

**ORDINANCE NO. 2006-3**

**AN ORDINANCE PROVIDING REQUIREMENTS FOR THE ISSUANCE OF A BUSINESS PERMIT ALLOWING 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, OFFICE, AND OR PLACE OF WORK.**

**SECTION 3. FROM AND AFTER THE EFFECTIVE DATE OF THIS ORDINANCE, NO PERSON SHALL OCCUPY A BUILDING OR STRUCTURE, EITHER MOBILE OR STATIONARY, WITH THE INTENT OF CONDUCTING BUSINESS OF ANY NATURE WITHIN THE CITY LIMITS OF PAYNE SPRINGS, TEXAS, WITHOUT OBTAINING A YEARLY BUSINESS PERMIT. UPON COUNCIL APPROVAL AND NEWSPAPER PUBLICATION THE BUSINESS WILL HAVE TEN WORKING DAYS TO PURCHASE SAID PERMIT FROM THE CITY. THE INITIAL FEE FOR THE YEAR 2006 SHALL BE PRORATED FOR EXISTING BUSINESSES IN THE CITY OF PAYNE SPRINGS.**

**SECTION 4. A PERSON WHO SEEKS TO ESTABLISH A NEW BUSINESS WITHIN THIS CITY, SHALL, PRIOR TO THE OCCUPATION OF A BUILDING OR STRUCTURE, EITHER STATIONARY OR MOBILE, REQUEST A BUSINESS PERMIT BY PERSONAL APPEARANCE BEFORE THE CITY COUNCIL FOR APPROVAL OF SAID BUSINESS AND UPON ACCEPTANCE BY THE COUNCIL WILL PAY TO THE CITY THE INITIAL BUSINESS PERMIT FEE. THE BUSINESS PERMIT FEE WILL BE PRORATED ACCORDING TO THE DATE OF REQUEST. THE PERMIT SHALL HAVE THE SAME FISCAL YEAR AS THE CITY OF PAYNE SPRINGS, COMMENCING JANUARY 1 THROUGH DECEMBER 31 AND PAYABLE PRIOR TO THE END OF EACH YEAR FOR THE UPCOMING YEAR.**

**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 REQUEST 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.**

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**SECTION 6. THE INITIAL ANNUAL PERMIT FEE FOR EACH NEW BUSINESS ENTITY THAT MAKES A WRITTEN REQUEST AND GOES BEFORE THE COUNCIL FOR APPROVAL OF SAID BUSINESS AFTER THE PASSAGE OF THIS ORDINANCE SHALL BE \$175.00. AFTER THE FIRST PERMIT YEAR, THE ANNUAL FEE SHALL BE \$150.00.**

**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 AND UPON CONVICTION, SHALL BE FINED A SUM NOT LESS THAN \$100.00 OR MORE THAN \$250.00 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 PROVISION, PARAGRAPH, SENTENCE OR CLAUSE DETERMINED TO BE INEFFECTIVE, INVALID OR UNCONSTITUTIONAL FOR ANY REASON, SHALL NOT IMPAIR OR AFFECT THE REMAINING PORTION NOR ANY OTHER PART HEREOF, BUT THE VALID PORTION SHALL BE ENFORCED IN THE SAME MANNER AS IF IT HAD BEEN PASSED ALONE.**

**THIS ORDINANCE SUPERSEDES ANY AND ALL PREVIOUSLY DATED BUSINESS PERMIT ORDINANCES.**

**PASSED AND APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2006.**

**APPROVED:**

\_\_\_\_\_  
**ETHEL HAGIN, MAYOR**

**SEAL**

**ATTEST:**

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**LINDA CARR, CITY SECRETARY**