



Maya Sanchez
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ORDINANCE NO. 1515.28

AN ORDINANCE OF THE CITY OF SAN ELIZARIO REGULATING THE REGISTRATION OF BUSINESSES; AND PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT; REGISTRATION REQUIREMENTS; APPLICATION PROCESS AND FEES; ENFORCEMENT, INCLUDING CRIMINAL FINES AND CIVIL PENALTIES OF UP TO \$500 PER DAY; AND EFFECTIVE DATE.

WHEREAS, the City Council of the City of San Elizario (“City”) strives to protect citizens from illegitimate and unscrupulous business practices and performances; and

WHEREAS, to deter these practices, the City seeks to implement registration requirements for businesses and to collect fees related to the City’s costs of regulation and related enforcement; and

WHEREAS, pursuant to Texas Local Government Code Section 51.001, the City Council finds that it is necessary and proper for the good government, peace or order of the City to adopt an ordinance to regulate business registrations.

NOW, THEREFORE, BE IT ORDAINED by the City Council of San Elizario, Texas:

ARTICLE I. FINDINGS OF FACT

The foregoing recitals are adopted as facts and incorporated fully herein.

ARTICLE II. ENACTMENT

The City Council of the City of San Elizario hereby enacts and adopts this Ordinance as follows:

Section I. Registration Required

- A. The following businesses shall register annually with the City:
 - I. A business situated within the municipal limits of the City.

2. A contractor, defined as a person or entity who makes contracts for the construction, installation or repair of buildings, structures, roofs, fire protection, electrical, gas, mechanical or plumbing systems and other related construction projects.
- B. License or Permit Requirements for Liquor Licensee. A person who or an entity that has obtained a license or permit from the Texas Alcoholic Beverage Commission for the sale or manufacture of alcoholic beverages must obtain the corresponding license or permit from the City for each place of business. Such license or permit shall be in lieu of a business registration and must be obtained pursuant to the City's alcoholic beverage regulations.

Section 2. Definitions

A. General

Words and phrases used in this Ordinance shall have the meanings set forth in this section. Words and phrases not defined herein shall be given their common, ordinary meaning unless the context clearly requires otherwise. Headings and captions are for reference purposes only.

B. Specific

Business: A commercial or industrial venture established and operating for profit or non-profit at a location within the municipal limits of the City, and which provides services or products to other businesses, entities, or the general public.

City: City of San Elizario.

Contractor: One performs services within the municipal limits of the City for a specified price in residential, commercial, industrial, or civic construction including but not limited to electrical, plumbing, mechanical, and general construction.

Liquor Licensee: A person who or an entity that has obtained a license or permit from the Texas Alcoholic Beverage Commission for the sale or manufacture of alcoholic beverages.

Registration Official: Building official or other designee of the Mayor.

Section 3. Application Process and Appeal

- A. Applicants shall submit to the City an application for business registration on a form provided by the City and a nonrefundable fee established by the City.
- B. Upon completion of the processing of the application, the Registration Official shall approve the application and register the business unless the Registration Official finds:
1. the applicant has made or caused to be made false statements or misrepresentations on the application;
 2. the applicant has submitted an incomplete application;
 3. the required fee has not been paid;
 4. the business is not in compliance with the requirements of any City zoning ordinance;

5. the building where the business is located does not have a current certificate of occupancy issued by the City; or
6. any related registration matter.

C. An Applicant may appeal the denial of an application by filing with the City Secretary or Clerk a formal notice of appeal for review by the City Council. Upon a hearing, the City Council shall issue a decision on the application.

Section 4. Fees

A.		Businesses
	1. Base fees:	\$ 100.00
	2. Fee after violation notice issued:	\$ 150.00
	3. Annual renewal:	\$ 25.00
B.	Contractors	
	1. Base Fees:	\$ 75.00
	2. Fee after violation notice issued:	\$ 125.00
	3. Annual renewal:	\$ 25.00

Section 5. Miscellaneous Registration Provisions

- A. Registration requirements.
 1. Registration is for a one year period, beginning January 1st and ending December 31st of the year of registration.
 2. Registration must be renewed annually as long as the business is active.
 3. Registration fees will not be pro-rated.
 4. Registration fees are non-refundable.
 5. Contractors must provide a copy of Contractors License(s) issued by the State of Texas.
- B. Non-profit businesses are exempt from registration fees.

Section 6. Registration Compliance

- A. Businesses may be inspected for compliance with all City ordinances applicable to the operation of the business.
- B. If a business is terminated, the registrant must notify the City in writing within 30 days of the date of the termination and provide the date on which business ceased operations in the City.

Section 7. Enforcement

- A. Civil and Criminal Penalties.
The City shall have the power to administer and enforce the provisions of this Ordinance as may be required by governing law. Any person violating any provision of this Ordinance is subject to suit for injunctive relief as well as prosecution for criminal violations.

B. Criminal Prosecution

Violation of any provision of this Ordinance is a misdemeanor offense and punishable, upon conviction, by a fine not to exceed \$500. Each day of the violation is a separate offense.

C. Civil Remedies

Nothing in this Ordinance shall be construed as a waiver of the City's right to bring a civil action to seek civil remedies, including but not limited to the following:

1. injunctive relief to prevent specific conduct that violates the Ordinance or to require specific conduct that is necessary for compliance with the Ordinance; and
2. a civil penalty not to exceed \$100.00 a day upon a showing that the defendant was notified of the provisions of the Ordinance and after receiving notice, nonetheless committed acts in violation of the Ordinance or failed to take action necessary for compliance with the Ordinance; and
3. other available relief.

ARTICLE III. REPEALER AND SEVERABILITY

REPEALER: All ordinances, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein.


SEVERABILITY: Should any of the clauses, sentences, paragraphs, sections or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

ARTICLE IV. EFFECTIVE DATE

This Ordinance shall be effective immediately upon passage and publication.

PASSED AND APPROVED this, the 10th day of November, 2015, by a vote of 4 (ayes) to 0 (nays) to 0 (abstentions) of the City Council of San Elizario, Texas.

CITY OF SAN ELIZARIO, TEXAS:



Maya Sanchez, Mayor