

ORDINANCE 303

AN ORDINANCE OF THE TOWN OF IGNACIO ESTABLISHING THE TOWN OF IGNACIO MUNICIPAL CODE, CHAPTER IX, BUSINESS REGULATIONS: REMOVAL OF SPECIFIC BUSINESS LICENSES FROM THE MUNICIPAL CODE AND UPDATING SCHEDULE 9A TO REFLECT THE REMOVAL OF BUSINESS LICENSES FROM THE MUNICIPAL CODE.

WHEREAS, the Town of Ignacio, Colorado has adopted municipal codes and the municipal codes have been reviewed; and

WHEREAS, guidelines, standards, and licensing need to be updated to promote appropriate growth within the Town and accommodate the changing needs of citizens; and

WHEREAS, the needs of the Town have made it necessary update Municipal Code, Chapter IX, Business Regulations and licensing listed therein.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF IGNACIO, COLORADO THAT THE BUSINESS REGULATIONS CHAPTER IS AMENDED AS ATTACHED.

APPROVED BY THE BOARD OF TRUSTEES on this 12th day of February, 2013.

TOWN OF IGNACIO, COLORADO



Stella Cox, Mayor Protem

Attest:



Town Clerk

CHAPTER IX

Business Regulations

(Ord. 4, 9/2/1913; Ord. 83, 7/26/1983; Ord. 173, 4/13/1999; Ord. 203, 6/10/2003; Ord. 215, 1/13/2004; Ord. 272, 9/8/2009, Ord. 284, 11/9 /2010)

Words and Terms Defined

3.2% Beer –

Malt liquor as herein defined containing not more than 3.2% of alcohol by weight.

Building Contractor –

Any person, corporation, partnership, or other entity which engages in any construction, erection, enlargement, alteration, repair, movement, removal, conversion, demolition, remodel or other alteration of any structure within the Town or any such person or entity which conducts any work of any kind within the public rights of way, alley ways or easements within the Town including but not limited to excavation and tree trimming, or which in any way conducts any work to or any alteration of any Town street, sidewalk or utility, including but not limited to water utility, irrigation water utility or gas utility within the Town.

Business –

As defined for licensing purpose, this represents an establishment for the sale of goods or services that has a physical location within the Town of Ignacio. (Rev. 9-22-10)

Franchise –

For purposes of the ordinance related to public utility franchises and licenses , the term shall mean a special right or privilege granted by the Board of Trustees as hereinafter provided to any person, firm or corporation to erect, construct, operate, carry on, or maintain an electric power plant, telephone system, communication system, cable system, gas plant or system, rail or mass transit system, or any other business activity of the public interest which permanently occupies and obstructs the public streets, rights-of-way, alleys or properties, together with such other uses as are determined by ordinance to be such a public concern that want of regulation and control will injuriously affect the public in its general interest; and the term "license" shall mean a temporary or revocable permission granted to all other activities not a franchise.

Liquors, types of:

Malt Liquors -

These shall include beer and shall be construed to mean any beverage obtained by the alcoholic fermentation of any infusion or decoction of barley, malt, hops or any other similar products or any combination thereof in water, containing more than 3.2% of alcohol by weight.

Sales Tax Licenses –

For the purpose of Sales Tax Licenses, the definitions of words herein contained shall be as defined in Section 39-26-102, C.R.S, as amended and said definitions are incorporated herein by this reference.

Solicitor –

A solicitor is any person whether resident of the Town or not, traveling either by foot or vehicle or any other type of conveyance, from place to place, or from house to house, or from street to street, taking or attempting to take orders for sale of goods, wares, merchandise, or personal property of any nature whatsoever for future delivery or for services to be performed or furnished in the future, whether or not such person has, carries or exposes for sale a sample of the subject of such sale or whether he is collecting advance payments on such sales or not.

Vendor –

A vendor is any person, whether resident of the Town or not, who shall sell and deliver or offer for sale to consumers, any goods, wares, merchandise, fruits, vegetables, or country produce, traveling from place to place, or from house to house, or from street to street, who shall sell or offer for sale and delivery any goods or other such articles while traveling on foot or by vehicle or any other type of conveyance.

9-1 Business Licenses

9-1-1 Business License Required

(See Schedule 9A, and various Business License Applications)

It shall be unlawful for any person, firm, partnership, corporation or any other entity to carry on or otherwise engage in any business, trade or occupation within the Town of Ignacio without first having obtained a license therefore from the Town Clerk of the Town of Ignacio. Engaging in business shall mean the sale or rental of or the attempted sale or rental of any type of goods, merchandise, wares or services of any type within the Town, whether an established place of business within the Town, a contractor being hired for service at a specific location, a solicitor/vendor delivering goods to a business located in town, or an occasional vendor selling a product or service See Definitions, Section II of this chapter.

Any person or other entity who is engaged in the rental of three (3) or more houses, apartments, rooms, cottages, or other multi-family units in the Town shall be deemed to be engaged in conducting a business as defined herein; provided however that any person or entity engaged in the rental of less than three (3) such units shall not be required to obtain a business license a required herein.

9-1-2 Information Required

1. Applicants for a business license shall file with the Town Clerk an application in writing on a form furnished by the Clerk, which shall give at minimum the following information:
 - a. Name of business
 - b. Type of Business

Manager shall be final, subject to review by the Town Board and appeal to the District Court.
(Ord. 173, 4/13/1999)

9-1-9 Owner Absent or a Corporation

In case the owner of said business cannot be found, or in case the owner is a firm or corporation, the duties hereby imposed upon the owner or operator of such business shall be performed by the manager or person actually in charge of such business and such person shall upon failure to apply for such license or otherwise obey the provisions of this part be declared guilty of violation of this part and subject to the penalties herein provided.

9-2 Vendors and Solicitors
(Ord. 203, 6/10/2003; Ord. 284, 11/9/2010)

9-2-1 Vendor Permit

It shall be unlawful for any vendor, as defined herein, to engage in such business within the corporate limits of the Town without first obtaining a permit in compliance with the provisions of this Code.

9-2-2 Application for Permit

Required information can be found in Schedule 9A

9-2-3 Issuance of Permit

1. The Town Clerk or assigned person shall upon receipt of the application and the necessary fees as set forth hereafter, shall execute and deliver to the applicant a permit to carry on such business within the corporate limits of the Town for a period of time as set forth in the application shown on Schedule 9A.
2. The permit so issued to an applicant shall contain the signature of the staff issuing the permit, the date of issuance, the amount paid and an expiration date thereof.

9-2-4 Permit Fees

1. Permit fees are set forth in Schedule 9A.
2. None of the permit fees provided for herein shall be so applied as to occasion an undue burden upon interstate commerce. In any case where a permit fee is believed by the vendor or applicant for a permit to place an undue burden upon such commerce, he may apply to the Board of Trustees for an adjustment of the fees so they will not be discriminatory, unreasonable or unfair as to such commerce.

9-3-2 *Definitions*

For the purpose of this Part, the definitions of word herein contained shall be as defined in Section 39-26-102, C.R.S, as amended, and said definitions are incorporated herein by this reference. (Ord. 121 4/9/1990)

9-3-3 *License Required*

It shall be unlawful for any person to engage in the business of selling tangible personal property or taxable services at retail without first having obtained a license therefore. Such license shall be granted and issued by the Town Clerk and shall be in force and effect until the 31st day of December of the year in which it is issued, unless sooner revoked. The clerk will provide information regarding application for a sales tax license.

9-3-4 *Information Required*

Such licenses shall be granted and renewed only upon application stating the name and address of the person desiring such a license, the same of such business and the location and such other facts as the Town Clerk may require.

9-3-5 *License Renewal*

It shall be the duty of each licensee on or before January 1st of each year to obtain a renewal thereof if the licensee remains in the retail business.

9-3-6 *Separate License Required*

In case business is transacted at one or more separate premises by one person, a separate license for each place of business shall be required.

9-3-7 *Unlawful to Operate Without License*

Any person engaged in the business of selling tangible personal property or taxable services at retail in the Town, without having secured a license therefore, except as specifically provided herein, shall be guilty of a violation of this Part.

9-3-8 *Numbering, Posting and Transferability*

Each license shall be numbered and shall show the name, residence, place and character of business of the licensee and shall be posted in a conspicuous place in the place of business for which it is issued. No license shall be transferable.

9-3-9 *No License Required for Certain Commodity Selling*

No license shall be required for any person engaged exclusively in the business of selling commodities which are exempt from taxation under Section 9-3-15.

9-3-16 Limitation of Tax

Except as otherwise provided by state law, the current percent limitation provided in Colorado State Law shall not be exceeded in the Town of Ignacio by any county sales or use tax.

9-3-17 Imposition of Sales Tax

There is hereby imposed on all sales of tangible personal property or taxable services a tax equal to two percent (2%) of the gross receipts. The imposition of the tax on individual sales shall be in accordance with schedules set forth in the rules and regulations promulgated by the Department of Revenue or by separate ordinance of the Town of Ignacio.

9-3-18 Collection, Administration, Enforcement by the Director of Revenue

The collection, administration and enforcement of this sales tax shall be performed by the Director of Revenue of the State of Colorado in the same manner as the collection, administration and enforcement of the State Sales Tax. The provisions of Section 39-26-101 et. seq., C.R.S., as amended, and all rules and regulations promulgated by the Director of Revenue shall govern the collection, administration and enforcement of the sales tax imposed by this Part. (Ord. 121 4/9/1990)

9-3-19 Schedule of Tax

The Tax imposed by this Part shall be in accordance with the schedules provided by the Colorado Department of Revenue. (Ord. 121 4/9/1990)

9-3-20 Retailer (Vendor) Fee

Vendors and Retailers shall be entitled to a service fee on Town sales taxes collected as provided in statutes, rules and regulations governing the Colorado Department of Revenue.

9-3-21 Construction Materials

The sales tax imposed herein shall not apply to the sale of construction and building materials, as the term is defined in C.R.S. 29-2-109, if such materials are picked up by the purchaser and if the purchaser presents to the retailer a building permit or other documentation acceptable to such local government evidencing that a local use tax has been paid or is required to be paid on such materials.

9-3-22 Other Sales on Use Tax

The sales tax imposed herein shall not apply to the sale of tangible personal property or the furnishing of services if the transaction was previously subjected to a sales or use tax lawfully imposed on the purchaser or user by another statutory or home rule city and county, city, or town equal to or in excess of that imposed herein. A credit shall be granted against the sales tax imposed by the subsequent statutory or home rule city and county, city, or town with respect to

9-4-1 *Definitions*

See Chapter IX, Section II.

9-4-2 *Application*

A Colorado State application is used for new establishments, transfers, modification of premises, and for special permits and is available from the Town Clerk. An application is first approved by the local authorities and then sent to the State for final approval.

9-4-3 *Declaration of Policy*

The Board of Trustees of the Town of Ignacio hereby finds, determines and declares that considering the nature of the business of selling at retail 3.2% beer, malt, vinous and spirituous liquors for beverage purposes, and the relation of such business to the municipal welfare, as well as the relation thereof to the expenditures required of the Town and a proper, just and equitable distribution of tax burdens within the Town, and all other matters proper to be considered in relation thereto, that the classification of said business as a separate occupation is reasonable, proper, uniform and non-discriminatory and necessary for a just and proper distribution of tax burdens within the Town of Ignacio.

9-4-3 *Tax Assessment*

There is hereby levied and assessed for the year 1956 and for each year thereafter, an annual occupation tax upon the business of selling 3.2% beer, malt, vinous or spirituous liquors, except medicinal liquors, in the Town of Ignacio, as listed under Section II Definitions.

9-4-5 *Payment Assessment*

1. Such tax shall be due and payable to the Clerk of the Town of Ignacio at the time of license renewal for each license holder.
2. Upon receipt of such tax, it shall be the duty of the Town Clerk of the Town of Ignacio to execute and deliver to the operator paying the tax, a Revenue Receipt showing the name of the operator paying the tax, the date of payment, the annual period for which said tax is paid, and the place at which said operator conducts business.
3. The operator shall, at all times during said year, keep the said receipt posted in a conspicuous place in his place of business.

9-4-6 *Delinquencies*

No delinquency in payment of the tax herein provided for shall be grounds for suspension or revocation of any license granted to any such operator by an licensing authority pursuant to the statutes enacted by the General Assembly of Colorado, and in performance of any duties imposed upon the Board of Trustees of the Town of Ignacio as a licensing authority by said

9-5-3 *Bond of Licensee*

Every person licensed, at the time of receiving such license, shall enter into a bond in the amount of Five Thousand Dollars (\$5,000.00) to the people of the State of Colorado with two or more sufficient sureties, from La Plata County to be approved by the Town Clerk. The purpose of the bond shall be to ensure due observance of the laws of the Town of Ignacio and the State of Colorado and to ensure the safekeeping and return of all articles held in pawn by such pawnbroker.

9-5-4 *Records*

Every pawnbroker shall keep a book in which shall be clearly written, at the time of each loan, an accurate account and description of the goods, articles or things pawned, the amount of money loaned thereon, the time of pledging the same, the rate of interest to be paid on such loan, and the name and residence of the person pawning or pledging the goods, articles or things.

9-5-5 *Inspection*

The Chief of Police, or any person with written authority from either the Town Manager or Chief of Police shall be permitted at any reasonable time to inspect the records of any pawnbroker business, kept pursuant to 9-5-4 of this ordinance and to inspect any property contained on the premises of the pawnbroker business.

9-6 *Cable T.V. Licenses* (Ord. 102, 8/11/1986; Ord. 284, 11/9/2010)

9-6-1 *Authority*

The Board of Trustees of the Town of Ignacio shall have the authority to award Cable Television Licenses to applicants meeting all requirements set forth herein. The Board may award one or more licenses, as it deems necessary, on the terms and conditions set forth in this article.

9-6-2 *General License Requirements*

All Cable Television Licenses in the Town shall meet the following general requirements:

1. The license shall be non-exclusive
2. The term of the License shall not exceed fifteen (15) years.
3. Adequate liability and property damage insurance any workmen's compensation coverage shall be provided by the licensee.

9-6-7 Service Availability and Rates

All licensees shall be required to provide service to all dwelling units in the Town of Ignacio within a reasonable time following the granting of the license. Such service shall be provided to such dwelling units at reasonable and uniform rates, and no discrimination in the application of such rates shall be allowed.

9-6-8 Right to Amend; Effect on Existing Licenses

The Board of Trustees hereby specifically reserves the right to amend this article at any time. Any such amendments shall be binding on present and future licensees; provided, however, that no amendment to this article shall change the basic terms of an existing license agreement.

9-7 Public Utility Franchises and Licenses
(Ord. 136, 9/13/1993; Ord.284; 11/9/2010)

9-7-1 Town Powers

The Town shall have and exercise with regard to all utilities and franchises all municipal powers, function, and authority now existing and which may be hereafter provided by the State Constitution and statutes. The Town shall have the power and authority within or without the territorial limits of the Town, to construct, condemn, purchase, acquire, and lease public utilities and assets, equipment and everything in relation to or in connection therewith, in whole or in part, for use of the Town and its inhabitants. Except as otherwise provided by the State Constitution or statutes, all powers concerning granting, amending, revoking or otherwise dealing in franchises shall be exercised by the Board of Trustees.

9-7-2 Grant of Public Utility Franchises

1. Grants of public utility franchises and all extensions and amendments shall be granted only by ordinance. The granting of franchises by the Town shall be limited only by the provisions of the State Constitution and statutes applicable to statutory cities and towns
2. No franchise election shall be held until the applicant deposits the cost thereof with the Town Treasurer in an amount determined by the Town Treasurer and approved by the Town Manager.
3. No exclusive franchises shall be granted.

9-7-3 No Franchise Leased: Exception

No franchise granted by the Town shall ever be leased, assigned or otherwise alienated without express consent of the Town Board of Trustees, and no dealing with the lessee or assignee on the part of the Town to require the performance of any act or payment of any compensation by the lessee or assignee shall be deemed to operate as such consent.

Trustees may from time to time require. The staff will review the provisions for each franchise annually to make sure the terms are being met.

9-7-11 Existing Franchises

All franchise ordinances of the Town in effect at the time of adoption of this Ordinance shall remain in full force and effect according to their provisions and terms until the expiration date provided in such ordinance or until modified by another franchise.

9-7-12 Revocable Permits

The Board of Trustees may grant a permit at any time for the temporary use or occupation of any street, alley, or Town owned place, for utilities provided such permit shall be revocable by the Board of Trustees at its pleasure, regardless of whether or not such right to revoke be expressly reserved in such permit.

Town of Ignacio Licenses - Schedule 9A

License Type	Fee
Animal (Dog) License	
<i>Fixed (spayed or neutered)</i>	\$ 10.00
<i>Unfixed (NOT spayed or neutered)</i>	\$ 15.00
<i>Late Fee</i>	\$ 30.00
Bicycle License	\$ 1.50
Business Licenses (expire December 31st)	
<i>Business - In Town</i>	
Businesses located within the Town Limits. 2 Employees.	\$ 30.00
Each additional employee	\$ 5.00
<i>Business - Out of Town/Vendors</i>	
Businesses located outside the Town Limits.	
Day	\$ 5.00
Week	\$ 20.00
Month	\$ 40.00
Year	\$ 75.00
<i>Contractor License</i>	\$ 50.00
<i>Franchise License</i>	\$ 1,000.00
<i>Late Fees</i>	
15 Days Late	\$ 30.00
30 Days Late	Cite into Court
<i>Pawnbroker (see Pawnbroker Business License)</i>	\$ 50.00
Liquor License	
<i>Application (new)</i>	\$ 250.00
<i>Occupational Tax for Liquor Establishment Renewals</i>	
Hotel and Restaurant	\$ 250.00
Retail Liquor Store	\$ 150.00
Tavern	\$ 250.00
<i>Premise Modification</i>	\$ 50.00
<i>Renewal</i>	\$ 75.00
<i>Special Events</i>	\$ 100.00