

## ORDINANCE 2024-O-107

AMENDING CHAPTER 18, ARTICLE V OF THE CITY OF LAREDO CODE OF ORDINANCES TO CHANGE THE TITLE OF ARTICLE V TO “CERTIFICATES OF OCCUPANCY” AND ESTABLISH REQUIREMENTS AND FEES FOR CERTIFICATES OF OCCUPANCY APPLICATION FEE OF \$100.00 FOR A BUSINESS UNDER 2,000 SQUARE FEET OR \$200.00 FOR A BUSINESS OVER 2,001 SQUARE FEET, CHANGE OF NAME FEE ON AN EXISTING BUSINESS WILL BE \$50.00. TEMPORARY CERTIFICATE OF OCCUPANCY FEE WILL BE \$200.00. ALL APPLICATION FEES ARE NON-REFUNDABLE AND DUE UPON SUBMISSION OF THE APPLICATION. COPIES OF THE CERTIFICATE OF OCCUPANCY WILL HAVE A FEE OF \$20.00 EACH; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY; PROVIDING FOR PUBLICATION; AND DECLARING AN EFFECTIVE DATE.

**WHEREAS**, the City of Laredo Code of Ordinances regulates and requires all businesses to have a certificate of occupancy to conduct business within the City of Laredo; and

**WHEREAS**, the City Council is concerned about businesses in the City of Laredo conducting business that is in violation of City of Laredo ordinances; and

**WHEREAS**, the City is expressly authorized to regulate business establishments and require a certificate of occupancy by virtue of being a home rule municipality; and

**WHEREAS**, the City Council deems it necessary, for the purpose of promoting the health, safety, morals, and general welfare of the City and its residents to adopt and enforce procedures for revoking certificates of occupancy; and

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAREDO THAT:**

**Section 1.** The City of Laredo Code of Ordinances Chapter 18, Article V is hereby amended as follows:

ARTICLE V. – CERTIFICATE OF OCCUPANCY.

Sec. 18-20. Definitions.

As used in this article, the following definitions shall apply:

Business shall mean the purchase or sale of goods or ~~and~~ services for a profit.

Sec. 18-21. ~~Registration requirements~~ Certificates of occupancy required.

(a) A certificate of occupancy is required for all businesses within the city limits. No building or structure shall be used or occupied, and no change in the existing use or occupancy classification of a building or structure or portion thereof shall be made, until the building official has issued a certificate of occupancy therefor as provided herein. Every ~~new~~ business in the City of Laredo is required to ~~fill~~ submit an application that shall contain the following information:

- (1) The name of the business and the business owner;
- (2) The address of the business and the address of the owner;
- (3) The business telephone number, ~~and~~ the cell phone number, and email address of the owner ~~or~~ and manager;
- (4) Type of business and/or primary business operation;
- (5) Legal description of the business site with a floor plan to scale;
- (6) A completed preliminary questionnaire
- (7) Signature of applicant indicating all information submitted is correct.

(b) An applicant must provide any required information to the Building Development Services Department within thirty (30) days of submitting the application for a certificate of occupancy. If the applicant fails to provide any required information to the Department within thirty (30) days, the application will be cancelled and the applicant will need to restart the application process.

(c) A certificate of occupancy is not transferrable. Any transfer of ownership or control in the building or in the business voids the existing certificate of occupancy and requires a new certificate of occupancy prior to the operation of the business.

Sec. 18-22. ~~Permit~~ Certificate of occupancy application approvals required.

Every ~~new~~ business applying for a certificate of occupancy must have approval from the following departments and/or divisions within the departments:

Building development services department's zoning division, building division, ~~and~~ right-of-way division and environmental engineer must review and approve.

The planning department's historic preservation division must review and approve.

The health department must review and approve.

The fire department must review and approve for ~~all fire code~~ compliance with all fire codes.

After all departments have approved the application, a certificate of occupancy must be issued before the business can open.

Sec. 18-23. ~~Application fee~~ Fees.

~~The application applicant~~ shall pay an application fee of ~~fifty dollars (\$50.00)~~ one hundred dollars (\$100.00) for a business under two thousand (2,000) square feet or two hundred dollars (\$200.00) for a business over two thousand and one (2,001) square feet. The fee for a change of name on an existing business will be fifty dollars (\$50.00). The fee for a temporary certificate of occupancy will be two hundred dollars (\$200.00). All application fees are non-refundable and due upon submission of the application. Copies of the certificate of occupancy can be obtained for a fee of twenty dollars (\$20.00) each.

Sec. 18-24. Issuance of ~~permit~~-certificate of occupancy.

~~The building development services director or his designee will issue an applicant, after comply[ing] with all the requirements of section 18-22, a certificate of occupancy. After satisfactory completion of the reviews and approvals required by section 18-22, remediation of any deficiencies and payment of the applicable fees, the building development services director, the building official or their designee shall issue a certificate of occupancy. Issuance of a certificate of occupancy does not constitute a waiver of any requirements which may be listed in the city's adopted codes or ordinances.~~

The Certificate of Occupancy must be prominently displayed within the business.

Section 18-25. Automatic termination of Certificate of occupancy.

The following occurrences shall cause automatic termination of a certificate of occupancy:

- a) A change in the ownership of the building or the business for which the certificate of occupancy was issued;
- b) A change in the name of the business to whom the certificate of occupancy was issued;
- c) A change in the type of business being conducted;
- d) A change in the use of the structure; or
- e) A change in the site plan.

Upon automatic termination of a certificate of occupancy for any reason, a new certificate of occupancy must be obtained pursuant to the terms and requirements of this chapter and all applicable City of Laredo Codes and Ordinances.

Sec. 18-~~26~~25. Enforcement, suspension and revocation of certificate of occupancy.

This chapter shall be enforced by ~~t~~The duly constituted authorities of the city, including the building development services department and others having the duty of enforcing the ordinances of the city.

Suspension. The city manager or his designee shall suspend a certificate of occupancy for a period not to exceed thirty (30) days if he determines that a certificate holder has:

- (a) Violated or is not in compliance with any of the provisions of this ordinance; or
- (b) Refused to allow or interfered with an inspection of the premises.

Revocation for continuing violations. The city manager or his designee shall revoke a certificate of occupancy if a cause for suspension occurs and the certificate of occupancy has been previously suspended with the preceding twelve (12) months.

The following shall apply to the revocation of a certificate of occupancy:

(a) The city manager's authorized representative shall revoke a certificate of occupancy if it is determined that:

- (1) The certificate of occupancy is issued in error;
  - (2) The certificate of occupancy is issued on the basis of false, misleading, incomplete, or incorrect information supplied;
  - (3) A use or occupancy is being operated in a manner that is creates a substantial danger of injury or an adverse health impact to any person or property, or and is in violation any provision of the City of Laredo Code of Ordinances, the City of Laredo Land Developmental Code, ~~any provisions of any City of Laredo ordinances, any laws rules~~ or regulations ~~or any of the State of Texas state or the federal government laws or regulations~~;
  - (4) The structure or any portion of the structure is poses a substantial danger of injury or creates an adverse health impact to any person or property ~~that is in violation of any provision of the Code of Ordinances, the City of Laredo Land Developmental Code, any provisions of any City of Laredo ordinances, rules or regulations or any state or federal laws or regulations~~;
  - (5) A required city, county, state, or federal license, permit, certificate or registration to operate the use or occupancy has not been issued, has been revoked, or has expired;
- (b) Certificate of occupancy holders will be notified in writing by certified mail at the ~~last address of record~~ address listed in their applications of the date, time, and location of the hearing to determine what action will be taken, if any, based on the alleged violation. Certificate of occupancy holders will be notified in writing by certified mail at the address listed in their applications of ~~any the~~ decision taken reached by the city manager or their designee.
- (c) Upon revocation of a certificate of occupancy, the certificate of occupancy holder has the right to appeal the revocation to the city council in writing within ten (10) days of receipt of the notice of revocation. The city council or their authorized representative shall conduct a hearing to determine if the revocation is appropriate. Such hearing shall be held within thirty (30) days of the filing of the appeal. ~~The city council shall within thirty (30) days grant a hearing to consider the action.~~ The city council has authority to sustain, reverse, or modify the decision of the City Manager's representative action appealed. The decision of the city council is final as to available administrative remedies and is binding upon all parties. Upon the filing of the decision with the city secretary and the building official, it is the duty of the building official to enforce the decision of the city council.

Sec. 18-2726. Penalty.

(a) Any person who shall knowingly violate any provision of this article shall be deemed guilty of a misdemeanor and shall upon conviction be punished by a fine or not more than five hundred dollars (\$500.00). Each day that a violation of this chapter continues is a separate offense.

(b) Operation of a business without a valid certificate of occupancy issued in accordance with Section 18-21 may result in closure of the structure or space until the required certificate of occupancy is obtained.

(c) Should the department determine a structure or space is open to occupancy and that said structure or space does not have a valid certificate of occupancy, a notice, in writing, and signed by the director or their designee, shall be hand delivered to the responsible party, property owner, or agent of the premises by a city employee notifying them of the violation.

(d) The occupant, owner, or owner-occupant shall respond to the notification within five (5) working days by either presenting a valid certificate of occupancy or presenting just cause why the facility should not be closed until a certificate of occupancy is obtained.

(e) In the event of a closure, a placard shall be placed at the facility noting the facility is closed to the public pending a valid certificate of occupancy. The placard shall not be removed until a valid certificate of occupancy is obtained and shall only be removed by the director. Removal of the placard shall be deemed a violation of the Code of Ordinances, subject to the penalties of this chapter.

(f) Effect of revocation. No certificate of occupancy shall be issued within a period of one year to anyone whose certificate of occupancy has been revoked, except at the discretion of the city council.

**Section 2.** This Ordinance shall be cumulative of all provisions of ~~this~~ the ordinances of the City of Laredo, Texas, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

**Section 3.** It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this ordinance shall be declared invalid or unenforceable ~~unconstitutional~~ by the valid judgment or decree of any court of competent jurisdiction or any Federal or State Government Agency having jurisdiction over the subject matter of this ordinance, ~~such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this ordinance~~ shall remain in full force and effect. ~~since~~

~~the same would have been enacted by the City Council, without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph, or section.~~

**Section 4.** The City Secretary of the City of Laredo is hereby directed to publish the proposed Ordinance as required by Section 2.09 of the Charter of the City of Laredo.

**Section 5.** This Ordinance shall become effective 60 days after the public hearing.

**PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR ON THIS \_\_\_\_  
DAY OF \_\_\_\_\_, 2024.**

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**DR. VICTOR D. TREVIÑO  
MAYOR**

**ATTEST:**

\_\_\_\_\_  
**MARIO I. MALDONADO, JR  
CITY SECRETARY**

**APPROVED AS TO FORM:**

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**DOANH “ZONE” T. NGUYEN  
CITY ATTORNEY**