

CHAPTER 6

Business Licenses and Regulations

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ARTICLE 1

Business Licenses

Sec. 6-1-10. Purpose.

The purpose of this Article is the regulation and registration of businesses operating within the Town for the health, safety and welfare of the citizens of the Town and for the proper collection of taxes to support the Town. (Ord. 2007-07 §1)

Sec. 6-1-20. License required.

(a) It is unlawful for any person to engage in the business of selling tangible personal property at retail, or to furnish certain services as herein specified, without first having obtained a license therefor, which license shall be granted and issued by the Town Clerk, and shall be in force and effect until December 31 of the year in which the license is issued, unless sooner revoked. Such license shall be granted or renewed only upon application stating the name and address of the person desiring the license, the name and location of the business and such other information as the Town Clerk may require.

(b) Every applicant shall state under oath or affirmation such facts as may be required for the granting of a license. It is unlawful for any person to make any false statement or misrepresentation in connection with any application for a license.

(c) It shall be the duty of each licensee, on or before January 1 of each year to obtain a renewal of the license if the license remains in a retail business or liable to account for the tax herein provided; but nothing herein contained shall be construed to empower the Town Clerk to refuse such renewal, except revocation for cause of the licensee's prior license.

(d) No license shall be required for any person engaged exclusively in the business of selling commodities which are exempt from taxation under this Article. Nonprofit state corporations, excluding federal, state or municipal corporations, are hereby exempt from the license requirements set forth in this Article. (Prior code 7-2(A); Ord. 2007-07 §1)

Sec. 6-1-30. Separate license required for each location.

(a) In case business is transacted at two (2) or more separate places by one (1) person, a separate license for each place of business shall be required.

(b) Each license shall be numbered, shall show the name, residence and place and character of business of the licensee and shall be posted in a conspicuous place in the place of business for which it is issued. No license shall be transferable. (Ord. 2007-07 §1)

Sec. 6-1-40. License application.

The applicant shall, on a form provided by the Town Clerk, provide the following information:

- (l) The name and address of the business;

- (2) The type of business carried on at that location;
- (3) Other business locations, if any; and
- (4) The name of the owner, manager or other person who is responsible for conducting the operations of the business and his or her address and phone number. (Prior code 7-2(C); Ord. 2007-07 §1)

Sec. 6-1-50. License fees.

(a) The license fee shall be as set forth in Appendix B to this Code. The license shall be valid for one (1) year from the date of issue and must be renewed on or before its expiration date.

(b) A license shall be granted to each applicant upon payment of the fee described in Section 6-1-50 (a) above, upon completion of the paper application as set forth in Section 6-1-40, and if applicant is not in default under the provisions of this Article and is not indebted or obligated to the Town in any way, except for current taxes.

Sec. 6-1-60. Issuance.

The license issued by the Town Clerk shall contain the following:

- (1) Amount of the license fee;
- (2) Expiration date of the license; and
- (3) Address of the license and the person or corporation to whom the license is issued. (Prior code 7-2(D); Ord. 2007-07 §1)

Sec. 6-1-70. Carrying or posting license required.

The license and shall be posted at all times on the business premises where it can be seen. If the business is not operated, conducted or carried on at a fixed location, then the licensee must carry the license upon his or her person when operating, conducting or carrying on any retail trade, profession or business. Every licensee shall produce his or her license for examination when requested to do so by an authorized agent or official of the Town. (Prior code 7-2(E); Ord. 2007-07 §1)

Sec. 6-1-80. License nontransferable.

The license is nontransferable from person to person or location to location. (Prior code 7-2(A); Ord. 2007-07 §1)

Sec. 6-1-90. Suspension.

A license may be suspended by the Town:

- (1) When any money due the Town has not been paid. This includes failure to pay civil penalties, fines, taxes, impact fees or any other money owed to the Town.

(2) The licensee has failed to file required reports or to furnish such other information as may be reasonably required by the terms relating to the specific license.

(3) When any activity conducted by the licensee or his or her employee or agent violates any federal, state or local rule, regulation or law.

(4) Upon failure to comply with the terms and conditions of the license.

(5) Upon any grounds of suspension provided by this Code. (Ord. 2007-07 §1)

Sec. 6-1-100. Revocation of license.

A license may be revoked by the Town:

(1) When it appears that the license was obtained by fraud, misrepresentation or false statements within the application.

(2) When it appears that the activity conducted pursuant to such license is a public nuisance as defined by this Code or violates any federal, state or local rule, regulation or law.

(3) Upon failure to comply with the terms and conditions of the license.

(4) Upon any grounds of revocation provided by this Code. (Ord. 2007-07 §1)

Sec. 6-1-110. Notice and hearing prior to suspension or revocation.

(a) Upon commencement of suspension or revocation proceedings, the Town Clerk shall set a time and place for a hearing on the matter.

(b) The Town Clerk shall give the licensee timely notice of the time and place of the hearing and the violations asserted.

(c) In all such proceedings, the Town Attorney shall act on behalf of the Town during the hearing.

(d) All hearings to suspend or revoke a license shall be before the Board of Trustees.

(e) The suspension or revocation of any license shall not release or discharge anyone from his or her civil liability for the payment of the taxes, penalty and interest or from the prosecution of the offense. (Ord. 2007-07 §1)

Sec. 6-1-120. Cease and desist.

If any business is operating without a license, the Mayor may issue an order to the business to cease and desist all further operation until a license is issued for the business. The order shall give the business three (3) days to pay all amounts due the Town; or to post a bond in the amount owing the Town and to request in writing a hearing with the Town Clerk. If the business does nothing, it shall cease operations on the third day. The hearing will be before the Board of Trustees. The proceedings

shall not relieve or discharge anyone from the civil liability for the payment of the taxes, penalty and interest or from the prosecution of the offense. (Ord. 2007-07 §1)

Sec. 6-1-130. Refund of fees.

No portion of any license fee is refundable except upon refusal by the Town to issue such license, in which event the fee therefor paid in advance shall be returned to the applicant. In the event that any license is suspended or revoked by the Town, all monies paid therefor shall be and remain the monies of the Town and no refund shall be made. (Prior code 7-2(A), 7-2(B); Ord. 2007-07 §1)

Sec. 6-1-140. Penalty.

Failure to comply with the terms of this Article shall constitute a violation of this Code. Any person who is found guilty of or pleads guilty or nolo contendere to the violation of any section of this Code shall be punished in accordance with the provisions of Section 1-4-20 of this Code. (Ord. 2007-07 §1)

ARTICLE 2

Alcoholic Beverages

Sec. 6-2-10 Definitions.

(a) As used in this Article, unless the context otherwise requires:

Retail license means a grant to a licensee to sell fermented malt beverages pursuant to the Colorado Beer Code (Article 46 of Title 12, C.R.S.) or a grant to a licensee to sell malt, vinous or spirituous liquors pursuant to the Colorado Liquor Code (Article 47 of Title 12, C.R.S.).

Retail licensee or *licensee* means the holder of a license to sell fermented malt beverages pursuant to the Colorado Beer Code or the holder of a license to sell malt, vinous or spirituous liquors pursuant to the Colorado Liquor Code.

(b) All other terms shall be defined as set forth in the provisions of the Colorado Beer Code, the Colorado Liquor Code and Special Event Permits, as the definitions presently exist or may hereafter be amended. (Ord. 2007-07 §1)

Sec. 6-2-20. Application of state statutes.

The Colorado Beer Code, Section 12-46-101 et seq., C.R.S., the Colorado Liquor Code, Section 12-47-101 et seq., C.R.S., and Special Event Permits, Section 12-48-101 et seq., C.R.S., as they presently exist or may hereafter be amended, shall apply to the sale of fermented malt beverages, alcoholic beverages, special malt liquors, spirituous liquors and vinous liquors in the Town. (Ord. 2007-07 §1)

Sec. 6-2-30. Power and purpose.

The Board of Trustees finds and determines that it is empowered by Section 12-47-505, C.R.S., to fix and collect certain fees as set forth in Appendix B in connection with the application for issuance, transfer and renewal of certain types of beer, wine and liquor licenses. The Board of Trustees further finds that the fees established in this Article are reasonable and are in amounts sufficient to cover actual and necessary expenses incurred by the Town in connection with the handling of such licenses and applications therefor. (Ord. 2007-07 §1)

Sec. 6-2-40. Licensing fees.

The fees established in Appendix B to this Code shall be paid to the Town Clerk by the applicant at the time of filing the application or request. (Ord. 2007-07 §1)

Sec. 6-2-50. Suspension or revocation; fine.

(a) Whenever a decision of the Board of Trustees, acting as the Local Licensing Authority (hereinafter "Authority"), suspending a retail license for fourteen (14) days or less becomes final, whether by failure of the retail licensee to appeal the decision or by exhaustion of all appeals and judicial review, the retail licensee may, before the operative date of the suspension, petition the Authority for permission to pay a fine in lieu of having his or her retail license suspended for all or part of the suspension period. Upon the receipt of the petition, the Authority may, in its sole discretion, stay the proposed suspension and cause any investigation to be made which it deems desirable and may, in its sole discretion, grant the petition if it is satisfied:

(1) That the public welfare and morals would not be impaired by permitting the retail licensee to operate during the period set for suspension and that the payment of the fine will achieve the desired disciplinary purposes;

(2) That the books and records of the retail licensee are kept in such a manner that the loss of sales of alcoholic beverages which the retail licensee would have suffered had the suspension gone into effect can be determined with reasonable accuracy therefrom; and

(3) That the retail licensee has not had his or her license suspended or revoked, nor had any suspension stayed by payment of a fine, during the two (2) years immediately preceding the date of the motion or complaint which has resulted in a final decision to suspend the retail license.

(b) The fine accepted shall be equivalent to twenty percent (20%) of the retail licensee's estimated gross revenues from sales of alcoholic beverages during the period of the proposed suspension; except that the fine shall be not less than two hundred dollars (\$200.00) nor more than five thousand dollars (\$5,000.00).

(c) Payment of any fine pursuant to the provisions of this Section shall be in the form of cash, certified check or cashier's check made payable to the Town Clerk and shall be deposited in the general fund of the Town.

(d) Upon payment of the fine pursuant to this Section, the Authority shall enter its further order permanently staying the imposition of the suspension.

(e) In connection with any petition pursuant to this Section, the authority of the Authority is limited to the granting of such stays as are necessary for it to complete its investigation and make its findings and, if it makes such findings, to the granting of an order permanently staying the imposition of the entire suspension or that portion of the suspension not otherwise conditionally stayed.

(f) If the Authority does not make the findings required in Subsection (a) above and does not order the suspension permanently stayed, the suspension shall go into effect on the operative date finally set by the Authority. (Ord. 2007-07 §1)

Sec. 6-2-60. Optional premises.

(a) An optional premises license and optional premises for a hotel and restaurant license may be issued by the Authority.

(b) The following standards shall be applicable to the issuance of a license under this Section, in addition to all other applicable standards set forth in the Colorado Liquor Code for the optional premises license and optional premises for a hotel and restaurant license.

(1) Eligible facilities. Outdoor sports and recreational facilities, as defined in Section 12-47-103(13.5), C.R.S., are eligible for licensing as an optional premises or an optional premises for a hotel and restaurant.

(2) Number of optional premises. There are no restrictions on the number of optional premises which any one (1) licensee may have on an outdoor sports or recreational facility.

(3) Minimum size of facility. There is no restriction on the minimum size of an outdoor sports or recreational facility which would be eligible for issuance of an optional premises license or optional premises for a hotel and restaurant license.

(c) The application for an optional premises license or optional premises for a hotel or restaurant license shall be accompanied by the following:

(1) A map or other drawing illustrating the outdoor sports or recreational facility boundaries and the approximate location of each optional premises requested;

(2) A description of the method which shall be used to identify the boundaries of the optional premises when it is in use; and

(3) A description of the provisions which have been made for storing malt, vinous and spirituous liquors in a secured area on or off the optional premises for the future use on the optional premises. (Ord. 2007-07 §1)

Sec. 6-2-70. Alcohol beverage tastings authorized.

Pursuant to Section 12-47-301(10), C.R.S., the Town authorizes alcohol beverage tastings for licensed retail liquor stores and liquor-licensed drug stores within the Town. The Town shall not require a further application prior to allowing retail liquor licensees to conduct alcohol 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. 2007-07 §1)

Sec. 6-2-80. Educational requirements.

Every hotel and restaurant licensee, registered manager and licensee's employee is encouraged to obtain a certificate of completion from an educational program of training for intervention procedures for servers of alcohol. Those registered managers obtaining a certificate of completion may file a copy of the certificate of completion with the Authority with an application of renewal of a liquor license. (Ord. 2007-07 §1)