



## **Flea Market Operator Permit Provisions**

### **Operator Permit Application and Processing**

1. First time application and renewal for an operator permit shall be made on a form provided by the Development Services Department.
  2. A plot plan of the site area shall accompany the application and shall show the location and dimension of the following:
    - a. All proposed vendor stalls/spaces, including food vendors;
    - b. Off-street parking;
    - c. Sanitary portables or fixed sanitary facilities;
    - d. Existing or proposed structures and uses;
    - e. Pedestrian walkways, fire access ways and required setback areas;
    - f. Storage areas.
  3. Within thirty days of receipt of the application, the Development Services Department shall issue the operator permit if all applicable provisions have been met. If all applicable provisions have not been satisfied, then the application shall be denied and the permit shall not be issued, until the applicant complies with all applicable regulations.
  4. A new operator's permit shall be required if the outdoor flea market is expanded or changed in any capacity or with any change in owner or operator of the outdoor flea market.
  5. The annual fee for an operator permit shall be as established by formal action of the El Paso city council, and shall be nonrefundable.
  6. The operator shall cooperate and permit the city to conduct inspections of the premises at reasonable times to ensure compliance.
- B. Permit Denial, Suspension and Revocation.**
1. The city may suspend or revoke any permit granted hereunder by serving the permittee with written notice by hand-delivery or certified mail, return-receipt requested, if the permittee is found to be in violation of the code or found to pose a significant health risk to the public.
  2. The director of the development services department or his designee shall issue the written notice of denial, suspension or revocation of a permit to the permittee and shall contain, as a minimum, the following:
    - a. State the name and address of the location of the flea market and name of the permit holder;
    - b. State the permit is denied, suspended or revoked;
    - c. Indicate the reason(s) for the denial, suspension or revocation;
    - d. Order all or a portion of the flea market to be closed and not accessible to the public;
    - e. A statement prohibiting the further use and operation of the flea market;

Mayor  
John F. Cook

#### **City Council**

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*District 2*  
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*District 4*  
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*District 5*  
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*District 6*  
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*District 7*  
Steve Ortega

*District 8*  
Beto O'Rourke

City Manager  
Joyce A. Wilson

### **Development Services Department**

Victor Q. Torres - Director

2 Civic Center Plaza – 5<sup>th</sup> Floor · El Paso, Texas 79901 · (915) 541-4622 · Fax (915) 541-4799



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- f. Recommended corrective measures to bring the structure or flea market into compliance with the requirements of this chapter and any other applicable provision of the code;
- g. Establish a reasonable time limit for the completion of the corrective measures;
- h. State the permit, if suspended, is subject to revocation for failure to complete the corrective measures within the allotted time; and
- i. State that the denial, suspension or revocation may be appealed to the construction board of appeals.

3. The Director of the Development Services Department or his designee may post a sign at any location where a permit has been suspended or revoked pursuant to this chapter alerting the public that the location no longer has a valid permit.

### C. Enforcement--Penalty.

1. **Civil and Criminal Penalties.** The Director of the Development Services Department or his designee shall have the power to administer and enforce the provisions of this chapter as may be required by governing law. Any person violating any provision of this chapter is subject to suit for injunctive relief as well as prosecution for criminal violations. Any violation of this chapter is declared to be a nuisance.

2. **Criminal Prosecution.** Any person violating any provision of this chapter shall, upon conviction, be fined a sum not exceeding two thousand dollars. Each day that a provision of this chapter is violated shall constitute a separate offense. An offense under this chapter is a Class C misdemeanor.

3. **Civil Remedies.** Nothing in this chapter shall be construed as a waiver of the city's right to bring a civil action to enforce the provisions of this chapter and to seek remedies as allowed by law, including, but not limited to the following:

- a. Injunctive relief to prevent specific conduct that violates this chapter or to require specific conduct that is necessary for compliance with this chapter;
- b. A civil penalty up to five hundred dollars a day when it is shown that the defendant was notified of the provisions of this chapter and after receiving notice committed acts in violation of this chapter or failed to take action necessary for compliance with this chapter; and
- c. Any other remedy available by law.

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## **FLEA MARKET OPERATOR PERMIT**

### **NEW**

Applicant must register their business name with the County Clerk at the County Courthouse located at 500 E. San Antonio, El Paso, Texas 79901 (915) 546-2071.

<http://www.epcounty.com/records.htm>

Applicant will bring a copy of the Assume Name Certificate to the Development Services Department, located at City Hall 5<sup>th</sup> floor, 2 Civic Center Plaza, El Paso, Texas 79901.

Applicant submits application at Development Services Department / Business Center, located at City Hall 5<sup>th</sup> floor, 2 Civic Center Plaza, El Paso, Texas 79901 (915) 541-4622).

<http://www.elpasotexas.gov>

Applicant must provide proper identification to have application notarized.

Business Center clerk creates the license, reviews and enters information from application and receives payment.

Applicant is informed that the license will not be issued until inspection is performed and has been approved by Development Services Department - Housing Building Standards.

Once the inspection pass, the approved application is returned to the Business Center and license is issued and mailed.

### **RENEWAL**

Business Center mail out renewal notices one month before license expires.

Late renewals will incur a penalty fee.

Applicant submits required payment in person or via mail.

Business Center clerk issues license and customer is issued and/or mailed license and receipt.

**Flea Market Operator License expires one year from date of issuance.**

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