

CASE NUMBER: **16.806**

NAME: **Crystal Clear Pools of Big Pine Key Inc.**

ADDRESS WHERE VIOLATION OCCURRED:

1217 Royal St

VIOLATION (S):

COUNT 1-2 Sec. 14.37 Building permits, professional plans, display of permits required.

(a) Building permit required; display. Building permits shall be procured from the chief building official before performance of any work or construction of any character, whether permanent or temporary. Within 48 hours after it is issued, the applicant must cause the permit to be posted and displayed at the work site so that it is readily visible from an adjacent public street throughout the term of the work. No work shall be performed unless a proper permit is so posted.

Inspections may not be performed if the permit is not posted and address numbers are not a minimum of 4" high and clearly visible from the street.

Exception 1: Total contract price less than \$1,000.00 per FBC Sect. 105.2.2 Minor Repairs. Ordinary minor repairs may be made with the approval of the chief building official without a building permit, provided the repairs do not include the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or load-bearing support, or the removal or change of any required means of egress, or rearrangements of parts of a structure affecting the egress requirements; additionally, ordinary minor repairs shall not include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electrical circuit wiring systems or mechanical equipment or other work affecting public health or general safety, and such repairs shall not violate any of the provisions of the technical codes.

Any new electrical circuits or wiring will require a permit.

Any new plumbing fixtures or piping will require a permit.

Exception 2: Painting, both interior and exterior, residential or commercial does not require a permit. Tile repair or installation, floor covering, including carpet, laminate, resilient, and wood, both residential and commercial, do not require a permit.

Work that falls under the \$1,000.00 threshold for a building permit may be performed only by the property owner or a licensed contractor. Unlicensed workers, including 'handymen' are not allowed to conduct any type of work to a residential or commercial structure.

(b) Professional plans required. Professional plans shall be required as follows:

(1) Plans for work requiring a building permit shall be submitted in multiple sets, as determined by the chief building official, to the chief building official and shall be prepared by, and bear the seal of, an architect or structural engineer duly registered in the state, except if the work is by the owner-occupant upon a one- or two-family residence, and the work is cosmetic, nonstructural repair, alteration or addition.

(2) Notwithstanding subsection (b)(1) of this section, plans for work which requires a building permit and which involves mechanical, plumbing or electrical repairs, alterations or additions shall be prepared by and shall bear the impress seal of an engineer duly registered in the state, as reasonably required in the interest of health and safety by the chief building official.

(3) The chief building official may waive the requirements in [subsection] (b)(1) and/or (2) by special permission.

COUNT 2-2 Sec. 18.117 Acts Declared Unlawful

It shall be unlawful for any contractor, as defined in section 18-116, operating anywhere within the city, licensed individually or as a firm contractor, or any officers, directors or qualified representatives of a firm contractor to commit any one or more of the acts or omissions set forth in this section. It shall also be unlawful for any property owner to commit any one or more of the acts or omissions set forth in this section as it may pertain to a property owner who directly employs others to perform construction work at a property. Violations of this section by a property owner shall be subject to the authority of the special master. The following acts are declared unlawful:

(1) Contract or do any work outside the scope of operation, as set out in the definition of the particular type of contractor for which he is qualified, or to perform or offer to purport to perform any architectural or engineering or surveying services in violation of state statutes.

(2) Abandon without legal excuse a construction project or operation in which he is engaged or under contract as a contractor.

(3) Divert funds or property received for the execution or completion of a specific construction project or operation or for a specified purpose to any other use whatsoever.

(4) Depart from or disregard in any material respect the plans or specifications of a construction job without the consent of the owner or his duly authorized representative.

(5) Disregard or violate, in the performance of his contracting business, any of the building, safety, health insurance or worker's compensation laws of the state or resolutions of the city commission concerning such.

(6) Misrepresent any material fact in his application and supporting papers in obtaining a license under this article.

(7) Fail to fulfill his contractual obligation through inability to pay all creditors for material furnished or work or services performed in the operation of his business for which he is licensed under this article.

(8) Aid or abet an unlicensed person to evade the provisions of this article or allow his license to be used by any unlicensed person or to act as an agent of an unlicensed person with the intent to evade this article.

(9) Commit any fraudulent act as a contractor by which another is substantially injured.

BRIEF TIMELINE:

6.15.16

Code received a call from Inspector Ray who was out with a group of subjects performing work on a pool at 1217 Royal St. In the back of the property Inspector Ray advised the group the work had not been permitted and they needed to stop working in which they refused.

On my arrival I met with Inspector Ray as well as a subject by the name of Dimitrus Bisen out of Georgia. Dimitrus advised the job was subcontracted to him by Charles Wicht (305.797.3471) of Crystal Clear Pools. The subjects on scene were day laborers and are not direct employees of Crystal Clear Pools. The group packed up their belongings and left the property shortly after. I was not able to gain access to the back of the property as the homeowner was not home.

A Red Tag/Stop Work Order was placed on the front of the property citing the business with Sec. 14-37. I have not been able to make contact with Mr. Charles Wicht.

Later that day I spoke with the Chief Building Official Ron Wampler. Ron advised me in addition to Count 1 Sec. 14-37, also charge the business with **Sec. 18.117 Acts Declared Unlawful.**

7.7.2016

On this date I received good service on my Notice of Code Violation which was delivered via Certified Mail.

7.11.2016

As of this date I have been unable to make contact with the business owner, and permits have not yet been applied for.