

ORDINANCE

AN ORDINANCE FOR THE CITY OF BURLESON, TEXAS, AMENDING SECTION 10-104, "CONTRACTOR REGISTRATION PROCEDURES," OF DIVISION 4, "ELECTRICAL LICENSING AND CONTRACTOR REGISTRATION," OF ARTICLE II, "ADMINISTRATION," OF CHAPTER 10, "BUILDINGS AND BUILDING REGULATIONS," OF THE CODE OF ORDINANCES, CITY OF BURLESON, TEXAS, BY CLARIFYING THE REQUIREMENTS FOR REGISTRATION OF AIR CONDITIONING AND REFRIGERATION CONTRACTORS IN ACCORDANCE WITH STATE LAW; PROVIDING A CUMULATIVE CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Burleson, Texas (the "City") is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, Texas House Bill 871, adopted during the 2021 legislative session, prohibits municipalities from charging a registration fee to state-licensed air conditioning and refrigeration contractors for work performed in the municipality or for providing notice to the municipality that the contractors have obtained a state license; and

WHEREAS, the City Council desires to amend the City's regulations pertaining to contractors that do not comply with state law; and

WHEREAS, pursuant to Section 2-4(b) of the Code of Ordinances, City of Burleson, Texas, the City Council must consider and approve ordinance amendments at two separate sessions of the City Council unless an exception applies, and no such exception applies to this ordinance; and

WHEREAS, the City Council has determined that the proposed ordinance amendment promotes the health, safety, and the general welfare within the City of Burleson and is in the best interest of the City of Burleson.

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

SECTION 1.

Subsection (b)(3), "Mechanical Contractors," of Section 10-104, "Contractor Registration Procedures," of Division 4, "Electrical Licensing and Contractor Registration," of Article II, "Administration," of Chapter 10, "Buildings and Building Regulations," of the Code of Ordinances, City of Burleson, Texas, is hereby amended to read as follows:

"(3) Mechanical contractors. There are no licensing requirements for air conditioning and refrigeration contractors. To be eligible for registration, a mechanical contractor shall not be simultaneously employed by, or providing services for, any other business entity for the purpose of obtaining permits from the city."

SECTION 2.

Subsection (g), “Fees,” of Section 10-104, “Contractor Registration Procedures,” of Division 4, “Electrical Licensing and Contractor Registration,” of Article II, “Administration,” of Chapter 10, “Buildings and Building Regulations,” of the Code of Ordinances, City of Burleson is hereby amended to read as follows:

“(g) Fees. There shall be no fee for the registration required by this section. Nothing in this subsection shall be construed as to prohibit the city from collecting any building permit fee.”

SECTION 3.

This Ordinance shall be cumulative of all provisions of the City, 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.

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance be 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, or 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 5.

This Ordinance shall be in full force and effect from and after its passage, and it is so ordained.

PASSED AND APPROVED:

First Reading: the _____ day of _____, 20_____.

Second Reading: the _____ day of _____, 20_____.

Chris Fletcher, Mayor
City of Burleson, Texas

ATTEST:

Amanda Campos, City Secretary

APPROVED AS TO FORM & LEGALITY:

E. Allen Taylor, Jr., City Attorney