

Updated — refer to Ord. - 2006-3

ORDINANCE NO. 12

AN ORDINANCE PROVIDING FOR THE ISSUANCE OF BUSINESS PERMITS FOR THE OPERATION OF A BUSINESS ENTERPRISE IN PAYNE SPRINGS, TEXAS, ESTABLISHING PERMIT FEES, AND PROVIDING PENALTIES FOR THE VIOLATIONS OF THIS ORDINANCE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PAYNE SPRINGS, TEXAS:

SECTION 1: This ordinance is hereby decreed to be an exercise of the police power of the State of Texas and the City of Payne Springs, Texas, for the protection and welfare of the citizens of said City and State; and all of its provisions are for that purpose and shall be construed for the accomplishment of that purpose.

SECTION 2: The word "person" as used in this ordinance is an individual, company, partnership, corporation or other type of organization or business entity..

The term "business" means an occupation, profession or trade, such as an establishment for the purchase of goods in an attempt to make a profit, an endeavor where a person is engaged in commerce, manufacturing or providing a service, including a factory, store or office, a place of work.

Section 3: From and after the effective date of this ordinance, no person shall maintain or occupy a building or structure for the conduct of business of any nature within the City of Payne Springs, Texas, without obtaining a business permit from the City of Payne Springs.

A person who, upon the effective date of this ordinance, occupies a building or structure within the City for the conduct of business, shall be entitled to an annual business permit upon the timely payment of the applicable fee if the City Building Inspector determines the building or structure has sanitary restroom facilities, and no accumulation of trash, refuse or junk on the premises. .

Section 4: A person who seeks to establish a business within this City, shall, prior to the occupation of a building or structure, make application for a business permit, pay the applicable fee for the permit and either (i) arrange a time when a representative of such person may either meet with the City Building Inspector for the initial joint inspection of the premises, or (ii) arrange for the City Building Inspector to have access to the premises for such initial inspection. (See Section 3 for the determination to be made by such inspector).

If the City Council, after a public hearing, determines the proposed business would not be detrimental to the health, safety, or welfare of the citizens of the City of Payne Springs or other persons, the City Council may approve the issuance of a business permit to the applicant. However, the Council may approve the application for the business permit without the necessity of a public hearing if such action is approved by the unanimous vote of the members of the Council.

Section 5: No person shall conduct business of any nature within the City unless such person has a current business permit.

Any person desiring to obtain a business permit shall make application to the City Secretary, which application shall fully state the nature of the business sought to be conducted within the City and such additional information deemed pertinent by the City Secretary and the City Building Inspector as set forth in the form prescribed by the City Secretary. The application shall be accompanied with the payment of the applicable fee for the business permit.

Section 6: The annual permit fee for each business entity within the City on the effective date of this ordinance shall be \$150 per year for each business location.

The initial annual permit fee for each business entity that makes application for a business permit after the effective date of this ordinance shall be not less than \$175 nor more than \$250 for each business location as determined by the City Council of the City of Payne Springs. After the first permit year, the annual fee shall be \$150.

The annual permit fee may be paid in quarterly installments, but the full amount of such fee shall be paid prior to December 31 of each year. Prior to the end of the calendar year, an application for the renewal of the business permit shall be submitted to the City Secretary together with the permit fee.

Section 7.. Any person who violates any of the provisions of this Ordinance or fails to observe a provision of this ordinance shall be deemed guilty of a misdemeanor for each offense and, upon conviction, shall be fined a sum not less than \$ 100 or more than \$250, for each offense. Additionally, each and every day or fraction of a day during which this ordinance or any part thereof is violated, such violation shall be deemed a separate offense and punishable as such..

Section 8: Any person violating any of the provisions of this ordinance or failing to observe any of its provisions shall be guilty of a misdemeanor and upon conviction shall be fined in an amount not less than \$25 dollars nor more than \$200 and each and every day or fraction of a day during which this ordinance or any part thereof shall be violated shall be deemed a separate offense and punishable as such.

Section 9: . Each and every provision, paragraph, sentence and clause of this Ordinance has been separately considered and passed by the City Council of the

City of Payne Springs, and each said provision, paragraph, sentence and clause would have been separately passed without any other provisions and if any provisions, paragraph, sentence or clause hereof should be ineffective, invalid or unconstitutional for any cause, it shall not impair or affect the remaining portions nor any other part hereof, but the valid portion shall be enforced in the same manner as if it had been passed alone.

PASSED AND APPROVED this the 21<sup>ST</sup> day of ~~February~~<sup>SEPTEMBER</sup>, 2004.

APPROVED:

J. D. Meredith

ATTEST:

Sam Bennett