

ORDINANCE NO. 6

AN ORDINANCE ESTABLISHING CLASSES OF CERTIFICATES OF COMPETENCY FOR CONTRACTORS TO BE KNOWN AS "AUTHORIZED CONTRACTORS" CERTIFICATES; SUCH CLASSES OF CERTIFICATES BEING MORE SPECIFICALLY DESIGNATED AS:

GENERAL CONTRACTORS
BUILDING CONTRACTORS
RESIDENTIAL CONTRACTORS
SHEET METAL CONTRACTORS
ROOFING CONTRACTORS
CLASS A AIR CONDITIONING CONTRACTORS
CLASS B AIR CONDITIONING CONTRACTORS
CLASS C AIR CONDITIONING CONTRACTORS
MECHANICAL CONTRACTORS
COMMERCIAL POOL CONTRACTORS
RESIDENTIAL POOL CONTRACTORS
SWIMMING POOL SERVICING CONTRACTORS
SPECIALTY CONTRACTORS

PROVIDING THE PROCEDURE FOR THE ISSUANCE, DENIAL, SUSPENSION OR REVOCATION OF "AUTHORIZED CONTRACTORS" CERTIFICATES; DEFINING THE TYPE OF WORK TO BE PERFORMED BY THE HOLDERS OF VARIOUS TYPES OF CERTIFICATES; PROVIDING FOR THE ESTABLISHING OF A CONTRACTOR LICENSING AND EXAMINATION BOARD; ESTABLISHING AN EXAMINATION PROCEDURE TO DETERMINE COMPETENCY; ESTABLISHING PENALTIES FOR VIOLATIONS; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MADISON COUNTY, FLORIDA:

WHEREAS, the Board of County Commissioners of Madison County, Florida has determined that in the interest of the citizens of Madison County, Florida, it is necessary and advisable to have a method of Examination and Licensing of Contractors for the safety, health and general welfare of the inhabitants of Madison County, Florida; therefore;

SECTION 1. APPLICABILITY:

A. All persons desiring to engage in the business on Contracting for Profit to construct, repair, alter, remodel, add to, subtract from, or improve any building or structure, including related improvements to real estate covered by or coming under the terms of the Madison County Building Code

or applicable State Building Codes or other State Codes relating to the building trades, shall, before engaging in such business, obtain an "Authorized Contractor" Certificate issued by the Madison County Contractor Licensing and Examination Board, said certificate shall be either a "GENERAL CONTRACTOR'S CERTIFICATE", a "BUILDING CONTRACTOR'S CERTIFICATE", a "RESIDENTIAL CONTRACTOR'S CERTIFICATE", a "SHEET METAL CONTRACTOR'S CERTIFICATE", a "ROOFING CONTRACTOR'S CERTIFICATE", a "CLASS 'A' AIR CONDITIONING CONTRACTOR'S CERTIFICATE", a "CLASS 'B' AIR CONDITIONING CONTRACTOR'S CERTIFICATE", a "CLASS 'C' AIR CONDITIONING CONTRACTOR'S CERTIFICATE", a "MECHANICAL CONTRACTOR'S CERTIFICATE", a "COMMERCIAL POOL CONTRACTOR'S CERTIFICATE", a "RESIDENTIAL POOL CONTRACTOR'S CERTIFICATE", a "SWIMMING POOL SERVICING CONTRACTOR'S CERTIFICATE", or a "SPECIALTY CONTRACTOR'S CERTIFICATE", as defined in Section 3 hereof.

B. The Madison County Building Inspection Department shall issue building or other applicable permits only to persons possessing the applicable Authorized Contractor Certificate set forth above.

C. Nothing contained in Subsection A above shall prohibit a bonafide homeowner or potential homeowner from constructing, repairing, altering, remodeling, adding to, subtracting from, or improving his own one or two family dwelling, provided he complies with all other rules, regulations, and codes pertaining to the work in which he wishes to engage. No owner-builder shall be issued more than one permit to construct a one or two family dwelling in any twelve-month period, unless he produces reasonable proof to the permit issuing authority that his or his family's employment, health, or general welfare necessitated the need for an additional such family dwelling in such twelve-month period.

SECTION 2. DEFINITIONS - As used herein:

A. "General Contractor" means a contractor whose services are unlimited as to the type of work which he may do, except as provided in this ordinance.

B. "Building Contractor" means a contractor whose services are limited to construction of commercial buildings and single or multiple dwelling residential buildings, which commercial or residential buildings do not exceed three stories in height, and accessory use structures in connection therewith, or a contractor whose services are limited to remodeling, repair, or improvement of any size building if the services do not affect the structural members of the building.

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

D. "Sheet Metal Contractor" means a contractor whose services are unlimited in the sheet metal trade and who has the experience, knowledge, and skill necessary for the manufacture, fabrication, assembling, handling, erection, installation, dismantling, conditioning, adjustment, alteration, repair, servicing, or design when not prohibited by law, of ferrous or nonferrous metal work of U. S. No. 10 gauge or its equivalent or lighter gauge and of other materials used in lieu thereof, and of air-handling systems including the settling of air-handling equipment and reinforcement of same and including the balancing of air-handling systems.

E. "Roofing Contractor" means a contractor whose services are unlimited in the roofing trade and who has the

experience, knowledge, and skill to install, maintain, repair, alter, extend, or design when not prohibited by law, and use materials and items used in the installation, maintenance, extension, and alteration of all kinds of roofing and water-proofing.

F. "Class 'A' Air Conditioning Contractor" means any person whose services are unlimited in the execution of contracts requiring the experience, knowledge, and skill to install, maintain, repair, fabricate, alter, extend, or design when not prohibited by law, central air conditioning, refrigeration, heating, and ventilating, including duct work in connection a complete system only to the extent such duct work is performed by the contractor as is necessary to make complete an air-distribution system, boiler and unfired pressure vessel systems, and all appurtenances, apparatus, or equipment used in connection therewith, and to install, maintain, repair, fabricate, alter, extend, or design when not prohibited by law, piping, insulation of pipes, vessels and ducts, pressure and process piping, pneumatic control piping, and installation of a condensate drain from an air conditioning unit to an existing safe waste or other approved disposal other than a direct connection to a sanitary system. the scope of work for such contractor shall also include any excavation work incidental thereto, but shall not include any work such as liquefied petroleum or natural gas fuel lines within buildings, potable waterlines or connections thereto, sanitary sewer lines, swimming pool piping and filters, or electrical power wiring.

G. "Class 'B' Air Conditioning Contractor" means any person whose services are limited to 25 tons cooling and 500,000 BTU heating in any one system, in the execution of contracts requiring the experience, knowledge, and skill to

install, maintain, and repair, fabricate, alter, extend, or design when not prohibited by law, central air conditioning, refrigeration, heating and ventilating, including duct work in connection with a complete system only to the extent such duct work is performed by the contractor as is necessary to make complete an air-distribution system being installed under this classification, and to install, maintain, repair, fabricate, alter, extend, or design when not prohibited by law, piping, insulation of pipes, vessels and ducts, and installation of a condensate drain from an air conditioning unit to an existing safe waste or other approved disposal other than a direct connection to a sanitary system.

H. "Class 'C' Air Conditioning Contractor" means any person whose business is limited to the servicing of air conditioning, heating, or refrigeration systems, including duct alterations in connection with those systems he is servicing.

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

residential swimming pool, regardless of use. The scope of such work includes layout, excavation, operation of construction pumps for dewatering purposes, steelwork, installation of light niches, pouring of floors, guniting, fibreglassing, installation of tile and coping, installation of all perimeter and filter piping, installation of all filter equipment and chemical feeders of any type, plastering of the interior, pouring of decks, installation of housing for pool equipment, and the installation of package pool heaters. However, the scope of such work does not include direct connections to a sanitary sewer system or to potable waterlines.

L. "Swimming Pool Servicing Contractor" means any person whose scope of work involves the servicing, repair, water treatment, and maintenance of any swimming pool, whether public or private. The scope of such work may include any necessary piping and repairs, replacement and repair of existing equipment, or installation of new additional equipment as necessary. The scope of such work includes the re-installation of tile and coping, repair and replacement of all piping, filter equipment, and chemical feeders of any type, replastering, repouring of decks, and the reinstallation or addition of pool heaters.

M. "Specialty Contractor" means any contractor who does not fall within the categories established in Paragraphs A through L of this Section 2.

SECTION 3. CONTRACTOR LICENSING AND EXAMINATION BOARD

A. There is hereby established a "Madison County Contractor Licensing and Examination Board", which shall consist of five (5) members who have had substantial experience in the building trades, to be appointed by the

Board of County Commissioners of Madison County, Florida, all of whom shall be residents of Madison County, Florida and licensed and engaged in an area of the building trades. The Director of the Madison County Building Inspection Department shall act as the non-voting executive officer of this Board and shall keep records of all proceedings.

B. Of the members first appointed to such Board, two (2) shall be appointed for a term of one (1) year, two (2) for a term of two (2) years, one (1) for a term of three years, and thereafter all members shall be appointed for a term of three (3) years. The Board of County Commissioners may for good cause remove any member from office.

C. It shall be the duty of the Contractor Licensing and Examination Board to accept applications for Authorized Contractor Certificates, administer examinations, issue Authorized Contractor Certificates, suspend or revoke Authorized Contractor Certificates as herein specified and as may be otherwise lawfully provided for.

D. Three (3) members of the Board shall constitute a quorum. A majority shall be no less than three (3) affirmative votes. No Board member shall act in a case in which he has a personal interest.

E. The Board shall establish rules and regulations for its own procedure not inconsistent with the provisions of this Ordinance or other applicable lawful provisions relating thereto. The Board shall meet at regular intervals as determined by its rules and regulations, but shall meet at least quarterly.

SECTION 4. EXAMINATION

A. All persons who do not hold a current Madison County Occupational License for the building trade area in

which he is engaged, who are not registered with the State of Florida, or who do not have an application for registration on file with the State of Florida before the effective date of this Ordinance, shall, before engaging in the business of Contracting for Profit as herein specified, pass the examination and meet all of the requirements set forth herein.

B. The examination administered by the Madison County Contractor Licensing and Examination Board shall be one prepared, administered, proctored, and scored by an independent testing organization approved by the Board of County Commissioners of Madison County, Florida. The examination shall not be designed to unduly restrict qualified persons from passing and receiving licenses for the class of work in which he wishes to engage.

C. The minimum passing grade shall be seventy (70) percent.

D. The Board may, by majority vote, issue licenses to persons who have passed an examination prepared, administered, proctored, and scored by an independent testing organization. Such applicant shall have made a score equal to or exceeding that score required by the Madison County Contractor Licensing and Examination Board.

E. All examination test papers of the applicant shall be made available for review by the applicant when an applicant petitions the Board in writing.

F. All applicants for licensing shall file an application at least fifteen (15) days prior to examination date. Each applicant shall be notified in writing at least ten (10) days prior to examination as to the date, place, and time of examination.

G. The Board shall hold examinations for licensing at a time and place designated by the Board but shall, in

no case, hold less than three (3) examinations each calendar year, provided there is an applicant for licensing.

H. The Madison County Contractor Licensing and Examination Board shall cause to advertise in a local paper the date of the examination thirty (30) days before such examination is to be held. Such notice shall include the final date any applicant may file application for examination on the advertised examination date.

I. Upon the failure of an applicant for an Authorized Contractor Certificate to score the minimum on an approved examination, the Board shall notify the applicant in writing of his failure to attain a passing score, and shall provide him with an opportunity to review the examination as provided in Section 4 (E) above.

SECTION 5. REVOCACTION, SUSPENSION, PROBATION OR OTHER ACTION

A. The Contractor Licensing and Examination Board may revoke or suspend Authorized Contractor Certificates, place on probation, reprimand or censure Authorized Contractors for violations of this Ordinance or violation of the Madison County Building Code (Madison County Ordinance No. 4) or the violation of any other applicable State Building Code or State Code relating to the building trades, upon proof of such violation being shown at a proper hearing before the Board.

B. The Contractor Licensing and Examination Board may revoke or suspend Authorized Contractor Certificates, place on probation, reprimand or censure Authorized Contractors if such Contractor is found guilty of any of the following acts:

(1) Violation of this Ordinance.

(2) Violation of the Madison County Building Code (Madison County Ordinance No. 4) or any other applicable State Building Codes or State Codes relating to the building trades.

(3) Obtaining an Authorized Contractor Certificate by fraud or misrepresentation.

(4) Being convicted or found guilty, regardless of adjudication, of a crime in any jurisdiction which directly relates to the practice of contracting or the ability to practice contracting.

(5) Aiding or abetting any uncertified person to evade any provision of this Ordinance.

(6) Knowingly combining or conspiring with an uncertified person by allowing one's certificate to be used by any uncertified person with intent to evade the provisions of this Ordinance. When a Certificate holder allows his certificate to be used by one or more companies without having any active participation in the operations, management, or control of said companies, such act constitutes prima facie evidence of an intent to evade the provisions of this Ordinance.

(7) Acting in the capacity of a contractor under any certificate issued hereunder except in the name of the certificate holder as set forth on the issued certificate, or in accordance with the personnel of the certificate holder as set forth in the application for the certificate, or as later lawfully changed.

(8) Diversion of funds or property received for prosecution or completion of a specified construction project or operation where as a result of the diversion the contractor is or will be unable to fulfill the terms of his obligation or contract.

(9) Abandonment of a construction project in which the contractor is engaged or under contract as a contractor. A project is to be considered abandoned after 90 days during which no substantial work was performed on the project by the contractor without just cause, unless the prospective

owner shall have consented in writing to such termination of work.

(10) Signing a statement with respect to a project or contract falsely indicating that the work is bonded; falsely indicating that payment has been made for all sub-contracted work, labor, and materials which results in a financial loss to the owner, purchaser, or contractor; or falsely indicating that workmen's compensation and public liability insurance are provided.

(11) Fraud or deceit, or of gross negligence, incompetency, or misconduct in the practice of contracting.

(C) In order to suspend or revoke an Authorized Contractor Certificate, the Board shall give due written notice to the Certificate holder of a hearing to be held for the purpose of determining whether his Authorized Contractor Certificate should be suspended or revoked; such notice to be given at least twenty (20) days prior to the date on which such hearing is to be held. The notice to the Certificate holder shall inform him of the nature of any written complaint, if any, which has been filed against him, and shall also advise him that the Madison County Contractor Licensing and Examination Board may revoke or suspend his Authorized Contractor Certificate, place him on probation, reprimand or censure him for any of the acts or violations as specified in Paragraphs A and B and all subparagraphs thereof, of Section 5 of this Ordinance, or for the violation, if any, of any other provisions of this Ordinance. The notice to the Certificate holder shall also inform him of his right to be represented by counsel at the hearing.

D. The hearing to be held by the Madison County Contractor Licensing and Examination Board shall be held

and conducted in an orderly manner, shall comply with due process of law, and any applicable statutory or other legal provisions relating to such hearing.

E. The Board shall thereafter render a written opinion which shall be mailed to the Certificate holder advising him of the Board's decision.

SECTION 6. PENALTIES AND VIOLATIONS

Any person violating the provisions of this Ordinance shall be punished according to law. (Now \$125.69 F. S.)

SECTION 7. SEVERABILITY

If any provisions of this Ordinance are declared for any reason to be invalid or ineffective, such invalidity or ineffectiveness shall not affect the remaining provisions of the Ordinance, it being expressly declared that such valid and effective provisions hereof express a separate and distinct purpose and intent, and the enactment thereof was not induced by the inclusion herein of any invalid or ineffective provisions hereof.

SECTION 8. EFFECTIVE DATE

This Ordinance shall become effective immediately upon becoming a law.

ADOPTED by the Board of County Commissioners of Madison County, Florida, in its regular meeting assembled, this 19th day of March, 1980.

MADISON COUNTY, FLORIDA

Jimmy E. Pagan
Chairman, Board of County Commissioners

ATTEST:

Dale M. Leslie
Dale M. Leslie, Clerk
Board of County Commissioners