

ORDINANCE NO. 4456-12-2017

AN ORDINANCE OF THE LEWISVILLE CITY COUNCIL, AMENDING THE LEWISVILLE CITY CODE, CHAPTER 4 BY ADDING A NEW ARTICLE XV OUTLINING A REGISTRATION REQUIREMENT FOR CERTAIN TYPES OF CONTRACTING, INSPECTING, OR TESTING SERVICES, AND CREATING A CONTRACTOR REGISTRATION BOARD; AMENDING CHAPTER 11 BY DELETING SECTION 11-5, SIGN CONTRACTOR REQUIREMENTS, AND REPLACING IT WITH A NEW SECTION 11-5; AND AMENDING CHAPTER 2, SECTION 2-201, TO REFLECT THE FEES REQUIRED FOR REGISTRATION; PROVIDING FOR A REPEALER, SEVERABILITY, AND A PENALTY; PROVIDING AN EFFECTIVE DATE; AND DECLARING AN EMERGENCY.

WHEREAS, in order to protect the citizens of the City of Lewisville, the City of Lewisville wishes to continue to ensure that contracting, inspecting, and testing services provided by contractors within the City are performed by properly trained and licensed individuals; and,

WHEREAS, the City of Lewisville plans to continue to ensure such through the contractor registration requirements outlined herein; and,

WHEREAS, the City Council of the City of Lewisville, Texas, has determined that for the health, welfare, and safety of its citizens, certain amendments to Chapter 4, Chapter 2, Section 2-201, and Chapter 11, Section 11-5 of the Lewisville City Code are necessary.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEWISVILLE, TEXAS, THAT:

SECTION 1. Chapter 4, Buildings and Building Regulations, is hereby amended by adding a new Article XV, Contractor Registration, as shown in Exhibit A to this Ordinance.

SECTION 2. Chapter 11, Article IV, Section 11-5, Sign Contractor Requirements, is amended by deleting the current language in its entirety and in its place inserting the following new language:

Sec. 11-5. – Sign contractor requirements.

No person shall perform any services involving erecting, constructing, enlarging, altering, repairing, moving, improving, removing, converting, or demolishing any sign until a registration has been approved and issued under Chapter 4, Article XV, Contractor Registration, of this Code.

SECTION 3. Chapter 2, Section 2-201, Fee Schedule, is hereby amended by repealing the following fees and language:

<i>Building inspection division:</i>	
Fence contractor registration	80.00
General contractor registration	80.00
Sign contractor registration (valid for one year from date of issuance)	80.00

SECTION 4. Chapter 2, Section 2-201, Fee Schedule, is hereby amended by adding the following fees and language:

<i>Building inspection division:</i>	
Contractor registration or renewal (all types) <i>(Plumbing and electrical contractor registrations are exempt from this fee)</i>	80.00

SECTION 5. REPEALER. Every ordinance or parts of ordinances found to be in conflict herewith are hereby repealed.

SECTION 6. SEVERABILITY. If any section, sentence, clause, or phrase of this ordinance shall for any reason be held to be invalid, such decision shall not affect the validity of the remaining sections, sentences, clauses, or phrases of this ordinance, but they shall remain in effect.

SECTION 7. PENALTY. Any person, firm or corporation who violates any provisions of this ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof in the Municipal Court, shall be subject to a fine of not more than \$500.00 for each offense, unless the violation relates to fire safety, zoning or public health and sanitation in which case the fine shall not exceed \$2,000.00 for each offense, and each and every day such offense is continued shall constitute a new and separate offense.

SECTION 8. EFFECTIVE DATE. This ordinance shall become effective immediately upon its passage and publication as required by law.

SECTION 9. EMERGENCY. It being for the public welfare that this ordinance be passed creates an emergency and public necessity, and the rule requiring this ordinance be read on three separate occasions be, and the same is hereby waived, and this ordinance shall be in full force and effect from and after its passage and approval and publication, as the law in such cases provides.

**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF
LEWISVILLE, TEXAS, BY A VOTE OF 5 TO 0 , ON THIS THE 18TH DAY OF
DECEMBER, 2017.**

APPROVED:

Rudy Durham, MAYOR

ATTEST:

Julie Worster, CITY SECRETARY

APPROVED AS TO FORM:

Lizbeth Plaster, CITY ATTORNEY

EXHIBIT A

ARTICLE XV. – CONTRACTOR REGISTRATION

Sec. 4-551. – Contractor registration required.

(a) Registration under this article is required of any individual operating as a sole proprietorship, or any firm, corporation or business entity (hereinafter referred to as “Contractor”) providing the following contracting, inspecting, or testing services in the City:

- (1) any services involving erecting, constructing, enlarging, altering, repairing, moving, improving, removing, converting, or demolishing any structure, irrigation, water well, pool, fence, or sign;
 - (2) any services which require, by State law, a license or registration to perform any mechanical, electrical, plumbing work;
 - (3) removal and disposal of construction debris services, including roofing contractors;
 - (4) approval by a backflow tester of test reports for backflow devices as required by this Code; or
 - (5) performance of inspections by Customer Service Inspectors and Water Supply Protection Specialists.
- (b) In extending the rights and privileges of registration under this article, the City makes no statement of the technical competency of those so registered, and no manner of license is offered.
- (c) No permit to perform any type of building, mechanical, electrical, plumbing, irrigation, water well drilling, or sign installation work shall be issued to any Contractor which is not registered with the City under this article.
- (d) Property owners performing work on their primary place of residence, as shown by a homestead exemption for the property in the records of the Denton County Appraisal District, shall be exempt from the requirements of this article.

Sec. 4-552. – Application for registration.

(a) A completed contractor registration application shall be submitted by all applicants on a form provided by the City.

(b) Except for sign contractors, where a bond or insurance is required under this section, the bond or insurance policy shall be for the use and benefit of the city and any person having a cause of action arising out of the provision of services requiring registration under this Article which are in violation of the laws and ordinances relating to such services, except where denoted herein. The bond or insurance policy shall fully indemnify and hold the city harmless from all costs or damages arising out of any real or asserted claim or cause of action against it and from all costs and damages arising out of any wrongs or injuries for damages, either real or asserted, claimed against it that may be occasioned by negligence or fault of the principal of the bond or insurance policy, his agents, servants, subcontractors, or employees, by reasons of the work done under authorization or a permit issued to the principal. The bond or insurance policy shall further condition that the liability of the surety under the bond or insurance policy shall cease and terminate of its own force and effect one year from the date of execution, save and except for expenses, losses, claims for damages, judgments, or other costs which may arise or be incurred or sustained by any person against the principal by reason of failure to comply with the provisions of the laws and ordinances relating to services provided which require registration under this Article.

(c) Applications for the following types of contractor registration shall include the following information:

(1) General Contractors – Contractors providing any services for which a registration is required under this Article, which do not fall under any of the other categories listed in this section, shall provide the following information:

- a. Proof that the Contractor maintains surety bond or liability insurance in the minimum amount of One Hundred Thousand Dollars (\$100,000.00).
- b. Any other information deemed necessary by the Building Official.

(2) Heating, Ventilation, and Air Conditioning (HVAC) and Refrigeration Contractors – Contractors providing services requiring a valid Air Conditioning and Refrigeration Contractor license issued by the State of Texas shall provide the following information:

- a. Proof that the Contractor maintains liability insurance in the minimum amount of One Hundred Thousand Dollars (\$100,000.00) or a bond of equal value.
- b. A valid Air Conditioning and Refrigeration Contractor license issued by the State of Texas to the individual performing the work or, if the application is made on behalf of a firm, corporation, or business entity, a responsible officer of the firm, corporation, or business entity.
- c. Any other information deemed necessary by the Building Official.

(3) Electrical Contractors – Contractors providing services requiring a valid Electrical Contractor license issued by the State of Texas shall provide the following information:

- a. Proof that the Contractor maintains liability insurance in the minimum amount of One Hundred Thousand Dollars (\$100,000.00) or a bond of equal value.
- b. A valid Electrical Contractor license issued by the State of Texas to the individual performing the work or, if the application is made on behalf of a firm, corporation, or business entity, a responsible officer of the firm, corporation, or business entity.
- c. Any other information deemed necessary by the Building Official.

(4) Plumbing Contractors – Contractors providing plumbing services shall provide the following information:

- a. A valid Responsible Master Plumber license issued by the State of Texas to the individual performing the work or, if the application is made on behalf of a firm, corporation, or business entity, a responsible officer of the firm, corporation, or business entity.
- b. Any other information deemed necessary by the Building Official.

(5) Landscape Irrigation Contractors – Contractors providing services requiring a valid Landscape Irrigator license issued by the State of Texas shall provide the following information:

- a. Proof that the Contractor maintains liability insurance in the minimum amount of One Hundred Thousand Dollars (\$100,000.00) or a bond of equal value.
- b. A valid Landscape Irrigator license issued by the State of Texas to the individual performing the work or, if the application is made on behalf of a firm, corporation, or business entity, a responsible officer of the firm, corporation, or business entity.
- c. Any other information deemed necessary by the Building Official.

(6) Backflow Testing Contractors – Contractors providing services requiring a valid Backflow Prevention Assembly Tester license issued by the State of Texas shall provide the following information:

- a. A valid Backflow Prevention Assembly Tester license issued by the State of Texas to the individual performing the work or, if the application is made on behalf of a firm, corporation, or business entity, a responsible officer of the firm, corporation, or business entity.
- b. Proof of gauge calibration within the preceding twelve months.
- c. Any other information deemed necessary by the Building Official.

(7) Customer Service Inspector (CSI) Contractors – Contractors providing services requiring a valid Customer Service Inspector license issued by the State of Texas shall provide the following information:

- a. A valid Customer Service Inspector license issued by the State of Texas or a valid Water Supply Protection Specialist (WSPS) endorsement issued by the Texas State Board of Plumbing Examiners (TSBPE) to the inspector or, if the application is made on behalf of a firm, corporation, or business entity, a responsible officer of the firm, corporation, or business entity.
- b. Any other information deemed necessary by the Building Official.

(8) Water Well Installers – Contractors providing water well installation services requiring a valid license issued by the State of Texas shall provide the following information:

- a. Proof that the Contractor maintains liability insurance in the minimum amount of One Hundred Thousand Dollars (\$100,000.00) or a bond of equal value.
- b. A valid license issued by the State of Texas for the specified trade to the installer or, if the application is made on behalf of a firm, corporation, or business entity, a responsible officer of the firm, corporation, or business entity for such installation.
- c. Any other information deemed necessary by the Building Official.

(9) On-Site Septic Facility (OSSF) Installers – Contractors providing services to install On-Site Septic Facilities (OSSFs) shall provide the following information:

- a. Proof that the Contractor maintains liability insurance in the minimum amount of One Hundred Thousand Dollars (\$100,000.00) or a bond of equal value.

b. A valid license issued by the State of Texas for the specified trade to the installer or, if the application is made on behalf of a firm, corporation, or business entity, a responsible officer of the firm, corporation, or business entity for such installation.

c. Any other information deemed necessary by the Building Official.

(10) Sign Contractors – Contractors providing services to install, erect, or maintain a sign shall provide the following information:

a. Proof that the Contractor maintains liability insurance in the minimum amount of One Hundred Thousand Dollars (\$100,000.00) or a surety bond in the sum of Five Thousand Dollars (\$5,000.00). The bond or insurance policy shall be for the use and benefit of the city and any person having a cause of action arising out of the provision of services under this chapter which are in violation of the provisions of Chapter 11 (Signs) of this Code, except where denoted herein. The bond or insurance policy shall fully indemnify and hold the city harmless from all costs or damages arising out of any real or asserted claim or cause of action against it and from all costs and damages arising out of any wrongs or injuries for damages, either real or asserted, claimed against it that may be occasioned by negligence or fault of the principal of the bond or insurance policy, his agents, servants, subcontractors, or employees, by reasons of the work done under authorization or a permit issued to the principal. The bond or insurance policy shall further condition that the liability of the surety under the bond or insurance policy shall cease and terminate of its own force and effect one year from the date of execution, save and except for expenses, losses, claims for damages, judgments, or other costs which may arise or be incurred or sustained by any person against the principal by reason of failure to comply with the provisions of Chapter 11 (Signs) of this Code.

b. If the Contractor plans to perform work on signs containing electrical components, a valid Master Sign Electrician or a valid Master Electrician license issued by the State of Texas to the individual performing the work or, if the application is made on behalf of a firm, corporation, or business entity, a responsible officer of the firm, corporation, or business entity.

c. Any other information deemed necessary by the Building Official.

Sec. 4-553. – Transfer of registration prohibited.

A registration under this article may not be transferred to, assigned to, or in any manner directly or indirectly used by, any person, firm, corporation or business entity other than the person, firm, corporation or business entity to which the registration was issued.

Sec. 4-554. – Requirement to update information.

If a change occurs in the information previously provided by the holder of a registration, then the Contractor shall provide written notice of the updated information to the Building Official within thirty (30) days of the change.

Sec. 4-555. – Registration fee and renewal.

The annual fee for registration as prescribed by Section 2-201 of this Code shall be submitted with each complete application for registration, except that registrations for plumbing and electrical contractors are exempt from the registration fee. Registration under this article shall expire one (1) year after the date of issue. Renewal of registration shall be accomplished by payment of the fee prescribed by Section 2-201 of this Code with a new application under this Article. Renewal of registration shall extend the validity of the corresponding registration for one (1) year only. Contractor registration or renewal fees shall not be pro-rated. Where a registration is required under this article in order to receive a permit or inspection, no permits shall be issued and inspections may be placed on hold if a required registration has expired.

Sec. 4-556. – Suspension or revocation of registration.

A registration under this article may be suspended or permanently revoked by the building official for any of the following actions or failures to act by a Contractor:

- (1) Failure to request and obtain a final inspection prior to the expiration of a permit;
- (2) Allowing use or occupancy of a structure for which a permit was obtained without first obtaining the required authorization from the City;
- (3) A finding by the building official that the Contractor has been grossly negligent in the performance of work;
- (4) Expiration, suspension or revocation of a license issued by the State of Texas and required by this article;
- (5) Providing false or misleading information;

- (6) Failure to provide updated information within thirty days of any changes as required by Section 4-554;
- (7) Transferring or permitting the use by another person, firm, or corporation of a Contractor's registration;
- (8) Failure to maintain the minimum liability insurance or bond, where required;
- (9) Commission of two violations of this section or any ordinance of the City of Lewisville directly related to the building & construction trades by any responsible officer of a Contractor within a twelve month period; or
- (10) Conviction for a violation of any law of the State of Texas directly related to the building & construction trades by any responsible officer of a Contractor.

Sec. 4-557. – Appeal of revocation by the building official.

(a) A Contractor whose registration has been suspended or revoked may appeal the action to the City's Contractor Registration Board. In the case of an appeal, the action of the building official shall stand until the final determination of the appeal is made by the Contractor Registration Board. The appeal must be filed, in writing, within ten business days of the suspension or revocation of the registration. After hearing the appeal, the Contractor Registration Board may take the following action:

- (1) Overrule a suspension or revocation and reinstate the registration of the Contractor for the remaining period of time paid for;
- (2) Affirm a suspension or revocation;
- (3) Affirm a suspension, but waive any or all of the reinstatement requirements set forth in Section 4-558 of this article; or
- (4) Affirm a suspension and require conditions for reinstatement in addition to those set forth in Section 4-558 of this article including but not limited to, prohibiting reinstatement for up to six months.

(b) The decision of the Contractor Registration Board is final.

Sec. 4-558. – Reinstatement of registration.

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 Contractor Registration Board pursuant to Section 4-557 of this article have been met.

Sec. 4-559. – Contractor registration board.

(a) *Establishment.*

A contractor registration board is hereby established.

(b) *Membership.*

- (1) The board shall consist of five members and two alternates, each to be appointed or reappointed by the city council.
- (2) Vacancies shall be filled by the city council for the unexpired term of any member whose term becomes vacant.
- (3) Board members serve at the pleasure of the city council and may be removed by the city council for any or no reason.
- (4) The board shall elect its own chairman.

(c) *Meetings.*

Meetings of the board shall be held at the call of the chairman and at such times as the board may determine.

(d) *Appeals.*

All appeals from a decision of the building official heard by the board shall be heard by a simple majority of the members of the board as established by this section.

(e) *Rules and regulations.*

- (1) The board shall keep minutes of its proceedings, showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the board and shall be a public record.

(2) The board shall act by resolution in which a simple majority of those present and voting must concur.

(3) The board shall adopt from time to time such additional rules and regulations as it may deem necessary to carry into effect the provisions of the ordinance, and shall furnish a copy of the same to the building official, all of which rules and regulations shall operate uniformly in all cases. All of its resolutions and orders shall be in accordance therewith.

(f) *Powers and duties of board.*

The board shall have the power to hear and decide appeals requested under Section 4-557 of this article and take actions as outlined therein.