

CITY OF WEST LAKE HILLS

AMENDMENT NO. 369

AN ORDINANCE AMENDING THE CITY OF WEST LAKE HILLS CONSTRUCTION CODE TO INCLUDE REQUIREMENTS FOR CONTRACTOR REGISTRATION; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; AND PROVIDING FOR PUBLICATION AND EFFECTIVE DATE.

WHEREAS, the City Council of the City of West Lake Hills (“City Council”) seeks to make certain clarification and provide greater consistency in the Code of Ordinances (“Code”); and

WHEREAS, pursuant to Texas Local Government Code Section 51.001, the City has general authority to adopt an ordinance or police regulation that is for the good government, peace or order of the City and is necessary or proper for carrying out a power granted by law to the City; and

WHEREAS, pursuant to Chapter 211 of Texas Local Government Code, the City Council is authorized to enact Building Regulations; and

WHEREAS, the City Council finds that the requirements for Contractor Registration established by this Amendment are characterized as reasonable; and

WHEREAS, the City Council finds that it is necessary and proper for the good government, peace or order of the City of West Lake Hills to adopt the following rules.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WEST LAKE HILLS, TEXAS:

1. FINDINGS OF FACT

The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.

2. ENACTMENT

Chapter 22.03 Construction Code, Division 4 Permits and Inspections of the City of West Lake Hills’ Code of Ordinances is hereby amended to include 22.03.130 to read in accordance with *Attachment “A”*, which is attached hereto and incorporated into this Ordinance for all intents and purposes.

City of West Lake Hills

CODE OF ORDINANCES

ARTICLE 22.03 CONSTRUCTION CODE

SECTION 22.03.130: LICENSING & REGISTRATION OF GENERAL AND TRADE CONTRACTORS

- (a) Prohibitions. It is an offense for a person to:
- (1) Display or cause a permit to be displayed or to have in one's possession any registration or license for doing any construction work, knowing it to be fictitious or to have been canceled, suspended, altered, or revoked;
 - (2) Lend or permit the use of any registration or license for doing any construction work to any person not entitled to it;
 - (3) Display or to represent as one's own any registration or license for any construction work when the registration or license has not been lawfully issued to the person displaying it;
 - (4) Fail or refuse to surrender to the director of building and development services any registration for any construction work that has been suspended, canceled, or revoked;
 - (5) Use a false or fictitious name or address in any application for any registration or permit provided for in this chapter or any renewal or duplicate or make a false statement or conceal a material fact or otherwise commit fraud in making any application;
 - (6) Permit any construction work covered by this article to be performed by any person not properly registered, while owning or in control of premises covered by this article;
 - (7) Abandonment of a project by the registered contractor; and
 - (8) If the contractor holding a permit dies or becomes unable to supervise the permitted work, all work under the permit shall cease immediately, and work shall not be resumed until the contractor's disability is remedied or a new permit is issued to a qualified contractor.
- (b) Registration Required; exception. It is an offense for any person to perform construction work subject to this section unless the person is registered as a contractor or is exempt because the project at issue has a valuation of less than \$25,000. A project that is valued at less than \$25,000 can be performed by a person who is not a registered contractor with the City.
- (c) Qualifications for registration:
- (1) General Contractor. This designation applies to all construction contractors, including but not limited to the following: residential general contractor, commercial general contractor, roofing contractor, fence contractor, foundation contractor, demolition

contractor, and pool contractors. A person applying for a general contractor's registration shall provide a copy of a government issued identification, as well as submit an application providing contact information, including address, phone number, and company information (if applicable).

(2) Insurance. The general contractor must show proof of at least \$600,000 in general liability insurance, with the City of West Lake Hills as the certificate holder at the time of registration. It must be held at all times while doing work in the City.

(d) Issuance, renewal of registration

(1) Upon providing all required documentation to the City for a contractor registration under this Section, the director of building and development services can register the candidate.

(2) The registered contractor shall be required to provide updated insurance information with the City of West Lake Hills listed as a certificate holder at least annually.

(3) Each person shall register with the director of building and development services. The registration will include the information required by the director of building and development services. If any changes occur in the information provided, the registrant shall amend the registration to reflect the changes within ten (10) business days of the change.

(e) Suspension and revocation of registration

(1) The director of building and development services may suspend the registration of a general contractor who has been cited by the code enforcement official or other authorized city employee without case disposition or conviction two (2) times within one (1) year of a violation, or three (3) times within two (2) years of a violation of this Code. The suspension will be for a period not to exceed six (6) months.

(2) If the director of building and development services decides to suspend a registration, the official will notify the registrant of the suspension by first class mail to the registrant's last address on the director of building and development services' records, or by electronic notification. Notice by mail is deemed received three (3) days after posting or by non-returned electronic correspondence.

(3) The director of building and development services can refuse to issue permits while there are outstanding violations against the contractor until the violation(s) have been resolved by court disposition or arranging a court hearing.

(4) The registrant may appeal a suspension decision to the city administrator by filing a written request within ten (10) days of receiving notice of the suspension. The city administrator shall meet with the registrant and determine whether the suspension decision should be sustained or reversed. The decision of the city administrator can be appealed to the Building Design Committee.

(5) A person is subject to disciplinary action under this Section if the person violates an order issued by the Commission, or any of the following:

(A) Obtaining registration through error or fraud;

(B) Willfully, negligently, or arbitrarily violating a municipal rule or ordinance that regulates sanitation, drainage, parking, landscaping and/or tree removal, plumbing, or other ordinance related to performance of construction;

- (C) Employing a person who does not hold a registration, license, or endorsement or who is not registered or licensed to engage in an activity for which registration is required under this Chapter; or
 - (D) Abandonment of a project.
- (f) Hearing procedures for revocation of registration; notice of revocation.
- (1) When the Building Design Committee is notified that a registrant's registration has been suspended twice in a three year period under this section, and that the registrant has committed another violation under this Code, the committee will set a registration revocation hearing within thirty (30) days and will send a copy of the information to the registrant by certified mail not less than ten (10) days before the date of the hearing.
 - (2) If the registrant admits the truth of the charges, or if the committee, by a vote of three (3) or more members, finds them to be true, the committee will revoke the registration of the registrant. The decision of the committee in each revocation hearing will be entered into the meeting minutes of the committee.
 - (3) A registrant whose registration is revoked under this section may not apply for another registration until two (2) years after the effective date of the revocation.
- (g) Appeals. Under this section, any registrant who has been denied a registration or whose registration has been suspended or revoked may file an appeal with the board of adjustment within ten (10) days of the date of the denial, suspension, or revocation. The registrant shall also file a copy of the appeal with the director of building and development services on the same day that the appeal is filed with the board of adjustment. The board of adjustment will hear the matter at its next regular meeting that is at least three (3) business days from the time of the appeal submission. The board will determine whether there is a reasonable basis for the registration denial, suspension, or revocation.