

ORDINANCE NO. 173

AN ORDINANCE OF THE TOWN OF ANNETTA, TEXAS PROVIDING FOR THE REGISTRATION OF CONTRACTORS WITH THE TOWN; PROVIDING FOR CONTRACTOR REGISTRATION FEES; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY CLAUSE; PROVIDING A PUBLICATION CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Annetta is a Type A general law municipality located in Parker County, created in accordance with the provisions of Chapter 6 of the Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, the Town Council has previously adopted the authorized building and construction codes, and finds it to be in the public interest to register contractors performing work in accordance with those codes; and

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

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

SECTION 1
Definitions

The following definitions shall be applicable to an appropriate construction of this ordinance:

“Building Official” means the Building Official of the Town, or his designated representative.

“Codes” means the various building and construction codes adopted and approved by the Town, including, but not limited to the International Building Code, International Residential Code, International Plumbing Code, International Mechanical Code, and the National Electrical Code.

“Contractor” means any person, firm, or entity performing work for which a permit is required under the Codes. The term does not include homeowners performing work on their own place of residence or homestead.

SECTION 2
Registration and Application.

(a) No contractor shall be authorized to secure permits required under the Codes without first registering with the Town.

(b) Each contractor shall make an application for registration and submit the following information with the application:

(1) Complete company name, mailing address and telephone number of the person, firm, or corporation.

(2) Name and private mailing address of a principal of the firm or corporation who is a person authorized to bind the firm or corporation in legal agreements.

(3) Proof of general commercial liability insurance issued by an insurance company authorized to do business in Texas in amounts not less than \$300,000.00 for each occurrence for personal injury or death, and not less than \$100,000.00 for each occurrence for property damage, unless lower limits are mandated by state law, in which case such lower limits shall apply. Each such policy shall provide for coverage regardless of whether the claim arises in negligence or on a contract.

(4) Name and license identification of the contractor through whom the person, firm or corporation is to be represented in all activities before the Town and Building Official.

(c) Upon payment of the registration fee and demonstrated compliance with the provisions of this ordinance, the Town shall issue the applicable registration permit to the applicant. The issuance of a registration by the Town shall not be deemed an endorsement or a guarantee of technical competency or proficiency of the contractor or of the quality or suitability of any work performed by the registrant.

SECTION 3
Evidence of Registration

The contractor shall carry upon his person at all times while performing work within the Town evidence of such registration and upon request by the Town or Building Official or his designated representative shall present proof thereof.

SECTION 4
Transfer of Registration Prohibited

No registration issued or renewed shall be transferred to or used by any person other than the one to whom it was issued or his representative so designated by him at time of registration and it shall be unlawful for the holder of a registration of any type to allow his name or

registration to be used by any other person, firm or corporation, directly or indirectly, for the purpose of obtaining a permit or for performing work under his registration.

SECTION 5

Fees

All contractors shall pay a registration fee unless otherwise exempted by state law from such fee requirement. The fee for an initial registration shall be \$100. The fee for a renewal registration shall be \$50. Registration fees shall be paid in full at the time of issuance of the registration or renewal. All registration fees are non-refundable and not subject to proration.

SECTION 6

Term of Registration

The term of registration shall begin on the date of issuance and shall expire on the one year anniversary thereof. Registration may be renewed provided all of the information remains unchanged. A registration not renewed within thirty days after expiration shall require re-submission of registration, registration information and payment of fees in the same manner as initial registration. It shall be the registrant's responsibility to renew the registration and no expiration notices will be mailed out.

SECTION 7

This ordinance shall be cumulative of all provisions of the Town of Annetta, Texas, except where the provisions of this ordinance are in direct conflict with the provisions of other ordinances, in which event the conflicting provisions of the other ordinances are hereby repealed.

SECTION 8

It is hereby declared to be the intention of the Town Council that the phrases, clauses, sentences, paragraphs, and sections of this ordinance are severable, and if a phrase, clause, sentence, paragraph, or section of this ordinance shall be declared invalid or unconstitutional by the valid judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the remaining phrases, clauses, sentences, paragraphs, and sections of this ordinance, since the same would have been enacted by the Town Council without the incorporation in this ordinance of the invalid or unconstitutional phrase, clause, sentence, paragraph, or section.

SECTION 9

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance shall be fined not more than Five Hundred Dollars (\$500.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 10

All rights and remedies of the Town of Annetta are expressly saved as to any and all violations of the provisions of any ordinances governing building and construction regulations and contractor registration that have accrued at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

SECTION 11

The Town Secretary is hereby directed to publish the caption, penalty clause, publication clause, and the effective date clause in the official Town newspaper one time as authorized by Section 52.011 of the Texas Local Government Code.

SECTION 12

This Ordinance shall be in full force and effect from and after the date of its passage and publication as required by law, and it is so ordained.


PASSED AND APPROVED ON THIS 15th DAY OF DECEMBER, 2016.



Bruce Pinckard, Mayor



Attest:



Jamee Long, Town Secretary