

## **ORDINANCE NO. 344**

### **AN ORDINANCE OF THE TOWN OF IGNACIO, COLORADO, MODIFYING CHAPTER IX, SECTION 9-1 OF THE TOWN OF IGNACIO MUNICIPAL CODE REGARDING BUSINESS LICENSING**

**WHEREAS**, C.R.S. § 31-15-501 provides that a municipality's governing body has powers to regulate businesses including the power to license and regulate any business place and lawful occupation, to fix the amount, terms and manner of issuing and revoking licenses issued therefore, and to prohibit within the limits of the municipality any offensive or unwholesome business or to prohibit the carrying on of any business or establishment in an offensive and unwholesome manner within the limits of the municipality; and

**WHEREAS**, the Town Board of Trustees wishes to amend Chapter 9 of the Town of Ignacio Municipal Code concerning business licensing as set forth below; and

**NOW, THEREFORE, BE IT ORDAINED** by the Board of Trustees of the Town of Ignacio, Colorado, that:

Section 1. Chapter IX, Business Regulations, Section 9-1, Business Licenses is amended by the addition of the following new subsections 9-1-10 and 9-1-11, as follows:

#### ***9-1-10 Suspension, Revocation or Nonrenewal***

A. Authority; Conditions: Business licenses are a privilege, and not a right. In addition to powers granted under other ordinances of the Town, the Town Board may suspend, revoke or refuse to grant the renewal of a license or permit issued under this chapter if:

1. The licensee fails to meet the qualifications required of an applicant, or;
2. The licensee violates any provision of any ordinance of the Town, or any County regulation, or any State Statute, or any Executive Order, or any Federal Law relating to the location or operation of the business, profession or occupation, or;
3. The licensee obtained the license by fraud or misrepresentation, or;
4. The licensee is finally convicted of an offense and there would be a danger to the public health, safety and welfare if the licensee were to engage in such conduct in the licensed business; or
5. Applicable fees and taxes are not paid when due, or;
6. The licensee operates in a manner that is a nuisance or in a manner that could threaten the life, safety, or health of the citizens of the Town.

B. Town/Licensee Communication: Town staff will initially communicate with businesses on violations of this chapter and communicate and instruct businesses, verbally (initial contact) and in writing (subsequent contacts) on violations and required actions. These actions will be completed before the consideration of further action be taken by the Town Board.

C. Determination Of Action: If the Town has completed communications with the licensee as described in subsection B, and the Town Board finds one of the grounds in subsection A, or any other ground for suspension or revocation, the Town Board shall determine whether to revoke the license for the remainder of its term, to suspend it for any shorter period, or not to allow the renewal, according to the severity of the disqualification, its effect on public health, safety and welfare, and the time during which the disqualification can be remedied, if at all.

D. Temporary Suspension: Before the hearing required by subsection E of this section, the Town Board may suspend a license for up to thirty (30) days if it determines that the suspension is necessary for the immediate protection of the public health, safety and welfare. The Town Board may include, in the temporary suspension, reasonable orders or conditions with which the licensee shall comply to protect the public health, safety and welfare. Any breach of such conditions or orders is an independent ground for suspension or revocation of the license. Upon request of the licensee, a hearing on a summary suspension shall be scheduled by the Town Board within twenty-one (21) days.

E. Hearing: Except for such emergency suspension authorized by subsection D of this section, no such suspension, revocation or nonrenewal is final until the licensee has been given the opportunity for a hearing before the Town Board to contest the suspension, revocation or nonrenewal. Notice of the hearing shall be given in writing by the Town Attorney setting forth specifically the grounds of complaint and the time and place of hearing. Such notice shall be mailed, postage prepaid to the licensee at its local address as set forth on its business license at least seven (7) days prior to the date set for the hearing. Such notice shall be personally served upon a licensee, either through the named contact person identified on the license, or else upon licensee's management, clerk or other person in charge, or by leaving it in a conspicuous place at the licensee's local business address within the Town of Ignacio.

F. Orders Or Conditions: If, after a hearing, the suspension, revocation or nonrenewal is upheld, the Town Board may include reasonable orders or conditions with which the licensee whose license has been suspended, revoked or nonrenewed shall comply to protect any work in progress and the public health, safety and welfare.

G. Refund Disallowed: The licensee whose license is revoked under this chapter will not receive a refund of any part of the license fee paid for the license.

H. Obtaining License Prohibited: The licensee who has had a license suspended, revoked or nonrenewed under this chapter is not entitled to obtain the same or any similar license under this chapter during the period of suspension or revocation, either in the person's, firm's or corporation's own name or as a principal in another business that applies for a license.

***9-1-11 Penalty***

Any person or licensee violating any of the provisions of this chapter shall, upon conviction, be punished as set forth in Ordinance 83, Amended by Ordinance 284, Penalties, of the Town of Ignacio Municipal Code now in affect or as may be amended from time to time, for each offense. Each twenty-four (24) hours during which said violation shall continue shall constitute a separate offense.

Section 2. Effective Date: This Ordinance shall take effect 30 days after publication.

**PASSED, APPROVED, ADOPTED AND ORDERED PUBLISHED** this \_\_\_\_th day  
November, 2020, by the Board of Trustees of the Town of Ignacio, Colorado.

TOWN OF IGNACIO:

\_\_\_\_\_  
Stella Cox, Mayor

ATTEST:

\_\_\_\_\_  
Tuggy Dunton, Town Clerk