

## Business founder info: tips for choosing a location, premises and workplace safety

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Are you taking over or opening a sales outlet, a workshop, a warehouse, a hostelry, ... and you also want to hire your own staff?

**If so, you will be responsible for a business premises and the workplace safety!**

The operation of a place of business and facilities often requires not only a trading license but also the fulfillment of certain legal requirements. Failure to comply means risking penalties, expensive retrofitting work or even the closure of a business!

**Tip:** In each case, before leasing contracts are drawn up, construction work is commissioned or machinery, equipment, etc., is purchased, ensure you verify that the planned activity is permitted and possible at the chosen location. The following steps have proven practical.

### Step 1: Site suitability, land zoning, building permits

Businesses may only be established and operated in areas where suitable zoning is present. The local community can provide you with information about **land zoning** and any land-use planning that may also be present. They can also inform you about any planning permission required for your project.

Also consider plans for future expansion when selecting your location.

For the commercial use of farmsteads, a special leaflet is available "Commercial use of farmsteads: site suitability - site permits" ([wko.at/ooe/umweltservice](http://wko.at/ooe/umweltservice) under "Leaflets and Information Materials").

**Tip when taking over premises:** You cannot assume that all of the structures have been approved in their current form. Clarify the scope of existing permits and anything that may need to be discussed with the local community's building authorities. If necessary, include any appropriate safeguards in the contract.

### Step 2: Business premises permit

If your premises may be a burden to neighbors, customers or the environment, e.g. via

- noise (e.g. machinery, guests, arrivals and departures, (un)loading of vehicles, ...);
- odors (e.g. kitchens, manufacturing, ...);
- exhaust gases (e.g. furnace, extraction fans, ...); or
- dust (e.g. storage, vehicle movements, manufacturing, ...)

**then you will need a valid business premises permit for your particular trade!**

In case of doubt, clarify the need for such a permit with the trade authority (district administrative authority or municipal authority) before implementing your project. They can also inform you about any additional permission that you may need from the water or conservation authorities.

**Tip:** The best way to avoid objections being raised by neighbors during an approval process is to ensure you inform your neighbors about your project in good time. This helps dispel any unjustified concerns and avoids challenges being made during the procedure.

All district administrative and municipal authorities offer the option of discussing your project beforehand. Ensure you make use of this chance! It enables you to form a picture of the feasibility and costs involved in realizing your business plan. Good-quality project documents (plans, description of the business, list of machinery, waste management strategy, ...) save time, money and nerves.

**Tip when taking over premises:** If a business premises permit is present, then any legal successor (e.g. buyer) can operate the business premises **to the extent of this permit**. Experience shows that permits are not always kept up-to-date. Accordingly, consult with the authorities to verify that the business premises are approved for your intended utilization in their current state.

### Step 3: Workplace safety

If you wish to hire employees - whether immediately or at a later date - then you must take workplace safety requirements into account. These also cover structural regulations (ceiling heights, sanitary facilities, etc.). To avoid costly retrofitting work, these should be considered early on in the planning stage. We also recommend talking to the Labor Inspectorate, either on business premises consultation days or at a specially-arranged meeting. Addresses and telephone numbers for the Labor Inspectorate plus a comprehensive overview of requirements can be found at [www.arbeitsinspektion.gv.at](http://www.arbeitsinspektion.gv.at).

Sample forms for applying for a business premises permit are available online ([wko.at/ooe/umweltservice](http://wko.at/ooe/umweltservice), under "Leaflets and Information Materials").

#### **Important information for transfer, purchase, rental or leasing agreements**

Where necessary, the legal transactions should be concluded with the proviso that the contract becomes binding only once all necessary permits from the authorities have been officially issued (e.g. business premises permit, planning permit). Another possibility would be to grant an option:

The person acquiring legal title (= buyer; tenant; receiver; lessee) receives from the contractual partner (= seller; landlord; transferor; lessor) a binding contractual offer, together with the assurance that the latter will honor this offer for a certain period. The length of this period must suffice to obtain all of the necessary permits from the authorities. Only once all of the permits are officially issued will the person acquiring legal title (buyer; tenant; receiver; lessee) sign the contract.

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Business founders from Upper Austria are encouraged to contact the Service Center, Upper Austria Chamber of Commerce, Hessenplatz 3, 4020 Linz, Tel. 05-90909 for more detailed advice.

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