

ORDINANCE NO. 2708-07

**AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA
RELATING TO BUILDINGS; AMENDING CHAPTER 22, ARTICLES
III AND IX OF THE CODE OF ORDINANCES OF WINTER PARK,
FLORIDA TO COMPLETE THE CONSOLIDATION OF THE
CONSTRUCTION TRADES BOARDS INTO ONE CONSTRUCTION
BOARD, REMOVE EXISTING ADVISORY TRADES BOARDS FOR
PLUMBING, MECHANICAL AND ELECTRICAL, AND CLARIFY
CITY LICENSING REQUIREMENTS OF THE CONSTRUCTION
TRADES; PROVIDING AN EFFECTIVE DATE.**

NOW, THEREFORE, BE IT ENACTED by the people of the City of Winter Park, Florida as follows:

Section 1. Chapter 22, Article III "Electrical Code," of the Code of Ordinances of the City of Winter Park, Florida is hereby repealed.

Section 2. Chapter 22, Article IX "Licensing and Boards," of the Code of Ordinances of the City of Winter Park, Florida is amended to read as follows:

ARTICLE XI. LICENSING AND BOARDS

The Construction Board of Adjustments and Appeals as found in Chapter 22, Article IX, Section 22-28, Subsection 115 of the Code shall be the governing board for licensing of the following construction trades: building, electrical, mechanical, gas, and plumbing.

DIVISION I. BUILDING LICENSING

Sec. 22-401. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Contractor; general, building and residential contractor; roofing contractor; and commercial or residential pool/spa contractors shall mean those contractors as defined in F.S. §489.105.

Sec. 22-402. Contractor's certificate of competency, license, bond required.

(a) *General.* A contractor or builder shall not make contracts or obtain building permits for the erection or construction or repair of buildings for which a permit is required, nor shall a contractor or builder make such contracts and sublet

the same, without first obtaining a certificate of competency and an business certificate ~~occupational license~~ and giving a bond as required by this section. Roofing contractors and commercial or residential pool/spa contractors must show proof of licensing by holding an Orange County or City of Orlando competency card and provide a bond as required in subsection (d).

(b) *Issuance of competency certificates.* All applicants who pass an examination prepared, proctored and graded by an approved testing agency and attaining a minimum score of 75 percent shall have a certificate of competency issued to them upon payment of the prescribed fee.

Applications for examinations as general, building and residential contractors shall be made not less than two weeks before any scheduled examination on a form provided by the code enforcement department.

(c) *Renewal of competency certificates.* Each certificate shall be valid for one year until September 30 of every year, the date on which all certificates shall expire, but the same may be renewed without further examination if application is made to said board on or before September 30 of each year. The fee for renewal of same shall be as established by the city commission of the city as set forth in its schedule of fees. Failure to renew a certificate of competency within one year after its expiration shall require re-examination and requalification before a new certificate may be issued unless the construction board of adjustments and appeals grants an extension to the applicant or unless applicant shows proof of active work in another jurisdiction and submits a fee for the previous year.

(d) *Prerequisites to business certificate ~~occupational license~~.* No person shall be issued an business certificate ~~occupational license~~ for the license year beginning October 1 or thereafter by the city to engage in the business or act in capacity of a contractor until such person has:

- (1) Paid the prescribed license fee as fixed by ordinance;
- (2) Exhibited a current certificate of competency for the class of contractor for which he seeks an business certificate ~~occupational license~~;
- (3) Has filed with the city licensing authority a duly executed bond for the sum of \$5,000.00 for all classes of contractors, or a renewal thereof with corporate surety satisfactory to the city; and
- (4) Shown proof of state registration.

(e) *Exemption.* State certified contractors in each category are not required to meet the licensing requirements as listed in subsections (b), (c) and (d) above; however, a registration fee may be required as listed in the schedule of fees as established by the city commission.

(f) *Owner/builder (residential).* A certificate of occupancy shall not be issued to an unlicensed property owner acting as his own contractor if the property has been offered for sale or lease during the construction process. After the issuance of a certificate of occupancy for building improvements to a property where the owner

has acted as his own contractor, the owner shall not offer this property for sale or lease for one year.

Secs. 22-403 - 22-405. Reserved.

DIVISION II. ELECTRICAL LICENSING

Subdivision 1. General Provisions

Sec. 22-406. Construction Board of Adjustment and Appeals Electrical board.

~~(a) *Creation, membership and duties.* An electrical board is hereby created, consisting of three members, one of whom shall be an employee of Florida Power Corporation and the other two shall be licensed master electricians who act as electrical contractors or are employed by an electrical contractor in the city. The chief electrical inspector shall serve as a nonvoting member of the electrical board. It shall be the duty of the board to be technical advisors to the city and from time to time recommend revisions, additions or deletions in the provisions of the electrical code, to interpret the provisions of the code, and disseminate information on such interpretations and code revisions to all electrical contractors licensed in the city. Additionally, the board shall have the power to suspend or revoke the certificate of competency or state certification (within the city) of any electrical contractor doing work in the city who is found by the board to be guilty of one or more of the following acts or omissions:~~

~~(1) — Fraud or deceit in obtaining a certificate of competency.~~

~~(2) — Negligence, incompetency or misconduct in the practice of contracting within the meaning of this chapter.~~

~~(3) — Willful and deliberate disregard of or violation of this chapter or of any state statute concerning contractor licensing.~~

~~(b) *Terms of office.* The members of the electrical board shall be appointed by the city commission for terms of three years.~~

~~(c) *Meetings and officers.* The board shall meet for the purpose of transacting such business as may properly come before it. At the first meeting in each year a chairman and vice chairman shall be elected. Two members shall constitute a quorum. The electrical inspector shall serve as secretary to the board. The board may meet at any time for any purpose upon call of the chairman.~~

See Chapter 22, Article IX, Section 22-28, Subsection 115 of the Code.

Subdivision II. Certification

Sec. 22-407. Competency requirements.

The Construction Board of Adjustments and Appeals electrical board shall may examine all applicants who apply for examination as master or journeyman

electricians by means of an examination prepared and proctored by the approved testing organization administered by the Building Department. An applicant applying for examination as journeyman electrician shall submit proof of three years' experience, of which up to two years' attendance in a verified trade school may be accepted. An applicant applying for examination as a master electrician shall submit proof of two years' experience as a journeyman electrician or the equivalent in some other jurisdiction. A competency certificate will be issued to any applicant who has attained a grade of at least 75 percent of the examination of the approved testing organization. Upon submission of proof that an individual is an electrical contractor certified by the state, he is considered qualified as an electrical contractor in the city.

Sec. 22-408. Examinations.

Examinations for certificates of competency of electricians shall be made available given at least annually through an approved testing organization, and there shall be charged for such examination a fee as established by the city.

Sec. 22-409. Business certificate Occupational license and bond.

Before engaging in the business of electrical contractor in the city, the master electrician shall file with the city licensing authority a duly executed bond in the amount of \$5,000.00 and pay any prescribed license fee as fixed by chapter 94, article II, of this Code. Such bond and business certificate occupational license shall be renewed at the end of each license year. State certified contractors are exempt from providing a bond to the city.

Sec. 22-410. Renewal of competency certificates.

Each electrician's competency certificate shall be valid for 1 year until September 30 each year, the date on which all certificates shall expire, but the certificate may be renewed without further examination if application is made to the city on or before September 30 each year. The fee for renewing the certificate shall be as established by the city. Any certificate of competency not renewed within 60 calendar days of the due date shall become null and void and a new certificate may be obtained by examination only, except that the holder of any certificate obtained by virtue of the approved testing organization's proctored examination shall be renewed at any time, provided that the holder of such certificate has maintained a current competency card in one of the governmental subdivisions which recognize and reciprocate with the city.

Sec. 22-411. Suspension and revocation of certificate of competency.

~~(a) The electrical board shall have the power to suspend for a length of time not to exceed 1 year or to revoke the certificate of competency of any master, journeyman or maintenance electrician who shall be guilty of any one or more of the following acts:~~

~~(1) — Fraud or deceit in obtaining a license certificate or certificate of competency.~~

~~(2) — Negligence, incompetency or misconduct in the practice of~~

~~contracting within the meaning of this article.~~

~~(3) Willful and deliberate disregard and violation of this article or of the electrical code of the city.~~

~~(b) Any person directly interested, the building official, the electrical inspector or the architect or engineer of any building or construction may prefer charges against a master, journeyman or maintenance electrician under this article. Such charges must be made in writing and sworn to by the complainant and submitted to the electrical board. It will then be the duty of the board at the earliest possible date and not later than 30 days thereafter to investigate the charge and render their decision without delay.~~

See Chapter 22, Article IX, Section 22-28, Subsection 115.5 "Authority"

Sec. 22-412. Reciprocity.

The city will recognize the competency of any master or journeyman electrician having attained a grade of at least 75 percent on an examination of the approved testing organization in behalf of any city or county situated in the state upon receipt of verification of the examination results from the appropriate governmental body and the submission of proof of experience as provided in section 22-407.

Secs. 22-413 - 22-415. Reserved.

DIVISION III. GAS LICENSING

Sec. 22-416. Amendments.

~~The Standard Gas Code adopted in section 22-151 is amended as follows:~~

~~Section 104.8 is added to read as follows:~~

Section 104.8.

Sec. 22-416. Competency and bond.

A person shall not engage in gas piping work or installation of gas appliances until such person has shown proof of competency to the director of code enforcement, obtained any required city business certificate ~~occupational license~~ and delivered to the city a duly executed bond for the sum of \$5,000.00.

Secs. 22-417 - 22-419. Reserved.

DIVISION IV. MECHANICAL LICENSING

Sec. 22-420. Amendments to mechanical code.

~~The Standard Mechanical Code, 1997 edition, is hereby modified and amended as follows:~~

~~Sections 108.1 through 108.5 are amended to read as follows:~~

~~**108.1. Mechanical board.** A mechanical board is hereby created, consisting of five members who shall be free holders of the city or licensed to do business in the city and who shall be appointed by the city commission, three of whom shall be licensed mechanical contractors or air conditioning contractors, one of whom shall be a professional mechanical engineer registered in this state, and one of whom shall be an owner of real property within the city. Appointments shall be for terms of three years. The mechanical inspector shall serve as a nonvoting member of the board. Each member shall hold office until their successors are appointed. References to the construction board of adjustments and appeals shall mean the mechanical board in this chapter.~~

~~**108.2.1. Meetings.** The board shall meet as needed or upon call of the chairman for the purpose of transacting business as may come before it. At the first meeting in each year, a chairman and a vice chairman shall be elected. Three members shall constitute a quorum.~~

~~**108.3. Powers.** The mechanical board shall have the power as further defined in 108.4 to hear appeals of decisions and interpretations of the building official and consider variances from the mechanical code of the city and shall have the authority to suspend or revoke the certificate of competency or state certification (within the city) of any mechanical or class A or B air conditioning contractor (as defined in F. S. §489.105) doing work in the city who is found by the board to be guilty of one or more of the following acts or omissions:~~

~~(1) Fraud or deceit in obtaining a certificate of competency.~~

~~(2) Negligence, incompetency or misconduct in the practice of contracting within the meaning of this chapter.~~

~~(3) Willful and deliberate disregard of or violation of this chapter or of any state statute concerning contractor licensing.~~

~~Section 111 is added to read as follows:~~

~~**Section 111.**~~

Sec. 22-420. Licensing.

(a) *Issuance of competency cards.* Applications for examination as mechanical contractors or journeyman shall be made no less than 2 weeks before any scheduled examination date on a form provided by the building and code enforcement department. All applicants for examination who pass an examination prepared, proctored and graded by the approved testing agency with a grade of 75 percent or better, shall have a competency card issued to them upon payment of the prescribed fee. In order to make application, that person must meet one of the eligibility requirements as listed in F.S. §489.111(2)(c).

(b) *Renewal of one-year competency certificates.* Each certificate shall be value for one year until September 30 of every year, the date on which all certificates shall expire, but the same may be renewed without further examination if application is made to said board on or before September 30 of each year. The fee for renewing same shall be in accordance with the schedule as established by the city commission of the city as set forth in its schedule of fees. Any certificate of competency not renewed within 60 calendar days past due shall become null and void and a new certificate may be obtained by examination only, except that the holder of any certificate obtained by the virtue of the approved testing organization's proctored examination shall be renewed at any time provided that the holder of such certificate has maintained a current competency card in one of the governmental subdivisions which recognize and reciprocate with the city. Mechanical contractors who hold a current certification with the state need not meet city licensing or bonding requirements regarding competency.

(c) *Examinations.* Examinations sponsored by the city and proctored by an approved testing agency shall pay an application fee in accordance with the schedule as established by the city commission of the city as set forth in its schedule of fees.

(d) *Classification of contractors.* Class A, B and C air conditioning contractors and mechanical contractors as defined in F.S. §489.105. No future amendments or changes to that section shall be incorporated by reference herein.

(e) *Business certificate ~~Occupational license~~, bond required.* No person shall be issued an business certificate ~~occupational license~~ by the city to engage in the business of mechanical contracting until such person has:

(1) Paid the prescribed fee as established by the city commission of the city as set forth in its schedule of fees;

(2) Exhibited a current certification of competency for the class of contractor for which he seeks an business certificate ~~occupational license~~; and

(3) Has filed with the city licensing authority a duly executed bond for the respective sum of \$5,000.00 for all classes of contractors, or a renewal thereof with corporate surety satisfaction to the city.

Secs. 22-421 - 22-429. Reserved.

DIVISION V. PLUMBING LICENSING

Sec. 22-430. Amendments.

~~The Standard Plumbing Code, 1994 edition, is hereby modified and amended as follows:~~

Sec. 19B-3. Amendment to Standard Plumbing Code.

The Standard Plumbing Code, 1994 edition, is hereby modified and amended as follows:

Section 108.1 is amended to read as follows:

~~105.1~~ 108.1. Plumbing board.

A plumbing board is hereby created, consisting of 3 master plumbers licensed in the city and two journeyman plumbers holding a current competency card in the city. The plumbing inspector shall serve as a nonvoting member of the board. Each member shall hold office until their successors are appointed. Members shall be appointed by the city commission.

Section 108.2 is amended to read as follows:

~~108.2~~ Authority and quorum; references.

The board shall have the authority to hear and decide appeals to the city plumbing code and to authorize new or different materials and methods which are not specifically prohibited by the code, or contrary to the intent of said code. Additionally, the board shall have the authority to suspend or revoke the certificate of competency or state certification (within the city) of any plumbing contractor (as defined in F. S. §489.105) doing work in the city who is found by the board to be guilty of one or more of the following acts or omissions:

- (1) — Fraud or deceit in obtaining a certificate of competency.
- (2) — Negligence, incompetency or misconduct in the practice of contracting within the meaning of this chapter.
- (3) — Willful and deliberate disregard of or violation of this chapter or of any state statute concerning contractor licensing.

Three members shall constitute a quorum. All references to the construction board of adjustment and appeals in the Standard Plumbing Code, 1994 edition, shall mean the plumbing board.

Section 108.3 is repealed.

Section 108 is amended to read as follows:

~~108.~~

Sec. 22-430. Licensing.

(a) *Issuance of competency cards.* Applications for examination as a master plumber or journeyman plumber shall be made not less than two weeks before any scheduled examination date on a form provided by the code enforcement department. In order to qualify to take the journeyman plumber's examination, the applicant must show proof of five years experience in plumbing work. In order to qualify to take the master plumber's examination, the applicant must show proof of

having held a journeyman plumber's certificate of competency for a period of at least six months. All applicants for examination who pass an examination prepared, proctored and graded by the approved testing agency with a grade of 75 percent or better, shall have a competency card issued to them upon payment of the prescribed fee.

(b) *Renewal of one-year competency certificates.* Each certificate shall be valid for one year until September 30 of each year, the date on which all certificates shall expire, but the same may be renewed without further examination if application is made to said board on or before September 30 of each year. The fees for renewing the certificates shall be in accordance with the schedule as established by the city commission of the city as set forth in its schedule of fees. Any certificate of competency not renewed within 60 calendar days past due shall become null and void and a new certificate may be obtained by examination only, except that the holder of any certificate obtained by the virtue of the approved testing organization's proctored examination shall be renewed at any time provided that the holder of such certificate has maintained a current competency card in one of the governmental subdivisions which recognize and reciprocate with the city. Plumbing contractors who hold a current certification with the state need not meet city licensing or bonding requirements regarding competency.

(c) *Examinations.* Examinations sponsored by the city and proctored by an approved testing agency shall have fees in accordance with the schedule as established by the city commission of the city as set forth in its schedule of fees.

(d) *Business certificate Occupational license, bond required.* No person shall be issued an business certificate occupational license by the city to engage in the business of plumbing contracting until such person has:

(1) Paid the prescribed fee as established by the city commission of the city as set forth in its schedule of fees.

(2) Exhibited a current certification of competency for a master plumber; and

(3) Has filed with the city licensing authority a duly executed bond for the respective sum of \$5,000.00 or a renewal thereof with corporate surety satisfaction to the city.

(e) *Fraudulent use of license to obtain permit.* No person engaged in the business of plumbing shall allow his name to be used by any other person, directly or indirectly, to obtain a permit, or for the construction of any work under his name, license or bond.

~~(f) *Master or journeyman plumber required on job.* Where any plumbing work is being done, a master or journeyman plumber shall at all times be present on the job, and in actual control and in charge of the work being done.~~

~~Section 202 is amended by adding or altering the following definitions:~~

Sec. 22-431. Definitions.

Journeyman plumber: A person who has shown, through successfully passing an examination as prescribed by the plumbing board, that he has sufficient knowledge, experience and education to install, alter or repair plumbing and gas systems under the supervision of a master plumber.

Master plumber: A person who has shown, through successfully passing an examination as prescribed by the plumbing board or the state that he has sufficient knowledge, experience and education to supervise and be responsible for the construction, alteration and repair of plumbing and gas systems in accordance with the provisions of this code.

~~*Plumbing inspector:* The plumbing inspector is the individual authorized by the city to administer and enforce the provisions of the plumbing code of the city as adopted or amended.~~

Section 3. It is the intention of the City Commission of the City of Winter Park that the provisions of this ordinance shall become and be made a part of the Code of Ordinances of the City; and that sections of this ordinance may be numbered or renumbered or lettered or relettered and the word "ordinance" may be changed to "chapter", "section", "article", or such other appropriate word or phrase in order to accomplish such intentions; and regardless of whether such inclusion in the code is accomplished, sections of this ordinance may be numbered or renumbered or lettered or relettered and typographical errors which do not affect the intent may be authorized by the city manager, without need of public hearing, by filing a corrected or recodified copy of same with the city clerk.

Section 4. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 5. If any section, subsection, sentence, clause, phrase of this ordinance, or the particular application thereof shall be held invalid by any court, administrative agency, or other body with appropriate jurisdiction, the remaining section, subsection, sentences, clauses or phrases under application shall not be affected thereby.

Section 6. This ordinance shall become effective immediately upon the final passage and adoption of this ordinance.

ADOPTED at a regular meeting of the City Commission of the City of Winter Park, Florida, held at City Hall, Winter Park, Florida, on the 23rd day of April, 2007.

Attest:



City Clerk, Cynthia S. Bonham


Mayor, David C. Strong