

ORDINANCE NO. 2019-03-19

AN ORDINANCE AMENDING ORDINANCE NO. 2006-3 AND ORDINANCE NO. 2015-05-19 PROVIDING REQUIREMENTS FOR THE ISSUANCE OF A BUSINESS PERMIT ALLOWING THE OPERATION OF A BUSINESS ENTERPRISE IN PAYNE SPRINGS, TEXAS, ESTABLISHING PERMIT FEES, PROVIDING PENALTIES FOR THE VIOLATIONS OF THIS ORDINANCE, LATE FEES, PROVIDING SEVERABILITY, PROVIDING A REPEALER CLAUSE AND AN EFFECTIVE DATE.

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.

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 PAYMENT IS NOT RECEIVED BY THE CITY OF PAYNE SPRINGS BY DECEMBER 31 OF EACH YEAR, A LATE FEE OF \$50.00 WILL BE ASSESSED.

SECTION 5. ANY PERMIT ISSUED BY THE CITY SHALL BE FOR A PERIOD OF ONE YEAR AND SHALL EXPIRE ON DECEMBER 31 OF EACH YEAR. A PERMIT HOLDER SHALL RE-APPLY TO THE CITY FOR A NEW PERMIT NO LATER THAN OCTOBER 31 OF EACH YEAR.

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ONCE AN APPLICATION FOR A PERMIT IS FILED WITH THE CITY, THE PERMIT WILL GO BEFORE THE CITY COUNCIL FOR APPROVAL. APPROVAL OF ANY SUCH PERMIT SHALL NOT BE UNREASONABLY WITHHELD. HOWEVER, AN APPLICATION FOR ANY PERMIT MAY BE DENIED IF IT IS DETERMINED THAT THE BUSINESS WOULD ENDANGER THE HEALTH, SAFETY AND WELFARE OF THE CITIZENS OF PAYNE SPRINGS, OR IF IT IS DETERMINED THAT THE BUSINESS IS ACTIVELY IN VIOLATION OF ANY FEDERAL AND/OR STATE LAW OR LOCAL ORDINANCE.

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. ADDITIONALLY, A VIOLATION OF THIS ORDINANCE MAY RESULT IN IMMEDIATE ACTION TO VOID ANY PERMIT ISSUED HEREIN BY THE CITY COUNCIL.

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.

SECTION 9 ANY SECTION, SUBSECTION, SENTENCE, CLAUSE OR PHRASE OF ANY OTHER ORDINANCE, ORDER, OR RESOLUTION OF THE CITY OF PAYNE SPRINGS IN CONFLICT WITH THIS ORDINANCE IS HEREBY REPEALED IN ITS ENTIRETY.

SECTION 10 THIS ORDINANCE SHALL BECOME EFFECTIVE AFTER ITS PASSAGE AND PUBLICATION AS IS LEGALLY REQUIRED.

PASSED AND APPROVED THIS 19th DAY OF March, 2019.

APPROVED:

RODNEY RENBERG, MAYOR

KAREN JUICA, CITY SECRETARY