**CHAPTER 6**

**Business license and Regulations**

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**ARTICLE I**

**Business Licenses**

**Sec. 6-1. Purpose.**

It is the express intent and purpose of the business license fee to cover the cost of processing such license. The express purpose of the requirement for obtaining a business licenses is for the Town to have an accurate record of all business activity being performed within the Town limits. *(Ord. 215 §1, 2014)*

**Sec. 6-2. License required; fee.**

BE IT ORDAINED BY THE GOVERNED BODY OF TOWN OF AGULIAR. NO PERSONS SHALL CARRY ON ANY BUSINESS HEREAFTER WITHOUT OBTAINING FROM THE TOWN CLERK A LICENSE PURSUANT TO THIS ARTICLE ANNUAL BUSINES INCLUDING IN HOME BUSINESS. A FEE OF $100.00 IS REQUIRED FOR EACH SEPARATE BUISNESS. *(Ord. 215* *§2, 2014)*

**Sec. 6-3. Application for License.**

Any person, firm, association, partnership, or corporation now engaged in any business, profession or occupation within the corporate limits of the town shall on or before January 31st, so long as such person, firm, association, partnership or corporation comes within the preview of this article, apply to the Town clerk for a license therefor, which application shall be in writing stating the name of the applicant, the business address, the kind or type of occupation, business, vocation or profession and such other information as may be required by the Town Clerk. *(Ord. 215 §3, 2014)*

**Sec. 6-4. License fee.**

For a license to carry on the business of peddler, which shall be valid for one (1) year after it is issued, a license fee in the amount of ten dollars ($20.00) for each year shall be paid to the Town

Clerk by each and every peddler applying therefor. *(Ord. 215 §4, 2014)*

**Sec. 6-5. Application for renewal. (Not required)**

All licenses issued hereunder shall be signed by the town clerk on behalf of the Town, and no new application need to be filed for any renewal or reissue except at the discretion of the Town Clerk; provided, however, that the license to be so reissued is for the same person, firm, association, partnership or corporation to whom the original license was issued. *(Ord. 215 §5, 2014)*

**Sec. 6-6. Exemptions.**

All businesses located or performed within the town shall be subject to this business license fee as levied under this Article, except as follows:

1. Day care centers are hereby exempted from the terms of this Article.
2. Schools are hereby exempted from the terms of this Article.
3. Occupations carried on in a person’s permanent place or residence are hereby exempted from the terms of this Article.
4. Licensed contractors hereby exempted from the terms of this Article.
5. Business licensed for serving or selling alcoholic beverages hereby exempted from the terms of this Article.
6. Nonprofit Colorado corporations hereby exempted from the terms of this Article. *(Ord. 215 §6, 2014)*

**Sec. 6-7. Multiple locations.**

In cases where a business is operated as separate units in different locations, under the same owner, even though similar in nature, each such separate unit shall be subject to a separate and full licenses fee under this Article. *(Ord. 215 §7, 2014)*

**Sec. 6-8. Term of license.**

All licenses shall cover a period of one (1) year beginning January 1st and ending December 31st of that year, inclusive. *(Ord. 215 §8, 2014)*

**Sec. 6-9. Notification for renewal.**

The town Clerk shall be charged with the administration and collection of all license fees authorized under this Article. It shall be his or her duty to notify every known business, trade, occupation and professional enterprise in operation within the Town of the fact that such license fee is due prior to Jan 31st of each year. Said notification shall include full instructions as to procedures for remittance of the license fee due, and penalties provided. Lack of receipt of such notification in any year shall not relieve any person engaging in business within the Town from the liability of paying such license fee and complying with all other requirements of this Article. *(Ord. 215 §9, 2014)*

**Sec. 6-10. Delinquent charges**

**Sec. 6-11. Issuance of license certificate**

Upon receipt of a license fee payment due under this Article, the Town Clerk shall issue a certificate which shall indicate that said license fee has been paid for the specific year. *(Ord. 215 §10, 2014)*

**Sec. 6-12. Display of license certificate**

Each license certificate issued under this Article shall at all times while in force be displayed in a conspicuous place in the place of business and shall be removed after expiration thereof. *(Ord. 215 §11, 2014)*

**Sec. 6-13—6-22. Reserved**

**ARTICLE II**

**Peddlers**

**Sec. 6-23. License nontransferable.**

All licenses issued hereunder shall be issued in the name of the individual making application therefor and shall not be transferable except by a majority vote of the Board of Trustees, upon written application and for good cause shown. *(Ord. 215 §1, 2014)*

**Sec. 6-24. Entering on private property prohibited when.**

No peddler, hawker, itinerant merchant, transient vendor, solicitor or door-to-door salesman of goods, wares and/or merchandise shall go in or upon any private residences or private offices in the Town, for the purpose of soliciting orders for the sale of goods, wares and/or merchandise or for the purpose of disposing of or peddling the same, without first having been invited or requested so to do by the owner or owners, occupant or occupants thereof, provided that the owner or owners, occupant of occupants thereof have posted or displayed, at or near the entrances thereof, a sign indicating that such persons are not welcome, invited or allowed, such as "No Peddlers or Agents," "No Peddlers," "No Solicitors" or any other sign of similar import or meaning. *(Ord. 215 §2, 2014)*

**Sec. 6-25. Invitation to visit not invitation to revisit.**

No invitation or request to visit or go in or upon any private residences or private offices in the Town, given or extended by the owner or owners, occupant or occupants to any such persons, is deemed an implied invitation or request to again visit or go in or upon any private residences, or private offices, above referred to. *(Ord. 215 §3, 2014)*

**Sec. 6-26. Violation a nuisance.**

Any practice in violation of Sections 6-24 and 6-25 is a nuisance and is unlawful. *(Ord. 215 §4,2014)*

**Sec. 6-27—6-50. Reserved.**

**ARTICLE III**

**Razing of Structures**

**Sec. 6-51. Permit and deposit required.**

All persons of any character engaged in the razing of any building or structure in the Town shall, before commencing said razing, secure a permit from the Town Clerk therefor, and shall make a deposit of not less than ten dollars ($10.00) nor more than five hundred dollars ($500.00). *(Ord. 180 §1, 2014)*

**Sec. 6-52. Amount of deposit.**

The Board of Trustees or its delegate representative will be the lawful authority to determine the amount of deposit in each particular situation. The amount of the deposit will be based solely on the expense necessary to cause the vacant lot or lots after said razing, to be leveled off and all trash or rubbish removed therefrom, providing a safe, sanitary and pleasant area. *(Ord. 180 §2,2014)*

**Sec. 6-53. Safety requirements.**

Before the commencement and during the razing of said structure, the person so engaged shall comply with all of the State Industrial Commission's regulations as to erecting safety barricades and otherwise providing for the safety of workers and pedestrians. *(Ord. 180 §3, 2014)*

**Sec. 6-54. Time limit.**

The razing of said structure shall be completed within sixty (60) days from the issuance of the permit; otherwise, all of the cash deposit will be forfeited to the Town. In rare cases of inclement weather, national disaster or otherwise, the Board of Trustees may extend the completion date as it deems necessary. *(Ord. 180 §4, 2014)*

**Sec. 6-55. Deposit returned or forfeited.**

Upon full and complete compliance with the terms of this Article, the cash deposit will be returned to the depositor less twenty-five dollars ($25.00) inspection fee. If, after written notice that the depositor has not met the requirements as set forth above and the depositor fails or refuses within fifteen (15) days from the date of notice to meet said requirements, then so much of the deposit shall be forfeited to the Town to prepare the vacant lot or lots to meet the requirements as set forth above.

*(Ord. 180 §5, 2014)*

**Sec. 6-56—6-60. Reserved.**

**ARTICLE IV**

**Mobile Home Parks**

**Sec. 6-71. Mobile home park license.**

1. It shall be unlawful for any person to maintain or operate within the limits of the Town any mobile home park unless such person shall first obtain a license therefor. All mobile home parks in existence upon the effective date of this Article shall obtain such license and in all other respects comply fully with the requirements of this Chapter.
2. The annual license fee for each mobile home park shall be one hundred dollars ($100.00).
3. Applications for a mobile home park license shall be filed with the Town Clerk and such license issued by the Board of Trustees upon approval of the application by the Mayor and Board of Trustees; said applications shall be in writing, signed by the applicant, and shall contain the following:
   1. The name and address of the applicant.
   2. The location and legal description of the mobile home park.
4. Mobile home parks shall be located only on lots or parcels of land that have been zoned for business or commercial use, according to the Zoning Ordinance now in effect or in the future to be adopted by the Town. *(Ord. 215 §1, 2014)*

**Sec. 6-72. Revocation of license.**

The Board of Trustees may, after a hearing, revoke any license to maintain and operate a mobile home park when the licensee has violated any rules or regulations of the Town or any provision of this Article. After such revocation, the licensee may have the license reissued by the Board of Trustees if the circumstances causing such violation to have been remedied or corrected. *(Ord. 215 §2, 2014)*

**Sec. 6-73. Posting of license.**

The license certificate shall be conspicuously posted in the office or on the premises of the mobile home park at all times. *(Ord. 215 §3, 2014)*

**Secs. 6-74—6-80. Reserved.**

**ARTICLE V**

**Alcoholic Beverages**

**Sec. 6-81. License fee to accompany application**

**Sec. 6-82. Fees in addition to those required by State.**

Said application fees shall be paid to the Town in addition to the licenses fees paid to the Town Treasurer annually in advance as required by the state statutes. *(1992 Recodification-1, 2014)*

**Sec. 8-83. Conditions of licenses.**

1. Subject to the exceptions under Subsection (b) below, each holder of a retail liquor store license, liquor-licensed drugstore, beer and wine license, hotel and restaurant license, tavern license, club license, racetrack license or fermented malt beverage license filed with the Town shall keep and have available for inspection on the premises for which the license is issued an updated copy of the State Department of Revenue Liquor and Beer Codes as complied and promulgated by the State Department of Revenue. The Town Clerk shall make copies of the complied codes available to licensed holders at cost.
2. The Town Clerk may wave the requirements of this Article for:
3. License holders who establish ongoing training programs to inform employees of the requirements of state statutes and administrative regulations concerning liquor and fermented malt beverages.
4. Special events license holders whom sign a written statement that they have read and understood the provisions of the State Department of Revenue Liquor and Beer Codes as complied and promulgated by the State Department of Revenue. *(1992 Recodification-2, 2014)*

**Sec. 8-84. Temporary alcohol beverages licenses.**

1. The Town Clerk shall have the authority to issue temporary alcoholic beverage licenses in accordance with state law. There shall be two (2) types of temporary alcoholic beverage licenses, a temporary license for continued operation and a temporary license for pending transfer.
2. Temporary License for continued operation may be issued under the following circumstances:
3. The applicant’s previous permanent annual alcoholic beverage license expired within ninety (90) days of the application for a temporary license;
4. The applicant’s previous permanent annual alcoholic beverage license expired as a result to the license’s inadvertent failure to make a timely application for renewal, or as a result of any administrative error or mistake;
5. The applicant has applied to renew the expired permanent annual alcoholic beverage license and has completed such application supplying al information required;
6. The applicant has paid a temporary license fee of two hundred dollars ($200.00); and
7. The applicant is in compliance with all the requirements of applicable state and local laws or ordinances.
8. Temporary License Pending Transfer. A temporary license pending transfer may be issued under the following conditions:
9. The premises have a valid license at the time of application for the transfer of ownership and request for insurance of a temporary license. (If the transferor’s license expires after the application has been summited, the application may still operate the business until the temporary license expires.);
10. The applicant provides evidence of a current state sales tax license;
11. The applicant has filed an application for the transfer of the existing valid license and has completed such application, including all information on such application as required by state statute and Town ordinance;
12. The application for a temporary license is filled within thirty (30) days of the filing for a transfer of ownership;
13. The applicant has paid a temporary license fee of one hundred dollars ($100.00); and
14. The applicant is in compliance with all the requirements of applicable state and local news or ordinances.
15. Upon receipt of an application for a temporary alcoholic beverage license, the Town Clerk shall determine whether the above enumerated requirements have been met. Upon determination that all the requirements have been met, the Town Clerk shall grant the temporary license. Upon determination that the requirements have either not been met or the Town Clerk is unable to determine whether all requirements have been met, the Town Clerk shall either deny the application or refer the application to the Board of Trustees for review and determination. The Clerk may request that the applicant supply any additional information he or she believes will assist in the determination of whether the requirements for insurance of a temporary license have been met.
16. Temporary licenses shall be issued under the same terms and conditions as provided in the license’s expired or transferor’s permanent annual license. A temporary license shall be valid only until the license’s application for a permanent annual license has been fully acted upon, except that in no event shall a temporary license be valid for more than one hundred twenty (120) days. In the case of a temporary license pending transfer, the license may be extended for an additional sixty (60) days if “good cause” is shown.
17. A temporary permit may be canceled, revoked or summarily suspended if the authority determines that there is probable cause to believe that the transferee or applicant has violated any provision of Article 46, Title 12, C.R.S., or has violated any rule, regulation or ordinance of the state or local licensing authority or has failed to truthfully disclose those matters required pursuant to the application forms. *(1992 Recodification-3, 2014)*