

## **CHAPTER 5.04. BUSINESS LICENSES**

### **5.04.010. Purpose.**

The purpose of this chapter is to require registration and the maintaining of a register of all licensed business activities physically located and/or conducted within the jurisdiction of the town in order to protect the health, safety and welfare of the town's inhabitants.

(Ord. No. 13-2021, § 1(5.02.010), 12-9-2021; Ord. No. 2-2022, § 1(5.02.010), 2-10-2022)

### **5.04.020. Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Applicant* means a person who has filed an application for a business license.

*Application* means an application for a business license.

*Business* means all trades, vocations, occupations, professions, enterprises and establishments and all other kinds of activities which are conducted for gain, financial profit, advantage or benefit either directly or indirectly, on any location regardless of whether of a permanent or temporary nature in this town, including, but not limited to, all retail sales, wholesale sales, services and including contractor services. The term "business" does not include:

- (1) Billboards and signs;
- (2) Coin-operated amusement machines;
- (3) Peddlers;
- (4) Solicitors and canvassers; and
- (5) Individuals who engage in at-home office work from their residence for a remotely located business.

*License* means the document issued by the town clerk evidencing the registration of a business pursuant to this chapter.

*Licensed business* means a business which has been registered and licensed by the town pursuant to this chapter.

*Location* means the premises upon which the business is located and any adjacent property under the ownership and control of the licensed business.

*Person* means any natural person or non-natural entity, including, but not limited to, a corporation, partnership, unincorporated association or joint venture.

*Premises* means all lands, structures and places related to the business of the licensed business and its operation. The term "premises" also means equipment and appurtenances connected or used therewith in any business and also any personal property that is either affixed to or is otherwise used in connection with any business conducted on such premises.

(Ord. No. 13-2021, § 1(5.02.020), 12-9-2021)

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#### **5.04.030. Business license required and license term.**

- (a) It shall be unlawful for any person operating a business within the town to fail to obtain and maintain a business license at all times while operating said business. Upon application approval, the town clerk shall issue an appropriate license evidencing such registration.
- (b) Business licenses issued under this chapter shall be issued for a period of one year, commencing on the date of license issuance and expiring one year (365 days) from the date of license issuance. Each license shall explicitly set forth the date of issuance and expiration. Applications for renewal of a license are due a maximum of 60 days prior to the date of license expiration. A renewal application will be mailed approximately 30 days prior to expiration, although the responsibility to renew lies solely with the business owner. License applications received after the expiration date shall be subject to a late fee as set forth in the town fee schedule, as adopted and as amended from time to time by the town board.
- (c) A separate business license shall be required for each fixed location of a business operating within the town.

(Ord. No. 13-2021, § 1(5.02.030), 12-9-2021)

#### **5.04.040. Town clerk duties.**

The town clerk shall:

- (1) Enforce all reasonable rules and regulations approved and adopted by the town clerk as necessary for the operation and enforcement of this chapter;
- (2) Review business license applications;
- (3) Keep confidential all proprietary, confidential or privileged information provided by an applicant (such information shall not be subject to public inspection except for that information available to the public under the Colorado Open Records Act or through a court order);
- (4) Notify applicants of the approval or denial of their applications;
- (5) Issue licenses evidencing such registration to all qualified applicants;
- (6) Collect license fees; and
- (7) Maintain records of all licenses and revenues received therefor.

(Ord. No. 13-2021, § 1(5.02.040), 12-9-2021)

#### **5.04.050. Procedures for issuance.**

Each applicant for a business license must submit, on forms approved by the town clerk, information necessary to determine compliance with this chapter.

(Ord. No. 13-2021, § 1(5.02.050), 12-9-2021)

#### **5.04.060. License fee.**

- (a) Each application for a business license or an application for renewal of a business license shall be accompanied by an annual license fee paid in cash or certified funds, in the amount as set forth in the business license fee schedule resolution adopted by the town board, as amended from time to time.

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- (b) In the event of cessation of any business prior to expiration of any license issued hereunder, no portion of any license fee shall be refunded.

(Ord. No. 13-2021, § 1(5.02.060), 12-9-2021)

#### **5.04.070. Denial of license.**

- (a) The town clerk shall approve or deny an application for a business license within 30 days of receipt of a completed application and fee.
- (b) An application for a business license may be denied for any of the following reasons:
- (1) To the extent reviewed by the town clerk for compliance, all applicable provisions of this chapter and state and local law have not been met;
  - (2) The required fee has not been paid in full;
  - (3) The application is incomplete or contains false, misleading or fraudulent statements; or
  - (4) The applicant is in arrears on taxes, fees, or other charges owed to the town for any licensed business owned by the applicant.
- (c) If the town clerk denies an application, the town clerk shall provide by first class U.S. mail written notice of such denial, the reason for the denial, a description of the appeal process, and a refund of the license fee submitted by the applicant.
- (d) Notwithstanding any provision herein, the issuance of a business license shall not be construed or relied upon as any representation by the town or by the town clerk regarding conformity of the licensed business with the zoning and/or any other applicable provisions of local, state or federal law or regulations that may affect the business and its operations.

(Ord. No. 13-2021, § 1(5.02.070), 12-9-2021)

#### **5.04.080. Hearings.**

- (a) An applicant may appeal a denial of his or her license by the town clerk to the town board of trustees and shall be entitled to a hearing before the town board of trustees. The appeal shall be made in writing, stating the grounds for appeal, within 15 working days of the date the notice of denial is mailed by the town clerk.
- (b) At the hearing, the town board shall hear such statements and consider such evidence as is offered that is relevant to the grounds alleged for denial. The town board shall make findings of fact from the statements and evidence offered as to whether such grounds exist. If the town board determines by a preponderance of the evidence that cause for denial exists, it shall issue an order denying the license within ten days after the hearing is concluded, based on the findings of fact. If the town board does not find based on the findings of fact by a preponderance of the evidence that cause for denial exists, it shall issue an order granting the license and ordering the town clerk to issue the required license within ten days after the hearing is concluded. A copy of the order shall be mailed by first class U.S. mail to or served on the applicant at the address on the application.
- (c) The order of the town board made pursuant to subsection (b) of this section shall be a final decision and may be appealed to the district court in accordance with rule 106(a)(4) of the state rules of civil procedure. Failure of an aggrieved party to timely appeal said order constitutes a waiver of any right such aggrieved party may otherwise have to contest the denial of the license.

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- (d) The town clerk shall have the power to administer oaths, issue subpoenas, and, when necessary, grant continuances. Subpoenas may be issued to require the presence of persons and production of papers, books and records necessary to the determination of any hearing that the town board conducts. It is unlawful for any person to fail to comply with any subpoena issued by the town clerk. A subpoena shall be served in the same manner as a subpoena issued by the municipal court.
  - (e) All hearings held before the town board regarding denial of a license shall be recorded by electronic recording device. Any person requesting a transcript of such record shall post a deposit in the amount required by the town clerk, and shall pay all costs of preparing such record.

(Ord. No. 13-2021, § 1(5.02.080), 12-9-2021)

#### **5.04.090. Duplicate licenses.**

A duplicate license valid for the remainder of the license period shall be issued by the town clerk to replace any license previously issued which has been lost, stolen, defaced or destroyed. Duplicate license fee amounts, if any, shall be those set out in the business license fee schedule adopted by the town board by resolution, as amended from time to time.

(Ord. No. 13-2021, § 1(5.02.090), 12-9-2021)

#### **5.04.100. Supplemental information.**

A licensed business shall report, in writing, any change in information contained in his or her or its last application within 30 days of such change, and a supplemental license may be issued and additional fees collected or refunded where appropriate.

(Ord. No. 13-2021, § 1(5.02.100), 12-9-2021)

#### **5.04.110. Contents of licenses.**

Each license shall contain the following information:

- (1) Name and address of the licensed business and any other name under which such business is to be conducted;
- (2) Nature of business operations;
- (3) Address of each location of business licensed; and
- (4) Date of issuance and expiration.

(Ord. No. 13-2021, § 1(5.02.110), 12-9-2021)

#### **5.04.120. Duties of licensed businesses.**

All persons holding licenses shall:

- (1) Refrain from operating the business unless a valid license therefor has been issued.
- (2) Post and maintain such license at the registered location in a place visible at all times and, when working outside the registered location, carry a copy of the license at all times.
- (3) Timely pay all taxes, fees, and other charges owed to the town for the licensed business.

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- (4) Operate the licensed business in compliance with all federal, state and local laws and regulations.
  - (5) At all times, operate the business in a manner representing good moral character.

(Ord. No. 13-2021, § 1(5.02.120), 12-9-2021)

#### **5.04.130. Change of business locations.**

Upon changing the location of the licensed business, the person holding a license shall file a written application for change with the town clerk.

(Ord. No. 13-2021, § 1(5.02.130), 12-9-2021)

#### **5.04.140. Nontransferability.**

All business licenses are nontransferable. If a business is sold or transferred to a different owner, the new owner must apply for a new license before resuming operation of the business. Sale or transfer of the business is defined as the acquisition of 50 percent or more of an ownership interest by any person.

(Ord. No. 13-2021, § 1(5.02.140), 12-9-2021)

#### **5.04.150. License register.**

The town clerk shall keep a register listing every license issued under this chapter, including:

- (1) The owner information;
- (2) The name of the business;
- (3) The location of the business;
- (4) Emergency contacts; and
- (5) The date of issuance and expiration of the license.

(Ord. No. 13-2021, § 1(5.02.150), 12-9-2021)

#### **5.04.160. Enforcement and fines.**

In addition to any other remedies available to the town, this chapter may also be enforced in the municipal court or any court of competent jurisdiction. The municipal court is authorized to revoke a business license for non-compliance with this chapter, in addition to any other remedies authorized by law. Any person who violates the requirements of this chapter may be punished in accordance with the general penalty provisions set forth in chapter 1.12.

(Ord. No. 13-2021, § 1(5.02.160), 12-9-2021)

#### **5.04.170. Renewal of license.**

- (a) At any time within 60 days prior to the expiration of the current license, a licensee may make application for a license renewal for the succeeding year and pay the required fees. Unless otherwise provided by this title, if application is so made and no action or proceeding is pending against the licensee for suspension or revocation of the current license, and upon payment of the required fee, the licensee may continue the

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business for the succeeding period unless or until the application for license renewal is denied. Within 30 days, a renewal application will be mailed to the business owner.

- (b) In the event a suspension or revocation proceeding is pending when the licensee applies for renewal, the business may continue during the pendency of the proceeding, but the renewal application shall not be acted upon until the suspension or revocation proceeding has been completed and the time to appeal such decision has expired.
- (c) Every renewal application shall be evaluated in accordance with the requirements of this title applicable to the initial issuance of a license. In addition to local compliance, if there are more than two findings of complaints about the business operation on file with the town, the clerk shall inform the business owner and schedule a review of the license renewal before the town board of trustees to determine renewal or a conditional license with criteria to address within another six or 12 months of the succeeding licensing year.
- (d) Whenever any renewal application and accompanying license fee payment is not received on or before the expiration date of any license issued for the current license term, and the licensee continues to engage in the business for which the license was issued, a penalty fee in the amount set by resolution of the board of trustees shall be imposed for each month of delinquency. The town clerk shall be authorized to waive or adjust any and all of such penalty and additional fee whenever in the clerk's judgment the delinquency is not the fault of the licensee or when collection or payment would constitute an injustice.
- (e) The failure of a licensee to exercise the privilege of renewal granted under a license for a period of 60 days beyond the expiration of the license shall be apparent evidence that the renewed license is abandoned.

(Code 1973, § 5.02.120; Ord. No. 6-1974, § 12, 1974; Ord. No. 8-1984, § 2, 1984; Ord. No. 2-1995, § 1, 1995; Ord. No. 2-2000, § 2, 2000; Ord. No. 7-2016, §§ 1, 2, 4-28-2016; Ord. No. 2-2017, § 1, 1-25-2017; Ord. No. 13-2021, § 1(5.02.170), 12-9-2021)