

**CITY OF LUMBERTON, TEXAS  
ORDINANCE NO. 21-1259**

**AN ORDINANCE OF THE CITY OF LUMBERTON, TEXAS AMENDING CHAPTER 6 (BUILDINGS AND BUILDING REGULATIONS) OF THE CITY'S CODE OF ORDINANCES; REQUIRING CONTRACTOR REGISTRATION AND PERMIT BOND OR COMMERCIAL GENERAL LIABILITY INSURANCE; A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR CODIFICATION; FINDING AND DETERMINING THAT THE MEETING AT WHICH THE ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City of Lumberton, Texas is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

**WHEREAS**, in addition to the series of laws enacted by the Texas legislature providing standards for residential and commercial buildings constructed in the state, the City has adopted specific international building codes as well as local amendments for enforcement as found in Chapter 6 of the City's Code of Ordinances; and

**WHEREAS**, the City Council has determined that for the protection, safety and welfare of the citizens, all contractors providing construction services within the city for which a permit is required shall be required to maintain an annual registration with the City along with a contractor's permit bond or commercial general liability insurance.

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

**Section 1. Findings of Fact.** The above and foregoing recitals are hereby found to be true and correct and are incorporated herein as findings of fact.

**Section 2. Code Amendment.** That the City of Lumberton Code of Ordinances, Chapter 6, Buildings and Building Regulations, is hereby amended to include a new section 6-2 to read as follows:

## **City of Lumberton**

### **Chapter 6 – BUILDINGS AND BUILDING REGULATIONS**

Sec. 6-2 – Permit Requirements.

(a) *Application for permit.* To obtain a permit, the applicant shall first file an application therefor in writing on a form furnished by the city for that purpose. Such application shall be signed by the owner, or his/her authorized agent. The application shall indicate the proposed occupancy of all parts of the building and of that portion of the site or lot, if any, not covered by the

building or structure, and shall contain such other information as may be required by the city officials.

(b) Contractor's registration required.

(1) It shall be the duty of every contractor or builder who shall make contracts and/or receive payment for the construction or repair of buildings for which a permit is required, and every contractor making such contracts and subletting the same, or any part thereof, to register with the city. The registration must be renewed annually from each date of issuance.

(2) Registration fees shall be as established by ordinance from time to time.

(3) A contractor's permit bond or commercial general liability insurance shall be required under the provisions of this section.

A. Insurance or bond required.

I. All persons, firms, and corporations performing construction, installation, or repair work on buildings, structures, trades systems, or any other improvements or demolition shall file with the city clerk, as part of his or her contractor registration application, proof of either: (1) a permit bond in the amount of ten thousand dollars (\$10,000.00) or ten (10) percent of the project valuation, whichever is greater; or (2) general liability insurance in the following amounts:

i. Three hundred thousand dollars (\$300,000.00) per occurrence and six hundred thousand dollars (\$600,000.00) aggregate combined for property damage and bodily injury, and

ii. Three hundred thousand dollars (\$300,000.00) aggregate for products and completed operations.

II. Requirements for permit bond. In the event a contractor elects to submit a permit bond, the bond required by this subsection shall be written by an accredited company licensed to do business in the state of Texas and shall be required for each permitted project. The bond shall be made for the benefit of any person dealing with the contractor and conditions upon which the contractor shall faithfully perform the duties and comply with the ordinances of the city pertaining to the permit applied for. The contractor is responsible for notifying the city in writing of any material alteration or substantial reduction of in coverage of the bond or any cancellation at least thirty (30) days prior thereto. Failure to notify the city of any material change or cancellation will result in the immediate revocation of the building permit.

III. Requirements for insurance. In the event a contractor elects to submit proof of commercial general liability insurance, the insurance required by this subsection shall be written by an accredited company licensed to do business in the state of Texas. Contractor shall file with the city clerk, certificate(s) of insurance evidencing the required coverage and endorsements and, upon request, a certified duplicate original of any required policy. The contractor is responsible for notifying the city in writing of any material alteration or substantial reduction of policy limits or any cancellation at least thirty (30) days prior thereto. Failure to notify the city of any material change or cancellation will result in the immediate revocation of the building permit.

**Section 3.** Cumulative. This ordinance shall be cumulative of all provisions of ordinances and of the Code of the City of Lumberton, Texas, as amended, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances and such Code, in which event conflicting provisions of such ordinances and such Code are hereby repealed.

**Section 4.** Savings Clause. All rights and remedies of the City of Lumberton are expressly saved as to any and all violations of the provisions of any ordinances affecting the adopted ordinances within the City which have accrued at the time of the effective date of these ordinance amendments; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by these ordinance amendments but may be prosecuted until final disposition by the courts.

**Section 5.** Severability. Should any section or part of this ordinance be held unconstitutional, illegal, or invalid, or the application to any person or circumstance thereof ineffective or inapplicable, such unconstitutionality, illegality, invalidity, or ineffectiveness of such section or part shall in no way affect, impair or invalidate the remaining portion or portions thereof, but as to such remaining portion or portions, the same shall be and remain in full force and effect and to this end the provisions of this ordinance are declared to be severable.

**Section 6.** Conflicting Ordinances. All ordinances or parts thereof conflicting or inconsistent with the provisions of this ordinance as adopted and amended herein, are hereby amended to the extent of such conflict. In the event of a conflict or inconsistency between this ordinance and any other code or ordinance of the City, the terms and provisions of this ordinance shall govern.

**Section 7.** Effective Date. This ordinance shall take effect upon adoption.

**Section 8.** Open Meetings. It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551, Texas Government Code.

#### CERTIFICATE

I hereby certify that the foregoing was presented to the City Council for the City of Lumberton, Texas during a meeting on the 9th day of August, 2021 for a first reading and again on the 23rd day of August 2021 for a second reading. A quorum of the City Council being then present at both readings, it was then duly moved and seconded that the resolution be adopted, and such resolution was then adopted.

PASSED, APPROVED AND ADOPTED BY THE CITY COUNCIL FOR THE CITY OF LUMBERTON, TEXAS, on the 23rd day of August, 2021.

By: \_\_\_\_\_  
Don Surratt, Mayor  
City of Lumberton, Texas

ATTEST:

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Susan Collins, City Secretary