

ORDINANCE No. 2017-12-5-2, Amendment No. 1

AN ORDINANCE AMENDING THE VILLAGE OF VINTON UNIFIED DEVELOPMENT CODE ORDINANCE NO. 2017-12-5-2 TO REQUIRE A BLANKET BUILDING AND CONSTRUCTION BOND.

WHEREAS, the Village Council of the Village of Vinton, Texas previously adopted a Unified Development Code (UDC) by Ordinance No. 2017-12-5-2 to implement its Comprehensive Plan and other adopted plans, as set out in UDC Section 1.02.02, to preserve and improve the public health, safety and general welfare of the citizens and businesses of Vinton and to provide reasonable development restrictions without infringing rights guaranteed by the United States and Texas Constitutions, or the laws of the United States or Texas;

WHEREAS, the Village Council has identified the need to adopt a requirement that building and construction contractors post a blanket building and construction bond in order to help ensure compliance with the provisions of the Unified Development Code and the technical codes and to recover damages which are sustained by the Village or by the person for whom the work is done and that are caused by noncompliance;

WHEREAS, a public hearing on the proposed text amendment to the UDC to require a blanket building and construction bond as a condition for the issuance of a building permit was held before the Planning and Zoning Commission, the Planning and Zoning Commission has issued a written recommendation to the Village Council on the proposed amendment, and the Village Council having considered the recommendation and having also conducted a second public hearing on the proposed amendment, finds that the amendment should be adopted.

BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF VINTON, TEXAS, THAT:

I.

Ordinance No. 2017-12-5-2 is hereby amended by adding Section 9.03.03A.6 which shall provide as follows:

9.03.03A.6. Bond requirements.

a. No permit shall be issued under this chapter to any person, firm, or corporation applying for a permit until such applicant has filed with the Village, the required bond signed by a surety company authorized to do business in Texas. The Village and the person for whom the work is to be done shall be named as co-obligees under such bond. The bond shall provide that the principal and its agents, employees, and subcontractors shall comply with all provisions of this Code and the technical codes and that the principal shall pay damages which are sustained by the Village or by the person for whom the work is done and that are caused by failure of the principal, its agents, employees or subcontractors to comply with the provisions of this Code and the technical codes, and

that the principal shall indemnify the Village against all claims arising out of such failure to comply. Bonds shall be issued and maintained for the time period from the issuance of the permit through one year after the date of completion of the work for which the bond was required. The surety shall be acceptable to the Village as to solvency; and if the Village becomes dissatisfied that the surety is solvent, a new bond may be required. In addition, the surety shall be required to notify the Village within thirty days of any termination or cancellation of the bond or any claims paid which reduce the liability under the bond.

b. Permit applicants who have provided a bond to the Village in the amount required, for a permit pursuant to the requirements of a section of this Code other than this section, that meets all of the requirements established in this section, shall not be required to obtain an additional bond but are required to provide a copy of such bond, provided that such bond specifically includes coverage for the permit or permits issued pursuant to this chapter. Permittees who have multiple permits issued pursuant to this chapter are required to provide only one current valid bond for all such permits but may be required to provide a copy of the current bond with each application for a permit.

c. Contractors under contract with a government agency shall provide the bond required in this section. No bond is required when all of the work performed pursuant to a permit issued under this chapter to a government agency is performed entirely by the employees of that government agency.


II.

Except as amended herein, Ordinance No. 2017-12-5-2 shall remain as currently in effect.

III.

That this Ordinance was adopted with all the requisites and formalities incident thereto for the enactment of Ordinances as evidenced by the signatures below.

SIGNED this 20 day of November, 2018.



MANUEL LEOS, SR.,
Mayor, Village of Vinton, Texas

ATTEST:



ANDREA CARRILLO
Village Administrator

APPROVED AS TO FORM:



SHANE A. ENGLISH
Village Attorney