BEFORE THE CITY COMMISSION
CITY OF STUART, FLORIDA

ORDINANCE NUMBER 2404-2019

AN ORDINANCE OF THE CITY OF STUART, FLORIDA, AMENDING THE EXISTING CHAPTER 10, ARTICLE VIII, SECTION 10-200 OF THE CODE OF ORDINANCES; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

* * * * *

WHEREAS, the purpose of this Code of Ordinances amendment is to provide a mechanism to enforce penalties in respect of contractors working within the city limits without an appropriate license; and

WHEREAS, the City Commission duly scheduled, advertised, and held a public hearing on _____, to consider this ordinance and provide for full public participation in the Code of Ordinances amendment process.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, that:

SECTION 1: The Stuart Code of Ordinances is hereby amended to read as follows:

Chapter 10 - BUILDINGS AND BUILDING REGULATIONS

***

Sec. 10-200. - License required. Prohibitions on contracting; penalties; and enforcement.

Except for work to be done by a homeowner in accordance with the Florida Building Code, no work regulated by or for which a permit is required by this article may be done by nor permit issued to any person who has not been licensed by the law as competent to do such work.

a) No person shall:
   1. Falsely hold himself, herself, or a business organization out as a licensed contractor, certificate holder, or registrant.
   2. Falsely impersonate a licensed contractor, certificate holder, or registrant;
   3. Present as his or her own the license, certificate, or registration of another;
   4. Use or attempt to use a license, certificate or registration that has been suspended or revoked;
   5. Engage in the business or act in the capacity of a contractor or advertise himself or herself or a business organization as available to engage in the business or act in the capacity of a contractor without being duly registered or certified or having a certificate of authority;
   6. Operate a business organization engaged in contracting after 60 days following termination of its only qualifying agent, except as provided in Sections 489.119 and 489.1195, Florida Statutes;
   7. Commence or perform work for which a building permit is required without such building permit being in effect.
   8. Perform work contrary to the FL Building Code

b) No uncertified or unregistered person associated with a contracting firm qualified by a licensed contractor shall:
   1. Conceal or cause to be concealed, or assist in concealing, from the primary qualifying agent, any material activities or information about the contracting firm;
   2. Exclude or facilitate the exclusion of any aspect of the contracting firm's financial or other business activities from the primary qualifying agent;
   3. Knowingly cause any part of the contracting firm's activities, financial or otherwise to be conducted without the primary qualifying agent's supervision; or
   4. Assist or participate with any license holder, certificate holder or registrant in the violation of any provision of this chapter.

c) Any violation of the provisions of this section may result in a civil penalty not to exceed $2,000.00. Pursuant to F.S. § 489.127(5). The Board of City Commissioners shall adopt a resolution setting forth a schedule of penalties and may amend said resolution from time to time as it determines appropriate.

d) The Building Official, building inspectors and code enforcement officers of the City of Stuart are hereby designated, authorized and charged with enforcement responsibilities to enforce the provisions of this ordinance.

(1) The enforcement authorities designated herein may issue a citation, as provided herein, for any violation of F.S. §§ 489 and Chapter 10 of this Code, whenever, based upon personal investigation, the enforcement officer has reasonable and probable grounds to believe that such a violation has occurred.

e) The act for which a citation is issued shall cease upon the receipt of the citation.

(1) The person charged with the violation shall pay the civil penalty in the manner indicated on the citation or, within ten (10) days of receipt of the citation, exclusive of weekends and legal holidays, request, in writing to the city's building department office, an administrative hearing before the city magistrate to appeal the issuance of the citation by the enforcement officer.

f) Pursuant to F.S. § 489.113(4)(B), The Building Official may deny, suspend, or revoke the authority of a certified contractor to obtain a building permit or limit such authority to obtaining a permit or permits with specific conditions, if there is proof that such contractor, through the public hearing process, has been found guilty in another county or municipality within the past 12 months, of fraud or a willful building code violation and finds, after providing notice of an opportunity to be heard to the contractor, that such fraud or violation would have been fraud or a violation if committed in the city.

g) The provisions of this section shall be enforced pursuant to provisions of F.S. § 162 and 489

***

(Code 1981, § 6-22; Code 1995, § 18-52)

SECTION 2: All ordinances or parts of ordinances herewith are hereby repealed to the extent of such conflict.

SECTION 3: If any word, clause, sentence, paragraph, section or part thereof contained in this Ordinance is declared to be unconstitutional, unenforceable, void or inoperative by a court of competent jurisdiction, such declaration shall not affect the validity of the remainder of this Ordinance.

SECTION 4: The provision of Sections 1 of this ordinance shall be codified.

SECTION 5: This ordinance shall take effect upon adoption

Passed on first reading the ____ day of _____, 2019.
Commissioner _____ offered the foregoing Ordinance and moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a roll call vote, the vote was as follows:

	YES	NO	ABSENT	ABSTAIN
REBECCA S. BRUNER, MAYOR				
EULA R. CLARKE, VICE MAYOR				
KELLI GLASS LEIGHTON, COMMISSIONER				
MERRITT MATHESON, COMMISSIONER				
MIKE MEIER, COMMISSIONER				

ADOPTED on second and final reading this _____day of _____, 2019.

ATTEST:

_____
MARY R. KINDEL
CITY CLERK

_____
REBECCA S. BRUNER
MAYOR

APPROVED AS TO FORM
AND CORRECTNESS:

_____
MICHAEL MORTELL
CITY ATTORNEY