

ORDINANCE NO. 2019-46

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS AMENDING THE BASTROP CITY CODE OF ORDINANCES, CHAPTER 3, ARTICLE 3.01 – “GENERAL PROVISIONS,” SECTION 3.01.002 “BOND AND INSURANCE REQUIREMENTS”; AND PROVIDING FOR FINDINGS OF FACT, ENACTMENT, ENFORCEMENT, A REPEALER, AND SEVERABILITY; ESTABLISHING AN EFFECTIVE DATE; AND PROPER NOTICE AND MEETING.

WHEREAS, the City Council reviews its codes from time to time and identifies regulatory provisions that could create unnecessary fees to be passed on to citizens and businesses; and

WHEREAS, all contractors and/or subcontractors obtaining a permit from the city must be able to provide commercial general liability insurance as required by Ordinance.

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

SECTION 1. FINDINGS OF FACT The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.

SECTION 2. ENACTMENT That Chapter 3 of the Bastrop Code of Ordinances, Article 3.01 “General Provision”, Section 3.01.002 “Bond and Insurance Requirements” shall be amended in its entirety to read as follows:

Sec. 3.01.002 - ~~Bond and~~ Insurance requirements for contractors and subcontractors.

- (a) ~~No contractor and/or subcontractor not specifically listed in subsection (b) below, who is required to obtain a permit from the city, shall be eligible to work within the corporate limits or utility service area of the city without first providing a bond in the amount of \$10,000 and executed by a surety company satisfactory to the city, and conditioned that the individual or firm shall faithfully perform its duties and in all things comply with the provisions of this chapter, including all amendments thereto, pertaining to the license or permit applied for. Removed.~~
- (b) **No contractor and/or subcontractor**, including electrical, mechanical or plumbing contractor or subcontractor, who is required to obtain a permit from the city shall be eligible to work within the corporate limits or utility service area of the city without first providing a certificate of insurance, satisfactory to the city, that provides for commercial general liability insurance of at least \$200,000 combined for property damage and bodily injury, \$200,000 aggregate and \$200,000 aggregate for products and completed operations, which policy covers all employees and/or subcontractors.
- (c) The terms "contractor" and "subcontractor" as used in this section shall mean individuals or firms who have contracted or agreed, as "independent contractors," to perform construction, excavation, electrical, plumbing, mechanical, roofing, or other construction work on real property owned by persons or entities other than the contractor or subcontractor. Property owners, or their employees, may obtain permits for work that is to be completed by the property owners or their employees on real property owned by them without providing the bonds or insurance required as set out above. The city may require proof of property

ownership and/or employment status from individuals or entities seeking to qualify for this exemption.

- (d) Consulting services fees and related charges incurred by the city shall be paid in accordance with the fees set forth in section A3.01.002 of appendix A

SECTION 3. REPEALER In the case of any conflict between other provisions of this Ordinance and any existing Ordinance of the City, the provisions of this Ordinance will control.

SECTION 4. SEVERABILITY If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, that invalidity or the unenforceability will not affect any other provisions or applications of this Ordinance that can be given effect without the invalid provision.

SECTION 5. ENFORCEMENT The City shall have the power to administer and enforce the provisions of this ordinance as may be required by governing law. Any person violating any provision of this ordinance is subject to suit for injunctive relief as well as prosecution for criminal violations, and such violation is hereby declared to be a nuisance.

Nothing in this ordinance shall be construed as a waiver of the City's right to bring a civil action to enforce the provisions of this ordinance and to seek remedies as allowed by law and/or equity.

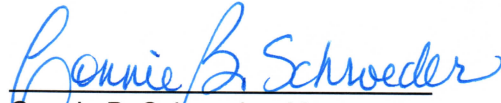
SECTION 6. EFFECTIVE DATE This Ordinance shall be effective immediately upon passage and publication.

SECTION 7. OPEN MEETINGS It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551.

READ and APPROVED on First Reading on the 24th day of September 2019.


READ and ADOPTED on Second Reading on the 22nd day of October 2019.

APPROVED:




Connie B. Schroeder, Mayor

ATTEST:



Ann Franklin, City Secretary

APPROVED AS TO FORM:



Alan Bojorquez, City Attorney