

**CITY OF LEADVILLE, COLORADO**  
**Ordinance No. 6**  
**Series of 2019**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LEADVILLE,  
COLORADO, REPEALING AND REPLACING CHAPTER 5.04 OF TITLE 5 OF THE  
LEADVILLE MUNICIPAL CODE CONCERNING BUSINESS LICENSES**

**WHEREAS**, the City Council of the City of Leadville (“City Council”) possesses the authority pursuant to C.R.S. § 31-15-401 and its general police powers to pass and enforce regulations which may be necessary or expedient for the promotion of the health, safety and welfare of the citizens of Leadville; and

**WHEREAS**, the City Council is authorized pursuant to C.R.S. § 31-15-501 to license and regulate 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; and

**WHEREAS**, the City previously adopted business license regulations, codified in Title 5, Chapter 5.04 of the Leadville Municipal Code (“Code”); and

**WHEREAS**, the City’s current regulations are outdated and cumbersome to administer and enforce, and recent additions to the City’s licensing provisions require updates to the general licensing requirements; and

**WHEREAS**, the City therefore desires to adopt new regulations to aid in the administration of business licenses by the City and in simplifying compliance for applicants and licensees; and

**WHEREAS**, following careful review of the new proposed regulations, the City Council finds that it is in the best interests of the public health, safety and welfare to repeal Chapter 5.04 of the Municipal Code and replace it with a new Chapter 5.04 as set forth in this Ordinance.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF CITY OF LEADVILLE, COLORADO, AS FOLLOWS:

**Section 1. Recitals Incorporated.** The recitals contained above are incorporated herein by reference and are adopted as findings and determinations of the City Council.

**Section 2. Repeal and Replacement of Chapter 5.04.** Chapter 5.04, entitled “Business Licenses”, of Title 5 of the Leadville Municipal Code is hereby repealed in its entirety and replaced with the following:

**Chapter 5.04 BUSINESS LICENSES**

Sections:

5.04.010 License Required.

5.04.020 Application and License Requirements.

- 5.04.030 Licensee Duties.
- 5.04.040 License Fee, Term and Renewal.
- 5.04.050 Transfers.
- 5.04.060 Use of Public Property.
- 5.04.070 Exemptions.
- 5.04.080 Suspension or Revocation.
- 5.04.090 Appeal Process.
- 5.04.100 Violation, Penalty and Enforcement.

**5.04.010 – License Required.**

Every person, firm, partnership, corporation or other business entity must obtain a business license from the city before operating, conducting or carrying on any for-profit retail trade, profession or business within the city.

**5.04.020 – Application and License Requirements.**

- A. Application. Applications for all business licenses required shall be made in writing to the city on forms approved and provided by the city and shall contain such information as may be needed for issuance of the license. The application shall give the name and location of the business, to the description of the nature of the business, names and addresses of the owners and/or operators, duration of the business, who to contact in emergencies after hours, and other information as may be deemed necessary by the city.
- B. Administrative Approval. Business license applications are administratively approved by the license officer. The license officer shall be the City Clerk or his or her designee. Licenses shall not be issued if an application is incomplete.
- C. Separate License Required. A separate license is required for each location of a business, if the business has multiple locations within the City of Leadville. An applicant may apply for multiple licenses in a single application.
- D. Approval Criteria. The license officer shall not approve an application for a business license unless the applicant meets all of the following qualifications and criteria:

1. The applicant has not had a city business license revoked or suspended within the last twelve months;
  2. The applicant is not in default, indebted or obligated in any manner to the city; and
  3. The business is operated in compliance with the applicable city regulations including, but not limited to, specific licensing requirements in this chapter, zoning, building and fire codes, and any other applicable regulations.
  4. All fees have been paid.
- E. License Conditions. The license officer may impose such restrictions and reasonable rules and regulations as he or she deems necessary to safeguard the public peace, health or welfare or to ensure compliance with this code and shall impose such conditions on the license when issued.
- F. Denial of Application. If the license officer finds that the applicant does not meet all of the qualifications and criteria in this section, the application shall be denied. A written notice of denial setting forth the grounds therefor shall be provided to the applicant.
- G. Register of Licenses. The city shall keep a register of licenses issued under this chapter that includes the name and address of the licensee, the purpose of the license, the number of the license, the amount paid therefore, and the license expiration date.

#### **5.04.030 – Licensee Duties.**

Every licensee licensed under this chapter shall:

- A. Keep the license posted in a prominent and visible place at the licensed premises at all times.
- B. Permit all reasonable inspections of his or her business;
- C. Ascertain and at all times comply with all laws and regulations applicable to such licensed business;

- D. Avoid all prohibited, improper or unnecessary practices or conditions which do or may affect the public health or welfare;
- E. 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;
- F. Not loan, sell, give or assign to any other person, or allow any other person to use or display, or to destroy, damage, remove or to have in his or her possession, except as authorized by the law, a license which has been issued to such licensee; and
- G. Notify the city of any changes in information regarding the licensee, license premises or other relevant information, such as name of the business.

**5.04.040 - License Fee, Term and Renewal.**

- A. Term. Each license obtained pursuant to the provisions of this chapter shall be valid between January 1 and December 31 of the year purchased, unless sooner revoked or unless otherwise specified in this chapter.
- B. Fees. There shall be imposed an annual license fee for each license issued pursuant to this chapter. The annual license fee amount shall be as set forth in the city's fee schedule. License fees for a partial year shall be prorated in monthly increments to December 31. All license fees required to be paid pursuant to this chapter shall be set by resolution of the city council and may be amended by resolution from time to time as necessary.
- C. Renewal. All licensees shall file an application for a renewed license for each succeeding year and pay the required renewal fee before the expiration date of any license or licenses issued for the preceding year.

**5.04.050 - Transfers.**

Prior to any transfer of a business to a new owner, whether by sale, gift or operation of law, or transfer of the business to a new location, a licensee shall submit a transfer application and pay a transfer fee as set forth in the city's fee schedule on forms approved and provided by the city. For transfers to new owners, the city's approval of such transfer shall cause a cancellation of the prior business license, and the new owner shall not conduct business until a new business license and business license fee have been obtained pursuant to this chapter.

**5.04.060 - Use of Public Property.**

Except as authorized by the city for community events or special events, no licensee shall display, store or otherwise keep goods or items for sale by licensee on any public property, including but not limited to parks, open spaces, sidewalks, streets and other public rights-of-way, without first having obtained a permit from the city or unless otherwise regulated in this code or under state law.

**5.04.070 - Exemptions.**

The licenses herein required shall not apply to:

- A. Persons or businesses under contract with the city for services;
- B. Volunteer, charitable and nonprofit businesses or benefits;
- C. The city, its officers, employees and agents or another governmental agency;
- D. Any person, firm, partnership or corporation engaging in the operation or conduct of any business in the city at a community event sponsored by the city, other governmental entity, or a nonprofit organization. Such vendors at community events shall be responsible for collecting and remitting all applicable sales taxes for sales at such events as required by the applicable federal, state or local laws and regulations.

**5.04.080 - Suspension or Revocation.**

- A. In addition to any other provisions of this code or other ordinances of the city, the license officer may suspend or revoke a license issued under this chapter if:
  - 1. The licensee fails to meet the qualifications required of an applicant;
  - 2. The licensee or his or her employee or agent conducts any activity connected with the business in violation of any provision of this code or any federal, state or local law, ordinance, rule or regulation;
  - 3. The licensee obtained the license by fraud or misrepresentation;
  - 4. The licensee has failed to pay the annual license fee;

5. Any sales taxes required to be paid in connection with the business have not been timely paid; or
  6. The licensee is convicted of an offense and would create a danger to the public health, safety or welfare of the citizens of the city if the licensee were to engage in such conduct after the license was issued.
- B. If the license officer finds one of the grounds in subsection A above or any other ground for suspension or revocation in this code, the license officer shall determine whether to revoke the license for the remainder of its term or suspend it for any shorter period according to the severity of the disqualification or violation, its effect on public health, safety and welfare, and the time during which the disqualification or violation can be remedied, if at all.
- C. The license officer may suspend a license for up to fourteen (14) days if the license officer determines that the suspension is in the interest of public health, safety and welfare. The license officer 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. The license officer shall provide the licensee with a written notice of suspension or revocation, the grounds therefor, time period of any suspension or revocation, and any conditions that the licensee must meet in order to reinstate the license.
- E. No licensee whose license is revoked or suspended under this chapter may receive a refund of any part of the license fee paid for the license.
- F. No person or entity who has had a license suspended or revoked under this chapter is entitled to obtain the same or any similar license under this code 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.
- G. Nothing in this chapter shall be deemed to prohibit the license officer or other authorized person from imposing additional penalties under this code, including filing a complaint in the municipal court for a violation of this code.

#### **5.04.090 - Appeal Process.**

- A. Appeal. An applicant may appeal a denial of his or her application, and a licensee may appeal the suspension or revocation of his or her business license to the city council and shall be entitled to a public hearing before the city council. An appeal must be made in writing, stating the grounds for appeal, and be delivered to the City Administrative Services office within five (5) business days of the date of the notice of denial, suspension or revocation by the license officer. In the event of an appeal of a suspension or revocation decision, the owner may continue to operate the business during the hearing process.
- B. Hearing. A public hearing on the appeal shall be held within thirty (30) days of the date the appeal was submitted to the city. At the hearing, the city council shall hear such statements and consider such evidence as is offered that is relevant to the reasons alleged for denial, suspension or revocation. The city council shall make findings of fact from the statements and evidence offered at the hearing as to whether such reasons exist. The city council shall issue a written order either affirming or overturning the denial, suspension or revocation and stating the findings on which the city council's decision is based. A copy of the written order shall be sent to the owner within thirty (30) days of the date of the hearing.
- C. Final Order. An order of the city council made pursuant to subsection B above shall be a final decision. An order of the city council affirming the denial, suspension or revocation of a business license or application therefor may be appealed to the Leadville Municipal Court pursuant to the Colorado Rules of Procedure. Failure of an applicant or licensee to appeal such order in a timely manner constitutes a waiver by the applicant or licensee of any right he or she may otherwise have to contest the decision of the city council.

#### **5.04.100 - Violation, Penalty and Enforcement.**

In addition to the suspension and revocation actions set forth in this chapter, violations of this chapter are subject to the penalties set forth in chapter 1.20 of this code. Nothing in this chapter shall be construed to prohibit the city from taking any action permitted by law or in equity to remedy a violation of this chapter, including but not limited to seeking an injunction or other legal action in municipal court or any court of competent jurisdiction.

**Section 3. Remaining Provisions.** Except as specifically amended hereby, all other provisions of the Leadville Municipal Code shall continue in full force and effect.

**Section 4. Codification Amendments.** The codifier of Leadville's Municipal Code is hereby authorized to make such numerical, technical and formatting changes as may be necessary to incorporate the provisions of this Ordinance within the Leadville Municipal Code.


**Section 5. Severability.** Should any one or more sections or provisions of this Ordinance be judicially determined invalid or unenforceable, such judgment shall not affect, impair or invalidate the remaining provisions of this Ordinance, the intention being that the various sections and provisions are severable.

**Section 6. Repeal.** Any and all ordinances or codes or parts thereof in conflict or inconsistent herewith are, to the extent of such conflict or inconsistency, hereby repealed; provided, however, that the repeal of any such ordinance or code or part thereof shall not revive any other section or part of any ordinance or code provision heretofore repealed or superseded and this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance or code hereby repealed prior to the taking effect of this ordinance.

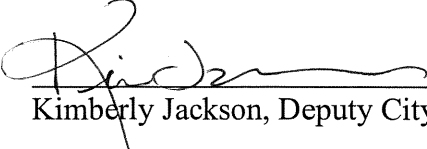
**Section 7. Safety Clause.** The City Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the City of Leadville, that it is promulgated for the health, safety, and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The City Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be attained.

**Section 8. Effective Date.** This ordinance shall become effective thirty (30) days after publication following final passage.

INTRODUCED, READ, APPROVED AND ORDERED PUBLISHED in full on first reading this 31st day of October, 2019.

  
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Greg Labbe, Mayor

ATTEST:


  
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Kimberly Jackson, Deputy City Clerk



PUBLISHED IN FULL FOLLOWING FIRST READING in The Herald Democrat, a newspaper of general circulation in the City of Leadville, Colorado, on October 31, 2019.

PASSED AND ADOPTED ON FINAL READING AND ORDERED PUBLISHED BY TITLE ONLY, with any amendments, this 28th day of November, 2019.

CITY OF LEADVILLE, COLORADO



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Greg Labbe, Mayor

ATTEST:



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Kimberly Jackson, Deputy City Clerk

PUBLISHED BY TITLE ONLY, with any amendments, in The Herald Democrat, a newspaper of general circulation in the City of Leadville, Colorado, following final passage on \_\_\_\_\_, 2019.