

ORDINANCE NO. __
SERIES 2017

**AN ORDINANCE ENACTING PROVISIONS REQUIRING THE LICENSING OF
BUSINESSES, AND THE LEVY OF AN ANNUAL BUSINESS LICENSE FEE ON ALL
PERSONS DOING BUSINESS WITHIN THE TOWN LIMITS OF THE TOWN OF
PITKIN, COLORADO.**

WHEREAS, C.R.S. Section 31-15-501(c) empowers Colorado municipalities to license, regulate and tax, subject to any law of this state, any lawful occupation, business place, amusement or place of amusements and to fix the amount, terms and manner of issuing and revoking licenses issued therefore;

WHEREAS, C.R.S. Section 31-16-101 grants the Board of Trustees of the Town of Pitkin the power to provide for enforcement of ordinances adopted by it by a fine of not more than two thousand six hundred dollars, or by imprisonment for not more than one year, or by both such fine and imprisonment;

WHEREAS, C.R.S. Section 31-15-501 (1) (a) grants the Board of Trustees of the Town of Pitkin power to prohibit businesses that are offensive or unwholesome or that are carried on in an offensive or unwholesome manner from operating within the limits of the Town.

WHEREAS, pursuant to C.R.S. Section 31-15-103, the Board of Trustees of the Town of Pitkin, has determined, that the establishment of the licensing requirements contained herein are necessary and proper to provide for the safety, preserve the health, promote the prosperity, and improve the morals, order, comfort, and convenience of the Town of ~~Maneas~~ Pitkin and the inhabitants thereof;

WHEREAS, the Board of Trustees of the Town of Pitkin further finds that the fee required by this ordinance is not unreasonable or confiscatory, is not invidiously discriminatory against any taxpayer or group of taxpayers and does not discriminate against businesses or people;

NOW, THEREFORE, BE IT ORDAINED by the Board of Trustees of the Town of Pitkin, Colorado; that

Section 1: Definitions

1. "Business" includes all activities engaged in or caused to be engaged in with the object of gain, benefit, advantage or profit, direct or indirect. It includes, but is not limited to, deriving compensation from activities within the Town including the sale, supply or distribution of commodities, services or related transactions.
2. "License" shall mean a license to conduct Business within the Town limits issued pursuant to this Ordinance.

3. "Licensee" shall mean any individual, firm, partnership, joint venture, corporation, estate or trust, or any group or combination acting as a unit, who has received a license under the provision of this Ordinance.
4. "Person" includes any individual, firm, partnership, joint venture, corporation, estate or trust, or any group or combination acting as a unit, in the plural as well as the singular number.
5. "Place of Business" means a premise for which a License has been issued pursuant to this Ordinance.

Section 2: License term; fee

1. The Board of Trustees hereby determines that business licenses shall be valid from January 1 of each year until December 31 of the same year, unless revoked or suspended by the Town Board of Trustees. Licensing under this section shall commence January 1, 2018
2. It shall be the duty of the licensee on or before the first day of December each year to obtain renewal thereof.
3. A fee of twenty-five (\$25.00) shall be assessed the first year, and each year thereafter.
4. This fee may be amended from time to time by resolution of the Town Board.

Section 3: General Provisions

1. It is unlawful for any person to do business within the Town Limits, without first having obtained a business license from the office of the Town Clerk. Any person engaged in business (except those exempted by Subsection 7 of this Action,) without having first secured a license therefore as provided in this Article, is guilty of a violation of this Ordinance.
2. A separate license for each Place of Business is required.
3. Each license shall be numbered, and shall show the name, place and character of business of the license, and shall be posted in a conspicuous place on the licensed premises at all times.
4. No license is transferable.
5. A Business which begins operating after September 30 of any year shall only pay one-half (1/2) of the annual license fee.
6. The location of any license Business may be changed, provided that ten (10) days' notice thereof is given to the Town Clerk subject to the terms and conditions of the Zoning Code.

7. Persons exempt from the provisions of this Ordinance are the employees of a licensee, minors, churches or established religious organizations, nonprofit organizations, charitable organizations, hospitals, governments and any persons exempt under federal or state law from obtaining a business license.

The following activities are allowed without a License, provided that the activity or use does not constitute a hazard to public health, safety, welfare and/or property or violate any other law of the Town, and nothing herein shall prohibit occasional ticket sales or fundraising without the use of a display apparatus by a nonprofit organization:

- (a) Entertainment for which no fee is charged.
 - (b) Free distribution of information, flyers, pamphlets, brochures or petitions.
 - (c) Individual or group yard sales at any one (1) location not exceeding three (3) consecutive days in duration and totaling not more than eight (8) days per year.
8. The power to administer this Ordinance shall be vested in the Town Clerk, who is authorized to do the following:
 - (a) require and collect applications and collect license fees and issue receipts therefore;
 - (b) adopt all forms for applications, exemptions and licenses and prescribe the information to be provided on such forms;
 - (c) recommend enforcement of this Ordinance by the Town Enforcement Officer; and.
 - (d) send a written request for information to any business owner within the Town limits regarding business use of their property. Any business owner shall comply with the request for information within thirty (30) days of the date of the Town Clerk's request, including signing an affidavit to be supplied by the Town Clerk, certifying under penalty of perjury that all information provided to the Town is complete and accurate. Failure of any business owner to comply with this section shall constitute a violation of this Ordinance and subject the business owner to the penalties set forth herein. If, after a review of the information obtained under this subsection, the Town Clerk determines that the business owner is required to obtain a business license pursuant to this Ordinance, such business owner shall apply for a business license within 10 days of the Town Clerk's determination.

9. Each licensee shall be required to:
 - (a) ascertain and at all times comply with all laws and regulations applicable to such licensed businesses;
 - (b) avoid all illegal or unlawful practices or conditions which do or may negatively affect the public health, safety, morals, or welfare;
 - (c) refrain from operating the licensed Business or Premises after expiration its license and during the period its license is revoked or suspended;
10. The Town Board, after reasonable notice and a fair hearing, may revoke any license, based upon a violation of this Ordinance.
11. Violation of this Ordinance shall result in the following penalties:
 - (a) The Town may issue a summons and complaint sixty (60) days after the business license fee is due, charging a person with failure to comply with this Ordinance. A violation of any part of this Ordinance is punishable by up to a maximum fine of two thousand six hundred dollars (\$2,600.00), ninety (90) days in jail, or both. Each day of a violation is a separate offense.
 - (b) The Town may also seek an injunction to restrain any person from engaging in business within the Town who does not obtain an annual business license, or has his or her license revoked or suspended;
 - (c) The foregoing remedies shall be in addition to all other remedies and penalties provided for by local ordinance or available by law.
12. The Town Enforcement Officer or Zoning Administrator may review the business to ascertain whether or not there are other or Zoning Code violations. However, the granting of a business license does not mean that a business is sanctioned by the Town of Pitkin, or that the business or its premises are in compliance with Town law. The granting of a business license does not preclude the Town of Pitkin from enforcing the Town of Pitkin Zoning Code, or any other applicable law, regulation or ordinance as to the Business or its premises.

Section 4. Other Provisions:

1. This Ordinance will be effective 30 days after publication, as provided by law.
2. Penalty provisions in this Ordinance shall apply to offenses committed on or after the effective date of this Ordinance.
3. If any provision of this Ordinance is declared unenforceable by a court with jurisdiction to issue such declaration, such provision shall be deemed severed from the ordinance and

shall not preclude enforcement of the remainder of the provisions of this Ordinance.

READ, ADOPTED, AND ORDERED PUBLISHED ON THIS ____ DAY OF _____ 2017.

TOWN OF PITKIN, COLORADO

Rachel New, Mayor

ATTEST:

Sara Gibb, Clerk/Treasurer

PUBLISHED THE ____ DAY OF _____, 2017 BY THE AUTHORITY OF THE TOWN
CLERK OF PITKIN, COLORADO.