

ORDINANCE NO. 2020-06

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF DALWORTHINGTON GARDENS, AS AMENDED, BY AMENDING VARIOUS SECTIONS OF APPENDIX A “FEE SCHEDULE,” TO REMOVE CONTRACTOR REGISTRATION FEES; TO SET A FIXED FEE FOR SHUT OFF VALVE INSTALLATION; AND TO REMOVE THE FEE SCHEDULE FROM THE CODE OF ORDINANCES AND ALLOW FUTURE REVISIONS OF THE FEE SCHEDULE TO BE ADOPTED BY RESOLUTION; AND BY AMENDING CHAPTER 3 “BUILDING REGULATIONS” TO CREATE A NEW ARTICLE 3.10 “CONTRACTOR REGISTRATION” REQUIRING CONTRACTORS PERFORMING WORK IN THE CITY TO REGISTER WITH THE CITY; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY FOR VIOLATIONS HEREOF; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER AND PROVIDING AN EFFECTIVE DATE

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

WHEREAS, the City of Dalworthington Gardens has heretofore adopted fees for certain services provided by the City of Dalworthington Gardens; and

WHEREAS, the City Council now deems it necessary to update certain fees; and

WHEREAS, the City Council further desires to remove the Fee Schedule from the Code of Ordinances and permit future revisions to the Fee Schedule to be adopted by resolution; and

WHEREAS, the City Council further desires to establish a contractor registration requirement for contractors performing work within the City.

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

SECTION I.

Section A3.001 “Contractor Registration and Licensing” of Article A3.000 “Construction Services” of Appendix A “Fee Schedule,” as amended, is hereby deleted in its entirety and reserved for future use.

SECTION II.

Subsection (b) “Alteration/addition for residential construction,” of Section A3.002 “Building permits and inspections” of Article A3.000 “Construction Services” of Appendix A “Fee Schedule,” as amended, is hereby amended to read as follows:

“Sec. A3.002 Building Permits and Inspections

...

(b) Alteration/addition for residential construction.

Trade Permits	Fee
Building, mechanical, electrical, plumbing, fuel gas and similar	\$120.00 per trade
Shut off valve installation not accompanied by other work	\$25 per valve
Other projects not listed above	\$200.00 per trade

”

SECTION III.

The City Council hereby authorizes the removal of the Fee Schedule from Appendix A in the Code of Ordinances, City of Dalworthington Gardens, Texas, as amended by this Ordinance, said Fee Schedule to be maintained, instead, by the City Secretary. The Fee Schedule shall remain in full force and effect. Appendix A in the Code of Ordinances, City of Dalworthington Gardens, Texas shall be amended in its entirety to read as follows:

“APPENDIX A FEE SCHEDULE

Sec. A1.001 Adoption of fee schedule

The City Council shall adopt the official Fee Schedule of the City from time-to-time by resolution and the Fee Schedule shall be maintained in the office of the City Secretary. The City Council may review the Fee Schedule at any time and may, by resolution, increase or decrease said fees within the schedule, or add or eliminate fees within the schedule, upon a determination that said change is warranted. An updated fee schedule shall be publicly available and maintained at all times by the City Secretary.

Sec. A1.002 Payment Required

All persons, firms or corporations applying for licenses, permits or other city services that by their nature require the applicant to pay a fee incident to such application shall pay the fees as prescribed in the official Fee Schedule of the City.

Sec. A1.003 Penalty

It shall be unlawful for any person, firm or corporation to conduct any activity or commence any use for which payment of a fee is required until such fee has been paid. A violation of this section shall be punishable by a fine not to exceed five hundred dollars (\$500) for each offense.”

SECTION IV.

Chapter 3 “Building Regulations” of the Code of Ordinances, Dalworthington Gardens, Texas as amended, is hereby amended to create a new Article 3.10 “Contractor Registration” to read as follows:

“ARTICLE 3.10 CONTRACTOR REGISTRATION

Sec. 3.10.001 Definitions

For the purpose of this article, the following definitions shall have the meanings respectively ascribed to them in this section:

Board of appeals means a board appointed by the city council vested with the right to hear appeals from any person, firm, or corporation aggrieved by the decision, ruling, interpretation of order of the building official, hereinafter referred to as the board.

Building contractor means any person, firm, or corporation engaged by remuneration in the erection or construction of new buildings or structures, either residential or nonresidential.

Building official means the person duly designated to act in such capacity for the city.

Business means any venture by a person, firm, or corporation for the express purpose of making a profit from the sale or exchange of goods or services.

Codes (the codes) means the codes herein referred to as the following and adopted and approved by the city:

Section 3.02.031—International Building Code, with regional amendments and interpretations recommended by the NCTCOG.

Section 3.02.151—International Residential Code, with regional amendments and interpretations recommended by the NCTCOG.

Section 3.02.201—International Mechanical Code, with regional amendments and interpretations thereto recommended by NCTCOG.

Section 3.02.251—International Plumbing Code, with regional amendments and interpretations thereto recommended by NCTCOG.

Section 3.02.301—International Fuel Gas Code, with regional amendments and interpretations thereto recommended by NCTCOG.

Section 3.02.381—National Electrical Code, with regional amendments and interpretations thereto recommended by NCTCOG and the NCTCOG Regional Codes Coordinating Committee Electrical Advisory Board 2014 National Electrical Code Regional Amendments Position Paper.

Section 3.09.004—International Property Maintenance Code, as amended therein.

Section 5.02.003—International Fire Code, with amendments recommended by the NCTCOG (Option B).

Contractor means any person, firm or corporation who will be responsible to the building official for the prosecution and supervision of work regulated by the codes, including but not limited to building contractors, electrical contractors, fire protection systems contractors, mechanical contractors, paving contractors, plumbing contractors, sign contractors, sprinkler system contractors, swimming pool contractors, and utility contractors.

Electrical contractor means any person, firm, or corporation engaged in the installation or altering, by remuneration, of electrical conductors or equipment, who is duly licensed as a master electrician as accepted by reciprocity by the city, having been tested by an examining agency or board.

Examining agency or board, means, for the purpose of the codes, any division of the state, the county or the city, whose sole function is to test, regulate, or certify the ability of an individual for the performance of work as defined specifically elsewhere in this section.

Fire protection systems contractor means any person, firm, or corporation engaged in the installation or altering, by remuneration, of fire suppression and detection systems, who is duly licensed by the state to perform such work.

Homeowner means any bona fide homeowner, by himself, for himself, on his own homestead premises and without compensation, and no person shall be employed to assist him in any way on such work as may be allowed by the codes. Such person must file in writing a notarized statement of such and be able to file with the building official as to his ability to perform such work, apply for and secure necessary permits, pay required fees, do work in accordance with the codes, apply for all necessary inspections, and receive the necessary approvals in all such work done.

License means the necessary documentation by an examining agency or board to verify, clarify, and attest as to having met the necessary qualifications for such.

Mechanical contractor means any person, firm, or corporation engaged by remuneration in the installation or altering of any type of heating, air conditioning, ventilation, refrigeration equipment, or other mechanical systems such as incinerators, or other miscellaneous heat producing appliances, who is duly licensed as a mechanical contractor (A or B) by the state (A or B classification limits the type of work performed by the licensee).

Paving contractor means any person, firm, or corporation engaged by remuneration in the installation or repair of horizontal surface driveways, alleys, or approaches either of concrete, asphalt, or any other common substance used in surfacing traffic or pedestrian ways.

Plumbing contractor means any person, firm, or corporation engaged by remuneration in the installation or altering of any piping systems used to convey water, sewer, gas, or waste products ventilated by them, who is duly licensed as a master plumber by the state.

Reciprocity means the acknowledging of other examining agencies or boards to regulate or certify the ability of an individual for the performance of work defined specifically elsewhere in this section, at the approval of the building official.

Registration means the registering of any person, firm, or corporation with the city to perform such work as covered and required by the codes. In extending the rights and privilege of such registration, the city makes no statement of the technical competency of those so registered, and no manner of license is proffered.

Remodeling means any person, firm, or corporation engaged by remuneration in the alteration or enlargement of any existing building or structure, to include roofing and siding work, either residential or nonresidential, who is or employs properly licensed personnel for the performance of the necessary work.

Sign contractor means any person, firm, or corporation engaged by remuneration in the erection, construction, or altering of advertising faces, whether painted, wood, masonry, metal, glass, or plastic, with or without illumination, permanent or temporary in use, whether attached to a building, pole or any other structure, who is or employs individuals properly licensed and registered for all electrical work in conjunction to or accessory to any and all work performed.

Sprinkler system contractor means any person, firm, or corporation engaged by remuneration in the installation, repair or alteration of underground piping systems of either potable or nonpotable water, aboveground irrigation watering or other such similar installations deriving their water from the city, either directly or indirectly, who is duly licensed by a recognized examining agency or board.

Swimming pool contractor means any person, firm, or corporation engaged by remuneration in the installation, repair, or alteration of inground or aboveground devices or appurtenances getting recreational pleasure to private or public parties obtaining their water from the city, either directly or indirectly.

Utility contractor means any person, firm, or corporation engaged by remuneration in the installation of transmission or collection systems of potable water, nonpotable water, sewage, stormwater runoff drainage, gas, electrical, video, audio, and other such systems, who is or employs individuals properly licensed and registered for the performance of all necessary work, and is not directly employed by payroll or by subcontract of any utility company, public or private, in the normal conduct of business.

Sec. 3.10.002 Registration required

Any contractor who will be responsible to the building official for the prosecution and supervision of work regulated by the codes within the city must register with the City under this article.

Sec. 3.10.003 Registration application

An applicant for registration under this article shall provide to the building official the following information:

- (1) The complete name, complete mailing address, telephone number, and email of the person, firm, or corporation.
- (2) The complete name, private mailing address, email, social security number and state driver's license number of a principal of the firm or corporation, who is a person authorized to bind the firm or corporation in legal agreements.
- (3) The name and license identification of the contractor, where required by definition in this article, through whom the person, firm, or corporation is to be represented in all activities before the building official (except registration for a person, firm, or corporation specifically exempted from license requirements).
- (4) A copy of commercial legal liability insurance in an amount not less than \$1,000,000.00 combined for property damage and bodily injury sustained by one or more persons, and \$1,000,000.00 aggregate, and \$1,000,000.00 aggregate for products and completed operations. In the event claims occur which hold the required coverage to a level of \$750,000.00 or less, the registered contractor shall reinstate the coverage to the original \$1,000,000.00 amount or greater.
 - a. A registered contractor shall furnish to the city a certificate of insurance as evidence of the insurance requirement of subsection (4) of this section.
 1. Insurance must be valid for the next 60 days.
 2. Insurance certificate must show registrant's name and company name and address.
 3. Certificate holder must be listed as:

Building Inspection Department
2600 Roosevelt Drive
Dalworthington Gardens, Texas 76016
ATTN: Building Official

- b. The certificate of insurance shall certify that the policy has been endorsed with the provision that in the event such coverage is cancelled or reduced, the insurance carrier shall notify the department at least 45 days prior to such cancellation or reduction of coverage. Each nonrenewal notice shall also be submitted by the insurance carrier to the department at least 45 days prior to the renewal date. In the event that the coverage is cancelled for nonpayment of premium, the insurance carrier shall notify the department at least ten days prior to such cancellation.
- c. The certificate of insurance will be accepted only when signed by those officers or agents of an insurance company empowered to sign such certificates by the insurance company.
- d. Each registrant shall be suspended during any period in which the required insurance is not in effect by evidence of a current certificate of insurance on file with the city building inspection department or when the required level of insurance has not been reinstated as required in subsection (4) of this section.
- e. The building official may waive the insurance requirement for a registrant who is not contracting with the general public. All requests to waive the insurance requirements shall be submitted in writing to the building official and shall contain a detailed explanation of the conditions on which the registrant is requesting a waiver.

(5) Other pertinent information deemed necessary to the building official.

Sec. 3.10.004 Updating information

Every registrant shall make contact with the office of the building inspection department to ensure the accurate revision of the registrant information, including change of a licensed individual or address or telephone number or email, within ten working days from when the previous information supplied in the application is made invalid for any reason.

Sec. 3.10.005 Fees

There is no fee required for a registration under this article.

Sec. 3.10.006 Penalty

It shall be unlawful for any person, firm or corporation to conduct activity or obtain a permit in the City without being registered under this article. A violation of this section shall be punishable by a fine not to exceed five hundred dollars (\$500) for each offense.”

SECTION V.

This ordinance shall be cumulative of all provisions of ordinances and of the Code of Ordinances, Dalworthington Gardens, Texas as amended, except where the provisions are in direct conflict with the provisions of other ordinances, in which event the conflicting provisions of the other ordinances are hereby repealed.

SECTION VI.

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this ordinance are 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 and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION VII.

Any person, firm or corporation who violates, disobeys, omits, neglects, refuses or fails to comply with, or who resists the enforcement of any provision 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 VIII.

All rights and remedies of the City of Dalworthington Gardens are expressly saved as to any and all violations of the provisions of the Code of Ordinances, City of Dalworthington Gardens, Texas, or any other ordinances affecting contractor registration or fees which have accrued at the time of the effective date of this ordinance; and as 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 court.

SECTION IX.

The City Secretary of the City of Dalworthington Gardens is hereby directed to publish at least twice in the official newspaper of the City of Dalworthington Gardens, the caption and the penalty clause of this ordinance in accordance with Section 52.011 of the Local Government Code.

SECTION X.

This ordinance shall be in full force and effect from and after its passage and publication as required by law,

PASSED AND APPROVED on this 20th day of August, 2020.


Laurie Bianco, Mayor

ATTEST:


Lola Hazel, City Administrator/Secretary