

**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**

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**Stella Cox, Mayor Protem**

**Attest:**

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**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, Ord. 303 2/12/2013)

#### *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.

##### *Medicinal Liquors –*

These include any liquor sold by a duly licensed pharmacist or drug store solely on bona fide doctor's prescription

*Spirituuous Liquors –*

These shall be construed to mean an alcoholic beverage obtained by distillation, mixed with water and other substances in solution, and includes among other things brandy, rum, whiskey, gin and every liquid or solid, patented or not, containing alcohol and which is fit for use for beverage purposes. Any liquor or solid containing beer or wine in combination with any other liquor except as above provided shall not be construed to be malt to vinous liquors, but shall be construed to be spirituous liquor.

*Vinous Liquors –*

These shall include wine and fortified wines not exceeding 21% of alcohol by volume and shall be construed to mean alcoholic beverage obtained by the fermentation of the natural sugar contents of fruits or other agricultural produce containing sugar.

*Liquor Licenses, types of:*

*Art Gallery Permits –*

Permits complimentary alcohol beverage service by an Art Gallery whose primary business is to exhibit and offer for sales works of fine art. Alcohol beverage service is limited to fifteen days per years, and for no more than 4 hours per day.

*Arts License –*

Permits qualifying non-profit corporations and municipalities to sell malt, vinous, and spirituous liquors to patrons of artistic and cultural performances for consumption on the premises in connection with such performances.

*Operator –*

As used in the ordinance related to occupational tax on those engaged in the sale of malt, vinous and spirituous liquors means a person licensed by law to sell malt, vinous, and spirituous liquors, other than medicinal liquors, for beverage purposes at retail and who is engaged at any time during the calendar in such operation within the Town of Ignacio.

*Person –*

As used in the ordinance related to occupational tax on those engaged in the sale of malt, vinous and spirituous liquors shall include persons, partnerships, associations, organizations or corporations.

*Pawnbroker –*

This is any person who makes a business of loaning money on the security of personal property deposited in the lender's keeping.

*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 as 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
  - c. Name, addresses and phones
  - d. Number of Employees
  - e. Sales Tax License
  - f. Required insurance coverage

#### *9-1-3 Inspections*

The Town Clerk is authorized to issue a license to applicant upon payment of license fee in the amount as shown on Schedule 9A, the fees of which are established by the Town Board annually; provided, however, that if upon inspection by the Building or Other Official any such premises are found not to comply with utility, building, fire, safety or health codes the Town Clerk may require such changes or alterations in the premises as may reasonably be necessary before issuing such license.

#### *9-1-4 License Fees*

The license fee to be paid shall be established annually by the Town Board of Trustees and listed on Schedule 9A. (Resolution 03-1998, 11/10/1998; Ord. 215, 1/13/2004)

#### *9-1-5 Expiration of Licenses*

Licenses expire on December 31<sup>st</sup>.

#### *9-1-6 Separate License Required; Transferability*

A separate license shall be required for each separate type of business; all licenses shall be transferable as to place upon approval of the Town Clerk, but no license shall be transferable as to person. No person, firm, or corporation shall operate or carry on a business, trade or occupation under the license of another and no licensee shall allow any other person, firm, or corporation to operate under his or its license.

#### *9-1-7 License Renewals*

Licenses may be renewed by paying the license fee and without filing a new application; however, if such renewal license fee is not paid when due, fines are imposed as shown on Schedule 9A and the Town Clerk may require an inspection of the premises at any time a license expires and before a renewal license is issued and the Town Clerk shall have the same right to refuse a renewal of a license for the same causes as if an application for an original license had been filed.

#### *9-1-8 Individuals Covered*

The licensing provisions shall apply only to the owners or operators of said business, and employees of the owners or operators of said business are not required to obtain a license; the Town Manager, or assigned staff, shall have power to determine whether or not a particular person is an employee or an operator or owner of such a business and the decision of the Town 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.

### **9-2-5 Exhibition of Permit**

Any business is required to exhibit its permits at the request of any staff or citizen of the Town.

### **9-2-6 Revocation of Permit**

1. Permits hereunder may be revoked for any of the following causes:
  - a. Fraud, misrepresentation or false statement contained in the application of the license;

- b. Fraud, misrepresentation, or false statement made in the course of carrying on his business as solicitor or as peddler;
  - c. Any violation of this Ordinance;
  - d. Conviction of any crime or misdemeanor involving moral turpitude; or
  - e. Conducting 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.
2. Notice of the hearing for revocation of a permit shall be given in writing by Town Manager, setting forth specifically the grounds of complaint and the time and place of hearing. Such notice shall be mailed, postage prepaid, to the permittee at his local address as set forth on the application, at least five (5) days prior to the date set for the hearing.

#### *9-2-7 Appeal*

Any person aggrieved by the action of the police or the Town Manager in the denial of a permit or the suspension of the same, shall have the right of appeal to the Board of Trustees. Such appeal shall be filed within fourteen (14) days after notice of the action complained of has been mailed to such person's last known address, by means of a written statement setting forth fully the grounds for the appeal. The Board shall set a time and place for the hearing and shall give notice to the appellant in the same manner as provided in 9-2-6(2). The decision of the Board shall be final and conclusive, except as provided by the laws of the State of Colorado.

#### *9-2-8 Expiration of Licenses and Permits*

All licenses issued under the provisions of this section shall expire on the date as set forth on the application. Fees, Fines and Penalty Process are on Schedule 9A.

### **9-3 Sales Tax Licenses**

(Ord. 120, 3/5/1990; Ord. 121, 4/9/1990; Ord. 284, 11/9/2010)

#### *9-3-1 Purpose*

The purpose of this Part is to impose a sales tax on the sale of tangible personal property at retail or the furnishing of taxable services pursuant to Section 39-26-104, C.R.S. 1973 as amended. (Ord. 121 4/9/1990)

#### *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.

*9-3-10 Collection, Administration and Enforcement*

For the purpose of collection, administration and enforcement of this Part by the Director of Revenue, the provisions of C.R.S. 39-26-114, as amended, shall be deemed applicable and incorporated into this Part.

*9-3-11 Place of Sale*

For the purposes of this sales tax ordinance, all retail sales are consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or his agent to a destination outside the limits of the local taxing entity or to a common carrier for delivery to a destination outside the limits of the Town of Ignacio.

#### *9-3-12 Inclusions*

The gross receipts from such sales shall include delivery charges when such charges are subject to the state sales tax imposed by Article 26 of Title 39, C.R.S., regardless of the place to which delivery is made. If the retailer has no permanent place of business in the Town of Ignacio or has more than one place of business, the place at which the retail sales are consummated for the purpose of this ordinance shall be determined by the provisions of Article 26 of Title 39, C.R.S., and by rules and regulations promulgated by the Colorado Department of Revenue.

#### *9-3-13 State Sales and Use Tax Not Included*

The tax imposed herein shall not include the amount of any sales or use tax imposed by Article 26 of Title 39, C.R.S.

#### *9-3-14 Applicability of Tax*

The tangible personal property and services taxable pursuant to this ordinance shall be the same as the tangible personal property and services taxable pursuant to section 39-26-104 C.R.S. (Ord. 121 4/9/1990)

#### *9-3-15 Specific Ownership Tax*

All sales of personal property on which a specific ownership tax has been paid or is payable shall be exempt from the sales tax imposed by this ordinance when such sales meet the following conditions:

1. The purchaser is a nonresident of or has his principal place of business outside the local taxing entity under the laws of this state.
2. Such personal property is registered or required to be registered outside the limits of the local taxing entity under the laws of this state.

#### *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 such transaction equal in amount to the lawfully imposed local sales or use tax previously paid by the purchaser or user to the previous statutory or home rule city and county, city, or town. The amount of the credit shall not exceed the sales tax imposed by the subsequent statutory or home rule city and county, city, or town.

#### *9-3-23 Food Stamps*

The tax imposed herein shall not apply to the sale of food purchased with food stamps. For the purpose of this paragraph "food" shall have the same meaning as provided in 7 U.S.C. Section 2012(g) as such Section exists on October 01, 1987 or is thereafter amended. (Ord. 121 4/9/1990)

#### *9-3-24 Food Sales*

The sales tax imposed herein shall not apply to the sale of food purchased with funds provided by the special supplemental food program for women, infants and children, 42 U.S.C. Section 1786. For the purposes of this paragraph "food" shall have the same meaning as provided in 42

U.S.C. Section 1786, as such Section exists on October 01, 1987 or is thereafter amended. (Ord. 121 4/9/1990)

*9-3-25 Board May Amend, Alter, Change*

The Board of Trustees may amend the ordinance by a majority vote of the Board of Trustee members, except as to the rate of tax, unless the rate change is approved at an election.

*9-3-26 Penalties for Violations*

See Penalty process and Fines under Schedule 9A.

*9-3-27 Election*

Before this sales tax ordinance shall become effective, it shall receive the approval of a majority of the qualified electors of the Town of Ignacio at the regular election to be held on April 03, 1990.

*9-3-28 Effective Date*

If approved by the electors, this sales tax ordinance shall become effective July 01, 1990. Ordinance No. 54 and Ordinance No. 55 regarding the imposition of the sales tax in the Town of Ignacio shall remain in force and shall govern the issuance of licenses, election and administration of the sales tax imposed herein.

**9-4 *Occupational Tax on Those Engaged in the Sale of Malt, Vinous and Spirituous Liquors***  
(Ord. 28, 4/5/1955)

*9-4-1 Definitions*

See Chapter IX, Words and Terms Defined.

*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 statutes, the Board of Trustees shall exclude from consideration any delinquency in payment of the tax herein provided.

#### *9-4-7 Recovery of Assessment*

The Town of Ignacio shall have the right to recover all sums due by the terms of this ordinance, by judgment and execution thereon in a civil action, in any Court of competent jurisdiction; such remedy shall be cumulative with all other remedies provided herein for the enforcement of this ordinance.

#### *9-4-8 Penalties for Violations*

Failure to comply with the terms of this ordinance by payment of taxes, securing and posting a receipt therefore and to otherwise comply with the terms of this ordinance shall constitute an offense and violation of this ordinance. Any person violating this section shall be subject to the penalties and fines shown on Schedule 9A.

#### *9-4-9 Purpose*

The purpose of this ordinance being to raise revenue for the Town of Ignacio, and to secure a proper distribution of the burden of taxation, this ordinance shall be void in case the Supreme Court of the State of Colorado or any other final judicial ruling shall hold that any part of the monies to be raised under this ordinance must be used for any other purpose.

### **9-5 Pawnbrokers Licenses**

#### *9-5-1 Licensing Procedure*

1. License Application. Application for the license to operate a pawnbroker business within the Town of Ignacio shall be made on the appropriate application form.
2. Upon the receipt of a properly completed application and payment as shown on Schedule 9A and satisfactory evidence of the good character of the applicant, the Town Clerk may grant a license to carry on the business of pawnbroker. Each license shall state the amount of capital proposed by the licensee to be used in the business, the amount paid for the license, the place, street and number where the business is to be carried on.

#### *9-5-2 Transactions with Minors*

No person licensed under this ordinance shall purchase personal property from or loan money on the security of personal property to a minor without first obtaining the express written consent of the minor's parent or guardian.

#### *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.
4. The licensee shall be required to provide security such as performance bonds or letters of credit necessary to adequately protect the residents of the Town and insure full performance of the license agreement.
5. The Town shall reserve the right in the granting of all Cable Television Licenses to revoke the license for failure to fully and promptly comply with all the conditions of the license.
6. An annual license fee shall be required in all licenses, not to exceed five percent (5%) of the gross subscription receipts of the licensee.

### **9-6-3 Application Process**

1. The Town Clerk shall provide a Business License application to the applicant.
2. Each license application shall be submitted with a One Thousand Dollar (\$1,000.00) non-refundable administration fee.
3. Each applicant shall provide a current financial statement, expenses and list of experience in operating cable systems to the Town.

### **9-6-4 Award of License**

1. The Board of Trustees shall determine the exact procedures for awarding licenses at the time an application for such a license is made.

2. All licenses shall be in the form of a written license agreement signed by the licensee setting forth in full, all terms, conditions, and provisions of the license.

#### *9-6-5 Quality of Service*

1. All licensees hereunder shall install and maintain a system that meets all federal and state requirements and provides the residents of the Town with the most modern Cable Television system available based on the needs of the community.
2. Licensees shall be required to maintain a local office and service technician to ensure prompt and efficient response to any complaint. In addition, licensees shall be required to demonstrate the availability of adequate technical expertise to promptly resolve any problems with the system.

#### *9-6-6 Community Access*

All Cable Television Licenses shall require the licensee to furnish a community access channel and all the equipment necessary for the community to fully utilize the channel. The use of the channel and the equipment shall be regulated by the Board of Trustees. The Board of Trustees may, in its discretion establish an appointed commission to control and regulate the use of the community access channel and facilities.

#### *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.

#### *9-7-4 Water Rights*

The Town shall have the power to buy, exchange, lease, sell, own, control, and otherwise deal in water rights.

#### *9-7-5 Utility Rates*

The Board of Trustees shall, under the conditions listed in Ordinance 283 establish rates, rules and regulations for services provided by municipally owned utilities. If the Board of Trustees desires to extend the municipal utilities beyond town boundaries, it shall do so by ordinance.

#### *9-7-6 Term, Compensation, and Restriction*

No franchise, lease, or right to use the streets, or the public places or property of the Town shall be granted which exceeds fifteen (15) years. Every grant of a franchise shall fix the amount and manner of payment of compensation to be paid by the grantee for the use of the same. Such compensation shall be paid as provided and be subject to mutual periodic renegotiation, and failure to pay shall result in forfeiture of the franchise at the option of Board of Trustees and the Town may purchase the property of the holder in whole or in part at its then current market value without a franchise. Notwithstanding the foregoing, the Town shall have the additional right to license or tax the equipment of any franchise. The license or tax shall be exclusive of and in addition to all other lawful taxes upon the property of the holder thereof.

#### *9-7-7 Franchise Review*

Each franchise granted under the provisions of this code shall include a section specifying a periodic review of said franchise.

#### *9-7-8 Town May Purchase*

Every grant of franchise shall provide that the Town may purchase and take over the property of the holder in whole or in part.

#### *9-7-9 Common Use of Facilities*

The Board of Trustees shall have the power to require any holder of a franchise from the Town, or other public utility, to allow the use of its rights-of-way, poles, wires and trenches of the Town-owned utilities.

#### *9-7-10 Franchise Records*

The Board of Trustees shall cause to be kept in the office of the Town Clerk and open to the public for view, an indexed franchise record in which shall be transcribed copies of all franchises heretofore and hereafter granted. The index shall give the name of the grantee and any assignees. The record shall be a complete history of all franchises and shall include a comprehensive and convenient reference to all actions at law affecting the same, copies of all annual reports and such other information and matters of public interest as the Board of 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             |
|-----------------------------------------------------------|-----------------|
| <b>Animal (Dog) License</b>                               |                 |
| <i>Fixed (spayed or neutered)</i>                         | \$ 10.00        |
| <i>Unfixed (NOT spayed or neutered)</i>                   | \$ 15.00        |
| <i>Late Fee</i>                                           | \$ 30.00        |
| <b>Bicycle License</b>                                    | \$ 1.50         |
| <b>Business Licenses (expire December 31st)</b>           |                 |
| <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        |
| <b>Liquor License</b>                                     |                 |
| <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       |