

ORDINANCE NO. 2012-044

CONTRACTOR REGISTRATION

AN ORDINANCE AMENDING ORDINANCE NO. 2011-29 OF THE TOWN OF PROVIDENCE VILLAGE, TEXAS, MANDATING THE MUNICIPAL REGISTRATION OF CONTRACTORS AND PROVIDING REGISTRATIONS; COLLECTION OF FEES; ENFORCEMENT; INCLUDING FINES AND CRIMINAL PENALTIES NOT TO EXCEED \$500; A REPEALER; SEVERABILITY; AND PROPER NOTICE.

WHEREAS, the Town of Providence Village seeks to provide for safe and orderly construction activities within its corporate limits; and

WHEREAS, the Town of Providence Village seeks to deter shabby craftsmanship and substandard work by contractors; and

WHEREAS, the Town of Providence Village strives to protect citizens from illegitimate and unscrupulous contractors; and

WHEREAS, the Town of Providence Village is authorized to regulate construction pursuant to the Town of Providence Village general law enforcement powers and Texas Local Government Code Chapters 51, 54, and 217; and

WHEREAS, pursuant to Texas Local Government Code Chapter 214 the Town Council of the Town of Providence Village is expressly authorized to establish procedures to adopt building regulations, establish local amendments to standard codes, and provide for the administration and enforcement of the codes; and

WHEREAS, the Town of Providence Village has already adopted the authorized building codes, and finds it to be in the public interest to register contractors performing work in accordance with those codes; and

WHEREAS, the Town of Providence Village finds that the municipal registration of certain construction contractors is necessary for the protection of the public health, safety, and general welfare; and

WHEREAS, the Town of Providence Village finds the enclosed rules to be reasonable and necessary; and

WHEREAS, it is necessary to modify the ordinance to include the definition of “construction services” to clarify the identity of all potential contractors.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PROVIDENCE VILLAGE, TEXAS:

SECTION 1 - ENACTMENT CLAUSES

A. Popular Name

This Ordinance may be referred to as the "Contractor Registration Ordinance."

B. Findings of Fact

All of the above premises are hereby found to be true and correct legislative and factual findings of the Board of Aldermen, and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

C. Purpose

This Ordinance is adopted so that the Board of Aldermen may promote the public health, safety, morals and general welfare within the Town of Providence Village through the registration of contractors that perform certain construction activities.

D. Scope of Jurisdiction

The provisions of this Ordinance shall apply within the Town limits (i.e., incorporated municipal boundary) of the Town of Providence Village.

E. Effective Date

This Ordinance shall take effect immediately from and after its passage and publication as may be required by governing law.

SECTION 2 - DEFINITIONS

A. General

Words and phrases used in this Ordinance shall have the meanings set forth in this section. Words and phrases that are not defined in this Ordinance but are defined in other ordinances of the Town of Providence Village shall be given the meanings set forth in those ordinances. Other words and phrases shall be given their common, ordinary meaning unless the context clearly requires otherwise. Headings and captions are for reference purposes only, and shall not be used in the interpretation of this Ordinance.

B. Specific

- (1) Building Inspector means the person appointed by the Town Council to inspect building activities to ensure compliance with applicable codes, permits and ordinances. The Town of Providence Village building inspector can be a volunteer, employee, agent of another political subdivision, company, corporation, or independent contractor retained by the Town of Providence Village. The term includes the Code Enforcement Officer.
- (2) Building Official means the person appointed by the Town Council to receive and review registration applications and ensure compliance with this Ordinance. The Town of Providence Village building official can be a volunteer, employee, police officer, agent of another political subdivision, company, corporation, or independent contractor retained by the Town of Providence Village. The term includes the Code Enforcement Officer.

(3) **Person** means any human individual or corporation, organization, government or governmental subdivision or agency, business trust, estate, trust, partnership, association, and any other legal entity.

(4) **Construction Services** means any service utilized in the construction, remodel and/or repair of a home, building, or structure. Construction services shall also include any services for installation, repair, or reconstruction of infrastructure necessary for the operation of the home, building, or structure.

SECTION 3 - REGISTRATION REQUIRED

A. Prohibition

(1) It shall be unlawful for any person to perform or contract to perform for compensation a construction ~~operation services~~ within the town limits without first having registered with the Town of Providence Village in compliance with this Ordinance.

(2) It shall be unlawful for any person to perform for compensation a construction ~~services operation~~ within the town limits without displaying proof of registration with the Town of Providence Village upon request. The only acceptable proof of registration shall be a completed application that is approved and signed by the Town Secretary.

(3) *Exception:* Work done by a property owner in a building owned and occupied by the property owner as the property owner's homestead is exempt from this Ordinance.

B. Applicability

This Ordinance shall apply to persons providing construction services for projects for which a permit is required under the Town of Providence Village ordinances. Specifically, the following contractors must register with the Town of Providence Village: General Contractors, Plumbing Contractors, Electrical Contractors, and Mechanical Contractors, Irrigation Contractors, Sign Contractors, Structural Engineer, Third-Party Rater, OSSF Installer, Pool Contractors and Home/General Repair contractors.

C. Scope of Registration

Registration provides the Town of Providence Village with a means of tracking contractors operating within the Town of Providence Village. Registration also aids the Town of Providence Village in its efforts to ensure the public that only qualified contractors are allowed to do business in the Town of Providence Village. Registration does not substitute for any permit required by law. Nor does registration substitute for any license required by law.

D. Registration

In order to register in compliance with this ordinance, Contractors must complete the standard Contractor Registration Application designated by the Town of Providence Village. At a minimum, the application form shall contain the following:

- (1) Applicant's Name
- (2) Applicant's Place of Business Address
- (3) Name of Owner
- (4) Type of Construction Licenses Held by Applicant
- (5) License Numbers from Texas Department of Licensing & Regulation, or other applicable state or federal agencies.
- (6) Certificate of Insurance currently in effect demonstrating a minimum general liability coverage level of one million dollars (\$1,000,000).

E. Registration Fee

Registration shall not be approved by the Town Secretary until the fee prescribed by the Town Council has been paid. Registration fees shall be as indicated on fee schedule of the Town of Providence Village.

F. Proof of Registration

Persons registered in accordance with this Ordinance shall maintain for public inspection a copy of the completed application in the form approved and signed by the Town Secretary.

G. Registration for Plumbing Contractors

- (1) Pursuant to Section 13.0551 of the Texas Occupations Code, a plumbing contractor may register electronically or in person.
- (2) A plumbing contractor may also obtain a permit prior to performing plumbing work by telephone, fax, or e-mail.

SECTION 4 - ENFORCEMENT

A. Civil and Criminal Penalties

The Town of Providence Village shall have the power to administer and enforce the provisions of this Ordinance and the codes adopted by this Ordinance as may be required by governing law. Any person violating any provision of this Ordinance or the codes herein adopted is subject to suit for injunctive relief as well as prosecution for criminal violations. Any violation of this Ordinance is hereby declared to be a nuisance.

B. Criminal Prosecution

Any person violating any provision of this Ordinance or the codes herein adopted shall, upon conviction, be fined a sum not exceeding five hundred dollars (\$500.00). Each day that a provision of this Ordinance is violated shall constitute a separate offense. An offense under this Ordinance is a Class "C" misdemeanor.

C. Civil Remedies

Nothing in this Ordinance shall be construed as a waiver of the Town of Providence Village right to bring a civil action to enforce the provisions of this Ordinance and the codes herein adopted, and to seek remedies as allowed by law, including, but not limited to the following:

- (1) Injunctive relief to prevent specific conduct that violates the Ordinance or to require specific conduct that is necessary for compliance with the Ordinance; and
- (2) a civil penalty up to one hundred dollars (\$100.00) a day when it is shown that the defendant was actually notified of the provisions of the Ordinance and after receiving notice committed acts in violation of the Ordinance or failed to take action necessary for compliance with the Ordinance; and
- (3) other available relief.

SECTION 5 - CODE CONFLICTS

If any provision of this Ordinance shall be interpreted as conflicting with or being contrary to a provision in any of the codes adopted by this Ordinance, the more stringent requirement shall govern. If it in case of a conflict it is not easily discernible which provision is more stringent, the requirements stated in the text of this Ordinance shall govern.

SECTION 6 - REPEAL OF CONFLICTING ORDINANCES

All ordinances or parts of ordinances inconsistent or in conflict herewith are, to the extent of such inconsistency or conflict, hereby repealed.

SECTION 7 - SEVERABILITY

In the event any clause, phrase, provision, sentence, or any part of this Ordinance or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provisions hereof other than the part declared to be invalid or unconstitutional; and the Town Council of the Town of Providence Village, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

SECTION 8 - NOTICE BY PUBLICATION

This ordinance shall be published in accordance with the requirement of publishing all ordinances and becomes effect in accordance with state law.

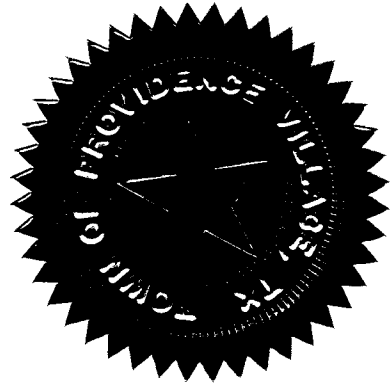
PASSED AND APPROVED on this 23rd day of April, 2012.

By: 

Brian D. Roberson, Mayor

ATTEST:

By: Connie S. Hansen
Connie S. Hansen, Town Secretary



APPROVED AS TO FORM:

By: Philip Mack Fulow
Philip Mack Fulow, Town Attorney

CONTRACTOR REGISTRATION

FEE SCHEDULE

GENERAL CONTRACTOR	\$150.00	ANNUALLY
SEPTIC SYSTEM INSTALLATION	\$75.00	ANNUALLY
ELECTRICIAN	\$75.00	ANNUALLY
PLUMBER	\$00.00	ANNUALLY
AIR CONDITIONING	\$75.00	ANNUALLY
LAWN IRRIGATION	\$75.00	ANNUALLY
MECHANICAL	\$75.00	ANNUALLY
HOME/GENERAL REPAIR	\$75.00	ANNUALLY
POOL CONTRACTOR	\$75.00	ANNUALLY
THIRD-PARTY RATER	\$50.00	