

ORDINANCE 405 - 2009

AN ORDINANCE OF THE CITY OF KEY COLONY BEACH, FLORIDA; AMENDING CHAPTER SIX OF THE CODE OF ORDINANCES, ENTITLED BUILDINGS, ARTICLE I. BUILDING CODE; ADDING SECTION 6-18 CERTIFICATE OF COMPETENCY REQUIRED; AND PROVIDING FOR CODIFICATION; REPEALING ANY INCONSISTENT PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Commission desires to protect the health and safety of the citizens against substandard work by unlicensed and uninsured building construction contractors; and

WHEREAS, the City Commission desires to provide citizens with a way to identify licensed and insured contractors for building construction or renovation projects; and

WHEREAS, the City Commission desires to provide Code Enforcement Officers with a way to confirm that contractors working in the city are licensed and insured to do the work they are performing; and

WHEREAS, the City Commission desires to implement contractor signage that is consistent with neighboring governments.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF KEY COLONY BEACH, FLORIDA, as follows: (Additions to the ordinance are underlined; deletions are ~~crossed out~~.)

CHAPTER 6. Buildings

Article I. Building Code.

Section 6-18. Certificate of competency required.

- (1) Any person, firm or corporation shall be subject to the provisions and penalties of this chapter if they do not possess a current certificate of competency and they:
- advertise in any newspaper, airwave transmission, phone directory, or other advertising media, OR
 - issue any card advertising, or device indicating to the public that they are a contractor, or are qualified to engage in the business as a contractor, OR
 - hold themselves out as a contractor as plaintiff or defendant in any court of this state.

A certified copy of such court record or a copy of such newspaper, telephone directory, or other advertising making such assertion shall be prima facie evidence in court, or in any other

proceeding authorized by this chapter, that the person purports to have the capacity to act as a contractor.

(2) Contractors conducting their contracting business with the City of Key Colony Beach shall identify all vehicles used in the furtherance of their business by use in the transporting of materials, equipment or employees to a job site, by placing on the sides thereof identification of the contractor by name and their certificate number, in a size no less than three (3) inches.

Exceptions:

Those vehicles rented or leased by a contractor from a commercial vehicle rental agency for a period of less than one (1) month and such vehicles are plainly marked with the name of the lessor in a size which is easily readable.

A vehicle owned by an employee which vehicle is only used for private transportation or in carrying employees' personal tools and personal equipment necessary to fulfill their job tasks.

This Ordinance, upon final passage, shall be included in the Code of Ordinances for the City of Key Colony Beach, Florida, and numbered as set forth herein above.

All Ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed to the extent of any such conflict.

If any singular provision of this ordinance is held to be unconstitutional, preempted by federal or state law, or otherwise held invalid by any court of competent jurisdiction, the remaining provisions of the Ordinance shall not be invalidated.

This Ordinance shall become effective immediately upon passage.

Ronald A. Sutton, Mayor

Attest: Vickie L. Bollinger, City Clerk

Approved as to form and legal sufficiency:

Thomas D. Wright, City Attorney

January 8, 2009 1st Reading
January 10, 2009 Date of Notice, Florida Keys Keynoter
January 22, 2009 Second Reading