

CITY OF SEGUIN

ORDINANCE NO. _____

STATE OF TEXAS

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SEGUIN, TEXAS AMENDING THE CODE OF ORDINANCES, CHAPTER 18- BUILDING AND BUILDING REGULATIONS, ARTICLE II, BUILDING CODES, SECTION 18-35, QUALIFICATIONS FOR LICENSE OR REGISTRATION, REPEALING SECTION 18-39, RECIPROCAL LICENSES, AND REPLACING SECTION 18-39, WITH ROLES AND RESPONSIBILITIES FOR LICENSED CONTRACTORS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION; PROVIDING FOR AN EFFECTIVE DATE; AND AUTHORIZING STAFF TO PREPARE THIS ORDINANCE FOR SUBMISSION AS A SUPPLEMENT TO THE CODE OF ORDINANCES

WHEREAS, City staff has spent an inordinate amount of time working with a few licensed contractors who are continually attempting to bend city rules; and

WHEREAS, in order to clarify city procedures and define the role of the city's licensing process city staff is recommending changes to its ordinances; and

WHEREAS, in order to protect its citizens and provide a fair process the Seguin City Council desires to clarify the roles and responsibilities for contractors licensed by the city.

NOW THEREFORE BE IT ORDAINED by the City Council of the City of Seguin, Texas

PART ONE. Chapter 18- Buildings and Building Regulations, Article II- Building Codes, Section 18-35, Qualifications for license or registration, of the Seguin Code of Ordinances is hereby amended as follows (underlining indicates added text, ~~striketrough~~ indicates deleted text):

Sec. 18-35. - Qualifications for license or registration.

(a) *Residential contractor.* This designation applies to construction limited to one- and two-family dwellings, ~~swimming pools~~, fencing, and remodeling, moving, and accessory buildings. This designation also applies to the installation and site setup of modular, manufactured, and prefabricated residential buildings. A person applying for a residential contractor's license shall provide verifiable documentation of passing the required ICC examination for the license with the minimum of \$300,000.00 liability insurance for residential contractor. ~~A person may obtain a residential contractor license without passing the examination if he has a license from a reciprocating jurisdiction under~~ section 18-39.

(b) ~~General~~ Commercial *contractor.* This designation applies to construction limited to multifamily dwellings, office buildings, shopping centers, restaurants and similar structures. A person applying for a ~~general-commercial~~ contractor's license shall provide verifiable documentation of passing the required examination for the license with the minimum of \$1,000,000.00 liability insurance for contractor commercial. ~~A person may obtain a general~~

~~contractor license without passing the examination if he has a license from a reciprocating jurisdiction under [section 18-39](#).~~

(c) Residential Restricted Contractor. This designation applies to the installation and site setup of modular homes, manufactured homes, and prefabricated portable storage buildings (not site built), and the construction of awnings, decks, and fencing. A person applying for a residential restricted contractor's license shall provide the minimum of \$300,000.00 liability insurance for residential restricted contractor. This person shall be required to attend the contractor's continuing education classes presented by the city required for license renewal. A Residential Restricted Contractor shall also comply with Section 18-39 of this Code.

(d_e) Maintenance person. This designation applies to maintenance of existing buildings or structures. A person applying for a property maintenance person registration shall have a letter from the property owner he is working under. The letter is to be on company letterhead and show maintenance personnel's information, address, license number and phone number.

(e_d) Roofing contractor. This designation applies to the installation of new roofing or replacement of roofing systems, not to include any structural components of the building structure. A person applying for a roofing contractor's license shall satisfy the minimum of \$300,000.00 liability insurance for a residential license and a minimum of \$1,000,000.00 liability insurance for a commercial license. License fees shall be set per appendix C; article II, building codes; (a) contractor's license.

PART TWO. Chapter 18, Buildings and Building Regulations, Article II- Building Codes, Section 18-39, Reciprocal Licenses, of the Seguin Code of Ordinances is hereby repealed in its entirety.

PART THREE. The Seguin Code of Ordinances, Chapter 18, Buildings and Building Regulations, Article II, Building Codes is hereby amended by the addition of a new Section 18-39 to read as follows:

Sec. 18-39. Roles and Responsibilities of the Licensed Contractor

(a) The contractor that holds a license with the City of Seguin and applies for a building permit for construction is deemed the prime contractor on all construction activities related to the permit.

(b) Prime Contractor shall be defined as the contractor with the main responsibility for the construction project under contract, and is the party signing the prime construction contract for the project directly with the owner of the project. It is an individual, partnership, corporation, or other business entity that is capable of performing construction work as a contractor with overall responsibility for the satisfactory completion of a project using its own forces to perform or supervise the work.

(c) The prime contractor may hire and retain subcontractors to perform specialty work on the construction project under the direction of the prime contractor. Subcontractors are to be paid directly by the prime contractor. At no time shall a subcontractor receive direct payment from or work under the direction of the owner of the project.

(d) The owner of the construction project or property may apply for a building permit and serve as the prime contractor for his own project or property only if he/she is a licensed contractor registered with the city of Seguin. The owner of a construction project may not serve as a subcontractor for any project or property he/she owns.

(e) All requests for city building inspections shall be made by the prime contractor or an employee of the prime contractor for the project.

PART FOUR. All ordinances and resolution or parts of ordinances or resolutions in conflict with this ordinance are repealed.

PART FIVE. This ordinance shall be prepared for submission as a supplement to the Code of Ordinances.

PART SIX. This ordinance shall be effective upon ten (10) days following passage on second reading and shall be published in a newspaper of general circulation.

PASSED AND APPROVED on the first reading this 21st day of February, 2017

PASSED AND APPROVED AND ADOPTED on the second reading this 7th day of March, 2017.

DON KEIL
Mayor

ATTEST:

Naomi Manski
City Secretary