

## ORDINANCE #1249

AN ORDINANCE OF THE CITY OF ROBERT LEE, TEXAS ESTABLISHING A BUSINESS LICENSE APPLICATION PERMIT, PERMIT FEES, AND THE APPROVAL PROCESS TO OPERATE A BUSINESS IN THE CITY OF ROBERT LEE, AND PROVIDING FOR AN EFFECTIVE DATE.

**Section 1** All businesses wishing to operate within the city limits of the City of Robert Lee shall first apply for a business license from the governing body of the City of Robert Lee.

**Section 2** License Required. It shall be unlawful for any person to operate a business within the city limits unless he/she holds a valid license issued annually by the City of Robert Lee in the name of such business. The applicant shall make all applications for the license on forms furnished by the City of Robert Lee, which shall issue a license upon compliance with the provisions of this ordinance.

(a) Application for renewal: Application for renewal of a license shall be made in writing by the licensee on forms furnished by the City of Robert Lee on or before December 31<sup>st</sup> of each year. Such application shall contain any changes in the information occurring after the original license was issued or the latest renewal granted.

(b) Fee: All applications shall be accompanied by a fee of \$50.00.

(c) Approval of transfer: Every person holding a license shall give notice in writing to the City of Robert Lee within ten (10) days of agreement of sale, after having sold, transferred, given away, or otherwise disposed of interest in or control of any business.

Within thirty (30) calendar days thereafter, the City of Robert Lee shall act on this application for license transfer and it shall be approved, if the business is in compliance with the provisions of this section.

(d) Transfer fee: A fee of \$50.00 shall apply to all applications for license transfer.

(e) Suspension:

- 1) Whenever, upon inspection of any business, the City finds that conditions or practices exist which are in violation of any provision of this ordinance applicable to such business, the City shall give notice in writing to the owner and/or manager of the business, and if such conditions or practices have not been corrected in the time

frame set forth in the notice, the City will suspend the license and give notice of suspension. Upon suspension of the license, the licensee shall cease operation of such business.

**Section 3** Businesses wishing to operate within the city limits of the City of Robert Lee shall first apply for a business license from the governing body of the City of Robert Lee, and shall provide the following information:

- A site development plan.
- Name of proposed business with list of owners and/or stockholders
- Exact location and mailing address of proposed business, as well as the physical and mailing address of all owners and/or stockholders.
- Type of proposed business; including but not limited to the products to be sold or manufactured, business hours, projected amount of traffic, type of traffic (i.e. equipment yard, parking lot, etc.)
- Noise level of proposed business.
- Target group of proposed business.
- Tax identification number.
- Copy of any special licenses needed to conduct said business.
- Petition signed by the surrounding inhabitants of the location of the proposed business granting their consent to the operation of said business.

**Section 3(a)** Upon receipt of the aforementioned information, the governing body will discuss and decide upon the validity of said business at the next regular council meeting. The owner and/or stockholders of said business will be given the opportunity to present their case at said council meeting. Once the business license application is approved, the said business will be mailed a business license to conduct business within the City of Robert Lee.

**Section 3(b)** If for any reason, the majority of the governing body finds that the business would be detrimental to any or all of the populous of the City of Robert Lee, the license will not be granted and the business will not be allowed to conduct business within the city limits of the City of Robert Lee.

**Section 4** The building official and code enforcement officer are hereby authorized to make such inspections as are necessary to determine compliance with this ordinance.

(a) Entry on premises: The building official and code enforcement officer shall have the power to enter at reasonable times upon any private or public property within the purpose of inspecting and investigating conditions relating to the enforcement of this ordinance.

**Section 5** Notice of violation: Whenever it is determined that there are grounds to believe that there has been a violation of any provision of this ordinance, the City of Robert Lee shall give notice of such alleged violation to the licensee or agent, as hereinafter provided. Such notice shall:

- 1) Be in writing.
- 2) Include a statement of the reason(s) for its issuance.
- 3) Allow ten (10) days for compliance.
- 4) Be served upon the licensee or his agent, provided that such notice or order shall be deemed to have been properly served upon such licensee or agent when a copy thereof has been served in person or sent by certified mail to his/her last known address.
- 5) Contain an outline of remedial action that, if taken, will effect compliance with the provision of this ordinance.
- 6) After all procedures outlined above are exhausted, citations may be issued.

If a municipality mails a notice to a property owner in accordance with Section 3.2 (a) and the United State Postal Service returns the notice as "refused" or unclaimed", the validity of the notice is not affected, and the notice is considered as delivered.

(a) Appeal from notice: Any person affected by any notice that has been issued in connection with the enforcement of any provisions of this ordinance applicable to such business may request a hearing before the city council; provided that such person shall file within ten (10) days after the day the notice is served, in the city secretary's office a written petition requesting such hearing and setting forth a brief statement of the grounds thereof. The filing request for a hearing shall operate as a stay of the notice and the suspension, except in the case of an order issued under subsection (d) of this section.

(b) Issuance of order: After such hearing, the City Council shall issue an order in writing sustaining, modifying or withdrawing the notice of violation, which order shall be served in person or by certified mail upon the petitioner. Any failure to comply with an order sustaining or modifying the finding of a violation shall constitute grounds for immediate revocation of the license of the park affected by the order.


(c) Order without notice: Whenever the city finds that an emergency exists which requires immediate action to protect the public health or safety, the mayor and/or code enforcement officer may, without notice or hearing, issue an order reciting the existence of such an emergency and requiring the action to be taken as deemed necessary to meet the emergency. Notwithstanding any other provisions of this section, such order shall be effective immediately, but upon written petition to the city, shall be afforded a hearing as soon as possible. The provisions of subsection (c) of this section shall be applicable to such hearing and the order issued thereafter.

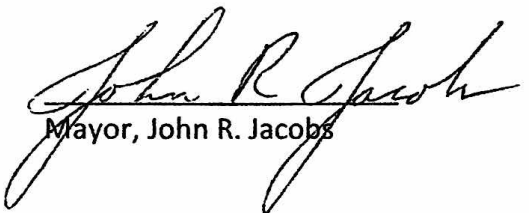
**Section 6** Any noncompliance with this ordinance is hereby deemed a nuisance. The city may abate and remove the nuisance and punish the person(s) responsible for causing or allowing the nuisance condition to exist. Any person(s) violating this ordinance shall be subject to a fine not to exceed five hundred dollars (\$500.00) for each provision violated, and each day that there is a failure to comply with the terms of any provision of this article is declared to be a separate offense. For violations of the provisions of this ordinance that govern fire safety or public health and sanitation, including dumping of refuse, the fine may not exceed two thousand dollars (\$2000.00) per day, per violation. The code enforcement official shall be the authority of the jurisdiction responsible for the issuance of citations and any action deemed necessary for the enforcement of this ordinance.

**Section 7** This Ordinance shall be in full force and effective as of September 8, 2014.

ADOPTED THIS THE 8th DAY OF SEPTEMBER, 2014.

ATTEST:

  
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Kay Torres, City Secretary

  
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Mayor, John R. Jacobs