



**"City of Choice"**

Ordinance Number 1042

AN ORDINANCE AMENDING CHAPTER 14, ARTICLE III, DIVISION 2 OF THE CITY OF CIBOLO'S CODE OF ORDINANCES TO REQUIRE RESIDENTIAL CONTRACTORS TO FILE A SURETY BOND, SETTING REQUIRED AMOUNT OF BOND AND PROVIDING PROCEDURES FOR FILING ON THE BOND; PROVIDING LEGISLATIVE FINDINGS IN SUPPORT THEREOF; PROVIDING FOR SEVERABILITY, THE REPEAL OF CONFLICTING ORDINANCES AND REGULATIONS AND AN EFFECTIVE DATE

WHEREAS, the City of Cibolo's Code of Ordinances currently includes regulations governing building construction standards and related requirements of builders seeking to construct residential and other types of structures in the City of Cibolo and these regulations serve to ensure the greatest amount of protections to property owners and homebuyers for their health, safety and welfare; and

WHEREAS, the City Council has determined that it is in the best interest of the citizens, property owners and homebuyers who construct residential buildings in the City of Cibolo to amend the City's Code of Ordinances' regulations to include a requirement that all residential contractors secure and file a surety bond in the amount of twenty-five thousand dollars (\$25,000) as an additional protection for homebuyers and property owners to fully ensure that defective construction of residential buildings is remedied at the least possible expense to the homebuyer or property owner.

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

I.

CHAPTER 14 OF THE CODE OF ORDINANCES AMENDED

SECTION 1. Chapter 14, Art. III, Division 2 of the Cibolo Code of Ordinances is hereby amended as follows:

Sec. 14-93. – Registration requirements.

- (1) Contractors, general.
  - a. Registration requirements. The contractor must complete a registration form & hold the appropriate license or equivalent issued by the State of Texas.
  - b. Insurance requirements. Where required by state law the contractor must hold the appropriate amount of insurance as required by the State of Texas and

provide proof of insurance to the city. Contractors not required to hold specific insurance by the State are required to obtain at least \$1,000,000.00 of General liability insurance with completed operations.

c. Surety bond requirements. A residential contractor shall file with the Building Official a surety bond in the penal sum of Twenty-Five Thousand Dollars (\$25,000.00), payable to the City and conditioned on a faithful performance of all of the provisions and regulations of this Chapter as well as all other ordinances of the City, and the surety on such bond shall be a company authorized to transact business in the State of Texas.

c-1. Filing on a residential contractor bond. In the event that a citizen has a contractor who performs work that is found to be a code violation and the contractor refuses to make the corrections, the citizen can take action to file on the bond under the following process:

1. Upon receiving a written complaint from a citizen regarding a code violation for which the contractor will not take corrective action, Building Inspections shall investigate and perform a site inspection to document and verify the alleged violations. Once the validity of the violation is established, the complainant shall provide the following:

- a. A copy of the contractor's proposal, bid or contract.
- b. Proof of any money paid by the complainant to the contractor.
- c. List any action taken by the complainant to have the contractor complete the work with the dates the actions were taken.

2. Once this information is provided, Building Inspections will send a letter (certified and regular mail) to the contractor identifying the code violation and specifying a time frame for the contractor to correct the violations and have an inspection scheduled to verify the corrective action complies with the applicable code. **(It is required that the contractor be given the opportunity to make the corrections)**

3. If the contractor does not respond or does not correct the violations, then Building Inspections will file on the contractors bond by sending a certified letter to the bonding company including the following information:

- a. identifying the violations;
- b. a copy of the contractor's proposal, bid or contract
- c. proof of any money paid by the complainant to the contractor;
- and
- d. list any action taken by the complainant to have the contractor complete the work with the dates the actions were taken.

4. The complainant shall provide three bids for correction of the violations and these bids will be sent to the bonding company, by the City, in the certified letter indicated in # 3 above.

5. The bonding agent will respond back in writing and authorize steps to make corrections within ten working days after receiving the certified from the City.

6. Building Inspections will verify that the authorized corrections comply with code and shall notify the bonding agent.

7. The bonding agent will authorize payment.

**II.**

This Ordinance shall be cumulative of all provisions of ordinances of the City of Cibolo, Texas, except where the provisions of the Ordinance are in direct conflict with the provisions such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

**III.**

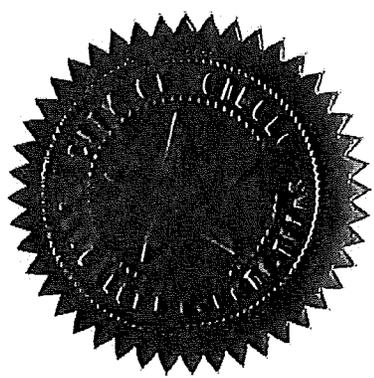
It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

**IV.**

This Ordinance shall become effective immediately upon its passage, approval and publication as provided by law.

**PASSED, APPROVED, AND ADOPTED** on this 8 day of Jan 2013 at a regular meeting of the City Council of the City of Cibolo, Texas which meeting was held in compliance with the Open Meetings Act, *Tex. Gov't Code*, §551.001, et.seq. and at which meeting a quorum was present and voting.

Jennifer Hartman  
Jennifer Hartman, Mayor



ATTEST:

Peggy Cimics  
Peggy Cimics, City Secretary