ORDINANCE 2002-06

AN ORDINANCE REGARDING THE PROCEDURES OF ISSUING PERMITS FOR BUSINESSES TO OPERATE IN THE CITY OF SOMERSET

WHEREAS, it is the intention of the City of Somerset to establish additional procedures for issuance of permits for business operation.

Definitions:
New Business - Any business that is either new to the area or any business that has taken over a already established building or any business that has let it permit lapse is considered a new business and has to follow all regulations concerning new businesses. An established business that has relinquished its license through non-renewal has to go through the new business procedure. Any business that has a change of use from the original permit is considered a new business and will be reviewed as such. Plans for that business or any newly built business will be submitted to the City for review **before** work can be started.

Established Business- Any established business that is in good standing and has renewed its license in the required fashion will be considered an established business. The City of Somerset reserves the right to review all established businesses permits before the renewal license is issued.

Regulatory Authority – May consist of one or all of the following: Planning & Zoning Commission, Administrator, City Council

THEREFORE, BE IT ORDAINED BY the City of Somerset

Section 1.
Whenever a new establishment is constructed or extensively remodeled and whenever any existing structure is converted into a new business use, properly prepared plans and specifications for such construction, remodeling or conversion shall be submitted to the City regulatory authority for review before work is begun. Any person desiring to establish a business must make a written application for a permit. Failure to provide all required information or falsifying the information required may result in denial or revocation of the permit. Renewals of permits are required on an annual basis and **will be reviewed** on an annual basis. A valid permit must be posted in or on every establishment regulated by this ordinance.

Section 2.
Prior to approval of an initial permit of an existing facility, the regulatory authority will inspect the proposed business to determine compliance. Extensive remodeling means that 20% or greater of the area of the establishment is remodeled. The plans and specifications shall indicate the proposed layout, equipment arrangement, mechanical plans and construction details. The area of parking spaces for the facility will need to be addressed. If plans are approved, failure to follow the approved plans and specifications will result in permit denial, suspension or revocation.

Section 3.
A PERSON(S) MAY NOT OPERATE A BUSINESS WITHOUT A PERMIT ISSUED BY THE CITY. PERMITS ARE NOT TRANSFERABLE FROM ONE PERSON TO ANOTHER OR FROM ONE LOCATION TO ANOTHER LOCATION.

Section 4.
Any businesses existing at the time of adoption of this Ordinance that are not in compliance with this Ordinance shall be deemed to be Non-conforming and subject to this Ordinance.

Section 5.
Suspension of Permit
The regulatory authority may, without warning, notice or hearing suspend any permit if the operation constitutes an imminent hazard to public health, or other reasons deemed critical by the regulatory authority. The City Building Inspector has the right to inspect the residence or business as needed. Suspension is effective upon service of the notice required by the following procedure: Whenever a permit is suspended, the holder of the permit or the person in charge shall be notified in writing that the permit is, upon service of the notice, immediately suspended and that an opportunity for a hearing will be provided if a written request for a hearing is filed with the regulatory authority by the holder of the permit within ten (10) days. If no written request for hearing is filed within ten days, suspension is upheld and sustained. The regulatory authority may end the suspension at any time if reasons for the suspension no longer exist. Whenever a permit is suspended, and a written request is filed within the ten (10) days, the holder of the permit shall be afforded an opportunity for a hearing within 20 days of receipt or request for a hearing.

Section 6.
Revocation of Permit
If there is a revocation of permit, the regulatory authority may, after providing opportunity for a hearing, revoke a permit for serious or repeated violations of compliance. Prior to revocation, the regulatory authority shall notify the holder of the permit or the person in charge, in writing of the reason for which the

permit is subject to revocation and that the permit shall be revoked at the end of ten days following service of such notice unless a written request for a hearing is filed with authority by the holder of the permit within such ten day period. If no request for hearing is filed within the ten-day period, the revocation of the permit becomes final.

The regulatory authority shall conduct the hearing provided for in these rules at a time and place designated by it. Based upon the recorded evidence of such hearing, the regulatory authority shall make final findings, and shall sustain, modify or rescind any notice or order considered in the hearing. A written report of the decision shall be furnished to the holder of the permit.

Section 7.
Penalty
Any person who violates a provision of these rules and any person who is the permit holder or otherwise operates the business that does not comply with the requirements of these rules and/or any responsible officer of that permit holder or those persons shall be fined up to but not more than $300.00 for each day of non-compliance.

Section 8.
Severability
If any section, subsection, sentence, clause, phrase or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate distinct, and independent provision and such holding shall not affect the validity of the remaining portions of this ordinance.

Section 9.
Nesessity
It is hereby declared that this Ordinance is necessary to the immediate preservation of the public peace, heath, and safety, and shall be enforced immediately upon approval.

INTRODUCED, READ AND PASSED BY AN AFFIRMATIVE VOTE OF THE CITY COUNCIL OF THE CITY OF SOMERSET, TEXAS ON THIS THE 9th **DAY OF** May**, 2002.**

Fred Boyd
Mayor

ATTEST:

Ellen M. Hicks