

CITY OF ROCKWOOD

ORDINANCE NO. 503

AN ORDINANCE TO AMEND CHAPTERS §126-5, 126-7 AND 126-8 OF THE ROCKWOOD CITY CODE TO SET AND UPDATE ADMINISTRATIVE, PROCESSING AND INSPECTION FEES FOR THE ESTABLISHMENT OR TRANSFER OF BUSINESSES IN CITY OF ROCKWOOD

Section 1. The City of Rockwood ordains that Chapter 126-5, License applications, of the Rockwood City Code is hereby amended to provide as follows:

“§ 126-5. License applications.

Unless otherwise provided in this article and any other chapter of the Code of the City of Rockwood, every person required to obtain a license from the City to engage in the operation, conduct or carrying on of any trade, profession, business or privilege shall make application for such a license to the City Clerk upon forms provided by the City Clerk, and shall state, under oath or affirmation, such facts as may be required for or applicable to the granting of such license. A non-refundable Administration fee shall be charged for each application. The fee for the initial business registration certificate is \$100. There will also be an application review fee to be set by the building inspector, not to exceed \$100. The applicant is responsible for all City Planner and engineering review fees incurred by the City, and an initial \$1,000 cash bond will be collected by the City for City Planner and engineering review fees. The City may require an additional cash bond deposit for City Planner and engineering review fees if City Planner and engineering review fees exceed the initial \$1,000 cash bond. Any unused portion of the City Planner and engineering review fees bond will refunded to the applicant once the business license is obtained. No person shall make any false statement or representation in connection with any application for a license under this article and any other chapter of the Code of the City of Rockwood.”

Section 2. The City of Rockwood ordains that Chapter 126-7, Conditions for issuance of licenses, of the Rockwood City Code is hereby amended to provide as follows:

“§ 126-7. Conditions for issuance of licenses.

No license or permit required by this article and any other chapter of the Code of the City of Rockwood shall be issued to any person who is required to have a license or permit from the state until such person submits evidence of such state license or permit and proof that all fees appertaining thereto have been paid. No license shall be granted to any applicant therefor until such applicant has complied with all of the provisions of this article and any other chapter of the Code of the City of Rockwood applicable to the trade, profession, business or privilege for which application for a license is made.”

Section 3. The City of Rockwood ordains that Chapter 126-8, Certifications, of the Rockwood City Code is hereby amended to provide as follows:

“§ 126-8. Certifications.

A. Generally. No license shall be granted where the certification of any officer of the City

is required prior to the issuance thereof until such certification is made. The Building Inspector must certify all new Businesses, Home Businesses, Businesses with a permitted use (same type of use), Business with no change in use (new owner), and Businesses with a change in use. The Fire Chief must certify all Businesses with a permitted use (same type of use), Business with no change in use (new owner), and Businesses with a change in use. The City Planner must certify all new Businesses and Businesses with a change in use.

- B. Health Officer. In all cases where the certification of the Health Officer is required prior to the issuance of any license by the City Clerk, such certification shall be based upon an actual inspection and a finding that the person making the application and the premises in which he or she proposes to conduct or is conducting the trade, profession, business or privilege comply with all sanitary requirements of the state and the city.
- C. Fire Chief. In all cases where the certification of the Fire Chief is required prior to the issuance of any license by the City Clerk, such certification shall be based upon an actual inspection and a finding that the premises in which the person making the application for such license proposes to conduct or is conducting the trade, profession, business or privilege comply with all fire regulations of the state and the city.
- D. Police Chief. In all cases where the certification of the Chief of Police is required prior to the issuance of any license by the City Clerk, such certification shall be based upon a finding that the person making the application for such license is of good moral character.
- E. Building Official. In all cases where the carrying on of the trade, profession, business or privilege involves the use of any structure or land, a license therefor shall not be issued until the Building Official certifies that the proposed use is not prohibited by the Zoning Code or other zoning regulations of the city, and the Building Inspector certifies that the land or structure is not in violation of any other Chapter of the Code of the City of Rockwood. The person or entity intending to use any structure or land in the operation, conduct, or carrying on of any trade, profession, business or privilege must first register and make arrangement with the Building Department for an inspection of the structure or land, to occur prior to the date of transfer, use, occupying the land or structure, or operation of the trade, profession, business or privilege. The inspection fee shall be \$250, which includes one (1) inspection. If additional inspections are required, additional inspection fees will be required as follows: Building \$100; Electrical \$50; Mechanical \$50; Plumbing \$50. Up to a \$5,000 refundable bond may be required based upon the building inspector's review of the costs, safety, number of repairs, proposed alterations, and the severity of the violations. The building inspector shall set the amount of the bond, if any, up to \$5,000. The Building Inspector may require a site plan(s) based on review of the application.”

Section 4. **Saving Clause.** Nothing in this Ordinance or in the Code hereby adopted shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

Section 5. **Severability.** Should any word, sentence, phrase or any portion of this Ordinance be held in a manner invalid by any court of competent jurisdiction or by any state agency having authority to do so for any reason whatsoever, such holdings shall be construed and limited to such work, sentence, phrase or any portion of the Ordinance held to be so invalid shall not be construed as affecting the validity of any of the remaining words, sentences, phrases or portions of this Ordinance.

