

## **ORDINANCE NO. 1416-2024**

**AN ORDINANCE AMENDING ARTICLE 3.07 "SUBSTANDARD AND DANGEROUS BUILDINGS; PROPERTY MAINTENANCE" OF THE RIVER OAKS CODE OF ORDINANCES (2020) BY REVISING SECTION 3.07.016 "ANNUAL INSPECTION OF CERTAIN BUILDINGS" SPECIFICALLY IN SUBSECTION (a) "REQUIRED" IN ORDER TO INCLUDE PROVISIONS FOR BOTH OCCUPIED AND VACANT BUILDINGS; REVISING SUBSECTION (e) "BILLING" THAT ESTABLISHES PROCEDURES FOR DELINQUENCY AND REINSTATEMENT; 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 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**, the City Inspection Department was of the opinion that Section 3.07.016 "Annual Inspection of Certain Buildings" in subsection (a) "Required" needed to be revised from the most recent amendment adopted by Ordinance # 1410-2024 on February 6, 2024 in order to address both occupied and vacant buildings; and

**WHEREAS**, the City Inspection Department was also of the opinion that Section 3.07.016 "Annual Inspection of Certain Buildings" in subsection (e) "Billing" needed to also be revised from the most recent amendment adopted by Ordinance # 1410-2024 on February 6, 2024 in order to establish enforcement action for delinquent bills and provisions for the reinstatement when a certificate of occupancy had been revoked for failure to comply; and

**WHEREAS**, the City Council of the City of River Oaks after careful consideration concurs with the City Inspection Department 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 subsection (a) "Required" to now read as follows:

**§ 3.07.016 Annual inspection of certain buildings.**

“(a) Required. An Annual Fire Inspection (AFI) is required in all commercial buildings in order to protect the health, safety and general welfare of the public and of the inhabitants therein, to ensure the occupancy is in compliance with the most recently adopted fire code as follows:

(1) Vacant Building. 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.

(2) Occupied Buildings. Occupied Buildings are required to have 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. Due to fire life safety violations 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 or through the issuance of citations until the building is brought into full compliance.”

## **SECTION 2.**

Section 3.07.016 of the River Oaks Code of Ordinances “Annual Inspection of Certain Buildings” is hereby amended by revising subsection (e) “Billing” to now read as follows:

### **§ 3.07.016 Annual inspection of certain buildings.**

“(e) Billing. Annual Fire Inspections are invoiced by the 15th day of the month prior to the month the inspection is due. The invoice is due within 10 business days. If the invoice has not been paid by the due date, a second and final notice will be sent on the 11th business day. Failure to pay the fee by the first day of the month that the inspection is due shall result in late fee of \$15.00.

(1) Delinquent Accounts. Delinquent Accounts that have not been resolved by the 15th business after the late fee has been assessed; the business is at risk of having the water services disconnected and the Commercial Certificate of Occupancy revoked.

(2) Reinstate Use. Once the Certificate of Occupancy Permit is revoked; before the commercial occupancy use can be reinstated and the water service restored, the owner/occupant for the business shall pay in full all past-due balances and be current, the building must pass the annual fire inspection and the building owner/occupant must have a valid Certificate of Occupancy Permit after making a new application and pay the appropriate fee.”

## **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.**

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 6.**

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.

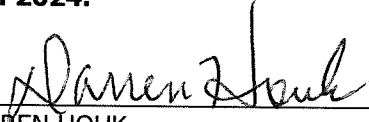
#### **SECTION 7.**

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 8.**

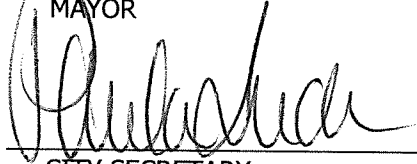
This ordinance shall be in full force and effect from and after its passage and publication as required by law, and it is so ordained.

**PASSED AND APPROVED ON THIS 5TH DAY OF MARCH 2024.**



DARREN HOUK  
MAYOR

ATTEST:



CITY SECRETARY