

ORDINANCE NO. 2018 - _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS AMENDING CHAPTER 14, BUILDINGS AND BUILDING REGULATIONS, OF THE SAN MARCOS CITY CODE TO IMPLEMENT RECENT LEGISLATION PROHIBITING THE CITY FROM COLLECTING FEES FROM MEMBERS OF CERTAIN TRADES BEFORE THEY ARE AUTHORIZED TO PRACTICE THEIR TRADES IN THE CITY; AND DECLARING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS:

SECTION 1. Chapter 14, Buildings and Building Regulations, of the San Marcos City Code is hereby amended as set forth below. Added text is indicated by underlining. Deleted text is indicated by strikethroughs.

SECTION 2. Section 14.077 (a) of the San Marcos City Code is amended as follows:

Sec. 14.077. Permits; licensing.

(a) A person applying for a Building (~~m~~Mechanical) permit shall be:

- (1) A licensed air conditioning and refrigerator contractor under state law, or
 - (2) Exempt under state law from the licensing requirement.
- (b) A state licensed air conditioning and refrigeration contractor shall register with the City once a year and show proof of the state license and insurance before any work is performed within the City.
- (c) If a building owner is claiming an exemption under state law because he is planning to do the work him or herself, then the owner shall provide an affidavit to the building official stating that he owns and occupies the building as his homestead.

SECTION 3. Section 14.103 (a) of the San Marcos City Code is amended as follows:

Sec. 14.103. Permits; licensing.

(a) A person applying for a Building (~~p~~Plumbing) permit shall be:

- (1) A licensed master plumber under state law, or
- (2) Exempt from the state licensing law.

(b) A state licensed master plumber shall register with the city once a year and show proof of the license and insurance before any work is performed within the city or on pipes connected to the city's water or wastewater service; or

(c) If a building owner is claiming an exemption under state law because he is planning to do the work him or herself, then the owner shall provide an affidavit to the building official stating that he owns and presently occupies the building as his homestead.

SECTION 4. Section 14.370 (a) of the San Marcos City Code is amended as follows:

Sec. 14.370. Permits; licensing.

(a) A person applying for a Building (~~e~~Electrical) permit shall be:

- (1) A licensed electrical contractor under state law; or
- (2) Exempt under state law from the licensing requirement.

(b) A state licensed electrical contractor shall register with the City once a year and show proof of the state license and insurance before any work is performed within the City.

(c) If a building owner is claiming an exemption under state law because he is planning to do the work him or herself, then the owner shall provide an affidavit to the building official stating that he owns and occupies the building as his homestead.

SECTION 5. Section 14.372 (a) of the San Marcos City Code is amended as follows:

Sec. 14.372. License required; exception.

(a) It is unlawful for any person to perform construction work subject to this article unless the person is licensed as a contractor or is

exempt under one of the following:

- (1) A maintenance person may perform maintenance work only upon property owned by the person's employer. A maintenance person who performs work upon the property of more than one property owner is deemed to be performing work for the general public and shall be licensed as a city residential or general contractor.
- (2) A property owner may perform construction work with the owner's own hands or use other persons to perform construction work in/on an existing residence owned and occupied by the owner as his homestead. Such other persons performing work for the property owner shall, however, be subject to applicable licensing requirements under state law. All work is subject to permit, inspection and approval in accordance with this chapter.
- (3) An approved authorized single representative of a political subdivision. Each subdivision is authorized to submit one person to serve as general representative for projects under \$8,000.00 for purposes of permitting. This exception does not authorize work outside the political subdivision unless the person holds a general contractors license under this section.
- (4) A specialist contractor shall be required to register as a Specialist Contractor and may perform work for the general public within the specifications and limitations of the registration.
- (5) A person licensed by the State of Texas as a trade contractor, including the mechanical, plumbing or electrical trades.

SECTION 6. If any word, phrase, clause, sentence, or paragraph of this ordinance is held to be unconstitutional or invalid by a court of competent jurisdiction, the other provisions of this Ordinance will continue in force if they can be given effect without the invalid portion.

SECTION 7. All ordinances and resolutions or parts of ordinances or resolutions in conflict with this Ordinance are repealed.

SECTION 8. This Ordinance shall be effective upon its adoption on second reading.

PASSED AND APPROVED on first reading on May 1, 2018.

PASSED, APPROVED, AND ADOPTED on second reading on May 15, 2018.

John Thomaides
Mayor

Attest:

Approved:

Jamie Lee Case
City Clerk

Michael J. Cosentino
City Attorney