

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FRISCO, TEXAS, AMENDING FRISCO'S CODE OF ORDINANCES, ORDINANCE NO. 06-03-31, AS AMENDED, CHAPTER 18 (BUILDINGS AND BUILDING REGULATIONS), ARTICLE II (CONTRACTOR REGISTRATION), SECTIONS 18-19 (REGISTRATION REQUIRED), 18-20 (APPLICATION FOR REGISTRATION), 18-23 (REGISTRATION FEE AND RENEWAL), AND 18-24 (REVOCATION OF REGISTRATION); MODIFYING CERTAIN REQUIREMENTS FOR THE REGISTRATION OF CONTRACTORS PERFORMING BUILDING, PLUMBING, ELECTRICAL, MECHANICAL, IRRIGATION, AND ON-SITE SANITARY SEWER SERVICES IN THE CITY OF FRISCO; PROVIDING A PENALTY CLAUSE, SAVINGS/REPEALING CLAUSE, SEVERABILITY CLAUSE AND AN EFFECTIVE DATE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

WHEREAS, the City Council of the City of Frisco, Texas ("City Council") has investigated and determined that it would be advantageous and beneficial to the citizens of the City of Frisco, Texas ("Frisco") to amend Chapter 18 (Buildings and Building Regulations), Article II (Contractor Registration), Sections 18-19 (Registration Required), 18-20 (Application for Registration), 18-23 (Registration Fee and Renewal), and 18-24 (Revocation of Registration) of Frisco's Code of Ordinances, Ordinance No. 06-03-31, as amended ("Code of Ordinances"), as set forth below; and

WHEREAS, the City Council has investigated and determined that such amendments are necessary to modify certain requirements for the registration of contractors performing building, plumbing, electrical, mechanical, irrigation and on-site sanitary sewer services in Frisco, including clarifying that general contractors are required to register before performing work in Frisco; and

WHEREAS, the City Council finds that it is in the best interest of Frisco and its citizens to amend the Code of Ordinances as set forth below to promote the public health, safety and welfare.

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

SECTION 1: Findings Incorporated. The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2: Amendment to Code of Ordinances, Chapter 18 (Buildings and Building Regulations), Article II (Contractor Registration), Sections 18-19 (Registration Required), 18-20 (Application for Registration), 18-23 (Registration Fee and Renewal), and 18-24 (Revocation of

Registration). The Code of Ordinances, Chapter 18 (Buildings and Building Regulations), Article II (Contractor Registration), Sections 18-19 (Registration Required), 18-20 (Application for Registration), 18-23 (Registration Fee and Renewal), and 18-24 (Revocation of Registration) are hereby amended as follows:

“CHAPTER 18. BUILDINGS AND BUILDING REGULATIONS

ARTICLE II. CONTRACTOR REGISTRATION

Sec. 18-19 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 Article, 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) Registration shall also be required for any person, firm, corporation or business entity providing removal and disposal of construction debris services, including reroofing contractors, in the City.
- (d) 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.

- (e) 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 registration; provided, however, property owners performing work on their primary place of residence shall be exempt from the registration requirements set forth in this Article.

Sec. 18-20 Application for registration

An applicant for registration under this Article shall provide to the office of the Chief Building Official the following information:

- (1) The complete name, mailing address, and telephone number of the person, firm, corporation or entity making application; 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 valid license, issued by the appropriate State board or agency with the authority to issue licenses for that particular trade;
- (3) Proof of general liability insurance; and
- (4) Any other information deemed necessary by the Chief Building Official.

...

Sec. 18-23 Registration fee and renewal

The fee for registration shall be \$50.00 per year, unless specifically exempted by State law, and shall be submitted with each application for registration. Registration shall expire annually on the date of the initial registration and shall be routinely reactivated by the payment of a renewal fee if the application information remains accurate. The fee for renewal shall be the same as for the initial registration. No permits will be issued to a contractor whose registration has expired.

Sec. 18-24 Revocation of registration

A registrant’s privileges under this Article may be revoked, temporarily or permanently, for providing false or misleading information; failing to provide updated information within 30 days of such change; failing to maintain trade licensure from the appropriate agency having licensing authority; suspension of

licensure; transferring or allowing another person, firm, or corporation to use registration; failing to maintain general liability insurance; being convicted of at least two 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, failing to request required inspections and failing to correct code violations.

...”

SECTION 3: Penalty. Any person, firm, entity or corporation violating any provision of this Ordinance, as it exists or may be amended, shall be guilty of a misdemeanor, and on conviction, shall be fined in an amount not exceeding Two Thousand Dollars (\$2,000.00). Each continuing day’s violation shall constitute a separate offense. The penal provisions imposed under this Ordinance shall not preclude Frisco from filing suit to enjoin the violation. Frisco retains all legal rights and remedies available to it pursuant to local, state and federal law.

SECTION 4: Savings/Repealing. The Code of Ordinances shall remain in full force and effect, save and except as amended by this or any other ordinance. All provisions of any ordinance in conflict with this Ordinance are hereby repealed, but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent prosecution from being commenced for any violation occurring prior to the repeal of the ordinance. Any remaining portions of conflicting ordinances shall remain in full force and effect.

SECTION 5: Severability. Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional and/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. The City Council hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof, regardless of whether any one or more sections, subsections, sentences, clauses or phrases is declared unconstitutional and/or invalid.

SECTION 6: Effective Date. This Ordinance shall be effective immediately upon its passage and publication as required by law and the City Charter.

[The remainder of this page is intentionally left blank.]

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF FRISCO, TEXAS on this 6th day of October, 2015.

Maher Maso

Maher Maso, Mayor

ATTESTED AND
CORRECTLY RECORDED.

Jenny Page

Jenny Page, City Secretary



APPROVED AS TO FORM:

Ryan D. Pittman

Abernathy, Roeder, Boyd & Hullett, P.C.
Ryan D. Pittman, City Attorneys

Dates of Publication: October 9 & 16, 2015, *Frisco Enterprise*