

CHAPTER 6

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ARTICLE I

Business Licenses

Sec. 6-1-10. Definitions.

As used in this Article, the following terms shall have the meanings indicated:

Business includes all types of vocations, occupations, professions, enterprises, establishments and all other kinds of activities and matters, together with all devices, machines, vehicles and other appurtenances used therein, any of which are conducted by persons or entities not exempt as nonprofit organizations, either directly or indirectly, on any premises in the Town or anywhere else within its jurisdiction.

Doing business means an act of one (1) of the following:

- a. Selling at retail any goods or service;
- b. Soliciting or offering goods or services for retail sale or hire; or
- c. Acquiring or using any vehicle or any premises in the Town for business purposes.

Nonprofit organizations shall be limited to: political subdivisions of the federal and state governments; and organizations which have obtained tax-exempt status under Code Section 501 from the Internal Revenue Service.

Premises includes all lands, structures, places and also the equipment and appurtenances connected or used therewith in any business, and also any personal property which is either affixed to or is otherwise used in connection with any business conducted on such premises. (Ord. 282 §§1, 4, 1991; Ord. 481 §1, 2003)

Sec. 6-1-20. License required.

(a) It shall be unlawful for any person to conduct, engage in or carry on any business within the Town without first having complied with the provisions of this Article unless licensed pursuant to Article III of this Chapter and registered as is herein provided. A violation of any section shall be unlawful and shall be punished in accordance with the provisions of Section 1-4-20 of this Code.

(b) The carrying on of any business, profession, vocation or occupation by any person as provided in this Article, without first having procured a registration from the Town to do so, or without complying with any and all regulations of such business, profession, vocation or occupation contained in this Article, shall be deemed a separate violation of this Article for each and every day that such business profession, vocation or occupation is carried on. (Ord. 282 §2, 1991; Ord. 481 §1, 2003)

Sec. 6-1-30. Persons subject to registration.

Registration is required for the maintenance, operation or conduct of any business or establishment or for doing business or engaging in any activity or occupation. Any person shall be subject to the requirement if, by himself or herself or through an agent, employee or partner, he or she holds himself or

herself forth as being engaged in the business or occupation, solicits patronage therefor, actively or passively, or performs or attempts to perform any part of such business or occupation in the Town. (Ord. 282 §3, 1991; Ord. 481 §1, 2003)

Sec. 6-1-40. Doing business in multiple locations.

Every person who is the principal or majority owner of a business operating more than one (1) store, stand or other place of business shall register each place of business. (Ord. 282 §5, 1991; Ord. 481 §1, 2003)

Sec. 6-1-50. Application for registration.

- (a) Application for all registrations required by this Article shall be made in writing to the Town.
- (b) Each application shall contain the following information:
 - (1) The name under which each business is to be conducted.
 - (2) The name, address and date of birth of the applicant. (If a corporation, the names, addresses and dates of birth of the president, vice president, treasurer, secretary and majority shareholders; if a partnership, the names, addresses and dates of birth of a minimum of four [4] principal partners).
 - (3) The present residence of the applicant as listed in Paragraph (2) above and the persons managing the business.
 - (4) The address of the premises on which the business is to be conducted.
 - (5) The nature of the business and whether it will use or store significant amounts of flammable, toxic or corrosive substances.
 - (6) The residence of the applicant during the past five (5) years, if an individual; if a partnership, such addresses for a minimum of four (4) principal partners.
 - (7) Whether the applicant has ever been denied or had revoked a license to conduct any business and, if so, a notation as to the circumstances.
 - (8) Details of any arrests or convictions within the last five (5) years for misdemeanors and felonies (no traffic offenses for which fewer than seven [7] points are assessed), including the nature of the offense for which arrested or convicted, the date of conviction and the place where said conviction was obtained.
 - (9) The business telephone number of the applicant and at least one (1) emergency phone number.
 - (10) The name and address of the applicant's attorney (optional).
 - (11) The name and address of the registered agent, if the applicant is a corporation.

(12) An irrevocable appointment of the Town Clerk as an agent to accept service of process upon the business. (Ord. 282 §6, 1991)

Sec. 6-1-60. Registration and application forms.

Forms for all registration and applications therefor shall be prepared and kept on file by the Town Clerk. (Ord. 282 §7, 1991)

Sec. 6-1-70. Issuance of registrations.

All registrations issued under this Article shall be issued by the Town Clerk upon payment of the proper fees herein set forth, provided that where the approval of any department of state, county or Town government is required, or the execution and delivery of any bonds or insurance is required, said approval or execution and delivery must be received in writing by the Town Clerk before the registrations shall be issued. (Ord. 282 §8, 1991)

Sec. 6-1-80. Investigations.

(a) Upon receipt of an application for a registration, the Town Clerk shall refer such application to the proper governmental officials for appropriate investigation or inspection, if any.

(b) The officials charged with the duty of making the investigation or inspection shall make a report thereon to the Town Clerk, favorably or otherwise, not more than fourteen (14) days after receiving the application or copy thereof. No registration shall be issued for conduct of any business, and no permit shall be issued for any thing or act, if the premises and building to be used for the purpose do not fully comply with the applicable regulations and ordinances of the Town. If the registration is not granted within fourteen (14) days and no specific reasons for denial have been given to the applicant in writing, the Town Clerk shall issue the registration.

(c) The applicant may request and have issued a fourteen-day interim registration twenty-four (24) hours after completion of the application if the Town Administrator first determines that there will be no danger to the health, safety and welfare of the Town or its citizens. (Ord. 282 §9, 1991)

Sec. 6-1-90. Grounds for denial of registration.

The Town shall examine the qualifications of any applicant for a license or renewal thereof and shall have the authority to deny the issuance or renewal thereof for the following reasons:

(1) The applicant has not complied with the general laws and statutes of the state or the ordinances of the Town in the application process.

(2) Approval by a governmental official or department is required and said approval has been denied because of concerns with regard to the character of the applicant, the owner or the management; or the business has failed to comply with the requirements of the applicable statutes, ordinances and codes.

(3) Refusal by the Town to register the business shall entitle the applicant business to a public hearing before the Board of Trustees. The hearing shall be requested in writing by the applicant

within seven (7) days from the date of denial and shall be held at the next regularly scheduled meeting of the Board of Trustees. (Ord. 282 §10, 1991)

Sec. 6-1-100. Transferability.

Except where otherwise specifically provided, no registration issued hereunder shall be transferable, except where permitted by state law or the provisions of an ordinance relating to the particular registration, and then only by the Town Clerk after written application therefor and the payment of a fee for the transfer of such license. Such fee shall be in accordance with the fee schedule of the Town. (Ord. 282 §11, 1991)

Sec. 6-1-110. Expiration of registration.

All registrations hereunder shall expire on December 31 of the year issued. (Ord. 282 §12, 1991; Ord. 481 §, 2003)

Sec. 6-1-120. Renewals; penalty for nonrenewal.

Any registrant may make application for a new registration for the succeeding year and pay the required fee therefor on or before the expiration date of any registration issued to him or her for the current year. Whenever any application and registration fee payment therefor is not received on or before the expiration date of any registration issued for the current year and the registrant continues to engage in the business activity for which the registration was issued, a penalty of twenty dollars (\$20.00) shall be imposed and collected. In addition to the above penalty provision, it shall be unlawful for a registrant to continue to engage in any business or activity after his or her registration therefor has expired, and the general penalty provision of the Code shall apply hereto. (Ord. 282 §13, 1991; Ord. 481 §, 2003)

Sec. 6-1-130. Posting of registration.

Registrations issued under this Article shall be posted at the place of business shown on said registration, in a conspicuous place. Said registration shall remain posted for the duration of the registering year when issued and so long as the registered business is in operation. (Ord. 282 §14, 1991)

Sec. 6-1-140. Record of registrations.

The Town shall keep a record of all registrations issued, setting forth the name of every registrant, the place of business registered, if any, the kind of registration issued and such other information as may be required by the Town Attorney or the Board of Trustees. (Ord. 282 §15, 1991)

Sec. 6-1-150. Exempt activities.

(a) The provisions of this Article shall not require payment of a fee for registration to conduct, manage or carry on any activity of a nonprofit organization which would qualify as a business if conducted by other than a nonprofit person or entity. No registration fee shall be required for the conducting of any entertainment, dance, concert, exhibition or lecture by a nonprofit organization.

(b) No registration shall be required of any person for any mere delivery in the Town where no intent by such person is shown to exist to evade the provisions of this Article.

(c) No registration shall be required for an individual or incidental transaction which in itself does not constitute the carrying on of business.

(d) It shall be unlawful to conduct any business from any location in the Town from a site other than a permanent structure located on real property within the Town. Businesses and individuals which operate on a temporary basis, such as yard sales, which are conducted not more than two (2) days per calendar month or are conducted in conjunction with a public event, such as Milliken Beef and Bean Day, a public parade, craft show or concert, are exempt. Whenever food is being served, there must be a restroom and hand-washing facility provided by or available to the persons or entities selling the food. (Ord. 282 §16, 1991; Ord. 496 §1, 2004)

Sec. 6-1-160. Revocation of registration.

(a) Registrations issued under the provisions of this Article may be revoked upon seven (7) days' notice by the Board of Trustees, in writing, for any of the following reasons:

(1) Fraud, misrepresentation or false statement contained in the application for license or committed or made in the course of conducting the business licensed.

(2) Any violation of this Article or failure to provide any information or pay the fees required by this Article.

(3) Conviction of any crime involving fraud or deception by the owner, management or employees of the business.

(4) Conducting the registered business in an unlawful manner or in such a manner as to constitute a breach of peace or a menace to the health, safety or general welfare of the public.

(5) The existence of any fact or condition which, if it had been made known to the Town Clerk at the time of the application for such registration, would have warranted the refusal of the issuance of such registration.

(b) The registrant may not operate the business or enterprise registered during the pendency of said appeal.

(c) The appeal shall be conducted as set forth in Section 6-1-90(3) above. (Ord. 282 §17, 1991; Ord. 481 §, 2003)

Sec. 6-1-170. Fees.

(a) In the absence of provisions to the contrary, the fee and charge for registration shall be paid in advance at the time application therefor is made to the Town. The amount of such fee shall be established by resolution at any regularly scheduled board meeting after notice has been published once at least seven (7) days prior to the meeting.

(b) Where the registrant is engaged in more than one (1) activity as enumerated in this Article at the same location, which may be subject to more than one (1) fee, said registrant shall be required to pay that fee charged for the activity assessed the highest fee.

(c) The fee herein imposed for business registrations is used to cover the costs of inspections of such businesses to ensure compliance with the ordinances of the Town. This registration procedure is intended to provide the residents of the Town with a source of information regarding the businesses within the Town. In certain instances, there are those businesses which warrant additional police surveillance and inspection. There are those businesses which attract unusual amounts of vehicular traffic, necessitating additional regulation and enforcement. These fee provides a reasonable relationship to the costs of regulation and administration. (Ord. 282 §18, 1991; Ord. 481 §1, 2003)

Sec. 6-1-180. Violation and penalties.

The conviction and punishment of any person for transacting any business without a registration shall not excuse or exempt such person from the payment of such registration fee due or unpaid at the time of such conviction. Nothing in this Section shall prevent a criminal prosecution for any violation of the provisions of this Article. (Ord. 282 §19, 1991)

ARTICLE II

Alcoholic Beverages

Division 1

License Requirements

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 (Article 46 of Title 12, C.R.S.) or the holder of a license to sell malt, vinous or spirituous liquors pursuant to the Colorado Liquor Code (Article 47 of Title 12, C.R.S.).

(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. 481 §1, 2003)

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

Pursuant to declaration by the General Assembly, 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. 481 §1, 2003)

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

The Board of Trustees finds and determines that it is empowered by Section 12-47-135, C.R.S., to fix and collect certain fees 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. 481 §1, 2003)

Sec. 6-2-40. Licensing fees.

The fees for licensing are set forth in the Fee Schedule and shall be paid to the Town Clerk by the applicant at the time of the filing of the application or request. (Ord. 481 §1, 2003; Ord. 571 §2, 2007)

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 as set forth in Section 1-4-20 of this Code.

(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 for that violation which precipitated the disciplinary action.

(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. 481 §1, 2003)

Sec. 6-2-60. Optional premises.

(a) 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 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. 481 §1, 2003)

Sec. 6-2-70. Educational requirements.

Every holder of a license which permits the sale of alcoholic beverages licensee, together with the registered manager and any employee of the license holder, 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. 481 §1, 2003)

*Division 2
Special Events Permits*

Sec. 6-2-210. License required.

(a) No person shall manufacture, sell or possess for sale any fermented malt beverage or any malt, vinous or spirituous liquors within the Town unless licensed to do so pursuant to the provisions of Title 12, Article 46, or Title 12, Article 47, C.R.S., and unless any applicable fees have been paid in full.

(b) No organization or political candidate shall sell, by the drink, any fermented malt beverage, malt beverages or malt, spirituous or vinous liquors unless issued a permit to do so pursuant to the provisions of Title 12, Article 48, C.R.S., and unless any applicable fees have been paid in full. (Ord. 225 §1, 1987; Ord. 240 §1, 1988; Ord. 481 §1, 2003)

Sec. 6-2-220. Application fee.

In addition to any other applicable fees, every applicant for a license pursuant to this Division shall pay the application fee set forth in the Fee Schedule. (Ord. 225 §2, 1987; Ord. 240 §2, 1988; Ord. 481 §1, 2003; Ord. 571 §2, 2007)

Sec. 6-2-230. Occupation tax.

(a) In addition to any other applicable fees, every applicant for a new license or renewal of an existing license pursuant to this Division shall pay the annual occupation tax as set forth in the Fee Schedule.

(b) The Town shall annually assess such tax prior to the time of issuance or renewal of a license. No refund of any such tax paid shall be made to any person who discontinues or sells his or her business during the duration of the license; however, the new owner of such business, when approved as the new licensee, shall be credited on a monthly basis for any occupation tax paid by the previous owner for the term of the previous owner's license. (Ord. 225 §3, 1987; Ord. 240 §3, 1988; Ord. 481 §1, 2003; Ord. 571 §2, 2007)

Sec. 6-2-240. State law.

In addition to any other applicable laws, the Town may exercise any authority granted by, enforce any applicable provisions of, prosecute any applicable violations of, and avail itself of any remedies provided for in, Title 12, Articles 46, 47 and 48, C.R.S. (Ord. 225 §4, 1987; Ord. 240 §4, 1988; Ord. 481 §1, 2003)

*Division 3
Occupational Tax*

Sec. 6-2-310. Purpose.

Considering the nature of the business of selling malt, vinous or spirituous liquors or fermented malt beverage and the relation of such business to the municipal welfare, as well as the relation thereof to the expenditures required by the Town and a proper, just and equitable distribution of the tax burdens within the Town and all other matters properly to be considered in relation thereto, the classification of such

business as a separate occupation is reasonable, proper, uniform and nondiscriminating and necessary for a just and proper distribution of tax burdens within the Town. (Ord. 141, 1979; Ord. 481 §1, 2003)

Sec. 6-2-320. Levy of tax.

There is hereby levied and assessed an annual occupational license tax upon the business of selling malt, vinous or spirituous liquors and fermented malt beverage as set forth in the Fee Schedule. (Ord. 141, 1979; Ord. 481 §1, 2003; Ord. 571 §2, 2007)

Sec. 6-2-330. Payment of tax.

The occupational license tax shall be due and payable to the Town Clerk at the time a license for a malt, vinous or spirituous liquor or fermented malt beverage license is issued and thereafter, when the license is renewed. The full-year occupational license tax shall be coterminous with the license year of each license, and shall be delinquent as to any particular license forty-five (45) days after the beginning of the license year. Upon receipt of the tax, the Town Clerk shall execute and deliver to the licensee paying the tax a receipt showing the name of the licensee, the date of payment, the period for which the license is paid and the place at which the licensee conducts business. All persons licensed hereunder shall at all times post such receipt in a conspicuous place in the place of business. (Ord. 141, 1979)

Sec. 6-2-340. Delinquent payments.

No delinquency in payment of the occupational license tax provided in this Division shall be grounds for suspension or revocation of any license granted hereunder, and in acting as a licensing authority, the Board of Trustees shall exclude from consideration any delinquency in payment of such taxes. (Ord. 141, 1979)

Sec. 6-2-350. Penalty.

It is unlawful to operate any malt, vinous or spirituous liquor or fermented malt beverage establishment within the Town without paying the applicable tax imposed by this Division. Any person doing so shall be subject to a fine in a sum not exceeding one hundred dollars (\$100.00). Each day that the delinquency continues shall constitute a separate violation. (Ord. 141, 1979; Ord. 481 §1, 2003)

ARTICLE III

Refuse Collection

*Division 1
License Regulations*

Sec. 6-3-10. License required.

Every person, for hire or reward, proposing to or providing refuse removal service to the residents and businesses located within the statutory limits of the Town shall file an application and obtain a license to operate prior to commencing such service within the Town. (Ord. 281 §1, 1991; Ord. 481 §1, 2003)

Sec. 6-3-20. License application.

Application for such license shall be made in writing to the Town Clerk, shall include the address from which such business shall be conducted and shall be signed by at least one (1) owner of said business. The application shall state the make, model, year and license number for each motor vehicle to be used by the applicant hereunder. No license shall be granted until the applicant shall pay the prescribed fee and present a certificate or policy of liability insurance, as hereafter required, to the Town Clerk, and has demonstrated that each vehicle to be licensed has the following:

- (1) A permanent cover of metal, canvas or equally suitable or superior material designed to cover the entire open area of the body of such vehicle;
- (2) A body so constructed as to be permanently leakproof when transporting the discarded materials;
- (3) Extensions of sideboards and tailgate, if any, constructed of permanent materials; and
- (4) A gross vehicle weight of not more than thirty-six thousand (36,000) pounds (for two-axle vehicles) or fifty-four thousand (54,000) pounds (for vehicles with more than two [2] axles). (Ord. 281 §2, 1991; Ord. 481 §1, 2003)

Sec. 6-3-30. License fees.

Every person who, for hire or reward, engages in the business of collecting or transporting garbage, refuse or commercial or industrial waste or offers or provides such service to the public shall pay a license fee as set forth in the Fee Schedule. The license year shall commence on June 1 and end on May 31 of each year. No license issued pursuant to this Article shall be transferable. (Ord. 281 §3, 1991; Ord. 481 §1, 2003; Ord. 571 §2, 2007)

Sec. 6-3-40. Approval.

Upon filing such application with the Town Clerk and payment of the license fee as provided, the application shall be considered by the Town Clerk. If the application complies with this Article, all required fees have been paid and it does not appear that any other ordinance or state law will be violated by the operation, the Town Clerk shall issue the license. (Ord. 281 §4, 1991; Ord. 481 §1, 2003)

Sec. 6-3-50. Insurance.

It is unlawful to operate a vehicle hereunder or permit the same to be operated unless the permit holder shall first have deposited with the Town Clerk a policy or a certificate of liability insurance covering all vehicles of all kinds used hereunder, said policy to be issued by an insurance company licensed to do business in the State and providing liability and other coverage in the amount and type required by applicable state statutes. (Ord. 281 §6, 1991; Ord. 481 §1, 2003)

Sec. 6-3-60. Hours of operation.

No licensed hauler shall collect refuse within the corporate limits of the Town between the hours of 10:00 p.m. and 5:00 a.m. (Ord. 281 §7, 1991)

Sec. 6-3-70. Suspension or revocation.

Licenses granted under this Article may be suspended or revoked at any time by the Board of Trustees for violation of the requirements of this Article. No license shall be revoked without an opportunity for a hearing. (Ord. 281 §8, 1991)

Sec. 6-3-80. Collection.

(a) Licensed refuse collectors shall collect and remove refuse from residences and businesses located within the corporate limits of the Town at least once each calendar week.

(b) The occupant, resident or business owner at each service address shall place refuse in a suitable and satisfactory receptacle or container, which receptacle or container may be furnished and maintained either by each occupant, resident or business owner at his or her own expense or by the licensed refuse collector. Such receptacle or container shall be placed in a readily accessible location for handling by the collector.

(c) The residential owner or occupant at each service address shall place the receptacles or containers in a readily accessible location for handling by the collector. Each such receptacle or container shall be limited to not more than three (3) thirty-three-gallon containers, each not more than seventy (70) pounds in weight per week and shall be securely covered or sealed.

(d) The business establishment served pursuant to the agreement shall be limited to not more than three (3) thirty-three-gallon containers, each not more than seventy (70) pounds in weight and shall be securely covered or sealed.

(e) All waste material stored or placed outside a residence or business building shall be kept in hard-sided containers that are made of metal, plastic, wood or some other hard substance. Waste containers must have a lid securely in place, and no overflow of waste containers shall be permitted or waste allowed to litter the property or properties in the neighborhood. No waste materials shall be stored or placed outside for waste collection in a plastic bag. (Ord. 280 §3, 1991; Ord. 281 §10, 1991; Ord. 291, 1992; Ord. 389 §§4, 5, 1999; Ord. 455 §1, 2002; Ord. 481 §1, 2003)

Sec. 6-3-90. Application of revenues.

Revenues generated through the license fees paid pursuant to this Article shall be deposited into the general revenue fund of the Town. (Ord. 281 §11, 1991)

*Division 2
Waste Materials*

Sec. 6-3-210. Collection system established.

The Town hereby establishes a collection service for waste materials except for hazardous materials and bulky materials for each service address, as follows:

(1) The collection system shall provide for collection and removal of waste materials on a weekly basis.

(2) All acceptable waste materials shall be placed in receptacles, as defined in this Chapter, by the owner, tenant or occupant of each service address. The receptacle shall be placed in a readily accessible location for handling by the trash carrier on a weekly schedule established by the Town.

(3) If the waste material is other than defined herein or is not in a proper receptacle or if the receptacle is not properly placed, the Town shall be under no obligation to collect or remove the waste material.

(4) Any owner, occupant or tenant may choose to remove his or her own trash or may contract with a trash service other than that furnished by the Town, subject to the provisions of this Article.

(5) Should any owner, occupant or tenant of a service address served by the Town's carrier choose to terminate the service provided for in this Article, written notice must be given to the Town Clerk at least thirty (30) days in advance of the desired termination date. The notice shall specify the name of the customer and the location of the service address. (Ord. 201 §2, 1985)

Sec. 6-3-220. Mandatory removal of waste materials.

(a) All waste materials shall be collected and removed from the Town on a weekly basis by the owner, tenant or occupant of each residence, living unit, business or commercial enterprise or industrial site located within the Town, either by self-service, by the service established by the Town or by an independent service.

(b) All hazardous and bulky material is excluded from the collection service system established in this Article. Any service address eligible for the Town collection service, but having hazardous or bulky waste material that is not acceptable to the Town collection service, shall provide independently for its removal on a weekly or more frequent schedule.

(c) Commercial establishments, businesses, apartments, multifamily units (larger than a duplex) and schools shall screen their waste containers from public view by erecting solid wall fences of acceptable building material. Owners shall provide gated access for waste removable purposes.

(d) All waste containers shall be closed and no waste shall be permitted to overflow its container or litter the area.

(e) All mobile home parks, apartments and multifamily units larger than a duplex shall provide no less than one (1) roller container, three (3) cubic yards or larger, for each six (6) units. (Ord. 201 §§3, 4, 1985; Ord. 209 §1, 1986)

Sec. 6-3-230. Placement of receptacles.

(a) It shall be unlawful for any residential solid waste and recyclable containers to be placed for collection earlier than 6:00 p.m. the day prior to scheduled collection and must be removed by the customer no later than 6:00 a.m. the day following collection.

(b) It shall be unlawful for a person to place a container for the purpose of solid waste and recycling collection on a sidewalk located within a public right-of-way. All containers shall be placed in the street adjacent to the curb or at the edge of the street where no curb exists.

(c) It shall be unlawful when not placed out for collection to store any solid waste container or recycling container in a manner that the container extends beyond the front of a residential structure. (Ord. 280 §3, 1991; Ord. 291, 1992; Ord. 389 §§4, 5, 1999; Ord. 481 §1, 2003; Ord. 600 §2, 2009)

Sec. 6-3-240. Rates.

(a) The rate of charge for the refuse collection service provided for in this Article shall be as set forth in the Fee Schedule.

(b) For the purposes of this Section, a *senior citizen* is a head of family fifty-five (55) years of age or older. Senior citizen service rates apply to residential service only.

(c) All refuse collection charges are due within twenty (20) days after billing. (Ord. 201 §5, 1985; Ord. 204 §1, 1986; Ord. 285 §1, 1991; Ord. 481 §1, 2003; Ord. 571 §2, 2007)

Sec. 6-3-250. Removal required.

Any owner, occupant, tenant or person who fails or refuses to provide for removal of waste material, hazardous material, bulky material or other similar material from any residence, business, lot, premises or other location in the Town on a weekly basis shall be guilty of a violation of this Article. (Ord. 201 §6, 1985; Ord. 481 §1, 2003)

*Division 3
Refuse*

Sec. 6-3-310. Billings; discounts.

(a) Assessment for costs; combined billing. The minimum refuse removal shall be billed monthly.

(b) Senior citizen discount. Where one (1) or more residents of a dwelling are fifty-five (55) years of age or older, that residence shall be billed at a discounted rate. A senior citizen discount shall apply to residential service addresses only. (Ord. 280 §§1, 2, 1991)

Sec. 6-3-320. Contract for service.

(a) The Town may contract with a person for the collection and removal of refuse within the corporate limits of the Town.

(b) This contract may license the person to collect and transport refuse within the corporate limits of the Town.

(c) If applicable, in consideration for the collection and transportation of refuse by the person at each service address, the Town shall bill the customer an amount as set forth in the Fee Schedule. (Ord. 280 §2, 1991; Ord. 481 §1, 2003; Ord. 571 §2, 2007)

Sec. 6-3-330. Refusal of service.

In the event a resident or business does not wish to utilize the refuse service provided by the Town, that resident or business shall contact the Town Clerk and execute the appropriate documents advising the Town that he, she or it not be using the refuse service provided by the Town. The resident or business shall state whether or not such resident or business will collect and remove the refuse without being licensed, or obtain the services of a person licensed by the Town to collect and remove refuse from the corporate limits of the Town. (Ord. 280 §4, 1991; Ord. 481 §1, 2003)

Sec. 6-3-340. Removal of refuse from business.

Discarded refuse, including automobile parts, stoves, furniture and junkyard refuse, shall be removed periodically by the proprietor so that the premises are clean and orderly at all times. Silt and similar deposits from automobile wash racks shall be removed to the Town dump by the establishment creating such deposit. Any accumulation of refuse that is highly explosive or flammable which might endanger life or property shall be removed to such places as approved by the Chief of Police or the Fire Chief. Such removal shall be handled by the establishments responsible therefor. (Ord. 481 §1, 2003)

ARTICLE IV

Building Contractor Licenses

Sec. 6-4-10. Classification of licenses.

(a) A Class I license entitles the licensee to perform any work for which a building permit is required, except electrical, plumbing, mechanical and fire extinguishing work, on any building or structure.

(b) A Class II license entitles the licensee to perform any work for which a building permit is required on any type of residential building which contains fewer than twelve (12) dwelling units and is less than three (3) stories above grade, except electrical, plumbing, mechanical and fire extinguishing work.

(c) A Class S specialty license entitles the licensee to perform only the type or types of work described below:

(1) S-1: Roof coverings. Installation of roof coverings, including valleys and roof ventilation.

(2) S-2: Swimming pools. Installation of swimming pools.

(3) S-3: Signs. Fabrication, erection, installation, remodeling, repair and maintenance of all types of signs.

(4) S-4: Fire and burglar alarms. Installation of fire and burglar alarms.

(5) S-5: Fire protection. Installation of fire extinguishing systems.

(6) S-6: Siding. Installation of siding.

(7) S-7: Manufactured home installer. Installation and set-up of manufactured homes, except plumbing and electrical systems.

(d) A mechanical license entitles the licensee to install, add to, alter or repair warm air heating, venting, evaporative and refrigeration cooling and exhaust systems and their appurtenances, hot water systems, process piping and refrigeration systems.

(e) An electrical registration entitles the registrant to plan, lay out, supervise and install, add to, alter and repair wiring apparatuses and equipment for electric light, heat and power. A registered professional engineer who plans or designs electrical installation shall not be classified as an electrical contractor. In order to be registered as required herein, the applicant must be licensed as a master electrician by the State of Colorado Electrical Board or have an employee so licensed.

(f) A plumbing license entitles the licensee to plan, lay out, supervise, install, add to, alter and repair potable water supplies and distribution pipes and piping, plumbing fixtures and traps, drainage and vent pipes and building drains, including their respective joints and connections, devices, receptacles and appurtenances. A registered professional engineer who plans or designs plumbing installations shall not be classified as a plumbing contractor. In order to be licensed as required herein, the applicant must be licensed as a master plumber by the State of Colorado Examining Board of Plumbers or have an employee so licensed. (Ord. 578 §1, 2008)

Sec. 6-4-20. Renewal.

Licenses are valid for one (1) year from the date of issuance. Licenses may be renewed by completing an application, paying the prescribed fee and updating the certificate of insurance. (Ord. 578 §2, 2008)

Sec. 6-4-30. Liability insurance requirements.

Every contractor granted a license shall maintain comprehensive general liability insurance coverage on not less than the following:

- (1) Class I: Five hundred thousand dollars (\$500,000.00) combined single limit.
- (2) Class II: Three hundred thousand dollars (\$300,000.00) combined single limit.
- (3) Specialty, electrical, plumbing and mechanical: One hundred thousand dollars (\$100,000.00) combined single limit.

A certificate of insurance shall be submitted at the time of application. The certificate shall identify the limits of the insurance, the policy number, the name of the insurance company, effective date and expiration date of the policy and a copy of an endorsement requiring ten (10) days' advance written notice to the Town in the event of cancellation. (Ord. 578 §3, 2008)

Sec. 6-4-40. License fees.

The contractor license fees are set forth in the Town's Fee Schedule. (Ord. 578 §4, 2008)

Sec. 6-4-50. License required.

(a) No permit shall be issued until the contractor(s) first obtain the required license.

(b) The following persons are exempt from these licensing requirements:

(1) A person working under the direct supervision of any other person licensed to perform such work.

(2) A homeowner who builds, constructs, alters, repairs, adds to or demolishes any building or structure or any portion thereof that constitutes the owner's residence, or a building or structure accessory thereto, and that is intended for the owner's use. Homeowners who build their own home must reside at the residence for a minimum of one (1) year before selling the home. (Ord. 578 §5, 2008)