

Maya Sanchez  
Mayor  
Leticia Miranda  
Alderson Place 1  
David Cantu  
Alderson Place 2



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Alderson Place 3  
Rebecca Martinez-Juarez  
Alderson Place 4  
George Almanzar  
Alderson Place 5

## ORDINANCE NO. 1715.28

**AN ORDINANCE OF THE CITY OF SAN ELIZARIO AMENDING ORDINANCE 1515.28, THE BUSINESS REGISTRATION ORDINANCE; PROVIDING FOR FEE EXEMPTIONS TO LICENSED ELECTRICIANS AND PLUMBERS; ADDING REGISTRATION REQUIREMENTS; AND PROVIDING FOR AN EFFECTIVE DATE**

### RECITALS

- WHEREAS, in 2015, and amended in 2016, the City Council of the City of San Elizario (“City”) enacted Ordinance 1515.28, the Business Registration Ordinance, requiring businesses and contractors to register with the City in order to conduct business or provide a service within the City; and
- WHEREAS, recent amendments to state law, Occupations Code Sections 1301.551(g) and 1305.201(f), have removed the assessment on electricians and plumbers of a registration fee by a municipality to perform work within a municipality; and
- WHEREAS, an amendment to the Business Registration Ordinance is necessary for compliance with state law.

**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 are incorporated fully herein.

### ARTICLE II. AMENDMENT AND ENACTMENT

The City Council of the City of San Elizario hereby amends, and enacts as amended, the following provisions of Ordinance 1515.28, the Business Registration Ordinance, by inserting the underlined text and deleting the strike-through text to read as follows:

## Section 1. Registration Required

- A. The following businesses shall register annually with the City:
1. 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.

## 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.

*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 31<sup>st</sup> 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 the following with the registration application:
  - a. a copy of Contractors License(s) issued by the State of Texas;
  - b. the El Paso County Assumed Name Certificate;
  - c. the State of Texas Sales Tax Identification Certification Number; and
  - d. a copy of the Certificate of Insurance indicating liability coverage of \$1,000,000 and issued from a duly licensed insurance company within the State of Texas with an A rating or higher as rated by the Texas Department of Insurance.

B. Fee exemptions. The following are exempt from registration fees only:

1. Non-profit businesses; ~~are exempt from registration fees.~~
2. Electricians licensed by the State of Texas; and
3. Plumbers required by the State of Texas under Occupations Code Section 1301.551(g) to obtain a permit.

**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.

**PASSED AND APPROVED** this, the 28<sup>th</sup> day of November, 2017, by a vote of 5 (ayes) to 0 (nays) to 0 (abstentions) of the City Council of San Elizario, Texas.

**CITY OF SAN ELIZARIO, TEXAS:**

  
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Maya Sanchez, Mayor