

TOWN OF FORT MYERS BEACH
ORDINANCE NO. 97-4

AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH FLORIDA, TO BE KNOWN AS THE TOWN OF FORT MYERS BEACH CONTRACTORS LICENSE ORDINANCE PROVIDING AUTHORITY; TITLE AND CITATION; PURPOSE; CONTRACTORS REQUIRED TO BE STATE CERTIFIED; CONTRACTORS REQUIRED TO BE LEE COUNTY CERTIFIED; GRANDFATHERED CERTIFICATES; PENALTIES; SEVERABILITY; REPEALING CLAUSE AND EFFECTIVE DATE

IT IS HEREBY ORDAINED BY THE TOWN OF FORT MYERS BEACH, FLORIDA as follows:

SECTION ONE: Authority

This Ordinance is enacted pursuant to the provisions of Chapter 95-494, Laws of Florida, Chapter 166, Florida Statutes, and other applicable provisions of law.

SECTION TWO: Title and Citation

This Ordinance shall be known and may be cited as the Town of Fort Myers Beach Contractors License Ordinance.

SECTION THREE: Purpose

Lee County authorizes the issuance of contractor licenses as authorized by Chapter 489, Florida Statutes, and Lee County Ordinance, granting the privilege of engaging in the contracting business, within the jurisdiction of Lee County. The TOWN OF FORT MYERS BEACH desires to restrict those engaging in the contracting business to those who are licensed by Lee County.

SECTION FOUR: Contractors Required to be State Certified

In accordance with F.S. Ch. 489, the following types of contractors must hold a valid state certification in order to contract in the Town of Fort Myers Beach:

1. General Contractor
2. Building Contractor
3. Residential Contractor
4. Class A Air Conditioning Contractor
5. Class B Air Conditioning Contractor
6. Commercial Pool/Spa Contractor
7. Residential Pool/Spa Contractor
8. Swimming Pool Servicing Contractor
9. Sheet Metal Contractor
10. Mechanical Contractor
11. Plumbing Contractor
12. Residential Solar Water Heating Contractor

13. Underground Utilities and Excavation Contractor
14. Asbestos Abatement Contractor
15. Roofing Contractor
16. Pollutant Storage System Contractor

SECTION FIVE: Contractors Required to be Lee County Certified

The following types of contractors must hold a Lee County Certificate of Competency in order to contract in the Town of Fort Myers Beach:

1. Alarm System Contractor I- layout, fabricate, install, maintain, alter repair, monitor, inspect, replace, or service all types of alarm systems for all purposes.
2. Alarm System Contractor II- layout, fabricate, install, maintain, alter repair, monitor, inspect, replace, or service all types of alarm systems except fire alarm systems.
3. Aluminum Specialty Structures Contractor- fabricate, assemble, handle, erect, install, dismantle, adjust, alter, repair, service and design-if not prohibited by law and in accordance with accepted engineering data and manufacturer specifications-screened porches, screened enclosures, pool enclosures, performed panel-post, beam roofs, mobile home panel roof-overs, residential glass window and door enclosures, vinyl panel window enclosures, single story self-contained aluminum utility storage structures (not to exceed 500 square feet) siding, soffit, fascia, gutters, wood work incidental to the aluminum construction work (limited to construction of wood framing for the walls or uninhabitable utility storage structures, raised wood decks for enclosures, repair or replacement of wood incidental to the installation of glass windows and doors, siding, soffit, fascia, gutters, performed panel-post and beam roofs), masonry concrete work (limited to foundations, slabs and block knee walls incidental to the aluminum construction).
4. Asphalt Sealing and Coating Contractor- strip or coat an existing asphaltic paved surface through the application of a stripper or sealer by squeegee, broom or mechanical applicator.
5. Awning Contractor- manufacture and install a covering over a rigid frame designed as protection against sun and weather.
6. Burglar Alarm System Contractor- installation of burglar alarms in single-family homes and two-family homes, mobile homes, and small commercial buildings having 5000 square feet or less.

7. Cabinet and Millwork Contractor- assemble, install, dismantle, maintain, adjust, alter, extend and design, where not prohibited by law, cabinets and millwork.

8. Carpentry Contractor- install any wood products in a structure or building including rough framing, door, window (including metal), structural and non-structural trusses, sheathing, paneling, trim, cabinets, siding, soffit and fascia.

9. Concrete Forming and Placing Contractor- batch and mix aggregates, cement and water to specifications, to construct forms and framework for the casting and shaping of concrete, place and erect reinforcing steel and miscellaneous embedded steel, and pour, place and finish cement.

10. Concrete Placing and Finishing (Flat work) Contractor- pour, place, and finish concrete flat work (i.e. floors, slab on grade, sidewalks) including incidental placement of mesh reinforcement, plastic vapor barriers and edge forms, excluding reinforcing steel.

11. Court (outdoor) Contractor- maintain or repair outdoor sport courts, including the preparation of the surface, drainage, paving, surface topping, concrete, post and fencing provided incidental electrical work is done by a licensed electrical contractor.

12. Dredging Contractor- operate dredging equipment that digs and removes material by pump and places pumped material to a fill area in one operation.

13. Drywall Contractor- install gypsum drywall products to wood and metal studs, wood and steel joists and metal runners in buildings of unlimited area and height; preparation of the surface over which the drywall product is applied, including the placement of non-structural metal studs, runners and all necessary trim.

14. Excavation Contractor- excavate and remove material such as rock, gravel and sand to construct canals, lakes and levees; clearing land of surface debris and vegetation; grubbing of roots, removal of debris and leveling of the land surface incidental to excavation.

15. Fence Erection Contractor- install, maintain, repair fencing on grade, including pre cast concrete and prefabricated fences, meeting all applicable safety, zoning and building codes.

16. Finish Carpentry Contractor- install finished wood products including paneling, trim, flooring, cabinetry, doors, windows (including metal) and all incidental hardware.

17. Garage Door Contractor- install, maintain, repair or alter horizontal and vertical type garage doors, including all hardware and operating devices, provided a licensed electrical contractor does any of the necessary electrical installation.

18. Glass and Glazing Contractor- select, cut, assemble and install any type of glass or glass work; execute the glazing frames, panels, sashes, doors, ornamental decoration, mirrors, tub and shower enclosures and any incidental metal framing.

19. Gunitite Contractor- use and maintain pneumatic pressure equipment, mix materials and apply gunitite in accordance with applicable building codes.

20. Gutter and Down spout Contractor- install, maintain, repair, alter or extend gutters and down spouts.

21. Insulation (Building) Contractor- install, maintain, repair, extend any insulation for the primary purpose of preventing loss or gain of heat or sound from rooms and buildings; install grid work necessary to support ceiling panels, including luminous ceiling panels.

22. Insulation (All types) Contractor- install, maintain, repair, alter or extend any insulation for the primary purpose of preventing loss or gain of heat from internal or external sources in pipes, vessels, ducts or built-up refrigerated boxes or rooms, and acoustical materials; install grid work necessary to support ceiling panels, including luminous ceiling panels.

23. Irrigation Sprinkler Contractor- install, repair, maintain, alter or extend all piping and sprinkler heads for the irrigation of lawns including incidental connections to a water pump (but not direct connection to potable water lines).

24. Journeyman Air Conditioning- perform work under the supervision and in the employ of a state certified air conditioning contractor or locally licensed air conditioning and heating contractor.

25. Journeyman Electrician- perform work under the supervision and in the employ of a master electrician.

26. Journeyman Mechanical- perform work under the and in the employ of a state certified mechanical contractor. supervision

27. Journeyman Plumber- perform work under the supervision and in the employ of a state certified plumber or a locally licensed master plumber.

28. Marciting Contractor- marcite or plaster any swimming pool, hot tub or spa; but does not include emptying any pool, hot tub or spa.

29. Marine Contractor- construct, maintain, alter or repair seawalls, bulkheads, revetment, docks, piers, wharfs, groins, or other marine structures, including Pile driving.

30. Masonry Contractor- select, cut and lay brick and other baked clay products, rough cut and dress stone, artificial stone and pre cast blocks, structural brick or block, but no pouring or finishing of concrete.

31. Master Electrical Contractor- install, repair, alter, add to, design (in compliance with law), electrical wiring, fixtures, appliances, apparatus, raceways, conduit, which generate, transmits, transforms, or utilizes electrical energy in any form, including electrical installation and systems within plants and substations.

32. Painting Contractor- use paint spraying equipment and hand tools to apply paint to interior and exterior surfaces; includes painting concrete, sealing river rock, sandblasting and general coating except roof applications.

33. Paver Block Contractor- laying of brick, block, paver brick or paver block for flat work only. The bricks are set in sand or other loose or packed material. Blocks may not be set in place by any aggregate that hardens such as concrete or mortar.

34. Paving Contractor- construct roads, airport runways and aprons, parking lots, driveways, sidewalks, curb and gutter, property line walls, storm drainage facilities and incidental excavating, clearing and grading.

35. Pile Driving Contractor- drive pilings (including sheet pilings), construct foundations including excavation), forming and placing reinforcing steel and concrete, and other incidental work.

36. Plastering Stucco Contractor- coat surfaces with a mixture of sand or other aggregate gypsum plaster, Portland cement or quicklime and water or any combination of these materials to create a permanent surface coating; apply and affix gypsum or metal lath or any other product prepared or manufactured, including placing non-structural metal stud and runners to which lath is applied, to provide key or suction bases for the support of the plaster coating.

37. Reinforcing Steel Contractor- fabricate, place and tie steel reinforcing bars (rods) of any profile, perimeter or cross-section used to reinforce concrete buildings and structures in such a manner that under all agreed specification, steel

reinforcing bars (rods) for concrete buildings and structures can be fabricated, placed and tied.

38. Residential Alarm System Contractor- install burglar alarm systems in single family residential, quadruplex housing and mobile homes and fire alarm systems at a residential occupancy.

39. River Rock Contractor- mix, prepare and finish river rock.

40. Sandblasting Contractor- operate a sandblasting machine and water hydraulic jet.

41. Shed Placement and Tie Down Contractor- place, level, and tie down a storage shed of up to 144 square feet of floor area, provided the shed is delivered to the site pre-assembled and engineered drawings for the shed and tie down system are on file with the Division of Codes and Building Services.

42. Sign Contractor-Electrical- erect, install, alter, or extend signs, not to exceed a height of 10 feet above existing grade, to the top of the sign and a maximum size of 40 square feet or a sign structure that does not exceed 20 feet above existing grade that is attached to an existing wall or structure. The scope includes repair of all signs, regardless of height and size, however, electrical work is limited to internal wiring of the signs and does not include work on the electrical supply wiring.

43. Sign Contractor-Limited- erect, install, repair, alter, extend or service a free standing sign structure that does not exceed ten (10) feet above existing grade to the top of the sign and a maximum of 40 square feet or a sign structure that does not exceed 20 feet above existing grade that is attached to an existing wall or structure; non-electrical work, such as painting or changing sign copy panel, and incidental electrical wiring (internal to the sign structure) that does not go beyond the last disconnecting means or terminal point of the sign structure. The scope includes repair of all signs, regardless of height and size, however, electrical work is limited to internal wiring of the signs and does not include work on the supply wiring.

44. Spray Crete Contractor- apply decorative coatings to the top of existing concrete slabs. The coatings, including aggregate and latex type coating, cannot exceed 3/4 inches in thickness. The scope of work does not include installation of slabs.

45. Structural Steel Erection Contractor- erect structural steel shapes and plates, including any minor incidental field fabrications, of any profile, perimeter or cross-section which is used as the structural member of a building or structure; incidental riveting, welding and rigging.

46. Terrazzo Contractor- mix, prepare and finish terrazzo.
47. Tile and Marble Contractor- mix and prepare the base for and set tile and marble.

SECTION SIX: Grandfathered Certificates

The following types of contractors if they hold Grandfathered Certificates from Lee County may contract in the Town of Fort Myers Beach:

1. Air Conditioning-Class C - service and repair of existing air conditioning heating and refrigeration systems, including duct alterations in connection with the systems being serviced.
2. Cement, Concrete and Masonry- a contractor who is qualified to batch and mix aggregates, cement, and water to agreed specifications, to construct forms and framework for the casting and shaping of concrete, to place and erect reinforcing steel and miscellaneous embedded steel, and to pour, place and finish concrete; qualified to select, cut, and lay brick and other baked clay products, rough cut and dress stone, artificial stone and pre cast blocks, structural glass brick or block.
3. Demolition- demolish and remove structures, including but not limited to dwellings, commercial buildings and foundations.
4. Dredging and Land filling- operate dredging equipment that digs and removes material by pump and then deposits the material at a fill location.
5. Flooring- install, repair or replace any materials used as finished flooring in a structure.
6. Glazing and Window Installations- the glazing frames, panels, sashes, doors, ornamental decorations, mirrors, tub and shower enclosures and any metal framing which holds any of the items listed above. Also, to include the installation, repair, and maintenance of windows.
Not to include any alterations of the openings holding windows or doors.
7. Mobile Home Installation- block, level and tie down any mobile home, including trim inside and out, close up of multi-section homes and any necessary utility connections.
8. Plastering, Lathing, Stucco and Drywall- install gypsum drywall products onto wood and metal studs, wood and steel joists, and metal runners in buildings or structure of any size or type. Also, who is qualified to coat surfaces with a mixture of sand or other aggregate gypsum plaster, Portland cement or quick lime and water or any combination of such materials so as to create a permanent surface coating. Such contractor may apply and affix gypsum or metal lath or any other product prepared or

manufactured, including the placing of metal studs and runners to which lath is applied, to provide key or suction bases for the support of the plaster coating.

9. Pool - Class A- involves, but is not limited to, the construction, repair, water treatment, and servicing of any swimming pool, or hot tub or spa, whether public, private, or otherwise, regardless of use. The scope of such work includes layout, excavation, operation of construction pumps for dewatering purposes, steel work, installation of light niches, construction of floors, guniting, fiber glassing, 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, construction of decks, construction of equipment rooms or housing for pool equipment, and installation of package pool heaters. However, the scope does not include direct connections to a sanitary sewer system or to potable water lines.

10. Pool - Class B- involves, but is not limited to, the construction, repair, water treatment, and servicing of any residential swimming pool or hot tub or spa, regardless of use. The scope of such work includes layout, excavation, operation of construction pumps for dewatering purposes, steel work, installation of light niches, construction of floors, guniting, fiber glassing, 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, construction of decks, installation of housing for pool equipment, and installation of package pool heaters. However, the scope does not include direct connections to a sanitary sewer system or to potable water lines.

11. Pool- Class C- servicing, repair, water treatment, including, but not limited to, the direct infusion of chlorine gas accomplished through the use of machinery attached to the pool, and maintenance of any swimming pool or hot tub or spa, 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 reinstallation of tile and coping, repair and replacement of all piping, filter equipment, and chemical feeders of any type, replastering, reconstruction of decks, and reinstallation or addition of pool heaters.

12. Residential- limited to construction, remodeling, repair, or improvement of one-family, two-family, or three-family residences not exceeding two habitable stories above no more than one uninhabitable story and accessory use structures in connection therewith.

13. Roof Painting- use paint spraying equipment and hand tools to apply paint to all types of existing

14. Roof Spraying- limited to cleaning existing roofs with water mixtures only. The scope does not include roof repair or application of paint, coatings or sealants.

15. Seawall and Dock- Construct, maintain, alter or repair seawalls, bulkheads, revetment, docks, piers, wharfs, groins, or other marine structures, including pile driving.

16. Sign Contractor- Non-Electrical- erect, install, repair, alter, extend or change any non-electrical sign in accordance with applicable county codes.

17. Solar Water Heating- size, install, alter, repair, maintain relocate, replace or use residential domestic potable solar water heating systems, including solar heating panels and all appurtenances, apparatus or equipment. The scope is limited to solar domestic hot water systems for one family, two family or three family residences not exceeding two stories in height, and solar swimming pool heaters for residential swimming pools.

18. Tile, Terrazzo, River Rock and Marble- mix, prepare and finish terrazzo or river rock; prepare the base and set tile and marble.

19. Waterproofing- apply sealants, coatings, membranes (other than roofing) or other chemicals unique to the waterproofing trade intended to prevent water or other deleterious substances from penetrating into or through the exterior envelope of buildings or other structures.

20. Underground Utility- construct, install, repair, on public or private property, sanitary sewer collection systems, water distribution systems, storm water collection systems and the continuation of utility lines from the main systems to a point of termination as follows:

a) Main water distribution systems - up to and including the meter location for the individual occupancy.

b) Sanitary sewer collection systems -
1. single family residential - the termination point is the property line;

2. multi-family residential - the termination point is at the manhole or wye lateral extended to an invert elevation as engineered to accommodate future building sewers.

c) Storm sewer collection systems - at the storm structure.

The scope does not include installation of any piping that is an integral part of a fire protection system (beginning at the point where the piping is used exclusively for the fire protection system).

SECTION SEVEN: Penalties

Any person who engages in or manages any business, occupation, or profession without first obtaining a local occupational license, if required, is subject to a penalty of 25% of the license due. Any person who engages in any business, occupation, or profession who does not pay the required occupational license tax within 150 days after the initial notice of tax due, and who does not obtain a required Lee County occupational license, is subject to civil actions and penalties, including court costs, reasonable attorney's fees, additional administrative costs incurred as a result of collection efforts by the entity authorized to collect the occupational license tax, and a penalty of up to \$250.00.

SECTION EIGHT: Severability

If any one of the provisions of this ordinance should be held contrary to any express provision of law or contrary to the policy of express law, although not expressly prohibited, or against public policy, or shall for any reason whatsoever be held invalid, then such provision shall be null and void and shall be deemed separate from the remaining provisions of this ordinance, and in no way affect the validity of all other provisions of this ordinance.

SECTION NINE: Repealing Clause

All ordinances or parts thereof in conflict with the provisions herein contained are, to the extent of such conflict, hereby superseded and repealed.

SECTION TEN: Effective Date

This ordinance shall become effective immediately upon its adoption.

The foregoing ordinance was enacted by the Town Council upon a motion by Council Member Reynolds and seconded by Council Member Murphy and, upon being put

to a vote, the result was as follows:

Anita T. Cereceda	<u>aye</u>
Ted FitzSimons	<u>aye</u>
William (Rusty) Isler	<u>aye</u>
Garr Reynolds	<u>aye</u>
Ray Murphy	<u>aye</u>

DULY PASSED AND ENACTED this 17th day of March , 1997.

ATTEST:

By: Marsha Segal-George
Marsha Segal-George, Town Clerk

TOWN OF FORT MYERS BEACH

By: Anita T. Cereceda
Anita T. Cereceda, Mayor

Approved as to form by:

Richard V.S. Roosa
Richard V.S. Roosa, Town Attorney