

ORDINANCE NO. 1410-2024

AN ORDINANCE AMENDING ARTICLE 3.07 "SUBSTANDARD AND DANGEROUS BUILDINGS; PROPERTY MAINTENANCE" OF THE RIVER OAKS CODE OF ORDINANCES (2020) BY REVISING AND INCORPORATING PROVISIONS FOR ANNUAL FIRE INSPECTIONS IN SECTION 3.07.016 "ANNUAL INSPECTION OF CERTAIN BUILDINGS"; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY FOR VIOLATIONS HEREOF; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of River Oaks 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, it is the professional opinion of the Inspection Department that the City consider amending the provisions regarding annual fire inspections for all commercial buildings within the city; and

WHEREAS, it is the intention of the code to require annual fire inspections in commercial buildings in order to protect the health, safety and general welfare of the public and of the inhabitants therein, to insure the occupancy is in compliance with the most recently adopted fire code; and

WHEREAS, currently pursuant to Section 3.07.016 of the River Oaks Code of Ordinances (2020), the city official shall conduct an annual inspection of each commercial building; and

WHEREAS, since the last time that Section 3.07.016 was amended was in March 2007, the city code official highly recommends that this section now be brought into compliance with the updated fire codes; and

WHEREAS, the City Council of the City of River Oaks after careful consideration concurs with the code official and deems it appropriate to amend the provisions in Section 3.07.016 of the River Oaks Code of Ordinances (2020) for annual fire inspections in order to maintain the fire life safety of the public.

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

SECTION 1.

Section 3.07.016 of the River Oaks Code of Ordinances "Annual Inspection of Certain Buildings" is hereby amended by revising and incorporating updated provisions into said section to now read as follows:

§ 3.07.016 Annual inspection of certain buildings.

“(a) Required. In addition to the inspections required before a building that has been vacant may again be occupied, the city official shall conduct an annual fire inspection in accordance to the City’s most recently adopted fire code on each commercial building conducted by the authority having jurisdiction. If the initial annual inspection by the city official reveals the building is not in compliance with the most

recently adopted Fire Code, the owner shall bring the building into compliance within 30 days of the date of the inspection. If the owner does not make the required corrections within the 30 days, the city official may pursue enforcement action up to and including revoking the certificate of occupancy due to fire life safety violations or through the issuance of citations until the building is brought into full compliance.

(b) Search warrant where necessary. The city is authorized to obtain a warrant to conduct an inspection permitted by this section when consent to enter the property has been refused or otherwise cannot be obtained.

(c) Utilities. If the annual inspection of a building reveals that there exist fire, life and safety violations then the city official shall notify the owner to discontinue all utility service to the building.

(d) Duplicative inspections. If, within a calendar year, the city official has inspected a building pursuant to section **3.07.015** that would otherwise be subject to inspection under this section, and the building was not found to be substandard as described in section **3.07.004**, no additional inspection under this section is required in that calendar year.

(e) Billing. Annual Fire Inspections are billed 15-days in advance of the month that the annual inspection is due. Failure to pay the fee by the first day of the month that the inspection is due shall result in a late fee of \$15.00.

(f) Fees. All other Fees applicable to this Section are provided for in Article A.02 "Schedule of Fees and Charges" of the River Oaks Code of Ordinances (2020) as amended.

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.

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). However, a fine or penalty for the violation of a rule, ordinance or police regulation that governs fire safety, zoning or public health and sanitation other than dumping of refuse may not exceed two thousand dollars (\$2,000.00); a fine or penalty for the violation of a rule, ordinance, or police regulation that governs the dumping of refuse may not exceed four thousand dollars (\$4,000.00). Provided, however, that no penalty shall be greater or less than the penalty provided for the same or a similar offense under the laws of the state. Each day any violation of this code or of any ordinance shall continue shall constitute a separate offense. In the event that any such violation is designated as a nuisance under the provisions of this code, such nuisance may be summarily abated by the city. In addition to the penalty prescribed above, the city may pursue other remedies such as abatement of nuisances, injunctive relief and revocation of licenses or permits

SECTION 5.

All rights and remedies of the City of River Oaks are expressly saved as to any and all violations of the provisions of Article 3.07 or any other ordinances affecting the annual inspection of commercial buildings 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 6.

The City Secretary is directed to publish in the official newspaper of the City, the caption, penalty clause, savings clause, publication clause and effective date clause of this ordinance one time 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 from and after its passage and publication as required by law, and it is so ordained.

PASSED AND APPROVED ON THIS 6TH DAY OF FEBRUARY 2024.



DARREN HOUK
MAYOR

ATTEST:



CITY SECRETARY