

# Town of Silverton

PO Box 250, 1360 Greene Street Silverton, CO  
81433



## AN ORDINANCE OF THE TOWN OF SILVERTON

ORDINANCE 2009-03

AN ORDINANCE TO AMEND CHAPTER 10 ARTICLE 4 OF THE CODE OF THE TOWN OF SILVERTON, COLORADO TO MAKE MINOR CHANGES TO SECTIONS 10-4-6, 10-4-8, AND 10-4-11

WHEREAS, the Board of Trustees of the Town of Silverton desires to make certain changes to Chapter 10 Article 4 of the Code of the Town of Silverton, Colorado ("Town Code");

WHEREAS, the Board of Trustees believe these changes will help to improve efficiency in the issuance of business licenses;

WHEREAS, the Board of Trustees held a duly noticed public hearing on May 11, 2009 to receive public comment, evidence and testimony relative to the proposed amendment to the Town Code.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF SILVERTON THAT:

**1. Chapter ten (10) Article four (4) Section 10-4-6 of the Code of the Town of Silverton is hereby amended and rewritten as follows:**

10-4-6

Investigations.

1. Prior to submitting an application for a new business license, the applicant shall first obtain an application from the Town Clerk-Treasurer, and then schedule inspections and review of the business license with those departments or agencies deemed necessary by the Town Clerk-Treasurer.
2. All premises must be brought to current codes and standards as required and identified by the Town of Silverton, regardless of prior occupancy.

3. All departments or agencies identified by the Clerk-Treasurer shall conduct such necessary investigation or inspection within a reasonable timeframe. The department or agency shall either sign the investigation report included within the business license application indicating compliance with applicable codes, regulations, or requirements by the applicant, or provide written feedback to the applicant for necessary corrective measures. A business license shall not be issued until all necessary departments or agencies have signed off on the investigation report, or submitted a report outlining conditions for issuance of a business license.
4. Whenever it is necessary to inspect the premises of any business or proposed business, it shall be the duty of the licensee or the person in charge of the business premises, to admit thereto any authorized officer, employee, or agent of the Town, for the purpose of making such inspection. It shall be unlawful for such licensee or person to fail or refuse to admit an authorized officer, employee, or agent of the Town, at any reasonable time, for the purpose of making such inspections(s).
5. Once all required signatures are obtained, the applicant may submit their business license to the Clerk-Treasurer. The Clerk-Treasurer shall have seventy two (72) hours to issue or deny the business license in accordance with Section 10-4-7 below.
6. Applications without proper signatures from investigating departments/agencies shall be deemed incomplete, and shall be denied.

**2. Chapter ten (10) Article four (4) Section 10-4-8 of the Code of the Town of Silverton is hereby amended and rewritten as follows:**

10-4-8

Fees.

1. The license fee upon every business in the Town, except those exempted in Section 10-4-4, shall be determined according to the number of employees hired, whether full or part time. The number of employees shall be determined as the greatest number of employees anticipated to be hired in the subject year, based upon the greatest number of employees actually hired in any month during the preceding year. The license fee for a new business shall be based on the estimated greatest number of employees to be hired in any month during the subject year. The license fee to be paid by each business shall be in accordance with a business license fee schedule adopted by resolution of the Town Board as the same may be adopted and amended from time to time. An owner shall be considered an employee for the purposes of this section.
2. The license fee to be paid by each temporary business shall be in accordance with a business license fee schedule adopted by resolution of the Town Board, as the same may be adopted and amended from time to time.
3. An application/inspection fee of twenty-five dollars (\$25.00) shall be imposed upon any new application for a business license, including applications for a cancelled or temporary license; or upon any existing business that changes its location within the Town limits.

4. Businesses operating year-round shall be renewed and fees paid annually by January 31. A late fee of \$25.00 shall be assessed for renewals completed after January 31. Any business operating without a renewed business license by March 1<sup>st</sup> shall have their business license revoked, and shall comply with all requirements of this Code applicable to a new business license.
5. Businesses operating during the summer season shall be renewed and fees paid annually by May 1<sup>st</sup>. A late fee of \$25.00 shall be assessed for seasonal renewals completed after May 1<sup>st</sup> after the applicant has already opened for business or engaged in business. Any business operating without a renewed business license by May 31<sup>st</sup> shall have their business license revoked and shall be required to apply for a new business license, and shall comply with all requirements of this code applicable to a new business license.
6. All applicable fees shall be paid at the time application for a business license is filed with the Town Clerk-Treasurer.

**2. Chapter ten (10) Article four (4) Section 10-4-11 of the Code of the Town of Silverton is hereby amended and rewritten as follows:**

10-4-11

Revocation


1. The Town Administrator shall have the authority to suspend any business license now or hereafter issued, upon seven (7) days written notice to the licensee stating the contemplated action and, in general, the grounds thereof, and after reasonable opportunity to be heard, revoke any license issued by the Town if he finds that:
  - a. Fraud, misrepresentation, or any false statement contained in the application for license;
  - b. Conduct of business in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public;
  - c. Conviction of any violation of federal, state, or municipal law in the course of operation of the licensed business;
  - d. Repeated violations of one or more town ordinances at the licensee's place of business, by the licensee or employees or patrons of the business;
  - e. The conduct of the licensee's business causes the Town to expend public funds beyond normal requirements to protect the public health, welfare, and safety as a result of the conduct of the licensee's business;
  - f. The licensee remains in arrears in payment of sales tax to the State longer than thirty (30) days after payment is due; or
  - g. The business is of such a nature, or is operated in such a manner, that it is frequented by individuals who:
    - 1.) Consistently disrupt the normal and reasonable peace and tranquility of the neighborhood; or who
    - 2.) By intimidation, threat, harassment or other hostile conduct seriously disrupt any other business in the immediate neighborhood thereby causing such other business unreasonable economic loss;

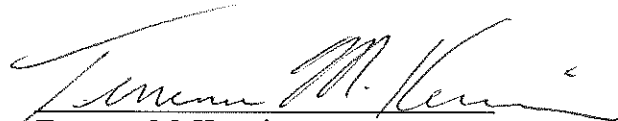
- h. The licensee fails to keep and maintain permanent records which, in accordance with accepted accounting practices as determined by the finance director, are necessary for establishing licensee's sales tax liability;
  - i. For any other reason listed in this article.
2. In the event that any license is revoked, all moneys paid therefore shall be and remain the moneys of the Town and no refund shall be made to any licensee.

PASSED AND ADOPTED THIS 11<sup>th</sup> DAY OF May, 2009

ATTEST:

TOWN OF SILVERTON:

  
Brian Carlson  
Town Clerk-Treasurer

  
Terrence M. Kerwin  
Mayor