

ORDINANCE NO. 285

AN ORDINANCE DEFINING, REGULATING AND GOVERNING CONTRACTORS OF CONSTRUCTION, INCLUDING ALL BRANCHES NOT INCLUDED IN OTHER ORDINANCES, WITHIN THE CITY LIMITS OF MIAMI BEACH, FLORIDA; REQUIRING EXAMINATION OF ALL SUCH CONTRACTORS; PRESCRIBING THE TIME WHEN SUCH EXAMINATIONS SHALL BE CONDUCTED; SPECIFYING AND FIXING THE FEE FOR EXAMINATION; SPECIFYING AND FIXING THE AMOUNT OF THE OCCUPATIONAL LICENSE FEE FOR SUCH CONTRACTORS; CREATING A BOARD OF EXAMINERS FOR CONTRACTORS; DEFINING THE DUTIES AND POWERS OF THE BOARD; AND PROVIDING PENALTIES FOR THE VIOLATION OF THIS ORDINANCE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MIAMI BEACH, FLORIDA:

DEFINITIONS:

SECTION 1. Any person, firm or corporation, employing two or more mechanics or laborers, who is engaged in the business of accepting orders or contracts on cost plus, fixed fee, stated sum, percentage or any combination thereof, or other compensation other than wages, or doing work on or in any building or structure requiring the use of paint, stone, brick, mortar, cement, wood, structural steel or iron, sheet iron, metallic piping, tin, lead or any other building material; or who shall accept orders or contracts on cost plus, fixed fee, or fixed sum, percentage or any combination thereof, or other compensation other than wages, to do any paving or curbing on sidewalks or streets, on public or private property, using asphalt, brick, stone, cement or wood or any combination; or who shall accept orders or contracts on cost plus, fixed fee, stated amount, percentage, or any combination thereof, or other compensation other than wages, to excavate for foundations or any other purpose, or to construct sewers, septic tanks, docks, drive piling, construct bridges, construct seawalls and bulkheads of any and all description; or who is engaged in the business of building, remodeling, repairing, razing or moving, whether it be by day labor, contract, fixed fee or sublet, percentage, or any combination thereof, or other compensation other than wages; shall be deemed to be a contractor within the meaning of this Ordinance.

BOARD OF EXAMINERS:

SECTION 2. Within thirty (30) days after this Ordinance becomes effective there shall be appointed by the City Manager, with the approval of the City Council, a Board of Examiners of Contractors, consisting of Five (5) Members who have been residents of the City of Miami Beach, Florida, for at least one year. One Member shall be actively engaged in the construction of buildings or structures on land, one Member who shall be actively engaged in the construction of docks, bridges, bulkheads or buildings in or over water, one Member who shall be a licensed and registered practicing Architect, one Member a licensed and registered practicing Engineer, and the other Member shall be the Building Inspector of the City of Miami Beach. The Members of the Board shall be appointed for one, two, three and four years respectively, their term of office expiring on the 31st day of October of said

years. Thereafter the City Manager in a like manner shall appoint to fill the vacancy caused by the expiration of the term of office, a Member for a term of four years. If vacancies occur in the Board for any cause, the same shall be filled by appointment as above. Each Member shall hold over after the expiration of his term until his successor has been appointed and qualified. Any Member of the Board may be removed from office by the City Manager for misconduct, incompetency, or neglect of duty, provided, however, such Member removed by the City Manager may have a hearing and his case reviewed before the City Council if the City Council desires to determine his guilt or innocence before his discharge becomes final.

OATH OF OFFICE:

shall
SECTION 3. Each Member of the Board/before entering upon the discharge of his duties of office, prepare and file with the City Clerk an oath in writing, to properly perform the duties of the office as a Member of said Board and to uphold the laws of the City of Miami Beach, the Constitution and Laws of the State of Florida and the Constitution and Laws of the United States.

MEETINGS OF THE BOARD OF EXAMINERS:

SECTION 4. The Board shall meet twice each year, once during the period from April 15th to 30th and once during the period from October 15th to 31st, for the purpose of making examinations and transacting such other business as may properly come before it. At the October meeting in each year, they shall elect officers to serve for a term of one year. These officers shall be a Chairman and a Vice-Chairman; the Building Inspector shall act as the Secretary-Treasurer. The Board shall have the power to make such By-Laws, rules and regulations governing its body, as it may deem necessary, providing the same do not conflict with the laws of the City of Miami Beach, and the State of Florida. Three Members shall constitute a quorum. Provided further that special meetings may be called by the Building Inspector, if approved by the City Manager, on the first Tuesday of any month for the purpose of transacting any business which may not properly be held over to a regular meeting; and provided further that the Chairman or the Secretary-Treasurer are hereby empowered to call meetings to consider violations of this Ordinance as provided in Section 7, or otherwise.

DUTIES OF SECRETARY-TREASURER:

SECTION 5. The Secretary-Treasurer shall keep a record of all the proceedings of the Board together with the necessary Registers showing all applications for examination and license; showing thereon for each the date of application, name, qualifications, place of business, place of residence and whether the application was granted or refused. He shall receive all moneys derived from the operation of this Ordinance and shall deposit same with the City Clerk for the City of Miami Beach. The Books and Registers of this Board shall be prima-facie evidence of all matters recorded therein. The Secretary-Treasurer shall prepare a roster of all licensed contractors after the April and October meetings and file same with the City Clerk and License Bureau of the City of Miami Beach. It shall be his duty to promptly notify these offices in case of revocation or re-issuing of a License.

LICENSES:

SECTION 6. Hereafter, any one desiring to be licensed as a Contractor in the City of Miami Beach shall make application to the Board of Examiners by filling in the printed forms which may be obtained from the Building Inspector's office, and depositing with such application the sum of Five (\$5.00) Dollars for examination fee. Any person taking the examination for a firm or a corporation must be an active member^{or} of a legally authorized agent of such firm or corporation and he or she cannot qualify to take an examination for himself, herself or for any other firm or corporation while this license remains unexpired or uncanceled; provided, however, that if the person passing examination for a firm or corporation shall at any time sever his or her connection, for any reason, with the firm or corporation to whom license was issued on his or her examination, it shall be the duty of both he or she and the firm or corporation to give written notice immediately to the Board of Examiners and at the same time surrender the license for cancellation. The firm or corporation may, at the time of surrendering license, delegate some other member of the firm or legally authorized agent to qualify for examination for them without the payment of any additional examination fee or occupational license fee for the remainder of the fiscal year.

After qualifying the applicant shall then be entitled to an examination to determine his or her qualifications.

If the result of the examination is satisfactory, the Board shall issue a certificate to the City Clerk of the City of Miami Beach who shall then issue a license to the applicant upon the payment of such occupational license fee as is hereinafter stipulated in Section 11.

Any person failing to pass the examination may be re-examined at the next regular meeting of the Board without additional examination fee.

Licenses shall expire on the 31st day of October following their issuance or renewal and shall become invalid after that date, and unless renewed within ten (10) days thereafter the holder of such license may, in the discretion of the Board, be required to be re-examined.

The filing of a petition in Bankruptcy, whether it be voluntary or involuntary, against any person, firm or corporation holding license under the terms of this Ordinance shall automatically revoke such license pending a decision of the Board as provided under Section 7 of this Ordinance.

POWERS OF BOARD OF EXAMINERS:

SECTION 7. The Board shall have the power to revoke the license of any contractor licensed under this Ordinance, who shall be guilty of any one or more of the following acts or omissions:

- (a) Fraud or deceit in obtaining license;
- (b) Negligence, incompetency or misconduct in the practice of contracting within the meaning of this Ordinance;
- (c) Abandonment of any contract without legal excuse;
- (d) Diversion of funds or property received under express agreement, for prosecution or completion of a specific contract under this Ordinance, or for a specified purpose in the prosecution or completion of any contract, and their application or use for any other contract, obligation or purpose with intent to defraud or deceive creditors or the owner;

(e) Fraudulent departure from, or disregard of, plans or specifications in any material respect, without consent of the owners or his duly authorized representative; or the doing of any wilful, fraudulent act by the licensee as a contractor in consequence of which another is substantially injured;

(f) Wilful and deliberate disregard and violation of the building code of the City of Miami Beach and/or of the State Hotel Commission.

Any person directly interested; the Building, Plumbing, or Electrical Inspector of the City of Miami Beach; the Architect or Engineer who is responsible for the plans under which the contractor is working; may prefer charges against a licensee under this Ordinance. Such charges must be made in writing and sworn to by the complainant and submitted to the Board. It will then be the duty of the Board, at the earliest possible date and not later than thirty (30) days thereafter, to investigate the charges and render their decision without delay. Other charges, unless dismissed by the Board as unfounded or trivial, shall be heard and determined within thirty (30) days after the date preferred. A copy of the charges, together with the time and place of hearing, shall be legally served on the accused at least five (5) days before the date fixed for the hearing. At the hearing the accused shall have the right to appear personally and by counsel and cross-examine witnesses against him, her, or them and to produce witnesses and evidence in his, her, or their defense.

If, after the hearing, the Board's decision be that the licensee has been guilty of the charges preferred against him, her, or them, the Board shall suspend or cancel the contractor's license.

The Board may reissue a license to any person, firm, or corporation whose license has been revoked, provided three or more Members of the Board vote in favor of such reissuance, for reasons the Board may deem sufficient.

Prompt notice shall be given the City Clerk and the License Bureau of the City of Miami Beach, in the case of revocation or the re-issuing of a license.

A copy to replace any license lost, destroyed or mutilated may be issued.

Any decision of the Board of Examiners may be appealed from, to the City Council, provided notice of said appeal is given to said City Council and the Secretary-Treasurer of said Board within five (5) days of the date of said decision.

LICENSES AS ISSUED:

SECTION 8. The issuance of a license under this Ordinance shall be evidence that the person, firm or corporation named therein is entitled to all the rights and privileges of a Contractor in the Division for which the License is issued, and while the license remains unrevoked or unexpired.

EXEMPTIONS:

SECTION 9. This Ordinance shall not apply to:

(a) An authorized representative or representatives of the United States of America; the State of Florida; the County of Dade; or the City of Miami Beach, Florida.

(b) Sections or Sub-sections of Ordinances 233 and 247 of the City of Miami Beach creating an Examining Board for Plumbing Contractors and Electrical Contractors; and providing for Examinations of these contractors; and stipulating the Examination Fees of these contractors.

(c) Insofar as to Examination, to any person, firm or corporation having a license to do contracting, within the meaning of this Ordinance, in the City of Miami Beach for three (3) months immediately prior to the passage of this Ordinance.

(d) Sole owners of property, building structures or making repairs thereon for their own use.

RECIPROCITY:

SECTION 10. Any person, firm or corporation who has obtained a license by examination or as otherwise provided for by this Ordinance, in any other City of Dade County, Florida, having similar requirements, shall be granted a license by reciprocity upon the payment of the occupational license fee in his, her or their classification as hereinafter stipulated in Section 11. Licenses issued through reciprocity shall be subject to each and every provision as provided for in this Ordinance.

OCCUPATIONAL LICENSE FEES:

SECTION 11. The occupational license fee for contractors within the meaning of this Ordinance shall be as follows to-wit:

	Per Annum
General Contractors	\$ 100.00
Awnings, Canopies, Awning Shutters, Roller Curtains, Wood, Metal or Canvas, Installation, Renewal, Repair or Alteration	100.00
Brick, Stone, Cement-Block, Tile and Concrete Contractors	50.00
Carpentry and Millwork Contractors	50.00
Cement, Lime, Plastering, Stucco, Lathing and Cast Stone Contractors	50.00
Decorators, Interior and Exterior, including Painting, Waterproofing, Dampproofing and Paper Hanging Contractor	50.00
Electrical and Elevator Contractors	100.00
Engineering Contractors (includes Bridge, Bulkheading, Drainage & Sewer excavating and Sewer construction, dredging, irrigation systems, pile driving, bulkheading and sea walls, sidewalks and street grading and paving, Sidewalk, and similar contract work)	100.00
Flooring, Sanding Contractors (including Wood, Rubber, Composition, Linoleum and any other flooring not otherwise specified)	50.00
Glass and Glazing Contractors	50.00
Gas Fitting, Pipe Fitting, Plumbing & Heating Contractors	75.00
Moving and Wrecking Contractors (Houses, Buildings)	50.00
Ornamental Iron, Bronze & Steel Contractors	50.00
Roofing & Sheet Metal Contractors	50.00
Sprinkler Systems of any and all kinds, including those for Building, lawns, etc.	50.00
Structural & Reinforcing Iron and Steel Contractors	50.00
Tile, Terrazzo, Marble & Granite Contractors	50.00
Solar Water Heating Contractors	50.00
Other Contractors not specifically classified above	50.00

PERMITS:

SECTION 12. No permits for buildings or other structures, improvements, repairs or replacements will be issued where the cost of the completed project is in excess of Five Thousand (\$5,000.00) Dollars, unless plans and specifications have been prepared or approved by a Licensed and Registered Architect and/or Registered Engineer of the State of Florida; and all Architects and Engineers preparing plans and specifications for work in the City of Miami Beach shall include in their "Instructions to Bidders" and in their specifications a notice of this ordinance and the information that it will be necessary to show evidence that a license has been granted as set forth in this Ordinance, or that the bid will not be considered.

Permits shall be procured from the Building Inspector of the City of Miami Beach by every Contractor before doing any work or construction of any character whether permanent or temporary, where the cost exceeds \$ 50.00.

INSURANCE REQUIREMENTS:

SECTION 13. Every Contractor granted a license under the terms of this Ordinance, shall be required to maintain at all times, in a Stock Casualty Insurance Company authorized to do business in the State of Florida, Employees Liability Insurance or Workmen's Compensation Insurance, and Public Liability Insurance with minimum limits on each of not less than Ten Thousand (\$10,000) Dollars for one person and Twenty Thousand (\$20,000) Dollars for more than one person, in any one accident, and Public Property Damage Insurance with a minimum limit of not less than One Thousand (\$1,000) Dollars for any one accident. Said policies are to be subject to the approval of the City Manager.

At the time application is made for examination and before a license can be issued, the Contractor shall file with the City Clerk, a certificate signed by a qualified agent of the Stock Casualty Insurance Company stating that a policy or policies has been issued to the Licensee for:- Employees Liability Insurance or Workmen's Compensation Insurance, Public Liability Insurance, and Public Property Damage Insurance; the minimum limits of each; the policy number or numbers; the name of the company; the effective date of such policies; the expiration date of such policies; together with a statement and a copy of an endorsement placed on such policy or policies requiring five (5) days written notice by registered mail to the City Clerk if it becomes necessary to cancel the policy or policies, for any reason.

In the event of a cancellation of a policy or policies, the City Clerk shall immediately notify the Licensee and Secretary-Treasurer of the Board, and the Licensee shall be required to furnish a new certificate in full compliance with the terms of this Section, within ten (10) days. Failure to do so shall constitute a violation of this Section and license shall automatically be revoked. License may be reinstated by the City Clerk, or the Board, when the Licensee has furnished certificate of insurance in compliance with this Section.

PENALTIES:

SECTION 14. Any person, firm or corporation who, after this Ordinance has been in effect for thirty (30) days, is not legally authorized to practice contracting in the City of Miami Beach, except as provided for in this Ordinance, and any person, firm or corporation

presenting or attempting to file as his own the license of another, or who shall give false or forged evidence of any kind to the Board, or to any Member thereof in obtaining or maintaining a license, or who shall falsely impersonate another or who shall use an expired or revoked license, or who shall violate any of the terms of this Ordinance shall upon conviction, be deemed guilty of a misdemeanor and shall for each offense of which he, she, or they are found guilty, be punished by a fine of not more than Two Hundred (\$200.00) Dollars or imprisonment for not more than Thirty (30) days, or both, in the discretion of the Court.

VALIDITY OF ORDINANCE:

SECTION 15. If any section, sub-section, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each section, sub-section, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, sub-sections, sentences, clauses or phrases be declared unconstitutional.

CONFLICTING ORDINANCES REPEALED:

SECTION 16. All Ordinances, or parts of Ordinances of the City of Miami Beach, in conflict with the provisions of this Ordinance shall be, and the same are hereby repealed.

PASSED AND ADOPTED this 15th day of October, A. D. 1930.

Harry McCarthy
President of City Council
Pro-tem



ATTEST:

O.W. Tomblin
City Clerk

APPROVED BY ME this 15th day of October, A. D. 1930.

Louis F. Srediga
Mayor

First Reading, October 1st, 1930.
Second Reading, October 1st, 1930.
Third Reading, October 15th, 1930.
Posted, October 21st, 1930.

STATE OF FLORIDA)
COUNTY OF DADE)

I, C. W. TOMLINSON, City Clerk in and for the City of Miami Beach, Florida, do hereby certify that Ordinance No. 285, entitled, "AN ORDINANCE DEFINING, REGULATING AND GOVERNING CONTRACTORS OF CONSTRUCTION, INCLUDING ALL BRANCHES NOT INCLUDED IN OTHER ORDINANCES, WITHIN THE CITY LIMITS OF MIAMI BEACH, FLORIDA; REQUIRING EXAMINATION OF ALL SUCH CONTRACTORS; PRESCRIBING THE TIME WHEN SUCH EXAMINATIONS SHALL BE CONDUCTED; SPECIFYING AND FIXING THE FEE FOR EXAMINATION; SPECIFYING AND FIXING THE AMOUNT OF THE OCCUPATIONAL LICENSE FEE FOR SUCH CONTRACTORS; CREATING A BOARD OF EXAMINERS FOR CONTRACTORS; DEFINING THE DUTIES AND POWERS OF THE BOARD; AND PROVIDING PENALTIES FOR THE VIOLATION OF THIS ORDINANCE", having been duly passed and adopted by the City Council of the City of Miami Beach, Florida, has been posted by me in three conspicuous places in the City of Miami Beach, one of which was at the door of the City Hall in said City on the 21st day of October, A. D. 1930, and that said ordinance remained posted for a period of at least thirty days in accordance with the requirements of the City Charter of the said City of Miami Beach.

IN WITNESS WHEREOF I have hereunto set my hand and affixed the official seal of the City of Miami Beach, Florida, on this the 3rd day of December, A. D. 1930.



C. W. Tomlinson
City Clerk

Original

Ordinance No. 285

Contractors Ordinance.

NOTE: There are variations
in these copies -
therefore, herein.