ORDINANCE NO. 2026-0609
CONTRACTOR REGISTRATION ORDINANCE

AN ORDINANCE OF THE CITY OF FRANKSTON, TEXAS, ESTABLISHING AN ANNUAL CONTRACTOR REGISTRATION PROGRAM; REQUIRING REGISTRATION OF CONTRACTORS PERFORMING WORK WITHIN CITY RIGHTS-OF-WAY, EASEMENTS, OR CITY-OWNED PROPERTY, OR OTHERWISE AFFECTING CITY INFRASTRUCTURE; ESTABLISHING AN ANNUAL REGISTRATION FEE; REQUIRING THE SUBMISSION OF A CERTIFICATE OF INSURANCE; PROVIDING FOR CONTRACTOR RESPONSIBILITIES; PROVIDING FOR ADMINISTRATION, ENFORCEMENT, APPEALS, AND REVOCATION; PROVIDING FOR PUBLIC UTILITY CONTRACTORS; PROVIDING FOR PENALTIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Frankston, Texas, finds that construction, excavation, utility installation, maintenance, repair, directional drilling, boring, and similar activities occurring within public rights-of-way, easements, and City-owned property may affect public safety, municipal infrastructure, traffic flow, and public utilities; and

WHEREAS, the City Council finds that maintaining current records of contractors performing such work promotes the protection of public property and infrastructure and assists the City in responding to emergencies and coordinating work affecting public facilities; and

WHEREAS, the City Council finds that the registration fee established herein is intended to offset the administrative costs associated with administering the contractor registration program and is not intended as a revenue-generating measure;

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

SECTION 1. PURPOSE
The purpose of this Ordinance is to establish a contractor registration program to protect public health, safety, and welfare; safeguard municipal infrastructure; ensure accountability for work performed within City rights-of-way, easements, and City-owned property; and provide the City with current contractor and emergency contact information.

SECTION 2. DEFINITIONS
As used in this Ordinance, the following terms have the meanings set forth below:

City means the City of Frankston, Texas.

City Property means any property owned, leased, controlled, maintained, or operated by the City, including streets, alleys, sidewalks, parks, facilities, rights-of-way, easements, utility corridors, and public grounds.

Contractor means any person, firm, partnership, corporation, limited liability company, utility contractor, subcontractor, or other business entity performing construction, installation, maintenance, repair, excavation, boring, directional drilling, paving, concrete work, utility work, or similar activities within a City right-of-way, easement, or City-owned property, or otherwise affecting City infrastructure.

Right-of-Way means any public street, alley, roadway, sidewalk, utility corridor, drainage easement, or public easement under the jurisdiction of the City.

Utility Contractor means a contractor or subcontractor performing work on behalf of a public utility, telecommunications provider, cable provider, pipeline operator, or similar entity.

SECTION 3. REGISTRATION REQUIRED

A. No contractor shall perform any of the following activities within the City without first registering with the City:

1. Work within a City right-of-way;
2. Work within a City easement;
3. Work on City-owned property;
4. Excavation, trenching, boring, directional drilling, pavement cutting, or similar ground-disturbing activities within a City right-of-way, easement, or City-owned property;
5. Installation, replacement, repair, or maintenance of utility infrastructure located within a City right-of-way, City easement, or City-owned property;
6. Connection to City-owned water or wastewater facilities; or
7. Any activity that obstructs or occupies a public street, alley, sidewalk, drainage facility, utility easement, or other City property.

B. Registration shall be valid for one (1) calendar year beginning January 1 and ending December 31. The full annual registration fee shall be due at the time of registration regardless of the date on which registration is obtained during the calendar year.

C. Contractors performing work for multiple utilities, property owners, or projects within the City shall only be required to obtain one annual registration during each registration period.

D. Registration shall not relieve any contractor of compliance with applicable federal, state, or local laws.

SECTION 4. EXEMPTIONS

A. The registration requirements of this Ordinance shall not apply to contractors performing work exclusively on private property, provided such work does not involve:

1. A City right-of-way;
2. A City easement;
3. City-owned property;
4. City-owned water or wastewater facilities;
5. Utility infrastructure located within a City right-of-way, City easement, or City-owned property;
6. Excavation, trenching, boring, directional drilling, pavement cutting, or similar work affecting public infrastructure; or

7. Any activity that obstructs or occupies a public street, alley, sidewalk, drainage facility, utility easement, or other City property.

B. Any contractor otherwise exempt under this Section shall become subject to registration if the contractor performs any activity described in Section 3(A) of this Ordinance.

SECTION 5. REGISTRATION APPLICATION

A. Each contractor required to register under this Ordinance shall submit a completed Contractor Registration Application on a form approved by the City Council.

B. The application shall contain sufficient information to identify the contractor, establish contact information, verify insurance coverage, verify any licenses required by law, and otherwise administer the contractor registration program.

C. The City Council may approve and revise the Contractor Registration Application form from time to time by resolution or administrative action without amendment to this Ordinance.

D. The City Secretary may require supporting documentation reasonably necessary to verify information contained in the application.

SECTION 6. REGISTRATION FEE

A. An annual Contractor Registration Fee of Twenty-Five Dollars ($25.00) shall be paid at the time of registration. This fee is established to recover the costs of administering the registration program and is not a revenue-generating measure.

B. The registration fee shall be non-refundable.

C. The City Council may amend the registration fee by ordinance or resolution.

SECTION 7. INSURANCE REQUIREMENTS

A. Every contractor required to register under this Ordinance shall maintain insurance coverage in the types and amounts established by resolution of the City Council. The City Council shall adopt an initial insurance requirements resolution concurrently with or prior to the effective date of this Ordinance.

B. At the time of registration, the contractor shall provide the City with a current Certificate of Insurance issued by an insurer authorized to do business in the State of Texas.

C. The Certificate of Insurance shall identify the named insured, policy number, coverage limits, and policy effective dates.

D. The City of Frankston shall be listed as the Certificate Holder on the Certificate of Insurance.

E. Contractors performing excavation, utility construction, directional drilling, boring, pavement cutting, work on City-owned property, or other activities determined by the City Council to present increased risk may be required to provide additional insurance coverage or endorsements as established by City Council resolution.

F. A contractor whose insurance coverage expires, is canceled, or otherwise lapses shall immediately notify the City and shall not perform work requiring registration until coverage has been restored and acceptable proof of insurance has been provided.

G. Failure to maintain required insurance coverage shall constitute grounds for suspension or revocation of registration.

H. Submission of proof of insurance shall not limit the contractor's responsibility or liability for damages caused by the contractor, its employees, agents, subcontractors, or representatives.

SECTION 8. CONTRACTOR RESPONSIBILITIES
Registered contractors shall:

1. Comply with all applicable federal, state, and local laws;
2. Maintain a safe work site;
3. Protect public infrastructure from damage;
4. Maintain required traffic control devices, signs, and barricades;
5. Promptly notify the City of damage to public infrastructure;
6. Repair damage caused by their operations;
7. Restore disturbed areas upon completion of work;
8. Maintain current contact information with the City;
9. Cooperate with City inspections; and
10. Comply with applicable City standards and specifications.

SECTION 9. NOTICE OF WORK
Except in emergencies, contractors performing excavation, directional drilling, boring, utility installation, or similar work within a City right-of-way, easement, or City-owned property shall provide notice to the City at least forty-eight (48) hours before commencing work.

SECTION 10. DAMAGE TO CITY PROPERTY
A. Any contractor causing damage to City property shall immediately notify the City.

B. The contractor shall restore damaged property to City standards.

C. If the contractor fails to perform required repairs, the City may complete the repairs and recover all associated costs from the contractor.

D. Recovery of costs under this section shall not limit any other remedy available to the City.

SECTION 11. PUBLIC UTILITIES
A. Utility contractors shall comply with the registration requirements of this Ordinance.

B. Nothing in this Ordinance shall be construed to prohibit, delay, impair, or interfere with lawful utility operations authorized by state law, franchise agreement, easement, permit, or other legal authority.

C. Emergency utility work necessary to protect life, property, public safety, or continuity of service may commence immediately.

D. Registration requirements for emergency utility work shall be completed within ten (10) business days following commencement of work unless extended by the City Council.

E. Nothing in this Ordinance shall diminish rights granted under state law, franchise agreements, easements, or other legal authority.

SECTION 12. INSPECTIONS

The Mayor, City Council, City Secretary, Water & Sewer Superintendent, or their designee may inspect work being performed within City rights-of-way, easements, or City-owned property to verify compliance with this Ordinance.

SECTION 13. ADMINISTRATION AND AUTHORITY

A. The City Council shall have ultimate authority over the interpretation, implementation, amendment, enforcement, suspension, revocation, and administration of this Ordinance.

B. The City Secretary shall administer the contractor registration program, receive applications, collect fees, maintain records, and issue registrations.

C. Registration shall be issued administratively by the City Secretary upon receipt of a completed application, proof of insurance, and payment of the required fee.

D. The City Council retains final authority over all disputes arising under this Ordinance.

SECTION 14. SUSPENSION OR REVOCATION

A The City Council may suspend or revoke a registration for:

1. Providing false information;
2. Failure to maintain required insurance;
3. Repeated violations of City ordinances;
4. Failure to repair damage to City property;
5. Failure to comply with this Ordinance; or
6. Conduct endangering public health, safety, or welfare.

B. Except where an immediate threat to public health or safety exists, the contractor shall receive written notice and an opportunity to be heard before the City Council prior to suspension or revocation.

SECTION 15. APPEALS

A. Any person aggrieved by a decision under this Ordinance may file a written appeal with the City Secretary within ten (10) business days of the decision.

B. The City Council shall hear the appeal at a regular or special meeting.

C. The decision of the City Council shall be final.

SECTION 16. NO VESTED RIGHTS

Registration under this Ordinance does not create a property right, vested right, or entitlement to perform work within City rights-of-way or on City-owned property.

SECTION 17. PENALTY

Any person who violates this Ordinance shall be guilty of a misdemeanor and, upon conviction, shall be fined an amount not to exceed Five Hundred Dollars ($500.00), unless a different maximum penalty is authorized by Texas law. Each day a violation continues shall constitute a separate offense.

SECTION 18. SEVERABILITY
If any provision of this Ordinance is held invalid by a court of competent jurisdiction, such holding shall not affect the remaining provisions, which shall remain in full force and effect.

SECTION 19. REPEALER
All ordinances or parts of ordinances in conflict herewith are repealed to the extent of such conflict.

SECTION 20. EFFECTIVE DATE
This Ordinance shall become effective upon passage and publication as required by law.

PASSED AND APPROVED on this 18th day of August, 2026.

Gerald Hall, Mayor

ATTEST:

Stacie O'Quinn, City Secretary