

Ordinance No. 2015-012

**“Contractor Certification”**

**AN ORDINANCE OF THE CITY OF WIMBERLEY, TEXAS, AMENDING TITLE XI (BUSINESS REGULATIONS), AND CREATING A NEW CHAPTER 113 (CONTRACTOR CERTIFICATION); AND PROVIDING FINDINGS OF FACT, EMERGENCY, A REPEALING CLAUSE, SAVINGS, SEVERABILITY, PROPER NOTICE AND MEETING, AND AN EFFECTIVE DATE.**

WHEREAS, as a result of the May 2015 floods, the City of Wimberley has been declared a state and federal disaster area; and

WHEREAS, the City Council finds that flood victims may be vulnerable to scams by unscrupulous contractors; and

WHEREAS, the Council finds that one way to protect its citizens from such scams is through public education and the provision of information; and

WHEREAS, the Council finds that the regulations in this ordinance will enhance public safety and education by requiring contractors in a post-disaster setting to register with the city so that the city can make such registration information available to the public; and

WHEREAS, the Council hereby finds that an emergency exists because the matters addressed by this ordinance are of urgent public necessity;

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

**SECTION 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.

**SECTION II. AMENDMENTS**

The City of Wimberley Code of Ordinances, Title XI (Business Regulations), is hereby amended to add a new Chapter 113 as follows:

## “ CHAPTER 113. CONTRACTOR CERTIFICATION

### § 113 EMERGENCY CONTRACTOR CERTIFICATION

All contractors seeking to provide clean-up, repair, or construction services within areas that have experienced disaster damage must register and obtain a permit from the City using the following process:

- A. **Application for Contractor Certification.** Contractors must apply for Contractor Certification at City Hall within the hours identified by the City.
- B. **Definitions.**
1. Contractor means any person, firm, partnership, corporation, association or other organization, or any combination of any thereof, who performs clean-up, repair, or construction services within a disaster-damaged area in exchange for financial compensation.
  2. Disaster-damaged area means any property within the City of Wimberley that requires clean-up, repair, or construction services as a result of the Memorial Day Weekend 2015 floods.
- C. **Application Requirements.** Contractors seeking certification must submit information on forms provided by the City and any necessary attachments that includes the following:
1. The contractor’s business name, business contact information, address, telephone number, and, the name and address of the contractor’s registered agent (if applicable).
  2. For trade contractors, proof of licensing for their respective trades through the state contractors’ licensing agency of the state within which their business is located and proof of minimum insurance required by the state.
  3. For all other contractors who seek to perform projects with a scope of work that exceeds a cost of \$2,000, proof of a general liability insurance policy for an amount not less than \$1,000,000.
  4. A list of three (3) references, including name of reference, contact information, date work was performed, and brief description of type of work performed.
  5. A list of all agents or employees of the Contractor who will be performing work in the City.

6. Such other information that the City may require.

**D. Enforcement.**

1. Proof of certification will be a permit issued by the city for any contractor performing clean-up, repair, or construction services within disaster-damaged areas. The permit must be displayed at all times at a location that is clearly visible from the street on which the contractor is performing services.
2. It shall be a violation of this ordinance for any contractor to fail to register as provided by this ordinance prior to performing clean-up, repair, or construction services within disaster-damaged areas.
3. It shall be a violation of this ordinance for any contractor to perform clean-up, repair, or construction services within disaster-damaged areas without first displaying a city-issued permit as required by this ordinance.
4. The City may suspend or revoke a permit under this ordinance if it determines that the applicant supplied false information.”

**SECTION III. EMERGENCY**

Because the matters addressed by this ordinance are of urgent public necessity, the Council hereby dispenses with the requirement under section 30.15 of the City of Wimberley Code of Ordinances that each ordinance that imposes a penalty, fine, or forfeiture have two separate readings.

**SECTION IV. SAVINGS**

The repeal of any ordinance or part of ordinances effectuated by the enactment of this Chapter shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying or altering any penalty accruing or to accrue, or as affecting any rights of the City under any section or provisions of any ordinances at the time of passage of this Chapter.

**SECTION V. SEVERABILITY**

Should any sentence, paragraph, subdivision, clause, phrase, or section of this Chapter be adjusted or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this Chapter in whole or any part or provision thereof, other than the part so declared to be invalid, illegal or unconstitutional.

## SECTION VI. REPEALER

The provisions of this Chapter shall be cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein; provided, however, that all prior ordinances or parts of ordinances inconsistent or in conflict with any of the provisions of this Chapter are hereby expressly repealed to the extent that such inconsistency is apparent. This Chapter shall not be construed to require or allow any act that is prohibited by any other ordinance.

## SECTION VII. EFFECTIVE DATE

This Chapter shall take effect immediately from and after its passage and publication as may be required by law.

## SECTION VIII. PROPER NOTICE AND MEETING

It is hereby officially found and determined that the meeting at which this Chapter was 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 of the Texas Government Code.

PASSED AND APPROVED this 18<sup>th</sup> day of June, 2015.



Steve Thurber  
Mayor

ATTEST:



Cara McPartland,  
City Secretary

APPROVED AS TO FORM:

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Catherine Fryer,  
City Attorney

