

Section 4. Contractor Types

4.01. Registration of Contractors

- A. Each contractor listed in this section or regulated by the State of Texas shall register with the City of Longview Development Services prior to applying for any permits or beginning any work.
- B. Registration will be on a form prescribed by the City of Longview's Building and Fire Code Official and shall provide such proof as reasonably required that the person meets the current applicable City of Longview and State of Texas license and insurance requirements. Insurance and bonds must be provided in a form accepted by the City Attorney.
- C. The Building and Fire Code Official may require that every such person register in person.
- D. Unless otherwise required by state law, each such registrant shall pay a registration fee to the City of Longview in the amount set by resolution of the City Council.
- E. Additionally, each such person shall re-register annually with the Building and Fire Code Official by or before the date on which said person's state license or insurance/bond expires and each such re-registration shall be accompanied by the annual registration fee set by resolution of the City Council.

4.02. Contractors Working Inside the City

All contractors and subcontractors are responsible for the following when working inside the City limits:

- A. Following State and City licensing and registration requirements;
- B. Following City permitting and inspection processes; and
- C. Following the prescribed jobsite safety and cleanliness requirements listed below.
 1. Working Areas
 - a. Provide safe access to the job site.
 - b. Keep walking and working surfaces clean.
 - c. Keep stairways, passageways, and gangways free of materials, supplies, and obstructions.
 - d. Pick-up and place all debris or trash in its proper container.
 - e. Hammer in, bend, or remove any nails protruding from scrap lumber. Cap or bend all exposed steel rebar ends.
 - f. Remove any items that are not being used from the work area and store them in their proper place.
 - g. Keep lavatory and toilet facilities (stationary or portable) clean and sanitary.
 - h. Install and maintain silt fencing in accordance with the City of Longview design guidelines. Remove at job's completion.
 2. Waste
 - a. Place trash and recycling containers throughout the job site.
 - b. Keep waste in metal cans or bins with self-closing covers and remove debris regularly.
 - c. Never allow rubbish to fall freely from any level of the project. Use chutes or other approved waste-removal devices.

- d. Seal waste and product drums/containers tightly to reduce evaporation, spillage, and contamination.
- e. Ensure the disposal of scraps, waste, recyclables and surplus materials is in accordance with Federal regulations and local codes.
- f. Never dispose of any waste into storm or sanitary sewers.
- g. Frequently schedule the safe collection and removal of combustible waste.
- h. Lock and secure used oil containers and dumpsters.

D. Notice of Change of Address, Name, etc., to be Given

Whenever any person, after registering or applying for registration under the provisions of this section, shall move from the address named in such registration or application or when the name of the registrant or applicant is changed, or when the employment of such registrant or applicant is changed, the registrant or applicant shall, within ten days therefrom, notify the Building and Fire Code Official, in writing, of the registrant's or applicant's former address, name and employment, the registrant's or applicant's present address, name, business telephone number and employment.

E. Certain Acts Prohibited

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

1. To display or cause or permit to be displayed or to have in one's possession any instrument purporting to be any license or proof of registration for the doing of electrical work, knowing such instrument to be fictitious or to have been expired, canceled, suspended, altered, or otherwise invalid.
2. To lend or knowingly permit the use of any proof of registration under this article or any license for the doing of any electrical work to any person not entitled thereto under the applicable provisions of law.
3. To display or to represent as one's own any proof of registration under this article or any license for the doing of any electrical work when such proof of registration or license has not been lawfully issued to the person so displaying the same.
4. To use a false or fictitious name or give a false or fictitious address in any application for registration under 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.
5. To employ as an electrician any person not then validly registered as provided in this article and licensed to perform the work for which said person is so employed.
6. To perform any character of electrical work for which a license is required without being validly registered as required by this article or without the appropriate license issued by the state, or while such license is suspended or canceled.

Unless otherwise expressly provided by state or federal law, allegation and evidence of culpable mental state are not required by the proof of an offense defined by this section.

4.03. Residential General Contractor (Homebuilder)

- A. This category authorizes the holder to engage in, or manage/supervise the construction and development, renovation and/or repair solely of one or two-family dwelling or associated storage buildings.
- B. This registration requires the holder to submit to the City of Longview a surety bond of no less than \$25,000.00, with the City of Longview shown as the certificate holder and the contractor listed as residential contractor.
- C. Registered Residential General Contractors shall be responsible for the complete and compliant construction, development, and inspection of permitted projects. This includes but is not limited to site preparation and setbacks, water and sewer services and taps, erosion control, foundation and or footers, all aspects of vertical construction, and landscaping. The Residential General Contractor for a permitted project is also responsible for ensuring that all licensed trades have the appropriate permits and that all required inspections are completed. Including third party energy inspections. This category does not permit the holder to install swimming pools, hot tubs, spas, driveways, sidewalks, or curb and gutters.

4.04. Combination General Contractor

- A. This category authorizes the holder to engage in, or manage/supervise the construction and development, renovation and/or repair of any structure, including without limitation one and two-family dwellings, multi-family complexes, commercial structures, associated accessory structures and storage buildings, swimming pools, hot tubs, spas, and driveways, sidewalks, curbs and gutters.
- B. This registration requires the holder to submit to the City of Longview a surety bond of no less than \$50,000.00, with the City of Longview shown as the certificate holder and the contractor listed as a combination contractor.
- C. Licensed Combination General Contractors shall be responsible for the complete and compliant construction, development, and inspection of permitted projects. This includes but is not limited to compliance with approved site plan, site preparation and setbacks, erosion control, utility installation, providing as-built drawings of completed infrastructure, water and sewer services and taps, required easements filed, completion of platting, foundation and or footers, all aspects of vertical construction, and landscaping. The Combination General Contractor for a permitted project is also responsible for ensuring that all licensed trades have the appropriate permits and that all required inspections are completed. Including third party energy inspections.

4.05. Swimming Pool Contractor

- A. This category authorizes the holder to engage in the construction, renovation and/or repair of swimming pools, hot tubs, and spas.
- B. This registration requires the holder to provide proof of a \$25,000.00 surety bond with the City of Longview shown as the certificate holder and the contractor listed as a Swimming Pool Contractor.
- C. Registered Swimming Pool Contractors shall be responsible for the complete and compliant construction, development, and inspection of permitted projects. This includes but is not limited to fences, gates, alarms, foundation/concrete work, pool equipment, grounding, bonding, and all other code required aspects of installing a swimming pool, hot tub, or spa. The Swimming Pool Contractor for a permitted project is also responsible for ensuring that all licensed trades have the appropriate permits and that all required inspections are completed.

4.06. Sign Contractor

- A. This category authorizes the holder to engage in the construction, installation, renovation, and/or repair of signs.
- B. This registration requires the holder to provide proof of a \$10,000.00 surety bond with the City of Longview shown as the certificate holder and the contractor listed as a sign contractor. Each sign contractor and subcontractor shall also carry public liability, personal injury or death and property damage insurance in the amounts of \$100,000.00 and \$50,000.00 respectively, covering said sign contractor's and subcontractor's operations hereunder.
- C. Registered Sign Contractors shall be responsible for the complete and compliant construction, installation, renovation and/or repair of signs. The Sign Contractor for a permitted project is also responsible for ensuring that all licensed trades have the appropriate permits and that all required inspections are completed.

4.07. Driveway Sidewalk Curb & Gutter Contractor

- A. This category authorizes the holder to engage in the construction, installation, renovation, and/or repair of driveways, sidewalks, and curb and gutters.
- B. This registration requires the holder to provide proof of a current \$10,000.00 surety bond with the City of Longview shown as the certificate holder and the contractor listed as a driveway and sidewalk contractor.
- C. Registered Driveway Sidewalk Curb & Gutter Contractors shall be responsible for the complete and compliant construction, installation, renovation and/or repair of driveways. The Driveway Sidewalk Curb & Gutter Contractor for a permitted project is responsible for ensuring that all required inspections are completed.

4.08. Residential Third Party Energy Inspector

- A. This category authorizes the holder to engage in the testing and inspection of residential new construction, alterations, accessories, and additions within the City of Longview for Energy Code Compliance.
- B. This registration requires the holder to provide proof of a current certification with either BPI or HERS, verification of a current ICC Residential Energy Inspector/Plans Examiner Certification, and provide current verification of equipment calibration.
- C. Registered Residential Third Party Energy Inspectors shall be responsible for the complete and compliant testing, inspection, and reporting of the adopted Energy Code requirements to the City of Longview Development Services.

4.09. Commercial Third Party Energy Inspector

- A. This category authorizes the holder to engage in the testing and inspection of residential and commercial new construction, alterations, accessories, and additions within the City of Longview for Energy Code Compliance.
- B. This registration requires the holder to provide proof of a current certification with either BPI or HERS, verification of a current ICC Residential Energy Inspector/Plans Examiner Certification, ICC Commercial Energy Inspector Certification, and provide current verification of equipment calibration.

- C. Registered Commercial Third Party Energy Inspectors shall be responsible for the complete and compliant testing, inspection, and reporting of the adopted Energy Code requirements to the City of Longview Development Services.

4.10. Demolition Contractor

- A. This category authorizes the holder to engage in the demolition of residential and commercial structures.
- B. This registration requires the holder to provide proof of current liability in the amount of \$1,000,000.00 with the City of Longview shown as the certificate holder and the contractor listed as a demolition contractor.
- C. Registered Demolition Contractors shall be responsible for the complete and compliant demolition and removal of residential and commercial structures. The Demolition Contractor for a permitted project is also responsible for ensuring that all licensed trades have the appropriate permits and that all required inspections are completed. Furthermore, Demolition Contractors are also responsible for providing asbestos reports, abatement letters, capping off water and sewer connections, and coordinating with private utility companies.

4.11. Master Plumber

- A. This category authorizes the holder to engage in the installation, alteration, repair, or renovation of plumbing systems.
- B. This registration requires the holder to provide proof of current State of Texas Master Plumbers License, and state required insurance.
- C. Registered Master Plumbers shall be responsible for the complete and compliant installation, alteration, repair, or renovation of plumbing systems and for providing all required information regarding backflow devices and backflow test results, and for acquiring all appropriate permits and inspections.

4.12. Master Electrician

- A. This category authorizes the holder to engage in the installation, alteration, repair, or renovation of electrical systems.
- B. This registration requires the holder to provide proof of current State of Texas Master Electricians License, and state required insurance.
- C. Registered Master Electricians shall be responsible for the complete and compliant installation, alteration, repair, or renovation of electrical systems, and for acquiring all appropriate permits and inspections.

4.13. Master Sign Electrician

- A. This category authorizes the holder to engage in the installation, alteration, repair, or renovation of electrical systems pertaining to signs.
- B. This registration requires the holder to provide proof of current State of Texas Master Sign Electricians License, and state required insurance.
- C. Registered Master Sign Electricians shall be responsible for the complete and compliant installation, alteration, repair, or renovation of electrical systems pertaining to signs, and for acquiring all appropriate permits and inspections.

4.14. Air Conditioning & Refrigeration Contractor

- A. This category authorizes the holder to engage in the installation, alteration, repair, or renovation of HVAC systems as allowed by their state license.
- B. This registration requires the holder to provide proof of current Class A or B State of Texas Air Conditioning & Refrigeration Contractor License, and state required insurance.
- C. Registered Air Conditioning & Refrigeration Contractors shall be responsible for the complete and compliant installation, alteration, repair, or renovation of HVAC systems, and for acquiring all appropriate permits and inspections.

4.15. Landscape/Irrigation Contractor

- A. This category authorizes the holder to engage in the installation, alteration, repair, or renovation irrigation systems.
- B. This registration requires the holder to provide proof of current State of Texas Landscape Irrigators License and a \$15,000.00 surety bond with the City of Longview shown as the certificate holder and the contractor listed as a landscape / irrigation contractor.
- C. Registered Landscape / Irrigation Contractors shall be responsible for the complete and compliant installation, alteration, repair, or renovation of landscape / irrigation systems and providing all required information regarding backflow devices and backflow test results. The Landscape / Irrigation Contractor for a permitted project is also responsible for ensuring that all licensed trades have the appropriate permits and that all required inspections are completed.

4.16. Fire Protection Sprinkler Contractor

- A. This category authorizes the holder to engage in the installation, alteration, repair, or renovation of fire sprinkler systems.
- B. This registration requires the holder to provide proof of current State of Texas Department of Insurance Fire Sprinkler License and state required insurance.
- C. Registered Fire Sprinkler Contractors shall be responsible for the complete and compliant installation, alteration, repair, or renovation of fire sprinkler systems from the slab up, and for acquiring all appropriate permits and inspections.

4.17. Fire Alarm Contractor

- A. This category authorizes the holder to engage in the installation, alteration, repair, or renovation of fire alarm systems.
- B. This registration requires the holder to provide proof of current State of Texas Department of Insurance Fire Alarm License and state required insurance.
- C. Registered Fire Alarm Contractors shall be responsible for the complete and compliant installation, alteration, repair, or renovation of fire alarm systems, and for acquiring all appropriate permits and inspections.

4.18. Fire Extinguisher Contractor

- A. This category authorizes the holder to engage in the installation, alteration, repair, or renovation of fixed fire extinguisher systems.
- B. This registration requires the holder to provide proof of current State of Texas Department of Insurance Extinguisher Certificate Registration and state required insurance.
- C. Registered Fire Extinguisher Contractors shall be responsible for the complete and compliant installation, alteration, repair, or renovation of fire extinguisher systems, and for acquiring all appropriate permits and inspections.

4.19. Underground Fire Main Contractor

- A. This category authorizes the holder to engage in the installation, alteration, repair, or renovation of underground fire mains.
- B. This registration requires the holder to provide proof of current State of Texas Department of Insurance Sprinkler Certificate and state required insurance.
- C. Registered Underground Fire Main Contractors shall be responsible for the complete and compliant installation, alteration, repair, renovation, maintenance, or service of water supply piping to any and all types of fire protection sprinkler systems, and for acquiring all appropriate permits and inspections.

4.20. Aboveground & Underground Storage Tank Contractor

- A. This category authorizes the holder to engage in the installation and removal of aboveground and underground storage tanks.
- B. This registration requires the holder to provide proof of current Texas Commission on Environmental Quality Underground Storage Tank registration and state required insurance.
- C. Registered Aboveground and Underground Storage Tank Contractors shall be responsible for the complete and compliant installation and removal of storage tanks, and for acquiring all appropriate permits and inspections. Above and Underground Storage Tank Contractors shall also be responsible for coordinating with City of Longview Code Compliance Division to ensure the correct staff are on site at all times.

4.21. Utility Contractor

- A. This category authorizes the holder to engage in construction, renovation and/or repair and to supervise or manage the construction, renovation and/or repair of utilities. This includes water, sewer, wastewater, storm sewer, streets, and drainage facilities. This license does not represent approval to perform any type of plumbing work regulated by the adopted Plumbing Code of the City of Longview or to install underground fire mains.
- B. Utility contractors must secure and maintain insurance during construction. The insurance must include, at a minimum, the following:
 1. Workmen's Compensation including Occupational Disease, and Employer's Liability Insurance
 2. Public Liability Insurance in an amount not less than One Million Dollars (\$1,000,000) for damages arising out of bodily or personal injury, sickness or disease, or death of one person and subject to the same limit for each person in an amount not less than One Million Dollars (\$1,000,000) in any one occurrence; and property damage in an amount not less than One Million Dollars (\$1,000,000) for all single combined damages arising out of injury to or destruction of property of others in any one occurrence with an aggregate limit in the same amount. The Property Damage portion of this coverage shall include explosion, collapse and underground exposure coverage. In addition, where Completed Operation Insurance coverage is applicable, such coverage will be maintained after completion and acceptance of the project for the full guarantee period.
 3. Automobile Liability Insurance coverage on all self-propelled vehicles designed for travel on public roads used in connection with the project, whether owned, non-owned, or hired. The liability limits shall not be less than Two Hundred Fifty Thousand Dollars (\$250,000) for injury or death of one person and in an amount not less than Five Hundred Thousand Dollars (\$500,000) in any one occurrence; and Property Damage limits of not less than One Hundred Thousand Dollars (\$100,000) in any one occurrence.
 4. Contractual Liability Coverage: Each and every policy for Liability Insurance carried by each Contractor and Subcontractor will include a "Contractual Liability Coverage" endorsement sufficiently broad to insure the provision titled "Indemnity" hereinafter set forth.
 5. Indemnity: The Contractor shall defend, indemnify and hold harmless the City of Longview and the city's officers, agents, servants, and employees; from any and all suits, actions, claims, losses or damage of any character and from all expenses incidental to the defense of such suits, actions or claims, based upon or arising out of or alleged to be based upon or arising out of (1) any injury, disease, sickness or death of any person or persons, (2) any damages to any property including in part loss of use thereof, caused by any act or omission of the Contractor, of any subcontractor of the Contractor, or by their officers, agents, servants, employees, or anyone else under the Contractor's direction and control, and arising out of, occurring in connection with, resulting from, or caused by the performance or failure of performance of any work or services called for by the Contract or from conditions created by the performance or non-performance of said work or services, but not including the sole negligence of any party herein indemnified.
 6. The City of Longview must be named as a certificate holder as follows: City of Longview, Attention Public Works Engineering, PO Box 1952, Longview, Texas 75606. In the description line it must reflect City of Longview and must reference the job location.
- C. Registered Utility Contractors shall be responsible for the complete and compliant installation, alteration, repair, or renovation of public and private utilities, and for acquiring all appropriate permits and inspections.

4.22. Exemptions for Residential Homestead Owners

Provided that a permit as required herein shall have first been obtained by the homeowner. Homeowners performing mechanical, electrical, plumbing, or gas work, or managing/supervising the renovation and/or repair of buildings on their own residential homestead as reflected by public records are exempt from the licensing provision of this code. This exemption also applies to storage buildings. Homeowners must provide proof of homestead exemption. All other requirements of this code are still applicable.

4.23. Exemptions for Commercial Owners

Provided that a permit as required herein shall have first been obtained by the owner. Owners performing or managing/supervising the renovation and/or repair of buildings or installing signs that do not require engineered plans on their own commercial property as reflected by public records are exempt from the licensing provision of this code. This exemption does not apply to new construction, swimming pools, complete demolitions, signs that require engineered plans, or any trade work regulated by the state. All other requirements of this code are still applicable.

4.24. Revocation of Contractor's License

- A. A contractor's license issued pursuant to this code may be denied or revoked by the Building and Fire Code Official for the following reasons:
1. It has been determined that an applicant for a license or a contractor or builder holding a license knowingly gave false or misleading information on his or her application.
 2. The contractor or builder holding a license has been finally convicted of a violation of this code.
 3. The contractor or builder applying for or holding a license has been finally convicted of a felony or misdemeanor crime which directly relates to the duties and responsibilities of the licensed occupation.
- B. In determining whether a criminal conviction directly relates to the licensed occupation, the Building and Fire Code Official shall consider:
1. The nature and seriousness of the crime;
 2. The relationship of the crime to the purposes for requiring a license to engage in the occupation;
 3. The extent to which a license might offer an opportunity to engage in further criminal activity of the same type as that in which the person previously has been involved; and
 4. The relationship of the crime to the ability, capacity, or fitness required to perform the duties and discharge the responsibilities of the licensed occupation.
- C. In addition to the other factors that may be considered under this section, the Building and Fire Code Official, in determining the present fitness of a person who has been convicted of a crime, shall consider the following evidence:
1. The extent and nature of the person's past criminal activity;
 2. The age of the person at the time of the commission of the crime;
 3. The amount of time that has elapsed since the person's last criminal activity;
 4. The conduct and work activity of the person prior to and following the criminal activity;

5. Evidence of the person's rehabilitation or rehabilitative effort while incarcerated or following release;
 6. Other evidence of the person's present fitness, including letters of recommendation from: prosecution, law enforcement, and correctional officers who prosecuted, arrested, or had custodial responsibility for the person; the sheriff and chief of police in the community where the person resides; and any other persons in contact with the convicted person; and
 7. It shall be the responsibility of the applicant to the extent possible to secure and provide to the Building and Fire Code Official the recommendations of the prosecution, law enforcement, and correctional authorities as required under this ordinance; the applicant shall also furnish proof in such form as may be required by the Building and Fire Code Official that he or she has maintained a record of steady employment and has supported his or her dependents and has otherwise maintained a record of good conduct and has paid all outstanding court costs, supervision fees, fines, and restitution as may have been ordered in all criminal cases in which he or she has been convicted.
- D. Any revocation of a contractor's license under this Section 105.1.4 shall be for a minimum period of 30 days up to a maximum period of one year, within the discretion of the Building and Fire Code Official. If the Building and Fire Code Official suspends or revokes a valid license or denies a person a license or the opportunity to be examined for a license because of the person's prior conviction of a crime and the relationship of the crime to the license, the Building and Fire Code Official shall notify the person in writing:
1. Of the reasons for the suspension, revocation, denial, or disqualification;
 2. Of the review procedure provided by Section 105.1.5; and
 3. Of the earliest date that the person may appeal.
- E. 105.1.6 Appeal of license revocation
- A decision of the Building and Fire Code Official to revoke a contractor's license may be appealed to the Construction Advisory and Appeals Board by giving written notice of intent to appeal said decision to the Building and Fire Code Official within ten calendar days from the date the contractor or builder is notified of the revocation of the license. Such notice shall contain the reason or reasons why the Board should reverse or modify the decision of the Building and Fire Code Official. Failure to state reason(s) shall result in the termination of the appeal.
- F. Upon receipt of said notice of intent to appeal, the Building and Fire Code Official shall schedule a meeting of the Construction Advisory and Appeals Board to consider such appeal. Such meeting shall be held within ten calendar days of the Building and Fire Code Official's receipt of the notice of intent to appeal, unless the contractor or builder requests a longer period of time.
- G. At the hearing set for such appeal, the Construction Advisory and Appeals Board shall receive evidence submitted by the appellant concerning the reason or reasons for reversal or modification as stated in the notice of intent to appeal, and shall also receive evidence from the Building and Fire Code Official as to why the license revocation should be sustained. The Board shall render a decision sustaining, amending, or reversing the decision of the Building and Fire Code Official based upon the evidence present at the hearing.