

CITY OF HORSESHOE BAY

ORDINANCE NO. ORD 09-10-20C

**BUILDING PERMIT ORDINANCE AMENDMENT REQUIRING THE LOCAL
REGISTRATION OF BUILDING CONTRACTORS**

**AN ORDINANCE OF THE CITY OF HORSESHOE BAY, TEXAS,
AMENDING EXHIBIT "A" OF ORDINANCE NO. 06-04-18D, THE
BUILDING PERMIT ORDINANCE, AS AMENDED, AMENDING
SECTION IV (a) (9), REQUIRING REGISTRATION OF
CONTRACTORS, SUBMITTAL OF INFORMATION FOR
VERIFICATION OF CREDENTIALS AND FOR A CRIMINAL
BACKGROUND CHECK, PROVIDING AUTHORITY FOR
PROCEDURES FOR APPROVING AND DENYING REGISTRATION
APPLICATIONS, PROVIDING FOR EFFECTIVE DATE,
REPEALER, SEVERABILITY AND FINDING OF PROPER NOTICE
AND MEETING**

WHEREAS, the City of Horseshoe Bay has adopted Ordinance No. 06-04-1 8D Building Permit Ordinance to provide requirements for issuance and enforcement of Building Permits; and

WHEREAS, the City has been relying on the Texas Residential Construction Commission and the City's Commercial Contractor Registration Form for the registration of licensed contractors; and

WHEREAS, the Texas Residential Construction Commission was the subject of Sunset Review by the 81st Texas Legislature and subsequently ordered to cease operations on September 1, 2009; and

WHEREAS, the City wants to protect homeowners and the citizens at large from unscrupulous and dangerous contractors by providing for enforcement of its existing requirements for registration of all building contractors;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF
HORSESHOE BAY, TEXAS:**

I. 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.

II. AMENDMENT TO SECTION IV (a) (9)

Section IV (a) (9) of Exhibit "A" of Ordinance 06-04-1 8D, as amended, is hereby amended to read as follows:

(9) Licensing and Registration of Contractors

(a) The name, address and day time telephone number for the Site owner and for the general contractor, who must be a Licensed Contractor and any other Licensed Contractor who will be working on the Project. Only Licensed Contractors may be employed by an Applicant to provide construction service 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 Application what construction the owner will be doing.

(b) All contractors must have approved registrations on file with the City in order 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 approved registrations. Review and approval of registration applications shall include a verification of credentials and a criminal background check. Applicants that show a clean verification of credentials, have never been subject to a court judgment regarding quality of work, and have a clean criminal background check shall be approved by the Development Services Manager. Any applicant whose information cannot be verified, that has one or more court judgments against them, or whose information is found to be incorrect, and any registration application that has 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 Manager. Any applicant may appeal the determination of the Development Services Manager to the City Council. The City Council shall have full authority to review the determination of the Development Services Manager, and may overrule the determination of the Development Services Manager if the City Council finds that approval of the registration is in the best interest of the City and its citizens.

III. EFFECTIVE DATE

This Ordinance shall be and become effective immediately upon and after its passage and publication as may be required by governing law.

IV. REPEALER

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

V. SEVERABILITY

Should any part, sentence or phrase of this Ordinance be determined to be unlawful, void or unenforceable, the validity of the remaining portions of this Ordinance shall not be adversely affected. No portion of this Ordinance shall fail or become inoperative by reason of the invalidity of any other part. All provisions of this Ordinance are declared to be severable.

VI. 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 20th day of October, 2009 by a vote of the City Council of the City of Horseshoe Bay, Texas.

CITY OF HORSESHOE BAY, TEXAS

/S/

Robert W. Lambert, Mayor

Attest:

/S/

Teresa L. Moore, City Secretary