

**ORDINANCE NO. 2006-12**

**AN ORDINANCE OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA AMENDING CHAPTER 16 ENTITLED "PERMITS AND CERTIFICATES" BY CREATING SECTION 16.14 ENTITLED "CONTRACTOR REGISTRATION;" REQUIRING CONTRACTORS TO REGISTER WITH THE VILLAGE PRIOR TO COMMENCING WORK; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE**

WHEREAS, the Village Commission of the Village of Biscayne Park is concerned with contractors working on residents' homes without valid insurance, certificates or licenses for their profession; and

WHEREAS, in order to protect its residents, the Village Commission of the Village of Biscayne Park finds that it is in the best interests of its residents to amend Chapter 16 and provide for contractor registration prior to the commencement of contracting work;

**NOW, THEREFORE BE IT ORDAINED BY THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA:**

**Section 1.** Each and all the foregoing Whereas clauses are true and correct and are incorporated herein.

**Section 2.** Chapter 16 of the Municipal Code of the Village of Biscayne Park, Florida is hereby amended to create Section 16-14, entitled "Contractor Registration," to read as follows:

**16.14.1. Definition of contractor.**

*Contractor* means any person who engages in the business under express or implied contract, in any of the trades, or who undertakes or offers to undertake or purports to have the capacity to undertake, or submits a bid to, or does himself or by or through others, engage in the business of doing a trade. An owner-builder or a person who only furnishes material, supplies or equipment without fabricating them into or consuming the min performance of the work of a

contractor, or any person who engages in the activities regulated in this article as an employee with wages as his sole compensation, shall not be considered as a contractor. The term "contractor" applies to those construction trades regulated pursuant to chapter 10 of the Miami-Dade County Code.

#### **16.14.2. Registration.**

All contractors performing work within the municipal boundaries of the Village, or who have made application for building permits from the Village, shall be required to register annually with the Village. All such contractors shall register with the building division prior to application for a building permit. Requirements for registration shall be as follows:

(1) The contractor must provide each of the items listed in this paragraph. Such contractor must personally appear at the building division for the purpose of registration.

a. A current certificate of competency.

b. A current liability and workers' compensation certificate of insurance, addressed to the Village.

c. If licensed by Miami-Dade County, both a state registration and Miami-Dade County registration are required or a current state certificate (if state-certified contractor).

d. A current occupational license from the area of primary business. If County-licensed, he/she must also provide a municipal occupational license.

(2) All building permits must be signed by the contractor or qualifier for the contractor and be notarized. At the qualifier's option, he/she may, at the time of registration, provide a list of employees who are authorized to pick up building permits on their behalf.

(3) If the building official deems necessary, the contractor or qualifier for the contractor must appear at all building inspections, sign for all building permits and appear at any and all times required. Failure to appear will result in all privileges to engage in contracting in the Village being subject to revocation.

(4) The fee for this registration shall be \$35.00 per year, or as may be amended by resolution of the Village Commission. The fee component of registration shall not be applicable in those instances where preempted by Section 205.065, Florida Statutes.

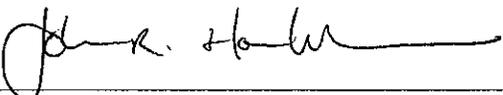
**Section 3. Conflicts.** That all Ordinances or parts of Ordinances, Resolutions or parts thereof in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

**Section 4. Severability.** The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

**Section 5. Effective Date.** This Ordinance shall be effective upon adoption on second reading.

The foregoing Ordinance was offered by Commissioner Anderson, who moved its adoption.. The motion was seconded by Walker and upon being put to a vote, the vote was as follows:

**The foregoing ordinance upon being put to a vote, the vote was as follows:**

  
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John Hornbuckle, Mayor

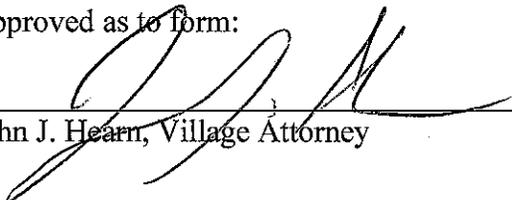
Mayor Hornbuckle: yes  
Vice Mayor Mallette: yes  
Commissioner Walker: yes  
Commissioner Morris: yes  
Commissioner Anderson: yes

Attest:

  
\_\_\_\_\_  
Ann Harper, Village Clerk

First reading -- November 14, 2006  
Second reading -- December 5, 2006

Approved as to form:

  
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John J. Hearn, Village Attorney