

CITY OF HORSESHOE BAY

ORDINANCE NO. 2020-20

AMENDMENT OF CHAPTER 3 BUILDING REGULATIONS. ARTICLE 3.03. SECTION 3.03.006(b) DEFINITIONS

Section 3.03.006 Definitions, Subsection (b) Specific is hereby amended by adding the following:
Home improvement contractor. Any provider of construction services to property owners in the City whose work includes but is not limited to roofing, remodeling, fencing, the installation and maintenance of aquatic vessels (pools and spas), decks, docks, bulkheads, seawalls and any other accessory building or accessory structure as defined in Chapter 14 Zoning, Sec. 14.02.002 Definitions.

Manufactured home contractor. Any one of the following who participate in the placement of any mobile home on a property in the City: the mobile home dealer/seller; the retailer/broker/installer with an RBI License/Number from the Texas Department of Housing and Community Affairs; the delivery company if different from the seller; the set-up company if different from the seller; the trim-out company for double-wide mobile homes if different from the seller; and the improvements contractor for water, wastewater and electric utility hook-ups, foundation/tie-downs and skirting.

AMENDMENT OF CHAPTER 3 BUILDING REGULATIONS. ARTICLE 3.03. BUILDING PERMITS

Section 3.03.010(a)(9) is hereby titled Registration of general commercial contractors and general residential contractors, sub-contractors, manufactured home contractors, irrigation contractors and home improvement contractors, and is hereby amended to read as follows:

- (9) Registration of general commercial contractors and general residential contractors, sub-contractors and irrigation contractors, manufactured home contractors and home improvement contractors
 - (A) Only registered contractors may be employed by an applicant to provide construction services on any project unless a property owner is doing his or her own construction and not employing a contractor. The property owner shall indicate on the permit application what construction the owner will be doing, if any.
 - (B) All contractors must have approved registrations on file with the city to do any construction work on any building in the city. Applications for approval of registrations shall be prepared by the development services department, which shall be responsible for the review and approval or denial of such applications, as well as continually maintaining a list of registered contractors. Registration for contractors are required to be renewed every 2 years. Registrations for sub-contractors and irrigation contractors will renew with their State required renewal dates.

- (C) Any applicant whose information cannot be verified, who has one or more court judgments against them, or whose information is found to be insufficient, unsatisfactory or incorrect, and any registration application that has, or fails to disclose a conviction for any misdemeanor or higher crime associated with any fraudulent act, theft, or act of a violent nature shall be denied by the development services director.
- (D) Any applicant whose registration is denied may appeal the determination of the development services director to the city attorney. The city attorney shall have full authority to review the determination of the development services director, and may overrule the determination of the development services director if he or she finds that approval of the registration is in the best interest of the city and its citizens.
- (E) All newly registered contractors and sub-contractors, after the date of approval of this Section, will begin registration under a probationary status. The probationary period will begin the day their first permit is issued. If the contractor receives an official notice of violation of city ordinance within the first 60 days, their probationary period is extended for an additional 60 days. If the contractor receives a second official notice of violation of city ordinance within the first 120 days, their probationary period is extended for an additional 60 days. If a third official notice of violation is received within the first 180 days, the contractor's registration will be revoked. The contractor, under this Section, must complete the permitted project as directed and no future permits will be issued to him. If no violations are received within the first 60 days, a second project may be applied for. Any registered contractor who receives 3 or more violations of city ordinances within any 180-day period will have their registration revoked, and the builder must complete any permitted projects and no future permits will be issued to him.
- (F) Registration for General Commercial Contractors and General Residential Contractors shall include:
 - (1) A completed registration application for which Development Services will use to run business profile reports and criminal background checks;
 - (2) Three (3) or more examples of previous construction and references from previous clients, or other information requested by the development services director or his/her designee; and
 - (3) Provide a Certificate of Liability Insurance showing valid coverage for the date of the application, proof of coverage for a minimum of one year from an insurance company authorized to do business in the State of Texas. If the Certificate of Liability Insurance expires, it is the responsibility of the registered contractor to renew and submit the updated Certificate of Insurance;
 - (4) Insurance Requirements to include:
 - (a) At least \$500,000 per occurrence (combined for property damage and bodily injury);

- (b) At least \$1,000,000 aggregate (total amount the policy will pay for property damage and bodily injury coverage);
- (c) At least \$500,000 aggregate for products and completed operations;
- (d) Certificate holder must be listed as follows: City of Horseshoe Bay, 1 Community Drive, Horseshoe Bay TX 78657; and
- (e) The business name and address listed on the Certificate of Liability of Insurance must match the business name and address on the registration application.

(G) Registration for sub-contractors (mechanical, electrical, plumbing) and Irrigation Contractors shall include:

- (I) A completed registration application.
- (2) A copy of the applicable state licensing board's license card and a valid driver's license.
- (3) A Certificate of Insurance with the City of Horseshoe Bay listed as a certificate owner apart from Plumbers who must provide their current insurance registered with the Texas State Board of Plumbing Examiners.
- (4) Official complaints will be reported to the applicable State Licensing Board.

(H) Registration for manufactured Home Contractors shall include:

- (1) A completed registration application for which Development Services will use to run business profile reports and criminal background checks;
- (2) Three (3) or more examples of previous manufactured homes placed on property and references from previous clients or other information requested by the development services director or his/her designee: and
- (3) A Certificate of Liability Insurance showing valid coverage for the date of the application, proof of coverage for a minimum of one year from an insurance company authorized to do business in the State of Texas. If the Certificate of Liability Insurance expires, it is the responsibility of the registered contractor to renew and submit the updated Certificate of Insurance.

(4) Insurance Requirements to include:

- (a) At least \$300,000 per occurrence (combined for property damage and bodily injury);
- (b) At least \$600,000 aggregate (total amount the policy will pay for property damage and bodily injury coverage);

- (c) Certificate holder must be listed as follows: City of Horseshoe Bay, 1 Community Drive, Horseshoe Bay TX 78657; and
- (d) The business name and address listed on the Certificate of Liability of Insurance must match the business name and address on the registration application.

(I) Registration for home improvement contractors shall include:

- (1) A completed registration application for which Development Services will use to run business profile reports and criminal background checks;
- (2) Three (3) or more examples of previous construction and references from previous clients or other information requested by the development services director or his/her designee: and
- (3) Certificate of Liability Insurance showing valid coverage for the date of the application, proof of coverage for a minimum of one year from an insurance company authorized to do business in the State of Texas. If the Certificate of Liability Insurance expires, it is the responsibility of the registered contractor to renew and submit the updated Certificate of Insurance.

(4) Insurance Requirements to include:

- (a) At least \$300,000 per occurrence (combined for property damage and bodily injury);
- (b) At least \$600,000 aggregate (total amount the policy will pay for property damage and bodily injury coverage);
- (c) Certificate holder must be listed as follows: City of Horseshoe Bay, 1 Community Drive, Horseshoe Bay TX 78657; and
- (d) The business name and address listed on the Certificate of Liability of Insurance must match the business name and address on the registration application.

EFFECTIVE DATE

This Ordinance shall be and become effective from and after its date of passage and publication as may be required by governing law.

PROPER NOTICE AND MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was adopted was open to the public 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.

ADOPTED AND APPROVED on this the 21st day of July, 2020 by a vote of the City Council of the City of Horseshoe Bay, Texas.