

ORDINANCE NO. 23-06

AN ORDINANCE OF THE CITY OF BRECKENRIDGE, TEXAS AMENDING CHAPTER 5, “BUILDINGS AND STRUCTURES”, BY ADDING ARTICLE VII, “CONTRACTOR REGISTRATION”; REQUIRING CONTRACTORS WORKING WITHIN THE CITY TO REGISTER WITH THE CITY; PROVIDING A PENALTY; PROVIDING REPEALER AND SEVERABILITY CLAUSES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Breckenridge, Texas (the “City”) is a home-rule city operating pursuant to its Charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution;

WHEREAS, the City has the power to adopt ordinances “necessary to protect health, life, and property” within the City, as long as those ordinances are not inconsistent with State law, pursuant to Section 3.2 of the Charter;

WHEREAS, the City may adopt building codes and amendments to those building codes pursuant to Subchapter G, Chapter 214, Texas Local Government Code and has done so in Chapter 5 of the Breckenridge Code of Ordinances; and

WHEREAS, the City Commission of the City wishes to require that contractors be registered with the City to protect the health, safety, and welfare of citizens of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF BRECKENRIDGE, TEXAS THAT:

I. Amendment to Chapter 5. Chapter 5, “Buildings and Structures” of the Breckenridge Code of Ordinances is hereby amended to add Article VII, “Contractor Registration”, which shall read as follows:

ARTICLE VII. CONTRACTOR REGISTRATION

Sec. 5-110. Registration Required.

(a) It shall be unlawful for any person, firm, corporation, or business entity in the business of contracting services which require, by State law or local ordinance, a registration, certification, or license to perform such services, to erect, construct, enlarge, alter, repair, move, improve, remove, convert, or demolish any building or appurtenance, plumbing, electrical, mechanical, irrigation, or private sewage disposal system in the City, unless such person, firm, corporation or business entity is the holder of a valid registration with the City. Such person, firm, corporation, or business entity shall be herein designated as an “applicant” or “registrant”, as applicable.

(b) It shall be unlawful for any general contractor to engage in the business of general contracting, construction management, or coordination of subcontractor services related to the construction, alteration, addition, and/or renovation of residential or commercial structures or building sites within

the City, unless such general contractor is the holder of a valid registration with the City. Such general contractor shall be herein designated as an “applicant” or “registrant”, as applicable.

(1) The term “general contractor”, as used in this Section, is defined to mean any person, firm, corporation, or business entity engaged in the business of general contracting, construction management, or coordination of subcontractor services related to the construction, alteration, addition, and/or renovation to residential or commercial structures or building sites within the City.

(c) In extending the rights and privileges of such registration, the City makes no statement of the technical competency of those so registered, and no manner of license is proffered.

(d) No permit to perform work on any building or appurtenance, plumbing, mechanical, electrical, irrigation, or private sewage wastewater disposal system shall be issued to any person, firm, corporation, or business entity without prior valid registration; provided, however, that property owners performing work on their primary place of residence shall be exempt from the registration requirements set forth in this Article.

Sec. 5-111. Application for Registration.

An applicant for registration under this Article shall provide to the office of the City Secretary the following information:

(1) The complete name, mailing address, and telephone number of the applicant; if the applicant is a firm, corporation, or business entity, there must be provided the name and private mailing address of a principal of the firm, corporation, or business entity who is authorized to bind the firm, corporation, or business entity in legal agreements. Each applicant must also provide the names of all employees authorized to obtain permits.

(2) A copy of the applicant’s license, issued by the appropriate State board or agency with the authority to issue licenses for that particular trade.

(3) Proof of liability insurance.

Sec. 5-112. Term; Fee

(a) Registration shall be effective until December 31st of the year in which it is obtained.

(b) The yearly fee for registration shall be set out in the Fee Schedule Ordinance. Said fee shall be prorated, by month, if registration is obtained after January of any given year. Applications shall submit said fee with each application for registration. Plumbing contractors and electricians are exempt from the requirements for pay this fee, but still must comply with the registration requirements and conditions of this Article.

Sec. 5-113. Transfer of Registration Prohibited.

No registrant under this Article shall for any purpose allow its registration, by name or any other identification, to be transferred to, assigned to, or in any manner directly or indirectly used by, any person, firm, corporation, or business entity other than the one to whom the registration was issued.

Sec. 5-114. Requirement to Update Information.

If a change occurs in the information previously provided by the registrant under the provisions of Section 5-111, the registrant shall provide written notice of the updated information to the City Secretary within 30 days of the change.

Sec. 5-115. Revocation of Registration.

A registrant's privileges under this Article may be revoked, temporarily or permanently, for:

- (1) Providing false or misleading information;
- (2) Failing to provide updated information within 30 days of such change;
- (3) Failing to maintain trade licensure from the appropriate agency having licensing authority or suspension of licensure;
- (4) Transferring or allowing another person, firm, corporation, or business entity to use registrant's registration;
- (5) Failing to maintain general liability insurance; and
- (6) Being convicted of at least two (2) violations of this Article or any other ordinance of the City within a 12-month period, including but not limited to, convictions arising from failing to obtain required permits and failing to correct code violations.

Sec. 5-116. Penalty.

Violations of the terms of this article shall be punishable as stated in Sec. 1-6 of this Code.

Sec. 5-117—5-119. Reserved.

II. Repeal. Any prior ordinances or ordinance provisions are hereby repealed to the extent they are in conflict with the terms of this Ordinance. Any remaining provisions of said ordinances shall remain in full force and effect.

III. Severability. Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. Breckenridge hereby declares that it would have passed this Ordinance, and each section, subsection, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, clauses, or phrases be declared unconstitutional or invalid.

IV. Effective Date. This Ordinance shall become effective immediately upon its adoption and after publication as required by law.

PASSED, APPROVED, AND ADOPTED on this the 7th day of March 2023.

ATTEST:

Bob Sims, Mayor

Jessica Sutter, City Secretary

S E A L