

**City Council
Agenda Memo**



TO: Larry D. Gilley, City Manager

**City Council
Meeting Date: 3/27/14**

FROM: Jon C James, AICP, Director of Planning & Development Services

SUBJECT: Second Reading of Amendments Updating Bond Amount Requirements and Updating References in Mechanical, Plumbing and Electrical Licensing Definitions and calling for a public hearing 3/27/14.

GENERAL INFORMATION

The bond amounts in referenced in Chapter 8 “Construction Regulations” are inconsistent with the amounts required in the adopted international codes and pamphlets as they have been updated through the years. By removing the dollar amounts from the Chapter 8, Sections 8-16 and 8-718, any bond amount later revised and updated in the adopted international codes and pamphlets will not conflict with Sections 8-16 and 8-718.

There is a need to update state law references with regard to electrical, mechanical and plumbing licensing definitions.

STAFF RECOMMENDATION

Approval.

BOARD OR COMMISSION RECOMMENDATION

None.

ATTACHMENTS

Enacting Ordinance and Exhibits “A, B and C” – Amended Ordinance

Prepared by:

Name David Sartor

Title Building Official

Item No. 7.2

Disposition by City Council

- Approved Ord/Res# _____
- Denied _____
- Other _____

City Secretary

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ABILENE AMENDING (1) CHAPTER 8 “CONSTRUCTION REGULATIONS”, ARTICLE I “IN GENERAL”, DIVISION 2 “BONDS”, SECTION 8-16 “BOND REQUIRED OF CONTRACTORS”; (2) CHAPTER 8 “CONSTRUCTION REGULATIONS”, ARTICLE VII “MOVING BUILDINGS”, DIVISION 2 “BOND”, SECTION 8-718 “BOND REQUIRED”; AND (3) CHAPTER 8 “CONSTRUCTION REGULATIONS”, ARTICLE IV “LICENSES”, DIVISION 1 “GENERALLY”, SECTION 162 “DEFINITIONS” OF THE CITY OF ABILENE CODE OF ORDINANCES, IN THEIR ENTIRETY AS SET OUT BELOW, PROVIDING A SEVERABILITY CLAUSE; DECLARING A PENALTY; AND CALLING FOR A PUBLIC HEARING.

WHEREAS, the current provisions of Section 8-16, “Bonds required of contractors” and Section 8-718 “Bond required” are inconsistent with the current bond amounts required by the Article VI codes; and

WHEREAS, the current provisions of Section 8-162, “Definitions” are inconsistent with the state licensing requirements for electrical, mechanical, and plumbing licensing; and

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

- PART 1:** That Chapter 8 “Construction Regulations”, Article I “In General”, Division 2 “Bonds”, Section 8-16 “Bond required of contractors” of the Code of Ordinances, City of Abilene, Texas, is hereby replaced as set out in Exhibit A, attached and made a part of this ordinance for all purposes.
- PART 2:** That Chapter 8 “Construction Regulations”, Article VII “Moving Buildings”, Division 2 “Bond”, Section 8-718 “Bond required” of the Code of Ordinances, City of Abilene, Texas, is hereby replaced as set out in Exhibit B, attached and made a part of this ordinance for all purposes.
- PART 3:** That Chapter 8 “Construction Regulations”, Article IV “Licenses”, Division 1 “Generally”, Section 8-162 “Definitions” of the Code of Ordinances, City of Abilene, Texas, is hereby replaced as set out in Exhibit C, attached and made a part of this ordinance for all purposes.
- PART 4:** That if the provisions of any section, subsection, paragraph, subdivision or clause of this ordinance shall be adjudged invalid by a court of competent jurisdiction, such judgment shall not effect or invalidate the remainder of

any section, subsection, paragraph, subdivision, or clause of this ordinance.

PART 5: That any person, firm, or corporation violating the provisions of this Ordinance shall be deemed to have committed a misdemeanor, and upon conviction thereof shall be fined in accordance with Chapter 1 (Section 1-9) of this Code.

PART 6: That any person, firm or corporation violating any of the provisions of this chapter, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not more than Two Thousand Dollars (\$2,000). Each day such violation shall continue or be permitted to continue, shall be deemed a separate offense. Said ordinance being a penal ordinance, becomes effective ten (10) days after its publication in the newspaper, as provided by Section 19 of the Charter of the City of Abilene.

PASSED ON FIRST READING this 13th day of March, 2014.

A notice of the time and place, where and when said ordinance would be given a public hearing and considered for final passage was published in the Abilene Reporter-News, a daily newspaper of general circulation in the City of Abilene, said publication being on the 23rd day of March, 2014, the same being more than 24 hours prior to a public hearing being held in the Council Chamber of City Hall in Abilene, Texas, at 8:30 a.m. on the 27th day of March, 2014, to permit the public to be heard. Said Ordinance, being a penal ordinance, becomes effective ten (10) days after its publication in the newspaper, as provided by Section 19 of the Charter of the City of Abilene.

PASSED ON SECOND AND FINAL READING this 27th day of March, 2014.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

EXHIBIT A

Sec. 8-16. Bond required of contractors.

Any person desiring to engage in the business of a general contractor or engage in the business of altering, repairing, constructing or removing houses or buildings or any construction work generally followed by building contractors in the city shall first file with the building inspector of the city, a surety bond in the ~~penal sum of one thousand dollars (\$1,000.00)~~ amount required by the governing code applicable to the contractor, to be approved by the city manager, payable to the city and conditioned on a faithful performance of all of the provisions and regulations of the building code, this chapter and all other ordinances of the city, and the surety on such bond shall be a company authorized to transact business in the state.

EXHIBIT B

Sec. 8-718. Bond required.

A bond is required in accordance with Section 8-16.

~~(a) — The permittee shall execute a bond in the amount of ten thousand dollars (\$10,000.00) to the city to be approved by the building official, and executed by a surety company duly authorized to transact such business in the State of Texas. Such bond shall be conditioned that the principal will pay any damages, which may accrue to persons as well as the city, on account of moving of such houses or structures along and across the public streets, alleys and highways, and damages to the water and sewer lines of the city, whether such damage is inflicted by the principal or his agents or employees; that the principal will save and keep the city harmless against all liabilities, judgments, costs and expenses which may in anywise accrue against the city in consequence of granting a license or permit under this article; and that the principal will strictly comply with the conditions of his permits or license and this Code and any other ordinances of the city. Any person sustaining damage because of the moving of such houses or structures may, with the consent of the city council, sue on such bond without joinder of the city as plaintiff.~~

~~(b) — Such bond shall be filed in the office of the building official.~~

EXHIBIT C

Sec. 8-162. Definitions.

[The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:]

Electrical license is authorization issued by the State of Texas under the provisions set out in the Electrical Code of the City of Abilene pursuant to the Electrical Safety and Licensing Act, Texas Occupations Code, Chapter 1305, and as amended. ~~allowing an individual to perform work which is controlled by the city electrical code.~~

Mechanical license is authorization issued by the State of Texas pursuant to the Air Conditioning and Refrigeration Contractor License Law, Texas Occupations Code, Chapter 1302, and as amended. ~~allowing an individual to install air conditioning, heating and ventilating systems or their components.~~

Plumbing license is a license issued by the State of Texas pursuant to the Plumbing License Law, Texas Occupations Code, Chapter 1301, and as amended. ~~under the provisions of Article 6243.101, Vernon's Texas Civil Statutes, as amended, (known as "The Plumbing License Law of 1974").~~

Registration is a contractor's registration obtained from the city.