

ORDINANCE NO. 1310-2021

AN ORDINANCE AMENDING ARTICLE A.02 "SCHEDULE OF FEES AND CHARGES; SPECIFICALLY IN SECTION A.02.002 "REGISTRATION OF CONTRACTORS GENERALLY" SPECIFICALLY IN (6) "ROOFING CONTRACTORS" OF THE CODE OF ORDINANCES OF THE CITY OF RIVER OAKS, TEXAS BY REVISING THE REQUIREMENTS OF ROOFING CONTRACTORS EXEMPTING PERMITTING AND INSPECTION PROCEDURES FOR RE-ROOFING EXCEPT WHEN INVOLVING STRUCTURAL REPAIRS, PROVIDE EXEMPTIONS WHERE THE HOMEOWNER ON THEIR OWN PROPERTY IS PERFORMING THE ROOFING AND WHOSE PROPERTY IS LEGALLY HOMESTEADED UNDER ALL APPLICABLE STATE AND FEDERAL LAWS IN THEIR NAME AS THE RECORDED LEGAL OWNER AND REQUIRING ALL OTHER INDIVIDUALS OR BUSINESS ENTITIES THAT FOR A FIXED PRICE, WAGE OR OTHER COMPENSATION REPLACES OR INSTALLS NEW ROOFS ON BUILDINGS OR DWELLING UNITS WITHIN THE CORPORATE LIMITS OF THE CITY OF RIVER OAKS SHALL FIRST BE REGISTERED WITH THE CITY AS A ROOFING CONTRACTOR BEFORE BEING PERMITTED TO DO SO; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY FOR VIOLATIONS THEREOF, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of River Oaks, Texas is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, Roofing Contractors are required to register and provide proof of a current copy of any applicable insurance or bonding requirements from their insurance company with the City being made a named co- insured, with a minimum \$1,000,000.00 combined general liability policy per occurrence and \$2,000,000 aggregate; and

WHEREAS, having to meet the insurance or bonding requirements is a guarantee of liability protection for their workmanship; and

WHEREAS, registered Roofing Contractors also pay annually a fee to register and to cover the costs of permitting and therefore should be exempt from permitting and inspections when re-roofing within the city limits except when involving structural repairs in the City's Building Code; and

WHEREAS, the City Council finds that exempting Registered Roofing Contractors from permitting requirements when re-roofing is appropriate given the requirements for registration they must meet to be registered with the City; and

WHEREAS, the City Council further finds that where the homeowner on their own property is performing the re-roofing and whose property is legally homesteaded under all applicable state and federal laws in their name as the recorded legal owner shall be exempt from contractor registration, but any business entity or individual for a fixed price, wage or other compensation that replaces or install new roofs on buildings or dwelling units within the corporate limits of the City of River Oaks City shall first be a registered contractor before being permitted to do such work.

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

SECTION 1.

That Article A.02 "Schedule of Fees and Charges" specifically in Section A.02.002 "Registration of Contractors Generally" (6) "Roofing Contractors" of the Code of Ordinances of the City of River Oaks, Texas is hereby amended and changed to now read as follows:

"(6) Roofing Contractors

(A) *First year registration: \$200.00.

(B) *Annual renewal fee: \$100.00.

* Failure to renew registration by the expiration date will result in cancellation of the registration and contractor will then have to pay the first-year registration fee again instead of the annual renewal fee in order to register again. Registered Roofing Contractors are exempt from the permitting and inspection requirements for re-roofing except that when the roofing repair involves replacing 25% or more of the roof decking or underlayment and/or any other roof structural replacement. Replacing of 25% or more of the decking or underlayment of the total square footage of the roof shall be permitted, inspected and calculated by square foot of replacement as provided for Section A.02.001 (b) "Building Permit Fees" of the River Oaks Code of Ordinances as adopted and as amended.

(C) A Roofing Contractor is defined for the purpose of this section to mean any business entity or individual who for a fixed price, commission, wage or other compensation constructs, supervises or manages and who specializes in roof construction. Roofers replace, repair, and install new roofs on buildings or dwelling units, using a variety of materials, including composition shingles, metal and other code approved materials.

(D) A Roofing Contractor by definition is required to register with the city and pay the appropriate registration and/or renewal fee prior to performing roofing on any property within the city and provide the following information:

- (1) a current state driver's license;
- (2) contact information such as addresses and phone numbers;
- (3) required to designate any secondary or designated agents and those agents will also be required to register; and
- (4) provide proof of a current copy of any applicable insurance or bonding requirements from their insurance company with the City being made a named co- insured, with a minimum \$1,000,000.00 combined general liability policy per occurrence and \$2,000,000 aggregate.

(E) A Roofing Contractor that is registered to do roofing within the City is required to place the city approved registration sign on the property in plain sight visible from the public right-of-way that includes the company name and contractor registration number. Any person, roofing contractor or association of persons found re-roofing in violation of meeting the registration requirements of this section is subject to being issued a municipal citation for being in violation thereof as provided for in Section 1.01.009 "General penalty for violations of code; continuing violations" of the River Oaks Code of Ordinances.

(F) Exemptions: Homeowners are exempt from contractor registration and renewal provisions only where the homeowner on their own property is performing the re-roofing and whose property is legally homesteaded under all applicable state and federal laws in their name as the recorded legal owner. However, homeowners are not exempt from the city's permitting or inspection requirements and of building permit fees:

Permit Fee: \$50 for re-roofing not including decking or underlayment replacement. In addition, replacing of 25% or more of the decking or underlayment of the total square footage of the roof shall be separately permitted, inspected and calculated by square foot of replacement as provided for in Section A.02.001 (b) "Building Permit Fees" of the River Oaks Code of Ordinances as adopted and as amended.

(G) Except for Homeowners as provided for in (F) above, any other business entity or individuals before re-roofing within the corporate limits of the City that is not registered with the City as a Roofing Contractor shall be required first to meet all the requirements in (D) above and be registered as a Roofing Contractor pursuant to this Section."

SECTION 2.

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

SECTION 3.

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.

SECTION 4.

All rights and remedies of the City of River Oaks are expressly saved as to any and all violations of the provisions of the City of River Oaks Code of Ordinances (2020) or any other ordinances affecting Roofing Contractor Registration which have accrued at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

SECTION 5.

In accordance to Section 1.01.009, "General penalty for violations of code; continuing violations", of the City of River Oaks Code of Ordinances (2020) as adopted and as amended; 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 of not exceeding five hundred dollars (\$500.00). Each day any violation of this code or of any ordinance shall continue shall constitute a separate offense.

SECTION 6.

The City Secretary of the City of River Oaks is hereby directed to publish in the official newspaper the caption, savings clause, penalty clause, publication clause and effective date clause of this ordinance one (1) time after the adoption of this ordinance as authorized by Chapter 5, Section 5.02(c) of the Charter of the City of River Oaks.

SECTION 7.

This Ordinance shall be in full force and effect after its passage and publication as required by law, and it is so ordained.

PASSED AND APPROVED ON THIS THE 11TH DAY OF MAY 2021.


MAYOR JOE ASHTON

ATTEST:

CITY SECRETARY