

CHAPTER 6

Business Licenses and Regulations

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ARTICLE 1

General Provisions

Sec. 6-1-10. Purpose of provisions.

The purpose of this Chapter shall be to require the registration of all business activities and enterprises physically located within the Town and to provide the Town with necessary information concerning such businesses, including but not limited to the nature of the business operation, place of business and emergency contacts, in order to protect the health, welfare and safety of the Town's inhabitants. (Ord. 3-2009 §1)

Sec. 6-1-20. Definitions.

For the purposes of this Chapter, the following terms, phrases, words and their derivatives shall have the meanings given in this Section:

Business means and includes all kinds of vocations, occupations, home occupations, professions or enterprises, any of which are conducted on any premises in the Town, including but not limited to solicitors and peddlers, contractors, snow plowers and outdoor recreation businesses.

Contractor means any person who contracts with or offers to contract with another for the undertaking of any form of construction work that requires a building permit, including but not limited to new construction, additions, repairs, alterations or renovations of any building or structure. *Contractor*, for purposes of this Chapter, does not include subcontractors working under a general contractor, nor does it include any individual who, for himself or herself, on his or her own behalf, undertakes any form of construction work on his or her home in which he or she presently resides or intends to reside.

Outdoor recreation business means any person conducting a business or a service within the Town limits for profit, including but not limited to outdoor outfitter, angler, snowmobile and Jeep tours and rafting outfits. Such business must provide permission for location of the activity and parking from the property owner.

Peddler means one who travels from place to place carrying wares with him or her. A peddler offers for sale, consummates the sale and delivers the goods or services at the same time to the ultimate consumer.

Snow plower is any entity that plows snow commercially or for profit within the Town regardless of the physical location of the business.

Solicitor means one who also travels from place to place but is distinguished from a peddler in that such person does not carry wares with him or her. A solicitor generally will carry samples and take orders for future delivery of the merchandise. (Ord. 3-2009 §1)

Sec. 6-1-30. Duties of Town Clerk.

The Town Clerk shall be responsible for the administration and enforcement of this Chapter. (Ord. 3-2009 §1)

Sec. 6-1-40. Registration form.

Every entity required to register under the provisions of this Chapter shall submit a form for such registration to the Town Clerk. The form shall:

(1) State the name of the business, the owner of the business, the physical address and telephone number of the business and the nature of the business; and emergency contact information;

(2) Require the disclosure of all additional information necessary for compliance with this Chapter and any other information which the Town Clerk finds to be reasonably necessary for the fair administration of this Chapter; and

(3) Be submitted within thirty (30) days of commencement of business within the Town. (Ord. 3-2009 §1)

Sec. 6-1-50. Issuance of license.

(a) The Town shall grant or deny the application for a license to engage in or conduct a business activity within the applicable property within thirty (30) days following the receipt of the application.

(b) Registration does not permit the conduct of any business if the premises to be used for the business, or the proposed conduct of such business, does not fully comply with the requirements of this Code.

(c) Registration does not permit the conduct of any business or performance of any act which would constitute a violation of the Zoning Code of the Town as set forth in Chapter 16, or any other provision of this Code.

(d) Registration does not permit the conduct of any business which violates any existing state or federal statutes or municipal ordinance.

(e) The Town Administrator, in the exercise of reasonable discretion, may deny applications if the business activity is determined to create negative impacts upon the Town or its inhabitants or to the free flow of pedestrian or vehicular traffic; or negative impacts on the adjoining land uses and established businesses in the neighborhood. (Ord. 3-2009 §1)

Sec. 6-1-60. Fee; term.

(a) Fees shall be set by the Town Council.

(b) The term shall be from April 1 to March 31 of the following year.

(c) A business registration is not transferable.

(d) Fees for business licenses shall be reduced by fifty percent (50%) for new licenses if the term of the license is less than six (6) months. (Ord. 3-2009 §1)

Sec. 6-1-70. Revocation.

The Town Administrator, upon seven (7) days' written notice to a registrant, may revoke any registration filed with the Town if he or she finds that:

(1) The registrant has failed to file any reports or furnish any other information that may be required by any provisions of this Code relating to the specific business.

(2) The registrant has violated any of the provisions of this Code pertaining to the business, or any regulation or order lawfully made relating thereto.

(3) The registration contains a material omission or misstatement of fact.

(4) The registrant has committed fraud, misrepresentation or false statement contained in the application for the license.

(5) The registrant has committed fraud, misrepresentation or false statement made in the course of carrying on his or her business as a solicitor or peddler.

(6) The registrant has violated any of the codes of the Town.

(7) The registrant has conducted the business of soliciting or of peddling in an unlawful manner or in such a manner as to constitute a breach of the peace, or to constitute a menace to the health, safety or general welfare of the public. (Ord. 3-2009 §1)

Sec. 6-1-80. Appeal of administrative decisions.

Any person aggrieved by the decision of the Town Administrator in the course of the administration or enforcement of this Chapter may make an appeal to the Town Council. Such appeal shall be made within ten (10) days of the decision from which the appeal is made by filing with the Town Clerk a written notice of appeal specifying the grounds therefor. The Town Council shall conduct a hearing of the appeal within thirty (30) days of receiving written notice. The decision of the Town Council shall be final. (Ord. 3-2009 §1)

ARTICLE 2

Business

Sec. 6-2-10. Conducting business without a Town business license deemed unlawful.

(a) It is unlawful for any person, whether as a principal, agent, clerk or employee, either for himself or herself or for any other person, corporation or otherwise, to commence, carry on or establish any kind of business within the Town without first having registered with the Town to do so, or without complying with any and all regulations of such business contained in this Chapter.

(b) Any person, business or enterprise transacting retail sales within the Town is required to purchase a Town sales tax license and remit sales tax in compliance with Chapter 4 of this Code. (Ord. 3-2009 §1)

Sec. 6-2-20. Violations; penalty.

In addition to the remedies, fees, delinquency charges or penalties provided for herein, any person who violates any provision of this Chapter, upon conviction, shall be subject to the general penalty provisions as set forth in Section 1-4-20 of this Code. (Ord. 3-2009 §1)

ARTICLE 3

Reserved

ARTICLE 4

Reserved

ARTICLE 5

Reserved

ARTICLE 6

Nude Entertainment Establishments

Sec. 6-6-10. Applicability.

These regulations shall apply to any establishment open to the public in which persons appear in a state of nudity for the purpose of entertaining the patrons of such establishments, hereinafter referred to as *nude entertainment establishments*. However, these regulations shall not apply to any liquor licensed establishment offering nude entertainment, as such establishments are already subject to regulation under the Colorado Liquor Code and Town ordinances. (Prior code 6-111)

Sec. 6-6-20. Definition.

A person appears in a *state of nudity* when such person is unclothed or in such attire, costume or clothing as to expose to view any portion of the female breast below the top of the areola or any portion of the pubic hair, anus cleft of the buttocks, vulva or genitals of either sex. (Prior code 6-112)

Sec. 6-6-30. Minimum age.

No one under twenty-one (21) years of age shall be admitted to any nude entertainment establishment. This minimum age limitation also applies to any employees, agents, servants or

independent contractors working on the premises during hours when nude entertainment is being presented. (Prior code 6-113)

Sec. 6-6-40. Hours.

Nude entertainment shall only be available at nude entertainment establishments from the hours of 4:00 p.m. to 12:00 midnight, Monday through Saturday of each week. (Prior code 6-114)

Sec. 6-6-50. Location; conditional use review.

(a) It shall be unlawful to operate or cause to be operated a nude entertainment establishment in any location except as provided in this Code. Such nude entertainment establishments must obtain a conditional use permit pursuant to Chapter 16 of this Code.

(b) It shall be unlawful to operate or cause to be operated a nude entertainment establishment within one thousand (1,000) feet of:

- (1) A church;
- (2) A school or child care facility;
- (3) A public park;
- (4) A residentially zoned property; or
- (5) A nude entertainment establishment.

(c) For the purpose of this Section, the measurement shall be from the closest property line of the affected property to the closest property line of the property on which the nude entertainment establishment is located. (Prior code 6-115)

Sec. 6-6-60. Violation.

It is unlawful for any person to operate or permit to be operated a nude entertainment establishment in violation of the provisions of this Article. Each day of operation in violation of any provision of this Article shall constitute a separate offense. (Prior code 6-116)

Sec. 6-6-70. Public nuisance.

Any nude entertainment establishment which engages in repeated or continuing violations of these regulations shall constitute a public nuisance. For the purpose of these regulations, *repeated violations* shall mean three (3) or more violations of any provision set out herein within a one-year period dating from the time of any violation, and a *continuing violation* shall mean a violation of any provision set out herein lasting for three (3) or more consecutive days. (Prior code 6-117)