

ORDINANCE NO. 1298-2020

AN ORDINANCE AMENDING ARTICLE A.02 "SCHEDULE OF FEES AND CHARGES; SPECIFICALLY IN SECTION A.02.001 "ESTABLISHED GENERALLY" SUBSECTION (b) BUILDING PERMIT FEES IN CONNECTION WITH THE CONSTRUCTION OR IMPROVEMENT OF RESIDENTIAL AND COMMERCIAL DWELLINGS; SECTION A.02.002 "REGISTRATION OF CONTRACTORS GENERALLY" SPECIFICALLY IN (6) "ROOFING CONTRACTORS" (F) "EXEMPTIONS" OF THE CODE OF ORDINANCES OF THE CITY OF RIVER OAKS, TEXAS BY REVISING AND UPDATING ALL APPLICABLE CONSTRUCTION PERMIT, REGISTRATION, ZONING AND DEVELOPMENT FEES, SIGNAGE AND UTILITY TAP FEES WITHIN THE CITY OF RIVER OAKS IN ACCORDANCE TO LAW; 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, House Bill 852 was signed by the Governor on May 21, 2019 and became effective immediately and in doing so Sec. 214.907 of the Local Government Code was amended prohibiting certain value-based building permits and inspection fees being determined in connection with the construction or improvement of a residential dwelling using valuation for the cost of constructing or improving the dwelling; and

WHEREAS, with the passage of House Bill 852, the City of River Oaks adopted Ordinance # 1234-2019 on May 28, 2019 amending the City's Fee Schedule Ordinance in compliance with House Bill 852: and

WHEREAS, with the fees based on square footage rather than by value as before, it became evident since May, 2019 that some of the fees should be revised using flat fee method rather than by square feet necessitating that the city's fee schedule be amended; and

WHEREAS, in further research of the fee schedule ordinance it was determined that other fees were not sufficient enough to cover the city's costs in performing inspections and that also necessitated that those fees be amended; and

WHEREAS, in order to provide essential services to its citizens, the City Council has concurred it is necessary and reasonable to revise and adopt updated fees and/or charges pertaining to construction inspections, registrations, plan reviewing, zoning and development fees, signage fees and utility tap fees in the Fee Schedule that are both reasonable and sufficient to offset the costs of these services.

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 (b) "Building Permit Fees"; A.02.002 "Registration of Contractors Generally" (6) "Roofing Contractors" (F) "Exemptions" of the Code of Ordinances of the City of River Oaks, Texas is hereby amended to now read as shown on the attached Exhibit A to this Ordinance.

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.

With the adoption of this Ordinance the former provisions in Article A.02 "Schedule of Fees and Charges" as adopted and as amended and as further codified into the River Oaks Code of Ordinances is hereby being further amended with the provisions hereby provided for in this Ordinance as Exhibit A.

SECTION 6.

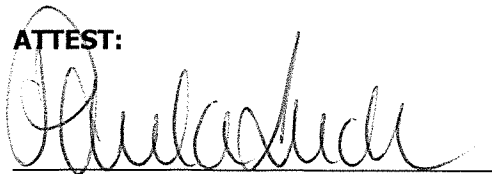
This ordinance shall be in full force and effect from and after its passage and it is so ordained.

PASSED AND APPROVED ON THIS THE 24TH DAY OF NOVEMBER 2020.



MAYOR JOE ASHTON

ATTEST:



CITY SECRETARY