

**City of Caney City
ORDINANCE NO. 2018-03**

Business Permits

AN ORDINANCE OF THE CITY OF CANEY CITY ESTABLISHING WHEN A BUSINESS PERMIT IS REQUIRED, THE BUSINESS PERMIT PROCESS, PROVIDING FOR A BUSINESS PERMIT FEE; PROVIDING A PENALTY FOR VIOLATIONS; REPEALING ALL PREVIOUS BUSINESS PERMIT ORDINANCES; PROVIDING FOR SEVERABILITY, AND SETTING AN EFFECTIVE DATE

WHEREAS, it is the purpose and intent of the City Council in enacting this ordinance that the process and fees herein established have been made for the purpose of promoting health, safety and the general welfare of the City. They have been made with reasonable consideration of the zoning regulations; and with the goal of ensuring that business permits are consistent with Zoning Ordinance No. 2016-02 which establishes zoning districts, general regulations, and permitted uses.

NOW THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CANEY CITY, TEXAS:

01.01 AUTHORIZATION

The Mayor of the City of Caney City, Texas, or his designee, is hereby authorized to implement the provisions of this ordinance, 2018-03, known as the Ordinance for Business Permits, for Caney City, Henderson County, Texas.

01.02 GENERAL REGULATIONS – BUSINESS PERMITS

All requests for *new* business permits will be considered and approved or denied by the City Council prior to commencing business or performing work of any kind at the subject location. A *Business Permit Request* form may be obtained from the City Secretary.

- A. A person, company, corporation or other business organization seeking to establish a new business in Caney City must obtain a business permit prior to commencement of business and prior to the use, erection, conversion or structural alteration of a structure or land in:
- Commercial Districts C-1 or C-2, or
 - Districts Classified as Special Use Districts.

See Zoning Ordinance 2016-02 for further information on Commercial Districts and Special Use Districts.

- B. Business permits will not be considered if the permit request is related to Residential Districts R-1 through R-5.
- C. The City Council will utilize Zoning Ordinance, 2016-02 to determine if the business permit request complies with the City Zoning Ordinance.
- D. The City Council will consider the impact of the request on the health, safety and welfare of the community, as well as the impact to City resources.
- E. Any permit may be denied for omissions or untruthful information within the application or statements made by the applicant or their representative during consideration by the City Council or for conducting business prior to receiving a permit.

01.03 GENERAL REGULATIONS – ONGOING BUSINESS PERMITS

Business Permits, following initial approval by the City Council, must be renewed annually.

01.04 BUSINESS PERMIT AMOUNT, DUE DATE AND COUNCIL APPROVAL REQUIREMENTS

- A. The business permit fee for newly established businesses is \$150.00 annually, payable within five business days following City Council approval

of the business permit. New Business Permits will be prorated at a rate of \$12.50 for each full month remaining to the end of the calendar year. Business Permits for following years must be paid in full (\$150) no later than January 15.

- City Council approval of ongoing business permits is not required as long as there has been no change in the business model originally approved for the newly established business.
- A change in the business model originally permitted by the City Council must be resubmitted for consideration and permitting according to this ordinance.
- A change in business ownership does not require Council approval as long as the business model has not changed. However, the new owner should file a permit with the City indicating the new ownership information only. As long as the previous owner was current on the annual business permit, no payment is due for the current year from the new owner. Regular annual permit renewals begin for the new owner in the following calendar year.

01.05 FAILURE TO PAY ANNUAL BUSINESS PERMIT

If the calendar year permit fee of \$150.00 is not paid by January 15 of that calendar year, the City Secretary shall immediately send a notice of delinquency requesting payment as soon as possible. If payment is not received within five business days of the delinquency notice, the City Secretary shall submit an agenda item for the next regular Council Meeting requesting revocation of the business permit.

- Following revocation of the business permit by the City Council, the business owner must cease operations and shall have thirty (30) days to fully close and vacate the business.
- If the business owner fails to cease operations, properly and adequately clean up the area and/or vacate the business within thirty (30) days of revocation of the business permit, a citation of \$100 per day from the date of revocation of the business permit shall be assessed by the Chief of Police or designee.

01.06 TEMPORARY BUSINESS PERMITS

- A. Temporary business permits are time limited in nature, not to exceed six months in duration.
- B. Temporary business permits may be issued following submission of a *Business Permit Request* and approval by the City Council.
- C. The permitting process for Temporary business permits follows Section 01.02 of this ordinance.
- D. Temporary business permits may only be issued for areas in the C-1 or C-2 Commercial Districts or in areas classified as Special Use Districts.
- E. The fee for a temporary business permit is \$150 and is effective for a period approved by the City Council, not to exceed six (6) months.
- F. Temporary business operations permitted by the City cannot be sublet or assigned to another person or entity and all operations must be in accordance with the information and business purpose provided in the original approved *Business Permit Request*.
- G. The Temporary merchant must maintain the operations/area permitted in an orderly fashion for each day it is permitted. The area within fifty (50) feet of the permitted operation must be free of trash and rubbish. All tables, chairs, trash cans and other set ups associated with the operation must be properly stored each night at the close of business. Failure to comply with this may result in revocation of the permit and/or a citation in the amount of \$100 for each day that a violation is observed by the Chief of Police or designee.
- H. If the temporary merchant fails to cease operations as stated in their original approved permit request, fails to adequately clean up the area within fifty (50) feet of the operation, and/or vacate the business

immediately upon expiration of the temporary business permit, a citation in the amount of \$100 per day shall be assessed by the Chief of Police or designee for each day the violation continues.

01.07 SPECIAL CONDITIONS-COMPLIANCE WITH ALL CITY ORDINANCES AND LOCAL AND STATE LAWS

- A. All business permits, new, ongoing or temporary, are issued with the condition that the proprietor and/or operator of the business is in full compliance with ALL Caney City Ordinances. If a proprietor and/or operator of a permitted business violates ANY Caney City Ordinance, the business permit may be revoked without any refund of previously paid fees.
- All City Ordinance violations must be remedied as specified by the City within the required written timeframes, in order to avoid revocation of the business permit.
 - Following revocation of the business permit by the City Council, the business owner must cease operations and shall have thirty (30) days to fully close and vacate the business (immediately for temporary merchants).
 - If the business owner fails to cease operations and vacate the business within thirty (30) days of revocation of the business permit (immediately for temporary merchants), a fine of \$100 per day shall be assessed from the date of revocation of the business permit by the City Council.
- B. All business permits for new, ongoing or temporary permits are issued with the condition that the proprietor or operator of the business is in compliance with local and state laws and licensure requirements applicable to their business. (Examples: Texas Alcoholic Beverage Commission Licensure, State Sales Tax Permits, Food Handlers Training, Food Manager Certificate, etc)

01.08 REPEAL

This ordinance repeals Ordinance 41191B, and Ordinance 41191C.

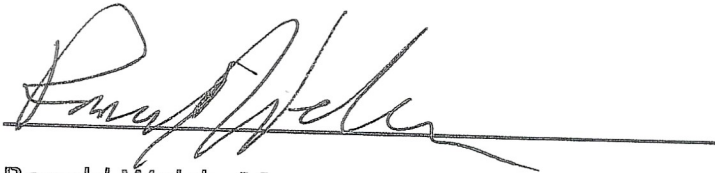
01.09 SEVERABILITY

If any section or part of any section or paragraph of this ordinance is declared invalid or unconstitutional for any reason, it shall not be held to invalidate or impair the validity, force or effect of any other section or sections or part of a section or paragraph of this ordinance.

01.10 EFFECTIVE DATE

This Business Permit Ordinance shall be effective as of the date of approval by the City Council of the City of Caney City, Texas.

PASSED AND APPROVED this 12 day of April, 2018.



Ronald Welch, Mayor

ATTEST:



City Secretary

/Ordinance 2018-03 Business Permits, FINAL passed 4-12-18