

2015-023

**AN ORDINANCE OF THE CITY OF FLORESVILLE,
TEXAS, INSTITUTING MUNICIPAL REGISTRATION OF
CERTAIN CONSTRUCTION CONTRACTORS;
ESTABLISHING NEW CODE SECTION 150.47
PROVIDING FOR ISSUANCE OF REGISTRATIONS;
COLLECTION OF FEES; ENFORCEMENT, INCLUDING
FINES AND CRIMINAL PENALTIES NOT TO EXCEED
\$500; A REPEALER; SEVERABILITY; AND PROPER
NOTICE AND MEETING**

WHEREAS, the City Council of the City of Floresville seeks to provide for safe and orderly construction activities within its corporate limits; and

WHEREAS, the City Council seeks to deter shabby craftsmanship and substandard work by contractors; and

WHEREAS, the City Council strives to protect citizens from illegitimate and unscrupulous contractors; and

WHEREAS, the City Council is authorized to regulate construction pursuant to the City's general police powers and Texas Local Government Code Chapters 51, 54, and 217; and

WHEREAS, pursuant to Texas Local Government Code Chapter 214 the City Council is expressly authorized to establish procedures to adopt building regulations, establish local amendments to standard codes, and provide for the administration and enforcement of the codes; and

WHEREAS, the City Council has already adopted the authorized building codes, and finds it to be in the public interest to register contractors performing work in accordance with those codes; and

WHEREAS, the City Council finds that the municipal registration of certain construction contractors is necessary for the protection of the public health, safety, and general welfare; and

WHEREAS, the City Council finds the enclosed rules to be reasonable and necessary; and

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

1. ENACTMENT CLAUSES

A. Popular Name

This Ordinance may be referred to as the "Contractor Registration Ordinance."

B. Findings of Fact

All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council, and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

C. Purpose

This Ordinance is adopted so that the City Council may promote the public health, safety, morals and general welfare within the City through the registration of contractors that perform certain construction activities.

E. Scope of Jurisdiction

The provisions of this Ordinance shall apply within the city limits (i.e., incorporated municipal boundary) of the City.

F. Effective Date

This Ordinance shall take effect immediately on September 3, 2015 following publication in the Wilson County News.

G. Code of Ordinances

There is hereby established new City Code of Ordinances § 150.47 which shall read:

§ 150.47 REGISTRATION OF CONTRACTORS**(A) Definitions**

- (1) Words and phrases used in this Ordinance shall have the meanings set forth in this section. Words and phrases that are not defined in this Ordinance but are defined in other ordinances of the City shall be given the meanings set forth in those ordinances. Other words and phrases shall be given their common, ordinary meaning unless the context clearly requires otherwise. Headings and captions are for reference purposes only, and shall not be used in the interpretation of this Ordinance.

(2) Specific Definitions

- (i) Building Inspector means the person appointed by the City Council to inspect building activities to ensure compliance with applicable codes, permits and ordinances. The City's building inspector can be a volunteer, employee, agent of another political subdivision, company, corporation, or independent contractor retained by the City. The term includes the Code Enforcement Officer.
- (ii) Building Official means the person appointed by the City Council to receive and review registration applications and ensure compliance with this Ordinance. The City's building official can be a volunteer, employee, police officer, agent of another political subdivision, company, corporation, or independent contractor retained by the City. The term includes the Code Enforcement Officer. The City

Manager shall act as the City's default Building Official in the absence of a Board-appointed person or firm.

(iii) Person means any human individual or corporation, organization, government or governmental subdivision or agency, business trust, estate, trust, partnership, association, and any other legal entity.

(iv) City means the City of Floresville, an incorporated municipality located in Wilson County, Texas, its agents and employees.

(B) Registration Required

(1) It shall be unlawful for any person to perform or contract to perform for compensation a construction operation within the city limits without first having registered with the City in compliance with this Ordinance.

(2) It shall be unlawful for any person to perform for compensation a construction operation within the city limits without displaying proof of registration with the City upon request. The only acceptable proof of registration shall be a completed application that is approved and signed by the Building Official.

(3) Exception: Work done by a property owner in a building owned and occupied by the property owner as the property owner's homestead is exempt from this Ordinance.

(C) This Ordinance shall apply to persons providing construction services for projects for which a permit is required under City ordinances. Specifically, the following contractors must register with the City: General Contractors, Plumbing Contractors, Electrical Contractors, and Mechanical Contractors.

(D) Registration

(1) Registration does not substitute for any permit required by law. Nor does registration substitute for any license required by law.

(2) In order to register in compliance with this ordinance, Contractors must complete the standard Contractor Registration Application designated by the Building Official. At a minimum, the application form shall contain the following:

- (i) Applicant's Name
- (ii) Applicant's Place of Business Address
- (iii) Name of Owner
- (iv) Type of Construction Licenses Held by Applicant
- (v) License Numbers from Texas Department of Licensing & Regulation, or other applicable state or federal agencies.

- (vi) Certificate of Insurance currently in effect demonstrating a minimum general liability coverage level of **\$500,000 Individual-\$1,000,000 Residential**
- (vii) Copy of Sales Tax Certificate

- (3) Registration shall not be approved by the Building Official until the fee prescribed by the City Council has been paid. Registration fees shall be as indicated on the attached fee schedule.
- (4) Persons registered in accordance with this Ordinance shall maintain for public inspection a certificate of registration provided by the City.
- (5) Each permit issued pursuant to this Ordinance is subject to annual renewal and payment of renewal fees, as indicated on the attached fee schedule, on January 1 of each year.

(E) Enforcement

- (1) The City shall have the power to administer and enforce the provisions of this Ordinance and the codes adopted by this Ordinance as may be required by governing law. Any person violating any provision of this Ordinance or the codes herein adopted is subject to suit for injunctive relief as well as prosecution for criminal violations. Any violation of this Ordinance is hereby declared to be a nuisance.
 - (2) Any person violating any provision of this Ordinance or the codes herein adopted shall, upon conviction, be fined a sum not exceeding five hundred dollars (\$500.00). Each day that a provision of this Ordinance is violated shall constitute a separate offense. An offense under this Ordinance is a Class "C" misdemeanor.
 - (3) Nothing in this Ordinance shall be construed as a waiver of the City's right to bring a civil action to enforce the provisions of this Ordinance and the codes herein adopted, and to seek remedies as allowed by law, including, but not limited to the following:
 - i. injunctive relief to prevent specific conduct that violates the Ordinance or to require specific conduct that is necessary for compliance with the Ordinance;
 - ii. a civil penalty up to one hundred dollars (\$100.00) a day when it is shown that the defendant was actually notified of the provisions of the Ordinance and after receiving notice committed acts in violation of the Ordinance or failed to take action necessary for compliance with the Ordinance; and
- (F) If any provision of this Ordinance shall be interpreted as conflicting with or being contrary to a provision in any of the codes adopted by this Ordinance, the more stringent requirement shall govern. If in case of a conflict it is not easily discernible which provision is more stringent, the requirements stated in the text of this Ordinance shall govern.

6. REPEALER

All Ordinances or parts of Ordinances in force when the provisions of this Ordinance become effective which are inconsistent or in conflict with the terms and provisions contained in this Ordinance are hereby repealed only to the extent of any such conflict.

7. SEVERABILITY

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this Ordinance be severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this Ordinance, and the remainder of this Ordinance shall be enforced as written.

8. PROPER NOTICE AND MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code. Notice was also provided as required by Chapter 52 of the Texas Local Government Code. Upon motion duly made to approve Agenda Item 3g by Councilperson Nieto, seconded by Councilperson Rodriguez, Agenda Item 3g was approved by a vote of 4 in favor, 1 opposed, 0 abstaining, and 0 absent.



CITY OF FLORESVILLE, TEXAS:

Diana Garza
Diana Garza, Mayor

ATTEST:

Monica Cordova
Monica Cordova, City Secretary

CONTRACTOR REGISTRATION FEE SCHEDULE

<u>Type of Contractor:</u>	<u>Initial Fee:</u>	<u>Annual Renewal Fee:</u>
Electrical Contractor	\$100.00	\$100.00
Fire Protection	\$100.00	\$100.00
Sign Contractor	\$100.00	\$100.00
Fence Contractor	\$100.00	\$100.00
General Contractor	\$100.00	\$100.00
Plumbing Contractor	\$100.00	\$100.00
Foundation Contractor	\$100.00	\$100.00
Masonry Contractor	\$100.00	\$100.00
Mechanical (HVAC) Contractor	\$100.00	\$100.00
Framing Contractor	\$100.00	\$100.00
Irrigator (Landscaping)	\$100.00	\$100.00
Backflow Contractor	\$100.00	\$100.00
Roofing Contractor	\$100.00	\$100.00
Excavation/Demolition Contractor	\$100.00	\$100.00
Specialty Contractor	\$100.00	\$100.00
Other	\$100.00	\$100.00

**CERTIFICATION OF COUNCIL ACTION BY THE INTERIM CITY SECRETARY FOR THE
CITY OF FLORESVILLE, TEXAS, CONCERNING THE MEETING OF THE CITY COUNCIL
CALLED FOR 7:00 P.M., AUGUST 27, 2015, AND REFLECTING ACTION TAKEN
CONCERNING AGENDA ITEM 3.G.**

EXCERPT

AGENDA ITEM 3.g.

C&A to approve Ordinance #2015-21 Contractor Licensing & Permit Fee

Upon motion duly made to approve Agenda Item 3.g. by Councilperson Nieto,
seconded by Councilperson Rodriguez, Agenda Item 3.g. was approved by a vote of
4 in favor, 1 opposed, 0 abstaining, and 0 absent.

I, **MONICA CORDOVA**, do hereby certify that I am the City Secretary for the City of Floresville, Texas, that this certificate of Council action is executed to memorialize the action of the Council concerning the foregoing Agenda Item 3.g. that was duly approved by the City Council at its Meeting of August 27, 2015, and that the meeting was held in accordance with the City's procedures and applicable law. A true and correct copy of the posted Agenda is attached hereto and included here by reference.

To certify which, witness my hand and seal of said City of Floresville this 27th day of August, 2015.



Monica Cordova

Monica Cordova
City Secretary
City of Floresville

Attachment: Copy of posted Agenda for the August 27, 2015 Council Meeting.



1120 D STREET

FLORESVILLE, TX 78114

PHONE: (830) 393-3105 FAX: (830) 393-2056

WWW.CITYOFFLORESVILLE.ORG

REVISED

THIS REGISTRATION IS VALID FOR ONE YEAR FROM THE DATE OF ISSUANCE. REGISTRATION AND FEES MUST BE RENEWED ANNUALLY WITH THE CITY OF FLORESVILLE. FEES ARE NON-REFUNDABLE

TYPE OF CONTRACTOR LICENSE

<input type="checkbox"/> ELECTRICAL CONTRACTOR	<input type="checkbox"/> MECHANICAL (HVAC)
<input type="checkbox"/> FIRE PROTECTION	<input type="checkbox"/> ENERGY CONTRACTOR
<input type="checkbox"/> SIGN CONTRACTOR	<input type="checkbox"/> IRRIGATOR (LANDSCAPE)
<input type="checkbox"/> FENCE CONTRACTOR	<input type="checkbox"/> BACKFLOW (<i>special form required</i>)
<input type="checkbox"/> GENERAL CONTRACTOR (no fee)	<input type="checkbox"/> ROOFING CONTRACTOR
<input type="checkbox"/> PLUMBING CONTRACTOR (no fee)	<input type="checkbox"/> EXCAVATION/DEMO CONTRACTOR
<input type="checkbox"/> FOUNDATION CONTRACTOR	<input type="checkbox"/> OTHER

CONTRACTOR INFORMATION

COMPANY NAME:	PHONE:
<hr/>	
COMPANY ADDRESS:	
<hr/>	
CITY, STATE, ZIP:	
<hr/>	
LICENSEE NAME:	
<hr/>	
EMAIL:	
<hr/>	
LICENSEE NUMBER:	PHONE:
<hr/>	
ADDRESS (MAILING):	
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CITY, STATE, ZIP:	
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SIGNATURE:	DATE:
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PLEASE PROVIDE COPY OF DRIVER'S LICENSE AND STATE LICENSE & INSURANCE