

**CITY OF LAKEWAY, TEXAS**

**ORDINANCE NO. 2021-01-19-03**

**AN ORDINANCE OF THE CITY OF LAKEWAY, TEXAS, AMENDING THE CODE OF ORDINANCES, TITLE I: GENERAL ORDINANCES; CHAPTER 6: BUSINESS REGULATIONS; ARTICLE 6.07: BUSINESS LICENSING; AMENDING APPENDIX A: FEE SCHEDULE; ARTICLE A4.000 BUSINESSES; SECTION A4.004 BUSINESS LICENSES AND ARTICLE A6.000 BUILDING, DEVELOPMENT, AND ZONING; SECTION A6.003 BUILDING AND INSPECTION FEES; AND PROVIDING FOR SAVINGS, SEVERABILITY, REPEALER, AND AN EFFECTIVE DATE.**

**WHEREAS,** Pursuant to Texas Local Government Code Title 7 Regulation of Land Use, Structures, Business, and Related Activities and Sections 2.01 and 2.02 of the Charter of the City of Lakeway, Texas (the City), the City has the general authority to regulate businesses and business uses; and

**WHEREAS,** the City Council of the City of Lakeway, Texas, (the Council) seeks to maintain public safety by ensuring the appropriate fire and building safety codes are enforced for commercial uses and finds it necessary to establish verification of commercial building alarm systems;

**WHEREAS,** the Council further deems it necessary to monitor all commercial business locations and operating status for the enhanced economic development of the City;

**WHEREAS,** the City of Lakeway Code of Ordinances Appendix A Fee Schedule was supplemented with a Business License Fee in 2019 without corresponding supplement to Chapter 6 of the Code of Ordinances; and

**WHEREAS,** the City of Lakeway Code of Ordinances Appendix A Fee Schedule should be amended to properly reflect the Business License Fee.

**NOW, THEREFORE BE IT ORDAINED by the City Council of the City of Lakeway, Texas:**

**(1) FINDINGS OF FACT**

The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.

**(2) AMENDMENT I**

The City of Lakeway Code of Ordinances, Title I (General Ordinances), Chapter 6 (Business Regulations) is hereby amended by adding Article 6.07 (Business Licensing) as follows:

**“Article 6.07 Business Licensing**

**Sec. 6.07.001 Required**

- (a) No person, firm, corporation, or other commercial entity shall hereafter operate any business on commercial property within the city limits until the fee for such business is paid and a business license issued thereafter.
- (b) An application for a business license must be made on a form provided by the code official and the application form shall include:
  - (1) The name, address, and contact information of the applicant;
  - (2) The name and address of the business;
  - (3) A copy of the formation documents, e.g., DBA, LLC, or Articles of Incorporation;
  - (4) A copy of the Sales and Use Tax Permit as issued by the Texas State Comptroller’s Office as applicable, or a Sales Tax Certificate;
  - (5) A copy of the issued Certificate of Occupancy or Temporary Certificate of Occupancy, or of an accepted application for either of these documents;
  - (6) The fire alarm provider and contact information;
  - (7) The security service provider and contact information, as applicable;
  - (8) The building owner and contact information;
  - (9) A list and documentation of any hazardous materials stored on site, as applicable; and
  - (10) Any other documentation deemed necessary by the code official.
- (c) The premises may be inspected at any time and must found to be in compliance with the law by a code official and the fire department.

**Sec. 6.07.002 Issuance**

The code official shall approve the issuance of a license to an applicant within fourteen (14) days after receipt of an application unless the code official finds one or more of the following to be true:

- (a) An applicant is overdue in payment to the city of taxes, fees, fines, or penalties assessed against or imposed upon the applicant in relation to its business;
- (b) An applicant has failed to provide information reasonably necessary for issuance of the business license or has falsely answered a question or request for information on the application form;
- (c) The business license fee required by this article has not been paid; or
- (d) An applicant or the proposed establishment is not in compliance with any provision of this article.

**Sec. 6.07.003 Fees**

The annual fee for a business license shall be set according to the city fee schedule.

#### **Sec. 6.07.004 Expiration**

Each business license shall expire one (1) year from the date of issuance and may be renewed only by making application as provided in section 6.07.001. Application for renewal should be made more than fourteen (14) days before the expiration date. An application for renewal made less than fourteen (14) days before the expiration date does not extend the license and the expiration of the license will not be affected. Required inspections for renewals shall be determined by the code official.

#### **Sec. 6.07.005 Display**

Each business, person, firm or corporation, or other legal entity engaging in any business as set forth above shall secure and prominently display at said place of business its valid business license.

#### **Sec. 6.07.006 Nontransferable**

Any business license issued pursuant to the requirements of this article shall not be transferable to any other location or to any other business license holder. Upon a change of ownership of a licensed business, the former business license shall automatically expire and a new business license must be obtained. It shall be the duty of the person to whom the business is transferred to notify the code official of such change in ownership.

#### **Sec. 6.07.007 Suspension and Revocation**

A violation of this article or any other requirements of this Code by a business license holder may result in the suspension or revocation of an issued business license by the city until such time as the business license holder comes into compliance with the requirements of the Code.

#### **Sec. 6.07.008 Appeal**

If the code official denies the issuance of a business license, or suspends or revokes a business license, the code official shall send to the applicant, or business license holder, by certified mail, return receipt requested, written notice of the action and the right to an appeal. Upon receipt of written notice of the denial, suspension, or revocation, the business license holder whose application for a business license has been denied or whose business license has been suspended or revoked shall have the right to appeal to the city manager. An appeal to the city manager must be filed within ten (10) days after the receipt of notice of the decision of the code official. The filing of an appeal stays the action of the code official. For purposes of a Tex. Local Government Code Chapter 211 appeal to the Board of Adjustment, if an appeal is taken to the city manager, the decision of the city manager described in this section is the decision made by an administrative official which can then be appealed to the Board of Adjustment.

#### **Sec. 6.07.009 Penalties**

It shall be unlawful for any person, firm, corporation, or other legal entity, either personally or as an agent, servant or employee, to pursue or conduct any business, occupation, vocation, calling, trade, profession, or other activity for which a city business license fee is levied by this article, without having first paid such fee and complied with all applicable provisions hereof. Except as

otherwise provided herein, any person, firm, corporation, or other legal entity violating or causing to be violated, or permitting to be violated the provisions of this article shall be deemed guilty of a misdemeanor, and upon conviction, shall be fined as provided for in the general penalty provision found in Section 1.01.009 of this Code, and each twenty-four (24) hours of any such violation shall constitute a separate offense.”

**(3) AMENDMENT II**

The City of Lakeway Code of Ordinances, Appendix A (Fee Schedule), Article A4.000 (Businesses) is hereby amended by adding Section A4.004 (Business Licenses) as follows:

**“Sec. A4.004 Business Licenses**

The yearly Business License fee shall be \$25.00.”

**(4) AMENDMENT III**

The City of Lakeway Code of Ordinances, Appendix A (Fee Schedule), Article A6.000 (Building, Development, and Zoning), Section A6.003 (Building and inspection fees) is hereby amended by deleting Section A6.003 (2)(O) as follows:

~~“(O) Business license fee: \$25.00 each. All businesses must register with the city annually.”~~

**(5) SAVINGS**

The repeal of any ordinance or part of ordinances effectuated by the enactment of this Ordinance shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying or altering any penalty accruing or to accrue, or as affecting any rights of the City under any section or provisions of any ordinances at the time of passage of this Ordinance.

**(6) SEVERABILITY**

If any section, subsection, sentence, clause, phrase or word of this Ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this Ordinance.

**(7) 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.

**(8) EFFECTIVE DATE**

This Ordinance shall be effective immediately upon passage and publication as provided for

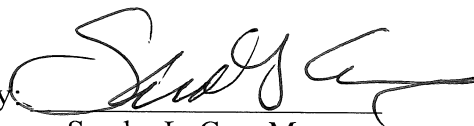
by law.

**(9) PROPER NOTICE & MEETING**

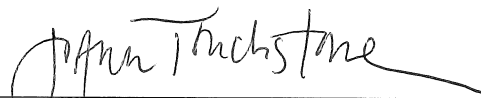
It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, and Chapter 551. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

**PASSED & APPROVED** this 19th day of January, 2021, by the City Council of Lakeway, Texas.

**CITY OF LAKEWAY:**

By:   
Sandra L. Cox, Mayor

**ATTEST:**

  
Jo Ann Touchstone, City Secretary

