

## Chapter 5.04

### BUSINESS LICENSES

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- 5.04.010 Policy and purpose of provisions.**

The city council finds that Colorado municipalities are empowered by Section 31-15-501, C.R.S. 1973, to license, regulate and tax any lawful occupation, business place, amusement, or place of amusement and to fix the amount, terms and manner of issuing and revoking licenses issued therefor. The council finds, determines and declares that the establishment of the licensing and taxation requirements contained in this chapter are necessary, reasonable and proper. The council further finds that this chapter will not materially burden interstate commerce and that the tax imposed by this chapter is not levied upon the privilege of doing interstate or foreign commerce but is imposed solely upon the

privilege of conducting business within the city. The fee required by this chapter is not unreasonable or confiscatory, is not invidiously discriminatory against any taxpayer or group of taxpayers and does not discriminate against businesses or people engaged in interstate commerce. (Prior code § 5.24.010)

#### **5.04.020 Business license required-- Issuance--Application.**

A. It is unlawful for any person, either directly or indirectly, to conduct any business or enterprise for profit within the city without first having obtained a business license as provided in this chapter. "Business" is intended to include all kinds of trades, vocations, occupations, professions, enterprises, establishments, and all other kinds of activities and matters, together with all devices, machines, vehicles and appurtenances used therein, any of which are conducted for private profit, or benefit, either directly or indirectly, anywhere within the city. "Business" includes, without limitation, the renting, leasing or providing of four or more residential or commercial units for hire. "Business" also includes the holding of four or more garage sales, yard sales or similar events within one calendar year.

B. "Business" shall not include activities of bona fide nonprofit organizations or to the conducting of garage sales, yard sales of similar activities.

C. Such license shall be granted and issued by the city clerk upon payment to the clerk by the applicant of a license fee of fifty dollars (\$50.00). The license shall be in force and effect until the last day of the year it is issued, unless sooner revoked. The permit fee is nonrefundable.

D. Such license shall be granted and renewed only upon application stating the name and address of the person desiring such license, the name of such business, the location, and such other information as the city clerk may require.

E. A "residential unit" shall be construed, by way of illustration, to mean a house, duplex, apartment, hotel room, motel room, bed and breakfast room, or other like unit, in which a person or family resides, either transiently or permanently.

F. A "commercial rental unit" shall be construed to be any type of premises or units rented for business purposes, not including units in which persons or families reside. (Amended during 2002 codification; Ord. 96-9 §§ 1--3; prior code § 5.24.020)

**5.04.030 Renewal of occupational license.**

It shall be the duty of the licensee on or before the first day of December each year during which this chapter remains in effect to obtain a renewal thereof. Nothing contained in this chapter shall be construed to empower the city clerk to refuse such renewal, except revocation for cause, of the licensee's prior license. (Prior code § 5.24.030)

**5.04.40 Contents of license--Display required--Nontransferability.**

Each license shall be numbered and shall show the name, residence, place, and character of business of the license, shall be posted in a conspicuous place in the place of business for which it is issued. No license shall be transferable. (Prior code § 5.24.040)

**5.04.050 Separate licenses not required for separate**

**businesses or separate addresses.**

The holder of a valid license issued under the provisions of this chapter shall not be required to obtain a separate license or separate licenses in the event such licensee conducts more than one type of business within the city or conducts the same business at more than one location within the city. (Prior code § 5.24.050)

**5.04.060 Noncompliance deemed violation.**

Any person who engages in business as defined in this chapter without having secured a license therefor, except as specifically provided in this chapter, shall be guilty of a violation of this chapter and upon conviction shall be punished in accordance with Chapter 1.20 of this code. (Prior code § 5.24.060)

**5.04.070 Duties of licensees.**

Every licensee under this chapter shall:

A. Permit inspection: permit all reasonable inspections of his business by public authorities so authorized by law;

B. Comply with governing law: as certain and at all times comply with all laws and regulations applicable to such licensed business;

C. Operate properly: avoid all forbidden, improper or unnecessary practices or conditions which do or may affect the public health, morals or welfare;

D. Cease business: refrain from operating the licensed businesses on premises after expiration of his or her license and during the period his or her license is revoked or suspended. (Prior code § 5.24.070)

**5.04.080 Special events licenses.**

At the request of a nonprofit sponsor of a community-wide event, the city council may issue a special events business license to such sponsor. A special events business license shall permit all concessionaires, temporary merchants, street vendors and the like who are invited to participate in the event by the sponsor and who would otherwise be required to obtain individual business licenses under this chapter to operate for the limited duration of the special event under the sponsor's special event license. A fee for the issuance of such permit shall be established by the city council on a case-by-case basis, taking into consideration the nature of the special event; the duration of the event; the increased demands on city services resulting from the event; the number of concessionaires, street vendors and temporary merchants participating in the event; the financial resources of the sponsor and such other factors as the council deems relevant. Both the sponsor of the special event and all concessionaires, street vendors and temporary merchants shall comply with the duties of a licensee as set forth in Section 5.04.070. A special events business license shall be valid only for the announced duration of the particular special event for which it is issued. (Prior code § 5.24.080)

