

ORDINANCE NO. 314

AN ORDINANCE OF THE CITY OF ARCHER CITY, TEXAS AMENDING THE ARCHER CITY CODE OF ORDINANCES, CHAPTER 3 ENTITLED “BUILDING REGULATIONS”; TO INCLUDE PROVISIONS FOR OCCUPATIONAL LICENSING; ESTABLISHING A PENALTY; ESTABLISHING THE SEVERABILITY OF THIS ORDINANCE AND PROVIDING FOR ANY CONFLICTING PROVISIONS; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Archer City, Texas (the “City”) is authorized pursuant to TEX. LOC. GOVT. CODE §51.012 to adopt ordinances and regulations necessary for the government, interest, welfare, or good order of the City and, pursuant to TEX. LOC. GOVT. CODE §54.001 is authorized to establish a fine for violations of any ordinance regulation it adopts; and

WHEREAS, the City Council of the City has determined that the regulations set forth in this ordinance are necessary for the government, interest, welfare, or good order of the City; and

WHEREAS, this ordinance was adopted by the City Council of the City at a meeting which was open to the public and preceded by proper notice, as required by Chapter 551 of the Texas Government Code (the Texas Open Meetings Act);

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Archer City, Texas that the following regulations are hereby adopted.

ARTICLE 3.03 BUILDING REGULATIONS

Sec. 3.03.001 Permitting Officer

(a) Office of Permitting Officer Established; Appointment. The office of permitting officer is hereby established by the City. The permitting officer shall be the City Manager or his or her designee.

(b) Authority of Permitting Officer. The permitting officer is hereby authorized to accept or deny applications.

Sec. 3.03.002 Building Inspector

(a) Establish Building Inspector; Contract. The building inspector will be a contract position approved by the City Council. The building inspector will have authority over all inspections, including building, plumbing, mechanical, electrical and foundations.

(b) Authority of Building Inspector. The building inspector is hereby authorized and directed to enforce the provisions of the City and State building codes. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of the building code, but shall not have the effect of waiving the express requirements of same.

(c) The Building Inspector is responsible for ensuring that all buildings constructed, altered, or maintained in the City meet recognized standards for quality and safety.

Sec. 3.03.003 Occupational License.

(a) Each general contractor, plumbing contractor, irrigation contractor, mechanical contractor, and electric contractor shall be required to maintain an occupational license with the city before performing any type of construction work regulated by the city building regulations. No permit shall be issued to construct, refurbish, remodel or improve a building or structure within the corporate limits of the city without each contractor having first registered with the city.

(1) Registration. Each contractor shall furnish the city with the following information on forms provided by the city:

- (A) Contractor classification.
- (B) Company name.
- (C) Company mailing address.
- (D) Company telephone number.
- (E) Principal owner's name and mailing address.
- (F) Principal owner's drivers license number.
- (G) Any additional information deemed necessary for identification purposes.
- (H) Applications must include a copy of the contractor's drivers license and a copy of the following state issued license:
 - (i) Mechanical registrations shall contain a current Texas Air Conditioning and Refrigeration License issued by the Texas Department of Licensing and Regulation;
 - (ii) Electrical registrations shall contain a current Texas Electrical License issued by the Texas Department of Licensing and Regulation;
 - (iii) Plumbing registrations shall contain a current Master Plumbers License issued by the Texas State Board of Plumbing Examiners; and
 - (iv) Irrigation registrations shall contain a current Texas Irrigators License issued by the Texas Commission on Environmental Quality.

(2) Verification of Insurance. The city shall verify that a contractor has a valid certificate of insurance on file.

(3) Occupational License. All Contractors will be required to have an occupational license through the City. An annual fee for this license shall be required. The annual fee shall be set by the city's adopted fee schedule and shall be payable at the time of registration. The fiscal year for the payment of the registration fee begins on January 1st and ends at midnight on December 31st of the same year. Registration is valid for the calendar year you are registering in unless you are registering in December, in which case your registration will carry over to the following calendar year.

(4) Occupational License Renewal. The occupational license may be renewed for the ensuing calendar year by filing a new registration and payment as set forth in subsections (1) and (3). No refund shall be made in the event of the revocation or surrender of any such registration certificate. No renewal notice will be sent.

(5) Occupational License Denial. The license of a contractor may be denied by the permitting officer, or the license may be revoked by the board of adjustment if the license is issued on the basis of incorrect information supplied by the contractor.

(6) Revocation, Suspension and Notice. In the event of knowingly committing outstanding violations of city requirements, the permitting officer may revoke or suspend a contractor's license up to one year. After the one year revocation, the contractor may reapply for registration as a new contractor as set forth in subsections (1) and (3) above.

(7) Appeal Procedures.

(A) In the event that a contractor wishes to appeal the decision of the permitting officer for revocation or suspension, the contractor shall file a written notice of appeal in the office of the permitting officer within ten days of receipt of the notice for revocation or suspension.

(B) A hearing shall be held before the city board of adjustment after the contractor has been given notice of the hearing by personal service or certified mail, return receipt requested, at least ten days prior to the hearing date.

(C) After the hearing, the contractor shall be notified in writing of the determination of the board of adjustment by personal service or certified mail, return receipt requested.

(8) Exemption for Homeowner. No such registration procedure shall be required for alteration or repair work to be performed on a residential structure when the person performing the alteration or repair work is the owner of the structure, has his legal residence there, and is not assisted by any other contractor for remuneration. The homeowner shall be automatically termed a registrant for the purposes of such a project without registration. Notwithstanding such relief from registration, all requirements for permits for the work and all other applicable provisions of this building code shall remain in force.

Sec. 3.03.004 Building Permits

(a) Application for Building Permit. All persons desiring a building, electrical, plumbing, mechanical or foundation within the corporate limits of the city shall make application for a permit for said project with the city secretary. All applications for permits shall be accompanied by one copy each of a property survey, site plan, building plan, and foundation plan, together with such copies as the city secretary or permitting officer determines to be necessary for review by other administrative officers and agencies; shall be drawn to scale, showing the actual dimensions and shape of a lot to be built upon, the exact size and location of the building on the lot already existing, if any, and the location and dimensions of proposed buildings, structures or alterations. Prior to the issuance of a building permit the following must be provided:

- (1) Verification that the lot is in compliance with all platting requirements of the city.
- (2) Any additional information as lawfully may be required by the city secretary or building inspector, including: a copy of trade licenses of the general contractor or subcontractors; existing or proposed uses of the building or structure and land; conditions existing on the lot; and such other matters as may be necessary to determine conformance with the city's comprehensive zoning ordinance, subdivision control ordinance and/or building code.

(b) Issuance of Permits. The city secretary shall issue all permits upon approval of the permitting officer. A permit shall only be issued when compliance with this article and all other ordinances of the city is assured. No placement, construction, remodeling, refurbishment of construction of any kind of any building or structure may be commenced prior to the issuance of a building permit.

(c) Permit Expiration. All permits are valid for one (1) year from the date of issue. Any renewal or extension of a permit shall not be for more than six (6) months. The fee for an extension of a permit shall be one-half (1/2) of the fee paid for the original permit.

(d) Permit Suspension. Permits, or a person's ability to secure permits, may be suspended, for a specified period of time not to exceed one hundred eighty (180) days, or revoked by the permitting officer for any of the following causes:

- (1) Failing to finalize permits by obtaining the required inspections;
- (2) Allowing the use or occupancy of a structure or facility without first obtaining the required authorization or certificate of occupancy;
- (3) Making false statements or misrepresenting facts on the application or on the construction documents upon which a permit or permitting officer approval was based;
- (4) Gross negligence in the performance of the work made the subject of a permit; or
- (5) The expiration, suspension or revocation of a required license, bond or insurance.

The suspension period specified herein may be extended by the permitting officer. The affected person may appeal permit revocation or suspension to the board of adjustment.

- (6) Appeal Procedures.

(A) In the event that a contractor wishes to appeal the decision of the building inspector for revocation or suspension, the contractor shall file a written notice of appeal in the office of the building inspector within ten days of receipt of the notice for revocation or suspension.

(B) A hearing shall be held before the city board of adjustment after the contractor has been given notice of the hearing by personal service or certified mail, return receipt requested, at least ten days prior to the hearing date.

(C) After the hearing, the contractor shall be notified in writing of the determination of the board of adjustment by personal service or certified mail, return receipt requested.

(7) Exemption for Homeowner. No such registration procedure shall be required for alteration or repair work to be performed on a residential structure when the person performing the alteration or repair work is the owner of the structure, has his legal residence there, and is not assisted by any other contractor for remuneration. The homeowner shall be automatically termed a registrant for the purposes of such a project without registration. Notwithstanding such relief from registration, all requirements for permits for the work and all other applicable provisions of this building code shall remain in force.

Sec. 3.03.005 Eligibility for building permit

(a) Persons eligible to apply for and receive approved building permits.

(1) A contractor licensed and insured to do construction work as a “contractor” within the city.

(2) The owner of the property who certifies that the structure to be built or the structure on which the repairs are to be performed is the single-family residential structure in which he lives.

Sec. 3.03.006 Fees

(a) Building Permit Fee Schedule. A building permit shall not be issued or amended until the prescribed fee has been paid. The fee schedule charged by the City for building permits is on file in the city secretary's office.

(b) Work Commencing Before Permit Issuance. Any person who commences any work requiring a permit before obtaining the necessary permits shall be subject to 100 percent of the usual permit fee(s) in addition to the required permit fee(s).

Sec. 3.03.007 Certificate of Occupancy

In order to insure that all new construction and the use of all existing structures within the City comply with the building code, a certificate of occupancy shall be required in accordance with the provisions for certificates of occupancy set forth in the model construction codes adopted pursuant to this article, as amended, subject to the following amendments:

(1) Application. Any person who proposes to use a building or structure located within the city after the effective date of this article (March 26, 2015), shall file an application for a certificate of occupancy in the office of the city secretary on forms provided by the city secretary. Upon approval by the building inspector, a certificate of occupancy shall be issued stating that the building and proposed use of a building complies with the city's building code, comprehensive zoning ordinance and subdivision control ordinance. A permanent record of all certificates of occupancy issued by the city shall be kept on file in the office of the city secretary, and copies shall be furnished on request to any person having a proprietary or tenancy interest in the building or structures affected.

(2) Certificate to Establish Use. No vacant land or building shall be occupied or used by any person, except for agricultural purposes, until a certificate of occupancy has been issued in accordance with this section.

(3) Issuance. A person desiring a certificate of occupancy shall apply for it at the time that an application for a building permit is made, and the certificate of occupancy shall be issued within ten (10) days after the construction, erection or alteration of the building or structure made the subject of the building permit has been completed in conformity with the applicable ordinances of the city.

Sec. 3.03.008 Definition

For purposes of this article, the term "person" means any individual, corporation, nonprofit corporation, partnership, joint venture, political subdivision, association or any other legal entity.

Sec. 3.03.009 Certificate of inspection

Upon the completion of the installation or alteration of building wiring or apparatus in any building, it shall be the duty of the person, firm or corporation doing the same to notify the building inspector, who shall inspect the installation within twenty-four (24) hours, exclusive of Saturdays, Sundays, and holidays, of the time such notice is given; and if it is found to be fully in compliance with this article and does not constitute a hazard to life or property, he or she shall issue a certificate of inspection. authorizing connection to the electric service and the turning on of the current. No certificate of inspection shall be issued unless the building light, power or heating installation and all other electric apparatus connected with are in strict conformity with the provisions of this article.

Sec. 3.03.010 Approval by building inspector

Any building installation not specifically covered by this article must be approved by the building inspector.

Sec. 3.03.011 Right of access to buildings

The building inspector shall have the right during reasonable hours to enter any building in the discharge of his or her inspector duties, or for the purpose of making any inspection or test.

Sec. 3.03.012 Liability

This article shall not be construed to relieve from nor lessen the responsibility or liability of any party owning, operating, controlling or installing any building equipment for damages to any one injured or any property destroyed by any defect therein nor shall the city be held as assuming any such liability by reason of the inspection authorized herein, or certificate of inspection issued as herein provided.

Sec. 3.03.013 Penalty

Any person, firm, or corporation who shall fail to comply with any of the provisions hereof, shall upon conviction thereof, be punished by a fine in accordance with the general penalty provision found in [section 1.01.009](#) of this code.

Sec. 3.03.014 Repeal of Ordinances

All ordinances or parts of ordinances, resolutions or parts of resolutions in conflict herewith, be, and the same are hereby repealed to the extent of such conflict.

Sec. 3.03.015 Severability Clause

If any clause, section, or other part or application of this Ordinance shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part or application shall be considered as eliminated and so not affecting the remaining portions or applications remaining in full force and effect.

Sec. 3.03.016 Effective Date

This Ordinance shall become effective ten (10) days after its publication in the *Archer County News*.

PASSED AND APPROVED this 21st day of May 2015

Kelvin Green, Mayor

ATTEST:

Kim Whitsitt, City Secretary