

ARTICLE XIII. - LICENSING AND REGISTRATION

Sec. 10-111. - Billboard operator license.

(a) License required. All persons engaging in the business of erecting, painting, servicing or maintaining billboards or any other off-premises advertising sign shall, for the purposes of this chapter, be considered billboard operators and must be licensed to do business per Chapters 10-111 and 10-116~~by the city~~. A license holder supplying his license for a firm or corporation doing business under this chapter shall not supply his license to a second firm or corporation. Any permit issued to the license holder shall be for work being done by the license holder and his firm or corporation. The licensing requirement shall not be applicable to employees or subcontractors performing work under the supervision of the licensed billboard operator.

(b) Examination required; application. Before a billboard operator license may be issued, each person seeking such a license shall take an examination and file an application for the examination with the *Building Official*.

(c) Qualifications. Prior to taking the examination required by this chapter, each applicant shall demonstrate to the *Building Official* an ability to read and write English, and show proof of at least four (4) years practical experience at the trade working under a billboard operator. The applicant shall also submit to the *Building Official* an affidavit, duly sworn, setting forth his experience. Proof of the applicant's experience shall be included with the affidavit.

(d) Examination fee; test score; issuance of license. Examinations are administered by an approved third party, and the associated examination fees are paid directly to the approved third party by the applicant. After the *Building Official* has approved the application, the applicant has passed the required examination, and the applicant has paid the license fee in accordance with the city approved fee schedule, the *Building Official* shall issue the applicant a billboard operator license.

~~**(e) Vehicle identification.** Any contractor engaged in erecting, installing, servicing, or maintaining a billboard shall ensure that all vehicles required to be on the job are identified with the contractor/company name and license number. Lettering on the vehicle shall be at least two (2) inches high and shall be in full view and legible at all times.~~

Sec. 10-112. - Commercial sign operator license.

(a) License required. Any person engaged in the business of erecting, painting, maintaining or servicing commercial signs must be licensed as a commercial sign operator by the city per Chapters 10-112 and 10-116.

(b) Examination required; application. Before a billboard operator's license may be issued, each person seeking such a license shall take an examination and file an application for the examination with the *Building Official*.

(c) Qualifications. Prior to taking the examination required by this chapter, each applicant shall demonstrate to the *Building Official* an ability to read and write English, and show proof of at least two (2) years of experience in commercial sign installation working under a licensed commercial sign operator, or a licensed commercial sign operator from another city provided that the licensing qualifications and examinations are similar in design and quality to that of the city as determined by the *Building Official*, or can show proof of at least four (4) years of experience in commercial sign installation, provided the verification of experience shall be provided to the *Building Official* in a manner established by written policy. The applicant shall also submit to the

Building Official an affidavit, duly sworn, setting forth his experience. Proof of the applicant's experience shall be included with the affidavit.

(d) Examination fee; test score; issuance of license. Examinations are administered by an approved third party, and the associated examination fees are paid directly to the approved third party by the applicant. After the *Building Official* has approved the application, the applicant has passed the 2018 International Building-Related Codes required examination, and the applicant has paid the license fee in accordance with the city approved fee schedule, the *Building Official* shall issue the applicant a commercial sign operator license.

Sec. 10-113. – City electrical contractors and electrical sign contractors, installers, maintenance electricians; licenses and registrations.

(a) Effect of state licensing. Upon the state's enforcement of House Bill 1487, passed by the 78th session of the Texas Legislature that established the state licensing of electricians, the city no longer licenses electricians through testing administered by the city.

Exception: The *Building Official* will continue to renew those electrical licenses issued prior to the state's electrical license program. All provisions and regulations of this chapter shall apply to licenses issued by the city and/or the state.

(b) State licensed electrical contractors and electrical sign contractors, registration. State licensed electrical contractors and electrical sign contractors shall register with the city before performing any electrical work or electrical sign work regulated by this chapter, [chapter 10-116](#) and/or ~~or~~ chapter 28, Signs and billboards.

~~**(c) City licensing and insurance required.**~~

~~**(1) Qualifications of electricians.** It shall be a violation of this chapter for a person who does not hold a license to engage in the electrical construction and/or electrical sign construction, for which a permit is required, or to undertake to execute such construction or to cause the undertaking of such construction.~~

~~**(2) Misrepresentation.** It shall be a violation of this chapter for any person to represent themselves with any class of license or registration set forth in this Code or to use the words "electrical contractor," "master electrician," "master sign electrician," "electrician," or words of similar import or meaning on signs, business cards, stationery, or by any other manner whatsoever, unless such person is properly registered/licensed within the meaning of the word used as provided in this chapter.~~

(3) General liability and completed operation insurance.

a. A licensed contractor shall furnish the name of the insurance carrier, policy number, name, address, and telephone number of the insurance agent with whom the contractor is insured to the *Building Official* or to any customer who requests it. An electrical contractor, electrical sign contractor, or the holder of an annual electrical maintenance permit must continuously maintain on file with the *Building Official* in a form of a certificate addressed to the city showing the above referenced persons carrying the following types and amounts of insurance:

- (1) The insurance must be at least \$300,000 per occurrence (combines for property damage and bodily injury
- (2) Be at least \$600,000 aggregate (total amount the policy will pay for property damage and bodily injury coverage); and
- (3) Be at least \$300,000 aggregate for products and completed operations.

b. The holder of any contractor's license is responsible for providing evidence of a new or

renewal policy of any required insurance coverage upon termination or renewal of any policy.

c. Any insurance certificate required by this Code must be written through a company licensed to issue the insurance in the state and the insurance may be approved by office of the city attorney.

~~(d) Communication, ready access, and vehicle identification.~~

~~(1) Means of communication.~~ Every electrical or electrical sign contractor shall maintain an established place of business, as defined in subsection 10-113(d)(2) and shall establish a means to receive messages from the *Building Official* during the regular business hours. Acceptable means for receiving communications include, but are not limited to, a person available at the place of business, an answering machine, voice mail, a pager or a cellular telephone.

~~(2) Master present for business.~~ Master electricians or master sign electricians, on behalf of an electrical or electrical sign contractor, licensed by the city or the state, shall be present during construction related to that type of license. "Present" shall mean: on site, in the office, or available to be reached during the times of 7:45 a.m. and 4:30 p.m. Central Standard time. Upon request of the *Building Official*, master electricians shall make themselves available to meet on the job site.

~~(3) Identification of vehicles.~~ Each person engaged in electrical construction work shall identify all vehicles used for the transportation of materials, supplies, equipment or hand tools in the performance of such work with signs showing the name and type of business, the contractor's master electrician's license number and the state contractor's license number, if applicable, under which such electrical construction or electrical sign work is being conducted. For contractors operating with local license numbers, the number should be prefixed with EM or SM and those operating with state licenses shall have the TECL or TSCL. The signs shall be kept current at all times and shall be painted or comprised of permanently affixed decals displayed on each side of the vehicle. All letters and numbers shall be a minimum of two (2) inches in height and shall be in full view and legible at all times. It shall be a violation of this chapter to use vehicles that do not comply with this section.

(e) City classifications of licenses and registrations. The following are the classifications of City licenses and registrations regulated by this Code:

(1) Licenses:

- a. Electrical contractor.
- b. Electrical sign contractor.
- c. Master electrician.
- d. Master sign electrician.
- e. Journeyman electrician.

(2) Registrations:

- a. Electrical maintenance technician.

~~(f) Documentation.~~ The *Building Official* shall adopt rules regarding the form of documentation that will be accepted as proof of compliance with any experience, verification of registration or license status, or other pertinent information the *Building Official* feels is relevant for inclusion.

~~(g) Record of issuance.~~ The *Building Official* shall maintain a record that is available to the general public of all licenses and registrations issued pursuant to this chapter.

(h) City licenses, registration cards and certificates.

(1) A registration card, bearing the *Building Official's* signature, shall be issued to each person receiving a city registration or license.

(2) Each such registration card shall expire at midnight of the renewal date. A new card shall be issued provided that the registration or license holder has complied with the regulations of this Code pertaining to renewals.

(3) Each registration certificate or card, when issued to an electrical contractor, electrical sign contractor shall be issued to a person and registered in the name of the firm by which the person is employed. The firm shall be known as the holder of such registration certificate or card and shall notify the code official if the licensee is no longer in its employment. No further permits will be issued to the firm based upon the previous license holder's name who is no longer employed by the firm.

(4) It shall be a violation of this Code for any person to alter or amend in any manner, lend, rent, or transfer a registration certificate or card, and for any person to make use of any such rights for which the person is not registered or licensed.

(5) Each electrical contractor, electrical sign contractor, or residential appliance installation contractor shall display the registration certificate in a conspicuous place in the firm's place of business. Each holder of a registration card shall carry the registration card on his person at all times while performing electrical work, electrical sign work or residential appliance installation covered by this Code and shall present it to the *Building Official* upon demand.

(i) License expiration, renewal, and continuing education. A license may be renewed at any time within thirty (30) days before the expiration date, unless such license has been revoked or canceled by the *Building Official*. Applicants shall show proof of having satisfactorily completed an accredited four-hour code study course, approved by the *Building Official*, for each year of renewal within the twenty-four (24) months immediately preceding such renewal. All electrical and sign licenses shall expire at midnight on the anniversary date of their issuance and shall be subject to renewal for a two-year period of time.

~~(j) Licenses not transferable.~~ No license shall be transferred, and no holder of any license shall allow his name or license to be used by any other person, either for the purpose of doing electrical construction or obtaining a permit under the penalty of forfeiture of license and payment of fines.

~~(k) Cancellation and suspension of City licenses and registration; appeals.~~ Any license or registration granted under this chapter may be canceled, revoked or suspended by the *Building Official* if the holder of such license or registration violates provisions of this chapter or any ordinance of the city relating to electrical work.

~~(1) A contractor's certificate of registration or license may be cancelled or suspended by the *Building Official* after a hearing before the *Building Official* if the registered contractor is convicted of any penal offense arising out of or related to the performance of an electrical contract or the registered contractor suffers a judgment against them in a civil action predicated upon fraud in connection with the performance of an electrical contract.~~

~~(2) The *Building Official* may also administratively cancel or suspend a certificate of registration or license after a hearing before the *Building Official* for any one or more of the following reasons:~~

~~a. Conviction or entering a plea of guilty or nolo contendere (no contest) by the registered person or entity of:~~

~~i. A felony, or~~

~~ii. Misdemeanor involving moral turpitude;~~

- ~~b. Conviction or entering a plea of guilty or nolo contendere (no contest) in connection with a violation of any adopted technical construction code or amendments thereto in the state;~~
 - ~~c. Making any false statement as to a material matter in an application for registration, renewal or hearing in connection with same;~~
 - ~~d. Three (3) separate violations of this chapter, provided the violations occur within the previous 12-month period;~~
 - ~~e. Upon judicial determination of an abandonment or willful failure to perform any electrical contract or project in or undertaken by a registered electrical contractor, or willful deviation from or disregard of plans or specifications in any material respect;~~
 - ~~f. Upon judicial determination that the contractor knowingly made substantial misrepresentation on the part of the electrical contractor in the procurement of a~~
 - ~~g. Upon judicial determination of fraud on the part of the electrical contractor in the execution of or in the material alteration of any electrical contract or mortgage, promissory note or other document relating to the contract;~~
 - ~~h. Upon judicial determination that the electrical contractor knowingly prepared or accepted any mortgage, promissory note or other evidence of indebtedness pertaining to an electrical transaction with knowledge that it recited a greater monetary obligation than the agreed consideration for the electrical construction work;~~
 - ~~i. With knowledge, the electrical contractor directly or indirectly published any advertisement relating to electrical construction which contains assertions, representations or statements which are false, deceptive or misleading;~~
 - ~~j. Failure of the electrical contractor to notify the *Building Official* of any change in the ownership, management, or business name;~~
 - ~~k. Conducting an electrical contractor business in any name other than the one registered;~~
 - ~~l. Obtaining an electrical permit for an unregistered contractor or for one whose registration has been suspended, cancelled or denied.~~
- ~~(3) The *Building Official* may take any of the following actions against the holder of the license or certificate of registration:~~
- ~~a. No suspension.~~
 - ~~b. Suspension for thirty (30) days.~~
 - ~~c. Suspension for sixty (60) days.~~
 - ~~d. Suspension for ninety (90) days.~~
 - ~~e. Suspension for one hundred eighty (180) days.~~
 - ~~f. Cancellation.~~
- ~~(4) The *Building Official* shall send the registered electrical contractor a written notice of any administrative action to be taken against the registered contractor by certified mail, return receipt requested, at the last known mailing address. The notification shall give not less than ten (10) working days' notice of the hearing. The *Building Official* is authorized to conduct hearings for the purpose of making findings of fact to assist him in making his decision.~~
- ~~(5) A written decision to cancel or suspend a certificate of registration or license shall be required and list the reasons for the *Building Official's* decision. This written decision shall be forwarded to the registered contractor by certified mail, return receipt requested to the registered contractor's last known address. This mailing may be waived provided that the registered contractor sign and acknowledge receipt of the written decision from the *Building Official*. The registered contractor shall then have fifteen (15) days from receipt of this notice to appeal the~~

~~Building Official's decision to the building-related and fire codes board of appeals. The decision of the Building Official shall be final after expiration of this time.~~

~~(6) Board appellate process:~~

~~a. A registered or licensed contractor shall have the right to appeal the Building Official's decision in accordance with section 10-14 of this chapter.~~

~~b. A perfected appeal tolls the Building Official's decision to suspend or cancel the registration until the board renders its decision.~~

~~c. Neither the board nor the Building Official shall have any authority to suspend a registration for longer than one hundred eighty (180) days.~~

~~d. A cancellation shall prevent the electrical contractor from pulling new permits for a period of at least one year. For purposes of this section, a cancellation of a registration does not alleviate the registered contractor from performing current obligations or absolve them from liability under a contract. In performing currently permitted obligations while cancelled, the contractor shall not be subject to penalty for being unregistered. All other code provisions are applicable. Upon the expiration of a one-year period, a contractor may apply for a new certificate of registration. No provision of this section shall be interpreted to mean that a new certificate of registration will be issued after a prior certificate of registration has been cancelled. A denied applicant for a new certificate of registration is required to wait one year before applying again. There shall be no limit on the number of times a denied applicant may reapply.~~

~~e. A suspension shall prevent the registered contractor from pulling new permits in the city for the suspension time period. A suspension of registration does not alleviate the registered contractor from performing currently permitted obligations under the electrical contract. The contractor shall not be subject to penalty for operating while suspended when performing currently permitted obligations. However, all other code provisions apply. The board's decision to affirm or affirm as modified a suspension of a registration means that the suspension time begins the following working day.~~

(l) License prerequisite to issuance of permit. A permit for electrical work or electrical sign work shall not be issued to any person unless such person is the holder of a license to perform the class of work described in such permit as provided in this chapter. An annual electrical maintenance permit required by this chapter shall not be issued unless the owner of the property provides evidence that the maintenance work will be performed by individuals qualified in accordance with subsection 10-6(c) of this chapter.

~~**(m) Change of name.** Upon payment of the fee set by ordinance, posting of any necessary bonds and compliance with any other requirements of this chapter, the holder of a valid license may apply to the Building Official for a change on the name of a license.~~

~~**(n) Continuation of the business upon death, disability or termination of the business's master.**~~

~~Upon the death, disability or termination of electrical contractor or electrical sign contractor business, such business will be allowed to complete existing work for which permits had been obtained prior to the severance of such master provided insurance is posted, if applicable, and sufficient evidence is submitted to and approved by the Building Official as to the ability of the business to complete the work in accordance with the requirements of this chapter. Monthly approval may be granted by the Building Official for a period not to exceed six (6) months. On or before the expiration of such period the business shall associate a new master of the appropriate classification or cease operations.~~

(o) Electrical contractors, electrical sign contractors; responsibilities.

(1) Every electrical or electrical sign contractor, before engaging in electrical or electrical sign work, must procure a master electrician or master electrician sign license for the conduct of such work. Electrical work is regulated by this Code. Electrical sign work is regulated by chapter 28, Signs and billboards.

a. Electrical contractor work shall not include the manufacture of any sign regulated by this Code or chapter 28.

b. Electrical sign contractor work shall not include the extensions of, or additions to, an existing branch circuit.

(2) A licensed contractor shall display its name and license number on both sides of each vehicle owned or operated by the business and used in the conduct of his work. Lettering shall be of a contrasting color and at least two (2) inches in height.

a. An electrical contractor's license number shall be preceded by the letters "EM" or "TECL" depending on whether the business is operating under a local license or state license.

b. An electrical sign contractor's license number shall be preceded by the letters "SM" "TSCL" for city licenses or state licenses respectively.

(3) All of a contractor's non-exempt work shall be performed by licensed or registered individuals. A contractor is responsible for compliance with applicable codes for all such work performed on its behalf.

(4) The licensed contractor's name, address, phone number, and license number shall appear on all proposals, invoices, and written contracts proposed by the contractor. The following information: "Regulated by The Texas Department of Licensing and Regulation, P. O. Box 12157, Austin, Texas 78711, 1-800-803-9202, 512-463-6599; website: www.tdlr.texas.gov shall be listed on all proposals, invoices and written contracts.

(5) A licensed contractor shall maintain employee records and records of all work performed on its behalf for a period of four (4) years after completion of the work, and shall make those records available to the code official at the contractor's place of business during normal business hours for inspection and copying.

(6) A licensed contractor and its designated master electrician are responsible for supervision of all licensees or registered persons performing work on behalf of the contractor to assure compliance with applicable statutes and rules and, in particular, standards of conduct set out in these rules.

(p) Master electrician and master sign electrician.

(1) Responsibility. The master electrician of record shall be liable and responsible for the layout and technical supervision of any work that requires the securing of a permit under the master's license. Failure of the master to properly provide for the supervision and control of work being performed on behalf of the business may cause the work being performed under permit to be discontinued by the *Building Official*.

(2) Limitation on multiple business affiliations. Any master electrician or master sign electrician affiliated with a business as herein provided shall not engage in the operation of a second electrical or electrical sign business, under the provisions of this Code, unless it is under the same name and insurance of the first business. Any permit issued to a business must be for work being done by that business. Any master electrician or master sign electrician obtaining permits for any person, business or entity will be notified to appear before the *Building Official* for consideration of a complaint.

(q) Journeyman electrician, ~~and~~ journeyman sign electrician, and Residential Wireman; performance of work; supervision

and ratio. A journeyman electrician shall perform electrical or electrical sign work under the general supervision of a master electrician or master sign electrician on behalf of an electrical or electrical sign contractor. A residential wireman shall perform electrical work only as defined by Section 10-25 under the general supervision of a master electrician. A journeyman electrician or journeyman sign electrician shall directly supervise the work of an electrical apprentice provided that a ratio of eight (8) electrical apprentices to one journeyman electrician is not exceeded. A Residential Wireman shall directly supervise the work of an electrical apprentice provided that a ratio of four (4) electrical apprentices to one residential wireman is not exceeded, only for work defined in section 10-25.

(r) Electrical maintenance technician; performance of work. A maintenance electrician may perform all of the work under the annual electrical maintenance permit permitted by subsection 10-6(c). A registered electrical maintenance technician may perform all of the work permitted by subsection 10-6(c) but may not perform work involving voltages or amperages that exceed the limits described in subsections 10-6(c)(2)a.—f.

Sec. 10-114. - City mechanical licenses.

(a) Licensing and Registration. ~~Along with chapter 10-116,~~ ~~A~~any person performing any form of mechanical work in the city shall have in his possession a valid and authenticated mechanical license issued by the *Building Official* or a valid mechanical license issued by the state, except as otherwise provided under subsection 10-114(g) or as exempted under federal or state law. The city no longer licenses mechanical contractors through testing administered by the city.

Exception: The *Building Official* will continue to renew those mechanical licenses based on completing continued education program.

~~(b) City licensing and insurance required.~~

~~(1) Qualifications of mechanical contractors.~~ It shall be a violation of this chapter for a person who does not hold a license to undertake to execute mechanical construction or to cause the undertaking of such construction.

~~(2) Misrepresentation.~~ It shall be a violation of this chapter for any person to represent themselves with any class of license or registration set forth in this Code or to use the words "mechanical" contractor", "master mechanical contractor", "master HVAC contractor," or words of similar import or meaning on signs, business cards, stationery, or by any other manner whatsoever, unless such person is properly registered/licensed within the meaning of the word used as provided in this chapter.

(3) General liability insurance.

a. A city mechanical licensed contractor shall furnish the name of the insurance carrier, policy number, name, address, and telephone number of the insurance agent with whom the contractor is insured to the *Building Official* and to any customer who requests it.

b. City licensed mechanical contractors must continuously maintain on file with the *Building Official* in a form of a certificate addressed to the city showing the above referenced persons carrying the following types and amounts of insurance

(1) The insurance must be at least \$300,000 per occurrence (combined for property damage and bodily injury);

(2) be at least \$600,000 aggregate (total amount the policy will pay for property damage and bodily injury coverage); and

(3) be at least \$300,000 aggregate for products and completed operations.

c. The holder of any city contractor's license is responsible for providing evidence of a new or renewal policy of any required insurance coverage upon termination or renewal of any policy.

d. Any insurance certificate required by this Code must be written through a company licensed to issue the insurance in the state and the insurance may be approved by office of the city attorney.

e. Insurance amount requirements for State issued Air Conditioning and Refrigeration Licenses class A or B of any endorsement shall be regulated by the Texas Department of Licensing and Regulation (TDLR) section 75.40 of the Administrative Rules

(c) Communication, ready access, and vehicle identification

(1) Means of communication. Every licensed contractor must maintain a bona fide company address and telephone to enable the *Building Official* to contact the contractor in case of a job discrepancy. Any person holding a mechanical license and doing work in the city must be registered and shall report to the *Building Official* any change of address and telephone number in order to allow the *Building Official* to maintain accurate license renewal records. Acceptable means of for receiving communications include, but are not limited to, a person available at the place of business, an answering machine, voicemail, an email or a cellular telephone.

~~**(2) Master present for business.** Master mechanical contractors licensed by the city or the state, shall be present during construction related to that type of license. "Present" shall mean: on site, in the office, or available to be reached during the times of 7:45 a.m. and 4:30 p.m. Central Standard time. Upon request of the *Building Official*, master mechanical contractors shall make themselves available to meet on the job site.~~

~~**(3) Identification of vehicles.** Each person engaged in mechanical construction work shall identify all vehicles used for the transportation of materials, supplies, equipment or hand tools in the performance of such work with signs showing the name and type of business, the contractor's license number and the state contractor's license number, if applicable, under which such construction is being conducted. For contractors operating with local license numbers, the number should be prefixed with "HM" and those operating with state licenses shall have the appropriately identified with the prefixes designated by the State (TDLR). The signs shall be kept current at all times and shall be painted or comprised of permanently affixed decals displayed on each side of the vehicle. All letters and numbers shall be a minimum of two (2) inches in height and shall be in full view and legible at all times. It shall be a violation of this chapter to use vehicles that do not comply with this section.~~

(d) City classifications of licenses and registrations. The following are the classifications of city licenses and registrations regulated by this Code. Any person whose license was destroyed or lost may obtain a duplicate license upon payment of the fee set forth in the fee schedule adopted by the city.

(1) Licenses:

a. Master mechanical contractor license

b. Journeymen mechanical license

~~**(e) Documentation.** The *Building Official* shall adopt rules regarding the form of documentation that will be accepted as proof of compliance with any experience, verification of registration or license status, or other pertinent information the *Building Official* feels is relevant for inclusion.~~

~~(f) **Record of issuance.** The *Building Official* shall maintain a record that is available to the general public of all licenses and registrations issued pursuant to this chapter.~~

(g) City license cards.

(1) A registration card, bearing the *Building Official*'s signature, shall be issued to each person receiving a city registration or license.

(2) All city licenses shall expire on December 31 of each year. Licenses shall be renewed prior to the expiration date. Each person holding a valid mechanical license shall renew same in sufficient time to have the license renewal form returned to the Development Services Department with the appropriate renewal fee prior to license expiration date. Any person who does not renew his license prior to expiration date has the right to appeal to the Building-Related and Fire Codes Appeals and Advisory Board.

(3) Each card, when issued to a mechanical contractor, shall be issued to a person and registered in the name of the firm by which the person is employed. The firm shall be known as the holder of such registration certificate or card and shall notify the code official if the licensee is no longer in its employment. No further permits will be issued to the firm based upon the previous license holder's name who is no longer employed by the firm.

(4) It shall be a violation of this Code for any person to alter or amend in any manner, lend, rent, or transfer a registration certificate or card, and for any person to make use of any such rights for which the person is not registered or licensed.

(5) Each holder of a city issued card shall carry the registration card on his person at all times while performing mechanical work covered by this Code and shall present it to the *Building Official* upon demand.

(h) Continuing Education requirements for mechanical contractors, license expiration, and renewal. A license may be renewed at any time within thirty (30) days before the expiration date, unless such license has been revoked or canceled by the *Building Official*. Applicants shall show proof of having satisfactorily completed the required continuing education as follows:

(1) Mechanical contractors licensed by the state must maintain the required amount of continuing education mandated by state law in order to perform work in the city.

(2) Mechanical contractors licensed by the city will be required to attend eight (8) hours of continuing education annually.

a. This training is mandatory for maintenance of city license.

b. Training curriculum will be established by the *Building Official*, will be in accordance with state law and will be reviewed by the board annually.

c. Annual training will be conducted by the Development Services Department.

d. A licensee may not receive continuing education credit for attending the same course more than once.

e. A fee, established by ordinance in the Development Services Department fee schedule, shall be paid by the licensee for each course.

~~(i) **Licenses not transferable.** No license shall be transferred and no holder of any license shall allow his name or license to be used by any other person, either for the purpose of doing mechanical work or obtaining a permit under the penalty of forfeiture of license and payment of fines.~~

(j) Certain acts prohibited. In addition to other provisions of this Code, it shall be unlawful for any person to do any of the following acts:

(1) To display, cause or permit to be displayed or to have in one's possession any instrument purporting to be licensed for the doing of any mechanical work, knowing such instrument to

- be fictitious or to have canceled, revoked suspended or altered;
- (2) To lend or knowingly permit the use of any license for the doing of any mechanical work to any person not entitled thereto, under the provisions of this chapter;
- (3) To display or represent as one's own a license for the doing of any mechanical work when such license has not been lawfully issued to the person so displaying the same;
- (4) To fail or refuse to surrender to the *Building Official* on demand any license for the doing of any mechanical work, which has been suspended, canceled or revoked as provided for in this chapter;
- (5) To apply for or have in one's possession more than one current license of the same type provided for in this chapter;
- (6) To use a false or fictitious name or give a false or fictitious address in any application for any license provided for in this chapter, or any renewal or duplicate thereof, or knowingly make a false statement or knowingly conceal a material fact or otherwise commit fraud in making any such application;
- (7) To employ as a master or technician in mechanical work any person not licensed as provided in this chapter;
- (8) To perform any character of mechanical work for which a license is required by this chapter while such license is suspended, canceled or revoked.

~~(k) **Cancellation and suspension of licenses; appeals.** Any license or registration granted under this chapter may be canceled, revoked or suspended by the *Building Official* if the holder of such license or registration violates provisions of this chapter or any ordinance of the city relating to mechanical work.~~

~~(1) A contractor's certificate of registration or license may be cancelled or suspended by the *Building Official* after a hearing before the *Building Official* if the registered contractor is convicted of any penal offense arising out of or related to the performance of a mechanical contract or the registered contractor suffers a judgment against them in a civil action predicated upon fraud in connection with the performance of a mechanical contract.~~

~~(2) The *Building Official* may also administratively cancel or suspend a license registration or license after a hearing before the *Building Official* for any one or more of the following reasons:~~

~~a. Conviction or entering a plea of guilty or nolo contendere (no contest) by the registered person or entity of:~~

~~b. Misdemeanor involving moral turpitude;~~

~~c. Making any false statement as to a material matter in an application for registration, renewal or hearing in connection with same;~~

~~d. Three (3) separate violations of this chapter, provided the violations occur within the previous 12-month period;~~

~~e. Upon judicial determination of an abandonment or willful failure to perform any mechanical contract or project in or undertaken by a registered mechanical contractor, or willful deviation from or disregard of plans or specifications in any material respect;~~

~~f. Upon judicial determination that the contractor knowingly made substantial misrepresentation on the part of the mechanical contractor in the procurement of a contract;~~

~~g. Upon judicial determination of fraud on the part of the mechanical contractor in the execution of or in the material alteration of any mechanical contract or mortgage, promissory note or other document relating to the contract;~~

~~h. Upon judicial determination that the mechanical contractor knowingly prepared or accepted any mortgage, promissory note or other evidence of indebtedness pertaining to an~~

~~mechanical transaction with knowledge that it recited a greater monetary obligation than the agreed consideration for the mechanical construction work;~~

~~i. With knowledge, the mechanical contractor directly or indirectly published any advertisement relating to mechanical construction which contains assertions, representations or statements which are false, deceptive or misleading;~~

~~j. Failure of the mechanical contractor to notify the *Building Official* of any change in the ownership, management, or business name;~~

~~k. Conducting an mechanical contractor business in any name other than the one registered;~~

~~l. Obtaining an mechanical permit for an unregistered contractor or for one whose registration has been suspended, cancelled or denied.~~

~~(3) The *Building Official* may take any of the following actions against the holder of the license or certificate of registration:~~

~~a. No suspension.~~

~~b. Suspension for thirty (30) days.~~

~~c. Suspension for sixty (60) days.~~

~~d. Suspension for ninety (90) days.~~

~~e. Suspension for one hundred eighty (180) days.~~

~~f. Cancellation.~~

~~(4) The *Building Official* shall send the registered mechanical contractor a written notice of any administrative action to be taken against the registered contractor by certified mail, return receipt requested, at the last known mailing address. The notification shall give not less than ten (10) working days' notice of the hearing. The *Building Official* is authorized to conduct hearings for the purpose of making findings of fact to assist him in making his decision.~~

~~(5) A written decision to cancel or suspend a certificate of registration or license shall be required and list the reasons for the *Building Official's* decision. This written decision shall be forwarded to the registered contractor by certified mail, return receipt requested to the registered contractor's last known address. This mailing may be waived provided that the registered contractor sign and acknowledge receipt of the written decision from the *Building Official*. The registered contractor shall then have fifteen (15) days from receipt of this notice to appeal the *Building Official's* decision to the building related and fire codes board of appeals. The decision of the *Building Official* shall be final after expiration of this time.~~

~~(6) Board appellate process:~~

~~a. A registered or licensed contractor shall have the right to appeal the *Building Official's* decision in accordance with section 10-14 of this chapter.~~

~~b. A perfected appeal tolls the *Building Official's* decision to suspend or cancel the registration until the board renders its decision.~~

~~c. Neither the board nor the *Building Official* shall have any authority to suspend a registration for longer than one hundred eighty (180) days.~~

~~d. A cancellation shall prevent the contractor from pulling new permits for a period of at least one year. For purposes of this section, a cancellation of a registration does not alleviate the registered contractor from performing current obligations or absolve them from liability under a contract. In performing currently permitted obligations while cancelled, the contractor shall not be subject to penalty for being unregistered. All other code provisions are applicable. Upon the expiration of a one year period, a contractor may apply for a new license registration. No provision of this section shall be interpreted to mean that a new license registration will be issued after a prior license registration has been cancelled. A denied~~

~~applicant for a new license registration is required to wait one year before applying again. There shall be no limit on the number of times a denied applicant may reapply.~~

~~e. A suspension shall prevent the registered contractor from pulling new permits in the city for the suspension time period. A suspension of registration does not alleviate the registered contractor from performing currently permitted obligations under the mechanical contract. The contractor shall not be subject to penalty for operating while suspended when performing currently permitted obligations. However, all other code provisions apply. The board's decision to affirm or affirm as modified a suspension of a registration means that the suspension time begins the following working day.~~

~~(l) **Change of name.** Upon payment of the fee set by ordinance, posting of any necessary insurance and compliance with any other requirements of this chapter, the holder of a valid license may apply to the *Building Official* for a change on the name of a license.~~

~~(m) **Continuation of the business upon death, disability or termination of the business's master.** Upon the death, disability or termination of a city mechanical contractor, such business will be allowed to complete existing work for which permits had been obtained prior to the severance of such master provided insurance is posted, if applicable, and sufficient evidence is submitted to and approved by the *Building Official* as to the ability of the business to complete the work in accordance with the requirements of this chapter. Monthly approval may be granted by the *Building Official* for a period not to exceed six (6) months. On or before the expiration of such period the business shall associate a new master of the appropriate classification or cease operations.~~

(n) Master mechanical contractor limitations on multiple business affiliations.

(1) Any master mechanical contractor affiliated with a business as herein provided shall not engage in the operation of a second mechanical contracting business, under the provisions of this Code, unless it is under the same name and insurance of the first business. Any permit issued to a business must be for work being done by that business. Any master mechanical contractor obtaining permits for any person, business or entity will be notified to appear before the *Building Official* for consideration of a complaint.

(o) Journeymen mechanical; performance of work; supervision and ratio. A mechanical journeymen shall perform mechanical work under the general supervision of a master mechanical contractor. A journeymen shall directly supervise the work of a mechanical apprentice provided that a ratio of eight (8) apprentices to one journeymen is not exceeded.

(p) Development Services Inspection Supervisor. The mechanical inspections supervisor of the

Development Services Department shall also serve as the master of record for mechanical work performed by City employed mechanical workers.

Sec. 10-115. - Residential Building and Home Improvement contractor registrations.

(a) Registration. Any person performing any form of residential construction or home improvement work in the city shall be registered per Chapters 10-115 and 10-116 and shall have in their possession a valid and authenticated home builder registration card issued by the *Building Official*.

Exceptions:

(1) Any person who will own, occupy or rent a detached single-family dwelling for a period of twelve (12) months after completion of the building permit and final inspection for the single-family dwelling or accessory building thereto.

(2) Building trade subcontractors who are performing work for the residential building contractor are not required to be registered under this section (e.g. framing subcontractor, flooring subcontractor, drywall subcontractor, painting subcontractor, etc.).

(3) Any person who will repair, replace, or modify non-structural building components to an existing residential detached accessory structure not exceeding 300 square feet.

~~**(b) Residential Home Builder/Home Improvement registration and insurance required.**~~

~~**(1) Qualifications of building contractors.** It shall be a violation of this chapter for a person who does not hold a current city registration to engage in the building construction for which a permit is required, or to undertake to execute such construction or to cause the undertaking of such construction.~~

~~**(2) Misrepresentation.** It shall be a violation of this chapter for any person to represent themselves with any registration set forth in this Code or to use the words "building contractor", "homebuilder contractor", or words of similar import or meaning on signs, business cards, stationery, or by any other manner whatsoever, unless such person is properly registered within the meaning of the word used as provided in this chapter.~~

(3) General liability and insurance.

a. A registered contractor shall furnish and present the name of the insurance carrier, policy number, name, address, and telephone number of the insurance agent with whom the contractor is insured to the *Building Official* or to any customer upon request.

b. City registered homebuilder contractors must maintain insurance of the following types and amounts:

(1) The insurance must be at least \$500,000 per occurrence (combined for property damage and bodily injury);

(2) be at least \$1,000,000 aggregate (total amount the policy will pay for property damage and bodily injury coverage);

(3) be at least \$500,000 aggregate for products and completed operations; and
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~~(4) The City of San Antonio must be listed as Certificate Holder on the Certificate of Liability insurance.~~

c. City registered home improvement contractors must maintain insurance of the following types and amounts:

(1) The insurance must be at least \$300,000 per occurrence (combined for property damage and bodily injury);

(2) be at least \$600,000 aggregate (total amount the policy will pay for property damage and bodily injury coverage);

(3) be at least \$300,000 aggregate for products and completed operations; and

(4) The City of San Antonio must be listed as Certificate Holder on the Certificate of Liability insurance.

d. The holder of any city contractor's registration is responsible for providing evidence of a new or renewal policy of any required insurance coverage upon termination or renewal of any policy.

e. Any insurance certificate required by this Code must be written through a company licensed to issue the insurance in the state and the insurance may be approved by office of the city attorney.

~~**(c) Communication, ready access, and vehicle identification.**~~

~~**(1) Means of communication.** Every registered contractor must maintain a bona fide company~~

~~address and telephone to enable the *Building Official* to contact the contractor in case of a job discrepancy. Any person holding a registration and doing work in the city shall report to the *Building Official* any change of address and telephone number in order to allow the *Building Official* to maintain accurate registration records. Acceptable means for receiving communications include, but are not limited to, a person available at the place of business, an answering machine, voice mail, a pager or a cellular telephone.~~

(d) Responsibilities. A registered residential building contractor shall be responsible for exercising such supervision and control of his operations as is necessary to secure full compliance with the provisions of the adopted International Residential Code (IRC) and other applicable laws of the city, state and United States.

(e) Penalties. A violation of this section shall constitute a Class C misdemeanor offense with a fine not to exceed five hundred dollars (\$500.00) per violation. Each day or portion thereof out of compliance with the registration requirements set above shall constitute a separate offense.

~~**(f) Documentation.** The *Building Official* shall adopt rules regarding the form of documentation that will be accepted as proof of compliance with any experience, verification of registration status, or other pertinent information the *Building Official* feels is relevant for inclusion.~~

~~**(g) Record of issuance.** The *Building Official* shall maintain a record that is available to the general public of all registrations issued pursuant to this chapter.~~

~~**(h) City registration cards.**~~

~~**(1)** A registration card, bearing the *Building Official's* signature, shall be issued to each person receiving a city registration.~~

~~**(2)** Registrations shall be renewed prior to the expiration date. Each person holding a valid registration shall renew same in sufficient time to have the renewal form returned to the Development Services Department with the appropriate renewal fee prior the expiration date. All city registrations shall expire two (2) years after issuance. Registrations shall be renewed prior to expiration date. Each person holding a valid registration shall renew same in sufficient time to have the renewal form and insurance information returned to the department with the appropriate renewal fee prior to registration expiration date.~~

~~**(3)** Each registration card, when issued to a contractor, shall be issued to a person and registered in the name of the firm by which the person is employed. The firm shall be known as the holder of such registration and shall notify the code official if the registration holder is no longer in its employment. No further permits will be issued to the firm based upon the previous registration holder's name who is no longer employed by the firm.~~

~~**(4)** It shall be a violation of this Code for any person to alter or amend in any manner, lend, rent, or transfer a registration card, and for any person to make use of any such rights for which the person is not registered.~~

~~**(5)** Each holder of a city issued card shall carry the registration card on his person at all times while performing construction work covered by this Code and shall present it to the *Building Official* upon demand.~~

~~**(i) Registrations not transferable.** No registration shall be transferred and no holder of any registration shall allow his name or registration to be used by any other person, either for the purpose of performing construction work or obtaining a permit under the penalty of forfeiture of registration and payment of fines.~~

(j) Violations under this section. The following list shall constitute a non-exclusive list of violations under this section. It is unlawful for any registered contractor to:

- (1) Display or cause a permit to be displayed or to have in one's possession a registration for doing any construction work, knowing it to be fictitious or to have been canceled, suspended or altered;
- (2) Lend or permit the use of any registration for doing any construction work to any person not entitled to it;
- (3) Allow any person to display or to represent as one's own city registration for any construction work when the registration has not been lawfully issued to the person displaying it;
- (4) Use a false or fictitious name or address in any application for any registration or permit provided for in this chapter or any renewal or make a false statement or conceal a material fact or otherwise commit fraud in making any application;
- (5) Perform any contractor work for which a registration is required without having the registration or while the registration is suspended, expired or canceled;
- (6) Perform any work for which a permit is required without having the permit or after the permit has been canceled;
- (7) Fail or refuse to make the necessary repair or changes for code violations as provided in a written notice issued by the *Building Official*. A reasonable amount of time shall be granted in the written notice taking into consideration the work to be completed and the circumstances. A separate violation is deemed to be committed each day after the expiration of the time for correction provided in the notice until the work is corrected;
- (8) Permit any construction work covered by this section to be performed by any person not properly registered, while in control of premises covered by this section;
- (9) Remove, break, change, destroy, tear, mutilate, cover or otherwise deface or injure any official notice or seal posted by the *Building Official*;
- (10) Place or leave the property in such condition that it injures or endangers persons or property authorized to be on the construction site.

~~(k) Application procedures; requirements.~~

- ~~(1) An applicant for an original registration or renewal must submit an application to the *Building Official* on a form established by the department. Each applicant must fully disclose in the application whether the applicant has:~~
- ~~a. Entered a plea of guilty or nolo contendere (no contest) to:~~
 - ~~1. Any felony charge, or~~
 - ~~2. A misdemeanor involving moral turpitude;~~
 - ~~b. Been convicted of:~~
 - ~~1. A felony, or~~
 - ~~2. A misdemeanor involving moral turpitude and the time for appeal has elapsed or the conviction has been affirmed on appeal;~~
 - ~~c. Entered a plea of guilty or nolo contendere (no contest) or been convicted of:~~
 - ~~1. Any felony, or~~
 - ~~2. Misdemeanor arising out of a violation of the building code or local amendments thereto in the state whether or not said violation involves moral turpitude;~~
 - ~~d. Lost or is suspended from residential building contractor privileges in any jurisdiction in the state. A failure to disclose under subsection 10-115(e)(1) shall be sufficient grounds to deny the application.~~
- ~~(2) The *Building Official* shall have the right to investigate and examine the qualifications and fitness of an applicant. Upon receipt of an application, the *Building Official* shall conduct a criminal background check on the applicant or any person responsible for the application. The~~

applicant will submit to the *Building Official* an officially sealed criminal history record information maintained by the department of Federal Bureau of Investigation.

~~(3) A person may not be issued a registration unless the person:~~

~~a. Is at least eighteen (18) years of age; and~~

~~b. Is a United States citizen or a lawfully admitted alien; and~~

~~c. The *Building Official* is satisfied with the person's honesty, integrity, and trustworthiness based on information supplied and discovered in connection with the application.~~

~~**Commentary:** Full disclosure includes an interest in or ownership of any entity engaged in the residential building contractor business that has lost or been suspended from residential building constructor privileges.~~

~~**(1) Duties and powers of *Building Official*.**~~

~~(1) There is hereby vested in the *Building Official* the duty of examining the applications for contractor registrations, including the issuance, reissuance, renewal, suspension, or cancellation of such registration.~~

~~(2) The *Building Official* shall establish procedures consistent with this Code for the issuance of registrations for residential contractors.~~

~~(3) The *Building Official* shall have the duty to keep all registration application records. The *Building Official* shall further have the power and duty to adopt, amend, or repeal rules and regulations consistent with the provisions of this section as may be necessary for the proper administration and enforcement hereof.~~

~~**(m) Appealing a denial of registration.**~~

~~(1) If either an original or renewal registration is denied, the *Building Official* shall furnish the applicant a written statement setting forth the grounds for the refusal within ten (10) working days. Such statement shall be by certified mail, return receipt requested, to the mailing address provided in the application unless the applicant is present to receive and acknowledge in writing receipt of such letter. The applicant or their representative shall then have fifteen (15) working days from receipt of notice to appeal the *Building Official's* decision in accordance with section 10-14 of this chapter.~~

~~(2) Nothing in this section shall be interpreted as to deny a subsequent application at the expiration~~

~~of one year from denial of initial registration.~~

~~**(n) Fees; registration period.** The application fee for contractor registration shall be as set forth in this section.~~

~~(1) A Home Builder Registration fee of one hundred seventy dollars (\$170.00) is required and said registration shall be valid for a period of two (2) years. The registration holder shall be required to re-register every two-year period of time and pay a fee of one hundred seventy dollars (\$170.00) for each two-year period of time to maintain registration.~~

~~(2) A Home Improvement Registration fee of one hundred fifty dollars (\$150.00) is required and said registration shall be valid for a period of two (2) years. The registration holder shall be required to re-register every two-year period of time and pay a fee of one hundred fifty dollars (\$150.00) for each two-year period of time to maintain registration.~~

~~**(o) Cancellation and suspension of registration; appeals.**~~

~~(1) A contractor's registration may be cancelled or suspended by the *Building Official* after a hearing before the *Building Official* if the registered contractor is convicted of any penal offense arising out of or related to the performance of a residential building contract or the registered contractor suffers a judgment against them in a civil action predicated upon fraud in connection~~

with the performance of a residential contract.

~~(2) The *Building Official* may also administratively cancel or suspend a registration after a hearing before the *Building Official* for any one or more of the following reasons:~~

~~a. Conviction or entering a plea of guilty or nolo contendere (no contest) by the registered person or entity of:~~

~~1. A felony, or~~

~~2. Misdemeanor involving moral turpitude;~~

~~b. Conviction or entering a plea of guilty or nolo contendere (no contest) in connection with a violation of any adopted technical construction code or amendments thereto in the state;~~

~~c. Making any false statement as to a material matter in an application for registration, renewal or hearing in connection with same;~~

~~d. Failure to disclose required information under subsection 10-115(k);~~

~~e. Three (3) separate violations as detailed in subsection 10-115(j) of this chapter, provided the violations occur within the previous 12-month period;~~

~~f. Upon judicial determination of an abandonment or willful failure to perform any residential contract or project in or undertaken by a registered contractor, or willful deviation from or disregard of plans or specifications in any material respect;~~

~~g. Upon judicial determination that the residential contractor knowingly made substantial misrepresentation on the part of the residential contractor in the procurement of a residential contract;~~

~~h. Upon judicial determination of fraud on the part of the residential contractor in the execution of or in the material alteration of any residential contract or mortgage, promissory note or other document relating to the contract;~~

~~i. Upon judicial determination that the residential contractor knowingly prepared or accepted any mortgage, promissory note or other evidence of indebtedness pertaining to a residential transaction with knowledge that it recited a greater monetary obligation than the agreed consideration for the residential construction work;~~

~~j. With knowledge, the residential contractor directly or indirectly published any advertisement relating to residential construction which contains assertions, representations or statements which are false, deceptive or misleading;~~

~~k. Failure of the residential contractor to notify the *Building Official* of any change in the ownership, management, or business name;~~

~~l. Conducting a residential contractor business in any name other than the one registered;~~

~~m. Obtaining a building permit for an unregistered contractor or for one whose registration has been suspended, cancelled or denied.~~

~~(3) The *Building Official* may take any of the following actions against the holder of the certificate of registration:~~

~~a. No suspension.~~

~~b. Suspension for thirty (30) days.~~

~~c. Suspension for sixty (60) days.~~

~~d. Suspension for ninety (90) days.~~

~~e. Suspension for one hundred eighty (180) days.~~

~~f. Cancellation.~~

~~(4) The *Building Official* shall send the registered residential contractor a written notice of any administrative action to be taken against the registered contractor by certified mail, return receipt requested, at the last known mailing address. The notification shall give not less than~~

~~ten (10) working days' notice of the hearing. The *Building Official* is authorized to conduct hearings for the purpose of making findings of fact to assist him in making his decision.~~

~~(5) A written decision to cancel or suspend a registration shall be required and list the reasons for the *Building Official's* decision. This written decision shall be forwarded to the registered contractor by certified mail, return receipt requested to the registered contractor's last known address. This mailing may be waived provided that the registered contractor sign and acknowledge receipt of the written decision from the *Building Official*. The registered contractor shall then have fifteen (15) days from receipt of this notice to appeal the *Building Official's* decision to the building related and fire codes board of appeals. The decision of the *Building Official* shall be final after expiration of this time.~~

~~(6) Board appellate process:~~

~~a. A registered contractor shall have the right to appeal the *Building Official's* decision in accordance with section 10-14 of this chapter.~~

~~b. A perfected appeal tolls the *Building Official's* decision to suspend or cancel the registration until the board renders its decision.~~

~~c. Neither the board nor the *Building Official* shall have any authority to suspend a registration for longer than one hundred eighty (180) days.~~

~~g. A cancellation shall prevent the residential building contractor from pulling new permits for a period of at least one year. For purposes of this section, a cancellation of a registration does not alleviate the registered contractor from performing current obligations or absolve them from liability under a residential contract. In performing currently permitted obligations while cancelled, the residential contractor shall not be subject to penalty for being unregistered. All other code provisions are applicable. Upon the expiration of a one-year period, a residential contractor may apply for a new registration. No provision of this section shall be interpreted to mean that a new registration will be issued after a prior registration has been cancelled. A denied applicant for a new registration is required to wait one year before applying again. There shall be no limit on the number of times a denied applicant may reapply.~~

~~h. A suspension shall prevent the registered contractor from pulling new permits in the city for the suspension time period. A suspension of registration does not alleviate the registered contractor from performing currently permitted obligations under the residential contract. The residential contractor shall not be subject to penalty for operating while suspended when performing currently permitted obligations. However, all other code provisions apply. The board's decision to affirm or affirm as modified a suspension of a registration means that the suspension time begins the following working day.~~

~~(p) **Change of name.** Upon payment of the fee set by ordinance, posting of any necessary bonds and compliance with any other requirements of this chapter, the holder of a valid registration may apply to the *Building Official* for a change on the name of a registration.~~

~~(q) **Continuation of the business upon death, disability or termination of the business's registration holder.** Upon the death, disability or termination of a registered contractor, such business will be allowed to complete existing work for which permits had been obtained prior to the severance of such registered holder provided insurance is posted, if applicable, and sufficient evidence is submitted to and approved by the *Building Official* as to the ability of the business to complete the work in accordance with the requirements of this chapter. Monthly approval may be granted by the *Building Official* for a period not to exceed six (6) months. On or before the~~

~~expiration of such period the business shall associate a registered contractor of the appropriate classification or cease operations.~~

(r) Contractor limitations on multiple business affiliations.

(1) Any contractor affiliated with a business as herein provided shall not engage in the operation of a second contracting business, under the provisions of this Code, unless it is under the same name and insurance of the first business. Any permit issued to a business must be for work being done by that business. Any contractor obtaining permits for any person, business or entity will be notified to appear before the *Building Official* for consideration of a complaint.

~~Sec. 10-116.--~~

Sec. 10-116. - City Registration, and insurance required

(a) Application procedures; requirements.

(1) An applicant for an original registration or renewal must submit an application to the Building Official on a form established by the department.

(2) The Building Official shall have the right to investigate and examine the qualifications and fitness of an applicant.

(b) City registration cards.

(1) A registration card, bearing the Building Official's signature, shall be issued to each person receiving a city registration.

(2) Registrations shall be renewed prior to the expiration date. Each person holding a valid registration shall renew same in sufficient time to have the renewal form returned to the Development Services Department with the appropriate renewal fee prior the expiration date. All city registrations shall expire two (2) years after issuance. Registrations shall be renewed prior to expiration date. Each person holding a valid registration shall renew same in sufficient time to have the renewal form and insurance information returned to the department with the appropriate renewal fee prior to registration expiration date.

(3) Each registration card, when issued to a contractor, shall be issued to a person and registered in the name of the firm by which the person is employed. The firm shall be known as the holder of such registration and shall notify the code official if the registration holder is no longer in its employment. No further permits will be issued to the firm based upon the previous registration holder's name who is no longer employed by the firm.

(4) It shall be a violation of this Code for any person to alter or amend in any manner, lend, rent, or transfer a registration card, and for any person to make use of any such rights for which the person is not registered.

(5) Each holder of a city issued registration card shall carry the registration card on his person at all times while performing construction work covered by this Code and shall present it to the Building Official upon demand.

(c) Registrations or City Licenses not transferable. No registration, or City license shall be transferred, and no holder of any registration shall allow his name or registration to be used by any other person, either for the purpose of performing construction work or obtaining a permit under the penalty of forfeiture of registration and payment of fines

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(d) Continuation of the business upon death, disability or termination of the business's master. Upon the death, disability or termination of a registered contractor, such business will be

allowed to complete existing work for which permits had been obtained prior to the severance of such registered holder provided insurance is posted, if applicable, and sufficient evidence is submitted to and approved by the Building Official as to the ability of the business to complete the work in accordance with the requirements of this chapter. Monthly approval may be granted by the Building Official for a period not to exceed six (6) months. On or before the expiration of such period the business shall associate a registered contractor of the appropriate classification or cease operations.

(e) Qualifications of contractors. It shall be a violation of this chapter for a person who does not hold a license to engage in electrical, mechanical, plumbing, home builder, home improvement, demolition, house mover, billboard operator, commercial sign operator and/or electrical sign construction for which a permit is required, or to undertake to execute such construction or to cause the undertaking of such construction.

(f) Documentation. The Building Official shall adopt rules regarding the form of documentation that will be accepted as proof of compliance with any experience, verification of registration status, or other pertinent information the Building Official feels is relevant for inclusion.

(g) Record of issuance. The Building Official shall maintain a record that is available to the general public of all registrations issued pursuant to this chapter.

(h) Misrepresentation. It shall be a violation of this chapter for any person to represent themselves with any class of license or registration set forth in this Code or to use the words "electrical contractor," "master electrician," "master sign electrician," "electrician," "mechanical contractor", "master mechanical contractor", "master HVAC contractor, "building contractor", "homebuilder", homebuilder contractor, "home improvement contractor " or words of similar import or meaning on signs, business cards, stationery, or by any other manner whatsoever, unless such person is properly registered/licensed within the meaning of the word used as provided in this chapter.

(i) Change of name. Upon payment of the fee set by ordinance, posting of any necessary bonds and compliance with any other requirements of this chapter, the holder of a valid license may apply to the Building Official for a change on the name of a registration or license.

(j) Communication, ready access, and vehicle identification.

(1) Means of communication. Every registered contractor must maintain a bona fide company address and telephone number to enable the Building Official to contact the contractor in case of a job discrepancy. Any person holding a registration and doing work in the city shall report to the Building Official any change of address and telephone number in order to allow the Building Official to maintain accurate registration records. Acceptable means for receiving communications include, but are not limited to, a person available at the place of business, an answering machine, voice mail, a pager or a cellular telephone.

(2) Registered Contractor present for business. Registered contractors shall be present during construction related to that type of registration. "Present" shall mean: on site, in the office, or available to be reached during the times of 7:45 a.m. and 4:30 p.m. Central Standard time. Upon

request of the Building Official, registered contractors shall make themselves available to meet on the job site.

(3) Vehicle identification. Any contractor engaged in erecting, installing, servicing, or maintaining a billboard or any person engaged in mechanical, electrical, plumbing or building construction shall ensure that all vehicles required to be on the job are identified with the contractor/company name, city registration number or state license number if applicable. For contractors operating with local license numbers, the number should be prefixed with “EM”, “SM” or “HM” and those operating with state licenses shall have the TECL, TSCL or shall have the appropriately identified with the prefixes designated by the State (TDLR). Lettering on the vehicle shall be at least two (2) inches high and shall be in full view and legible at all times.

(k) Cancellation and suspension of City licenses and registration; appeals. Any license or registration granted under this chapter may be canceled, revoked or suspended by the Building Official if the holder of such license or registration violates provisions of this chapter or any ordinance of the city relating to electrical work.

(1) A contractor's certificate of registration or City license may be cancelled or suspended by the Building Official after a hearing before the Building Official if the registered contractor is convicted of any penal offense arising out of or related to the performance of a registered contract or the registered contractor suffers a judgment against them in a civil action predicated upon fraud in connection with the performance of a registered contract.

(2) The Building Official may also administratively cancel or suspend a certificate of registration or City license after a hearing before the Building Official for any one or more of the following reasons:

a. Conviction or entering a plea of guilty or nolo contendere (no contest) by the registered person or entity of:

i. A felony, or

ii. Misdemeanor involving moral turpitude;

b. Conviction or entering a plea of guilty or nolo contendere (no contest) in connection with a violation of any adopted technical construction code or amendments thereto in the state;

c. Making any false statement as to a material matter in an application for registration, renewal or hearing in connection with same;

d. Three (3) separate violations of this chapter, provided the violations occur within the previous 12-month period;

e. Upon judicial determination of an abandonment or willful failure to perform any billboard operator, commercial sign operator, mechanical, electrical, plumbing or building contract or project in or undertaken by a registered contractor, or willful deviation from or disregard of plans or specifications in any material respect;

f. Upon judicial determination that the contractor knowingly made substantial misrepresentation on the part of the registered contractor in the procurement of a contract;

g. Upon judicial determination of fraud on the part of the registered contractor in the execution of or in the material alteration of any registered contract or mortgage promissory note or other document relating to the contract;

h. Upon judicial determination that the registered contractor knowingly prepared or accepted any mortgage, promissory note or other evidence of indebtedness pertaining to a billboard, commercial sign, mechanical, electrical, plumbing, or building transaction with knowledge that it recited a greater monetary obligation than the agreed consideration for the construction work;

i. With knowledge, the billboard, commercial sign, mechanical, electrical, plumbing, or building contractor directly or indirectly published any advertisement relating to electrical construction which contains assertions, representations or statements which are false, deceptive or misleading;

j. Failure of the registered contractor to notify the Building Official of any change in the ownership, management, or business name;

k. Conducting a billboard, commercial sign, mechanical, electrical, plumbing, or building contractor business in any name other than the one registered;

l. Obtaining a billboard, commercial sign, mechanical, electrical, plumbing, or building permit for an unregistered contractor or for one whose registration has been suspended, cancelled or denied.

(3) The Building Official may take any of the following actions against the holder of the City license or certificate of registration:

a. No suspension.

b. Suspension for thirty (30) days.

c. Suspension for sixty (60) days.

d. Suspension for ninety (90) days.

e. Suspension for one hundred eighty (180) days.

f. Cancellation.

(4) The Building Official shall send the registered contractor a written notice of any administrative action to be taken against the registered contractor by certified mail, return receipt requested, at the last known mailing address. The notification shall give not less than ten (10) working days' notice of the hearing. The Building Official is authorized to conduct hearings for the purpose of making findings of fact to assist him in making his decision.

(5) A written decision to cancel or suspend a certificate of registration or City license shall be required and list the reasons for the Building Official's decision. This written decision shall be forwarded to the registered contractor by certified mail, return receipt requested to the registered contractor's last known address. This mailing may be waived provided that the registered contractor signs and acknowledges receipt of the written decision from the Building Official. The registered contractor shall then have twenty-one (21) days from receipt of this notice to appeal the Building Official's decision to the building-related and fire codes board of appeals. The decision of the Building Official shall be final after expiration of this time.

(6) Board appellate process.

a. A registered or City licensed contractor shall have the right to appeal the Building Official's decision in accordance with section 10-14 of this chapter.

b. A perfected appeal tolls the Building Official's decision to suspend or cancel the registration until the board renders its decision.

c. Neither the board nor the Building Official shall have any authority to suspend a registration for longer than one hundred eighty (180) days.

d. A cancellation shall prevent the registered contractor from pulling new permits for a period of at least one year. For purposes of this section, a cancellation of a registration does not alleviate the registered contractor from performing current obligations or absolve them from liability under a contract. If approved by the Building Official, the registered contractor may perform currently permitted obligations while cancelled, the contractor shall not be subject to penalty for being unregistered. All other code provisions are applicable. Upon the expiration of a one-year period, a contractor may apply for a new certificate of registration. No provision of this section

shall be interpreted to mean that a new certificate of registration will be issued after a prior certificate of registration has been cancelled. A denied applicant for a new certificate of registration is required to wait one year before applying again. There shall be no limit on the number of times a denied applicant may reapply.

e. A suspension shall prevent the registered contractor from pulling new permits in the city for the suspension time period. A suspension of registration does not alleviate the registered contractor from performing currently permitted obligations under the registered contract. If approved by the Building Official, the contractor shall not be subject to penalty for operating while suspended when performing currently permitted obligations. However, all other code provisions apply. The board's decision to affirm or affirm as modified a suspension of a registration means that the suspension time begins the following working day.

(l) Violations under this section. The following list shall constitute a non-exclusive list of violations under this section. It is unlawful for any registered contractor to:

(1) Display or cause a permit to be displayed or to have in one's possession any instrument purporting to be a registration, City license, or state registration for doing any construction work, knowing it to be fictitious or to have been canceled, suspended or altered;

(2) Lend or permit the use of any registration for doing any construction work to any person not entitled to it;

(3) Allow any person to display or to represent as one's own city registration, City license or state license for any construction work when the registration, City license or state license has not been lawfully issued to the person displaying it;

(4) To fail or refuse to surrender to the Building Official on demand any registration or city license for the doing of any mechanical, electrical, plumbing or building work, which has been suspended, canceled or revoked as provided for in this chapter;

(5) To apply for or have in one's possession more than one current registration or city license of the same type provided for in this chapter;

(6) Use a false or fictitious name or address in any application for any registration or permit provided for in this chapter or any renewal or make a false statement or conceal a material fact or otherwise commit fraud in making any application;

(7) Perform any contractor work for which a registration, City license or state license is required without having the registration, City license or state license or while the registration, City license or state license is suspended, expired or canceled;

(8) Perform any work for which a permit is required without having the permit or after the permit has been canceled;

(9) Fail or refuse to make the necessary repair or changes for code violations as provided in a written notice issued by the Building Official. A reasonable amount of time shall be granted in the written notice taking into consideration the work to be completed and the circumstances. A separate violation is deemed to be committed each day after the expiration of the time for correction provided in the notice until the work is corrected;

(10) Permit any construction work covered by this section to be performed by any person not properly registered, while in control of premises covered by this section;

(11) Remove, break, change, destroy, tear, mutilate, cover or otherwise deface or injure any official notice or seal posted by the Building Official;

(12) Place or leave the property in such condition that it injures or endangers persons or property authorized to be on the construction site.~~Reserved.~~

Sec. 10-117. - Irrigation systems and irrigators.

(a) License required. An irrigation contractor is required to hold a license issued under V.T.C.A., Water Code Ch. 37 and V.T.C.A., Occupations Code § 1903.251.

(b) Registration.

(1) All irrigation contractors, prior to doing any irrigation system installation in the territorial limits or extraterritorial jurisdiction (ETJ) of the city shall be required to be registered with the development services department of the city per Chapters 10-116 and 10-117.

(2) An irrigation contractor's registration must be submitted on forms available from the development services department and shall include the following information:

- a. The irrigation contractor's full name;
- b. The irrigation contractor's license number;
- c. The irrigation contractor's business name;
- d. The irrigation contractor's business address;
- e. The irrigation contractor's business telephone number; and
- f. The irrigation contractor's telefax number.

(3) The irrigation contractor shall provide a certificate of insurance by an insurance company authorized in the state certifying that the irrigation contractor is insured to the limit of at least:

- a. Three hundred thousand dollars (\$300,000.00) public liability per occurrence; and
- b. Three hundred thousand dollars (\$300,000.00) property liability per occurrence and product/completed operations. In lieu of insurance, the irrigation contractor may provide a bond in the amount of ten thousand dollars (\$10,000.00) conditioned that the irrigation contractor shall faithfully observe all applicable laws.

(4) The irrigation contractor shall renew registration annually upon submission of the registration form and payment of the fee.

(5) A licensed plumber may be issued an irrigation permit.

(c) Permits and inspections. All irrigation contractors, prior to doing any irrigation system installation in the territorial limits or extraterritorial jurisdiction (ETJ) of the city shall apply and be issued permits from the development services department on forms provided by said department. The irrigation system shall be installed in accordance with the following:

- (1) City Code of San Antonio, Texas;
- (2) Local Government Code;
- (3) Texas Water Code;
- (4) Texas Occupations Code; and
- (5) Texas Commission on Environmental Quality (TCEQ).

The irrigation system shall be inspected prior to covering the sprinkler heads as requested by the installer. Any defects in the installation determined during the inspection shall be corrected before the inspection is considered approved. The city plumbing inspector shall document on the inspection records the static pressure and water source of the irrigation system. If the irrigation system is being constructed as part of the building permit, a certificate of occupancy shall not be issued until all inspections have been approved.

(d) Minimum standards and specifications. V.T.C.A., Occupations Code § 1903.053 entitled "Standards" and the rules adopted by the Texas Commission on Environmental Quality (TCEQ) Page 1 Chapter 344 - Landscape Irrigation Rule Project No. 2007-027-344-CE are hereby

incorporated by reference as minimum standards and specifications for the design, installation, and the operation of irrigation systems.

(e) Violations and enforcement.

(1) It shall be a violation to install an irrigation system in the city without first obtaining an irrigation system permit from the development services department. Any violation of this article shall be a Class C misdemeanor punishable by a fine not to exceed five hundred dollars (\$500.00) per violation. Each day or portion thereof during which a violation of any of the provisions of this article is committed shall constitute a separate offense. A fine or criminal penalty prescribed by this section does not apply to a violation in the ETJ.

(2) Civil enforcement.

a. The city may seek civil enforcement against such violators in the corporate limits of the city and in the ETJ. Enforcement in the ETJ is authorized pursuant to and under the authority granted by V.T.C.A., Local Government Code §§ 212.001 et seq.

b. Any person who commits a violation under this article shall be subject to a civil penalty of up to one thousand dollars (\$1,000.00) per violation per day.

(f) Fee schedule. Irrigation related fees shall be as set forth in the city fee schedule.

Sec. 10-118. – State Licensed Responsible Master Plumber registration.

(a) License. Before any person shall engage in the business of plumbing within the city, said person shall have a current responsible master plumber's license obtained from the State Board of Plumbing Examiners and the required insurance. The state license shall be registered with the city by submitting the appropriate registration as required by the city and Chapters 10-116 and 10-118.

(b) Insurance required. Per state law, a political subdivision that requires a responsible master plumber or an agent of a responsible master plumber to obtain a permit before performing plumbing in the political subdivision shall verify through the board's Internet website, or by contacting the board by telephone, that the responsible master plumber has on file with the board a certificate of insurance.

~~**(c) Communication and ready access.**~~

~~**(1) Means of Communication.** Every responsible master plumber doing plumbing work in the city must maintain a bona fide company address and telephone to enable the *Building Official* to contact the master plumber in case of a job discrepancy. Any person holding a responsible master plumber license shall report to the *Building Official* any change of address and telephone number in order to allow the *Building Official* to maintain accurate registration renewal records.~~

~~**(2) Master present for business.** The responsible master plumber is responsible for the general on-the-job or off-the-job oversight, direction and management of plumbing work and individuals performing plumbing work to fulfill his or her responsibility to the client and employer. In addition, responsible master plumbers licensed by the state, shall be present during construction related to that type of license. "Present" shall mean: on site, in the office, or available to be reached during the times of 7:45 a.m. and 4:30 p.m. Central Standard time. Upon request of the *Building Official*, the responsible master plumber shall make themselves available to meet on the job site.~~

(d) Enforcement. Each locally designated plumbing inspector shall enforce the State Board Licensing Law and Board Rules and municipal ordinances and should file complaints with the Board and with local prosecutors. (Chapter 1301, Texas Occupations Code, 22 Texas Administrative Code Chapters 361, 363, 365, and 367).

(e) Requirements for plumbing companies and responsible master plumbers. Every responsible master plumber doing plumbing work in the city shall abide by the State Board Licensing Law and Board Rules and municipal ordinances. (Chapter 1301 Occupations Code, 22 Texas Administrative Code Chapters 361, 365, and 367).

Sec. 10-119. - Demolition contractor registration.

(a) Registration. It shall be unlawful for any person to maintain, own or operate a demolition contracting business, unless a registration issued by the *Building Official* is first obtained as provided herein per Chapter 10-116 and 10-119.

Exceptions:

(1) A person who demolishes fences 6 feet or less in height, playground equipment, above ground swimming pools, sidewalks or driveways, decks, oil derricks, shade cloth structures, or mechanical equipment, residential or commercial sheds less than 300 square feet and similar accessory structures.

(2) A property owner may demolish single story residential structures if the demolition is to be performed by the property owner with proof of ownership.

(b) Demolition registration, insurance required, and bond.

(1) Registration. It shall be a violation of this chapter for a person who does not hold a current city registration to engage in the demolition work for which a permit is required, or to undertake to execute such work or to cause the undertaking of such work.

(2) Misrepresentation. It shall be a violation of this chapter for any person to represent themselves with any registration set forth in this Code or to use the words "demolition contractor", or words of similar import or meaning on signs, business cards, stationery, or by any other manner whatsoever, unless such person is properly registered within the meaning of the word used as provided in this chapter.

(3) General liability and insurance.

a. A registered demolition contractor shall furnish and present the name of the insurance carrier, policy number, name, address, and telephone number of the insurance agent with whom the contractor is insured to the *Building Official* or to any customer upon request.

b. City registered demolition contractors must maintain insurance of the following types and amounts:

(1) Automobile liability insurance with limits of personal injury one hundred thousand dollars (\$100,000.00) each person, three hundred thousand dollars (\$300,000.00) each accident, property damage fifty thousand dollars (\$50,000.00) each accident.

(2) Public liability (bodily injury) insurance with limits not less than three hundred thousand dollars (\$300,000.00) for each occurrence.

(3) Public liability (property damage) insurance with limits of not less than one hundred thousand dollars (\$100,000.00) for each accident and two hundred thousand dollars (\$200,000.00) in the aggregate.

c. The policy shall:

(1) Include the hazards of explosion and collapse coverage.

(2) Provide that the same shall not be cancelled until a ten-day or non-renewal has been served upon the city Development Services Department.

(3) The City of San Antonio must be listed as Certificate Holder on the Certificate of Liability insurance.

(4) Applicant shall file with the *Building Official* certificates of insurance executed by the insurance carrier issuing said policies certifying that said insurance is in full force

and effect and that the demolition operations are covered by such policies.

(4) **Indemnity Bond.** Before such permit shall be issued, the person, firm, association or corporation applying therefore shall execute and deliver to the city, to be kept on file in the city clerk's office, a good and sufficient bond of indemnity, issued by a surety company licensed to do business in the state, in the sum of five thousand dollars (\$5,000.00) to be approved by the city attorney and conditioned that the person, firm, association or corporation making such application shall promptly pay in and unto the city any and all costs, damages and expenses which said city may incur or suffer, including, but not limited to, damages to streets, sidewalks, utilities, or other public places by reason of carelessness or negligence in the performance of such demolition, or by reason of any defects caused from or arising from careless, negligent or imperfect demolition procedures, or any and all acts and omissions of said applicant, his agents, servants, or subcontractors.

~~(e) Communication, ready access, and vehicle identification.~~

~~(1) Means of communication. Every registered contractor must maintain a bona fide company address and telephone to enable the Building Official to contact the contractor in case of a job discrepancy. Any person holding a registration and doing work in the city shall report to the Building Official any change of address and telephone number in order to allow the Building Official to maintain accurate registration records. Acceptable means for receiving communications include, but are not limited to, a person available at the place of business, an answering machine, voice mail, a pager or a cellular telephone.~~

(d) **Responsibilities.** A registered demolition contractor shall be responsible for exercising such supervision and control of his operations as is necessary to secure full compliance with the provisions of the adopted city requirements and all other applicable laws of the city, state and United States.

(e) **Penalties.** It shall be unlawful for any person to demolish any building or structure in the city or cause the same to be done, contrary to or in violation of any of the provisions of this Code or any currently adopted building code. Any person, firm or corporation violating any of these provisions shall be deemed guilty of a separate offense for each day or portion thereof during which any violation is committed, continued, or permitted, and each separate violation shall be punishable by a fine not to exceed five hundred dollars (\$500.00).

~~(f) City registration cards.~~

~~(1) A registration card, bearing the Building Official's signature, shall be issued to each person receiving a city registration.~~

~~(2) Registrations shall be renewed prior to the expiration date. Each person holding a valid registration shall renew same in sufficient time to have the renewal form returned to the Development Services Department with the appropriate renewal fee prior to the expiration date. All city registrations shall expire two (2) years after issuance. Registrations shall be renewed prior to expiration date. Each person holding a valid registration shall renew same in sufficient time to have the renewal form and insurance information returned to the department with the appropriate renewal fee prior to registration expiration date.~~

~~(3) Each registration card, when issued to contractor shall be issued to a person and registered in the name of the firm by which the person is employed. The firm shall be known as the holder of such registration and shall notify the code official if the registration holder is no longer in its employment. No further permits will be issued to the firm based upon the previous registration holder's name who is no longer employed by the firm.~~

~~(4) It shall be a violation of this Code for any person to alter or amend in any manner, lend, rent, or transfer a registration card, and for any person to make use of any such rights for which the person is not registered.~~

~~(5) Each holder of a city issued card shall carry the registration card on his person at all times while performing work covered by this Code and shall present it to the *Building Official* upon demand.~~

~~**(g) Registrations not transferable.** No registration shall be transferred and no holder of any registration shall allow his name or registration to be used by any other person, either for the purpose of performing demolition work or obtaining a permit under the penalty of forfeiture of said registration and payment of fines.~~

~~**(h) Violations under this section.** The following list shall constitute a non-exclusive list of violations under this section. It is unlawful for any registered contractor to:~~

~~(1) Display or cause a permit to be displayed or to have in one's possession a registration for doing any demolition work, knowing it to be fictitious or to have been canceled, suspended or altered;~~

~~(2) Lend or permit the use of any registration for doing any demolition work to any person not entitled to it;~~

~~(3) Allow any person to display or to represent as one's own city registration for any construction work when the registration has not been lawfully issued to the person displaying it;~~

~~(4) Use a false or fictitious name or address in any application for any registration or permit provided for in this chapter or any renewal or make a false statement or conceal a material fact or otherwise commit fraud in making any application;~~

~~(5) Perform any contractor work for which a registration is required without having the registration or while the registration is suspended, expired or canceled;~~

~~(6) Perform any work for which a permit is required without having the permit or after the permit has been canceled;~~

~~(7) Fail or refuse to make the necessary repair or changes for code violations as provided in a written notice issued by the *Building Official*. A reasonable amount of time shall be granted in the written notice taking into consideration the work to be completed and the circumstances. A separate violation is deemed to be committed each day after the expiration of the time for correction provided in the notice until the work is corrected;~~

~~(8) Permit any work covered by this section to be performed by any person not properly registered, while in control of premises covered by this section;~~

~~(9) Remove, break, change, destroy, tear, mutilate, cover or otherwise deface or injure any official notice or seal posted by the *Building Official*;~~

~~(10) Place or leave the property in such condition that it injures or endangers persons or property authorized to be on the site.~~

~~**(i) Application procedures; requirements.**~~

~~(1) An applicant for an original registration or renewal must submit an application to the *Building Official* on a form established by the department.~~

~~(2) The *Building Official* shall have the right to investigate and examine the qualifications and fitness of an applicant.~~

~~(3) A person may not be issued a registration unless the person:~~

~~a. Is at least eighteen (18) years of age; and~~

~~b. Is a United States citizen or a lawfully admitted alien~~

~~**(j) Duties and powers of *Building Official*.**~~

~~(1) There is hereby vested in the *Building Official* the duty of examining the applications for contractor registrations, including the issuance, reissuance, renewal, suspension, or cancellation of such registration.~~

~~(2) The *Building Official* shall establish procedures consistent with this Code for the issuance of registration for demolition contractors.~~

~~(3) The *Building Official* shall have the duty to keep all registration application records. The *Building Official* shall further have the power and duty to adopt, amend, or repeal rules and regulations consistent with the provisions of this section as may be necessary for the proper administration and enforcement hereof.~~

~~**(k) Appealing a denial of registration.**~~

~~(1) Appeal to board. If either an original or renewal registration is denied, the *Building Official* shall furnish the applicant a written statement setting forth the grounds for the refusal within ten (10) working days. Such statement shall be by certified mail, return receipt requested, to the mailing address provided in the application unless the applicant is present to receive and acknowledge in writing receipt of such letter. The applicant or their representative shall then have fifteen (15) working days from receipt of notice to appeal the *Building Official's* decision in accordance with section 10-14 of this chapter.~~

~~(2) Nothing in this section shall be interpreted as to deny a subsequent application at the expiration of one year from denial of initial registration.~~

(l) Fees and registration period. The application fee for contractor registration shall be as set forth in this section.

~~(1) An initial Registration fee of eighty five dollars (\$85.00) is required and said registration shall be valid for a period of two (2) years. The registration holder shall be required to re-register every two-year period of time and pay a fee of thirty-five dollars (\$35.00) for each two-year period of time to maintain registration.~~

~~**(m) Cancellation and suspension of registration; appeals.**~~

~~(1) A contractor's registration may be cancelled or suspended by the *Building Official* after a hearing before the *Building Official* if the registered contractor is convicted of any penal offense arising out of or related to the performance of a demolition contract or the registered contractor suffers a judgment against them in a civil action predicated upon fraud in connection with the performance of a demolition contract.~~

~~(2) The *Building Official* may also administratively cancel or suspend a registration after a hearing before the *Building Official* for any one or more of the following reasons:~~

~~a. Conviction or entering a plea of guilty or nolo contendere (no contest) in connection with a violation of any adopted technical construction code or amendments thereto in the state;~~

~~b. Making any false statement as to a material matter in an application for registration, renewal or hearing in connection with same;~~

~~c. Three (3) separate violations as detailed in subsection 10-119(h) of this chapter, provided the violations occur within the previous 12-month period;~~

~~d. Upon judicial determination of an abandonment or willful failure to perform any demolition contract or project in or undertaken by a registered contractor, or willful deviation from or disregard of plans or specifications in any material respect;~~

~~e. With knowledge, the demolition contractor directly or indirectly published any advertisement relating to demolition work which contains assertions, representations or statements which are false, deceptive or misleading;~~

~~f. Failure of the demolition contractor to notify the *Building Official* of any change in the~~

ownership, management, or business name;

g. Conducting a demolition contractor business in any name other than the one registered;

h. Obtaining a demolition permit for an unregistered contractor or for one whose registration has been suspended, cancelled or denied.

i. Upon judicial determination of fraud on the part of a contractor in the execution of or in the material alteration of any contract or mortgage, promissory note or other document relating to said contract;

(3) The *Building Official* may take any of the following actions against the holder of the certificate of registration:

a. No suspension.

b. Suspension for thirty (30) days.

c. Suspension for sixty (60) days.

d. Suspension for ninety (90) days.

e. Suspension for one hundred eighty (180) days.

f. Cancellation.

(4) The *Building Official* shall send the registered contractor a written notice of any administrative action to be taken against the registered contractor by certified mail, return receipt requested, at the last known mailing address. The notification shall give not less than ten (10) working days' notice of the hearing. The *Building Official* is authorized to conduct hearings for the purpose of making findings of fact to assist him in making his decision.

(5) A written decision to cancel or suspend a registration shall be required and list the reasons for the *Building Official's* decision. This written decision shall be forwarded to the registered contractor by certified mail, return receipt requested to the registered contractor's last known address. This mailing may be waived provided that the registered contractor sign and acknowledge receipt of the written decision from the *Building Official*. The registered contractor shall then have fifteen (15) days from receipt of this notice to appeal the *Building Official's* decision to the building-related and fire codes board of appeals. The decision of the *Building Official* shall be final after expiration of this time.

(6) Board appellate process:

a. A registered contractor shall have the right to appeal the *Building Official's* decision in accordance with section 10-14 of this chapter.

b. A perfected appeal tolls the *Building Official's* decision to suspend or cancel the registration until the board renders its decision.

c. Neither the board nor the *Building Official* shall have any authority to suspend a registration for longer than one hundred eighty (180) days.

d. A cancellation shall prevent the contractor from pulling new permits for a period of at least one year. For purposes of this section, a cancellation of a registration does not alleviate the registered contractor from performing current obligations or absolve them from liability under a contract. In performing currently permitted obligations while cancelled, the contractor shall not be subject to penalty for being unregistered. All other code provisions are applicable. Upon the expiration of a one-year period, a contractor may apply for a new registration. No provision of this section shall be interpreted to mean that a new registration will be issued after a prior registration has been cancelled. A denied applicant for a new registration is required to wait one year before applying again. There shall be no limit on the number of times a denied applicant may reapply.

e. A suspension shall prevent the registered contractor from pulling new permits in the city for

~~the suspension time period. A suspension of registration does not alleviate the registered contractor from performing currently permitted obligations under the contract. The contractor shall not be subject to penalty for operating while suspended when performing currently permitted obligations. However, all other code provisions apply. The board's decision to affirm or affirm as modified a suspension of a registration means that the suspension time begins the following working day.~~

(n) Demolition permit; in general.

(1) No person, firm, association or corporation shall demolish any building or structure in the city, or cause the same to be done, without first obtaining a demolition permit for each such building or structure authorized by the city.

(2) Every demolition permit shall be valid during the time outlined in the permit. If demolition is not complete, the Director of Development Services may extend the permit upon request of the applicant.

(o) Application requirements.

(1) Applications for demolition permits shall require the following information:

a. Name and address of demolition contractor.

b. Name and address of building and property owners including a notarized letter authorizing demolition of building or structure.

c. Except for single-family residence and other ~~single-story~~single-story buildings where it is not possible

for debris to fall on public walkways or thoroughfares, the *Building Official* shall require an engineering report, prepared by a qualified registered professional engineer, of the building or structure to be demolished so as to determine the condition of the framing, floors and walls copy of which is to be filed with the *Building Official*.

d. The demolition contractor shall be required to prepare a complete plan and schedule for demolition to be filed with the *Building Official*. Should the plan and schedule be changed at any time, the changes must be approved by the *Building Official* and a copy of such changes must be filed with the *Building Official*.

e. The location site of the disposal of debris and the proposed route to be used to disposal site.

f. Applicant shall submit the current demolition registration number and bond materials of the demolition contractor who has been hired to perform the work. All demolition contractors, as defined in this chapter, shall be registered and bonded. Any substitution of contractor listed in the application shall be reported to the *Building Official* with appropriate registration and bonding materials. A failure to notify the *Building Official* shall result in administrative and/or criminal and/or civil penalties. It shall be an affirmative defense to prosecution that substitute contractor was registered and bonded at the time.

g. Supplemental materials as prescribed by the *Building Official*.

(p) Miscellaneous provisions.

(1) No structural or load-supporting members, which would affect the stability of the structure, shall be cut or removed from any story until all construction materials above such a story have been completely demolished and removed.

(2) No material shall be dropped to any point outside the exterior walls of the structure except in enclosed chutes.

- (3) In masonry construction, the demolition of exterior walls and floor construction shall be removed and dropped into the storage space before commencing the removal of exterior walls and floor in the story below.
- (4) In buildings with a structural steel frame member type construction, the steel framing may be left in place during the demolition of masonry. Where this is done, all steel beams girders and similar structural supports shall be cleared of all loose material as the masonry demolition progresses downward.
- (5) No wall, chimney or other structural part shall be left at the end of each shift in such condition that it may collapse due to wind, vibration or any other cause.
- (6) Upon the completion of demolition operations, the site shall be completely cleared of rubbish, brush, weeds and other debris. The site must be left free of ponds and underground tanks shall be removed. Basement slabs shall be broken up to allow drainage and septic tanks, wells, cesspools, and cisterns shall be broken open and filled in.
- (7) Security service during non-working hours shall be provided by the contractor.
- (8) Where shown to be necessary in the plan for demolition, the city shall coordinate and approve the blocking of walkways, thoroughfares and alleys to protect the public.
- (9) The city council may issue a permit for selective use of explosives for demolition purposes if the contractor has complied with all of the conditions of this chapter and if the plan for selective demolition by the use of explosives is conducted in accordance with §§ 1926.900—1926.914 inclusive of Subpart "U" of the Rules and Regulations of the Occupational Safety and Health Administration of the Department of Labor, 29 CFR, part 1926, subpart U.

(q) Demolition fee schedule.

Demolition Registration Fees	
Demolition Contractor	
Initial—City Registration/2 year registration	\$85.00
Renewal—City Registration/2 year renewal	\$35.00
Duplicate—City Registration Card (plus tax)	\$5.00
Demolition Permit Fees	
Residential	\$75.00
Commercial	
Single-story	\$100.00
2—3 stories	\$200.00
>3 stories	\$650.00

Sec. 10-120. - Registered house mover.

(a) **Registration.** It shall be unlawful for any person to maintain, own or operate a house moving contracting business, unless a registration issued by the *Building Official* is first obtained as provided herein [Chapters 10-116 and 10-120](#).

(b) House mover registration, insurance, security, and bond required.

(1) **Compliance with section.** No person except a licensed house mover, shall move any building or structure over, across or along any street, public way or public place within the city except as specifically provided in this article.

Exception:

Nothing contained in this article shall require a license or bond for the movement of oversized equipment, or buildings or structures of a temporary nature, when such equipment, building, or structures are within the legal road limit as required by the state statutes; nor shall bond and license be required of one passing through the city enroute between two (2) other incorporated cities, except those cities in the county.

~~(2) **Misrepresentation.** It shall be a violation of this chapter for any person to represent themselves with any registration set forth in this Code or to use the words "home mover", "house mover" or words of similar import or meaning on signs, business cards, stationery, or by any other manner whatsoever, unless such person is properly registered within the meaning of the word used as provided in this chapter.~~

(3) General liability and insurance.

a. A registered house moving contractor shall furnish and present the name of the insurance carrier, policy number, name, address, and telephone number of the insurance agent with whom the contractor is insured to the *Building Official* or to any customer upon request.

b. City registered house moving contractors must maintain insurance of the following types and amounts:

(1) (\$10,000.00) for each person for bodily injury, twenty thousand dollars (\$20,000.00) for bodily injury liability for each accident, and five thousand dollars (\$5,000.00) for property damage liability for each accident.

(2) Comprehensive general liability specifically including coverages for hazards of explosion and collapse in the amount of three hundred thousand dollars. (\$300,000.00).

c. The policy shall:

(1) Provide that the same shall not be cancelled until a ten-day or non-renewal has been served upon the city.

(2) The City of San Antonio must be listed as certificate holder on the Certificate of Liability insurance.

(3) Applicant shall file with the *Building Official* certificates of insurance executed by the insurance carrier issuing said policies certifying that said insurance is in full force and effect and that the moving operations are covered by such policies.

(4) Bond. Before a house mover's license is issued, the applicant shall file with the *Building Official* a surety bond in the amount of two thousand dollars (\$2,000.00), saving and protecting the city harmless from any and all damages and to pay for any and all damages to public property, that may arise from the use of any of the streets, alleys, boulevards or other public places in the moving of any building or structure. Such bond shall contain a provision for a ten-day written notice to the city of cancellation by the surety.

(c) Responsibilities. A registered house moving contractor shall be responsible for exercising such supervision and control of his operations as is necessary to secure full compliance with the provisions of the adopted city requirements and all other applicable laws of the city, state and United States.

(d) Penalties. It shall be unlawful for any person to move any building or structure in the city or cause the same to be done, contrary to or in violation of any of the provisions of this Code or any currently adopted city or State laws. Any person, firm or corporation violating any of these provisions shall be deemed guilty of a separate offense for each day or portion thereof during

which any violation is committed, continued, or permitted, and each separate violation shall be punishable by a fine not to exceed five hundred dollars (\$500.00).

~~(e) City registration cards.~~

~~(1) A registration card, bearing the *Building Official's* signature, shall be issued to each person receiving a city registration.~~

~~(2) Registrations shall be renewed prior to the expiration date. Each person holding a valid registration shall renew same in sufficient time to have the renewal form returned to the Development Services Department with the appropriate renewal fee prior to the expiration date. All city registrations shall expire two (2) years after issuance. Registrations shall be renewed prior to expiration date. Each person holding a valid registration shall renew same in sufficient time to have the renewal form and insurance information returned to the department with the appropriate renewal fee prior to registration expiration date.~~

~~(3) Each registration card, when issued to contractor shall be issued to a person and registered in the name of the firm by which the person is employed. The firm shall be known as the holder of such registration and shall notify the code official if the registration holder is no longer in its employment. No further permits will be issued to the firm based upon the previous registration holder's name who is no longer employed by the firm.~~

~~(4) It shall be a violation of this Code for any person to alter or amend in any manner, lend, rent, or transfer a registration card, and for any person to make use of any such rights for which the person is not registered.~~

~~(5) Each holder of a city issued card shall carry the registration card on his person at all times while performing work covered by this Code and shall present it to the *Building Official* upon demand.~~

~~(f) Registrations not transferable.~~ ~~No registration shall be transferred and no holder of any registration shall allow his name or registration to be used by any other person, either for the purpose of performing house moving operations or obtaining a permit under the penalty of forfeiture of said registration and payment of fines.~~

~~(g) Violations under this section.~~ ~~The following list shall constitute a non-exclusive list of violations under this section. It is unlawful for any registered contractor to:~~

~~(1) Display or cause a permit to be displayed or to have in one's possession a registration for performing any house moving work, knowing it to be fictitious or to have been canceled, suspended or altered;~~

~~(2) Lend or permit the use of any registration for doing any house moving operations to any person not entitled to it;~~

~~(3) Allow any person to display or to represent as one's own city registration for any house moving operation when the registration has not been lawfully issued to the person displaying it;~~

~~(4) Use a false or fictitious name or address in any application for any registration or permit provided for in this chapter or any renewal or make a false statement or conceal a material fact or otherwise commit fraud in making any application;~~

~~(5) Perform any house moving operations for which a registration is required without having the registration or while the registration is suspended, expired or canceled;~~

~~(6) Perform any house moving operation for which a permit is required without having the permit or after the permit has been canceled;~~

~~(7) Fail or refuse to make the necessary repair or changes for code violations as provided in a written notice issued by the *Building Official*. A reasonable amount of time shall be granted in the written notice taking into consideration the work to be completed and the circumstances. A~~

~~separate violation is deemed to be committed each day after the expiration of the time for correction provided in the notice until the violation is corrected;~~

~~(8) Permit any work covered by this section to be performed by any person not properly registered, while in control of premises covered by this section;~~

~~(9) Remove, break, change, destroy, tear, mutilate, cover or otherwise deface or injure any official notice or seal posted by the *Building Official*;~~

~~**(h) Application procedures; requirements.**~~

~~(1) An applicant for an original registration or renewal must submit an application to the *Building Official* on a form established by the department.~~

~~(2) The *Building Official* shall have the right to investigate and examine the qualifications and fitness of an applicant.~~

~~(3) A person may not be issued a registration unless the person:~~

~~a. Is at least eighteen (18) years of age; and~~

~~b. Is a United citizen or a lawfully admitted alien~~

(i) Duties and powers of Building Official.

(1) There is hereby vested in the *Building Official* the duty of examining the applications for contractor registrations, including the issuance, reissuance, renewal, suspension, or cancellation of such registration.

(2) The *Building Official* shall establish procedures consistent with this Code for the issuance of registration for demolition contractors.

(3) The *Building Official* shall have the duty to keep all registration application records. The *Building Official* shall further have the power and duty to adopt, amend, or repeal rules and regulations consistent with the provisions of this section as may be necessary for the proper administration and enforcement hereof.

(j) Appealing a denial of registration.

(1) Appeal to board. If either an original or renewal registration is denied, the *Building Official* shall furnish the applicant a written statement setting forth the grounds for the refusal within ten (10) working days. Such statement shall be by certified mail, return receipt requested, to the mailing address provided in the application unless the applicant is present to receive and acknowledge in writing receipt of such letter. The applicant or their representative shall then have fifteen (15) working days from receipt of notice to appeal the *Building Official*'s decision in accordance with section 10-14 of this chapter.

(2) Nothing in this section shall be interpreted as to deny a subsequent application at the expiration of one year from denial of initial registration.

(k) Fees and registration period. The application fee for contractor registration shall be as set forth in this section.

(1) An initial registration fee of one hundred and twenty dollars (\$120.00) is required and said registration shall be valid for a period of two (2) years. The registration holder shall be required to re-register every two-year period of time and pay a fee of one hundred and twenty dollars (\$120.00) for each two-year period of time to maintain registration.

(2) The moving of any building or structure over, across or along any street, public way or public place within will commence only after a permit has been issued by the *Building Official*. Permit fees are outlined in Fee Schedule subsection 10-31.

~~**(l) Cancellation and suspension of registration; appeals.**~~

~~(1) A contractor's registration may be cancelled or suspended by the *Building Official* after a hearing before the *Building Official* if the registered contractor is convicted of any penal offense~~

arising out of or related to the performance of a contract or the registered contractor suffers a judgment against them in a civil action predicated upon fraud in connection with the performance of a moving contract.

~~(2) The *Building Official* may also administratively cancel or suspend a registration after a hearing before the *Building Official* for any one or more of the following reasons:~~

- ~~a. Conviction or entering a plea of guilty or nolo contendere (no contest) in connection with a violation of any adopted technical construction code or amendments thereto in the state;~~
- ~~b. Making any false statement as to a material matter in an application for registration, renewal or hearing in connection with same;~~
- ~~c. Three (3) separate violations as detailed in subsection 10-120(g) of this chapter, provided the violations occur within the previous 12-month period;~~
- ~~d. Upon judicial determination of an abandonment or willful failure to perform any moving contract or project in or undertaken by a registered contractor, or willful deviation from or disregard of plans or specifications in any material respect;~~
- ~~e. With knowledge, the house moving contractor directly or indirectly published any advertisement relating to house moving work which contains assertions, representations or statements which are false, deceptive or misleading;~~
- ~~f. Failure of the contractor to notify the *Building Official* of any change in the ownership, management, or business name;~~
- ~~g. Conducting a house moving contractor business in any name other than the one registered;~~
- ~~h. Obtaining a moving permit for an unregistered contractor or for one whose registration has been suspended, cancelled or denied.~~
- ~~i. Upon judicial determination of fraud on the part of a contractor in the execution of or in the material alteration of any contract or mortgage, promissory note or other document relating to said contract.~~

~~(3) The *Building Official* may take any of the following actions against the holder of the certificate of registration:~~

- ~~a. No suspension.~~
- ~~b. Suspension for thirty (30) days.~~
- ~~c. Suspension for sixty (60) days.~~
- ~~d. Suspension for ninety (90) days.~~
- ~~e. Suspension for one hundred eighty (180) days.~~
- ~~f. Cancellation.~~

~~(4) The *Building Official* shall send the registered contractor a written notice of any administrative action to be taken against the registered contractor by certified mail, return receipt requested, at the last known mailing address. The notification shall give not less than ten (10) working days' notice of the hearing. The *Building Official* is authorized to conduct hearings for the purpose of making findings of fact to assist him in making his decision.~~

~~(5) A written decision to cancel or suspend a registration shall be required and list the reasons for the *Building Official's* decision. This written decision shall be forwarded to the registered contractor by certified mail, return receipt requested to the registered contractor's last known address. This mailing may be waived provided that the registered contractor sign and acknowledge receipt of the written decision from the *Building Official*. The registered contractor shall then have fifteen (15) days from receipt of this notice to appeal the *Building Official's*~~

~~decision to the building-related and fire codes board of appeals. The decision of the *Building Official* shall be final after expiration of this time.~~

~~(6) Board appellate process:~~

~~a. A registered contractor shall have the right to appeal the *Building Official's* decision in accordance with section 10-14 of this chapter.~~

~~b. A perfected appeal tolls the *Building Official's* decision to suspend or cancel the registration until the board renders its decision.~~

~~c. Neither the board nor the *Building Official* shall have any authority to suspend a registration for longer than one hundred eighty (180) days.~~

~~d. A cancellation shall prevent the contractor from pulling new permits for a period of at least one year. For purposes of this section, a cancellation of a registration does not alleviate the registered contractor from performing current obligations or absolve them from liability under a contract. In performing currently permitted obligations while cancelled, the contractor shall not be subject to penalty for being unregistered. All other code provisions are applicable. Upon the expiration of a one-year period, a contractor may apply for a new registration. No provision of this section shall be interpreted to mean that a new registration will be issued after a prior registration has been cancelled. A denied applicant for a new registration is required to wait one year before applying again. There shall be no limit on the number of times a denied applicant may reapply.~~

~~e. A suspension shall prevent the registered contractor from pulling new permits in the city for the suspension time period. A suspension of registration does not alleviate the registered contractor from performing currently permitted obligations under the contract. The contractor shall not be subject to penalty for operating while suspended when performing currently permitted obligations. However, all other code provisions apply. The board's decision to affirm or affirm as modified a suspension of a registration means that the suspension time begins the following working day.~~

(m) House moving permit; general.

a. No person, firm, association or corporation shall move building or structure in the city, or cause the same to be done, without first obtaining a permit for each such building or structure authorized by the city.

b. Every house moving permit shall be valid during the time outlined in the permit. The Director of Development Services may extend the permit upon request of the applicant.

c. No person shall move any building or structure over, across, or along any street, public way or public place within the city until a permit for such work has been issued as provided in this section.

d. A registered house mover shall in each case before moving or preparing to move any building or structure, apply to the director of development services by written application for a permit to do so, in which application the building or structure to be moved shall be described with the extreme dimensions of its width, length and height, present location, the place to which it is proposed to be moved, and the location, on the lot at the destination.

e. Before application for permit is made, the house mover shall notify the public utilities, railroads and other persons whose facilities are involved in such movement.

f. Before application for permit is made, the house mover shall notify the police department, fire department and public works department, and shall obtain proper clearance from each of these departments in writing. This clearance shall specify the day of the week, hour of the day, the moving is to take place. The route to be taken shall be at the discretion of the police

department and public works department.

g. Warning devices. If it becomes temporarily necessary to leave the building on public property, there shall be placed around the building or structure, and all equipment, red lanterns, flares or other warning devices. No building or structure under any condition shall be allowed to remain in or on the streets, public ways or public places for more than twenty-four (24) hours except weekends. Any building or structure which occupies or moves along or across any portion of public property after sundown shall have sufficient lights and flares continually burning for the protection of the public.

h. Escort. No person shall move a building or structure across or along any street, public way or public place within the city unless accompanied or escorted by at least one police officer that has been retained by the person for such service.

Secs. 10-121—10-129. - Reserved.