

ORDINANCE NO. 2005- 3

An ordinance amending Sections 5-20 through 5-26 of the Victoria City Code to eliminate municipal licensing requirements for builders registered with the Texas Residential Construction Commission and electricians; providing a penalty not to exceed \$500.00 for each violation; providing for enforcement; providing for repeal of conflicting ordinances; providing for severability; providing a savings clause; providing for codification; providing for publication; and declaring an effective date.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VICTORIA, TEXAS:

1.

Sections 5-20 through 5-27 of the Victoria City Code are amended to read as follows:

Sec. 5-20. License required.

No person shall, without first obtaining an annual license as hereinafter provided, engage in the business of contracting to furnish labor and materials for building or swimming pool activities for which a permit is required.

~~(b) No entity shall, without retaining the services of a person who has a Master Electrician license as herein provided, engage in the business of contracting to furnish labor and materials for electrical activity for which a permit is required.~~

~~(c) No entity shall, without retaining the services of a person who has a Master Electrician or Master Sign Electrician license as provided herein, engage in the business of contracting to furnish labor and materials for electrical signs for which a permit is required.~~

~~(d) No person shall, without first obtaining a Journeyman or Master electrician license, engage in the performance of electrical work without the direct on site supervision of a licensed Journeyman or Master Electrician.~~

Sec. 5-21. Application for Builders licenses.

Every application for an original or renewal of license shall be made on a form prepared and provided by the director. Every application shall be accompanied by the license fee prescribed by separate ordinance by the city council, from time to time. The license fee is refundable in the event a license is not issued to the applicant.

~~(b) In the electrical field, a Master Electrician shall have the equivalent of five years experience in the trade with at least two years as a journeyman and three years as an apprentice electrician. A Journeyman Electrician shall have the equivalent of three years experience as an apprentice electrician. The Electrical Board of Adjustments and Appeals may reduce the experience requirements for any individual to account for education in a manner that substantially protects the public from unskilled electricians.~~

Sec. 5-22. Exemptions -- Homestead of owner and Employees on behalf of employers, Registered Builders.

The following persons are exempt from requirements of this Article and the licensing requirements of this chapter:

(1) Property owners who repair or alter an existing building or structure and who perform electrical, natural gas, or other system work with their own hands in habitable single family dwelling premises owned, occupied and used exclusively by the owners or the owners' family and declared with the tax assessor-collector of the county as the owners' homestead.

(2) Persons regularly employed as maintenance, construction, electrical, plumbing or mechanical personnel on behalf of their employer, and who do not engage in the occupation of a building,

plumbing, mechanical, or electrical contractor for the use and benefit of the public.

(3) An exemption from the license requirements of this chapter does not exempt a person from any requirement to obtain a permit or pay any fees required therefor.

(4) Building Contractors registered with the (TRCC) Texas Residential Construction Commission.

Sec. 5-23. Reserved. ~~Examination for electrical masters's, journeyman's, and restricted licenses.~~

~~(a) The director shall prepare and administer, with the advice of the Electrical Board of Adjustments and Appeals, examinations for master's, journeyman's and restricted licenses in the field of electrical work.~~

~~(b) The director shall inform each applicant of the date, time and place of the examination. The examination will be held within thirty days after application, and the applicant will be notified within five days after the examination of the results, unless the test is contract administered and in such cases the applicant will be contacted within the time constraints applicable to the contract.~~

~~(c) In addition to other fees required by this chapter, an examination fee as prescribed by separate ordinance by the City Council, shall be paid at least 10 days prior to each examination or reexamination. These fees are not refundable.~~

~~(d) If an applicant fails to pass the examination for the appropriate license, a period of three months from the date of the initial examination shall expire before reexamination. If the applicant fails to pass the second examination or subsequent examinations, a period of six months from the date of the previous examination date shall expire before subsequent reexamination.~~

Sec. 5-24. Expiration and renewal of Builders licenses.

(a) All Builders licenses issued under this chapter shall expire one year from the date of issuance and may be renewed prior to expiration by filing of a renewal application and payment of the annual license fee.

(b) An expired builder's license shall be renewed only upon payment of the annual license fee. ~~plus the renewal fee.~~

~~(c) An expired electrical license shall be renewable only within one year after the expiration date, upon payment of the annual license fee, plus a penalty fee proscribed by separate ordinance. Any licensee who fails to make such renewal shall, upon application for a license, be considered an applicant for an original license and subject to the examination requirements herein stated.~~

Sec. 5-25. Reserved. ~~Restricted and temporary licenses.~~

~~With the advice of the appropriate board of adjustments and appeals, the Director may establish categories of restricted and temporary licenses and policies to govern the issuance, control, and revocation of these licenses.~~

Sec. 5-26. Violation of license provisions.

(a) It shall be unlawful for any person to do any of the following acts:

(1) Display or cause or permit to be displayed or have in one's possession any instrument purporting to be any license for doing of any work knowing said instrument to be fictitious or to have been suspended or revoked.

(2) Lend or permit the use of any license for the doing of any work to any person not entitled thereto under the provisions of this chapter.

(3) Display or to represent as one's own, any license for doing any work when said license has not been lawfully issued to the person so displaying same.

- (4) Refuse to surrender on demand any license which has been suspended or revoked as provided by law.
- (5) Apply for or have in one's possession more than one current license of the same type provided for in this chapter.
- (6) Use a false or fictitious name or give a false or fictitious name or give a false or fictitious address in any application for a license, or any renewal or duplicate thereof, or knowingly to make a false statement or knowingly conceal a material fact or otherwise commit fraud in making any such application.
- ~~(7) Employ as a master or journeyman any person not licensed as provided in this chapter.~~
- (8) Perform any character of work for which a license is required, without the required license or while such license is suspended, canceled or revoked.
- ~~(9) Perform electrical work unless licensed as or under the direct on site supervision, of a master or journeyman electrician or, in the case of electrical sign or elevator electrical work, unless licensed as or under the direct on site supervision of a sign master or sign journeyman electrician.~~
- (10) As a journeyman electrician, supervise on the job site, more than five persons doing electrical work who are not journeymen or master electricians.

(b) With the advice of the ~~appropriate~~ City of Victoria Building Board of Adjustments and Appeals, the Director of Inspections and Maintenance Services may establish procedures governing the suspension, revocation, and reinstatement of licenses for these and other violations of the provisions of this chapter.

2.

Any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof may be fined any sum not to exceed \$500.00 as provided in Section 1-8 of the City Code.

3.

In addition to any other remedy provided by law, the City and its officers shall have the right to enjoin any violation of this article by injunction issued by a court of competent jurisdiction.

4.

All ordinances or parts of ordinances in conflict with this Ordinance are repealed to the extent of such conflict.

5.

If any provision of this ordinance, or the application thereof to any person or circumstances, shall be held invalid or unconstitutional by a Court of competent jurisdiction, such invalidity shall not affect the other provisions, or application thereof, of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

6.

The Code of the City of Victoria, Texas, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

7.

It is the intention of the City Council that this ordinance shall become a part of the Code of the City of Victoria, Texas, and it may be renumbered and codified therein accordingly.

8.

The City Secretary shall publish the caption or a descriptive title of this ordinance one time within 10 days after passage of the ordinance in a newspaper of general circulation in the City of Victoria in accordance with Article II, Section 10 of the City Charter.

The provisions of this ordinance shall become effective 10 days after final passage and approval by the City Council of the City of Victoria, Texas.

PASSED FIRST READING, this the 18th day of January, 2005.

AYES: 7

NAYS: 0

ABSTENTIONS: 0

PASSED SECOND READING, this the 1st day of February 2005.

AYES: 6

NAYS: 0

ABSTENTIONS: 0

PASSED THIRD READING, this the 1st day of February, 2005.

AYES: 6

NAYS: 0

ABSTENTIONS: 0

APPROVED AND ADOPTED, this the 1st day of February, 2005.



ATTEST:

Scarlet Swoboda
SCARLET SWOBODA, City Secretary

Will Armstrong

WILL ARMSTRONG, Mayor of the
City of Victoria, Texas

APPROVED AS TO LEGAL FORM:

David Atmar-Smith
DAVID ATMAR SMITH, City Attorney

Distribution: City Manager
Legal Department
Building and Environmental Inspection Department
The Victoria Advocate

Copies sent: February 2, 2005