

**TOWN OF ARGYLE, TEXAS
ORDINANCE NO. 2022-12**

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF ARGYLE, TEXAS, AMENDING THE CODE OF ORDINANCES TO AMEND CHAPTER 3 "BUILDING REGULATIONS," ARTICLE 3.02, "REGISTRATION, LICENSE AND PERMIT REQUIREMENTS," TO AUTHORIZE THE SUSPENSION OF CONTRACTOR REGISTRATION AND PROVIDE FOR AN APPEAL AND ADD ARTICLE 3.17, "CONSTRUCTION SITE MAINTENANCE" TO REQUIRE REMOVAL OF CONSTRUCTION DEBRIS AND TALL GRASS AND WEEDS, REQUIRE EROSION CONTROL AND CONCRETE WASH OUT, AND REQUIRE SEWER TAP CLEANOUT FENCING AND REPAIR; PROVIDING FOR STOP WORK ORDERS; PROVIDING FOR A PENALTY; PROVIDING A CUMULATIVE CLAUSE, SAVINGS CLAUSE; AND SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Argyle ("Town") is authorized to regulate various aspects of development within the Town and its extraterritorial jurisdiction; and

WHEREAS, the Town Council has investigated and has determined that is necessary to authorize the Town Building Official to suspend contractor registrations under certain circumstances and provide an opportunity for an appeal of suspensions to the Town Council; and

WHEREAS, the Town Council has investigation and determined that construction site maintenance directly affects public streets and infrastructure and those living in and near the vicinity of the construction sites; and

WHEREAS, the Town Council deems the passage of this Ordinance to be in the best interest of the public health, safety, and welfare of the citizens of Argyle.

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

Section 1. That all recitals are found to be true and correct and are incorporated herein by reference as if copied in their entirety.

Section 2. That Chapter 3, "Building Regulations" of the Code of Ordinances is hereby amended by amending Article 3.02 "Registration, License, and Permit Requirements" to read follows:

ARTICLE 3.02. REGISTRATION, LICENSE AND PERMIT REQUIREMENTS

Sec. 3.02.001 Penalty.

Any person, firm, or corporation that violates, disobeys, neglects or refuses to comply with or that resists the enforcement of the provisions of this article shall be fined in accordance with the general penalty provision found in section 1.01.009 of this code for each offense. Each offense that occurs shall constitute a separate violation and shall be punishable as such.

Sec. 3.02.002 Registration of contractors.

- (a) It shall be unlawful for any person, firm or corporation to initiate any building construction work, mechanical (heat and air) work, plumbing work, or electrical work within the corporate limits of the town without having first applied for and obtained such registration from the town. Said application for registration shall require such information as the Building Official or designee may determine appropriate and proper with respect to the name, address, background, experience and previous licensing of the applicant.
- (b) Upon application and approval by the Director of Public Works or designee, registration shall be issued to the applicant to perform building work within the corporate limits of the town, provided such application has been completed in all respects and a registration fee has been paid by the applicant to the town. Registration for subsequent years shall be automatically renewed on an annual basis and subject to an annual renewal fee. The registration fee and annual renewal fee shall be in accordance with the adopted fee schedule for the town.

Sec. 3.02.003 Revocation of registration.

A contractor's registration may be revoked, temporarily or permanently, by the Building Official for any of the following reasons:

- (1) The contractor fails to request and obtain a final inspection prior to the expiration of a permit;
- (2) The contractor allows use or occupancy of a structure for which a permit was obtained without first obtaining the required authorization from the town;
- (3) The contractor has been found by the Building Official to have been grossly negligent in the performance of work;
- (4) The expiration, suspension or revocation of the contractor's license issued by the state;
- (5) The contractor provides false or misleading information;
- (6) The contractor fails to provide updated information within 30 days of any changes;
- (7) The contractor transfers or allows another person, firm, or corporation to use their registration;

(8) The contractor, as required, fails to maintain the minimum required certificate of liability insurance;

(9) The contractor has committed two violations of this article or any ordinance of the town within a twelve-month period;

(10) The contractor has been convicted of a violation of any law of the state directly related to the building and construction trades; or

(11) A stop work order, has been issued at any property or address under which the contractor is the registered, licensed to be conducting such work, or causing such work to be done.

Sec. 3.02.004. - Appeal of revocation by the Building Official.

A contractor whose registration has been revoked may appeal the action to the Town Council. In the case of an appeal to the Town Council, the action of the Building Official shall stand until the final determination of the appeal is made by the Town Council. The appeal must be filed, in writing, to the Town Secretary within ten business days of the suspension of the contractor's registration. After hearing the appeal, the Town Council may take the following action:

(1) Affirm the suspension;

(2) Overrule the suspension and reinstate the registration of the contractor for the remaining period of time paid for;

(3) Affirm the suspension, but waive any or all of the reinstatement requirements set forth in section 3.02.005; or

(4) Affirm the suspension and require conditions for reinstatement in addition to those set forth in section 3.02.005 including, but not limited to, prohibiting reinstatement for up to six months.

Sec. 3.02.005. - Reinstatement.

A contractor whose registration has been suspended may reapply for registration if:

(1) All circumstances leading to the suspension have been corrected;

(2) The contractor reapplies for registration;

(3) The registration fee is paid; and

(4) Any additional conditions set by the Town Council pursuant to section 3.02.002.2 have been met.”

Sec. 3.02.006 Mechanical, plumbing and electrical licenses.

- (a) *Mechanical work.* It shall be unlawful for any person, firm or corporation to perform or cause to be performed mechanical work upon or in structures within the corporate limits of the town unless the person performing such work is currently licensed through a recognized state agency as having a class A or class B mechanical license.
- (b) *Plumbing work.* It shall be unlawful for any person, firm or corporation to perform or cause to be performed plumbing work upon or to structures within the corporate limits of the town unless the person performing such work is currently licensed through a recognized state agency as either a master or journeyman plumber.
- (c) *Electrical work.* It shall be unlawful for any person, firm or corporation to perform or cause to be performed any electrical work upon or in structures within the corporate limits of the town unless the person performing such work is currently licensed through a recognized state agency.

Sec. 3.02.007 Exception for homeowners doing work on own property.

Nothing contained within this article shall be construed or interpreted to prevent any person from actually doing his/her own mechanical, plumbing or electrical work on his/her own property or premises with proof of the property being their homestead, provided a permit has been obtained, and that the material, equipment and work conducted are in strict compliance with the other provisions of this chapter. The property owner must actually perform the work. No one other than the actual owner shall perform any part of the work unless they are bonded and licensed in full compliance with all of the other provisions of this article.

Sec. 3.02.008 Permit fees.

Permit fees shall be collected prior to the issuance of any permit for building construction work, mechanical work, plumbing work, or electrical work in accordance with the fee schedule for the town as shown in appendix A of this code.

Section 3. That Chapter 3, "Building Regulations" of the Code of Ordinances is hereby amended by adding Article 3.17, "Construction Site Maintenance" to read as follows:

ARTICLE 3.17 - CONSTRUCTION SITE MAINTENANCE.

Sec. 3.17.001 Removal of construction debris and tall weeds or grass.

(a) The accumulation of debris and materials resulting from construction and/or demolition sites shall be removed in a timely manner by the contractor and/or property owner. Construction debris and materials shall be contained on-site in a minimum 30 cubic yard metal container with a cover that closes and a latch or other device that keeps the cover closed. The metal container shall be approved by the town's solid waste provider. Containers may be shared between not more than two lots for the same contractor. Make-shift wood containers are prohibited. All debris and construction materials shall be removed prior to final inspection and the issuance of a certificate of occupancy. The Town retains the right to require the placement of a commercial dumpster for collection of debris if the construction debris on the site is not

properly maintained. The cost associated will be the responsibility of the contractor and/or property owner. Safety-net type fencing shall be required along the side and rear lot lines to keep debris and materials from construction sites from being blown onto adjacent property or lots and/or causing obstructions to the public sewer, storm water inlet boxes, and storm drains.

(b) The contractor shall control grass or weeds on a construction site pursuant to article 6.02 of this code.

Sec. 3.17.002 Erosion control; concrete wash out required.

(a) The contractor shall install and continuously maintain erosion controls daily on a construction site. The Building Official or designee may require additional erosion controls if deemed necessary to protect the public infrastructure or adjacent properties. All storm drains and inlet boxes shall be maintained clean and clear of mud, sand, concrete, building materials, and debris on a daily basis. All mud in the public street shall be clean up at the end of each workday. All storm drains and inlet boxes shall be maintained in accordance with the approved erosion and sediment control plan approved by the Town Engineer for the construction project.

(b) The contractor shall establish a washout area for concrete trucks on a construction site.

Sec. 3.17.003 Sewer tap cleanout fencing and repair.

(a) All sewer cleanouts required by the applicable building or plumbing code shall be fenced and or taped-off by the contractor. The contractor shall provide safety fencing around sewer tap cleanouts and connections that is secured in place and completely surrounds a sewer tap hole. Caution tape is not acceptable for safety fencing.

(b) In the event that a sewer tap cleanout breaks, including a break below grade, the contractor shall repair the break immediately and notify the Director of Public Works or designee. Failure to repair and notify will result in the issuance of a stop work order until all repairs are complete.

(c) The contractor shall notify the Director of Public Works or designee before making any connections to the Town sewer system. The Director of Public Works or designee shall be present when the digging starts until the connection to the Town sewer is complete. No connections to the Town sewer shall be allowed Friday after 2 p.m., Saturday, or Sunday.

Sec. 3.17.004 Stop work orders/citations.

(a) The Town shall inspect construction sites for compliance with the provisions of this article. If a contractor violates, disobeys, neglects, or refuses to comply with or resists any construction site maintenance as specified in this article, the Town shall provide such party with written notice of noncompliance identifying the nature of the noncompliance. Such notice shall be given to the contractor in any one of the following ways:

- (1) Verbal or written to the contractor or owner;
- (2) By posting notice at the construction site location; or
- (3) By written notice to the contractor, the responsible owner on any application for registration, license, and permits through the Town, and/or the property owner as recorded in the appraisal district records of the appraisal district in which the property is located.

(b) The contractor shall have twenty-four (24) hours to bring the construction site into compliance for which the notice of noncompliance was issued. The twenty-four (24) hour notice may be extended for inclement weather or other factors at the discretion of the Director of Public Works or designee.

(c) At the end of the twenty-four (24) hour cure period, the town shall reinspect the construction site. If the construction site has not been brought into compliance with this article, the town may issue a stop work order and issue a citation for each violation of this article. Each day a violation of this article occurs (and is not brought into compliance within the twenty-four (24) hour cure period) is a separate offense.

Sec. 3.17.005 Criminal penalty.

Any person, firm, entity, or corporation that violates, disobeys, neglects, or refuses to comply with or that resists the enforcement of the provisions of this article shall be prosecuted in accordance with the general penalty provision found in section 1.01.009 and section 14.3.88 of this code for each offense.

Section 4. Penalty. Any person, firm, corporation, or entity violating this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined pursuant to Section 1.01.009 of the Town's Code of Ordinances. Each occurrence in violation of this Ordinance shall constitute a separate and distinct offense. Each day a violation of this Ordinance occurs constitutes a separate offense. The penal provisions imposed under this Ordinance shall not preclude the Town of Argyle from filing suit to enjoin the violation. The Town retains all legal rights and remedies available to it pursuant to local, state, and federal law.

Section 5. Cumulative Clause. This Ordinance shall be cumulative of all other Ordinances of the Town of Argyle and shall not repeal any of the provisions of such Ordinances except for those instances where there are direct conflicts with the provisions of this Ordinance or where expressly repealed hereby. Ordinances or parts thereof in force at the time this Ordinance shall take effect and that are inconsistent with this Ordinance are hereby repealed to the extent that they are inconsistent with this Ordinance.

Section 6. Severability Clause. If any section, subsection, clause, phrase, or provision of this Ordinance, or the application thereof to any person or circumstance, shall to any extent be held by a court of competent jurisdiction to be invalid, void, or unconstitutional, the remaining sections, subsections, clauses, phrases, and provisions of this Ordinance, or the application thereof to any person or circumstance, shall remain in full force and effect and shall in no way be affected, impaired or invalidated.

Section 7. Savings Clause. In the event of a conflict between the provisions of this Ordinance and any other regulation or rule prescribed by charter, another ordinance, resolution or other authorization of the Town, the provisions of this ordinance shall control. Notwithstanding the foregoing, all rights and remedies of the Town are expressly saved as to any and all complaints, actions, claims, or lawsuits, which have been initiated or have arisen under or pursuant to such conflicting Ordinance, or portion thereof, on the date of adoption of this Ordinance shall continue to be governed by the provisions of that Ordinance and for that purpose the conflicting Ordinance shall remain in full force and effect.

Section 8. Effective Date. This Ordinance shall become effective upon its passage and publication as required by law.

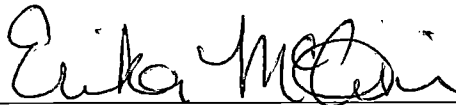
PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF ARGYLE, TEXAS, ON THIS THE 5th DAY OF July, 2022.

APPROVED:



Bryan Livingston, Mayor

ATTEST:



Erika McComis, Interim Town Administrator/
Town Secretary

