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CHAPTER 5.04

Business Licenses

5.04.010 License requirement.

(a) It shall be unlawful for any person or entity, excepting lawfully established nonprofit or other exempt organizations or entities as specified in this Chapter, to conduct, engage in or establish a business or place of business in the Town without having first obtained a business license and any specialty licenses, such as peddler, vending machine and liquor licenses, as applicable. A business license shall expire on December 31 of the year in which it was issued, unless sooner revoked.

(b) Notwithstanding the licensing requirement set forth in Subsection (a) above, no person or organization engaged in what are commonly known and referred to as residential garage sales or rummage sales, or similar irregular private noncommercial activity, shall be required to obtain a business license so long as such person or organization conducts not more than three (3) such sales in any single calendar year.

(c) Notwithstanding the licensing requirement set forth in Subsection (a) above, no person or business whose sole presence within the Town consists of delivering products sold outside the Town to customers who reside within the Town shall be required to obtain a business license. (Ord. 278 Art. I §1, 1979; Ord. 349 §1(c), 1983; Ord. 487 §3, 1998; Ord. 9 §1, 2002; Ord. 07 §1, 2008)

5.04.015 Definitions.

As used in this Chapter, the following terms have the following meanings:

Business shall mean any activity engaged in with the object of financial or other gain, benefit, advantage or profit, either direct or indirect, including, by way of example, the sale, supply or delivery of goods or services; but excepting the door-to-door delivery of newspapers, the door-to-door sale and delivery of food products (either in bulk or by retail) if such food products were grown or raised by the person so having them for sale, or the performance of odd jobs or services by self-employed minors.

General business shall mean and include all activities, businesses, establishments, trades, occupations, professions or vocations engaged in *business* for financial or other gain, benefit or advantage, either direct or indirect, excepting home occupations as defined herein.

Home occupation shall mean an occupation, vocation or business engaged in *business* from a residence in accordance with the regulations governing home occupations in Title 17 of this Code.

Local business shall mean a business that is situated in or operates from, in whole or in part, a premises located within the Town.

Nonprofit business or organization shall mean a business or organization that has been lawfully established in accordance with the Colorado Revised Nonprofit Corporation Act and/or which has received nonprofit tax exempt status under the Internal Revenue Code by the Internal Revenue Service, U.S. Department of the Treasury. (Ord. 414 §2, 1989; Ord. 487 §3, 1998; Ord. 9 §1, 2002)

5.04.020 License contents; recordkeeping; application forms.

All licenses shall specify the name of the licensee, a business address, the nature of the business, the term of the license, the place, if any, to which the license attaches, the amount payable thereon, and the date upon which it expires. The Town Clerk shall attest to all licenses granted and keep an adequate record thereof. Applications for a license shall be provided by the Town Clerk. (Ord. 278 Art. I §2, 1979; Ord. 9 §1, 2002)

5.04.030 License application denial.

(a) Application for a business license shall be made to the Town Clerk, who shall have the power to grant or deny a license and to impose reasonable limitations and restrictions on any license so granted consistent with the provisions in this Chapter. Denials shall be for cause. Written notice of the denial shall be provided the applicant, which notice shall include the grounds for denial. Fifty percent (50%) of the license fee paid for any license so denied shall be returned to the applicant.

(b) The following reasons may constitute cause for denial of a business license:

(1) Previous revocation or suspension of a business license held by the applicant;

(2) Nonconformance of the premises or building to be used for the business with the requirements of pertinent Town codes;

(3) Nonconformance of the business with zoning regulations.

(c) A denial of a business license application may be appealed by the applicant to the Board of Selectmen by filing a written notice of appeal with the Town Clerk within ten (10) days from the date of the notice of denial. (Ord. 278 Art. I §3, 1979; Ord. 487 §3, 1998; Ord. 9 §1, 2002)

5.04.040 License fee.

(a) The fee for a business license shall be established by the Board of Selectmen and must be deposited with the Town Clerk prior to consideration of a license application. License fees shall be based on a full calendar year, but shall be prorated for one-half (½) year for any businesses which commence operation after July 1 of each year. No other prorations shall be done.

(b) Any local business licensee who fails to renew his or her business license for an existing business on or before January 31 of each year shall pay a late charge equal to the amount of the license fee in addition to the license fee. The late charge shall be paid to the Town Clerk prior to consideration of the application to renew the business license. For any licensee whose business premises is located outside the Town, the late fee charge shall be waived if such licensee applies for and obtains a license renewal prior to commencing any business activities within the Town during any given licensing year. (Ord. 278 Art. I §4, 1979; Ord. 369 §1(A)(8), 1985; Ord. 487, §3, 1998; Ord. 9 §1, 2002; Ord. 3 §1, 2005; Ord. 07 §2, 2008)

5.04.045 Business promotion assessment.

In addition to the business license fee, all local businesses shall pay an annual non-refundable business promotion assessment or surcharge as established from time to time by the Board of Selectmen, such assessment or surcharge to be paid into a special Business Promotion Fund. The

assessment shall be based on a full calendar year, but shall be prorated for one-half (½) year for any businesses which commence operation after July 1 of each year. No other prorations shall be done. (Ord. 414 §1, 1989; Ord. 487, §3, 1998; Ord. 9 §1, 2002; Ord. 3 §2, 2005)

5.04.050 Posting of license.

Every license granted under the provisions of this Chapter shall be posted in a conspicuous place at the place of business for the full term of the license. Licenses shall be removed upon expiration. It shall be the duty of each and every person to whom a license or permit has been issued to show the same at any proper time when requested to do so by any Town official. (Ord. 278 Art. I §5, 1979; Ord. 9 §1, 2002)

5.04.060 License suspension.

The Board of Selectmen shall have the power to suspend for up to thirty (30) days any business license issued after notice to the licensee and hearing as hereinafter provided for any of the following reasons:

- (1) Conviction of any violation of federal, state or municipal law in the course of operation of the licensed business;
- (2) Repeated violations of one (1) or more Town ordinances at the licensee's place of business, by the licensee;
- (3) The conduct of licensee's business consistently creates excessive need for Town services and causes the Town to expend public funds beyond normal requirements to protect the public health, welfare and safety;
- (4) The business is of such a nature, or is operated in such a manner, that it is frequented by individuals who:
 - a. Consistently disrupt the normal and reasonable peace and tranquility of the neighborhood; or
 - b. By intimidation, threat, harassment or other hostile conduct seriously disrupt any other business in the immediate neighborhood of the licensee, thereby causing such business economic loss;
- (5) The licensee fails to keep and maintain permanent records which, in accordance with accepted accounting practices, are necessary for establishing the licensee's sales tax liability;
- (6) The licensee remains in arrears in payment of sales tax more than thirty (30) days after payment is due. (Ord. 278 Art I §6(A), 1979; Ord. 9 §1, 2002)

5.04.070 License suspension; hearing.

(a) The Board of Selectmen may, on its own motion, proceed to suspend or revoke for just cause any license issued under this Chapter after notice to the licensee and hearing as provided in this Chapter.

(b) Notice of such suspension or revocation hearing by Board of Selectmen shall be posted at the licensee's place of business and mailed to the licensee by certified U.S. Mail, return receipt requested, at least ten (10) days prior to the hearing.

(c) Every notice of suspension, revocation and/or hearing shall set forth in plain language the grounds for suspension or revocation and direct the licensee to appear before the Board of Selectmen at a specified time and date and show cause why the license should not be suspended or revoked.

(d) The public hearing by the Board of Selectmen shall include:

(1) A reading of the grounds set forth in the show cause/hearing notice allegedly warranting the suspension or revocation of the licensee's business license.

(2) The presentation by the Town Administrator or other Town official of any and all testimony, evidence, documents or other information supporting the suspension or revocation of the licensee's business license.

(3) The presentation by the licensee of any testimony, evidence, documents or any other information in defense or rebuttal of the allegations or grounds asserted for the suspension or revocation of the licensee's business license. The licensee may present his or her defense by or with the assistance of legal counsel.

(4) The Police Judge may place under oath persons testifying or otherwise providing information at the hearing, and all such persons shall be subject to examination by the Board of Selectmen and the licensee.

(e) Based on the record of the public hearing, the Board of Selectmen may cause the licensee's business license to be suspended or revoked. All decisions by the Board of Selectmen shall be reduced to writing and a copy shall be provided to the licensee. (Ord. 278 Art. I §6(B), 1979; Ord. 9 §1, 2002)

5.04.080 Licensing of business in annexed property.

In the event that any business, trade or occupation is being conducted on property at the time of the annexation of such property to the Town and the person carrying on or engaging in the business, trade or occupation is doing so lawfully and in conformance with all existing laws and statutes governing such property, the conduct of such business, trade or occupation may be continued upon and subsequent to the annexation of the property to the Town, provided that the applicable license fee is paid within ten (10) days of annexation. In subsequent calendar years, the business must conform to all licensing requirements contained in this Chapter. (Ord. 278 Art. I §7, 1979; Ord. 9 §1, 2002; Ord. 2 §1, 2003)

5.04.090 Special events business license.

(a) Any person or organization desiring to use or occupy Town-owned facilities or public rights-of-way for purposes of conducting or sponsoring a special business or fund-raising event must apply for and obtain a special events business license from the Town. Application for such license shall be made to the Town Clerk on forms provided therefor. The special events license fee, if any, shall be waived for nonprofit organizations sponsoring a special event.

(b) Applications for a special events business license must be submitted not less than thirty (30) days prior to the date of the special event and must identify the name and address of each person or organization sponsoring the event. Applications must be accompanied by a written plan describing, at a minimum, the manner in which the special event shall be conducted, including, without limitation, a description of all proposed activities and any booths or other structures to be constructed or utilized, and whether a street closure will be necessary.

(c) License applications shall be approved or denied by the Town Administrator. No license shall be issued without written verification that the licensee has and shall continue to maintain general liability insurance sufficient to insure and indemnify the Town against any injury to person or property that might arise from or during the event. Insurance coverage shall be in amounts not less than those recovery limits set forth in Section 24-10-114, C.R.S.

(d) All licensees shall inform each person or organization intending to make, or making, any retail sale at the special event of their duty to secure an appropriate sales tax license and to collect and remit the appropriate sales taxes, unless the event sponsor or organizer elects to collect and remit such taxes under its own sales tax license, if any.

(e) Where the event sponsor or organizer elects to collect sales taxes under its own sales tax license, said sponsor or organizer shall submit to the Town Clerk within thirty (30) days after the conclusion of the special event a written financial report reflecting, at a minimum, total sales of goods and/or services generated at the special event and the total sales tax revenues collected.

(f) Any person or organization authorized by the event sponsor to participate in a licensed special event shall be exempt from having to obtain a business license for said event, or pay the Town's business promotion assessment.

(g) Any license applicant or licensee aggrieved of a decision by the Town Administrator under this Section may appeal the same to the Board of Selectmen for review. All appeals must be submitted in writing to the Town Clerk within five (5) business days from the date of the decision sought to be reviewed.

(h) No licensee shall discriminate in the selection of vendors allowed to participate in a licensed special event on the basis of race, creed, national origin, religion, gender, age or physical disability or handicap. (Ord. 333, 1982; Ord. 487 §3, 1998; Ord. 508 §1, 2000; Ord. 9 §1, 2002)

5.04.100 Town Business Promotion Fund; Town's contribution; use of revenues.

(a) The proceeds from the business promotion assessment shall be deposited in a special segregated Business Promotion Fund. All monies deposited into the fund shall be exclusively earmarked for:

- (1) The payment of reasonable costs incurred in the administration of the business promotion assessment;
- (2) The marketing and promotion of the tourism, activities and events in the Town that may be determined to be beneficial to the economic vitality of the business community; and
- (3) The payment of expenses related to such marketing and promotions.

(b) None of the proceeds from the business promotion assessments shall be placed in the Town's General Fund or used for any purpose other than herein provided.

(c) The Board of Selectmen shall determine the amount and schedule of payments for the Town's contribution to the Business Promotion Fund at such time as it adopts the Town's annual budget. (Ord. 414 §2, 1989; Ord. 439 §1, 1991; Ord. 9 §1, 2002)

5.04.110 Business Promotion Commission.

(a) There is hereby established the Georgetown Business Promotion Commission. The Commission shall consult with and advise the Board of Selectmen (Board) in the promotion of the Town, and shall authorize no expenditures over five hundred dollars (\$500.00) without the approval of the Board. Expenditures of not more than five hundred dollars (\$500.00) may be approved by any two (2) Selectmen and the Town Treasurer and Town Administrator. However, such approval may only be used for expenditures which require immediate action before the next regularly scheduled Board meeting. All other expenditures, regardless of amount, must be approved by the Board.

(b) The Commission shall consist of seven (7) members selected in accordance with the provisions hereof.

(c) One (1) member shall be a selectman appointed by the Board of Selectmen to serve a term of one (1) year. The Commission members shall elect a chairperson from the Commission members, to serve a term of one (1) year.

(d) The remaining six (6) members of the Commission shall be appointed by the Board of Selectmen to serve the terms as herein provided:

(1) The members of the Commission shall serve staggered terms of two (2) years, or until their successors take office. A member appointed to fill a vacant position shall complete the unfulfilled term.

(2) Terms shall commence on February 15 of each year unless the appointment was to fill a vacant position. For the terms commencing in 1991, the Commission shall designate three (3) members whose terms shall terminate in 1992 and three (3) members whose terms will terminate in 1993. Thereafter, successor members shall serve for two-year terms.

(3) Recommendations to fill expiring terms shall be made to the Board of Selectmen by vote of the holders of current business licenses that are not in default in regard to either the payment of their business license fee or promotion assessment. If the Board does not receive such recommendations by January 15 in any given year, then the Board shall make appointments to the Commission without recommendation.

(e) No less than four (4) members of the Commission shall be current holders in good standing of a Town business license.

(f) The Commission shall adopt its own rules of procedure with the approval of the Board of Selectmen, provided that a majority of the Commission shall constitute a quorum and a majority vote of those present shall be required to take any action.

(g) The Commission shall submit a report to the Board of Selectmen on or before October 1 of each year, which shall include a proposed budget for the following year. The Commission shall also simultaneously submit a complete report of the past year's activities, an analysis of the effectiveness thereof, and the expenditures from the previous year compared with the budget therefor. The proposed budget may include, but not be limited to, the hiring of a public relations or promotions advisor or agency, advertising costs and any and all operating and special events costs which the Commission deems appropriate. The report shall include a summary of the past year's promotions and marketing, the goals and objectives for the Town's promotions and marketing in the coming year, and a plan to implement those goals and objectives.

(h) On or before September 10 of each year, the Commission shall mail by regular mail to all current business licensee holders a copy of the proposed report, budget and notice of the date the Commission will consider adoption of the report and budget for submittal to the Board.

(i) Any members of the Commission may be removed after hearing by the Board of Selectmen for inefficiency, neglect of duty, malfeasance, failure to faithfully discharge their responsibilities and duties as specified herein, or conviction of a misdemeanor or felony. Vacancies occurring other than through the expiration of a term shall be filled for the remainder of the unexpired term by appointment by the Board.

(j) If the Commission recommends and the Board of Selectmen approves the hiring of a full-time or part-time employee to conduct the business of the Commission, that employee shall be an employee of the Town.

(1) The Commission shall be the employee's direct supervisor with authority to assign job duties and review job performance. The Commission's supervisory duties shall be subject to the Board's affirmative right of review.

(2) The Town Administrator shall have authority to hire and fire the employee. The Commission shall make recommendations to the Town Administrator regarding hiring and firing of the employee.

(k) The Commission shall keep minutes of all of its meetings and shall distribute the minutes to the Town Administrator and all Commission members.

(l) The Commission shall have no authority to enter into any arrangement, agreement or other contract for the expenditure of any business promotion funds without the prior written authorization of the Board of Selectmen, except as may be provided in this Section. (Ord. 414 §2, 1989; Ord. 431 §1, 1991; Ord. 455 §1, 1993; Ord. 461 §1, 1994; Ord. 487 §3, 1998; Ord. 9 §1, 2002)

CHAPTER 5.08

Canvassers, Peddlers and Itinerant Merchants

5.08.010 Definitions and application.

(a) The words and phrases contained in this Chapter shall have the following meanings ascribed to them unless the context states otherwise:

Canvasser or solicitor means any person, whether or not a resident of the Town, traveling either by foot or any type of vehicle, from place to place, or by means of telephone communication, taking or attempting to take orders for the sale of goods, wares, merchandise or personal property of any nature whatsoever for future delivery, or for services to be furnished or performed in the future, whether or not such person has carried or exposed for sale a sample of the subject of such sale or whether or not he or she is collecting advance payments on such sales. Such definition shall also include any person who, for himself, herself or another person, hires, leases, uses or occupies any building, structure, tent, railroad boxcar, hotel room, lodging house, apartment, shop or any other place within the Town for the sole purpose of exhibiting any samples and taking orders for future delivery.

Peddler means any person, whether or not a resident of the Town, traveling by foot or any type of vehicle from place to place, carrying, conveying or transporting goods, wares or merchandise, offering and exposing the same for sale, or making sales, and delivering articles to purchasers; or who, without traveling from place to place, shall sell or offer the same for sale by means of telephone communication or from a wagon, automotive vehicle, railroad car, or other vehicle or conveyance. One who solicits orders and as a separate transaction makes deliveries to purchasers as a part of a scheme or design to evade the provisions of this Chapter shall also be deemed a peddler subject to the provisions of this Chapter. The word peddler includes the words hawker and huckster.

Transient merchant, itinerant merchant or itinerant vendor means any person, whether as owner, agent, consignee or employee, and whether or not a resident of the Town, who engages in a temporary business of selling and delivering goods, wares and merchandise within the Town, and who, in furtherance of such purpose, hires, leases, uses or occupies any street front or public room in a hotel, lodging house, apartment or shop, or uses any street, alley or other place within the Town, or uses any means of communication within the Town for the exhibition and sale of such goods, wares and merchandise, either privately or at public auction.

(b) This Chapter shall not apply to salesmen selling products wholesale to licensed retail merchants or corporations, or to religious or nonprofit corporations or governmental agencies within the Town.

(c) Nothing in this Chapter shall be deemed to apply to any person engaged in a regular and continuous business of selling and delivering goods or services directly to residents of the Town over a regular and definite route and who ordinarily sells from orders previously placed by such residents, or who delivers goods or services on a regular and definite schedule. Each and every person (including each person within any corporation, business, enterprise or other organization) who claims an exemption based on this Subsection, except persons engaged in the door-to-door sale of food products grown or raised by the person so having them for sale, shall be required to obtain a general business license under Chapter 5.04 and comply with all the requirements therein, and, in addition, file with the Town Clerk at the time of obtaining said license a detailed description of the route the person intends to travel and the frequency, days and times of such travel. (Ord. 278 Art. II, §1, 1979; Ord. 394 §1, 1987; Ord. 2 §1, 2003)

5.08.020 License required.

It is unlawful for a peddler, solicitor, canvasser, transient merchant, itinerant merchant or itinerant vendor to engage in business within the Town limits without first obtaining a license therefor as provided in this Chapter. (Ord. 278 Art. II §2, 1979; Ord. 2 §1, 2003)

5.08.030 License application.

An applicant for a license under this Chapter must file with the Town Clerk a sworn application in writing (in duplicate) on a form to be furnished by the Town Clerk which shall give the following information:

- (1) Name and address of the applicant;
- (2) Address (legal and local);
- (3) A brief description of the nature of the business and the goods to be sold, solicited or delivered;
- (4) The length of time for which the right to do business is desired;
- (5) If a vehicle is to be used, a description of the same, together with the license number or other means of identification;
- (6) A statement as to whether or not the applicant has been convicted of any felony, the nature of the offense and the punishment or penalty assessed therefor; and
- (7) Credentials from the person for which the applicant proposes to do business, authorizing the applicant to act as such representative. (Ord. 278 Art. II §3, 1979)

5.08.040 License; investigation, issuance.

(a) Upon receipt of a license application, the Town Clerk shall cause such investigation of the applicant's business and character to be made as deemed necessary for the protection of the public good.

(b) If, as a result of such investigation, the applicant's character or business responsibility is found to be unsatisfactory, the Town Clerk shall endorse on such application his or her disapproval and the reasons for the same, and promptly notify the applicant that his or her application is disapproved and that no license shall be issued for the reasons stated.

(c) If, as a result of such investigation, the character and business responsibility of the applicant are found to be satisfactory, the Town Clerk shall issue a license upon the posting of the bond as required by this Chapter and the payment of the prescribed license fee. Such license shall be attested by the signature and seal of the Town Clerk, or his or her deputy, and shall show the name and address of said licensee, the kind of license issued, the kind of goods or services the licensee is authorized to offer to the public, the fee paid, the date of issuance and the length of time the same shall be operative, as well as the license number and description of any vehicle used in the licensee's work. The Town Clerk shall keep a permanent record of all licenses issued. (Ord. 278 Art. II §4, 1979; Ord. 9 §1, 2002)

5.08.050 License; bond.

Before any license as provided by this Chapter shall be issued, the applicant shall file with the Town Clerk a cash or surety bond in favor of the Town in an amount established by the Board of Selectmen and executed by the applicant as principal and at least one (1) surety (where a surety bond is posted) upon which service of process may be made in the State. Such bond shall insure that the applicant shall fully comply with all ordinances and laws of the Town and State regulating and concerning the applicant's business, including the collection and remittance of appropriate sales taxes on all retail sales; and will pay all judgments rendered against said applicant for any violation of said ordinances and laws, or any of them together. Action on the bond may be brought in the name of the Town for the use of an aggrieved person. Such bond must be approved by the Town Clerk both as to form and as to the responsibility of the surety thereon. Said bond shall be retained and remain in effect until thirty (30) days after the last day of business operations. (Ord. 278 Art. II §5, 1979; Ord. 487 §4, 1998; Ord. 9 §1, 2002)

5.08.060 License fee.

No license shall be issued without the full and timely payment of a license fee as established by the Board of Selectmen. (Ord. 278 Art. II §6, 1979; Ord. 369 §1(A)(9), 1985; Ord. 487 §4, 1998)

5.08.070 Exemption of nonprofit organizations.

Upon proper showing to the satisfaction of the Town Clerk that the applicant is acting for or employed by a nonprofit association or organization lawfully established under federal or state law, such person shall be exempted from a license fee payment and the bond requirement; provided, however, that this provision shall not exempt such person from complying with all the other requirements of this Chapter. (Ord. 278 Art. II §7, 1979; Ord. 9 §1, 2002)

5.08.080 Individual licenses required; licenses multi-purpose.

Every individual who is a peddler, canvasser, solicitor, transient merchant, itinerant merchant or itinerant vendor shall be required to make an individual application, give a bond and secure a license, which license shall be issued in the individual's name. Any license issued to a firm, association or corporation shall include the name of the authorized representative of the firm, association or corporation, which individual name of the representative shall appear on the application, bond, receipt and license. No license shall be transferable or used by any other person. No representative of the same firm, association or corporation shall use the same license; provided that an individual license may authorize the same individual to be a peddler, canvasser, solicitor, transient merchant, itinerant merchant or itinerant vendor, and such multi-purpose license shall be for the same fee as if the license was issued for only one (1) purpose. (Ord. 278 Art. II §9, 1979)

5.08.090 Recording of violations.

The Marshal shall report to the Town Clerk all violations of this Chapter, and the Town Clerk shall maintain a record for each license for itinerant merchant issued and record the reports of violations therein. (Ord. 278 Art. II §11, 1979)

5.08.100 Revocation of license; causes; notice of hearing.

(a) Licenses issued under the provisions of this Chapter may be revoked by the Town Clerk after notice and hearing for any of the following causes:

- (1) Fraud, misrepresentation or false statement contained in the application for license;
- (2) Fraud, misrepresentation or false statement made in the course of carrying on the business;
- (3) Any violation of this Chapter;
- (4) Conviction of any crime or misdemeanor involving moral turpitude;
- (5) Conduct of the business 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.

(b) Notice of the hearing for revocation of a license shall be given in writing, 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 his or her last known address at least ten (10) days prior to the date set for hearing. (Ord. 278 Art. II §12, 1979; Ord. 2 §1, 2003)

5.08.110 License denial or revocation; appeal.

Any person aggrieved by the action of the Town in the denial of an application for license as provided in this Chapter, or in the decision with reference to the revocation of a license as provided in Section 5.08.100, shall have the right to appeal to the Board of Selectmen. Such appeal shall be taken by filing with the Board of Selectmen, within fourteen (14) days after notice of the action complained of has been mailed to such person's last known address, a written statement setting forth fully the grounds for the appeal. The Board of Selectmen shall set a time and place for a hearing on such appeal, and notice of such hearing shall be given to the applicant in the same manner as is provided in Section 5.08.100(b) for notice of bearing on revocation. The decision and order of the Board of Selectmen on such appeal shall be final and conclusive. (Ord. 278 Art. II §13, 1979)

5.08.120 Expiration of license.

All licenses issued under the provisions of this Chapter shall expire on the date specified in the license. (Ord. 278 Art. II §14, 1979)

5.08.130 Enforcement duty.

It shall be the duty of the Town Clerk, Town Marshal and any police officer to require any person required to have a license, and who is not known by such officer to be duly licensed, to produce his or her license, and to enforce the provisions of this Chapter against any person found to be violating the same. (Ord. 278 Art. II §10, 1979; Ord. 2 §1, 2003)

CHAPTER 5.12

Vending Machines

5.12.010 License required when.

It is unlawful for any person to operate or conduct any business offering to the public the use of any exterior vending machine or any coin-operated or coin-activated amusement device without first having obtained a license therefor as provided in this Chapter. (Ord. 278 Art. III §1, 1979)

5.12.020 License application.

Application for such license shall be filed with the Town Clerk and accompanied by the fee set forth in Section 5.12.030. (Ord. 278 Art. III §2, 1979)

5.12.030 Annual fee.

No license shall be issued under this Chapter absent the full and timely payment of a license fee as established by the Board of Selectmen. (Ord. 278 Art. III §3, 1979; Ord. 487 §5, 1998)

5.12.040 Expiration of license.

The license shall be an annual license and will expire as shown on its face. (Ord. 278 Art. III §4, 1979)

CHAPTER 5.16

Liquor Licenses

5.16.010 Georgetown Liquor Authority.

The Police Judge and members of the Board of Selectmen shall act as the Georgetown Liquor Authority, and the Liquor Authority shall be deemed to be in session, with authority to act, whenever the Board of Selectmen is in session with a quorum present. The Police Judge shall serve as chair for the Authority and may vote on all matters coming before the Authority. Except as may be otherwise provided for in this Chapter, the provisions of the Colorado Liquor Code and Beer Code governing procedures for applications, hearings and decisions for state liquor and beer licenses shall apply to procedures, hearings and all matters relative to liquor licenses coming before the Liquor Authority. (Ord. 444 §1(part), 1992; Ord. 2 §1, 2003)

5.16.020 State Liquor Code adopted.

The Town hereby adopts the Colorado Liquor and Beer Codes, as they may be amended from time to time, contained in the Colorado Revised Statutes as well as the regulations set forth by the Colorado Department of Revenue regulating liquor license establishments in the Colorado Code of Regulations. (Ord. 483 §1, 1997; Ord. 2 §1, 2003)

5.16.030 License fees.

In addition to any license fees imposed by the state licensing authority, all applications for a license to sell and/or serve fermented malt beverages or vinous or spirituous liquors within the Town shall be accompanied by a local license fee equal to the maximum amount authorized under state law for each category or type of license. (Ord. 2 §1, 2003)

5.16.040 Distance restrictions from schools.

In accordance with Section 12-47-313(1)(d)(III), C.R.S., the restrictions contained in the Colorado Revised Statutes prohibiting the issuance of liquor licenses for buildings or other premises within five hundred (500) feet of any public or parochial school are hereby eliminated in regard to the issuance of licenses within the Town (Ord. 444 §1(part), 1992; Ord. 2 §1, 2003)

5.16.050 Fines in lieu of license suspension or revocation.

(a) Whenever a decision of the Liquor Licensing Authority suspending a license for fourteen (14) days or less becomes final, whether by failure of the licensee to appeal the decision or by exhaustion of all appeals and judicial review, the licensee may, before the operative date of the suspension, petition the Authority for permission to pay a fine in lieu of having the license suspended for all or part of the suspension period. Upon the receipt of the petition, the Authority may, in its sole discretion, stay the proposed suspension and cause any investigation to be made which it deems desirable and may, in its sole discretion, grant the petition if it is satisfied:

(1) That the public welfare and morals would not be impaired by permitting the retail licensee to operate during the period set for suspension and that the payment of the fine will achieve the desired disciplinary purposes;

(2) That the books and records of the licensee are kept in such a manner that the loss of sales of alcoholic beverages which the licensee would have suffered had the suspension gone into effect can be determined with reasonable accuracy therefrom; and

(3) That the licensee has not had his or her license suspended or revoked, nor had any suspension stayed by payment of a fine, during the two (2) years immediately preceding the date of the motion or complaint which has resulted in a final decision to suspend the retail license.

(b) The fine accepted shall be equivalent to twenty percent (20%) of the licensee's estimated gross revenues from sales of alcoholic beverages during the period of the proposed suspension; except that the fine shall be not less than two hundred dollars (\$200.00) nor more than five thousand dollars (\$5,000.00).

(c) Payment of any fine pursuant to the provisions of this Section shall be in the form of cash, certified check or cashier's check made payable to the Town Clerk and shall be deposited in the general fund of the Town.

(d) Upon payment of the fine pursuant to this Section, the Authority shall enter its further order permanently staying the imposition of the suspension.

(e) In connection with any petition pursuant to this Section, the authority of the Authority is limited to the granting of such stays as are necessary for it to complete its investigation and make its

findings and, if it makes such findings, to the granting of an order permanently staying the imposition of the entire suspension or that portion of the suspension not otherwise conditionally stayed.

(f) If the Authority, does not make the findings required in Subsection (a) above and does not order the suspension permanently stayed, the suspension shall go into effect on the operative date finally set by the Authority. (Ord. 2 §1, 2003)

5.16.060 Delegation of authority to Town Clerk to issue licenses.

The Town Clerk is hereby vested with authority to review and approve applications for liquor license renewals and transfers, special event licenses, and temporary permits pursuant to the following criteria:

(1) Renewals and transfers.

a. The timely submission of a complete application and the payment of all fees by the applicant.

b. The referral of the application by the Town Clerk to the Police Department and other appropriate Town departments for review and comment.

c. For license transfers, whether the applicant satisfies the eligibility criteria set forth in Section 12-47-307, C.R.S.

d. Whether there exists facts or information on the application, or as provided in referral comments, illustrating reasonable grounds or good cause to deny the application.

(2) Special event licenses.

a. The timely submission of a complete application and the payment of all fees by the applicant.

b. The referral of the application by the Town Clerk to the Police Department and other appropriate Town departments for review and comment.

c. The timely and proper posting of a conspicuous public notice of the proposed license and protest procedures at the location sought to be licensed.

d. Whether the application and applicant satisfy the eligibility criteria set forth in Sections 12-48-102 and 12-48-103, C.R.S.

e. Whether there exists facts or information on the application, or as provided in referral comments or a protest against the license filed by affected persons, illustrating grounds or good cause to deny the application.

(3) Temporary permits.

a. The timely submission of a complete application and the payment of all fees by the applicant.

b. The timely filing of an application for the transfer of the liquor license corresponding to the application for a temporary permit.

c. Whether the premises subject to the proposed temporary permit is currently subject to a valid liquor license.

(4) In the event the Town Clerk cannot or will not approve a transfer or renewal of a license or the issuance of a special event license or temporary permit, then the Town Clerk shall automatically and promptly agendaize the application for public hearing before the Liquor Licensing Authority. Written notice of the time and place of the hearing shall be mailed to the applicant by regular mail at least ten (10) days in advance thereof and shall contain such facts or reasons relied upon by the Town Clerk in declining to issue the license or permit. Notice of the hearing shall also be timely published and posted on the subject premises in accordance with the requirements set forth in Section 12-47-311, C.R.S., and timely provided to any person who may have filed a protest against the issuance of the license with the Town Clerk. Additionally, any license or permit applicant dissatisfied with a decision of the Town Clerk under this Section may appeal same to the Board of Selectmen by filing a written protest with the Town Clerk not less than ten (10) days after the date of the decision appealed from. The Town Clerk shall promptly set the appeal for hearing before the Board of Selectmen in accordance with the notice and hearing procedures described above.

(5) The Town Clerk shall not approve an application for the renewal or transfer of a license, nor issue a special event permit, where the Police Department has timely submitted written objections to the Town Clerk concerning such action. Whenever such an objection is received, the Town Clerk shall set the application for hearing before the Board of Selectmen in accordance with the procedures set forth in Subsection (4) above.

(6) The Town Clerk, for good cause, may waive the forty-five-day time requirement for filing a license renewal application.

(7) The Town Clerk shall regularly report to the Board of Selectmen in a timely manner all licensing actions taken by the Town Clerk under the provisions of this Section. (Ord. 2 §1, 2002)

5.16.070 Required attendance at licensing proceedings.

Every person or entity applying for a license under this Chapter must be present, either in person or by duly authorized agent or legal representative, at every public hearing before the Liquor Licensing Authority regarding the approval or denial of said license application unless such attendance is excused in advance for good cause by the Authority. The failure of an applicant to attend a public hearing before the Authority on a license application may be deemed by the Authority to be an abandonment by the applicant of the license application and result in the denial of the application. Alternatively, the Authority may continue or reschedule any public hearing on a license application to a later date convenient to the Authority when a license applicant fails to appear at the hearing on the license. An unexcused failure by a license applicant to appear at a continued or rescheduled public hearing shall require the Authority to deny the license application. (Ord. 2 §1, 2003)