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## CITY COUNCIL AGENDA

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Notice is hereby given that the Rockport City Council will hold an emergency meeting on Tuesday, September 19, 2017, at 1:30 p.m. in response to the Hurricane Harvey disaster. The meeting will be held at Rockport Service Center, 2751 State Highway 35 Bypass, Rockport, Texas. The matters to be discussed and acted upon are as follows:

### Opening Agenda

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1. Call meeting to order.

### Regular Agenda

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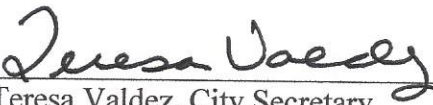
2. Deliberate and act on first and only reading of an Ordinance declaring and establishing a permanent contractor and vendor registration program.
3. Adjournment.

### Special Accommodations

This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the City Secretary's office at (361) 729-2213, ext. 225 or FAX (361) 790-5966 or email [citysec@cityofrockport.com](mailto:citysec@cityofrockport.com) for further information. Braille is not available. The City of Rockport reserves the right to convene into executive session under Government Code §§ 551.071-551.074 and 551.086.

### Certification

I certify that the above notice of meeting was posted on the bulletin board at City Hall, 622 E. Market Street, Rockport, Rockport Service Center, 2751 State Highway 35 Bypass, Rockport, Texas, on Friday, September 15, 2017, by 5:00 p.m. and on the City's website at [www.cityofrockport.com](http://www.cityofrockport.com). I further certify that the following News Media were properly notified of this meeting as stated above: *The Rockport Pilot*, *Coastal Bend Herald*, and *Corpus Christi Caller Times*.

  
Teresa Valdez, City Secretary

**CITY COUNCIL AGENDA**  
**Emergency Meeting: Tuesday, September 19, 2017**

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**AGENDA ITEM: 2**

Deliberate and act one first and only reading of an Ordinance declaring and establishing a permanent contractor and vendor registration program.

**SUBMITTED BY:** City Manager Kevin Carruth

**APPROVED FOR AGENDA:** PKC

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**BACKGROUND:** The contractor and vendor registration program enacted four days after Hurricane Harvey has generally been well received by contractors and residents. As of September 18, 2017, 789 contractors have registered, and the program has weeded out some bad actors.

The proposed ordinance does not expand the registration requirement beyond the pre-Harvey application of only those contractors doing work requiring plan review and permits (see line 38). If Council wants to require *all* contractors to register, regardless of the need of their work to be reviewed by the City, the wording will need to be changed.

Aransas County and the Town of Fulton have indicated their intention to support the ordinance.

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**FISCAL ANALYSIS:** The proposed ordinance is budget neutral, making no changes to the existing \$100.00 fee and continues the fee's suspension during declared disasters. The ordinance does not expand the scope of work the fee applies to.

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**RECOMMENDATION:** Staff recommends Council approve, on first and only reading, an Ordinance declaring and establishing a permanent contractor and vendor registration program, as presented.

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ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY OF ROCKPORT, TEXAS, AMENDING CHAPTER 22 OF THE CODE OF ORDINANCES ENTITLED “BUILDING AND BUILDING REGULATIONS” BY AMENDING ARTICLE IX. “PERMIT AND LICENSE FEES”, SECTION 22-311. “BUILDING” DECLARING AND ESTABLISHING A PERMANENT CONTRACTOR AND VENDOR REGISTRATION PROGRAM; PROVIDING FOR THE VALIDITY OF SAID ORDINANCE; REPEALING ALL PRIOR ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City of Rockport, Texas (herein the “City”) is a home rule city having authority to regulate buildings, new construction, re-model or repair work, and demolition to ensure the health, safety and general welfare of the citizen of the city; and

**WHEREAS**, President Donald Trump, Governor Greg Abbott, County Judge Burt Mills, and Mayor C.J. Wax all declared states of disaster in Rockport and Aransas County effective August 23, 2017, due to the imminent threat of widespread or severe damage, injury, or loss of life or property from Hurricane Harvey; and

**WHEREAS**, preliminary assessments indicate that 80 percent of all structures have sustained damage and 35 percent of those have sustained severe damage from the storm; and

**WHEREAS**, over 742 contractor and vendors, a very large majority of whom are new to the community, have already flooded the area seeking business; and

**WHEREAS**, exploitative contractors are known to come into disaster-struck regions looking to make quick money from vulnerable people; and,

**WHEREAS**, the Texas Attorney General on September 14, 2017, issued an alert, warning consumers against Hurricane Harvey repair and cleanup scams; and,

**WHEREAS**, the period of recovery from Hurricane Harvey is likely to be measured in years; and,

**WHEREAS**, it is in the best interest of Rockport consumers, contractors, vendors, and other businesses to have a permanent registration program to help protect them from unscrupulous contractors; and,

**WHEREAS**, during the temporary registration period residents and local contractors have received the program favorably and indicated a desire to make it permanent; and,

**WHEREAS**, the City of Rockport finds the widespread damage and large influx of unknown contractors to be an emergency; and

**WHEREAS**, the laws of the State of Texas, including those found in Chapter 51 of the Texas

47 Local Government Code and the City Charter, provide the City authority to adopt ordinances for  
48 the good government, peace, order, and welfare of the municipality;

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50 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF**  
51 **ROCKPORT, TEXAS:**

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53 **Section 1. Amendment**

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55 That Chapter 22 of the Code of Ordinances of the City of Rockport, Texas, is hereby amended as  
56 follows:

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58 **ARTICLE I. IN GENERAL**

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60 **Sec. 22-1. Definitions.**

61 For the purposes of this chapter, the following definitions shall govern:

62 *Contractor* means all persons or organizations that offer services for new  
63 construction, re-model work or repair work for which a plan review or permit is  
64 required.

65 *Vendor* means all persons or organizations that provide products directly to  
66 consumers for new construction, re-model work or repair work for which a plan  
67 review or permit is required.

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69 **ARTICLE IX. PERMIT AND LICENSE FEES**

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71 **Sec. 22-311. Building.**

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73 ~~*Contractor registration fee.* Contractor registration shall be required of all persons  
74 acting as their own general contractor who shall make or sublet contracts for new  
75 construction, re-model work or repair work for which a permit is required. The  
76 general contractor registration fee shall be \$100.00 annually. Registration shall be  
77 on forms furnished by the city. No registration is required for the owner of a one-  
78 or two-family dwelling who acts as their own "general contractor" for  
79 improvements to their existing residence.~~

80 (a) *Contractor & Vendor Registration Program & Fee.* Contractor and vendor  
81 registration shall be required of all contractors and vendors desiring to perform  
82 development work inside the city limits and parts of the extraterritorial  
83 jurisdiction requiring plan review and permits from the City of Rockport,  
84 including but not limited to building, electrical, irrigation, mechanical,  
85 plumbing, pool, roofing, sign, landscaping, demolition, and debris removal.  
86 Registration shall be required prior to soliciting or commencing work.  
87 Registration shall be on forms furnished by the City of Rockport. No  
88 registration is required for the owner of a one- or two-family dwelling who acts  
89 as their own "general contractor" for improvements to their existing residence.

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- (1) The general contractor or vendor registration fee shall be \$100.00 annually.
- (2) There shall be no fee assessed to registrations made during disaster declaration(s).
- (3) All registrations expire on January 31 of each calendar year.
- (4) Each registrant shall prominently display on their person the contractor registration identification badge provided by the City. The badge shall include a picture of the face of the registrant; the registrant's name, the registrant's company, the type of work the registrant performs, a quick response code or address to the appropriate city webpage with more information, and a unique badge number. Other information may be included at the direction of the City Manager or his designee. The design color and effective year shall be different from one calendar year to the next and match the windshield decal.
- (5) Only registrants wearing their registration identification badge provided by the City may solicit in person to a potential customer.
- (6) Each vehicle used by the contractor/vendor for use at a customer's location shall display a current City of Rockport contractor registration decal above the vehicle's state inspection & registration decal on the driver's side of the front windshield. Each decal shall carry the badge number of the registrant. The design color and effective year shall be different from one calendar year to the next and match the identification badge.
- (7) All identification badges and decals remain the property of the City of Rockport and shall be surrendered upon demand of the City.
- (8) Contractors must have current state licenses appropriate for the work they are performing.
- (9) Contractors must carry insurance or bonding appropriate for the work they are performing.
- (10) Registration may be revoked or suspended if the contractor fails to obtain three required permits or inspections in a rolling twelve-month period, or if the contractor's required license, bond, or insurance has expired or been suspended or revoked.
- (11) The City Manager or his designee shall develop and maintain the appropriate ministerial processes to implement the registration program.

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(12) The registration required herein shall not affect the requirement to obtain all permits required under the city ordinances.

(13) Contractors and vendors shall be guilty of a class “C” misdemeanor for each solicitation while not registered; for each day of each job while not registered, and/or for each employee engaged on a job while not registered. For each day a contractor or vendor is in violation of this section, it shall be a separate offense. Punishment shall be in accordance with Section 22.316 of the Rockport Code of Ordinances.

(14) City shall have the right to seek injunctive relief against any contractor or vendor who violates this section and to recover attorney fees, expert fees, and court costs incurred in the enforcement of the provisions herein.

**Section 2. Repealer.**

Any previously adopted ordinances, and any subsequent amendments to them, which conflict with this Ordinance, are all hereby repealed.

**Section 3. Severability.**

If any provision, section, sentence, clause or phrase of this Ordinance, or the application of same to any person or set of circumstances is, for any reason held to be unconstitutional, void, or invalid, the validity of the remaining portions of this Ordinance shall not be affected thereby, it being the intent of the City Council in adopting this Ordinance that no portion hereof, or provisions or regulations contained herein, shall become inoperative or fail by reason of any unconstitutionality of any other portion hereof, and all provisions of this Ordinance are declared severable for that purpose.

**Section 4. Effective Date.**

This Ordinance shall become effective immediately upon adoption by first and final reading.

**APPROVED, PASSED and ADOPTED** on first and only reading this 19<sup>th</sup> day of September 2017.

**CITY OF ROCKPORT:**

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Charles J. Wax, Mayor

182 **ATTEST:**

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Teresa Valdez, City Secretary

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**Sec. 22-316. Penalty.**

(a) Where work for which a permit is required by any code or ordinance is started or proceeded with prior to obtaining any required permit, the fees specified in this article shall be assessed a penalty of 400 percent of the usual permit fee in addition to the required permit fees, but not less than \$250.00.

(b) The payment of such penalty fee shall not relieve the applicant or holder of the permit from the payment of other fees that are prescribed by law.

(c) For each day in which a person is in violation of any provision of this article shall be guilty of a misdemeanor and may be fined as provided in [section 1-7\(a\)](#), Rockport Code of Ordinances.

(Ord. No. 861, art. 4, 9-11-90; Ord. No. 1180, § 13, 4-24-01; Ord. No. 1422, § 1, 2-26-08)

**Sec. 1-7. General penalty for violations of Code; continuing violations.**

(a) Whenever in this Code or in any ordinance of the city an act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whenever in such Code or ordinance the doing of any act is required or the failure to do any act is declared to be unlawful, and no specific penalty is provided therefor, the violation of any such provision of this Code or any such ordinance shall be punished by a fine not exceeding \$500.00.

(b) A violation of the following provisions shall be punished by a fine not exceeding \$1,000.00:

- (1) [Chapter 22, article VIII.](#)
- (2) [Chapter 42, article II, division 1.](#)
- (3) [Chapter 54, article III.](#)

(c) A violation of the following provisions shall be punished by a fine not exceeding \$2,000.00: [Chapter 22, articles IV and X.](#)

(d) No penalty shall be greater or less than the penalty provided for the same or a similar offense under the laws of the state. Each day any violation of this Code or of any ordinance shall continue shall constitute a separate offense.

(Code 1972, § 1-7)

**State law reference**—Penalties for violation of ordinances, V.T.C.A., Local Government Code § 54.001.