

ORDINANCE NO. 400

AN ORDINANCE AMENDING CHAPTER 5, BUILDING AND BUILDING CODE, OF THE WINDCREST CODE OF ORDINANCES BY ADOPTING A NEW SUBCHAPTER 5.1900 ENTITLED REGISTRATION OF CERTAIN CONTRACTORS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WINDCREST, TEXAS that Chapter 5, Building and Building Code, of the Windcrest Code of Ordinances is hereby amended by adopting the following Subchapter 5.1900:

"Subchapt. 5.1900 REGISTRATION OF CERTAIN CONTRACTORS
Sec. 5.1901 DEFINITIONS

Contractor shall mean any person or entity who enters into an oral or written contract with the owner or occupant of real property within the city limits of Windcrest to (1) construct, repair, replace, remodel, add to, alter, convert, or modernize a structure, or (2) provide maintenance services for real property, including specifically but not limited to painting, lawn maintenance, tree trimming and power washing.

Sec. 5.1902 REGISTRATION OF CONTRACTORS

No Contractor shall render services for compensation within Windcrest unless such Contractor has registered as a Contractor with the City. Registration shall be on a form prepared by the Windcrest Building Inspector of the city and shall include the following information and any other information deemed appropriate by the Windcrest Building Inspector:

- a. name of Contractor;
- b. company name, if different from name of Contractor;
- c. mailing address;
- d. telephone number;
- e. principal owner's name and mailing address;
- f. principal owner's driver's license (copy);
- g. name of person or persons authorized to obtain permits;
- h. authorized person's driver's license (copy);
- i. name of person or persons performing work;
- j. worker's driver's license.

Sec. 5.1903 REGISTRATION DENIAL OR REVOCATION

The registration of a Contractor may be denied or revoked by the Windcrest Building Inspector if the registration is issued on the basis of false information. Furthermore, the registration of a Contractor may be revoked for a period of one (1) year by the Windcrest Building Inspector if a Contractor knowingly violates Chapter 5 of the Windcrest Code of Ordinances. If a Contractor wishes to appeal a registration denial or revocation, the Contractor shall file a written notice of appeal in the office of the Windcrest Building Inspector within ten (10) days of receipt of the notice of denial or revocation of registration. An appeal hearing shall be

held by the City Administrator as soon as practicable after a Contractor files a written notice of appeal. After the hearing, the Contractor shall be notified in writing of the determination of the City Administrator.

Sec. 5.1904 REGISTRATION FEES

At the time an application for registration of a Contractor is submitted to the City, an annual fee of \$50.00 shall accompany the application if the Contractor performs services for which no permit is required, or \$100.00 if the Contractor performs services for which a permit is required. It shall be the responsibility of Contractors to timely renew registrations.

Sec. 5.1905 EXEMPTIONS FOR OWNERS AND OCCUPANTS

An owner or occupant of residential property in the city shall not be required to register as a Contractor when performing services on his or her own property or on property in which he or she resides. If such owner or occupant is assisted by any other person for remuneration, the other person or entity shall register as required in the Subchapter. The exemption for registration by owners and occupants does not excuse compliance with all other permit and building requirements of Chapter 5 of the Windcrest Code of Ordinances.

Sec. 5.1906 CONTRACTOR'S BOND

No Contractor who is required to obtain a permit shall render services for compensation within the city unless the Contractor has on file with the city a performance bond in the sum of TEN THOUSAND DOLLARS (\$10,000.00) conditioned upon such Contractor's compliance with Chapter 5 of the Windcrest Code of Ordinances and performance of the Contractor's work in a good and workmanlike manner. The Contractor's bond shall be in the following form:

CITY OF WINDCREST CONTRACTOR'S BOND

STATE OF TEXAS

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF BEXAR

That we _____, as principal, and _____, as surety, are held and firmly bound unto the City of Windcrest and such persons who may contract with the principal for services for compensation within the City in the penal sum of TEN THOUSAND DOLLARS (\$10,000.00), for the payment of which sum, well and truly to be made, we hereby bind ourselves, our heirs, executors and administrators, jointly and severally, firmly by these presents.

The condition of this obligation is that the principal will duly comply with the building and construction ordinances of the City of Windcrest, will pay all fines imposed by the municipal court for violation of any said ordinances, will comply with an injunction issued for the enforcement

thereof and will pay all damages assessed by a court for the failure of the principal to perform such services in a good and workmanlike manner.

If the principal shall well and truly comply with the building and construction ordinances of the City of Windcrest and pay all fines imposed upon him or it by the municipal court for violation thereof, and comply with all injunctions relating thereto, and pay all damages assessed by a court for failure to perform such services in a good and workmanlike manner, then this obligation shall be null and void, otherwise it shall remain in full force and effect.

This bond and obligation shall continue in full force and effect for one (1) year from the date of its approval by the Windcrest Building Inspector and shall be subject to successive recoveries within the sum above limited.

PRINCIPAL

Address: _____

SURETY

Address: _____

Sec. 5.1907 RETENTION OF WRITTEN COMMUNICATIONS

The Windcrest Building Inspector shall maintain a file for each registered Contractor for a period of three (3) years from the initial registration date of the Contractor into which any communications received in writing by the city shall be placed. The written communications in a Contractor's file shall be available for review by the public in the manner in which all public records are available. A Contractor may respond in writing to written complaints made against such Contractor for retention in the Contractor's file. The city shall not intervene in disputes between complainants and Contractors concerning good and workmanlike work, but shall merely act as a repository of information submitted in writing concerning registered Contractors.

Sec. 5.1908 PENALTIES

No Contractor shall perform services in the City of Windcrest unless such Contractor is registered with the city as hereinabove required, and, if required, has on file an approved Contractor's Bond as hereinabove provided. Any person, firm or entity who shall violate any provision of this Subchapter shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in accordance with this Code, and shall furthermore be subject to injunctive relief to enforce compliance with this Subchapter."

PASSED and APPROVED this 16th day of September, 2002.