

ORDINANCE NO. 2017-07

AN ORDINANCE OF THE CITY OF OVILLA, TEXAS, REPEALING AND REPLACING CHAPTER 3, ARTICLE 3.02, DIVISION 3, PART II "ELECTRICAL CONTRACTORS," AND REPEALING APPENDIX A, SECTION A4.005 "CONTRACTOR REGISTRATION FEES," OF THE CODE OF ORDINANCES OF THE CITY OF OVILLA, TEXAS; PROVIDING FOR THE REGISTRATION OF ELECTRICIANS; PROVIDING FOR PENALTIES; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERANCE CLAUSE; PROVIDING FOR INCORPORATION INTO THE OVILLA CODE OF ORDINANCES; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR PUBLICATION.

WHEREAS, the City of Ovilla, Texas, desires to provide for the safety, health and public welfare of the citizens of the City of Ovilla by requiring electricians doing business within the city limits to first register with the City; and

WHEREAS, Texas H.B. 3329 amends Section 1305.201 of the Texas Occupations Code as of September 1, 2017, to prohibit municipalities from collecting a permit fee, registration fee, or any other fee from a licensed electrician; and

WHEREAS, the City Council of the City of Ovilla does find and determine that it is necessary to repeal and replace provisions of its Code of Ordinances in order to comply with the provisions of Section 1305.201 of the Texas Occupations Code, as amended by Texas H.B. 3329.

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

SECTION 1. REPEAL AND REPLACEMENT OF CHAPTER 3, ARTICLE 3.02, DIVISION 3, PART II, OF THE CODE OF ORDINANCES OF THE CITY OF OVILLA, TEXAS

Chapter 3, Article 3.02, Division 3, Part II "Electrical Contractors," of the Code of Ordinances of the City of Ovilla, Texas, is hereby repealed in its entirety and replace with the following provisions which are here adopted:

PART II. ELECTRICAL CONTRACTORS

Sec. 3.02.131 Applicability

This part shall be applicable to the annual registration of electrical contractors offering or performing services within the jurisdictional limits of the City of Ovilla

Sec. 3.02.132 Definitions

Electric contracting. The business of designing, installing, erecting, repairing, or altering electric wiring or conductors to be used for light, heat, power or signaling purposes. The term includes the installation or repair of ducts, raceways or conduits for the reception or protection of wires or conductors and the installation or repair of any electrical machinery, apparatus or system used for electrical light, heat, power or signaling.

Electric contractor. A person engaged in electrical contracting. An "electric contractor" is considered to be a licensed master electrician, licensed master sign electrician and licensed residential wireman and is the only contractor permitted to make application for a permit with the city and to register with the city as an electrical contractor. All other electricians such as journeyman electricians, journeyman sign electricians and apprentices are permitted only to work under the supervision of the responsible master licensee and therefore are not required to

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register with the city.

Electric sign contractor. A person engaged in electrical sign contracting.

Electrical sign contracting. The business of designing, manufacturing, installing, connecting, reconnecting, or servicing an electric sign, cold cathode, neon gas tubing, or outline gas tubing, or altering electric sign wiring or conductors either inside or outside of the building(s).

Electrical work. Any labor or material used in installing, maintaining or extending an electrical wiring system and the appurtenances, apparatus or equipment used in connection with the use of electrical energy in, on, outside or attached to a building, residence, structure, property or premises. The term includes service entrance conductors as defined by the most recently adopted National Electric Code.

Residential wireman. A person licensed under chapter 1305 of title 8 of the Occupations Code who may only perform electrical installations in single-family and multi-family dwellings not exceeding four stories.

Sec. 3.02.133. License and registration requirements

- (a) An electrical contractor commits an offense if the electrical contractor performs electric work within the city without first registering with the inspection department of the city. Electrical contractors must register annually on registration forms provided for by the city that includes the following information:
- (1) Name of the contractor including his/her business name, address and phone number;
 - (2) Type of service provided for by the contractor including but not limited to electrical work, electrical contracting and electrical sign contracting;
 - (3) State licensing number including date of expiration when applicable;
 - (4) Proof of certificate of insurance as provided for under the particular state licensing law that applies;
 - (5) Insurance bonding number on the insurance policy when applicable;
 - (6) Proof of licensing, insurance and/or insurance bonding requirements are required before annual registrations are approved by the city inspection department;
 - (7) Date of expiration of all insurance requirements must be included on the registration application. Any other pertinent information regarding the contractor and the nature of his/her business when it is deemed appropriate by the city's building official or his/her designee.

The city inspection department must approve all annual registrations before they are considered official registrations.

- (b) All annual registrations for persons, firms or corporations for the purpose of this part that are

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required to be licensed or bonded in order to perform services in the city are known as contractors and such contractors are required to be registered with the city annually under the established provisions of this part.

- (c) A registration under this part shall be valid for one year from the date of the initial registration providing that the expiration of all required licenses and bonds correspond with the one-year time frame; otherwise registrations are only valid through the date of the expiration of the applicable license, certificate of insurance and/or insurance bond, whichever applies.
- (d) All subsequent annual registrations must be filed with the city inspection department within 30 days from the date anniversary of the initial annual registration approval date.

Sec. 3.02.134 Violation and penalty

Any person, firm or corporation who commits an offense under this ordinance shall be guilty of a misdemeanor which shall be punishable by the imposition of a fine in an amount not to exceed \$500.00 for each offense. Each day that a violation is permitted to continue or exist shall constitute a separate, punishable offense.

SECTION 2. REPEAL OF APPENDIX A, SECTION A4.005, OF THE CODE OF ORDINANCES OF THE CITY OF OVILLA, TEXAS

Appendix A, Section A4.005 "Contractor Registration Fees" of the Code of Ordinances of the City of Ovilla, Texas is hereby repealed in its entirety.

SECTION 3. SAVINGS CLAUSE

In the event that any other Ordinance of the City of Ovilla, Texas, heretofore enacted is found to conflict with the provisions of the Ordinance, this Ordinance shall prevail.

SECTION 4. SEVERANCE CLAUSE

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court or competent jurisdiction, such shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

SECTION 5. INCORPORATION INTO THE CODE OF ORDINANCES

The provisions of this ordinance shall be included and incorporated in the City of Ovilla Code of Ordinances and shall be appropriately renumbered to conform to the uniform numbering system of the Code.

SECTION 6. EFFECTIVE DATE

Because of the nature of interest and safeguard sought to be protected by this Ordinance and in the interest of the citizens of the City of Ovilla, Texas, this Ordinance shall take effect immediately after passage, approval and publication, as required by law.

SECTION 7. PUBLICATION

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The City Secretary is hereby authorized and directed to cause publication of the descriptive caption and penalty clause hereof as an alternative method of publication provided by law.

PASSED, ADOPTED AND APPROVED by the City Council of Ovilla, Texas on this the 10 day of July, 2017.



Richard Dormier, Mayor

ATTEST:



Pamela Woodall, City Secretary



APPROVED AS TO FORM:

Ron G. MacFarlane, Jr., City Attorney