

ORDINANCE NO. 2007-01

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF ORCHID, FLORIDA, AMENDING THE BUILDING PERMIT APPLICATION REQUIREMENTS TO INCLUDE PROOF OF CERTAIN KINDS OF INSURANCE COVERAGE WHICH MAY BE REQUIRED BY LAW; PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, INCORPORATION INTO THE CODE, SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town is granted the authority, under section 2(b), Art. VIII of the State Constitution, to exercise any power for municipal purposes, except when expressly prohibited by law; and

WHEREAS, Section 489.115(5)(a), Florida Statutes, requires that public liability and property damage insurance is required by law to obtain a contractor's license; and

WHEREAS, Section 440.103, Florida Statutes, requires every employer to provide proof of worker's compensation insurance as a condition to applying for and receiving a building permit; and

WHEREAS, pursuant to the Florida Municipal Home Rule Powers Act, and other applicable provisions of law, the Town has the authority to impose reasonable conditions on the issuance of building permits unless prohibited by law; and

WHEREAS, the Town Council hereby finds that requiring applicants to show proof of insurance that is required by law, as a condition of issuing a building permit, is in the best interests of the public health, safety, and welfare of the citizens of Orchid.

NOW, THEREFORE, BE IT ENACTED BY THE TOWN COUNCIL OF THE TOWN OF ORCHID, INDIAN RIVER COUNTY, FLORIDA, AS FOLLOWS:

Section 1. Recitals. The foregoing recitals are hereby fully incorporated herein by the reference as legislative findings of the Town Council of Orchid, Florida.

Section 2. Code Amendment. The Town of Orchid hereby amends Section 6-7, entitled Permits, as follows: (underlined type indicates additions and ~~strikeout~~ type indicates deletions, while asterisks (***) indicate a deletion from the Ordinance of text existing in Section 6-7. It is intended that the text in Section 6-7 denoted by the asterisks and set forth in this Ordinance shall remain

unchanged from the language existing prior to adoption of this Ordinance).

Sec. 6-7. Permits.

(a) (FBC 104.1) Permit Application.

* * *

(5) 104.1.5 Information Required. Each application for a permit, with the required fee, shall be filed with the building official on a form furnished for that purpose and shall contain a general description of the proposed work and its location. The application shall indicate the proposed occupancy of all parts of the building and of that portion of the site or lot, if any, not covered by the building or structure and shall contain such other information as may be required by the building official. Permit application forms shall be in the format prescribed by a local administrative board, if applicable, and must comply with the requirements of F.S. §713.135(6) and (7). Each application shall be inscribed with the date of application, and the code in effect as of that date. The code in effect on the date of application shall govern the projects. As part of the application, the applicant shall also be required to provide written proof that all insurance coverage, as required by law, has been obtained by the applicant including, but not limited to, applicable public liability, property damage, and worker's compensation insurance.

* * *

Section 3. Repeal of Prior Inconsistent Ordinances and Resolutions. All prior inconsistent ordinances and resolutions adopted by the Town Council, or parts of prior ordinances and resolutions in conflict herewith, are hereby repealed to the extent of the conflict.

Section 4. Incorporation Into Code. This ordinance shall be incorporated into the Orchid Code and any section or paragraph number or letter and any heading may be changed or modified as necessary to effectuate the foregoing. Grammatical, typographical, and like errors may be corrected and additions, alternations, and omissions, not affecting the construction or meaning of this ordinance and the Town Code may be freely made.


Section 5. Severability. If any section, subsection, sentence, clause, phrase, word or provision of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, whether for substantive, procedural, or any other reason, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance.

Section 6. Effective Date. This Ordinance shall become effective immediately upon adoption by the Town Council of the Town of Orchid, Florida.

ADOPTED by the Town Council of the Town of Orchid, Florida, in a regular meeting assembled on the 7th day of February, 2007.


Ordinance 2007-01 was moved for adoption by Councilmember Crandall and seconded by Councilmember Oatway, and adopted by the following roll call vote:

Mayor Dunlop	<u>yes</u>
Vice Mayor Suzanne S. Joyce	<u>absent</u>
Councilmember Johnson	<u>yes</u>
Councilmember Crandall	<u>motion</u>
Councilmember Oatway	<u>second</u>



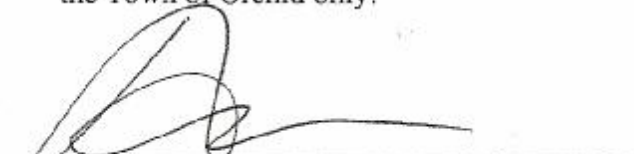
Mayor Richard Dunlop, Town of Orchid

ATTEST:



Deb C. Branwell, Town Clerk

Approved as to legal form and sufficiency for
the Town of Orchid only:


Anthony A. Garganese, Town Attorney