

ORDINANCE NO. 1222-2019

AN ORDINANCE AMENDING ARTICLE A.02 "SCHEDULE OF FEES AND CHARGES; SPECIFICALLY IN SECTION A.02.002 "REGISTRATION OF CONTRACTORS GENERALLY" (c) 6 "ROOFING CONTRACTORS" ESTABLISHING REGISTRATION REQUIREMENTS FOR ROOFING CONTRACTORS AND REVISING THE REGISTRATION FEES FOR FIRST YEAR REGISTRATION AND ANNUAL RENEWAL FEES THEREAFTER; REPEALING SECTION A.02.003 "ELECTRIC CONTRACTOR REGISTRATION" AS IS CURRENTLY WRITTEN AND INCORPORATE SECTION A.02.003 "ELECTRIC CONTRACTORS" AS HEREIN PROVIDED FOR IN THIS ORDINANCE; 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, the current Fee Schedule does not provide sufficient enough criteria for roofing contractors including meeting adequate insurance requirements, permitting and inspections for roof repair required to be permitted within the City; and

WHEREAS, a municipality may not collect a registration or administrative fee for the registration of an electrical contractor pursuant to Chapter 1305 of the Occupations Code that adopted the Texas Electrical Safety and Licensing Act as administered by the Texas Department of Licensing and Regulations; and

WHEREAS, in accordance with the Licensing Act, it necessitates the city repeal Section A.02.003 "Electric Contractor Registration" and replace it with Section A.02.003 "Electric Contractors" that references the Licensing Act for Electrical Contractor Licensing Requirements; and

WHEREAS, in order to provide essential services to its citizens, the City Council has determined it is necessary to amend the Fee Schedule as herein stipulated in this Ordinance.

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", under Section A.02.002 (c) 6 "Roofing Contractors" of the Code of Ordinances of the City of River Oaks, Texas is hereby amended to now read as follows:

"Section A.02.002 (c) 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. Permits are not required for installing or replacing composition or other approved roofing material except that any person, roofing contractor or association of persons when the roofing repair involves replacing roofing subgrades including but not limited to replacing or repairing roof decking and/or roof rafters are not exempt from the city's permitting requirements and building permit fees 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, 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 permitting any roofing project 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 post the registration card issued on the job site in plain sight visible from the public right-of-way that includes the company name and contractor registration number. Any person or association of persons found 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 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 requirements and building permit fees as provided for Section A.02.001 (b) "Building Permit Fees" of the River Oaks Code of Ordinances as adopted and as amended."

SECTION 2.

That Article A.02 "Schedule of Fees and Charges" specifically in Section A.02.003 "Electric Contractor Registration" with the adoption of this Ordinance is repealed and replaced with Section A.02.003 "Electric Contractors" to now read as follows:

Section A.02.003 "Electric Contractors"

"(a) All Electric Contractors shall meet all the requirements for Licensing provided for in Chapter 1305 of the Occupations Code as administered by the Texas Department of Licensing and Regulations (TDLR);

(b) A municipality may not collect a registration or administrative fee from an electrician who holds a license issued under Chapter 1305 of the Occupations Code for work performed in the municipality except that the municipality may collect a permit fee provided for in Article A.02 "Schedule of Fees and Charges" under Section A.02.001 (i) Electric Fee Schedule."

SECTION 3.

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 4.

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 5.

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 6.

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 repealed in its entirety and is being replaced with the provisions hereby provided for in this Ordinance.

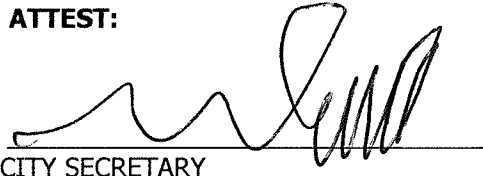
SECTION 7.

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 26TH DAY OF FEBRUARY 2019.


MAYOR HERMAN D. EARWOOD

ATTEST:


CITY SECRETARY