

ORDINANCE NO. 20-_____

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS, REPEALING CHAPTER 18 “BUILDINGS AND BUILDING REGULATIONS” ARTICLE I, “IN GENERAL,” OF THE ADDISON CODE OF ORDINANCES, RENAMING AND ADOPTING A NEW CHAPTER 18, ARTICLE I ENTITLED “GENERAL PROVISIONS;” PROVIDING A PENALTY NOT TO EXCEED FIVE HUNDRED AND NO/100 DOLLARS (\$500.00) FOR EACH OFFENSE AND A SEPARATE OFFENSE SHALL BE DEEMED COMMITTED EACH DAY DURING OR ON WHICH A VIOLATION OCCURS OR CONTINUES; PROVIDING FOR SAVINGS, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City Council of the Town of Addison, Texas has investigated and determined that it in the best interest of the health, safety and welfare of the citizens of the Town of Addison, Texas to repeal and revise Chapter 18, Article I, “General Provisions”, as set forth below.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF ADDISON, TEXAS:

SECTION 1. The recitals set forth above are true and correct and are incorporated as if fully set forth herein.

SECTION 2. Addison Code of Ordinances, Chapter 18 “Buildings and Building Regulations,” Article I – “In General” is hereby repealed and replaced with a new Article I – “General Provisions” which shall read in its entirety as follows:

ARTICLE I. GENERAL PROVISIONS

Division I - Adopted.

Sec. 18-1. - Adopted.

For the purpose of establishing building permit fees, subcontractor fees and miscellaneous fees as identified in Chapter 2, Administration, Article IX, “Fees” of this code. Also, for the purpose of establishing a permit refund method and a contractor registration method, a copy of which is on file in the office of the City Secretary, is hereby adopted and designated as the “General Provisions” and it may be cited as such.

Division II - General Provisions.

Sec. 18-2. – Building permit fee schedule.

- (a) The building permit fee schedule is established in Chapter 2, Administration, Article IX. Fees of the Addison Code of Ordinances.
- (b) Combined permits: the term “combined permit” shall mean a single permit, issued for a single fee, authorizing all structural, plumbing, electrical, and mechanical work to be performed in the construction of a building or structure.

Sec. 18-3. – Subcontractor’s and miscellaneous permit fee schedule.

- (a) The subcontractor’s and miscellaneous permit fee schedule shall be established in Chapter 2, Administration, Article IX. Fees of the Addison Code of Ordinances.
- (b) Subcontractor work: the term “Subcontractor’s work” shall mean the various types of work listed below which are not done as part of the work identified under a combination permit.

Sec. 18-4. – Additional fee, work performed prior to permit approval.

If any construction or other work pursuant to this chapter is attempted prior to any authority, permission or approval of the city to do so, and an application for a building permit is then sought, there shall be paid by the applicant for such building permit a fee equal to twice the amount of the applicable fee as set out herein above at section 18-1 and section 18-2. Payment of the additional fee does not excuse full compliance with provisions of this chapter.

Sec. 18-5. – Permit refund.

- (a) The Building Official may authorize the refunding of any fee paid hereunder which was erroneously paid or collected.
- (b) The Building Official may authorize refunding not more than eighty percent (80%) of the permit fee paid when no work has been done under a permit issued in accordance with this code. Once work has commenced no portion of the permit fee is refundable.
- (c) The Building Official may authorize the refunding of not more than eighty percent (80%) of the plan review fee paid when an application for a permit which plan review fee has been paid is withdrawn or canceled before any plan reviewing is done. Once plan review has commenced no portion of the plan review fee is refundable.
- (d) The Building Official may not authorize the refunding of any fee paid except upon written request filed by the original permittee no later than 180 days after the date of the original permit fee payment.

Sec. 18-6. Contractor registration required.

- (a) Registration required. All contractors engaged in performing work for which permits are required in this chapter shall first obtain a registration from the city as outlined in this Code. Registered when used with the words “contractor”, “subcontractor” or the like, means that the person has made application to the Building Official, has paid the necessary registration fees to date, been issued a certificate of registration, and that his name is carried in the records of the Building Official as a person authorized to do construction work and receive inspections for which he is registered.
- (b) Securing a permit. It shall be unlawful for any person who is not registered by the Town as a “contractor”, “subcontractor” or the like, performing work within the Town limits defined within this code to secure a permit as provided for in Chapter 18 of this Code.

Exception: Homesteaders may secure permits to perform or supervise work at a residence for which they own and live in as their primary residence and homestead, without being registered as a contractor or without the requirement of hiring a registered contractor. Homeowners who secure permits and subcontract part or all the work out to subcontractors are responsible as the primary permit holder to ensure that all subcontractors are registered with the Town and secure all required contractor and subcontractor permits.

- (c) Method of registration. To register as a contractor an application shall be made in writing on forms furnished by the building official for that purpose along with the registration fee as required in section 8-2 of this Code. The application shall show the contractor’s name, address, telephone number, state trade professionals license where applicable, driver’s license number, and such other information as the building official may require.
- (d) Registration renewal. Every contractor registration provided for in this code shall expire one (1) year following the date of its issuance and shall be renewed by the Building Official upon application and upon the payment to the Town of the required renewal fee.
- (e) Registration revocation or suspension. The Building Official may revoke or suspend a contractor’s registration for the following reasons:
 - 1. The registrant repeatedly violates the requirements of this code.
 - 2. The registrant fails to finalize permits as a result of not obtaining inspections as required by this code.
 - 3. The registrant allows use or occupancy of a structure without first obtaining authorization as required by this code.
 - 4. The registrant allows the expiration, suspension or revocation of a required license, bond or insurance as required by this code.
 - 5. The registrant has been found by the Building Official to have been grossly negligent in the performance of work or construction methods as required by this code.
- (f) A contractor whose registration has been revoked or suspended may be reinstated by the Building Official only if the contractor corrects all violations and pays all applicable fees.

(g) Appeal revocation or suspension. A registered contractor may appeal the building official's decision to revoke or suspend a contractor's registration to the contractors' board of appeals as outline in this code.

Sections 18-7 through 18-19 reserved.

SECTION 3. Penalty Provision. Any person, firm, or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the city, as heretofore amended, and upon conviction shall be punished by a fine set in accordance with Chapter 1, General Provisions, Section 1.10, General penalty for violations of Code; continuing violations, of the Code of Ordinances for the Town of Addison.

SECTION 4. Savings/Repealing Clause. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portion of conflicting ordinances shall remain in full force and effect.

SECTION 5. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason, held to be unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. Addison 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, sentences, clauses, and phrases be declared unconstitutional.

SECTION 6. Effective Date. This Ordinance shall become effective June 1, 2020.

DULY PASSED AND ADOPTED by the City Council of the Town of Addison, Texas, on this **28th** day of **APRIL 2020**.

TOWN OF ADDISON, TEXAS

Joe Chow, Mayor

ATTEST:

APPROVED AS TO FORM:

Irma Parker, City Secretary

Brenda N. McDonald, City Attorney