

**ORDINANCE NO. 2022-06-21**

**AN ORDINANCE OF THE CITY OF GREY FOREST, TEXAS REGARDING THE CITY OF GREY FOREST'S CODE ENFORCEMENT OR COMPLIANCE OFFICER'S DUTIES, RESPONSIBILITIES, AND AUTHORITY; REPEALING ALL ORDINANCES AND/OR PARTS OF ORDINANCES IN CONFLICT THEREWITH; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Grey Forest is a Type A general-law municipality located in Bexar County, created in accordance with the provisions of Chapter 6 of the Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

**WHEREAS**, the City employs a Code Enforcement or Compliance Officer; and

**WHEREAS**, pursuant to Texas Occupations Code Section 1952.001(2), the Code Enforcement Officer is an agent of this state or a political subdivision of this state who engages in code enforcement in the City of Grey Forest; and

**WHEREAS**, a certified police officer may also serve as the City's Code Enforcement Officer; and

**WHEREAS**, the Code Enforcement Officer is responsible for the inspection, improvement, and rehabilitation of environmental hazards in public and private premises by determining the presence of fire or health hazards, nuisance violations, unsafe building conditions, and violations of any fire, health, or building regulation, statute, or ordinance; and

**WHEREAS**, Texas Penal Code Section 38.15(a)(7)(A) provides that a person commits an offense if the person with criminal negligence interrupts, disrupts, impedes, or otherwise interferes with a person who has responsibility for assessing, enacting, or enforcing public health, environmental, radiation, or safety measures for the state or a county or municipality;

**WHEREAS**, the City Council of the City of Grey Forest desires to identify the duties, responsibilities and authority of the Code Enforcement or Compliance Officer.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREY FOREST, TEXAS that**

**SECTION 1:** Findings. The recitals are hereby found to be true and correct and are hereby incorporated as part of this Ordinance.

**SECTION 2:** The City of Grey Forest Code Enforcement and/or Compliance Officers:

- a. Shall be responsible for the inspection, improvement, and rehabilitation of environmental hazards in public and private premises by determining the presence of fire or health hazards, nuisance violations, unsafe building conditions, and violations of any fire, health, zoning, or building regulations, statutes, or ordinances. The officers shall also be responsible for enforcing any ordinance authorized for suit under Texas Local Government Code chapter 54, subchapter B.
- b. Shall enforce all state and local laws to the best of his/her ability and pursuant to enforcement authority provided by state and local laws.
- c. Shall report directly to the Chief of Police. The Chief of Police shall supervise, direct, and instruct the code enforcement and/or code compliance officers.
- d. The Mayor and/or any individual City Councilmember shall not instruct the Code Enforcement Officer to cease legal enforcement of any state and local law over which the officer has authority.
- e. The Mayor and/or any individual Councilmember may not intentionally obstruct, impede, or interfere with the Code Enforcement Officer's lawful attempt to serve a notice of violation, stop work order, emergency order, citation, or other notice authorized by law or intentionally obstruct, impede, or interfere with the Code Enforcement or Compliance Officer's lawful attempts to correct a violation of state or local law.

**SECTION 3:** That this Ordinance shall take effect and be in force at the time of its passage.

## **II. CUMULATIVE CLAUSE**

That this Ordinance shall be cumulative of all provisions of the City of Grey Forest, except where the provisions of this Ordinance are in direct conflict with the provisions of such other ordinance, in which event the conflicting provisions of such other ordinance are hereby repealed, while leaving the remainder of such other ordinance intact. To the extent of any conflict, this Ordinance is controlling.

## **III. SEVERABILITY**

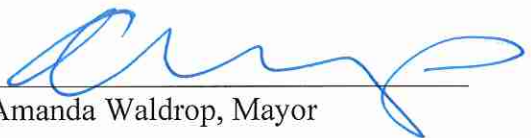
That it is hereby declared to be the intention of the City Council of the City of Grey Forest. that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this Ordinance should be declared unconstitutional or invalid by final judgment or decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of the Ordinances, since the same would have been enacted by the City Council without incorporation in this ordinance of any such unconstitutional or invalid phrases, sentences, paragraphs, or sections.

**IV.  
PROPER NOTICE AND MEETING**

It is hereby officially found and determined that the meeting at which this Ordinance was adopted was open to the public and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government

**DULY PASSED AND APPROVED**, on the 26<sup>th</sup> day of July, 2022 at a regular meeting of the City Council of the City of Grey Forest, Texas, which was held in compliance with the Open Meetings Act, Gov't. Code §551.001, et. Seq. at which meeting a quorum was present and voting.

CITY OF GREY FOREST, TEXAS

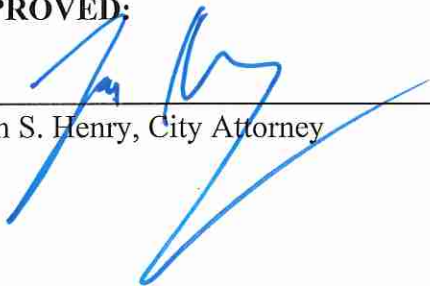
  
Amanda Waldrop, Mayor

**ATTEST:**

  
Miguel Cantu, City Secretary



**APPROVED:**

  
Ryan S. Henry, City Attorney

