, after the hearing, the board ~~of examiners~~ shall determine that one or more of the noticed grounds for suspension or revocation exist, it shall enter a written order signed by the chairman suspending or revoking the certificate of competency of the violator. Such order shall, at a minimum, contain the following:

(1) A clear statement of the violations charged;

(2) A clear statement of the factual basis for the charges;

(3) Evidence that the violator was given notice of the charges, and of an opportunity to appear and present evidence and testimony regarding the charges;

(4) Findings of fact made by the board ~~of examiners~~;

- (5) Conclusions of law which demonstrate that the facts alleged constitute violations of F.S. §§ 489.129 or 455.227 or of this section;
- (6) A statement of the penalty imposed against the violator ~~'s certificate of competency~~;
- (7) A recommendation to the construction industry licensing board for action to be taken against the state registration;
- (8) A clear statement informing the violator of the right to appeal the action against ~~him~~ or her ~~certificate of competency~~, and of the right of the violator to challenge the recommendation to the construction industry licensing board.
- (g) Any order suspending or revoking a **building permit, or the ability to be issued a building permit**, ~~certificate of competency~~ may also assess against such violator the reasonable investigative and legal costs for the prosecution of the violation which shall bear interest at the rate provided for judgments in the circuit court and may be enforced as provided by law.
- (h) A copy of such order shall be forwarded to the construction industry licensing board.
- (i) ~~After such a revocation, a new certificate of competency may not be issued to any such violator for a period of up to one year, at the discretion of the board of examiners.~~
- (j) ~~After such a revocation, a new certificate of competency shall be issued only after the applicant passes the required examination and all investigative and legal costs assessed against the violator plus interest are paid in full.~~
- (k) Regardless of the term of any such suspension stated in the order, the suspension shall continue until all investigative and legal costs assessed against the violator plus interest are paid in full. ~~In event any certificate of competency remains suspended for more than 365 days, it shall be deemed revoked and a new certificate shall be issued only after the applicant passes the required examination and all investigative and legal costs assessed against the violator plus interest are paid in full.~~

Sec. 14-218. - Appeals.

Any person aggrieved by the action of the ~~building contractors examining board of~~ **contractors** in refusing to grant a **building permit, or granting a building permit with conditions**, ~~certificate of competency issued pursuant hereto~~ or in suspending or revoking any **right to obtain building permits** ~~certificate of competency issued pursuant hereto~~, may appeal to the construction industry licensing board. Any such appeal shall be filed within 60 days from the date of issuance of the ~~examining boards'~~ recommended penalty to the construction industry licensing board. Failure to challenge the ~~examining board's~~ recommended penalty within the time period set forth in this section shall constitute a waiver of the right to a hearing before the construction industry licensing board, and shall be deemed an admission of the violation.

Sec. 14-219. – Filing Fees.

Any person filing a complaint with the board of contractors related to residential work shall pay a filing fee to the City in the amount of \$150.00. Any person filing a complaint with the board of contractors related to commercial work shall pay a filing fee to the City in the amount of \$300.00.

SECTION 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict. If any phrase, clause, sentence, paragraph, section, or subsection of this Ordinance shall be declared unconstitutional or invalid by a court of competent

jurisdiction, such unconstitutionality or invalidity shall not affect the remaining phrases, clauses, sentences, paragraphs, sections or subsections of this Ordinance.

SECTION 3. It is the intention of the Commission that the provisions of this Ordinance shall become a part of the City's Code of Ordinances. The provisions of this Ordinance may be renumbered or re-lettered with cross-references corrected and the word "ordinance" may be changed to "section," "article", "division" or other appropriate word to accomplish such intention.

SECTION 4. This Ordinance shall take effect immediately upon passage.

PASSED, APPROVED AND ADOPTED at the regular meeting of the City Commission of the City of Lynn Haven, Florida, this ____ day of _____, 2023.

CITY OF LYNN HAVEN, FLORIDA

Jesse Nelson, Mayor

ATTEST:

Vickie Gainer, City Manager-Clerk

- **Chapter 14 - BUILDINGS AND BUILDING REGULATIONS^[1]**

Footnotes:

--- (1) ---

Cross reference— *Weeds, grasses or other vegetation exceeding certain height on unimproved property prohibited, § 26-33; fire prevention code adopted, § 30-56; disposal of building construction waste, § 54-32; signs, ch. 90; zoning, ch. 106; off-street parking and loading requirements, § 106-306 et seq.*

State Law reference— *Building construction standards, F.S. ch. 553.*

- **ARTICLE I. - IN GENERAL**
- **Secs. 14-1—14-25. - Reserved.**
- **ARTICLE II. - BUILDING STANDARDS^[2]**

Footnotes:

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State Law reference— *Building contractors, F.S. § 489.101 et seq.; building construction standards, F.S. § 553.73 et seq.*

- **Sec. 14-26. - Building code—Adopted.**

There is hereby adopted by reference the Florida Building Code, Chapter 553, Florida Statutes, which is on file in the office of the building official along with all appendixes and the State Model Energy Efficiency Code as fully and with the same effect as though set out in this article, and such revisions or replacements as may from time to time be promulgated shall replace the Florida Building Code and the State Model Energy Efficiency Code inclusive, or any replacements or revisions thereof, as the city building code unless the city commission, within 30 days after receipt of such revised editions, passes a motion at a lawfully called meeting of the commission rejecting such revisions.

(Code 1962, § 6-1; Ord. No. 877, § 1, 6-12-07)

- **Sec. 14-27. - Same—Penalty for violations.**

Any person violating any of the provisions of the code adopted in [section 14-26](#), or failing to comply with the rules and regulations provided in this article or referred to, shall, upon conviction, be punished pursuant to [section 1-13](#).

(Code 1962, § 6-2)

- **Sec. 14-28. - Minimum elevation of slab or floor.**

No floor level for a building or structure shall be constructed that is not 12 inches higher than the crown of the roadway, existing road, street, or access to the property. The final elevation of the floor shall be established by transit reading at the highest elevation of the roadway crown that is adjacent to the property upon which the structure or building is to be located.

(Code 1962, § 6-4)

- **Sec. 14-29. - Contractor license fees.**

Any contractor holding a license issued in another city within the county that meets or exceeds the licensing requirements of the city shall pay a fee for certification and a fee for a card. A fee shall be charged to renew the card in each successive year. If the card is not renewed and kept current, upon application for issuance of a card the contractor shall be required to pay the certification fee as a penalty in addition to the renewal fee. State certified contractors shall only be required to obtain an occupational license. All the fees in this section are established by resolution of the city commission and are printed in appendix A of this Code.

(Code 1962, § 6-5(b))

State Law reference— Requirement for local occupational license for state certified contractors, F.S. § 489.113(4)(a).

- **Sec. 14-30. - Bond required for contractors.**

All registered contractors shall furnish to the city a builder's or contractor's bond in the amount of \$5,000.00 conditioned upon the compliance with the applicable building codes and local codes in force in the city. All registered contractors shall hold a city competency card and a state registration at the time of licensing to perform business within the city. If a contractor is state certified, he shall only have to show proof of current certification and a current occupational license within the state.

(Code 1962, § 6-5(a))

State Law reference— Bond, F.S. § 489.131(3)(e).

- **Sec. 14-31. - Permits and fees.**

Building permit and other fees related to construction or site improvement are hereby authorized. Such fees shall be established by resolution of the city commission and printed in appendix A of this Code.

(Code 1962, § 6-6; Ord. No. 877, § 1, 6-12-07)

- **Sec. 14-32. - Disclaimer.**

The city hereby disclaims any responsibility for insuring that construction, remodeling and additions on real property meet the minimum requirements of the city building code in that construction permits and inspections are a matter of service to the public and not intended as a guarantee that construction under permits issued by the city meets the minimum requirements of the city building code.

(Code 1962, § 6-10)

- **Sec. 14-33. - Amendments to the Florida Building Code, Residential.**

Amend Section R322 as follows:

R322.2.2 Enclosed area below design flood elevation. Enclosed areas, including crawl spaces, that are below the design flood elevation shall:

1.

Be used solely for parking of vehicles, building access or storage. The interior portion of such enclosed areas shall not be partitioned or finished into separate rooms except for stairwells, ramps, and elevators, unless a partition is required by the fire code. The limitation on partitions does not apply to load bearing walls interior to perimeter wall (crawl space) foundations. Access to enclosed areas shall be the minimum necessary to allow for the parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the building (stairway or elevator).

Remainder unchanged

R322.3.4 Walls below design flood elevation. Walls and partitions are not permitted below the elevated floor. Areas below elevated buildings may be enclosed only with lattice or mesh screening.

([Ord. No. 1076, § 2, 4-23-19](#))

- **Sec. 14-34. - Amendments to the Florida Building Code, Building.**

Amend Section 202 as follows:

SUBSTANTIAL DAMAGE. Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. The term also includes flood-related damage sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.

Amend Section 1612 as follows:

1612.4.2 Additional requirements for enclosed areas. In addition to the requirements of ASCE 24:

1.

In flood hazard areas other than Coastal High Hazard Areas and Coastal A Zone, enclosed areas below the design flood elevation shall not be partitioned into separate rooms except for stairwells, ramps, and elevators. Access to enclosed areas shall be the minimum necessary to allow for the parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the building (stairway or elevator).

2.

In Coastal High Hazard Areas and Coastal A Zones, areas below elevated buildings may be enclosed only with lattice or mesh screening.

([Ord. No. 1076, § 2, 4-23-19](#))

- **Sec. 14-35. - Amendments to the Florida Building Code, Existing Building.**

Amend Section 202 as follows:

SUBSTANTIAL DAMAGE. For the purpose of determining compliance with the flood provisions of this code, damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. The term also includes flood-related damage sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.

([Ord. No. 1076, § 2, 4-23-19](#))

- **Sec. 14-36. - Work commencing before permit issuance.**

new

Any person who commences any work on land, a building, structure, electrical, gas, mechanical or plumbing system before obtaining the building official's approval or the necessary permits shall be subject to a penalty of 100 percent of the usual permit fee in addition to the required permit fees. This provision shall not apply to emergency work when delay would clearly have placed life or property in imminent danger. But in all such cases the required permit(s) must be applied for within three business days and any unreasonable delay in obtaining those permit(s) shall result in the charge of a double fee. The payment of a double fee shall not preclude or be deemed a substitute for prosecution for commencing work without first obtaining a permit. The building official may grant extensions of time or waive fees when justifiable cause has been demonstrated in writing.

([Ord. No. 1144, § 1, 2-14-23](#))

- **Secs. 14-37—14-55. - Reserved.**
- **ARTICLE III. - BUILDING NUMBERS^[3]**

Footnotes:

--- (3) ---

Cross reference— *Streets, sidewalks and other public places, ch. 58; planning, ch. 86; subdivisions, ch. 98; supplementary district regulations, § 106-261 et seq.*

- **Sec. 14-56. - Posting required.**

Street numbers shall be placed on all existing and new buildings so that numbers are plainly visible and legible from the street or roadway.

(1)

Every main entrance to every building and every lot fronting upon any street shall bear a certain number assigned by the city.

(2)

No fractional numbers will be allowed.

(Code 1962, § 6-36)

- **Sec. 14-57. - Attaching, stenciling or painting numbers on buildings.**

Every person owning or occupying any house or building fronting on any street shall, whether the house or building presently exists or will be constructed in the future, have the proper number attached to, stenciled or painted with contrasting colors on the front part of such house or building, over, on or by each main entrance in such a manner that the number shall conform to this section. In the case of construction after the passage of this article, the number shall be affixed prior to occupancy. If, because of setback of the house or building or for any other reason, the number cannot readily be seen from the street, then the occupant shall, in addition to the provisions of this section, position the numbering so that it is clearly visible from the street.

(1)

The minimum size of the number shall be five inches. No script or Roman numerals will be allowed; Arabic numbers only shall be utilized.

(2)

Premises on which buildings are being constructed shall post temporary street numbers prior to start of construction.

(Code 1962, § 6-37)

- **Sec. 14-58. - Mobile home parks and mobile homes.**

Street numbers for mobile home parks shall be displayed on permanent type markers at the entrance to such parks.

(1)

Lot numbers in mobile home parks shall be posted on the street side of the mobile home or on a permanent stake or marker located at the mobile home.

(2)

The department of development and planning is to be supplied a map of each mobile home park, such parks consisting of three units or more, with lot numbers shown. The department of development and planning shall be immediately notified of any changes.

(3)

The department of development and planning shall furnish the fire and police departments with copies of all mobile home park numbers.

(4)

Mobile home parks with temporary parking or camping lots shall have lot numbers posted on a permanent stake or post at such lots.

(Code 1962, § 6-38)

- **Sec. 14-59. - Display of incorrect numbers.**

It shall be unlawful for any person to display any false or incorrect house or lot number knowingly and willingly or with the intention to deceive another person.

(1)

Numbers shall remain unobstructed or be relocated to an alternate visible location during remodeling or construction in area of location of number.

(2)

Numbers posted shall be on the outside of the building and unobstructed by advertisement signs and literature at all times.

(3)

If property is of such size that it carries more than one address, each number shall be posted in the proper location.

(Code 1962, § 6-39)

- **Secs. 14-60—14-80. - Reserved.**

- **ARTICLE IV. - ELECTRICAL CODE^[4]**

Footnotes:

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State Law reference— *Electrical contractors, F.S. § 489.501 et seq.*;

- **DIVISION 1. - GENERALLY**

- Secs. 14-81—14-90. - Reserved.

- **DIVISION 2. - ADMINISTRATION AND ENFORCEMENT^[5]**

Footnotes:

--- (5) ---

Cross reference— *Administration, ch. 2.*

- **Sec. 14-91. - Procedures adopted.**

The administrative and enforcement provisions in the building code adopted in [section 14-26](#) are hereby adopted as the enforcement and administrative provisions for the electric code adopted in [section 14-116](#), unless otherwise provided in this article.

- **Sec. 14-92. - Electrical inspector qualifications; appointment.**

The person chosen to perform the duties of inspector shall be a competent electrician and shall have had at least four years experience as a journeyman electrician in the practice of his trade, or two years training in a recognized college of electrical engineering, and in addition thereto, two years of practical experience in electrical construction, shall be well versed in approved methods of electrical construction for safety to life and property, the statutes of the state relating to electrical work, the rules and regulations issued by the public service commission of the state, under authority of the statutes, the National Electrical Code, and other installations and the safety rules and regulations. The inspector shall be appointed by the city manager-clerk with the approval of the city commission.

(Code 1962, § 8-19)

Cross reference— Officers and employees, [§ 2-106](#) et seq.

State Law reference— Qualifications and certification of inspectors, F.S. § 468.601 et seq.

- **Sec. 14-93. - Electrical contractor—Qualifications.**

A person shall be deemed qualified in the business of electrical contracting if he has passed a Block proctored examination with a passing grade of 72 percent as master electrician, possesses a county license and be registered with the state department of business and professional regulation; or be certified by the state. Such persons deemed qualified shall purchase a city occupational license for such trade. If such person meets these qualifications and is licensed in another municipality in the county, a fee will be charged for city certification for issuance of a card of competency and which shall be renewed annually for a fee as long as card is kept up to date. Such fees are established by resolution of the city commission and are printed in appendix A of this Code. State certified electrical contractors are only required to obtain an occupational license.

- **Sec. 14-94. - Same—Bond.**

Every person before engaging in the business of electrical contracting shall obtain a bond in the sum of \$5,000.00 with a surety company authorized to do business in the state, conditioned upon the compliance with the applicable electrical codes of the city.

(Code 1962, § 8-44(a))

- **Sec. 14-95. - Permits—Required.**

(a)

No electrical wiring or extension of circuits shall be installed within or on any building or structure nor shall any alteration, repair or addition be made in any such existing wiring, devices or equipment without first securing a permit from the building official, except as provided in subsections (b) and (c) of this section.

(b)

No permit shall be required for minor repairs, such as repairing flush and snap switches, replacing fuses or circuit breakers, and changing lamp sockets and receptacles.

(c)

No permit shall be required for the installation of wiring, devices or equipment for telephone, cable television or any work installed by a public utility subject to regulation as such by the state public service commission or an agency of the United States.

(d)

A permit for electrical construction shall be obtained from the building official by the person installing the work.

(e)

The permit when issued shall be for such installation as is described in the permit, and no deviation shall be made from the installation so described without the written approval of the building official.

(Code 1962, § 8-50)

- **Sec. 14-96. - Same—Belated.**

(a)

Whenever any person shall commence or proceed with any electrical installation or construction work for which a permit is required by the laws of the city, without having first obtained such permit, the person so commencing or proceeding with such work without a permit shall take out a belated permit covering such work and pay fees therefor, double the specific fees to be paid for a timely permit covering such work.

(b)

Nothing contained in this section, or the act of taking out and paying fees for a belated permit, shall absolve any person of any penalty incurred for the doing of electrical construction or installation work without a permit.

(Code 1962, § 8-51)

- **Sec. 14-97. - Same—Expiration.**

Permits shall be invalid if work is not started within 180 days after the date of issue and shall expire one year from the date of issue.

(Code 1962, § 8-52)

- **Sec. 14-98. - Fees.**

The fees for electrical permits shall be adopted by the city commission by resolution and printed in appendix A of this Code.

(1)

Residential installations. The fee rate shall be based on total square feet of dwelling unit useable space, which shall include garages, carports, porches, utility rooms, wired outbuildings, etc.

(2)

Nonresidential installations. The fees shall be based on the contractor's selling price for a job which includes labor and material contractor- or owner-furnished.

(Code 1962, § 8-55)

- **Sec. 14-99. - Inspection of work.**

(a)

All air conditioning ducts, fan vents, plumbing and other piping or tube work must be in place, inspected and accepted on work to be concealed before the electrical wiring is inspected, and no such wiring will be considered as completed until all such ducts, vents, plumbing or piping is in place.

(b)

Upon making an inspection of any electrical wiring or equipment, when the wiring or equipment is found to have been installed in a satisfactory manner and in accordance with the provisions of this article, the inspector shall place a notice at the service switch or other suitable place stating that the electrical work has been inspected and found to be in accordance with the rules, as prescribed, and the provisions of this article. If the wiring or equipment is found not to be in accordance with the provisions of this article, the inspector shall post a certificate stating "wiring condemned."

(c)

It shall be unlawful to conceal any electrical wiring or equipment until such wiring or equipment has been inspected and the notice posted as required in subsection (b) of this section.

(d)

If any electrical work or part thereof is covered before being inspected, tested and approved as provided in this article, it shall be uncovered upon the order of the inspector.

(e)

When the electrical work for which a permit has been obtained is ready for inspection, notice in writing upon forms furnished at the office of the inspector stating the location of the work, the name of the owner, the name of the master electrician to whom the permit was issued and the name of the electrician doing the work shall be given to the inspector or his duly authorized representatives at his office.

(f)

Notice to inspect work must be in the office of the inspector, for morning inspections, before 5:00 p.m. the preceding day, and for afternoon inspections, before 12:00 a.m. the same day. A period of 48 hours, exclusive of Sundays and holidays, may be required in which to make inspection and issue permits.

(g)

As soon as possible thereafter, the inspector or his duly authorized representatives will inspect and test the work in a manner necessary to satisfy the inspector that the work has been installed in a proper and workmanlike manner and in accordance with the provisions of this article, and with the plans and specifications previously submitted and approved.

(h)

In large and/or complicated installations the work may be inspected and tested in sections at the option of the inspector or his duly authorized representatives.

(i)

If, after the first visit to an installation pursuant to written notice, it is necessary to return to reinspect any work because of a defect or because the work was not ready for the initial inspection, the inspector will be required to return only on another written notice.

(j)

After the completion of the work, a notice, the same as provided in this section, shall be given to the inspector or his duly authorized representatives for a requesting final inspection. If the inspector finds that the work has been satisfactorily done, he shall issue a final certificate of inspection upon the request of the electrician to whom the permit was issued. This certificate does not relieve the electrician of his responsibility for any defective work which may have escaped the notice of the inspector.

(Code 1962, § 8-62)

- **Sec. 14-100. - Concealment of installations.**

When any part of a wiring installation is to be hidden from view by the permanent placement of parts of the building, the person installing the wiring shall notify the inspector and such parts of the wiring installation shall not be concealed until they have been inspected and approved by the inspector, provided that on large installations where the concealment of parts of the wiring proceeds continuously, the person installing the wiring shall give the inspector due notice, and inspection shall be made periodically during the progress of the work.

(Code 1962, § 8-63)

- **Sec. 14-101. - Completion of installations; certificates.**

(a)

Upon the completion of the installation of the electrical wiring, devices, and equipment which have been authorized by issuance of a permit, it shall be the duty of the person making the installation to notify the inspector who shall inspect the installation within a reasonable time. If the installation is found to be fully in compliance with the law and does not constitute a hazard to life and property, the inspector shall issue a certificate of approval to such person for delivery to the owner authorizing connection to the electrical service, the turning on of the current and the use of the installation. The inspector shall send written notice of the connection authorization to the public utility corporation furnishing the electric service.

(b)

When a certificate is issued authorizing the connection and use of temporary work, such certificate shall be issued to expire at a stated time and shall be revocable by the inspector at his discretion. A preliminary certificate may be issued authorizing the connection and use of certain

specified portions of an uncompleted installation, and such preliminary certificate is revocable at the discretion of the inspector.

(c)

If, upon inspection, the installation is not found to be fully in compliance with law, the inspector shall immediately forward to the person installing the installation a written notice stating the defect which has been found to exist.

(Code 1962, § 8-64)

- **Sec. 14-102. - Appeals from decisions of inspector.**

When the inspector shall condemn all or part of any electrical installation, the owner may file an appeal in writing for review of such action with the building contractor's examining board as provided in [section 14-216\(6\)](#), and the board shall determine whether such electrical installation complies with the law, and render its decision accordingly.

(Code 1962, § 8-65)

- **Sec. 14-103. - Reinspection; unsafe installations.**

The inspector shall periodically make a thorough reinspection of the installation of all electrical wiring, electrical devices and electrical equipment now installed or that may hereafter be installed within the city. When the installation of any wiring devices or equipment is found to be in a dangerous or unsafe condition, the person owning, using or operating such device or equipment shall be notified in writing and shall make the necessary repairs or changes to place such wiring, devices or equipment in safe condition and have such work completed within the period specified by the inspector in such notice. The inspector is hereby empowered to disconnect or order the discontinuance of electrical service to any wiring, devices or equipment found to be defective until the installation of such wiring, devices or equipment has been made safe as directed by him.

(Code 1962, § 8-66)

- **Sec. 14-104. - Connections to installations.**

(a)

It shall be unlawful for any person to make connections from a source of electrical energy to any electrical wiring, devices or equipment for the installation of which a permit is required, until a certificate of approval has been issued by the inspector authorizing such connection and the use of such wiring, devices or equipment.

(b)

It shall be unlawful for any person to make connection from a source of electrical energy to any electrical wiring, device or equipment which has been disconnected or ordered to be disconnected by the inspector or the use of which has been ordered disconnected by the

inspector until a certificate of approval has been issued by the inspector authorizing the reconnection and use of such wiring, devices or equipment.

(c)

Tampering with meters or with conductors carrying unmeasured current and the unauthorized breaking of utility company seals shall be unlawful. New service or existing service that has been altered or repaired shall not be connected until the utility company furnishing electricity has received an authorized inspection certificate.

(d)

It shall be unlawful for any person to remove, alter, change, mar and/or deface any manufacturer's name, trademark, symbol and/or markings on any device or equipment in any installation.

(Code 1962, § 8-67)

- **Sec. 14-105. - Certificate of approval.**

No certificate of approval shall be issued unless the electric light, power and heating installations are in strict conformity with the provisions of law.

(Code 1962, § 8-68)

- **Secs. 14-106—14-115. - Reserved.**

- **DIVISION 3. - TECHNICAL STANDARDS**

- **Sec. 14-116. - Electrical code—Adopted; conflicts; exception.**

(a)

There is hereby adopted by reference the National Electrical Code edition which is on file in the office of the building official as fully and with the same effect as though set out fully in this article and such revisions or replacements of the National Electrical Code as may be promulgated shall replace the National Electrical Code as the city electrical code unless the city commission shall, within 30 days after receipt of such revisions or replacing additions, adopt an ordinance at a lawfully called meeting of the city commission rejecting such revision or replacing editions or portions thereof.

(b)

Whenever there is a conflict between the provisions of the electrical code adopted by subsection (a) of this section and the provisions of this article, this article shall be controlling.

(Code 1962, § 8-81)

- **Sec. 14-117. - Same—Penalty for violations.**

Any person who shall violate any of the provisions of the code adopted by [section 14-116](#) shall be punished as provided by [section 1-13](#).

(Code 1962, § 8-82)

- **Sec. 14-118. - Construction, materials and appliances to conform to article regulations.**

All electrical construction and all materials and appliances used in connection with the installation, maintenance and operation of electrical wiring apparatus or equipment for light, heat or power within the city shall conform to such special rules and regulations as may be embodied in this article or as may be adopted as provided in this division, and shall conform with approved methods of construction for safety to life or property.

(Code 1962, § 8-83)

- **Sec. 14-119. - Service equipment disconnecting means.**

(a)

Each set of service entrance conductors shall be provided with a readily accessible means of disconnecting the current-carrying conductors supplied by the service from the source of supply.

(b)

Main service disconnects or distribution panels shall not be located in the following locations:

(1)

Closets.

(2)

Cabinets.

(3)

Bathrooms.

(4)

Bedrooms.

(5)

Stairways.

(6)

Stairwells.

(Code 1962, § 8-84)

- **Secs. 14-120—14-140. - Reserved.**
- **ARTICLE V. - GAS CODE**
- **Sec. 14-141. - Adoption of gas code.**

(a)

There is hereby adopted by reference the Standard Gas Code edition which is on file in the building official's office as fully and with the same effect as though set out fully in this article and such revisions or replacements of the Standard Gas Code as may from time to time be promulgated shall replace the Southern Standard Gas Code which is on file in the building official's office unless the city commission shall within 30 days after receipt of such revisions or replacing editions, adopt an ordinance at a lawfully called meeting of the city commission rejecting such revision or replacing edition or portion thereof.

(b)

Whenever there is conflict between the provisions of the gas code adopted by subsection (a) of this section and the provisions of this article, this article shall be controlling.

(Code 1962, § 11-1)

Cross reference— Utilities, [ch. 70](#).

- **Sec. 14-142. - Penalty for violations.**

If any person shall violate any of the provisions of the gas code adopted by [section 14-141](#), he shall be punished as provided by [section 1-13](#).

(Code 1962, § 11-3)

- **Sec. 14-143. - Gas piping and tubing installations.**

(a)

Gas piping and tubing shall be installed in such a manner that it will not come in contact with electrical conductors, electrical cables and electrical conduits.

Exception (1): Electrical devices in gas lines and at utilization equipment.

Exception (2): Where metallic conduits and gas lines are bonded together.

(b)

Gas piping and tubing installed in accessible attic spaces and under floor spaces shall be installed in such a manner that it will be fully visible throughout its full length after the building is completed. Gas lines shall not be covered by building insulation, etc.

Exception: Vertical section run down or up to appliances or source.

(Code 1962, § 11-4)

- **Sec. 14-144. - Permit fees.**

The fee schedule shall be as set out in appendix C of the gas code adopted in [section 14-141](#).

(Code 1962, § 11-5)

- **Secs. 14-145—14-165. - Reserved.**
- **ARTICLE VI. - MECHANICAL CODE**
- **Sec. 14-166. - Adoption of code.**

Minimum standards, provisions and requirements regulating the installation of mechanical systems, including alterations, repairs, replacement equipment, appliances, fixtures, fittings, and/or appurtenances thereto, including ventilating, cooling, air conditioning and refrigerating systems, incinerators and other energy related systems within the incorporated area of the city shall be the specifications, rules and regulations promulgated by the Southern Building Code Congress International, Inc., known as the Standard Mechanical Code edition which is on file in the building official's office, with the exception of those portions amended, deleted or added in this article. The code is adopted by reference and made a part of this article as fully as if set forth in this article. Revisions or replacements of the Standard Mechanical Code as may from time to time be promulgated by the Southern Building Code Congress International, Inc., its successors or assigns, shall replace the Standard Mechanical Code edition which is on file in the building official's office as the city mechanical code unless the city commission shall, within 30 days after receipt of such revisions or replacing editions, pass a motion at a lawfully called meeting of the city commission rejecting such revisions or replacing editions or portions thereof.

(Code 1962, §§ 13.5-2, 13.5-4)

- **Sec. 14-167. - Code amendments.**

The mechanical code adopted in [section 14-166](#) is hereby amended as follows:

Subsection 102.2 is amended to read as follows:

102.2 Inspectors of the city mechanical code. The mechanical official, with the recommendation of the city manager-clerk and approval of the city commission, may appoint or hire such number of officers, inspectors, assistants and other employees as shall be authorized from time to time. No person shall be appointed as inspector of mechanical systems who is not qualified in the opinion of the city commission by way of education and/or experience in

mechanical systems to fairly and effectively perform the inspections and other related duties required by this article as provided in state law.

(Code 1962, § 13.5-3)

State Law reference— Qualifications and certification of building officials, F.S. § 468.601 et seq.

- **Sec. 14-168. - Permit fees.**

Permit fees will be established by resolution of the city commission and printed in appendix A of this Code.

(Code 1962, § 13.5-5)

- **Sec. 14-169. - Mechanical contractor qualifications.**

A person shall be deemed qualified to engage in the business of mechanical contractor if he has passed a Block proctored examination with a passing grade of 72 percent and possesses a certificate of competency from any city in the county and be registered with the state or be certified by the state. Such persons deemed qualified by the mechanical inspector shall purchase a city occupational license for such trade or be certified by the inspector by way of qualifications set forth in this section. If such persons meet the qualifications and are licensed in another local municipality, fees as set by resolution of the city commission and printed in appendix A of this Code will be charged for certification and for issuance of a card of competency; then an annual charge as long as the card is kept up to date. All licenses in effect at the time of the adoption of this chapter shall be grandfathered.

(Code 1962, § 13.5-6)

- **Secs. 14-170—14-190. - Reserved.**

- **ARTICLE VII. - PLUMBING CODE^[6]**

Footnotes:

--- (6) ---

Cross reference— *Cross connection control and backflow prevention required, § 70-56 et seq.*

- **Sec. 14-191. - Adoption of code.**

(a)

Minimum standards, provisions and requirements regulating every plumbing installation, including alterations, repairs, replacement equipment, appliances, fixtures, fittings and/or appurtenances thereto, and/or when connected to the water or sewage system within the

incorporated areas of the city shall be the specifications, rules and regulations in the Standard Plumbing Code edition which is on file in the office of the building official, except any amendments included in this article. The code is adopted by reference and made a part of this article as fully as if set forth in this section.

(b)

Such revisions or replacements of the Standard Plumbing Code as may from time to time be promulgated by the Southern Building Code Congress International, Inc., its successors or assigns, shall replace the Standard Plumbing Code edition adopted in subsection (a) of this section, as the city plumbing code unless the city commission shall, within 30 days after receipt of such revisions or replacing editions, adopt an ordinance at a lawfully called meeting of the city commission rejecting such revision or replacing editions, or portions thereof.

(Code 1962, §§ 18-2, 18-4)

- **Sec. 14-192. - Amendments to code.**

The following amendment to the code adopted in [section 14-191](#) is hereby adopted:

Subsection 10.2, "Inspectors," of the plumbing code shall read as follows:

The building inspector, as so appointed and designated by the city manager-clerk, shall be the authorized plumbing inspector for the city. No person shall be so appointed as inspector of plumbing who is not qualified, in the opinion of the city manager-clerk, by way of education and/or experience in plumbing construction to fairly and effectively perform the inspections and other related duties required by this article as provided in state law.

(Code 1962, § 18-3)

State Law reference— Qualifications and certification of inspectors, F.S. § 468.601 et seq.

- **Sec. 14-193. - Conflicts.**

In the event of a conflict between the provisions of this article and the provisions of any general or special law of the state, the provisions of the general or special law shall prevail.

(Code 1962, § 18-5)

- **Sec. 14-194. - Plumbing contractor qualifications.**

A person shall be deemed qualified in the business of plumbing contracting if he has passed a Block proctored examination with a passing grade of 72 percent as master plumber, possesses a county license and is registered with the state department of business and professional regulation; or is certified by the state. Such persons deemed qualified shall purchase a city occupational license for such trade. If such person meets these qualifications and is licensed in another municipality, charges will be set by resolution of the city commission and printed in appendix A of this Code for certification, issuance of a card of competency and an annual fee. State certified plumbing contractors are only required to obtain an occupational license.

- **Secs. 14-195—14-210. - Reserved.**
- **ARTICLE VIII. - BUILDING CONTRACTORS EXAMINING BOARD¹⁷¹**

Footnotes:

--- (7) ---

Cross reference— *Boards, committees, commissions, § 2-71 et seq.*

- **Sec. 14-211. - Created.**

There is created the building contractors examining board of the city.

(Ord. No. 550, § 1, 9-27-94)

- **Sec. 14-212. - Members; appointment; terms.**

(a)

The building contractors examining board of the city shall consist of five members, as follows:

(1)

A master electrician who is engaged in the profession and who holds a valid master electrician's certificate in the city;

(2)

A master air conditioning mechanic who is engaged in the profession and who holds a valid master air conditioning mechanic's certificate in the city;

(3)

A master plumber who is engaged in the profession and who holds a master plumber's certificate in the city;

(4)

A member from the field of general construction; and

(5)

A qualified elector in the city, preferably not from the field of general construction or any profession regulated by this chapter.

(b)

The board shall be appointed by the city commission as follows:

(1)

The first and second members shall be appointed for a term of three years for the first term;

(2)

The third and fourth members shall be appointed for a term of two years for the first term; and

(3)

The fifth member shall be appointed for a term of one year for the first term.

(c)

Terms shall expire and new appointments shall be effective on October 25, 1994, provided that all members shall serve until their successors are duly qualified and appointed. After the first term, all members shall be appointed for a term of three years.

(Ord. No. 550, § 2, 9-27-94)

• **Sec. 14-213. - Chairman; secretary; quorum.**

(a)

The senior member of the building contractors examining board shall act as chairman. The city manager-clerk, or his designated representative, shall serve as secretary to the board.

(b)

Any three members shall constitute a quorum with an elected chairman pro tem in the absence of the regular chairman.

(Ord. No. 550, § 3, 9-27-94)

• **Sec. 14-214. - Meetings.**

Meetings of the building contractors examining board shall be held at such times as the board may by rule, from time to time, establish. Special meetings of the board may be called by the chairman or three members of the board at other times and places.

(Ord. No. 550, § 4, 9-27-94))

• **Sec. 14-215. - Records.**

The building contractors examining board shall keep in the office of the department of development and planning a separate book for each trade or profession in which shall be recorded the names and addresses of each applicant for a certificate, the date of filing application, the final action of the board upon each application, the date of such action, whether the granting of a certificate was made with or without examination, date and action of the board

in revocation or suspension proceedings, and the signatures of the members of the board participating in any action.

(Ord. No. 550, § 5, 9-27-94)

- **Sec. 14-216. - Powers and duties.**

The powers and duties of the building contractors examining board shall include the following:

(1)

To prescribe forms for applications for examinations, certificates of competency, permits, stationery, records, notices of violation and such other documents as it shall deem necessary for the conduct of its business.

(2)

To prepare, conduct and grade or designate written examinations of applicants for certificates of competency.

(3)

To prepare or designate a basic written examination of homeowner applicants for permits and to establish a passing score of such examinations.

(4)

To give notices of hearings and conduct hearings upon charges of violation of the provisions of this chapter by any person subject to the provisions of this chapter.

(5)

To suspend or revoke the certificate of competency of any contractor, journeyman or other person found by the board to have violated any of the provisions of this chapter.

(6)

To hear the appeal of any persons who may be aggrieved by any ruling or order of the chief building official or any inspector. Notice of appeal shall be filed with the secretary to the board within 30 days after the ruling or order from which the appeal is taken. The board shall as soon as may be practicable conduct a hearing at which the city official and the aggrieved party shall be entitled to present evidence and cross examine witnesses. Either party may be represented by an attorney at law. The aggrieved party shall carry the burden of establishing by greater weight of the evidence that the ruling and order of the chief building official was arbitrary, unauthorized or otherwise unfounded. The hearing shall be conducted in a manner to provide the aggrieved party due process to challenge the ruling or order, and the decision of the board shall be contingent upon evidence and argument presented at the hearing. The rules of evidence shall not apply and any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons rely in the conduct of serious affairs. A record of the hearing shall be made

by electronic recording or otherwise. The examining board shall recommend to the city council affirmation, reversal or modification of the ruling or order. The city council shall either approve the recommendation or either remand it to the examining board for further consideration. The city council shall not be authorized to modify the recommendation without the consent of the appellants. The aggrieved party shall be entitled to review the final decision of the city council by certiorari in the circuit court for the county. Notwithstanding any provisions of any building code, life safety code or other code adopted in this chapter by reference now or hereafter, the foregoing shall constitute the uniform and exclusive method of appeal in this chapter.

(7)

To satisfy itself as to character and integrity of each applicant for a certificate of competency, by requiring such pertinent information as it may deem necessary.

(8)

To enforce provisions of this chapter wherever required or authorized.

(Ord. No. 550, § 6, 9-27-94)

- **Sec. 14-217. - Revocation, suspension of certificates of competency.**

(a)

The building contractors examining board shall suspend or revoke any contractor's, master's, or journeyman's certificate of competency, if one or more of the following grounds shall exist:

(1)

Misrepresentation of any material fact in the application for a certificate or for a permit;

(2)

Performance of work in a negligent, incompetent or unworkmanlike manner;

(3)

Contracting in a name other than registered with the general building inspector;

(4)

Abandonment of any contract for the performance of work without legal grounds;

(5)

Diversion of property or funds received pursuant to contract for work;

(6)

Departure from the plans and specifications of any contract for work or accompanying application for permit without the consent of the party for whom the work is being performed;

(7)

Misrepresenting the requirements of this chapter regulating work in order to obtain or increase the scope of the work in any contract of construction work;

(8)

Failing to report to the general building inspector or his assistants or attempting to conceal the violation of any provision of this chapter;

(9)

Failing to report to the general building inspector or his assistants or attempting to conceal the violation of any provision of this chapter by any contractor;

(10)

Pledging or loaning his certificate to any person when not actively associated with that person in the performance of the work authorized by the certificate;

(11)

Default in payment either for labor or materials resulting in a lien being placed against a piece of property in question and the lien remaining unsatisfied for a period of 60 days or more; or

(12)

Default in payment either for labor or materials resulting in a judgment being obtained or filed against the building, general or residential contractor and the judgment remaining unsatisfied for a period of 60 days or more.

(13)

Violation of any applicable provision of F.S. § 489.129.

(14)

Violation of any applicable provision of F.S. § 455.227.

(b)

Any contractor, master or journeyman who shall violate, or assist in violating, any of the provisions of this article, may, upon conviction thereof, have his certificate of competency suspended for not less than 30 days for the first offense, and for repeated offenses, may have his certificate of competency suspended for a longer period than 30 days or have the same canceled or revoked by the board of examiners upon the recommendation of the building official.

(c)

Any time the building official or his assistants shall ascertain any of the grounds for revocation or suspension exist or there is filed with the board of examiners the complaint of any person alleging the existence of any such grounds, it shall be his or their duty to make a full, fact-gathering investigation and file, within 60 days of such complaint or assertion, with the board of examiners a written report thereof, together with a statement as to the existence of probable cause for suspension or revocation, and if the board ascertains that such probable cause exists, the board shall conduct a hearing thereon, after notice.

(d)

At any time the report of the building official or his assistants shall show the existence of probable cause for suspension or revocation, the building official or his assistants shall serve upon the alleged violator a notice of the alleged grounds for suspension or revocation and the time, date and place of a hearing before the board thereupon. The notice shall be served not less than ten nor more than 30 days prior to such hearing. The alleged violator shall have the right to appear at the hearing, be represented by counsel, produce evidence and cross-examine witnesses. A record shall be kept of the hearing.

(e)

Each case before the examining board shall be presented by the building official or his designee. The hearing need not be conducted in accordance with the formal rules relating to evidence and witnesses but fundamental due process shall govern the proceedings. Any relevant evidence shall be admitted if the board finds it competent and reliable, regardless of the existence of any common law or statutory rule to the contrary. The board may take testimony from the general building inspector and the alleged violator. Each party shall have the right to call and examine witnesses, to introduce exhibits; to cross-examine opposing witnesses on any matter relevant to the issues; to impeach any witness; and rebut the evidence against him.

(f)

The board shall make findings of facts based on evidence of record. The fact-finding determination of the board shall be limited to whether the violation alleged did occur, and if so, whether the person named in the notice is responsible for that violation. If, after the hearing, the board of examiners shall determine that one or more of the noticed grounds for suspension or revocation exist, it shall enter a written order signed by the chairman suspending or revoking the certificate of competency of the violator. Such order shall, at a minimum, contain the following:

(1)

A clear statement of the violations charged;

(2)

A clear statement of the factual basis for the charges;

(3)

Evidence that the violator was given notice of the charges, and of an opportunity to appear and present evidence and testimony regarding the charges;

(4)

Findings of fact made by the board of examiners;

(5)

Conclusions of law which demonstrate that the facts alleged constitute violations of F.S. §§ 489.129 or 455.227 or of this section;

(6)

A statement of the penalty imposed against the violator's certificate of competency;

(7)

A recommendation to the construction industry licensing board for action to be taken against the state registration;

(8)

A clear statement informing the violator of the right to appeal the action against his or her certificate of competency, and of the right of the violator to challenge the recommendation to the construction industry licensing board.

(g)

Any order suspending or revoking a certificate of competency may also assess against such violator the reasonable investigative and legal costs for the prosecution of the violation which shall bear interest at the rate provided for judgments in the circuit court and may be enforced as provided by law.

(h)

A copy of such order shall be forwarded to the construction industry licensing board.

(i)

After such a revocation, a new certificate of competency may not be issued to any such violator for a period of up to one year, at the discretion of the board of examiners.

(j)

After such a revocation, a new certificate of competency shall be issued only after the applicant passes the required examination and all investigative and legal costs assessed against the violator plus interest are paid in full.

(k)

Regardless of the term of any such suspension stated in the order, the suspension shall continue until all investigative and legal costs assessed against the violator plus interest are paid in full. In event any certificate of competency remains suspended for more than 365 days, it shall be deemed revoked and a new certificate shall be issued only after the applicant passes the required examination and all investigative and legal costs assessed against the violator plus interest are paid in full.

(Ord. No. 917, § 1, 6-9-09)

- **Sec. 14-218. - Appeals.**

Any person aggrieved by the action of the building contractors examining board in refusing to grant a certificate of competency issued pursuant hereto or in suspending or revoking any certificate of competency issued pursuant hereto, may appeal to the construction industry licensing board. Any such appeal shall be filed within 60 days from the date of issuance of the examining boards' recommended penalty to the construction industry licensing board. Failure to challenge the examining board's recommended penalty within the time period set forth in this section shall constitute a waiver of the right to a hearing before the construction industry licensing board, and shall be deemed an admission of the violation.

(Ord. No. 917, § 1(8-53), 6-9-09)

Editor's note— Ord. No. 917, § 1(8-53), adopted June 9, 2009, did not specifically amend the Code. Hence, inclusion as § 14-218 was at the discretion of the editor.

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Fee: Residential \$150
Commercial \$300

Lynn Haven Board of Construction
825 Ohio Avenue
Lynn Haven FL 32444

Lynn Haven Board of Construction Findings of Fact:

Hearing Date:	Copy Mailed to Violator or Agent On:
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I. THE FOLLOWING ARE APPLICABLE TO THIS HEARING (Check appropriate boxes)

- VIOLATOR PRESENT VIOLATOR'S AGENT PRESENT NO SHOW
 NON-COMPLIANCE NON-PAYMENT REPEAT VIOLATION
 CONTINUING VIOLATION APPEAL WITHDRAWN
 HEARING CONTINUED (Date) _____
 HEARING RESCHEDULED VIOLATION DISMISSED DECISION DEFERRED

II. THE FOLLOWING DEMONSTRATIVE EVIDENCE WAS OFFERED

- BUILDING OFFICIAL'S AFFIDAVIT OTHER AFFIDAVIT (s) FIELD REPORT (s)
 PLANS MAPS INVOICES CORRESPONDENCE PHOTOGRAPHS
 OTHER _____

III. SUMMARY OF EVIDENCE PRESENTED

1. BY DEPARTMENT: VIOLATION(s) ISSUED IN ACCORDANCE WITH THE REQUIREMENTS STIPULATED UNDER THE PROVISIONS OF CHAPTER 14 OF THE CITY CODE.
2. BY VIOLATOR OTHER _____
 TESTIMONY (UNDER OATH) NO TESTIMONY OFFERED

IV. BASIC AND UNDERLYING FACTS

THE DEPARTMENT IS CORRECT NOT CORRECT IN ITS ASSESSMENT OF THE SUBJECT VIOLATION(S)

(Further explanation, if any _____)

V. FUNDAMENTAL ISSUE Whether the Department presented a preponderance of evidence to indicate that the violators is responsible for the subject violation(s) YES NO

VI. ULTIMATE FINDINGS

1. It is the determination of this Board that the subject violation WAS WAS NOT issued in accordance with the provisions of Chapter 14-217 of the City Code.

2. Based on the foregoing, this Board finds the violator(s) GUILTY NOT GUILTY of the subject matter.

3. ITS IS HEREBY ORDERED THAT THE FOLLOWING ACTIONS BE TAKEN

A) Violator’s ability to obtain building permits shall be suspended for _____ days.

B) Violator’s ability to obtain building permits shall be revoked, and may not be issued to such violator until _____.

C) Violator shall pay to the City Clerk \$ _____ for the investigative and legal cost of this hearing. (NOTE: Cost assessed shall bear interest at the rate provided for judgement in the circuit court and may be enforced as provided by law). Chapter 14-217(g)

Date Decision Rendered	Board – Chair Signature
<p>NOTE: If you wish to appeal the Lynn Haven Board of Construction, you must do so in the manner provided in Chapter 14-217(b) of the Code Ordinances for the City of Lynn Haven no later than 30 days from the date the Board decision is rendered. You must also file a copy of any document filed pursuant to any such appeal with the Building Department at the above address and with the City attorney office.</p>	