

## CHAPTER 6

### Business Licenses and Regulations

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## ARTICLE 1

### Business Licenses

#### Sec. 6-1-10. Purpose.

The purposes of this Article are:

- (1) To promote the economic growth and development of the Town.
- (2) To generate revenues for advertising and promoting the Town, and other lawful purposes.
- (3) To require the annual licensing and appropriate regulation of all business conducted within the Town.
- (4) To provide a uniform procedure for the issuance, administration, enforcement and revocation of licenses issued by the Town.
- (5) To provide for the general health, safety and welfare of the Town. (Prior code 6-2-1)

#### Sec. 6-1-20. Definitions.

For purposes of this Article, the following definitions shall apply:

*Business* means and includes each kind of vocation, occupation, profession, enterprise and establishment, or any kind of activity for gain, benefit, advantage or livelihood conducted within the Town.

*Casual transaction* is an isolated, single or incidental transaction (except for any rental of residential property) which in itself does not constitute the carrying on of business. Examples include but are not limited to: fund raisers, garage sales, bake sales or private sales of possessions or vehicles.

*Fixed business* is any business operating from a set operating location within the Town. Without limiting the generality of the foregoing, *fixed business* shall include any owner of residential property who rents such property for any term of less than thirty (30) days and who does not qualify as a nonfixed business as defined below. *Fixed business* does not include a home occupation.

*Home occupation* is any business operated out of a residence. Home occupations are regulated by zoning districts.

*License* means a business license.

*Licensee* is any person required to obtain a license.

*Nonfixed business* is any business not having a set operating location within the Town, but which otherwise does business within the Town. Examples include but are not limited to: door-to-door sales, transient vendors, construction trades and retail and wholesale distributors. Without

limiting the generality of the foregoing, *nonfixed business* shall include any owner of residential property who contracts with a rental management business for the rental of such property of any term of less than thirty (30) days, provided that such rental management business collects and remits to the Town the license fees for all such managed properties.

*Person* means and includes individual natural persons, partnerships, joint ventures, societies, associations, clubs, trustees, trusts or corporations.

*Premises* means and includes all lands, structures and places, and the equipment and appurtenances used in any business, and also any personal property which is either affixed to or is otherwise used in connection with any such business conducted on such premises. (Prior code 6-2-2; Ord. 330 §1, 2007)

**Sec. 6-1-30. Business license required.**

It shall be unlawful for any person to commence or carry on any business within the Town without having first obtained a license from the Town. It shall be unlawful for any person to operate or carry on any business under the license of another, and no licensee shall allow or permit any other person to operate under the business license issued to such licensee. (Prior code 6-2-4)

**Sec. 6-1-40. Separate premises or separate business.**

A separate license shall be obtained for each separate fixed business in Town regardless of whether the business conducted is a separate business at the same location or is a branch, division or agency of a licensee situated at another premises in Town.

(1) Determination of how many licenses are required will be made by the Town Clerk upon application for said license. A finding of any one (1) of the following conditions shall be prima facie evidence that the licensee has more than one (1) business.

- a. Separate physical locations.
- b. Separate business activities in segregated portions of the same building.
- c. Issuance of multiple sales tax licenses.
- d. Issuance of multiple sign permits advertising business at the same locale.
- e. Separate business ownerships.

(2) A real estate company may hold one (1) license for all real estate brokers and agents within the business, but if any such broker or agent conducts any business at any time independently or separate from the licensee, said broker or agent must obtain a business license for the purpose of conducting business. (Prior code 6-2-5)

**Sec. 6-1-50. Exemptions.**

Persons exempt from the provisions of this Article are:

- (1) Churches or established religious organizations.
- (2) Any organization exempt from payment of state and local sales tax.
- (3) Schools.
- (4) Federal and state governments and all political subdivisions thereof.
- (5) Persons exempt from business licensing under state law.
- (6) Persons engaged in a casual transaction.
- (7) Owners of residential property who rent their property for a rental term of thirty (30) days or longer, and all owners of rental time shares regardless of the rental term. (Prior code 6-2-6)

**Sec. 6-1-60. Building and premises.**

No business license shall be issued if the premises and building to be used for the purpose do not conform with the requirements of this Article, the Zoning Ordinance of the Town or any other applicable code or requirement of the Town. (Prior code 6-2-7)

**Sec. 6-1-70. Change of location.**

The location of any fixed business may be changed provided that ten (10) days' advance written notice is given to the Town Clerk, and provided that the building and zoning requirements of this Article and any applicable ordinance adopted by the Town are complied with. (Prior code 6-2-8)

**Sec. 6-1-80. License application.**

(a) Every person required to procure a license shall submit an application in the manner and form required by the Town Clerk along with the required license fee for each license. Full payment is required at the time of application.

(b) The Town Clerk shall determine if all provisions of this Article are complied with and if so shall issue the license. If a license is denied, the applicant may appeal the Town Clerk's decision to the Board of Trustees and its determination shall be final. In the event that a license is denied, all fees paid by licensee shall be refunded.

(c) The Town Clerk may require an investigation prior to the issuance of the license. Said investigation may include, but need not be limited to, inspection of the premises by the Colorado Department of Public Health and Environment, the Building Inspector or any other Town representative to determine if the premises complies with the provisions of this Article.

(d) The Town Clerk may refuse a business license to any person that is in arrearage in payment of sales tax to the Town. (Prior code 6-2-9)

**Sec. 6-1-90. License obligations.**

(a) Upon issuance of a fixed business license, the licensee shall post such license in a prominent place on the premises at all times.

(b) Obligations of each licensee shall include:

(1) Avoid any illegal, unreasonably dangerous or harmful practices or conditions which are detrimental to the public property, health, welfare, peace or safety.

(2) Allow for inspection of the premises by any representative of the Town to determine compliance with all applicable regulations and provisions of this Article and all other ordinances that may apply.

(3) Licensee agrees not to conduct business on any public street or right-of-way except in accordance with the ordinances of the Town. (Prior code 6-2-10)

**Sec. 6-1-100. License renewal and fees.**

(a) Commencing January 1, 1991, every business shall pay an annual business license fee and shall obtain a license prior to the commencement of business. The license shall be valid from January 1 through December 31 of each year.

(b) Once issued, a business license may be renewed upon payment of the annual license fee without further examination or investigation.

(c) The annual business license fee for all businesses shall be in such amount as is established from time to time by ordinance or resolution adopted by the Board of Trustees for each business requiring a separate license (includes a sales tax license). Such fee is set forth in Appendix A to this Code. (Prior code 6-2-11; Ord. 301 Part 6.1, 2004; Ord. 316 Part 6.1, 2005; Ord. 330 §1, 2007)

**Sec. 6-1-110. Administrative fee.**

Five percent (5%) of all business license fees collected shall be reserved to defray expenses and the costs of administration and enforcement of this Article. The remaining ninety-five percent (95%) of business license revenue may be appropriated and expended by the Board of Trustees in any manner consistent with the provisions of this Article. (Prior code 6-2-12)

**Sec. 6-1-120. Revocation and special conditions.**

(a) A license may be revoked by the Board of Trustees upon seven (7) days' written notice stating the general grounds and contemplated action and after a reasonable opportunity to be heard, if the Board should find that the licensee has violated any terms of this Article or any regulation or order lawfully made relating thereto.

(b) The Board of Trustees may grant a temporary, provisional business license to an applicant who does not meet all of the regulations of this Article to allow such applicant to conduct a business while compliance with such regulations is accomplished. If compliance is not accomplished within

the time limits imposed by the Board, such temporary, provisional license shall expire according to its terms. (Prior code 6-2-13)

**Sec. 6-1-130. Penalty.**

Every person convicted of a violation of any provision of this Article shall be punished as set forth in Section 1-4-10 of this Code. (Prior code 6-2-13; Ord. 330 §1, 2007)

**Sec. 6-1-140. Town may seek injunction.**

The Town may also seek an injunction in addition to all other remedies and penalties provided for by local ordinance or available at law. (Prior code 6-2-14)

**Sec. 6-1-150. Cumulative remedies.**

All these remedies shall be in addition to all other remedies and penalties provided for by local ordinance or available at law. (Prior code 6-2-15)

## **ARTICLE 2**

### **Peddlers**

**Sec. 6-2-10. Nuisance.**

The practice of going in and upon private residences in the Town by solicitors, peddlers, hawkers, itinerant merchants and transient vendors of merchandise, not having been requested or invited to do so by the owner or, occupant of said private residences, for the purpose of soliciting orders for the sale of goods, wares and merchandise, and/or for the purpose of disposing of and/or peddling or hawking the same, is hereby declared to be a nuisance, and punishable as such nuisance as a misdemeanor. (Prior code 6-1-1)

**Sec. 6-2-20. Abatement.**

The Chief of Police is hereby required and directed to suppress the same, and to abate any such nuisance as is described in Section 6-2-10 above. (Prior code 6-1-2)

**Sec. 6-2-30. Penalties.**

Any person convicted of perpetrating a nuisance as described and prohibited in Section 6-2-10 above, upon conviction thereof, shall be fined in a sum of not less than twenty-five dollars (\$25.00) or more than one hundred dollars (\$100.00), together with costs of proceedings, which said fine may be satisfied, if not paid in cash, by execution against the person of anyone convicted of committing the misdemeanor herein prohibited. (Prior code 6-1-3)

**Sec. 6-2-40. Licensing.**

The license fee for such solicitors, peddlers and merchants shall be in such amount as is established from time to time by ordinance or resolution adopted by the Board of Trustees for any

calendar year, or part thereof, ending December 31 of the calendar year. Said fee is set forth in Appendix A to this Code. (Prior code 6-1-4; Ord. 330 §1, 2007)

### **ARTICLE 3**

#### **Franchises**

##### **Sec. 6-3-10. Grant of franchises.**

The Town has granted franchises for the operation of cable television and natural gas utilities within the Town. Copies of the ordinances and/or agreements relating to such franchises are available in the office of the Town Clerk. (Ord. 330 §1, 2007)

### **ARTICLE 4**

#### **Alcoholic Beverages**

##### **Sec. 6-4-10. Alcoholic beverage tastings.**

(a) Pursuant to Section 12-47-301(10)(a), C.R.S., the Town hereby authorizes alcoholic beverage tastings for licensed retail liquor stores and liquor-licensed drugstores within the Town. Written notification of intent to hold alcoholic beverage tastings must be received by the Town prior to the first scheduled tasting and subsequently on a yearly basis at the time of renewal of their liquor license.

(b) The Town shall not require a further application prior to allowing retail liquor licensees or liquor-licensed drugstores to conduct alcoholic beverage tastings, and elects not to impose additional limitations on such tastings beyond those limitations set forth in Chapter 47 of Title 12, C.R.S. (Ord. 335 §§1, 2, 2007)