

## Chapter 6

### Business Licenses and Regulations

<b>Article I</b>	<b>Licenses Generally</b>
	Sec. 6-1 Requirements
	Sec. 6-2 Applications
	Sec. 6-3 Investigation
	Sec. 6-4 Bonds
	Sec. 6-5 Records of licenses
	Sec. 6-6 Transfers
	Sec. 6-7 Renewals
	Sec. 6-8 Code requirements
	Sec. 6-9 Posting of license
	Sec. 6-10 Exemptions
	Sec. 6-11 Termination; revocation
	Sec. 6-12 Return of fees
	Sec. 6-13 Generally
	Sec. 6-14 Fine
<b>Article II</b>	<b>Businesses and Trades</b>
	Sec. 6-31 Business, general
	Sec. 6-32 Ambulances
	Sec. 6-33 Amusement arcades
	Sec. 6-34 Amusements
	Sec. 6-35 Auctions and auctioneers
	Sec. 6-36 Christmas tree lots
	Sec. 6-37 Contractor licensing
	Sec. 6-38 Fireworks stand
	Sec. 6-39 Home occupation
	Sec. 6-40 Kennel/pet shop
	Sec. 6-41 Pawn shops; pawn brokers
	Sec. 6-42 Peddlers and solicitors
	Sec. 6-43 Photographers
	Sec. 6-44 Refuse hauler, commercial
	Sec. 6-45 Secondhand, antique dealers, flea markets
	Sec. 6-46 Mobile home parks
<b>Article III</b>	<b>Liquor Licensing</b>
	Sec. 6-67 Fee schedule
	Sec. 6-68 Payment of fine in lieu of liquor license suspension
	Sec. 6-69 Adoption of codes by reference
	Sec. 6-70 Penalties
	Sec. 6-71 Definitions
	Sec. 6-72 Receipt of application for new license
	Sec. 6-73 Neighborhood determination
	Sec. 6-74 Hearings
	Sec. 6-75 Optional premises licenses

## **ARTICLE I**

### **Licenses Generally**

#### **Sec. 6-1. Requirements.**

Whenever any person, firm or corporation engages in the operation or conduct of any business or establishment, or in doing business or engaging in activity for profit, as designated and set out herein, such corporation so engaged or occupied shall be subject to the requirements of this Chapter. (Ord. 293, § 1, 1987)

#### **Sec. 6-2. Applications.**

Applications for all licenses required shall be made in writing to the Town Clerk on forms provided and containing such information as may be needed for proper guidance of Town officials in issuing of the permit or license applied for. No license shall be issued to any person unless such person is over the age of eighteen (18) years and is of good moral character and financial responsibility. (Ord. 293, § 2, 1987)

#### **Sec. 6-3. Investigation.**

Where any provision of this Article necessitates an inspection or investigation before the issuance of a license, the Town Clerk shall refer such application to the proper officer who, after presentation of proper credentials, may enter the building at all reasonable times to inspect the same, provided that, except in emergency situations, the officer shall give the owner or occupant twenty-four (24) hours' written notice. The notice shall state that the property owner or occupant has the right to refuse entry, and such refusal is not a violation of law. However, if such entry is refused, inspection may be made after issuance of a search warrant by a duly authorized magistrate, based upon probable cause. (Ord. 293, § 3, 1987)

#### **Sec. 6-4. Bonds.**

Whenever in this Article a bond is required, the applicant shall file with the Town Clerk a bond running to the Town in the sum of one thousand dollars (\$1,000.00), said bond insuring that the applicant will comply with all laws and will not engage in negligent, fraudulent or deceptive practices, and shall further post such performance and completion and insurance, as may be appropriate. (Ord. 293, § 4, 1987)

#### **Sec. 6-5. Records of licenses.**

The Town Clerk shall keep a record of all licenses issued setting forth the name of every license, the place of business licensed, if any, and the kind of license issued. (Prior code 26.6)

#### **Sec. 6-6. Transfers.**

No license may be transferred from one (1) person to another, or from one (1) place to another, except where permitted by state law or the provisions of the Code relating to the particular license, and then only by the Town Clerk after written application therefor and the payment of a fee of one dollar (\$1.00) for the transfer of such license. (Prior code 26.8)

**Sec. 6-7. Renewals.**

Any licensee may make application for a new license for the succeeding year and pay the required fee therefor, on or before the expiration date of any license or licenses issued to him or her for the current year. Whenever any application and license fee payment therefor is not received on or before the expiration date of any license issued for the current year, and the licensee continues to engage in the business or activity for which the license was issued, a penalty of ten percent (10%) of the amount of the license fee shall be imposed and collected, and an additional five percent (5%) of the original fee shall be added on the last day of each calendar month after the expiration date. In addition to the above penalty provision, it shall be unlawful for a licensee to continue to engage in any business or activity after his or her license therefor has expired. (Prior code 26.9)

**Sec. 6-8. Code requirements.**

No license shall issue for the conduct of any business if the premises to be used for the purpose does not comply with and this Article and zoning, building and business codes of the Town. (Ord. 293, § 6, 1987)

**Sec. 6-9. Posting of license.**

It shall be the duty of any person conducting a licensed business in the Town to keep the license posted in a prominent place on the premises used for such business at all times. (Ord. 293, § 7, 1987)

**Sec. 6-10. Exemptions.**

The licenses herein required shall not apply to newsboys, newsgirls, persons or businesses under contract with the Town, volunteered charitable and nonprofit businesses or benefits, suppliers of products for resale by a licensed person, or door-to-door or telephone solicitation sales and services which do not provide the livelihood of the person so engaged, or when annual gross receipts do not exceed three thousand dollars (\$3,000.00). (Ord. 293, § 8, 1987)

**Sec. 6-11. Termination; revocation.**

(a) Licenses shall terminate on the last day of the calendar year, unless renewed within thirty (30) days of expiration. Any license, though current, may be revoked upon seven (7) days' written notice and opportunity for hearing, if the Town finds:

(1) The licensee has failed to file any required reports.

(2) The licensee has violated any of the terms of his or her license.

(3) Any fact or condition exists which, if it had existed or been known to exist at the time of the application, would have warranted the refusal of issuance of the license.

(b) Any license is automatically revoked on the termination of any bonding or insurance required herein. (Ord. 293, § 5, 1987)

**Sec. 6-12. Return of fees.**

Upon refusal of any license, the fee paid therefor in advance shall be returned to the applicant. In the event that any license is revoked, all monies paid therefor shall be and remain the monies of the Town and no refund shall be made to any licensee. (Prior code 26.11)

**Sec. 6-13. Generally.**

Except as otherwise provided herein, it is unlawful for any person to conduct or engage in any business, occupation or enterprise without having first obtained a license therefor and paid the fees thereof set out in this Chapter. When an applicant has not engaged in the business until after expiration of part of the current calendar year, the license fee shall be prorated by quarters and the fee paid for each quarter or fraction thereof during which the business has been or will be conducted. (Ord. 293, § 9, 1987)

**Sec. 6-14. Fine.**

Any person who fails to comply with the provisions of this Chapter as herein provided shall be fined the sum not exceeding one thousand dollars (\$1,000.00) for each said offense. (Ord. 348, § 1, 1992)

**Secs. 6-15—6-30. Reserved.**

**ARTICLE II**

**Businesses and Trades**

**Sec. 6-31. Business, general.**

A general business is any business activity not otherwise identified herein. The annual fee shall be as follows: one thousand (1,000) square feet or less, twenty-five dollars (\$25.00); one thousand one (1,001) square feet or more, fifty dollars (\$50.00); storage/warehouse, one hundred dollars (\$100.00); industrial, one hundred fifty dollars (\$150.00). Square footages are based upon exterior measurements. Parking areas are excluded except for those businesses having drive-through service areas such as banks, fast food outlets and service stations. (Ord. 293, § 9, 1987)

**Sec. 6-32. Ambulances.**

The applicant for an ambulance license shall furnish, operate, conduct, maintain, advertise or otherwise engage in the business of transporting patients upon the streets and other public ways. The fee is fifty dollars (\$50.00) per year. The applicant must establish:

- (1) A substantial portion of the community is not being adequately provided with ambulance service;
- (2) Each ambulance vehicle will be staffed by two (2) driver attendants;

(3) Insurance and all other requirements of all applicable laws and regulations have been met; and

(4) Certification that attendants meet EMT and other requirements of the State. (Ord. 293, § 9, 1987)

**Sec. 6-33. Amusement arcades.**

(a) Definitions.

(1) *Amusement device* means any device which, upon insertion of a coin, slug, token, plate or disc, or payment of a consideration, may be used by the public for use as a game, entertainment, amusement or test of skill, either mental or physical, whether or not registering a score, but shall not include radios, devices that provide music only, televisions carrying commercial broadcasts only, or fixed-stand, coin-operated kiddie rides.

(2) *Amusement arcade* means a place of business where an individual, association, partnership or corporation maintains more than five (5) amusement devices, except any business otherwise licensed to sell alcoholic or fermented malt beverages as per the exception herein contained.

(b) Amusement arcade fee. Applicants for, or holders of, any amusement arcade license shall pay a yearly fee of two hundred fifty dollars (\$250.00). (Ord. 293, § 9, 1987; Ord. 306, § 1, 1989; Ord. 348, § 1, 1992)

**Sec. 6-34. Amusements.**

(a) Amusements are defined as any enterprise or activity designed to give, conduct, manage or exhibit any show, film, theater, circus or exhibition. There is hereby established a fee of fifty dollars (\$50.00) per day for circuses, carnivals and parades; five hundred dollars (\$500.00) per year for motion picture theaters and outdoor movies; two hundred fifty dollars (\$250.00) per year for other entertainments having a permanent location; and twenty-five dollars (\$25.00) per day for other entertainments and amusements not having a permanent location.

(b) It shall be unlawful for any person to give, conduct, manage or exhibit any show, theater, circus, exhibition, parade, moving picture show, entertainment or amusement of any kind for gain or profit, within the Town, without first obtaining a license therefor.

(c) Licenses for shows and amusements may be issued by the Board of Trustees without payment of any fee where such show or amusement is for a charitable, educational, fraternal or public benefit. (Prior code 27.3; Ord. 293, § 9, 1987)

**Sec. 6-35. Auctions and auctioneers.**

(a) Auctioneer's license required. It shall be unlawful for any person to sell any property, goods, wares or merchandise at public auction within the Town without first having obtained an auctioneer's license as provided herein.

(b) Auctioneer's license fee. Any person making application for an auctioneer's license shall pay the Town the following license fee:

- (1) For one (1) year, sixty dollars (\$60.00).
- (2) For six (6) months, thirty-five dollars (\$35.00).
- (3) For three (3) months, twenty dollars (\$20.00).
- (4) For one (1) day, five dollars (\$5.00).

(c) License for auction required. It shall be unlawful for any person to sell or offer for sale at public auction within the Town any property, goods, wares or merchandise, either new or secondhand, without the owners having first procured a license for the holding of such action.

(d) Auction license fee. Each applicant for an auction license shall pay the Town a license fee in the amount of twenty-five dollars (\$25.00) per day for each day of sale, or one hundred fifty dollars (\$150.00) per year.

(e) Sales excluded from license provisions. No provision in this Section shall be construed to apply to sales made at public auction under and by virtue of any legal process or proceeding through or from a court of law or equity, to sales under any mortgage or trust deed, to any tax sales, or to sales under provisions of this Code by any Town officer. (Prior code 27.6; Ord. 348, § 1, 1992)

#### **Sec. 6-36. Christmas tree lots.**

A Christmas tree lot is the location for the sale or offering for sale of trees commonly called Christmas trees, from a lot or location established solely for that purpose. The fee is three dollars (\$3.00) per day per location. It is unlawful for any licensee to allow Christmas trees to be on the premises after January 1 of the year following the season for which the license was issued. (Ord. 293, § 9, 1987)

#### **Sec. 6-37. Contractor licensing.**

(a) No person, firm or corporation shall perform functions normally done by the following without first having been licensed and permitted to do so by the Town Clerk's office. All projects or jobs will require building permits except for tree trimming. All license candidates shall display a copy of the following insurances:

- (1) Public Liability - one hundred thousand dollars (\$100,000.00) each occurrence; three hundred thousand dollars (\$300,000.00) aggregate.
- (2) Auto Liability - one hundred thousand dollars (\$100,000.00) each person; three hundred thousand dollars (\$300,000.00) each accident.
- (3) Workers' Compensation - in accordance with state laws.

(b) The license classes are as follows:

(1) Class A - General Contractor. This license shall entitle the licensee to contract for and perform the work of building, altering or adding to the structural portions of any buildings or structures of Types I, II, III, IV or V. Such license shall also entitle the licensee to contract for and

perform demolition and wrecking of said above-mentioned buildings. The annual fee is eighty dollars (\$80.00). The display to the Town Clerk of the current Uniform Building Code and current Town zoning ordinance, with name inscribed in ink therein, qualifies the licensee candidate for a discount of thirty dollars (\$30.00) and one dollar (\$1.00) respectively.

(2) Class B(1) - Limited Contractor's License. Master electricians and master plumbers shall be licensed by display to the Town Clerk of certification that the individual is currently licensed by the State. The annual fee is thirty dollars (\$30.00) for master plumbers and no fee shall be charged for master electricians.

(3) Class B(2) - Limited Contractor's License. Heating, steam heating, warm air heating and ventilation and gas fitter contractors may perform their appropriate services. The annual fee is sixty dollars (\$60.00). On display to the Town Clerk a current copy of the Uniform Mechanical Code with the candidate's name inscribed in ink therein, there shall be a deduction of thirty dollars (\$30.00).

(4) Class C - Special Contractor's License. This general license entitles the holder to perform the work of a special trade such as irrigation system installer, roofer, siding installer, drywaller, paver or painter. The annual fee is thirty dollars (\$30.00).

(5) Class D(1) - Tradesman License. This license may be held by a mason, fence erector or excavator. The annual fee is thirty-one dollars (\$31.00). On display of a current copy of the Town zoning ordinance, there shall be a deduction of one dollar (\$1.00).

(6) Class D(2) - Tradesman License. This license is intended for sign contractors and glaziers. Both of these shall display, without fee deduction, a current copy of the following: glazier--applicable state statutes; sign contractor--Uniform Sign Code. The annual fee is twenty-five dollars (\$25.00).

(7) Class D(3) - Limited General Contractor's License. This "Handy Man" license shall entitle the licensee to contract the same as Class A, except that costs of each contract, not including materials, shall not exceed five hundred dollars (\$500.00). The annual fee is sixty-one dollars (\$61.00). The display to the Town Clerk of a current Uniform Building Code and current Town zoning ordinance, with the name inscribed in ink therein, qualifies the licensee candidate for a discount of thirty dollars (\$30.00) and one dollar (\$1.00) respectively.

(8) Class E - House and Building Mover License. This license entitles the holder to act in accordance with applicable provisions in Chapter 18. The annual fee is twenty-five dollars (\$25.00). The performance bond required in said Chapter shall be in the amount of the total valuation of the project. (Ord. 293, § 9, 1987; Ord. 356, § 1, 1992)

#### **Sec. 6-38. Fireworks stand.**

The fee for a fireworks stand is five dollars (\$5.00) per day. The license shall be limited to a sixteen (16) day period from June 20 to July 5, and shall display proof of public liability insurance. (Ord. 293, § 9, 1987)

**Sec. 6-39. Home occupation.**

For those occupations performed or originating from a residence, a home occupation fee of twenty-five dollars (\$25.00) per year shall apply. (Ord. 293, § 9, 1987)

**Sec. 6-40. Kennel/pet shop.**

A kennel or pet shop is defined as the keeping, maintenance or possession for sale of more than two (2) dogs or other animals, fowl or rodent. The fee is two hundred fifty dollars (\$250.00) per year. The application for a license must be accompanied by written consent to such business by all persons in possession of adjacent premises. (Ord. 293, § 9, 1987)

**Sec. 6-41. Pawn shops; pawn brokers.**

(a) A pawn shop is the business of receiving property in pledge or as security for money or other thing advanced to the pawner or pledger. The fee is five hundred dollars (\$500.00) per year. A bond is required. Each person so licensed shall keep a written record of each purchase, including date and time of purchase, description of the article and name and address of the person selling the same. This place of business of each licensee shall be open to inspection by law enforcement officials at any reasonable time.

(b) License required. It shall be unlawful for any person to establish or conduct any business of a pawn broker in the Town without first obtaining a license therefor. The term *pawn broker* shall include any person who engages in the business of receiving property in pledge or as security for money or other thing advanced to the pawner or pledger.

(c) Bond. Every person applying for a pawn broker's license shall give a surety bond in the sum of two thousand dollars (\$2,000.00), to be approved by the Board of Trustees, conditioned upon the faithful carrying out of the provisions of state law and the due observance of all provisions of this Code, and for the safekeeping and return of all articles held in pawn by such pawnbroker. (Prior code 27.7; Ord. 293, § 9, 1987)

**Sec. 6-42. Peddlers and solicitors.**

A peddler or solicitor is in the practice of going about from place to place, from house to house or from street to street, attempting to take orders for sale of goods, wares, merchandise or property of any nature whatsoever, for future delivery or for services to be performed or furnished in the future, or peddling, selling or offering for immediate sale of such goods, wares, merchandise or services. The fee is ten dollars (\$10.00) per day, or one hundred dollars (\$100.00) per month. Each peddler or solicitor must obtain their own individual license. Solicitors and peddlers are required to exhibit their licenses at the request of any citizen of the Town. The license is effective only between the hours of 8:30 a.m. and 6:00 p.m. A bond is required. This Section shall not apply to a food vendor who goes place to place, but not to private residences, offering food products for immediate sale and who is properly licensed by the Colorado State Department of Health. Such food vendors shall be subject to the general business license fee of twenty-five dollars (\$25.00) per year as set forth in Section 6-31. (Ord. 293, § 9, 1987; Ord. 459, § 1, 1997; Ord. 511, § 1, 1998)

### **Sec. 6-43. Photographers.**

(a) License required. It shall be unlawful for any person to engage in the business, occupation or profession of resident, transient or itinerant portrait or commercial photography, or in the enlarging, copying, coloring or portrait finishing of photographs, or to solicit or offer for sale any of such goods or services, directly or indirectly, verbally, by telephone, by mail, through the use of coupons or tokens of whatever nature, or by means of printed advertising of any form, by subterfuge or otherwise, in the Town without first having procured a license therefor.

(b) License fees. The license fee for any person so engaged, whether resident, transient or itinerant, shall be twenty-five dollars (\$25.00) per annum or any fraction thereof; and, in addition, a license fee of five dollars (\$5.00) per day or any fraction thereof shall be paid by such person for each outside solicitor or sales person, including solicitors or sales persons so employed but operating from their own temporary or permanent residence or telephones and whether paid a salary or commission basis, contracted with or employed by such persons for the purpose of selling, distributing or securing orders for portrait or commercial photographs, or for the enlarging, copying, coloring or portrait finishing thereof; or for the selling or distribution of coupons or tokens, or other printed or similar offers or advertising literature pledges or used in the sale of portrait or commercial photographs or the enlarging, copying, coloring or portrait finishing thereof.

(c) Bond. Before the Town Clerk shall issue any license to any person proposing to engage in the business of photography, as described hereinabove, such applicant shall execute an indemnity bond in the amount of five hundred dollars (\$500.00) to the Town for the use and benefit of the patrons of such person who are residents of the Town, and which bond shall be approved by the Mayor. Such bond shall have as surety either a regularly licensed corporate surety company or a resident and real property owner of the County, who shall be worth at least the sum of one thousand dollars (\$1,000.00) above his or her debts and exemptions in property subject to execution and sale, and who shall make an affidavit to that effect before signing as surety. In lieu of surety, cash in the amount of five hundred dollars (\$500.00) may be deposited with the Town Clerk to be returned without interest by the Town Clerk to the applicant within thirty (30) days after the end of the license period or any renewal license period thereof should such license be renewed.

(d) Town Clerk appointed agent for process. The applicant shall further appoint the Town Clerk as his or her process agent in all matters connected with or arising out of said applicant's business, occupation or profession of portrait or commercial photography, or the enlarging, copying, coloring or portrait finishing of photographs, or the solicitation or offering for sale thereof, whether by the applicant or by his or her agents, subcontractors or employees in the Town, before obtaining such license. It shall be the duty of the Town Clerk immediately to advise the applicant by certified mail, addressed to said applicant at his or her place of business at the address furnished in the indemnity bond, of the nature and pendency of any action brought against said applicant wherein process is served on the Town Clerk. (Prior code 27.8)

### **Sec. 6-44. Refuse hauler, commercial.**

A commercial refuse hauler is a person who collects, hauls or causes to be collected or hauled, over streets, alleys or other public places, any refuse except such as is accumulated at his or her own residence or place of business. The fee is three hundred fifty dollars (\$350.00) per year. The

application for a refuse hauler license shall be forwarded to the Board of Trustees for issuance after determination that:

- (1) Vehicles to be used are safe, sanitary and properly equipped so as not to constitute a safety hazard or health hazard, and GVW does not exceed fifty-five thousand (55,000) pounds.
- (2) Refuse will be transported to and deposited at approved disposal sites.
- (3) The applicant meets all other laws and regulations relating to the collection, hauling and depositing of refuse. (Ord. 293, § 9, 1987)

**Sec. 6-45. Secondhand, antique dealers, flea markets.**

(a) Definition; fee. A secondhand, antique dealer or flea market is defined as the business of keeping a secondhand store or a place for buying or selling used or secondhand goods, including antiques, clothing, used furniture, appliances, used cars, mobile homes, trailers and boats; or engaging in the business of a junk dealer or antique dealer. The fee is two hundred fifty dollars (\$250.00) per year. Each person so licensed shall keep a written record of each purchase, including date and time of purchase, description of article, and name and address of the person selling the same. The place of business of each licensee shall be open to inspection by law enforcement officials at any reasonable time.

(b) License required. No person shall engage in the business of keeping a secondhand store or a place for buying and selling secondhand goods, or engage in the business of a junk dealer or collector, without first obtaining a license therefor. This requirement shall not apply to dealers in automobiles or any other business primarily engaged in the sale of new merchandise where secondhand goods are obtained through trade-in.

(c) Application and license fee. Any person desiring a license required by the preceding subsection shall apply to the Town Clerk therefor. Such application shall be in writing and shall set forth the full name of the applicant and the location at which such business is to be carried on.

(d) Record of purchases required. Every person licensed as a secondhand or junk dealer shall keep a well-bound book in which shall be written in ink at the time of each transaction an accurate description in English of the goods, articles or things purchased or traded, the time of the receipt of the same and the name, signature and address of the person selling or trading the same. Such book shall be open to inspection by the Police Department at all times.

(e) Goods retained for seventy-two (72) hours. No person licensed hereunder shall sell or remove from his or her place of business any goods or articles purchased or traded for by him or her until the same shall have been in his or her possession at least seventy-two (72) hours.

(f) Purchase from certain persons prohibited. No person licensed hereunder shall purchase or trade any secondhand goods, article or thing from any person who, at the time, is intoxicated, or from any person known by him or her to be a thief or a receiver of stolen property, or from any person whom he or she has reason to suspect of being such, or from any person who is under the age of eighteen (18) years without written authorization of the parent or guardian of such person, and where

such person is under the age of twelve (12) years, such person must be accompanied by his or her parent or guardian in addition to such written authorization.

(g) Purchases restricted to certain hours. No person licensed hereunder shall make any purchases in connection with the licensed business between the hours of 6:00 p.m. and 6:00 a.m. (Prior code 27.11; Ord. 293, § 9, 1987; Ord. 348, § 1, 1992)

**Sec. 6-46. Mobile home parks.**

The owner or operator of any mobile home park as defined in Section 16-42 of this Code shall pay an annual fee of twenty-five dollars (\$25.00) in addition to an annual fee of five dollars (\$5.00) for each mobile home space in the mobile home park, whether occupied or not. (Ord. 347, § 1, 1992)

**Secs. 6-47—6-66. Reserved.**

**ARTICLE III**

**Liquor Licensing**

**Sec. 6-67. Fee schedule.**

The fees set forth below must be paid to both the local and state licensing authorities prior to licenses or permits being issued:

<u>License Type</u>	<u>Authority Fees</u>	
	<u>Local</u>	<u>State</u>
Application fee for new license	\$500.00	\$ 900.00
Application fee for new license concurrent review	500.00	1,000.00
Application fee for transfer of ownership	500.00	900.00
Arts license	41.25	308.75
Beer and wine license	48.75	351.25
Brew-pub license	75.00	750.00
Club license	41.25	308.75
Hotel and restaurant license	75.00	500.00
Hotel and restaurant with optional premises	75.00	500.00
Liquor-licensed drug store	22.50	227.50
Optional premises license	75.00	500.00
Racetrack license	75.00	500.00
Resort complex license	75.00	500.00
Retail gaming tavern license	75.00	500.00
Retail liquor store license	22.50	227.50
Tavern license	75.00	500.00
Annual renewal application fee	50.00	0.00
Bed & breakfast permits	25.00	50.00
Branch warehouse or warehouse storage permit	0.00	100.00
Change of location	500.00	150.00
Change of trade name/corporate name	0.00	50.00

Hotel/tavern manager's registration	75.00	75.00
Late renewal application	500.00	0.00
Special events permit (liquor)	25.00*	25.00*
Special events permit (3.2%)	10.00*	10.00*
Temporary permit	100.00	0.00
Retail 3.2% beer on premises	3.75	96.25
Retail 3.2% beer off premises	3.75	96.25
Retail 3.2% beer on/off premises	3.75	96.25

\* Per permit day

(Ord. 348, § 1, 1992; Ord. 410, § 1, 1995; Ord. 706, § 1, 2003)

**Sec. 6-68. Payment of fine in lieu of liquor license suspension.**

(a) Whenever a decision of the local licensing authority suspending a license for fourteen (14) days or less becomes final, whether by failure of the licensee to appeal the decision or by exhaustion of all appeals and judicial review, the licensee may, before the operative date of the suspension, petition for permission to pay a fine in lieu of having the license suspended for all or part of the suspension period. Upon receipt of the petition, the local licensing 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 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 licensee are kept in such a manner that the loss of sales of alcohol beverages that the licensee would have suffered had the suspension gone into effect can be determined with reasonable accuracy therefrom; and

(3) That the 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 license.

(b) The fine accepted shall be the equivalent to twenty percent (20%) of the licensee's estimated gross revenues from sales of alcohol beverages during the period of the proposed suspension; except that the fine shall be not less than two hundred dollars (\$200.00) and not 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.

(d) Upon payment of the fine pursuant to this Section, the local licensing authority shall enter its further order permanently staying the imposition of the suspension. The local licensing authority shall cause such moneys to be paid into the general fund of the Town.

(e) In connection with any petition pursuant to this Section, the local licensing authority is limited to the granting of such stays as are necessary for it to complete its investigation and make

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 local licensing authority does not make 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 local licensing authority.

(g) The local licensing authority shall report all actions taken to impose fines, suspensions and revocations to the state licensing authority in a manner as required by the state licensing authority. (Ord. 830, § 17, 2006)

#### **Sec. 6-69. Adoption of codes by reference.**

The following codes are adopted by reference and incorporated in this Code: Colorado Beer Code, September 2002 edition; and Colorado Liquor Code, June 2003 edition, published by the State of Colorado, Department of Revenue. (Ord. 387, § 1(part), 1994; Ord. 642, § 1, 2002; Ord. 651, § 1, 2002; Ord. 714, § 1, 2003)

#### **Sec. 6-70. Penalties.**

The following sections of the Uniform Liquor Code, as set forth at Section 12-47-101 et seq., C.R.S., are repealed in their entirety and reenacted to read as follows:

"(1) Any person violating any provision of Article 46, 47 or 48, Title 12, C.R.S., or any of the rules and regulations authorized and adopted pursuant to such articles is guilty of a noncriminal violation and, upon conviction thereof, shall be punished by a fine of not more than five hundred dollars (\$500.00) for each offense.

"(2) Any violation of Article 46, 47 or 48, Title 12, C.R.S., or any of the rules and regulations authorized and adopted pursuant to such articles, that is charged into municipal court or county court, shall not in any manner affect suspension and revocation proceedings against the licensee."

(Ord. 387, § 2 (part), 1994; Ord. 404, § 2, 1995; Ord. 651, §2, 2002)

#### **Sec. 6-71. Definitions.**

The definitions set forth in the Colorado Beer Code, 1999 edition, and the Colorado Liquor Code, 1999 edition, shall be applicable to this Code. (Ord. 830, § 18, 2006)

#### **Sec. 6-72. Receipt of application for new license.**

The Town Clerk shall review any application for a new license, including all supporting documents, and advise the applicant of any additional information and/or documents that are needed to complete the application. The date on which the completed application and all necessary documents are filed with the Town Clerk and all necessary application fees are paid in full shall be deemed the date of filing of the application for the purposes set forth in Title 12, Articles 46, 47 and 48, C.R.S. (Ord. 736, § 1, 2004)

**Sec. 6-73. Neighborhood determination.**

(a) Upon the filing of an application for a new license or change of location, the Town Clerk shall set the boundaries of the relevant neighborhood and shall notify the applicant in writing of such boundaries. In determining the relevant neighborhood, the Town Clerk shall base the criteria on relevant factors, including but not limited to population density; the nature of the area, such as rural, residential, commercial or retail; traffic flow; access roads; geography; terrain and other barriers.

(b) The neighborhood established by the Town Clerk shall be deemed accepted by the applicant unless the applicant files with the Town Clerk a written objection within seven (7) days of the date of the written notification of the neighborhood determination to the applicant. If the applicant objects to the proposed neighborhood boundaries, the matter shall be scheduled for a boundary hearing before the liquor authority.

(c) At such hearing, the applicant may present evidence objecting to the proposed neighborhood. The liquor authority may receive other evidence as it deems necessary. At the close of evidence, the liquor authority shall set the boundaries of the neighborhood. (Ord. 736, § 2, 2004)

**Sec. 6-74. Hearings.**

No hearing on an application for new license, transfer of ownership or renewal of license shall proceed until the necessary police records and background checks have been completed. (Ord. 736, § 3, 2004)

**Sec. 6-75. Optional premises licenses.**

(a) Standards. The local licensing authority shall have the authority to issue optional premises licenses and optional premises for hotel and restaurant licenses in accordance with the provisions of Title 12, Article 47, C.R.S., as amended, and the provisions of this Section. The provisions of this Section shall be considered in addition to all other standards applicable to the issuance of licenses under the Colorado Liquor Code for optional premises licenses or for optional premises for a hotel and restaurant license. These two (2) types of licenses for optional premises shall collectively be referred to as *optional premises* unless otherwise specified.

(b) Eligible facilities. An optional premises license may only be considered when the premises to be licensed is located on or adjacent to an outdoor sports and recreational facility as defined in Section 12-47-103(22), C.R.S., as amended. The types of outdoor sports and recreational facilities which may be considered for an optional premises license shall be limited to golf courses.

(c) Minimum size. There shall be no minimum size requirement for the outdoor sports and recreational facilities which may be eligible for the approval of optional premises license. However, the Authority may consider the size of the particular outdoor sports and recreational facility in relation to the number of optional premises requested for the facility.

(d) There shall be no restrictions on the number of optional premises which any one (1) licensee may have on an outdoor sports and recreational facility. However, any applicant requesting approval of more than one (1) optional premises on an outdoor sports and recreational facility shall

demonstrate the need for each optional premises in relationship to the outdoor sports and recreational facility and its guests.

(e) Application requirements. An application for an optional premises license shall include the following:

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

(2) A legal description of the approximate area within which the optional premises shall be located;

(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 of the optional premises;

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

(f) An application for a new optional premises license or an optional premises for a new hotel and restaurant license shall be processed in the same manner as any other new license application. An application for an optional premises license filed in connection with an existing hotel and restaurant license shall be processed the same manner as an application to modify or expand the licensed premises.

(g) Advance notification. Pursuant to Section 12-47-310, C.R.S., as amended, no alcohol beverages may be served on the optional premises unless the licensee has provided written notice to the state and local licensing authorities forty-eight (48) hours prior to serving alcohol beverages on the optional premises. Such notice must contain the specific days and hours on which the optional premises are to be used. In this regard, there shall be no limitation on the number of days which a licensee may specify in each notice. However, no notice may specify any date of use which is beyond the current license period. (Ord. 898, § 1, 2007)

**Secs. 6-76—6-80. Reserved.**