

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; Ord. 371 Part 1, 2010)

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; Ord. 371 Part 1, 2010)

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

(a) The purpose of this Chapter is to require the annual licensing and limited regulation of all business activities and enterprises conducted within the corporate boundaries of the Town; and to provide the Town with necessary information concerning the business activities within the Town, including the nature of the business operation, the place of business and other information relating to the businesses and professions operating within the Town, in order to protect the health, safety and welfare of the Town's citizens, inhabitants and visitors.

(b) It shall be unlawful for any person to commence or carry on any business within the Town without having first obtained a business 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; Ord. 371 Part 1, 2010)

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

A separate license shall be obtained for each separate fixed business in the 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 the 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; Ord. 371 Part 1, 2010)

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 and community-wide preschools/day care facilities.
- (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.
- (8) Persons selling goods or services at temporary or special events. Such individuals are required to obtain a yearly special events vendor license, allowing for the sale of goods at such venues. An alternative is for the event sponsor to act on behalf of all vendors as to congregate and submit all taxes (additional reporting requirements apply in this situation). A special events license would be required for the sponsor in addition to a normal Town business license. (Prior code 6-2-6; Ord. 371 Part 1, 2010)

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; Ord. 371 Part 1, 2010)

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; Ord. 371 Part 1, 2010)

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 the 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 comply 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; Ord. 371 Part 1, 2010)

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) The licensee agrees not to conduct business on any public street or right-of-way except in accordance with the ordinances of the Town.

(4) Collect and remit Town sales tax on all applicable transactions. (Prior code 6-2-10; Ord. 371 Part 1, 2010)

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

(a) Commencing June 1, 2011, 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 June 1 through May 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 unless otherwise needed.

(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, Ord. 371 Part 1, 2010)

Sec. 6-1-110. Reserved.

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 of Trustees, such temporary, provisional license shall expire according to its terms. (Prior code 6-2-13; Ord. 371 Part 1, 2010)

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; Ord. 371 Part 1, 2010)

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; Ord. 371 Part 1, 2010)

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; Ord. 371 Part 1, 2010)

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. Licensing Authority; assistant.

(a) The Liquor and Beer Licensing Authority for the Town shall be the Board of Trustees ("Town Board"). As such, the Town Board shall be known as the "Liquor Licensing Authority" or, in this Article, as the "Authority."

(b) The Town Clerk shall assist the Authority by receiving all applications; coordinating with other Town officers and departments when relevant; scheduling required public hearings; and exercising his or her discretion in forwarding applications for renewals, transfer of ownership, change of manager of a licensee; temporary permits; modifications of premises; and special event licenses.

(c) As set forth below, the Town Clerk is hereby vested with authority to administratively review and approve applications for liquor license renewals; transfer of ownership; change of manager of a licensee; temporary permits; modifications of premises; and special events licenses. (Ord. 336 Part 1, 2007)

Sec. 6-4-20. Delegation of licensing functions to Town Clerk.

(a) The Town Clerk is authorized to act as and for the authority for the following Colorado Liquor Code and Colorado Beer Code licensing functions:

(1) Processing and issuance of special event permits pursuant to Section 12-48-101, C.R.S., provided that no parties have filed a written objection to said permit.

(2) Annual Colorado Liquor Code and Colorado Beer Code license renewals, provided that the Town Clerk is aware of no information that the licensee has violated any provisions of the Colorado Liquor or Beer Codes or associated regulations during the preceding year.

(3) Changes in shareholders, officers, directors or trade names of a licensee, provided that any investigation conducted by the Town does not reveal information that may reasonably form the basis of a determination that the applicant is not qualified to hold the respective license.

(4) Changes in registered manager of a licensee, provided that any investigation conducted by the Town does not reveal information that may reasonably form the basis of a determination that the proposed manager is not qualified to hold the position.

(5) Modification or alteration of the licensed premises, provided that the modification or alteration is of the interior only and does not involve an increase of more than fifteen percent (15%) of the useable area.

(6) The issuance of temporary permits pursuant to and in compliance with the provisions of Section 12-47-303, C.R.S.

(b) The Town Clerk shall refer any licensing decision authorized under this Section to the Town Board if the Town Clerk believes an applicant does not qualify for action by the Town Clerk as set forth above, or if the Town Clerk believes, in his or her discretion, that a matter should be presented to the Town Board.

(c) The Town Clerk shall regularly report to the Town Board in a timely manner all licensing actions taken by the Town Clerk under the provisions of this Section. (Ord. 336 Part 1, 2007)

Sec. 6-4-30. Application requirements.

(a) All applications for licensing actions shall be filed with the Town Clerk on prescribed forms, together with applicable fees.

(b) The Town Clerk may prescribe the form and other requirements for any petitions submitted in favor of or opposed to any proposed licensing action. The Town Clerk or the Authority may reject any petitions that fail to meet such requirements.

(c) The Town Clerk, for good cause, may waive the forty-five-day time requirement for filing a license renewal application.

(d) The fees payable for each type of application shall be as established by the Colorado Revised Statutes and the fee schedule adopted by the Colorado Department of Revenue Liquor Enforcement Division, as amended from time to time. (Ord. 336 Part 1, 2007)

Sec. 6-4-40. Neighborhood considerations.

(a) For applications that involve a determination of the reasonable requirements of the neighborhood and the desires of the adult inhabitants, the boundaries of the relevant neighborhood shall be established as the same boundaries of the Fraser Valley Metropolitan Recreation District.

(b) Pursuant to Section 12-47-313(1)(d), C.R.S., the five-hundred-foot distance restrictions applicable to licensed premises located near schools or campuses is hereby eliminated as to all classes of licenses and as to all types of schools and campuses. (Ord. 336 Part 1, 2007)

Sec. 6-4-50. 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; Ord. 336 Part 1, 2007)

Sec. 6-4-60. Other applicable requirements.

(a) Pursuant to Section 12-48-107(5)(a), C.R.S., the Board of Trustees, as the Local Licensing Authority, elects not to notify the state licensing authority to obtain the state licensing authority's approval or disapproval of an application for a special event permit; provided that the Town Clerk, acting for the Authority, is required only to report to the liquor enforcement division, within ten (10) days after the issuance of a permit, the name of the organization to which a permit was issued, the address of the permitted location and the permitted dates of alcohol beverage service.

(b) Except as otherwise provided in this Article, the requirements and procedures provided in the Colorado Liquor Code and Colorado Beer Code shall apply to applications, proceedings and licensing actions under the jurisdiction of the Authority. (Ord. 336 Part 1, 2007; Ord 386 Part 1, 2011)