

**ORDINANCE NO. 1260-2019**

**AN ORDINANCE AMENDING ARTICLE A.02 "SCHEDULE OF FEES AND CHARGES; SPECIFICALLY, IN SECTION A.02.001 "ESTABLISHED GENERALLY" SUBSECTION (d) "CERTIFICATE OF OCCUPANCY" OF THE RIVER OAKS CODE OF ORDINANCES AS AMENDED REVISING FEES FOR CERTIFICATE OF OCCUPANCY AND ELECTRIC CERTIFICATE OF OCCUPANCY INSPECTIONS OF THE CODE OF ORDINANCES OF THE CITY OF RIVER OAKS; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; 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**, City Staff has found that the fee schedule and the provisions set forth in Subsection (d) regarding fees for lights on permits otherwise known as Electric Certificate of Occupancy is not properly set forth and therefore needs to be revised; and

**WHEREAS**, in order to obtain electric service a vacant residential or commercial property are first required to be inspected before the city inspector can release approval to the Electric Provider for electric service and that inspection is an Electric Certificate of Occupancy or Lights On Inspection usually performed separate from the fee and inspection for a Certificate of Occupancy; and

**WHEREAS**, in order to provide essential services to its citizens, the City Council has determined it is necessary to revise and include any fees and/or charges pertaining to certificate of occupancy inspections in the Fee Schedule.

**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 Sections A.02.001 "Established Generally"; subsection (d) "Certificate of Occupancy" of the Code of Ordinances of the City of River Oaks, Texas is hereby amended to now read as shown herein this Ordinance.

“(d) Certificate of occupancy.

(1) Application and initial inspection fee for single-family or multifamily buildings (includes second inspection if needed): \$50.00 per each issuance (\$30.00 + \$20.00 electric lights on). (Electric Lights on Inspection is valid for only 90-days from the date of the application)

(A) Temporary Certificate of Occupancy Permit for single-family or multifamily buildings (includes second inspection if needed): \$30.00

(B) Temporary Certificate of Occupancy Permit for Commercial buildings (includes second inspection if needed):

(C) Temporary Electric Lights on Inspection is \$20.00 and is only valid for 90-days from the date of the application.

(2) Application and initial or annual inspection fee for a commercial building (includes second inspection if needed).\*

(A) Under 1,500 sq. ft.: \$40.00

(B) 1,500 sq. ft. to 3,000 sq. ft.: \$60.00

(C) Over 3,000 sq. ft.: \$80.00

\* plus \$20.00 for Electric Lights on inspection

(3) If after the initial or second inspection under the above subsections, the building is not in compliance with the minimum standards of section 3.07.016(c)(2)(A) and/or (B), the fee for each additional inspection: \$40.00.

(4) The owner of a single-family building that must be inspected more than once in the same year as a result of one or more vacancies, is not required to pay another fee after the initial inspection for a period of one year.

(5) \* Certificate of occupancy inspections on commercial buildings that change in occupancy use, ownership or zoning must pay an inspection fee in accordance to section 3.07.016(b)(2)(B) as follows:

(A) Under 1,500 sq. ft.: \$40.00

(B) 1,500 sq. ft. to 3,000 sq. ft.: \$60.00

(C) Over 3,000 sq. ft.: \$80.00

\* plus \$20.00 for Electric Lights on inspection

(6) Second inspection trip due to failure of owner or owner's representative to be present at first appointed time for inspection or inspection was prevented through no fault of the city official: \$25.00.

(7) Third inspection trip due to failure of owner or owner's representative to be present at second appointed time for inspection or inspection was prevented through no fault of the city official: \$50.00.

(8) Fourth and subsequent inspection trips due to failure of owner or owner's representative to be present at appointed time for inspection or inspection was prevented through no fault of the city official: \$100.00.

(9) Annual inspection fee for buildings that are not individually utility metered (per unit): \$30.00. (example: apartment units)"

**SECTION 2.**

The City Council shall periodically review the need for and the amount of fees for city services, uses, and activities and shall adopt or revise fees as the City Council determines is appropriate. In addition to the fees established in this ordinance, the City Council may adopt other ordinances from time to time establishing various fees for other city services, activities and uses.

**SECTION 3.**

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.

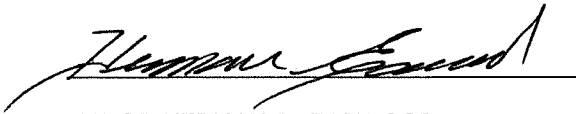
**SECTION 4.**

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 5.**

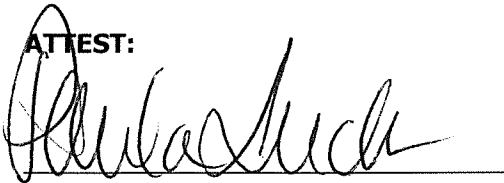
This ordinance shall be in full force and effect from and after its passage and it is so ordained.

**PASSED AND APPROVED ON THIS THE 10<sup>TH</sup> DAY OF DECEMBER 2019.**



MAYOR HERMAN D. EARWOOD

**ATTEST:**



CITY SECRETARY