



ORDINANCE NO. 121322-2

AN ORDINANCE OF THE CITY OF LEONARD, TEXAS AMENDING THE CODE OF ORDINANCES OF THE CITY OF LEONARD TO PROVIDE FOR THE REGISTRATION AND PERMITTING OF CONTRACTORS AND OTHER BUSINESSES BY AMENDING CHAPTER 3, "BUILDING REGULATIONS," ARTICLE 3.01, "GENERAL PROVISIONS," SECTION 3.01.001, "CONTRACTOR'S LICENSE AND BOND," AND ARTICLE 3.03, "GENERAL PROVISIONS," DIVISION 3, "ELECTRICAL CODE," SECTION 3.03.075, "CONTRACT'S LICENSE AND BOND;" AND BY AMENDING CHAPTER 4, "BUSINESS REGULATIONS," ARTICLE 4.04, "AUTO SALVAGE DEALERS," DIVISION 2, "LICENSE;" AND BY AMENDING CHAPTER 13, "UTILITIES," ARTICLE 13.05, "SOLID WASTE," DIVISION 1, "GENERALLY," SECTION 13.05.014, "LICENSE FOR COLLECTION FROM LICENSEE'S OWN PLACE OF BUSINESS" AND BY AMENDING APPENDIX A, "FEE SCHEDULE," ARTICLE A4, "BUILDING AND DEVELOPMENT RELATED FEES," SECTION 4.002, "BUILDING CONTRACTOR'S LICENSE" AND SECTION 4.004, "ELECTRICIAN'S LICENSE;" AND BY AMENDING APPENDIX A, "FEE SCHEDULE," ARTICLE A5, "BUILDING AND DEVELOPMENT RELATED FEES," SECTION 5.002, "AUTO SALVAGE LICENSE," AND BY AMENDING APPENDIX A, "FEE SCHEDULE," ARTICLE A6, "UTILITY RATES AND CHARGES," SECTION 6.012, "LICENSE FOR COLLECTION OF SOLID WASTE FROM LICENSEE'S OWN PLACE OF BUSINESS;" PROVIDING FOR PENALTY, SEVERABILITY, SAVINGS AND REPEALING CLAUSES AND AN EFFECTIVE DATE; PROVIDING FOR A MAXIMUM PENALTY OF \$2,000; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

WHEREAS, pursuant to Texas Local Government Code Section 51.001, the City of Leonard, Texas (the "City") has general authority to adopt an ordinance or police regulation that is for the good government, peace, or order of the City and that is necessary or proper for carrying out a power granted by law to the City; and

WHEREAS, certain contractors and businesses are required to register with, and receive permits from, the City to operate or conduct business inside the city limits; and

WHEREAS, the City Council of the City of Leonard, Texas (the "City Council"), has determined that it is in the best interest of the public safety, health and general welfare of the City to amend the Code of Ordinances of the City of Leonard to clarify the City utilizes registration and permits, not licenses, to regulate contractors and businesses operating in the City.



NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEONARD, TEXAS:

Section 1. Incorporation of Findings.

The findings set forth above are incorporated as if fully set forth herein.

Section 2. Amendment.

- 2.1 Chapter 3, "Building Regulations," Article 3.01, "General Provisions," Section 3.01.001, "Contractor's license and bond," shall be amended to read as follows:

§ 3.01.001 Contractor's ~~license and bond~~ registration and insurance.

(a) License required. No person shall engage in the business of contracting to furnish labor and materials for the erection, construction or repair of buildings, structures or signs for which a building permit is required, without first ~~obtaining an annual license registering as a contractor with the City~~.

(b) License Registration fee. Each contractor or builder who shall ~~apply for such license register as a contractor with the City~~ shall pay an initial fee as provided for in the fee schedule in appendix A of this code, unless otherwise restricted by law. Renewal may be effected at any time prior to the date of expiration by a payment of a fee as provided for in the fee schedule in appendix A of this code.

(c) Bond Insurance. No person shall be issued a license registered as a contractor or builder until he or she has made, executed, and delivered a good and sufficient corporate surety bond provided proof of liability insurance in the amount of \$1,000.00 \$500,000 per occurrence.

(d) Expiration of license. All licenses contractor registrations issued under this code shall expire at midnight on December 31 of the year one year from the date of issuance. Any licensee failing to renew his or her surety bond and who makes application for renewal of the license before his or her current license expires shall be considered an applicant for an original license. The fees required in subsection (b) of this section shall not be prorated regardless of the date of issuance of an original license registration.

(e) Work by property owner. Any person desiring to erect, construct, or repair a structure owned by that person and who personally performs such work shall not be required to obtain the required license permit or post submit proof of the required bond insurance but shall be required to obtain the customary permit for the particular job under this chapter.

- 2.2 Chapter 3, "Building Regulations," Article 3.03, "General Provisions," Division 3, "Electrical Code," Section 3.03.075, "Contract's license and bond," shall be amended to read as follows:



§ 3.03.075 Contractor's license registration and bond.

(a) License Registration required; fee. Except as provided in section 3.03.078, any person, firm, or corporation desiring to engage in the business of electrical construction or the installation of wiring and apparatus for electric lights, appliances, heating, or power in the municipality shall ~~obtain a license therefor~~ register as an electrical contractor with the City, the fee for which shall be as provided for in the fee schedule in appendix Appendix A of this code. ~~The fee shall be paid to the municipal secretary before such license shall become effective.~~

(b) Insurance. Every person, firm or corporation doing electrical business within the municipality shall ~~execute and deliver to the municipality a bond with a surety bonding company in the sum of \$1,000.00 to indemnify the municipality or any citizen for any damage caused by the failure of such person, firm or corporation doing the electrical work to comply strictly with the provisions of this division~~ provide proof of liability insurance in the amount of \$500,000.00 per occurrence.

(c) Qualifications. No license registration shall be issued until the party applying for same has given satisfactory evidence to the electrical inspector of his or her ability to do such electrical work in a safe and satisfactory manner. Satisfactory evidence shall usually consist of ~~having passed an examination for a master electrician's license in a municipality of a population over 5,000~~ providing a copy of the applicant's current Master Electrician's License issued by the State of Texas. No permit for installation or alteration of any wiring, heating devices, motors, appliances, and apparatus shall be issued until the ~~license and bond~~ registration and insurance herein required have been obtained.

2.3 Chapter 4, "Business Regulations," Article 4.04, "Auto Salvage Dealers," Division 2, "License," shall be amended to read as follows:

§ 4.04.031 Required.

(a) It shall be unlawful for any person, firm, or corporation to engage in the business of an auto salvage dealer within the municipality or to continue in such business unless and until he or she shall have first ~~obtained a license~~ registered with the City under sections 4.04.031 through 4.04.035 of this article.

(b) Any auto salvage business in the municipality that does not conform with the regulations imposed in this article is declared to be a public nuisance.

(c) No license registration shall be required of an individual collecting, storing, dismantling, or refurbishing antique autos for his or her own use in order to restore, preserve, and maintain an antique motor vehicle for historic interest rather than for personal transportation.



§ 4.04.032 Application.

(a) Any person desiring to engage in the business of auto salvage dealer shall make application for a ~~license~~ registration on forms furnished by the municipal secretary.

(b) The application shall contain the following information:

(1) The name and address of the applicant; if the applicant is a partnership, the names and addresses of all partners; if the applicant is a corporation, the names and addresses of all officers of such corporation.

(2) The location of the business proposed to be ~~licensed~~ registered hereunder and a description of the property by metes and bounds.

(3) Such other information as may be required by the municipal secretary.

§ 4.04.033 Investigation.

(a) ~~Applications for a license to engage in the business of~~ Registration applications for an auto salvage dealer shall be referred to the council.

(b) The council shall make the following findings:

(1) That the applicant's business responsibility and moral character are satisfactory and that all agents or officers of the applicant who will take part in the operation of such business are capable of operating the business in a manner consistent with the public health, safety, and morals, and that neither the applicant nor any person associated therewith have ever been convicted of any felony crime.

(2) That any proposed or existing buildings or equipment with which such business is being operated or is to be operated conform to the requirements of the this code, the building code, and other applicable ordinances of the municipality.

(3) That the proposed or existing premises and equipment upon which such business is being or is to be operated conform to the requirements of all applicable health regulations of the municipality and state.

(4) That the proposed or existing premises and equipment upon which such business is being or is to be operated conform to the requirements of all applicable fire prevention regulations of the municipality and state.

§ 4.04.034 Public hearing.

A public hearing will be held to gather public comment on the application. The hearing will be held after due notice is given by regular mail to all persons owning property within 200 feet of such proposed location and notice is published in a newspaper of general circulation more than ten days prior to such hearing.

§ 4.04.035 Issuance or denial.



If the findings required in sections 4.04.033 and 4.04.034 are favorable to the applicant, the municipal secretary shall notify the applicant that such ~~license will be issued~~ registration application will be approved and a permit will be issued upon payment of the prescribed fees. If any of the findings are unfavorable to the applicant, the municipal secretary shall notify the applicant that such ~~license~~ registration application is disapproved and that no ~~license~~ permit will be issued. Upon request from the applicant, the municipal secretary will provide the applicant with a written statement of the grounds upon which the application was disapproved.

§ 4.04.036 Transfer.

The ~~license~~ permit issued under section 4.04.035 shall not be transferred or assigned to any other person, firm, or corporation unless and until the proposed assignee has met all the requirements of sections 4.04.032 through 4.04.034 the same as if such assignee were an original applicant.

§ 4.04.037 Contents.

(a) ~~Licenses~~ Permits issued hereunder shall not be used in any location other than the one described in the application upon which it is issued and shall state on its face the following: "This ~~license~~ permit applies only to the premises indicated herein and authorizes the ~~licensee~~ permittee to operate an auto salvage business in a lawful place and manner only; it is not a substitute for any certificate of occupancy, building permit, or other certificate or permit that may be required by law of the ~~licensee~~ permittee, and it does not relieve the ~~licensee~~ permittee of the responsibility of having all such permits or certificates at all times and to comply with all laws affecting the business ~~licensed~~ permitted hereby."

(b) The ~~license~~ permit shall further state on its face the date of its issuance and the date of its expiration.

§ 4.04.038 Fee.

To defray the expense of administration of these provisions, the fees as prescribed in the fee schedule in ~~appendix~~ Appendix A of this code are established.

§ 4.04.039 Suspension or revocation.

The council may revoke or suspend the ~~license~~ permit of any auto salvage dealer ~~licensed~~ permitted hereunder at any time upon finding that:

- (1) The auto salvage dealer or any officer or agent of such dealer who takes part in the operation of the ~~licensed~~ permitted business is not capable of operating such business in a manner consistent with the public's health or safety or has been convicted of any felony crime;



- (2) There has been a failure to comply with the provisions of this article or of the provisions of any national, state, or local laws applicable to the premises, equipment, or operation of such licensed permitted business;
- (3) The licensee permittee has obtained such license permit through fraud or misstatement;
- (4) The licensed permitted business is being conducted in a manner detrimental to the health, safety, or general welfare of the public, or is a nuisance, or is being carried on in an unlawful manner; or
- (5) The licensed permitted business is suspended or has been inactive for a period of 12 consecutive months.

2.4 Chapter 13, "Utilities," Article 13.05, "Solid Waste," Division 1, "Generally," Section 13.05.014, "License for collection from licensee's own place of business," shall be amended to read as follows:

§ 13.05.014 License Permit for collection from licensee's own place of business.

(a) No person shall collect, remove, or dispose of garbage containers or trash receptacles or transport garbage or trash on the streets, alleys, or public thoroughfares of the municipality except duly authorized agents or employees of the municipality and persons acting pursuant to a contract with the municipality for public collection and disposal of garbage, trash, and brush, except as provided in this section. This section shall not apply to the transportation of garbage, trash, or brush from outside the municipality to a disposal site outside the municipality.

(b) Upon application and compliance with this section, a license permit may be obtained to serve the licensee's permittee's place of business. A license permit shall be issued upon application and payment of a license permit fee as set forth in the fee schedule in ~~appendix~~ Appendix A of this code to the water department office for the collection and transportation of garbage and trash from the licensee's permittee's premises or place of business using the licensee's permittee's own vehicles, equipment, and personnel. Application for a license permit shall include the following information:

- (1) Name and address of the applicant;
- (2) Business name and business address of the applicant;
- (3) Type of business of the applicant;
- (4) Number, size, and type of vehicles to be used for carrying garbage and trash; and
- (5) Proposed disposal site.



(c) All licensed permitted trucks and containers used for the collection and transportation of garbage and trash shall be clearly marked with the owner's name and telephone number in letters and figures not less than two inches high.

(d) Garbage and trash shall be removed by the licensee permittee at least twice a week.

(e) Violation of any of the provisions of this article shall be sufficient cause for revocation of the license permit by the council or its designee.

(f) Individuals desiring to occasionally remove brush, debris, or trash from their own residence or business may do so if they have regular service from the municipality's contractor.

- 2.5 Appendix A, "Fee Schedule," Article A4, "Building and Development Related Fees," Section 4.002, "Building contractor's license," shall be amended to read as follows:

§ A4.002 Building contractor's license registration.

Each contractor or builder who shall apply for such contractor's license registration shall pay an initial fee of \$50.00. Renewal may be effected at any time prior to the date of expiration by a payment of a fee of \$25.00.

- 2.6 Appendix A, "Fee Schedule," Article A4, "Building and Development Related Fees," Section 4.004, "Electrician's license" shall be amended to read as follows:

§ A4.004 Electrician's license permit.

(a) Electrical contractor's license permit fees shall be as follows:

- (1) Master license permit original: \$75.00.
- (2) Master license permit renewal: \$25.00.
- (3) Journeyman license original: \$5.00.
- (4) Journeyman license renewal: \$5.00.

(b) All licenses permits issued shall expire at midnight on December 31st of the year issued. Any licensee permittee failing to renew his or her bond insurance and make application for renewal of the license permit before the expiration date shall be considered an applicant for an original license-permit. The fees shall not be prorated.

- 2.7 Appendix A, "Fee Schedule," Article A5, "Building and Development Related Fees," Section 5.002, "Auto salvage license," shall be amended to read as follows:

§ A5.002 Auto salvage license permit.

(a) Each application for a license permit shall be accompanied by a filing fee of \$100.00, which is nonrefundable to the applicant, except that if such application is withdrawn prior



to the publication of the required public hearing and before notice is given to those persons entitled to notice, the filing fee will be refunded to the applicant.

(b) The licensee permittee shall pay an annual license permit fee in the amount of \$25.00, in advance, on the first day of January of each year he or she operates as an auto salvage dealer. Upon the granting of a license permit, the municipal secretary shall prorate such license permit fee by annual quarters and such initial fee shall be calculated for the number of quarters remaining in that current year from the quarter preceding the grant of such license permit.

2.8 Appendix A, "Fee Schedule," Article A6, "Utility Rates and Charges," Section 6.012, "License for collection of solid waste from licensee's own place of business," shall be amended to read as follows:

§ A6.012 License Permit for collection of solid waste from licensee's own place of business.

The license permit fee for the collection and transportation of garbage and trash from the licensee's permittee's premises or place of business using the licensee's permittee's own vehicles, equipment, and personnel is \$25.00.

Section 3. Penalty for Violation.

Any person or corporation who violates any of the provisions of this ordinance, or fails to comply herewith, or with any of the requirements hereof, or who shall build or alter any building or use in violation of any plan or plat submitted and approved hereunder, shall be guilty of a misdemeanor and shall be liable for a fine of not more than five hundred dollars (\$500.00), unless the offense is a violation of an ordinance that governs fire safety or public health and sanitation, and then shall be liable for a fine of not more than two thousand dollars (\$2,000.00), and each day or portion thereof such violation shall exist shall constitute a separate offense. The owner or owners of any building or premises or part thereof, where anything in violation of this ordinance shall be placed or shall exist, and any architect, builder, contractor, agent, person or corporation employed in connection therewith, and who may have assisted in the commission of any such violation, shall be guilty of a separate offense and upon conviction shall be fined as herein provided.

Section 4. Severability Clause.

If any section, clause, paragraph, sentence or phrase of this ordinance shall, for any reason, be held to be invalid or unconstitutional, such invalid section, clause, paragraph, sentence or phrase is hereby declared to be severable; and any such invalid or unconstitutional section, clause, paragraph, sentence or phrase shall in no way affect the remainder of this ordinance; and it is hereby declared to be the intention of the City Council that the remainder of this ordinance would have been passed notwithstanding the invalidity or unconstitutionality of any section, clause, paragraph, sentence or phrase thereof.




Section 5. Savings/Repealing Clause.

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

Section 6. Publication and Effective Date.

The caption of this Ordinance is to be published as required by law and shall become effective immediately upon its passage and publication.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF LEONARD, TEXAS on this 13th day of December, 2022.


Michael Pye, Mayor

ATTEST:


Melissa Verde, City Secretary

Date of Publication in the Leonard Graphic: _____, 2022