

ORDINANCE NO. 05-2015

AN ORDINANCE ADOPTING LICENSING REQUIREMENTS FOR BUSINESSES IN THE TOWN OF WIGGINS

WHEREAS, pursuant to C.R.S. § 31-15-501, the Board of Trustees has the authority to regulate businesses within the Town, including licensing lawful occupations and businesses and fixing the amount, terms, and manner of issuing and revoking licenses issued therefor; and

WHEREAS, the Board of Trustees finds, determines and declares that the regulations and business license fees to be imposed upon each business and occupation by this ordinance are reasonable, proper and nondiscriminatory and are necessary for a just and proper regulation of such businesses and occupations.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF WIGGINS, COLORADO:

Section 1. The Board of Trustees hereby adopts the Town of Wiggins Business Licensing Regulations, which provisions may be referred to as the “Business Licensing Regulations Ordinance of the Town of Wiggins:”

Business Licensing Regulations

Section 1	Purpose.
Section 2	Definitions.
Section 3	Conducting business without license deemed unlawful.
Section 4	Exempt activities.
Section 5	Applications.
Section 6	License fee; term.
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Section 9	License contents.
Section 10	License required for each place of business; posting and exhibition.
Section 11	License nontransferable.
Section 12	Renewals.
Section 13.	Suspension or revocation.
Section 14.	Return of fees.
Section 15.	Violations; penalties.

Section 1. Purpose.

The purpose of this Ordinance shall be to require the licensing of all business activities and enterprises physically located within the Town and to provide the Town with necessary information concerning the businesses within the Town, including but not limited to the nature of the business operation, the number of employees, place of business, and emergency contacts, in order to protect the health, welfare and safety of the Town's inhabitants.

Section 2. Definitions.

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

(a) "Business" means and includes all kinds of vocations, occupations, home occupations, professions, enterprises and establishments, any of which are conducted on any premises within the Town or anywhere else within its jurisdiction.

(b) "Premises" means and includes all land, structures and places, and the equipment and appurtenances connected or used therewith, in any business, and also any personal property which is either affixed to, or otherwise used in connection with, any such business conducted on the premises.

(c) "Town Clerk" means the Town Clerk for the Town of Wiggins or such person's designee.

Section 3. Conducting business without license deemed unlawful.

It is unlawful for any person, whether as a principal, agent, clerk or employee, either for himself, herself or for any other person, corporation or otherwise, to commence, carry on or establish any kind of business without first having received from the Town a business license to do so or without complying with any and all regulations of such business contained in this Ordinance.

Section 4. Exempt activities.

(a) The provisions of this Ordinance shall not apply to:

1. Any canvassing on behalf of a candidate for elective public office or for proponents of a measure to be placed on the ballot.

2. Activity consisting solely of mere delivery in the Town where no intent exists or is shown to exist to evade the provisions of this Ordinance.

3. The selling of newspapers on public streets or in public places in a manner otherwise in compliance with Town ordinances.

4. Established delivery routes, persons calling by appointment, yard sales, or garage sales.

5. Activities of the federal or state government or municipal corporations.

6. Occasional babysitting not including childcare operations.

(b) The burden of proving an exemption to this Ordinance is upon the person claiming such exemption. Determinations regarding the application of an exemption shall be made in writing by the Town Clerk. The business subject to such determination may appeal the determination to the Town Administrator, whose decision shall be final. Any appeal to the Town Administrator shall be made in writing within fifteen days of the Clerk's determination.

Section 5. Applications.

Every person required to obtain a license under this Ordinance shall submit a license application to the Town Clerk. The application shall contain:

(a) The name of the business for which a license is requested, and the name of the person, firm or corporation requesting such license;

(b) The residence address of the applicant and, if the applicant is an entity, the names of the officers, directors and owners of such entity and the address of such entity's principal place of business;

(c) The nature of the business to be performed, practiced or carried out;

(d) The street address, if any, where such business is to be carried on;

(e) The telephone number of the business, the name of the manager of the business, if any, and the number of employees of the business;

(f) The year for which such license is sought;

(g) A copy of the State sales tax license for the business; and

(h) Any other relevant information required for compliance with this Ordinance or deemed to be reasonably necessary by the Town Clerk for the fair administration of this Ordinance.

Section 6. License fee; term.

(a) There shall be paid by each applicant for a business license a nonrefundable annual business license fee in an amount set by resolution of the Board of Trustees. Such fees shall be paid in advance at the time application therefor is made to the Town Clerk. For business licenses issued after June 30th of any year, the license fee for the year of issuance will be one-half of the annual license fee.

(b) All licenses shall expire on January 1 of each calendar year unless sooner revoked, cancelled or suspended.

Section 7. Investigation and issuance.

(a) Upon receipt of the application containing the information set forth in the preceding section, proof that the annual fee therefor has been paid, and compliance with all other provisions of this Ordinance, the Town Clerk shall issue and deliver to the applicant the license requested.

(b) The business license required by this Ordinance shall be in addition to any other license or permit required by the Town's ordinances, and the issuance of a general business license does not permit any conduct that is prohibited or that does not fully comply with the requirements of the Town's ordinances. By way of example and not limitation, a general business license does not permit:

1. The conduct of any business if the premises to be used for the business and the proposed conduct of such business do not fully comply with the requirements of the Town's ordinances.

2. The conduct of any business or performance of any act that would constitute a violation of the Town's zoning ordinances or Land Development Code.

3. The conduct of any business that violates any existing state or federal statute or municipal ordinance.

Section 8. Denial.

(a) The Town Clerk may deny an application for a license or for a renewal upon a determination that:

1. The applicant has failed to supply any of the information required on the application or by the Town Clerk pursuant to Section 4 of this Ordinance;

2. The conduct of the business for which a license is requested would be in violation of any provision of any Town ordinance or state or federal statute; or

3. The applicant has failed to pay the required license fee.

(b) If the Town Clerk denies a license application under this Section, the Town Clerk shall notify the applicant in writing stating the specific grounds for the denial. The applicant may thereafter appeal the denial of the application by the Town Clerk to the Town Administrator, whose decision shall be final. Any appeal to the Town Administrator shall be made in writing within fifteen days of the Clerk's denial of the license.

Section 9. License contents.

Each license issued pursuant to this Ordinance shall be signed by the Town Clerk under the seal of the Town. Each license shall show upon its face the name of the person to whom it has been issued, the street address where any business is to be carried on, the amount paid therefor, the year for which such license is issued, and any other information required by this Ordinance to be displayed thereon.

Section 10. License required for each place of business; posting and exhibition.

(a) A separate license must be obtained and a separate license fee paid for each branch, establishment, or separate place of business in which a business is carried on.

(b) Every license for a business to be conducted at a particular street address shall be posted conspicuously, in public view, at each such address during the period such license is valid. It shall be the duty of each and every person to whom a license has been issued by the Town, to exhibit the same upon the request of any law enforcement officer, inspector, or other officer of the Town.

Section 11. License nontransferable.

No license may be transferred or assigned from one person to another, or from one place to another.

Section 12. Renewals.

(a) Unless specifically otherwise stated, all annual licenses may be renewed upon application and payment of the annual license fee to the Town Clerk. The license will be renewed if there has been no change in the application information relating to the business. The application for renewal and the fee therefor shall be submitted to the Town Clerk on or before the expiration date of the current license.

(b) If the application for renewal and fee therefor are not received on or before the expiration date of the current license, and the licensee continues to engage in the business for which the license was issued, then in addition to other penalties which may be imposed, a penalty of ten percent (10%) of the amount of the license fee shall be added on the last day of each calendar month after the expiration date. In addition to the above penalty provision, it is unlawful for a licensee to continue to engage in any business or activity after his or her license therefor has expired.

Section 13. Suspension or revocation.

(a) In addition to any other ordinances of the Town, the Town Clerk may suspend or revoke a license or permit issued under this Ordinance if:

1. When any money due the Town has not been paid. This includes failure to pay civil penalties, fines, taxes, fees or any other money owed to the Town.
2. When any activity conducted by the licensee or his or her employee or agent violates any federal, state or local rule, regulation or law.
3. Upon failure to comply with the terms and conditions of the license.

(b) If the Town Clerk finds one of the grounds in subsection (a) above, the Town Clerk shall determine whether to cancel the license, revoke the license for the remainder of its term, or suspend it for any shorter period according to the severity of the disqualification, its effect on public health, safety, and welfare, and the time during which the disqualification can be remedied, if at all.

(c) Before the hearing required in subsection (d) of this Section, the Town Clerk may suspend a license for up to fourteen days, if the Town Clerk determines that the suspension is in the interest of public health, safety, and welfare. The Town Clerk may include in the temporary suspension reasonable orders or conditions with which the licensee shall comply to protect any work in progress and the public health and safety. Any breach of such conditions or orders is an independent ground for suspension or revocation of the license.

(d) Except for such emergency suspension authorized by subsection (c) of this Section, no such suspension or revocation is final until the licensee has been given the opportunity for a hearing before the Town Administrator to contest the suspension or revocation.

(e) If, after a hearing, the suspension or revocation is upheld, the Town Administrator may include reasonable orders or conditions with which the person whose license has been suspended or revoked shall comply to protect any work in progress and the public health, safety and welfare.

(f) No person whose license is revoked under this Ordinance may receive a refund of any part of the license fee paid for the license.

(g) No person who has had a license suspended or revoked under this Ordinance is entitled to obtain the same or any similar license under the Town's ordinances during the period of suspension or revocation, either in the person's own name or as a principal in another business that applies for a license.

(h) Nothing in this Ordinance shall be deemed to prohibit the Town Clerk or other authority from imposing other penalties authorized by this Ordinance or other ordinance of the Town, including filing a complaint in the Municipal Court for a violation of this Ordinance or other ordinance of the Town.

Section 14. Return of fees.

Upon refusal of any application for a license, or in the event that any license is suspended or revoked, all moneys paid therefor shall be and remain the moneys of the Town, and no refund shall be made to any applicant or licensee.

Section 15. Violations; penalties.

Any person convicted of violating any of the provisions of this Ordinance shall be punished by a fine of not more than two thousand six hundred fifty dollars (\$2,650.00), as shall be adjusted for inflation from time to time pursuant to C.R.S. § 13-10-113 or by imprisonment for not more than one year or by both

such fine and imprisonment. Each act or omission in violation of one or more of the provisions of this Ordinance shall be deemed a separate violation for each and every day that such act(s) or omission(s) occur.

Section 2. This ordinance shall take effect and be in full force and effect sixty (60) days after publication (the "Effective Date") for all new and existing businesses. Businesses applying for a business license for 2015 shall not be required to pay a business license fee. At such time, businesses may also apply for a business license for 2016 in which case the business shall be required to pay the business license fee described in Section 6 of this Ordinance.

Section 3. If any section, paragraph, sentence, clause, or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The Board of Trustees hereby declares that it would have passed this ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

Section 4. All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

Section 5. The repeal or modification of any provision of the ordinances of the Town of Wiggins by this Ordinance shall not release, extinguish, alter, modify, or change in whole or in part any penalty, forfeiture, or liability, either civil or criminal, which shall have been incurred under such provision, and each provision shall be treated and held as still remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings, and prosecutions for the enforcement of the penalty, forfeiture, or liability, as well as for the purpose of sustaining any judgment, decree, or order which can or may be rendered, entered, or made in such actions, suits, proceedings, or prosecutions.

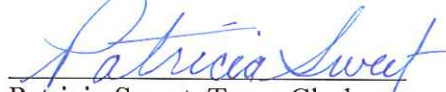
INTRODUCED, READ, ADOPTED, APPROVED, AND ORDERED PUBLISHED, BY TITLE ONLY, by the Board of Trustees of the Town of Wiggins, Colorado this 4th day of June, 2015.

TOWN OF WIGGINS, COLORADO



Mac Leon, Jr.

ATTEST:



Patricia Sweet, Town Clerk

Account # : 213281
Phone (Primary) : (970) 483-6161
Start Date : 6/4/2015
Stop Date : 6/4/2015
Rate : FTMLGPUBL - LEGAL PUBLIC \$0.452/\$0.315
Publication : FTM - Fort Morgan
Run Status : A
Supervisor Status : A
Street 1 (Primary) : 304 CENTRAL AVE
City (Primary) : WIGGINS
ZIP (Primary) : 80654-
Class Code : 2500 - PUBLIC NOTICE
Caller : EMAIL
Ad Sales Rep. : CL14 - Ward, Rita
Company (Primary) : TOWN OF WIGGINS
Total : \$3.16
Inserts : 1
Ad # : 5647615

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