

ORDINANCE NO. 2008-O-9B

AN ORDINANCE AMENDING THE BUILDING REGULATION ORDINANCE OF THE CITY OF ANGLETON ESTABLISHING REGISTRATION REQUIREMENTS FOR CONTRACTORS, SUBCONTRACTORS AND ANYONE DOING CONSTRUCTION, REPAIR, WORK, LABOR OR SERVICE TO REGISTER WITH THE CITY AND SHOW PROOF OF INSURANCE, PAYING A FEE, ESTABLISHING AN EXPIRATION DATE OF ONE YEAR FROM THE DATE OF ISSUANCE AND OTHER MATTERS; BY PROVIDING FOR A NEW SECTION TO THE BUILDING REGULATIONS TO BE NUMBERED SECTION 5-19; PROVIDING EXCEPTIONS; PROVIDING FOR A PENALTY PROVISION; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR A SEVERANCE CLAUSE AND FOR OTHER PURPOSES.

WHEREAS, THERE has been difficulty in insuring that contractors, subcontractor and anyone doing construction, repair work, labor or service to home or business owners are reputable and maintain adequate insurance, etc.; and

WHEREAS, THERE is a need to enact a registration process to insure the persons or company doing work on property in the city is insured and can be located.

NOW, THEREFORE, be it ORDAINED by the City Council of the CITY OF ANGLETON that:

SECTION 1. The Angleton Code of Ordinances hereby amended by adding Section 5-19, "REGISTRATION OF CONTRACTORS, ETC." To read as follows:

SECTION 5-19 REGISTRATION OF CONTRACTORS AND OTHERS PROVIDING CONSTRUCTION OR LABOR ON BUILDING, REMODELING, OR REPAIR TO STRUCTURES, EXCEPTIONS:

- (A) "Any person, firm, corporation or other legal entity that is required to secure a permit from or the consent of any administrative department within the corporate structure of the City of Angleton, Texas, prior to commencing any construction, repair, work, labor or service shall be required to register with the City of Angleton and furnish the appropriate department head having the authority to issue said permit, or the authority to give the necessary consent, valid certificates of insurance evidencing that said person, firm, corporation, or other legal entity has in full force and effect a valid policy of public liability insurance, to be issued by an insurance company licensed to do business in the State of Texas. The public liability insurance policy shall provide liability insurance in an amount not less than three hundred thousand dollars (\$300,000.00) for injuries in any

one accident, not less than one hundred thousand dollars (100,000.00) for injury to any one person and not less than two hundred-fifty thousand dollars (\$250,000.00) for property damage. The registration fee shall be \$50.00 and payable prior to obtaining any permit for construction work inside the city limits. Said registration fee is hereby waived between October 1, 2008 and December 31, 2008; said fee shall be required as of January 1, 2009. The registration shall be good for one year from the time of issuance and cover any permits issued during the time it is valid. The registration shall expire at the end of one year from the registration date. The valid registration shall be revoked, at any time during the year of its validity **IF** the liability insurance policy is canceled. It shall be unlawful for any person, firm, corporation or other legal entity to build, alter, repair or remodel any building, structure or concrete paving without having first registered with the building department and providing a copy of their construction liability insurance.

- (B) **EXCEPTIONS:** Home owners are exempt from the construction registration when performing their own work at or in their residence that is their lawful homestead. Any contractor or builder or other person required to register pursuant to this ordinance, shall be exempt from the registration fee if said person or company has a valid and current license with Texas Residential Construction Commission (TRCC).

SECTION 2: ENFORCEMENT. THIS NEW SECTION REGARDING REGISTRATION OF CONTRACTORS AND OTHERS PROVIDING CONSTRUCTION SERVICES IN THE CITY OF ANGLETON IS SUBJECT TO THE SAME ENFORCEMENT PROVISIONS FOR THE REMAINDER OF THE CODE OF ORDINANCES AS SET OUT IN SECTION 1-14(GENERAL PENALTY FOR VIOLATIONS OF CODE; CONTINUING VIOLATIONS) INCORPORATED HEREIN BY REFERENCE FOR ALL PURPOSES; AND IN ADDITION THERETO, THE CITY SHALL HAVE THE AUTHORITY TO STOP WORK ON ANY NONCOMPLYING *CONTRACTORS AND OTHERS PROVIDING CONSTRUCTION OR LABOR ON BUILDING, REMODELING, OR REPAIR TO STRUCTURES*, AND OR TO TEMPORARILY PROHIBIT ANY USE OF THE STRUCTURE, INCLUDING OPERATING A BUSINESS UNTIL THE OWNER/CONTRACTOR/OCCUPANT COMES INTO COMPLIANCE WITH THIS ORDINANCE.

SECTION 3: If any section or part of this Ordinance is unconstitutional, illegal, or invalid, then such unconstitutionality, illegality, or invalidity of such section or part shall in no way effect, impair, or invalidate the remaining portion thereof, but such remaining portion shall remain in full force and effect.

SECTION 4: That all ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of said conflict.

SECTION 6: This ordinance shall become effective immediately as to registration requirements, the provisions requiring a fee shall be effective as of January 1, 2009, and the penalty provision shall

be effective 10 DAYS FROM THE DATE OF PUBLICATION OF THE HEADING.

PASSED AND APPROVED THIS 23RD DAY OF SEPTMEBER, 2008

J. PATRICK HENRY, MAYOR

ATTEST:

LAURIE RODRIGUEZ, ASSISTANT CITY SECRETARY

APPROVED AS TO FORM:

KEITH VAUGHAN, CITY ATTORNEY