

Ordinance No. 2004.15
Village of Salado
County of Bell
State of Texas
Amended February 4, 2010, No. 2010.02

CONTRACTOR REGISTRATION

AN ORDINANCE OF THE VILLAGE OF SALADO, TEXAS, AMENDING THE ORDINANCE MANDATING MUNICIPAL REGISTRATION OF CERTAIN CONSTRUCTION CONTRACTORS; PROVIDING FOR ISSUANCE REGISTRATIONS; COLLECTION OF FEES; ENFORCEMENT, INCLUDING FINES AND CRIMINAL PENALTIES NOT TO EXCEED \$500; A REPEALER; SEVERABILITY; AND PROPER NOTICE AND MEETING

- WHEREAS,** the Board of Aldermen of the Village of Salado seeks to provide for safe and orderly construction activities within its corporate limits; and
- WHEREAS,** the Board of Aldermen seeks to deter shabby craftsmanship and substandard work by contractors; and
- WHEREAS,** the Board of Aldermen strives to protect citizens from illegitimate and unscrupulous contractors; and
- WHEREAS,** the Board of Aldermen is authorized to regulate construction pursuant to the Village's general police powers and Texas Local Government Code Chapters 51, 54, and 217; and
- WHEREAS,** pursuant to Texas Local Government Code Chapter 214 the Board of Aldermen 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,** pursuant to Senate Bill 1354 of the 81st Texas Legislative Session, the Board of Aldermen desire to modify the Contractor Registration Ordinance to comply with amendments to Section 1301.551 of the Texas Occupations Code; and
- WHEREAS,** the Board of Aldermen 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 Board of Aldermen 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 Board of Aldermen finds the enclosed rules to be reasonable and necessary; and

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE VILLAGE OF SALADO, TEXAS:

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 Village through the registration of contractors that perform certain construction activities.

E. Scope of Jurisdiction

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

F. Effective Date

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

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 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 Board of Aldermen to inspect building activities to ensure compliance with applicable codes, permits and ordinances. The Village's building inspector can be a volunteer, employee, agent of another political subdivision, company, corporation, or independent contractor retained by the Village. The term includes the Code Enforcement Officer.
- (2) **Building Official** means the person appointed by the Board of Aldermen to receive and review registration applications and ensure compliance with this Ordinance. The Village's building official can be a volunteer, employee, police officer, agent of another political subdivision, company, corporation, or independent contractor retained by the Village. The term includes the Code Enforcement Officer. The Mayor shall act as the Village's default Building Official in the absence of a Board-appointed person or firm.

(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) **Village** means the Village of Salado, an incorporated municipality located in Bell County, Texas, its agents and employees.

3. REGISTRATION REQUIRED

A. Prohibition

- (1) It shall be unlawful for any person to perform or contract to perform for compensation a construction operation within the city limits without first having registered with the Village in compliance with this Ordinance.
- (2) It shall be unlawful for any person to perform for compensation a construction operation within the city limits without displaying proof of registration with the Village upon request. The only acceptable proof of registration shall be a completed application that is approved and signed by the Building Official.
- (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 Village ordinances. Specifically, the following contractors must register with the Village: General Contractors, Plumbing Contractors, Electrical Contractors, and Mechanical Contractors.

C. Scope of Registration

Registration provides the Village with a means of tracking contractors operating within the Village. Registration also aids the Village in its efforts to ensure the public that only qualified contractors are allowed to do business in the 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 Building Official. 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 three hundred thousand dollars (\$300,000.00).

E. Registration Fee

Registration shall not be approved by the Building Official until the fee prescribed by the Board of Aldermen has been paid. Registration fees shall be as indicated on the attached fee schedule.

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 Building Official.

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.

4. ENFORCEMENT

A. Civil and Criminal Penalties

The 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 Village's 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.

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.

6. REPEALER

All Ordinances or parts of Ordinances in force when the provisions of this Ordinance become effective which are inconsistent or in conflict with the terms and provisions contained in this Ordinance are hereby repealed only to the extent of any such conflict.

7. SEVERABILITY

It is hereby declared to be the intention of the Board of Aldermen that the phrases, clauses, sentences, paragraphs and sections of this Ordinance be severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this Ordinance, and the remainder of this Ordinance shall be enforced as written.

8. PROPER NOTICE AND MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

PASSED AND APPROVED on FIRST READING, the 19th day of November, 2009, by a vote of 4 ayes, 0 nays, and 0 abstentions of the Board of Aldermen.

PASSED AND APPROVED on SECOND READING this, the 4th day of February, 2010, by a vote of 5 ayes, 0 nays, and 0 abstentions of the Board of Aldermen.

VILLAGE OF SALADO, TEXAS:

by: 
Merle Stalcup, Mayor

ATTEST:


Dianna Zulauf, Village Secretary

APPROVED AS TO FORM
Alan J. Bojorquez, Village Attorney

10/10/10
10/10/10
10/10/10