



TOWN OF ELIZABETH

HARMONY MALAKOWSKI – DEPUTY TOWN CLERK

TO: Honorable Mayor and Board of Trustees
FROM: Harmony Malakowski, Deputy Town Clerk
DATE: January 28, 2025
SUBJECT: Business Licenses

SUMMARY

In 2022, the State of Colorado enacted Senate Bill 22-032. Beginning July 1, 2022, any business that does not have a brick-and-mortar presence in the Town, is not required to pay a fee for a business license. Since this Bill went into effect, Town Staff has not required businesses that do not have a brick-and-mortar presence in the Town to get a Town business license. This ordinance will update the Town Code to reflect current business practices. It also eliminates the requirement for commercial solicitors to get a business license as part of their solicitor's license process as solicitors in general do not have an "incidental presence". All other aspects of the Solicitor's License requirements are still in effect.

RECOMMENDATION

Staff recommends approval of Ordinance 25-01, an Ordinance amending section 6-1-30 of the Elizabeth Municipal Code to exempt certain businesses from local business license and license fees and making conforming changes to Article II of Chapter 6.

ATTACHMENTS

Ordinance 25-01

ORDINANCE 25-01

AN ORDINANCE AMENDING SECTION 6-1-30 OF THE ELIZABETH MUNICIPAL CODE TO EXEMPT CERTAIN BUSINESSES FROM LOCAL BUSINESS LICENSE AND LICENSE FEES AND MAKING CONFORMING CHANGES TO ARTICLE II OF CHAPTER 6

BE IT ORDAINED BY THE BOARD OF TRUSTEES FOR THE TOWN OF ELIZABETH, COLORADO, THAT:

Section 1. Section 6-1-30 of the Elizabeth Municipal Code is hereby amended to read as follows:

Sec. 6-1-30. – License required; exemption. No person shall engage or be engaged in the operation, conduct or carrying on of any retail profession, trade or business within the Town without first obtaining a license from the Town, except that businesses that have a state standard retail license and make retail sales within the Town, but have no physical presence or only an incidental presence in the Town are exempt from this requirement.

Section 2. Section 6-2-70, subsection (f) of the Elizabeth Municipal Code is hereby amended to read as follows:

Sec. 6-2-70. - Permits and identification badges for commercial solicitors

* * *

(f) Each employer who engages any other person for salary, compensation or other remuneration to engage in door-to-door commercial solicitation shall, before commencing such solicitation, register and pay the fee as provided by Section 6-2-80 below.

Section 3. Section 6-2-90 of the Elizabeth Municipal Code is hereby amended by the deletion of subsection (6).

Section 4. Section 6-2-100, subsection (a)(3) of the Elizabeth Municipal Code is hereby amended to read as follows:

Sec. 6-2-100. - Grounds for denying permit.

(a) The Town Clerk may deny the issuance of a permit for any of the following reasons:

* * *

(3) Failure of the applicant, his or her supervision or his or her employer to remit any sales tax due to the Town;

Section 5. Severability. If any section, paragraph clause, or provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or enforceability of such section, paragraph, clause, or provision shall not affect any of the remaining provisions of this Ordinance, the intent being that the same are severable.

Section 6. The Board of Trustees hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the Town, that it is promulgated for the health, safety, and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Board of Trustees further determines that the Ordinance bears a rational relation to the proper legislative object sought to be attained.

Section 7. This Ordinance shall become effective thirty (30) days after publication.

Read and approved at a meeting of the Board of Trustees of the Town of Elizabeth, Colorado, this _____ day of _____, 2025.

Passed by a vote of _____ for and _____ against and ordered published.

Angela Ternus, Mayor

ATTEST:

Michelle M. Oeser, Town Clerk