

ORDINANCE NO. 2004-12-01

AN ORDINANCE OF THE VILLAGE OF POINT VENTURE, TEXAS, REQUIRING ELECTRICIANS, PLUMBERS, AND HEATING, VENTILATION, AND AIR CONDITIONING CONTRACTORS WHO PERFORM WORK IN THE VILLAGE TO BE LICENSED BY THE STATE OF TEXAS; PROVIDING FOR ENFORCEMENT, PENALTIES AND REVOCATION OF PERMITS; SEVERABILITY; AND AN EFFECTIVE DATE

WHEREAS, House bill 1487, which was passed by the 78th Legislature and signed into law by the governor on June 22, 2003, provides for statewide regulation of electricians through the establishment of a state licensing program; and

WHEREAS, plumbers who perform work in the State of Texas are required to be licensed under The Plumbing License Law, Chapter 1301, Texas Occupations Code; and

WHEREAS, Mechanical Contractors who perform Heating, Ventilation, and Air Conditioning (“HVAC”) work in the State of Texas are required to be licensed by the Texas Department of Licensing and Regulation; and

WHEREAS, Section 1301.052 provides that a person is not required to be licensed to perform plumbing, other than plumbing performed in conjunction with new construction, on property that is inside a municipality with fewer than 5,000 inhabitants, unless an Ordinance of the municipality requires the person to be licensed;

WHEREAS, the Village Council of the Village of Point Venture believes that it is in the best interests of the Village to require electricians, plumbers and HVAC Mechanical Contractors who perform work inside the Village to be licensed by the State and to provide proof thereof prior to commencing a construction or remodeling project in the Village; and

WHEREAS, the Village Council desires to provide for enforcement and penalties, including revocation of permits, for non-compliance with this Ordinance;

NOW THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF POINT VENTURE, TEXAS THAT:

The following are adopted as an Ordinance of the Village of Point Venture, Texas:

- (1) Licensing of Electricians, Plumbers, and HVAC Mechanical Contractors— Any person, firm, or corporation that engages in the business of electrical contracting, electrical construction, or of the installation or alteration of wiring and apparatuses for electrical lights, appliances, or power in the Village of Point Venture, Texas, in the business of plumbing contracting, plumbing construction, or of the installation of water or wastewater pipes,

and facilities or in the mechanical contracting for the construction and installation of heating, ventilation, and air conditioning facilities in connection with a project for which a permit from the Village is required, before doing so, to submit to the Village, as applicable, a valid electrical contractors license issued from the Texas Department of Licensing and Regulation, and a certificate of insurance as required by section 73.40 of the Administrative Rules of the Texas Department of Licensing and Regulation, 16 Texas Administrative Code, Chapter 73, a valid plumber's license issued by the State Board of Plumbing Examiners, or a valid HVAC Contractor's license issued by the Texas Department of Licensing and Regulation.

- (2) Licensed individuals on jobsite – Any person, firm, or corporation engaged in the business of electrical, plumbing, or HVAC contracting in the Village shall have at least one licensed electrician, plumber, or HVAC mechanical contractor, as applicable, journeyman level or higher, on the jobsite at all times and the responsible contractor shall have a thorough knowledge of the work being performed and permits issued to his or her license.
- (3) Failure to comply – Any person, firm, or corporation who fails to correct any defect or defects in his or her work or to meet the required standards after having been given notice of the unfit condition by the Village Council or its designee, within a reasonable time, shall be refused any other permit, until such defect or defects have been corrected and shall be subject to recommendation by the Village for suspension or revocation of license(s) to, as applicable, the Texas Department of Licensing and Regulation, the State Board of Plumbing Examiners, or the Texas Department of Licensing and Regulation.
- (4) Upon discovering a contractor's failure to comply with this Ordinance, the Village Building Official shall issue due notice or stop work order, as appropriate, and shall have the authority to order cessation of any supply of electric current, water, wastewater, or HVAC service, as applicable, to the location, and to order revocation of permits issued by the Village for the project.
- (5) Work performed on commercial properties – Any installation or alteration of wiring or plumbing of any building or structure used for any commercial, industrial, or institutional purpose shall be performed by, as applicable, a licensed master electrician, plumber, or HVAC contractor with a valid license, with the exception of minor electrical, plumbing or HVAC repairs that may be completed by a maintenance employee.
- (6) Transfer of License- No licensed electric, plumbing, or HVAC contractor shall allow another person to permit work under his or her license unless said person is in the full-time employment of the responsible licensed electrical, plumbing, or HVAC contractor.

- (7) No oversight of any Village official, employee or representative shall excuse a violation of this Ordinance.
- (8) The invalidity of any part or provision of this Ordinance shall not invalidate other parts or provisions thereof.
- (9) The Village Building Commission is responsible for the enforcement of this Ordinance.
- (11) Penalties- Any person violating any provision of this Ordinance shall, upon conviction, be fined a sum not exceeding five hundred dollars (\$500) Each day that a provision of this Ordinance is violated shall constitute a separate offense. An offense under this Ordinance is a misdemeanor. Nothing in this Ordinance shall be construed as a waiver of the Village's right to bring a civil action to enforce the provisions of this Ordinance and to seek remedies as allowed by law, including, but not limited to the following:
 - (a) injunctive relief to prevent specific conduct that violates the Ordinance or to require specific conduct that is necessary for compliance with the Ordinance;
 - (b) a civil penalty up to one hundred dollars (\$100) a day when it is shown that the defendant was actually notified of the provisions of the Ordinance and, after receiving notice, committed acts in violation of the Ordinance or failed to take action necessary for compliance with the Ordinance; and
 - (c) other available relief, including the revocation of building permits, the filing of a complaint with, as applicable, the Texas Department of Licensing and Regulation, the State Board of Plumbing Examiners, and the Texas Department of Licensing and Regulation.
- (10) All requirements and penalties of this Ordinance shall become effective upon adoption of this Ordinance and publication in the official newspaper.

Adopted this the ___ day of _____, 2004

William Ratfield, Mayor

Attest: _____
Jeanine Oglesby, Village Secretary