

ORDINANCE NO. 347

**AN ORDINANCE OF THE TOWN OF
SILVER PLUME, BOARD OF TRUSTEES
ADOPTING BUSINESS LICENSE
REQUIREMENTS WITHIN THE TOWN
OF SILVER PLUME, COLORADO**

WHEREAS, the Town of Silver Plume, Colorado (the "Town") is a home rule municipality duly and regularly organized and validly existing as a body corporate and politic under and by virtue of the constitution and laws of the State of Colorado; and

WHEREAS, the Town is authorized by its Charter and by the laws of the State of Colorado to enact Ordinances for the preservation of the public health, safety, and welfare; and

WHEREAS, the Board of Trustees has determined that it is necessary for the public health, safety, and welfare of the Town and its inhabitants to require the licensing of business activities and enterprises conducted within the Town and, in connection therewith, to require information concerning the business activities within the Town, the nature of the business operation, the name and address of the business owner, the number of employees, and such other information relating to businesses and professions operating within the Town; and

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

Section 1. **Name.** This Ordinance shall be known as the "Business License Ordinance" of the Town of Silver Plume.

Section 2. **Business.** For the purposes of this Ordinance and subject to the exceptions set forth in Section 3 below, "Business" is meant to include all lawful 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 profit within the Town.

Section 3. **Exceptions.** Persons or entities exempt from the provisions of this Ordinance include employees of a licensee, minors or students providing short term or incidental services, churches or established religious organizations, schools, charitable organizations, non-profit organizations, and governments. No license shall be required for any mere delivery in the Town where no intent by such person or entity is shown to evade the provisions of this Ordinance, nor shall any license be required for any business without a physical location in the Town, or any casual or incidental sale or transaction that does not involve conducting a business on an ongoing basis within the Town.

Section 4. **Compliance.** It shall be unlawful for any person, either directly or indirectly, individually and/or on behalf of any entity, to conduct any kind of business, or to use in connection therewith any vehicle, premises, machine or device, in whole or in part, without having first procured a license from the

Town to do so as required by the terms of this Ordinance.

Section 5. **Licensing Officer.** The Town Clerk shall be the Licensing Officer. The Licensing Officer shall collect all license fees and shall issue licenses in the name of the Town to all persons or entities qualified under the provisions of this Ordinance and shall:

- 1) Promulgate and enforce all reasonable rule and regulations necessary to the operation and enforcement of this Ordinance;
- 2) Adopt all forms and prescribe the information to be given therein as to character and relevant matter for all necessary papers;
- 3) Require all applicants to submit all certifications of fact necessary for the administration of the terms of this Ordinance;
- 4) Submit all applications, in a proper case, to interested Town officials for their endorsement thereon as to compliance by the applicant with all Town regulations which they have the duty of enforcing;
- 5) Investigate and determine the eligibility of any applicant for a license as prescribed herein; and
- 6) Notify any applicant of the acceptance of his or her application and, upon request of the applicant, state in writing the reasons for the denial of an application and deliver them to the applicant.

Section 6: **Application.** Every person or entity required to procure a license under the provisions of this Ordinance or law of the Town shall submit an application for such license to the License Officer. The application shall:

- 1) Be a written statement upon such application form provided by the License Officer with all identifying information contained in such application;
- 2) Require the disclosure of any additional information necessary for compliance with this Ordinance and any other information which the License Officer shall find to be reasonably necessary for the fair administration of this Ordinance; and
- 3) Be accompanied by the full amount of the fees chargeable for such license.

Section 7. **Fees.** The annual license and renewal fee shall be \$50.00, commencing on September 1, 2022, and payable by September 1st of each year thereafter. Any business formed or established after September 1, 2022, shall submit an application as set forth in Section 6 above and pay the required fee within thirty (30) days after establishing the business. The amount of the annual fee may be amended and established by Resolution of the Board of Trustees. The annual licensing fee shall not be prorated.

Section 8. Contents of License. Each license issued hereunder shall state upon its face the following:

- 1) The name of the licensee and any other name under which such business is to be conducted;
- 2) The nature and address of each business so licensed;
- 3) The amount of the license fee therefore;
- 4) The dates of issuance and expiration thereof; and
- 5) Such other information as the Licensing Officer shall determine is necessary; and
- 6) All license certificates shall be issued by the Town Clerk under the seal of the Town, signed by the Town Clerk.

Section 9. Duties of Licensee. Every licensee under this Ordinance shall:

- 1) Permit all reasonable inspections of his or her business;
- 2) Ascertain and at all times comply with all laws and regulations applicable to such licensed business;
- 3) Avoid all forbidden, improper or unnecessary practices or conditions which may affect or may affect the public health, morals, or welfare;
- 4) Refrain from operating the licensed business on premises after expiration of his or her license and during the period his or her license is revoked or suspended.

Section 10. New Location and Non-Transferability of License.

- 1) New Location Desired. A licensee hereunder shall have the right to change the location of the licensed business, provided that he or she shall obtain written permission from the License Officer for such change of location. The Licensing Officer may conduct any reasonable investigation before providing such written permission.
- 2) Non-Transferability of License. A license issued hereunder shall not be transferable to any other person or entity.

Section 11. Liability. The granting of a license under the provisions of this Ordinance shall not in any way render or subject the Town to liability for any obligations, acts and/or omissions of the licensee. The licensee shall be solely responsible for any insurance or obligations required for and associated with the transaction of lawfully conducted business.

Section 12. Enforcement and Penalties.

- 1) The Licensing Officer shall have authority to conduct all investigations reasonably necessary for the enforcement of this Ordinance, including but not limited to, reasonable inspections of the business and its premises.
- 2) The Licensing Officer may request and obtain assistance from the Board of Trustees and the Mayor of the Town as necessary to enforce compliance with the terms of this Ordinance and carry out all remedies and penalties authorized under this Ordinance.
- 3) Any person denied a license, either individually or as a duly authorized representative of an entity, may request review of such denial to the Board of Trustees in writing within seven (7) calendar days of notice of such denial. The Board of Trustees shall make a determination if the denial of the license is supported by good cause or whether the requested application for a license should be granted. Such determination shall be made at the earliest date when it may be practicably scheduled on the agenda for a regular meeting of the Board of the Trustees.
- 4) The Board of Trustees, upon at least seven (7) calendar days written notice to a licensee stating the contemplated action and, in general, the grounds therefor, and after a subsequent fair hearing allowing an opportunity for the licensee to be heard, may suspend or revoke any license based upon a violation of the terms of this Ordinance.
- 5) The amount of any license fee imposed by this Ordinance shall be deemed a debt to the Town, and any person carrying on any business within the Town without having a license as required by the terms of this Ordinance shall be subject to an action in the name of the Town in any court of competent jurisdiction for the collection of the amount of license fees owed, and the Town may pursue injunction.
- 6) Nothing contained herein shall prevent a criminal prosecution for any violation of the provisions of this Ordinance.
- 7) Any legal remedies available to the Town for enforcement of the provisions contained in this Ordinance shall be cumulative and not exclusive.


Section 13. Non-Exclusive Obligations and Enforcement. This Ordinance is not intended to amend, limit, supersede, or eliminate any state, county, and/or federal licensing requirements, regulations or laws; any other licensing or permit requirements of the Town, or any other Ordinance or regulation of the Town, including but not limited to, the Land Use Code.

Section 14. Savings Clause. If any term, sentence, clause, phrase, word, or other provision of this Ordinance is for any reason held to be unconstitutional or otherwise invalid, such holding shall not affect the validity of the remaining sections, sentences, clauses, phrases, words, or other provisions of this ordinance, or the validity of this Ordinance shall stand notwithstanding the invalidity of any section, sentence, clause, phrase, word or other provision.

INTRODUCED AND FIRSTS READ BEFORE THE BOARD OF TRUSTEES THIS 9TH DAY OF MAY, 2022


ADOPTED BY THE BOARD OF TRUSTEES UPON SECOND READING AND HEARING THIS 13th DAY OF June, 2022

TOWN OF SILVER PLUME, COLORADO

By 
Sam McCloskey, Mayor



ATTEST:


Tammy Sanford, Town Clerk

