



City of Sweetwater

IMPORTANT NOTICE

To all multifamily and business owners in the City of Sweetwater.

The City Commission of the City of Sweetwater on the January 8, 2018 commission hearing passed and adopted Ordinance No. 4363 entitled "Certificate of Use". The ordinance provides procedures and regulations for the issuance of a certificate of use. As part of the regulations an annual renewal is now required for all existing multi-family dwellings and for businesses within the City of Sweetwater.

Existing certificate of use holders, whether the certificate was obtained from the City of Sweetwater or from Miami Dade County shall be required to renew their certificate on an annual basis. The renewal of the certificate shall be due on October 1 of each year. If October 1 falls on a weekend or holiday, the fee shall be due and payable on or before the first working day following October 1.

To renew an existing certificate of use previously obtained from Miami Dade County, please complete and submit the enclosed city application form and submit them in person at the City's Building and Zoning Department, located at 1701 NW 112 St #102, Sweetwater Florida. **Be sure to include a copy of the certificate of use issued by Miami Dade County.** A renewal fee shall be accessed at the time of submittal as per Ordinance 4363. Applications for new certificate of use shall follow the regulations as set forth in the ordinance.

IMPORTANT – Please be aware that under the regulations of the ordinance no certificate of use shall be valid for more than one (1) year and all certificates shall expire on September 30 of each year. Any multi-family dwelling or business failing to obtain or renew the certificate of use prior to October 1 shall be considered delinquent and subject to a delinquency penalty as the regulations under Ordinance 4363.

The ordinance, regulations for the certificate of use and certificate of use application are accessible at the City of Sweetwater web site www.cityofsweetwater.fl.gov/building-zoning. If you need any further assistance or information regarding this matter you can contact our office at 305-485-4526.

ORDINANCE NO. 4363

AN ORDINANCE OF THE CITY OF SWEETWATER CITY COMMISSION ESTABLISHING PROCEDURES AND REGULATIONS FOR THE ISSUANCE OF A CERTIFICATE OF USE; CREATING CHAPTER 25 ENTITLED "CERTIFICATE OF USE" FOR THE CODE OF THE CITY OF SWEETWATER; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City has been following the requirements under Section 33-8 of Miami Dade County Code for the issuance of a certificate of use in the City of Sweetwater; and

WHEREAS, the City wishes to establish its own procedures and regulations for the issuance of a certificate of use: and

WHEREAS, the purpose of this ordinance is to create procedures and regulations for obtaining a certificate of use in the City: and

WHEREAS, the ordinance is also proposing an annually renewal of the certificate of uses issued by the City or County

WHEREAS, the City Commission hereby finds that this ordinance is in the best interest of the public health, safety and welfare; and

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COMMISSION OF THE CITY OF SWEETWATER, FLORIDA AS FOLLOWS:

Section 1. That the recitals and findings contained in the Preamble to this Ordinance are adopted by reference and incorporated as if fully set forth in this Section.

Section 2. That the City Commission hereby creates the Chapter 25 "Certificate of Use" as provided for in Exhibit "A".

Section 3. That all ordinances or portions of the City Code in conflict with the provisions of this Ordinance shall be repealed upon the effect hereof.

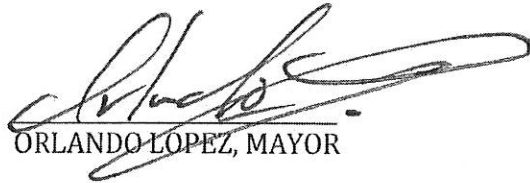
Section 4. That if any section, clause, sentence, or phrase of this Ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, the holding shall not affect the validity of the remaining portions of this Ordinance.

Section 5. That this ordinance shall become effective upon its adoption by the City Commission and approval by the Mayor or if vetoed upon its reenactment by the City Commission as provided by the Charter of the City of Sweetwater.

¹ Underlines items are additions; strike-through items are deletions.

PASSED on first reading this ___ day of _____, 2017.


PASSED AND ADOPTED on second reading this 8th day of January, 2018


ORLANDO LOPEZ, MAYOR

IDANIA LLANIO
COMMISSION PRESIDENT

ATTEST:


CARMEN GARCIA, CITY CLERK


GUILLERMO CUADRA, CITY ATTORNEY

VOTE UPON ADOPTION:

IDANIA LLANIO, COMMISSION PRESIDENT
JONIEL DIAZ, COMMISSION VICE PRESIDENT
PRISCA BARRETO, COMMISSIONER
DAVID BORRERO, COMMISSIONER
MANUEL DUASSO, COMMISSIONER
CECILIA HOLTZ-ALONSO, COMMISSIONER
MARCOS VILLANUEVA, COMMISSIONER

yes
yes
yes
yes
Absent
yes
yes

ord # 4363

EXHIBIT A

CHAPTER 25

Article I – IN GENERAL

1.00.00 - Title

This chapter shall be entitled "Certificate of Use."

1.01.00 - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

BUSINESS —

- A. Includes all vocations, occupations, professions, enterprises establishments, and all activities and matters, together with all devices, machines, vehicles and appurtenances used therein, any of which are conducted for private profit or benefit, either directly or indirectly, on or from any premises in the City.
- B. "Business" does not include the customary activities of religious, charitable, nonprofit service clubs and organizations, or educational nonprofit institutions as those terms are defined in Chapter 205, Florida Statutes, as may be amended.

CERTIFICATE OF OCCUPANCY — A document issued by the City Building Official certifying that he/she reasonably believes a building, or part thereof, and its occupancy to be in compliance with the minimum standards of safety, as set forth in the South Florida Building Code, prior to the building's occupancy and after its inspection and that said building is in conformity with all other applicable laws and regulations.

CERTIFICATE OF USE — A document issued by the Director after verifying that the zoning use classification of any business, within any approved structure or building or unit therein, is allowed, prior to its occupancy and after inspection of the premises and proof of compliance with all the requirements of the City Code of Ordinances and all other applicable laws and regulations; provided, however, that no certificate of use shall be issued until it has been reviewed and approved by both the Director and/or his/her designee.

DEPARTMENT — The Building and Zoning Department.

DIRECTOR — The Director of the Building and Zoning Department.

PERSON — Any individual, firm, partnership, joint venture, syndicate, or other group or combination acting as a unit, association, corporation, estate, trust, business trust, trustee, executor, administrator receiver or other fiduciary.

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PLACE OF BUSINESS — Any structure used for the purpose of exercising the privilege of engaging in business within the City limits.

SHALL — Shall is always mandatory and not merely directory.

STRUCTURE — Anything constructed or erected the use of which requires rigid location on the ground, or attachment to something having a permanent location on the ground, including but not limited to buildings, individual units within a building, and trailers/construction trailers.

Article II - CERTIFICATE OF USE REQUIRED

- A. It is hereby deemed unlawful for any person to open or operate any business and/or occupy any structure within the City limits for the privilege of engaging in any business prior to obtaining the required certificate of use.
- B. No structure used for the purpose of exercising the privilege of doing business within the City limits shall be used or occupied or any existing use enlarged, or any new use made of any land, body of water, or structure, without first obtaining a certificate of use therefor from the Department as may be required herein, as well as Section 307 of the South Florida Building Code.
- C. The certificate of use shall be renewable annually for all existing, new, and future business use classifications on any land, body of water, and or in any structure including the individual units within said structure within the City limits.
- D. Separate certificate of use shall be obtained for each place of business and for each corporation and/or legal entity within each place of business.
- E. It shall be the duty of every person owning, operating, or purchasing any business within the City Limits to comply with the requirements of this chapter prior to opening any business and/or occupying structure.

Article III - TERM OF CERTIFICATE OF USE AND TRANSFER.

- A. No certificate of use shall be issued for more than one year, and all certificates shall expire on September 30 of each year.
- B. Certificates of use may be issued for a fractional portion of a year, but no certificate of use shall be issued for a fractional portion of a month.
- C. When there is a change of use, business, business ownership or business name the application for certificate of use shall be treated as new application.

Article IV - DUE DATE FOR PAYMENT OF CERTIFICATE OF USE FEE.

- A. Certificates shall be available for issuance by the City, commencing on August 1 of each year. Both the renewal application and renewal fee shall be due on October 1 of each year. If October 1 falls on a weekend or holiday, the fee shall be due and payable on or before the first working day following October 1. Those certificates not renewed by October 1 shall be considered delinquent and subject to a delinquency penalty of 10% for the month of October, plus an additional 5% penalty for each month of delinquency thereafter until paid; provided, that the total delinquency penalty shall not exceed 25% of the fee due.
- B. Any person exercising the privilege of engaging in or managing any business without first obtaining a certificate of use, if required under this chapter, shall be subject to a penalty of

25% of the fee determined to be due, in addition to any other penalty provided by law or ordinance.

Article V - FEES.

Fees to be charged for the purpose of administering this chapter are hereby imposed as follows:

- A. The Department shall collect a residential certificate of use fee as follows:
 - 1. 1 – 99 units \$200
 - 2. 100 – 199 units \$500
 - 3. 200 units or greater \$3.00 per unit
 - 4. Home office \$50.00
- B. The Department shall collect for non-residential certificate use minimum fee of \$300 consisting of a non-refundable origination fee of \$150 and a base application fee of \$150 plus a flat fee of \$350 fee for building, electrical, mechanical, plumbing and zoning inspections. For projects larger than 2,000 square feet, an additional \$0.04 per interior square foot above 2000 square feet
- C. No certificate of use fees shall be charged to any business within the City limits that has a current and appropriate certificate of use from Miami-Dade County, but the annual renewal fee shall be charged accordingly.
- D. The Department shall collect an annual renewal fee of \$35 for projects less than 2,000 square feet and for projects 2,000 square feet or greater an annual renewal fee of \$75 shall be charged. The renewal fee is for renewal of existing certificates of use as issued herein.
- E. An application fee of \$10 shall be assessed for the processing of a renewal application for certificate of use.
- F. Inspections of the applicant's business premises shall be scheduled at the convenience of both the enforcement officer/inspector and the business owner. If the business owner fails to be present at the time of the scheduled inspection or if the enforcement officer/inspector is denied and/or unable to gain access to the business premises to conduct the requisite inspection, the business owner may be subject to being charged a reinspection fee of \$25 per reinspection at the discretion of the Director. Additionally, after two such attempts and/or denials of access to the premises the Director may pursue the revocation of any existing certificate(s) of use issued to the subject premises.

Article VI - APPLICATION PROCEDURES.

6.00.00 *Procedures for issuance.* No certificate of use shall be issued or granted to any person or location to engage in any business type use named, identified or encompassed by this chapter unless:

- (1) An application is filed with the Director or his designee on forms provided for that purpose, disclosing the following:
 - (a) The applicant's name and address.
 - (b) The name of the business for which a certificate is sought.
 - (c) Copy of lease between lessor (owner) and lessee (tenant) .

- (d) The type or classification of the business and the relationship of the applicant to the business.
 - (e) The location in the City where the business will be operated. A site plan or floor plan may be required by the Department.
 - (f) The date of birth, social security number and driver's license number of the owner/operator and any applicable federal employer identification numbers.
 - (g) If the applicant is a corporation or partnership, the full name of the corporation or partnership and the state of incorporation. Applicant must submit a copy of the articles of incorporation.
 - (h) If the business is a corporation and is to be conducted under another name, the business name and county of registration under F.S. § 865.09. Applicant must submit a copy of the fictitious name registration.
 - (i) If the business is sharing a space with another business, the Applicant for the proposed business needs to provide copy of the sublease.
- (2) There has been a site inspection of the applicant's business premises.
 - (3) The Director or his/her designee, as appropriate, has approved and assigned the zoning use classification.
 - (4) The Director or his/her designee has verified compliance with all applicable laws and regulations and has collected all applicable fees due to the City.
- 6.01.00 *Legality of use.* In the event there is a question as to the legality of a use, the Director and his/her designee, as appropriate, may require affidavits and such other information s/he may deem appropriate or necessary to establish the legality of the use, before a certificate of use will be issued.
- 6.02.00. *Emergency locator.* The application shall contain a section designated "emergency locator." The applicant shall fill out as part of the certificate of use application the names, business and residence addresses and residence and business phone numbers of the owner, and the manager or other persons to be notified in case of fire or other emergencies. Any changes in such information during the period for which the certificate of use is issued shall be made to the Director or his/her designee, in writing.
- 6.03.00. *Certificate number.* All applications and certificates shall be assigned a number, which may be an individual's social security number and a corporation's federal tax number, or such other uniform method of numbering selected by the Director or his designee, with the director of management information systems.
- 6.04.00. *Statement of accuracy.* The application form shall contain the following language:
 "Signature of the applicant verifies the above information is true and correct. Signee understands the conditions under which the Certificate of Use is being approved and accepted that no charges or refunds can be made once issued. I am authorized to sign for the business and understand that any misrepresentation of information on this may result in the revocation of the CU and/or possible enforcement action being initiated against the business and/or is authorized representative. I further understand that a business must also apply for a Business Tax Receipt (Occupational License)."
- 6.05.00. *Name; signature.* The applicant shall print and sign his name to the application immediately after the statement required in section 6.04 above. In the case of a

corporation, an officer shall be required to sign the application in his individual capacity and not solely as a corporate agent.

- 6.06.00. *Obtaining a certificate of occupancy prior to issuance of certificate of use.* All businesses required to obtain a certificate of occupancy from the Building Department pursuant to Section 307 of the South Florida Building Code, must do so prior to the issuance of a certificate of use. Any certificate of occupancy issued by Miami-Dade County shall be honored by the City, provided that the occupancy for which the certificate was issued remains the same.
- 6.07.00. *State license, certification, registration required.* All businesses and professions regulated by the state must submit a copy of their current state license, certification, and/or registration prior to the issuance of their certificate of use thereafter each year at time of renewal. Only the state license itself, or in the case of the state hotel and restaurant commission, the receipt issued by the state, shall constitute proof of current state license, or the same as may be submitted along with the occupational license application requirements.
- 6.08.00. *Grease trap registration required.* All restaurants are required to obtain a grease trap permit from the Miami-Dade County Department of Environmental Resources Management and shall provide a copy of said permit to the Code Enforcement and Licensing Department prior to the issuance of any certificate of use.
- 6.09.00. *Fire inspection required.* All businesses that require an annual inspection from the Miami-Dade County Fire Department shall submit a copy of the county fire inspection report or any such form indicating that said business was inspected and passed the requisite inspection; prior to the issuance of any certificate of use.

Article VII. - GROUNDS FOR DENIAL.

- A. The Director and his/her designee, as appropriate, shall have the authority to deny an application for a certificate of use on the following grounds:
 - (1) That the applicant has failed to disclose or has misrepresented a material fact or any information required by this chapter in the application.
 - (2) That the applicant has failed to obtain a certificate of occupancy as required by Section 307 of the South Florida Building Code.
 - (4) The certificate of occupancy for the proposed business location has been denied, suspended or revoked for any reason.
 - (5) The issuance of a certificate of use is based on the applicant's compliance with specific provisions of federal, state, City or county law, with respect to the specific zoning use, and the applicant has violated such specific provisions.
 - (6) The applicant has violated any provision of this chapter and has failed or refused to cease or correct the violation within 15 days after notification thereof.
 - (7) The premises have been condemned by the local health authority for failure to meet sanitation standards or the premises have been condemned by the local authority because the premises are unsafe or unfit for human occupancy.
 - (8) The applicant is delinquent in the payment of any certification fee imposed under this chapter; code enforcement lien; special assessment lien and/or any other debt or obligation due to the City under state or local law.

- (9) The applicant has been denied a City occupational license, or the applicant's occupational license has been revoked within the last 12 months.
 - (10) The applicant fails to permit inspection by the City as required and prescribed herein.
 - (11) The applicant's proposed business activity or portion thereof consists of conduct that is an actual threat to the public health, welfare, safety or nuisance.
- B. Any person, whose application has been denied as provided herein in this chapter shall have the right to apply for a variance and/or public hearing. Such application shall be governed in accordance with any City or local ordinance or law.
 - C. Notwithstanding any provisions of this Code, no city officer, agent, employee shall approve, grant or issue any operating permit, city license, certificate of use, building permit, platting action or zoning action to any named violator with (i) unpaid civil penalties; (ii) unpaid administrative costs of hearing; (iii) unpaid liens, any or all of which are owed to the City of Sweetwater pursuant to the provisions of the Code of the City of Sweetwater.

Article VIII - RENEWAL OF CERTIFICATE OF USE.

- A. Renewed certificates will not be issued until all delinquent payments for any fee imposed under this chapter, code enforcement lien, special assessment lien and/or any other debt or obligation due to the City under state or local law has been paid in full.
- B. The City shall endeavor to notify all certificate holders that their certificates of use are due for renewal. However, if such certificate holder does not receive a renewal notification, it is his/her responsibility to renew the certificate of use prior to October 1, to avoid delinquent charges.
- C. Any renewal application in which the applicant changes the authorized use of the premises or makes or proposes any physical or structural changes in the premises shall be reprocessed as if the certificate were a new application.

Article IX - DISPLAY OF CERTIFICATE.

Each certificate of use issued by the City shall be displayed conspicuously at the place of business and in such a manner as to be open to the view of the public and subject to the inspection of all duly authorized officers of the City. Failure to display the certificate in the manner provided for in this section shall subject the owner/operator to the applicable civil penalties in accordance with Chapter 14, Code Enforcement, of the Code of the City of Sweetwater and/or as permitted by law.

Article X - DUTIES OF DIRECTOR.

- A. The Director or his designee, among other duties, shall collect all fees and shall issue certificates in the name of the City to all persons or businesses qualified under the provisions of this chapter and shall:
 - (1) Verify that the applicant is in compliance with all applicable laws and regulations of the City as prescribed herein.
 - (2) Investigate and determine the eligibility of any applicant for a certificate and/or the current status of any certificate as prescribed in this chapter.
 - (3) Accept applications for certificates of use and review for completeness.

- (4) Inspect the applicants' premises for compliance with the applicable building codes identifying any necessary building permits and/or any building code violations.
- (5) Coordinate with Miami-Dade County Fire Department and the Department of Environmental Resources Management to obtain copies of respective approvals as necessary.

B. The Director and his/her designee, as appropriate, shall among other duties:

- (1) Approve and assign the zoning use classification for each business premises.
- (2) Examine the books and records of any applicant or certificate holder when reasonably necessary for the administration and enforcement of this chapter.
- (3) Notify any applicant of the acceptance or rejection of his application and shall, upon his refusal of any certification, at the applicant's request, state in writing the reasons therefor and deliver them to the applicant.

Article XI - EXAMINATION OF RECORDS.

It shall be unlawful for any person and/or business to refuse to allow the Director to investigate and examine relevant records for the purpose of determining whether such person and/or business has a certificate and/or whether such person and/or business shall be issued a certificate.

Article XII. - APPROVAL OF BUSINESS LOCATION REQUIRED.

No certificate of use shall be issued for any business until the zoning use classification of the business premises is first approved by the Director and his/her designee and verifies that the applicant is in compliance with all applicable laws, and other regulatory ordinances of the City.

Article XIII. - LOST OR STOLEN CERTIFICATES; ISSUANCE OF DUPLICATE.

A duplicate certificate of use shall be issued by the Director and his/her designee, as appropriate, to replace any certificate or special permit previously issued which has been lost, stolen, defaced or destroyed without any willful conduct on the part of the certificate holder upon the filing by the certificate holder of an affidavit sworn to before a notary public of this State attesting to that fact. A duplication fee of \$10 shall be charged for each duplicate certificate.

Article XIV - OBTAINING CERTIFICATE BY FALSE STATEMENT.

Any certificate of use obtained under the provisions of this chapter upon a misrepresentation of a material fact shall be deemed null and void and the certificate holder who was thereafter engaged in any business under such certificate shall be subject to enforcement action for doing same without a certificate of use with the same effect and degree as though no such certificate had ever been issued.

Article XV - ILLEGAL ACTIVITY NOT APPROVED BY CERTIFICATE.

The issuance or possession of a valid certificate of use obtained under the provisions of this chapter does not constitute an approval of any offense, illegal activity or act prohibited by law.

Article XVI - REVOCATION OF CERTIFICATE OF USE.

The Director and his/her designee is granted the authority and charged with the duty to revoke, refuse to renew or suspend any certificate of use as follows:

- A. A certificate of use issued under this chapter may be revoked, suspended, or renewal of said certificate refused on the following grounds.
 - (1) The certificate holder has failed to disclose or has misrepresented a material fact or information required by this chapter in the application. If an intentional misrepresentation of a material fact is discovered, Article XII above applies.
 - (2) The certificate holder does not engage in the business as described in the application or has changed the use without authorization.
 - (3) The certificate holder allows the premises to be utilized for solicitation for prostitution, pandering, lewd and lascivious behavior, sale, distribution or display of obscene materials or conduct; sale or possession of any controlled substances or narcotics.
 - (4) The certificate of occupancy for the proposed business location has been denied, suspended or revoked for any reason.
 - (5) The issuance of a certificate of use is based on the applicant's compliance with specific provisions of federal, state, City or county law and the applicant has violated such specific provisions including but not limited to violations of federal, state, or county criminal statutes, and/or violations of county and/or City zoning, occupational licensing, and related ordinances.
 - (6) The applicant has violated any provision of this chapter and has failed or refused to cease or correct the violation after notification thereof.
 - (7) The premises have been condemned by the local health authority for failure to meet sanitation standards or the premises have been condemned by the local authority because the premises are unsafe or unfit for human occupancy.
 - (8) The applicant is delinquent in the payment of any certification fee imposed under this chapter, code enforcement lien, special assessment lien and/or any other debt or obligation due to the City under state or local law.
- B. Procedure.
 - (1) The Director and/or his/her designee may revoke, refuse to renew or suspend any certificate of use on any grounds set forth in Article VI hereinabove. The Director shall issue a written notice of intent to revoke and/or suspend that shall set forth the grounds upon which the notice is issued, the corrections necessary for compliance, and the certificate holder's right to request an administrative hearing in front of the Planning and Zoning Board by filing said request in writing or via email with the City Clerk within 15 calendar days of the service of said notice.
 - (2) The 15 calendar days may be considered a warning period during which the noticed certificate holder may come into compliance as required herein at discretion of the Director. If compliance is achieved within said warning period the Director shall void the revocation and the certificate holder shall dismiss any pending appeal.
 - (3) The notice shall be sent certified mail, return receipt requested, to the address provided in the application or the last known address of the applicant. Alternate service may be made by delivery of the notice of hearing to the place of business and/or

posting such notice thereon. If there is no appeal taken by the certificate holder as provided herein, the certificate of use shall be automatically revoked or suspended, as applicable. Upon revocation or suspension of the certificate of use, the certificate holder shall immediately cease doing business in any location listed therein.

- (4) The request for hearing before the Planning and Zoning Board to appeal the revocation or suspension shall not stay any enforcement action and the revocation or suspension shall remain in effect unless otherwise determined at the sole discretion of the Director.

C. Scheduling and conduct of hearing.

- (1) At any time prior to the expiration of 15 days following the service of the notice of intent to revoke and/or suspend the certificate of use, the certificate holder may request in writing or via email with the City Clerk within 15 calendar days of the service of said notice. The City Clerk shall set the matter down for a Planning and Zoning hearing on the next regularly scheduled hearing date or as soon thereafter as practical, provided that the hearing date is not more than 60 calendar days from the date of the City's receipt of the timely request for appeal. The certificate holder shall receive a minimum of 15 days written notice of the hearing which shall set forth the time and place for the administrative hearing.
- (2) The hearing shall be conducted by the Planning and Zoning Board. The City Attorney may represent the Director at the hearing.
- (3) The proceedings at the hearing shall be recorded by the Planning and Zoning Clerk.
- (4) The hearing shall be conducted in an informal manner and the formal rules relating to evidence and witnesses shall not apply, but fundamental due process shall be observed and shall govern the proceedings. Any relevant evidence shall be admitted if the Planning and Zoning Board finds it competent and reliable, regardless of the existence of any common law or statutory rule to the contrary.
- (5) Each party shall have the right to call and examine witnesses; to introduce exhibits; to cross-examine witnesses on any matter relevant to the issues even though that matter was not covered in the direct examination; to impeach any witnesses regardless of which party first called that witness to testify; and to offer rebuttal to the evidence.
- (6) Requests for continuances will not be considered if not received by the City Clerk at least three calendar days prior to the date set for the hearing.
- (7) The proceedings at the hearing shall be conducted as follows:
 - (a) The Director shall present testimony in evidence and shall carry both the burden of production and the burden of proof, the latter of which shall be by a preponderance of the evidence.
 - (b) The certificate holder shall then present testimony in evidence.
 - (c) Each side shall have the right of cross-examination at the conclusion of the other's presentation.
 - (d) The Planning and Zoning Board shall have the right of inquiry.
 - (e) Each party shall have the right to present rebuttal evidence.
 - (f) Upon completion of the presentations, the hearing shall be closed, and the Planning and Zoning Board shall analyze the testimony and evidence of record.

and shall render a decision either affirming or denying the determination of the Director.

- (8) The decision of the Planning and Zoning Board shall be reduced to writing and copies thereof shall be furnished to the Director and certificate holder within five business days of the hearing.
 - (a) This decision may be appealed as provided elsewhere in this code.
 - (b) Upon the time period for such appeal having expired, and no such appeal having been filed, or upon the expiration of such appeal procedures resulting in the affirmation of the decision of the Planning and Zoning Board, the certificate shall stand automatically and immediately revoked and no new certificate shall be issued. Upon revocation, the certificate holder shall immediately cease doing business in any location listed therein.
- (9) No application for a certificate of use shall be considered for the same property by the same applicant until one year after the date of any revocation or nonrenewal or until a suspension has expired.

Article XVII. - RIGHT OF INSPECTION.

- A. Any person applying for or obtaining a certificate of use shall be subject to an annual inspection of the place of business.
- B. For the purpose of enforcing the provisions of this chapter, code officials, inspectors, and enforcement officers shall have the right of inspection provided that said inspection shall be reasonable and scheduled at the convenience of the applicant or certificate holder and the enforcement officer or inspector. The office of the City Attorney is hereby authorized to seek inspection warrants as necessary.

Article XVIII. - PENALTIES FOR OFFENSES.

Any person who violates any section of this code shall be subject to the issuance of a civil penalty in the amount of \$500 to be issued in accordance with Article IX Chapter 2, Code Enforcement, of the Code of the City of Sweetwater.