

**TOWN OF BARTONVILLE  
ORDINANCE NO. 483-09**

**AN ORDINANCE OF THE TOWN OF BARTONVILLE, TEXAS REPEALING BARTONVILLE CODE OF ORDINANCES, CHAPTER 3, ARTICLE 3.100, “THE TOWN OF BARTONVILLE BUILDING CODE”, SECTION 3.112(E) AND REPLACING IT WITH A NEW SECTION 3.112(E) RELATING TO CONTRACTOR REGISTRATION; PROVIDING FOR AMENDMENTS; PROVIDING FOR A PENALTY NOT TO EXCEED \$2000.00 FOR EACH VIOLATION; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL OTHER ORDINANCES OF THE TOWN OF BARTONVILLE; PROVIDING FOR SEVERABILITY; PROVIDING FOR SAVINGS; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER OF THE TOWN AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Town of Bartonville, Texas, is a Type A General Law Municipality located in Denton County, Texas, created in accordance with provisions of the Texas Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

**WHEREAS**, the Town of Bartonville, Texas, is a general law municipality empowered under the Texas Local Government Code, Section 51.001, to adopt an ordinance or rule that is for the good government of the Town.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BARTONVILLE, THAT:**

**SECTION 1  
INCORPORATION OF PREMISES**

The above and foregoing premises are true and correct and are incorporated herein and made a part hereof for all purposes.

**SECTION 2  
Building Code Adopted**

That Article 3.100, of the Bartonville Code of Ordinances is hereby amended by repealing Section 3.112(e) and replacing it with a new Section 3.112(e) to read as follows:

“(e) Contractor Registration. Each General Contractor, Plumbing Contractor, Irrigation Contractor, Mechanical Contractor, and Electric Contractor shall be required to maintain a registration with the Town before performing any type of construction work regulated by the Town of Bartonville Construction Regulations. No permit be shall issued to construct, refurbish, remodel or improve a building or structure within the corporate limits of the Town of Bartonville without each contractor having first registered with the Town.

1. **Registration.** Each contractor shall furnish the Town of Bartonville with the following information on forms provided by the Town:

- 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:
    - 1) Mechanical Registrations shall contain a current Texas Air Conditioning and Refrigeration License issued by the Texas Department of Licensing and Regulation;
    - 2) Electrical Registrations shall contain a current Texas Electrical License issued by the Texas Department of Licensing and Regulation;
    - 3) Plumbing Registrations shall contain a current Master Plumbers License issued by the Texas State Board of Plumbing Examiners; and,
    - 4) Irrigation Registrations shall contain a current Texas Irrigators License issued by the Texas Commission on Environmental Quality.
2. Verification of Insurance. The Town shall verify that a plumbing contractor has a valid certificate of insurance on file with Texas State Board of Plumbing Examiners through the Board's website or by contacting the Board by phone.
  3. **Registration fee.** An annual registration fee shall be required for all contractors, excepting master plumbers. The annual registration fee shall be set by the Town'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. **Registration renewal.** The registration may be renewed for the ensuing calendar year by filing a new registration and payment as set forth in (1) and (2). No refund shall be made in the event of the revocation or

surrender of any such registration certificate. No registration notice will be sent.

5. **Registration denial.** The registration of a contractor may be denied by the Building Official, or the registration may be revoked by the Board of Adjustment if the registration 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 town requirements, the building official may revoke or suspend a contractor's registration up to one year. After the one year revocation, the contractor may reapply for registration as a new contractor as set forth in (1) and (2) above.
7. **Appeal procedures.**
  - a. In the event that a contractor wishes to appeal the decision of the building official for revocation or suspension, the contractor shall file a written notice of appeal in the office of the building official within ten days of receipt of the notice for revocation or suspension.
  - b. A hearing shall be held before the Bartonville 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.”

### **SECTION 3 CUMULATIVE CLAUSE**

This Ordinance shall be cumulative of all provisions of Ordinances of the Town of Bartonville, Texas except where the provisions of this Ordinance are in direct conflict with the provisions of such Ordinances, in which event the conflicting provisions of such Ordinances are hereby repealed.

**SECTION 4  
SAVINGS.**

That an offense committed before the effective date of this ordinance is governed by prior law and the provisions of the Town of Bartonville Code of Ordinances, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

**SECTION 5  
SEVERABILITY**

It is hereby declared to be the intention of the Town Council of The Town of Bartonville 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 should 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, since the same would have been enacted by the Town Council without incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph, or section.

**SECTION 6  
ENGROSSMENT AND ENROLLMENT**

The Town Secretary of the Town of Bartonville is hereby directed to engross and enroll this Ordinance by copying the exact Caption and the Effective Date clause in the minutes of the Town Council of the Town of Bartonville and by filing this Ordinance in the Ordinance records of the Town.

**SECTION 7  
PUBLICATION**

The Town Secretary of the Town of Bartonville is hereby directed to publish in the Official Newspaper of the Town of Bartonville the Caption and the Effective Date of this Ordinance for two (2) days.

**SECTION 8  
EFFECTIVE DATE**

This Ordinance shall be in full force and effect upon passage and publication in the official newspaper.

**AND IT IS SO ORDAINED.**

**PASSED AND APPROVED this the 20<sup>th</sup> day of October, 2009.**

APPROVED:

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Ron Robertson, Mayor

(Seal)

ATTEST:

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Debbie E. Millican, Town Administrator