

**TOWN OF MINTURN, COLORADO
ORDINANCE NO. 3 - SERIES 2009**

**AN ORDINANCE REPEALING AND RE-ENACTING
CHAPTER 6, ARTICLES 1 THROUGH 5 OF THE
MINTURN MUNICIPAL CODE ESTABLISHING
DEFINITIONS AND PROCEDURES FOR BUSINESS
LICENSES WITHIN THE TOWN OF MINTURN,
COLORADO.**

THE TOWN OF MINTURN, COLORADO ORDAINS:

Section 1. Amendment. Minturn Municipal Code, Chapter 6, Articles 1-5 are repealed and re-enacted as follows:

**ARTICLE I
General Provisions**

Sec. 6-1-10. Purpose of provisions

The purpose of this chapter shall be to require the registration of all business activities and enterprises physically located within the town and to provide the town with necessary information concerning such businesses, including but not limited to the nature of the business operation, place of business, and emergency contacts, in order to protect the health, welfare and safety of the town's inhabitants.

Sec. 6-1-20. Definitions

For the purposes of this chapter the following terms, phrases, words, and their derivatives shall have the meanings given in this section:

Business means and includes all kinds of vocations, occupations, home occupations, professions or enterprises, any of which are conducted on any premises in this town, including, but not limited to, solicitors and peddlers, contractors, snow plowers and outdoor recreation businesses.

Contractor means any person who contracts with or offers to contract with another for the undertaking of any form of construction work that requires a building permit, including but not limited to new construction, additions, repairs, alterations or renovations of any building or structure. *Contractor*, for purposes of this Chapter, does not include subcontractors working under a general contractor, nor does it include any individual who, for himself or herself, on his or her own behalf, undertakes any form of construction work on his or her home in which he or she presently resides or intends to reside

Outdoor Recreation Business means any person conducting a business or a service within the Town limits for profit, including but not limited to outdoor outfitter, angler, snowmobile and

Jeep tours and rafting outfits. Such business must provide permission for location of activity and parking from property owner.

Peddler means one who travels from place to place carrying wares with him/her. A peddler offers for sale, consummates the sale, and delivers the goods or services at one and the same time to the ultimate consumer.

Snow Plower is any entity that plows snow commercially or for profit within the Town regardless of the physical location of the business

Solicitor means one who also travels from place to place but is distinguished from a peddler in that such person does not carry wares with him/her. A solicitor generally will carry samples and take orders for future delivery of the merchandise.

Sec. 6-1-30. Duties of Town Clerk

The Town Clerk shall be responsible for the administration and enforcement of this chapter.

Sec. 6-1-40. Registration Form

Every entity required to register under the provision of this chapter shall submit a form for such registration to the Town Clerk. The form shall:

A. State the name of the business, owner or owners of the business, the physical address and telephone number of the business, and the nature of the business; and emergency contact information.

B. Require the disclosure of all additional information necessary for compliance with this chapter and any other information which the Town Clerk finds to be reasonably necessary for the fair administration of this chapter; and

C. Be submitted within 30 days of commencement of business within the city.

Sec. 6-1-50. Issuance of License

The Town shall grant or deny the application for a license to engage or conduct business activity within the applicable property within thirty (30) days following the receipt of the application. A. Registration does not permit the conduct of any business if the premises to be used for the business, or the proposed conduct of such business, does not fully comply with the requirements of this Code.

B. Registration does not permit the conduct of any business or performance of any act which would constitute a violation of the zoning code of the town as set forth in Chapter 16, or any other provision of this Code.

C. Registration does not permit the conduct of any business which violates any existing state or federal statutes, or municipal ordinance.

D. The Town Administrator, in the exercise of reasonable discretion, may deny applications if the business activity is determined to create negative impacts upon the Town or its inhabitants or to the free flow of pedestrian or vehicular traffic; or negative impacts on the adjoining land uses and established businesses in the neighborhood.

Sec. 6-1-60. Fee; term

Fees shall be set by the Town Council.

Term shall be from April 1st to March 31st of the following year.

A business registration is not transferable.

Fees for business licenses shall be reduced by fifty percent for new licenses if the term of the license is less than six months.

Sec. 6-1-70. Revocation

The Town administrator, upon seven days written notice to a registrant, may revoke any registration filed with the Town if it finds that:

A. The registrant has failed to file any reports or furnish any other information that may be required by any provisions of this Code relating to the specific business;

B. The registrant has violated any of the provisions of this Code pertaining to the business, or any regulation or order lawfully made relating thereto;

C. The registration contains a material omission or misstatement of fact;

D. The registrant has committed Fraud, misrepresentation or false statement contained in the application of the license;

E. The registrant has committed Fraud, misrepresentation or false statement made in the course of carrying on this business as a solicitor or peddler;

F. the registrant has violated any of the Codes of the Town of Minturn;

G. The registrant has conducted the business of soliciting or of peddling 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.

Sec. 6-1-80. Appeal of Administrative Decisions

Any person aggrieved by the decision of the Town Administrator or his or her designee, in the course of the administration or enforcement of this Chapter, may make an appeal to the Town Council. Such appeal shall be made within ten (10) days of the decision from which the appeal is made by filing with the Town Clerk a written notice of appeal specifying the grounds therefore. The Town Council shall conduct a hearing of the appeal within 30 days of receiving written notice. The decision of the Town Council shall be final.

ARTICLE II
Business

Sec. 6-2-10. Conducting business without a Town business license deemed unlawful

A. It is unlawful for any person, whether as a principal, agent, clerk or employee, either for himself or for any other person, corporation or otherwise, to commence, carry on or establish any kind of business within the town without first having registered with the town to do so, or without complying with any and all regulations of such business contained in this chapter. B. Any person, business or enterprise transacting retail sales within the town is required to purchase a town sales tax license and remit sales tax in compliance with Chapter Four of this Code.

Sec. 6-2-20. Violations; penalty.

In addition to the remedies, fees, delinquency charges or penalties provided for herein, any person who violates any provision of this Chapter, upon conviction, shall be subject to the general penalty provisions as set forth in Section 1-4-20 of this Code.

Section 2. All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portions hereof are hereby repealed to the extent of such inconsistency or conflict.

Section 3. Severability. If any part, section, sub-section, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance; and the Town Council for the Town of Minturn, Colorado hereby declares it would have passed this Ordinance and each part, section, sub-section, sentence, clause or phrase thereof, irrespective of the fact that any one or more parts, sections, sub-sections, sentences, clauses or phrases be declared invalid.

Section 4. The repeal or modification of any provision of the Municipal Code of the Town of Minturn by this ordinance shall not release, extinguish, alter, modify, or change in whole or in part any penalty, forfeiture, or liability, either civil or criminal, which shall have been incurred under such provision, and each provision shall be treated and held as still remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings, and prosecutions for the enforcement of the penalty, forfeiture, or liability, as well as for the purpose of sustaining any judgment, decree, or order which can or may be rendered, entered, or made in such actions, suits, proceedings, or prosecutions.

INTRODUCED, READ BY TITLE, APPROVED ON THE FIRST READING, APPROVED AND ORDERED PUBLISHED IN FULL THE 28TH DAY OF MARCH, 2009. A public

hearing on this ordinance shall be held at the regular meeting of the Town Council of the Town of Minturn, Colorado, on the 1st day of April, 2009, at 7:00 P.M. in the Town Center, 302 Pine Street, Minturn, Colorado.

Hawkeye Flaherty

Mayor

Attest:

Town Clerk

**INTRODUCED, READ BY TITLE, PASSED ON SECOND READING, APPROVED
AND ORDERED PUBLISHED BY TITLE ONLY THIS 1st DAY OF APRIL, 2009.**

Hawkeye Flaherty

Mayor

Attest:

[Handwritten Signature]

Town Clerk



TOWN OF MINTURN ORDINANCE CHECKLIST

FIRST READING

3.18 The ordinance shall be introduced and read by title at any regular or special meeting. Copies shall be available to the public.

3.18 If the ordinance is approved on first reading, Mayor and Clerk must sign ordinance after first reading. It shall be published in full in a newspaper of general circulation within the Town. The minutes shall reflect number of votes for and against each ordinance.

_____ If the ordinance is tabled, it shall be reconsidered at subsequent meetings until it is approved with or without amendment or rejected by vote of the Council.

3.18 The Council shall set a day, hour and place at which the Council shall hold a public hearing on the ordinance, and notice of such day, hour and place shall be included in the first publication.

SECOND READING

4.1 The ordinance shall be introduced a second time at the meeting at which the public hearing on the ordinance is held. The ordinance may be read by title only on second reading. The ordinance may be amended before final approval or rejection by vote of the Council. The text of any such amendment or amendments shall be read in full.

_____ If the ordinance is substantially amended it shall be published in full after final passage. If not amended in substance, it may be published either by title or in full, as the Council may determine, after final passage.

_____ The minutes shall reflect the number of votes for and against the ordinance.

_____ A true copy of every ordinance shall be numbered and recorded in the official records of the Town. Its adoption and publication shall be authenticated by the signatures of the Mayor or Mayor Pro Tem and the Town Clerk and by the certificate of publication. Proof of publication for both readings shall be attached to the ordinance.

publish by title 4.10. The effective date of ordinances is seven (7) days after publication following final passage unless a later date is prescribed in the ordinance.