# CHAPTER 6   Business Licenses and Regulations

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## ARTICLE I   Business Licenses

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Sec. 6-1-10.   Purpose.

The purpose of this Article is the regulation and registration of businesses operating within the Town for the health, safety and welfare of the citizens of the Town and for the proper collection of taxes to support of the Town.

(Ord. 1-98, 1998, §1)

Sec. 6-1-20.   License required.

Every person must obtain a license from the Town before operating, conducting or carrying on any retail trade, profession or business within the Town; except that nonprofit state corporations, excluding federal, state or municipal corporations, are hereby exempt from the license requirements set forth in this Article.

(Ord. 1-98, 1998, §1)

Sec. 6-1-30.   Separate license for each location.

Any person operating, conducting or carrying on any retail trade, profession or business within the Town must obtain a separate license for each location of such trade, profession or business.

(Ord. 1-98, 1998, §1)

Sec. 6-1-40.   License application.

An application for a business license shall be made to the Town Clerk on forms provided by the Town. Every applicant shall state under oath or affirmation such facts as may be required for the granting of such license. It is unlawful for any person to make any false statement or misrepresentation in connection with any application for a license.

(Ord. 1-98, 1998, §1)

Sec. 6-1-50.   License fees.

(a) Every person required to be licensed by the provisions of this Article, including persons operating a home occupation, as defined by Paragraph 16-1-70(37) of this Code, shall pay a fee for every license, the amount of which shall be set by the Board of Trustees from time to time by resolution unless specified otherwise in this Code or any other ordinance.

(b) Before granting the license, the fee required for the license must be paid at the office of the Town Clerk.

(Ord. 1-98, 1998, §1, Ord. 2008-06, §1)

Sec. 6-1-60.   Issuance.

Upon receipt of the required fee and compliance with Section 6-1-40, the Town Clerk will issue a license that indicates that the license tax has been paid for the specified year.

(Ord. 1-98, 1998, §1)

Sec. 6-1-70.   License nontransferable.

No license issued under the provisions of this Article shall be transferable from person to person or place to place.

(Ord. 1-98, 1998, §1)

Sec. 6-1-80.   Period of license.

All licenses shall expire on January 1 of each calendar year.

(Ord. 1-98, 1998, §1)

Sec. 6-1-90.   Suspension.

A license may be suspended:

(1) When any money due the Town has not been paid. This includes failure to pay civil penalties, fines, taxes, impact fees or any other money owed to the Town.

(2) When any activity conducted by the licensee or his or her employee or agent violates any federal, state or local rule, regulation or law.

(3) Upon failure to comply with the terms and conditions of the license.

(4) Upon any grounds of suspension provided by this Code.

(Ord. 1-98, 1998, §1)

Sec. 6-1-100.   Revocation of license.

A license may be revoked by the Town:

(1) When it appears that the license was obtained by fraud, misrepresentation or false statements within the application.

(2) When it appears that the activity conducted pursuant to such license is a public nuisance as defined by this Code or statute or violates any federal, state or local rule, regulation or law.

(3) Upon failure to comply with the terms and conditions of the license.

(4) Upon any grounds of revocation provided by this Code.

(Ord. 1-98, 1998, §1)

Sec. 6-1-110.   Notice and hearing prior to suspension or revocation.

All hearings to revoke, suspend or cancel a license shall be before the Board of Trustees. The suspension or revocation of any license shall not release or discharge anyone from his or her civil liability for the payment of the taxes, penalty and interest or from the prosecution of the offense.

(Ord. 1-98, 1998, §1)

Sec. 6-1-120.   Cease and desist.

If any business is operating without a license, the Mayor may issue an order to the business to cease and desist all further operation until a license is issued for the business. The order shall give the business three (3) days to pay all amounts due the Town; or to post a bond in the amount owing the Town and to request in writing a hearing with the Town Clerk. If the business does nothing, it shall cease operations on the third day. The hearing will be before the Board of Trustees. The proceedings shall not relieve or discharge anyone from the civil liability for the payment of the taxes, penalty and interest or from the prosecution of the offense.

(Ord. 1-98, 1998, §1)

Sec. 6-1-130.   Refund of fees.

Upon refusal by the Town of any license or permit, the fee therefor paid in advance shall be returned to the applicant. In the event that any license or permit is revoked by the Town, all monies paid therefor shall be and remain the monies of the Town, and no refund shall be made to any licensee or holder of a permit.

(Ord. 1-98, 1998, §1)

Sec. 6-1-140.   Penalty.

Failure to comply with the terms of this Article shall constitute a violation of this Code. Any person who is found guilty of, or pleads guilty or nolo contendere to the violation of any section of this Code shall be subject to a penalty as set forth in Section 1-4-20 of this Code.

(Ord. 1-98, 1998, §1)

## ARTICLE II   Peddlers and Solicitors

[Sec. 6-2-10. Definitions.](#BK_9E68C88CBE2DB8D572FF6620E87E471A)

[Sec. 6-2-20. Permits and licenses.](#BK_BF19B943E60EB1BCB2D44D41779BD17E)

[Sec. 6-2-30. Fees.](#BK_65448B52B0D460BAD49DA62EE5DAF88C)

[Sec. 6-2-40. Application contents.](#BK_92EA5BF50B45BD3F87717A002E320C22)

[Sec. 6-2-50. License or permit - grounds for denial.](#BK_6D6E748B468859E1805D9F881C00504C)

[Sec. 6-2-60. Transfer of licenses and permits.](#BK_437D8B0D0C548BE52F6BE6622CC0A131)

[Sec. 6-2-70. Records.](#BK_A4AFF7C9A663DB9077F2497E85114403)

[Sec. 6-2-80. Appeal.](#BK_7BB8037D4BC64AE4B13B12AC70F6909B)

[Sec. 6-2-90. Expiration of license or permit.](#BK_1F27D409F88D130C77EA6A11C4559ECF)

[Sec. 6-2-100. Revocation of license or permit.](#BK_A5DC1C30167CA5E94AF43F00D1D0BE96)

[Sec. 6-2-110. Exhibit of permit.](#BK_F420C74D395D44AE0685B2170DAD3EE2)

[Sec. 6-2-120. Construction.](#BK_CB959F27292859E3C85C68C84553205A)

[Sec. 6-2-130. Exemptions.](#BK_65730111CAD25B21A7EFAC3343E7AD7F)

[Sec. 6-2-140. Violation; penalties.](#BK_EBD177A8949AE224A070CCEF930DD1F9)

Sec. 6-2-10.   Definitions.

As used in this Article, unless the context otherwise requires:

(1) *Door-to-door sales* means soliciting at residences, commercial or office outlets, or elsewhere within the Town, orders for the sale of or selling of goods, wares, merchandise, services, magazines, contracts, policies of insurance, stocks, bonds, rights or anything of value.

(2) *Sales tax* means the tax authorized and levied by and within the Town, pursuant to ordinance.

(Ord. 1-98, 1998, §1)

Sec. 6-2-20.   Permits and licenses.

(a) Permit required. Each and every person who engages in door-to-door sales within the Town when not previously requested or invited to do so by the owner or occupant of the residence or commercial or office outlet, shall, before going in or upon such residence or commercial or office outlet, register and obtain a permit from the Town Clerk and pay the permit fee as provided in this Article.

(b) License required. Each person who engages any other person for salary, commission or other remuneration to engage in door-to-door sales within the Town when not previously requested or invited to do so by the owner or occupant of the residence or commercial or office outlet, shall, before commencing such sales, register and obtain a license from the Town Clerk and pay the license fee as provided by this Article.

(c) Sales tax license required. Each and every person who engages in door-to-door sales or engages any other person for salary, commission or other remuneration to engage in door-to-door sales within the Town shall, before commencing such sales, obtain a sales tax license from the Town Clerk and pay the license fee as provided, as well as such other licenses and/or permits as may be required by law.

(Ord. 1-98, 1998, §1)

Sec. 6-2-30.   Fees.

(a) The license fee for each person who engages any other person for salary, commission or other remuneration to engage in door-to-door sales shall be thirty-five dollars ($35.00), and such license shall be issued for six (6) months.

(b) The permit fee for each person engaging in door-to-door sales shall be thirty-five dollars ($35.00), and such permit shall be issued for six (6) months or the term remaining on the license such permit is issued under, if any.

(c) The collection of any fees pursuant to this Section shall not apply to local, nonprofit organizations.

(Ord. 1-98, 1998, §1)

Sec. 6-2-40.   Application contents.

(a) License application contents. Each applicant for a license shall file with the Town Clerk an affidavit on a form supplied by the Town Clerk stating:

(1) The full name of the applicant.

(2) The business address of the applicant.

(3) The business telephone numbers of the applicant.

(4) The residence addresses, temporary and permanent, of the applicant.

(5) The residence telephone numbers of the applicant.

(6) A description of the applicant, including height, weight, color of eyes and color of hair.

(7) The number and state of issuance of the applicant's motor vehicle operator's license or chauffeur's license, if any.

(8) The number on and state of issuance of the license plates or any motor vehicle owned, rented or being driven by the applicant and of any motor vehicle which the applicant intends to use in the course of door-to-door sales, a description of any such vehicle and the name and address of the owner of such motor vehicle.

(9) A list of all municipalities in which a peddler's license is presently held.

(10) Whether the applicant is presently on parole or probation for any criminal violations.

(11) A brief explanation of the nature of the merchandise to be sold or other activity that requires a license under this Article.

(12) The names, business addresses, business telephone numbers, residence addresses and residence telephone numbers of all individuals employing and/or supervising the applicant.

(13) If the applicant is a foreign corporation or an employee of such corporation, a statement in writing of the name, address and telephone number of an agent for process residing in the State.

(14) The number of permits requested and names and addresses of all those who may use such permit, not to exceed twenty-five (25) permits.

(b) Permit application contents. A permit application shall contain the same questions as a license application.

(Ord. 1-98, 1998, §1)

Sec. 6-2-50.   License or permit - grounds for denial.

(a) The Town Clerk may deny the issuance of a license or permit for the following reasons:

(1) Any misrepresentation, fraud, deception, breach of warranty or breach of contract in the Town or elsewhere;

(2) Failure to comply with this Article or violation of any ordinance applicable to his or her permitted activities;

(3) Failure to obtain a sales tax license as required by the Town or failure of the applicant, his or her supervisor or his or her employer to remit any sales tax due the Town;

(4) Felony convictions for crimes against the person or property of another, or institutionalization for mental illness which caused acts of violence against the person or property of another; provided, however, that such felony convictions or institutionalization occurred within the five (5) years preceding the date of application.

(b) For purposes of this Section:

(1) Crimes or acts of violence against the person of another shall include homicide, attempted homicide, rape, attempted rape, sexual assault, assault, battery and other similar felonies involving moral turpitude by whatever name; and

(2) Crimes or acts against the property of another shall include theft, burglary, breaking and entering, larceny and other similar felonies involving moral turpitude by whatever name.

(Ord. 1-98, 1998, §1)

Sec. 6-2-60.   Transfer of licenses and permits.

(a) No person shall transfer or attempt to transfer his or her license to any other person, and no person shall use a license issued to any other person.

(b) No person shall transfer or attempt to transfer his or her permit to any other person, and no other person shall use a permit issued to any other person.

(Ord. 1-98, 1998, §1)

Sec. 6-2-70.   Records.

The Town Clerk shall maintain records showing each license or permit issued and the alleged violations of this Article.

(Ord. 1-98, 1998, §1)

Sec. 6-2-80.   Appeal.

At his or her election, an applicant may appeal any decision relating to his or her license or permit by the Town Clerk to the Board of Trustees. If the applicant requests, the Board of Trustees shall hold a hearing pursuant to this Code. The decision of the Board of Trustees shall be by a majority of the quorum of the Board.

(Ord. 1-98, 1998, §1)

Sec. 6-2-90.   Expiration of license or permit.

Each license or permit shall expire on the date specified on the license or permit, and the Town Clerk shall issue no license or permit for a period longer than six (6) months. On the expiration of a license or permit, any person may apply for the issuance of a new license or permit.

(Ord. 1-98, 1998, §1)

Sec. 6-2-100.   Revocation of license or permit.

If the Town Clerk finds that any of the grounds stated in Section 6-2-50 exist or that an applicant has made a false statement in his or her application, the Town Clerk shall revoke the license or permit; or for other just cause, communicated to the person, related to the health, safety or welfare of the citizens of the Town or related to the person's business integrity or responsibility, the Town Clerk may revoke the license and permit.

(Ord. 1-98, 1998, §1)

Sec. 6-2-110.   Exhibit of permit.

Whenever requested by any police officer, an official of the Town or any customer or prospective customer, a person shall exhibit identification and his or her permit.

(Ord. 1-98, 1998, §1)

Sec. 6-2-120.   Construction.

It is the intent of the Board of Trustees that not only each person who engages in door-to-door sales in the Town, but also each principal on behalf of whom such individual is acting, shall be licensed as required by this Article.

(Ord. 1-98, 1998, §1)

Sec. 6-2-130.   Exemptions.

The following classes of persons shall not be required to obtain a license or permit otherwise required by this Article:

(1) Deliverymen or routemen who are engaged in the business of servicing and soliciting in connection with sales and delivery routes of newspapers, milk, bread, firewood and farm produce.

(2) Persons selling products raised or produced by such persons within a radius of fifteen (15) miles of the Town.

(3) Persons soliciting lawn mowing and shoveling of snow.

(4) Persons authorized by civic, religious, charitable, government or political organizations.

(5) All companies that have a franchise agreement with the Town.

(6) Persons previously requested or invited to engage in door-to-door sales by the owner or occupant of a residence or commercial or office outlet.

(7) Persons holding a valid and current business license issued by the Town.

(Ord. 1-98, 1998, §1)

Sec. 6-2-140.   Violation; penalties.

(a) It shall be a violation of this Article for any person to employ any other person for the purpose of engaging in door-to-door sales for a salary, commission or other remuneration in the Town, without causing such employee to comply with this Article.

(b) It shall be a violation of this Article for any person to engage in door-to-door sales for any remuneration in the Town without complying with this Article.

(c) Any person violating the provisions of this Article shall be guilty of a misdemeanor and, on conviction, shall be punished as set forth in Section 1-4-20.

(Ord. 1-98, 1998, §1)

## ARTICLE III   Marijuana Facilities and Stores

[Sec. 6-3-10. Definitions.](#BK_D68659163DD28775487329E9ACC39F23)

[Sec. 6-3-20. Marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities, and retail marijuana stores prohibited.](#BK_1634C188A4549C39D08302BE39004146)

[Sec. 6-3-30. Penalty.](#BK_DCCDD6079E1039EFDD2AD620364B3247)

Sec. 6-3-10.   Definitions.

For purposes of this Article III, the following terms shall have the following meanings:

*Marijuana* means all parts of the plant of the genus cannabis whether growing or not, the seeds thereof, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or its resin, including marijuana concentrate. "Marijuana" does not include industrial hemp, nor does it include fiber produced from the stalks, oil, or cake made from the seeds of the plant, sterilized seed of the plant that is incapable of germination, or the weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink, or other product.

*Marijuana accessories* means any equipment, products, or materials of any kind that are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, composting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, vaporizing, or containing marijuana, or for ingesting, inhaling, or otherwise introducing marijuana into the human body.

*Marijuana cultivation facility* means an entity licensed to cultivate, prepare, and package marijuana and sell marijuana to retail marijuana stores, to marijuana product manufacturing facilities, and to other marijuana cultivation facilities, but not to consumers.

*Marijuana establishment* means a marijuana cultivation facility, a marijuana testing facility, a marijuana product manufacturing facility, or a retail marijuana store.

*Marijuana product manufacturing facility* means an entity licensed to purchase marijuana; manufacture, prepare, and package marijuana products; and sell marijuana and marijuana products to other marijuana product manufacturing facilities and to retail marijuana stores, but not to consumers.

*Marijuana products* means concentrated marijuana products and marijuana products that are comprised of marijuana and other ingredients and are intended for use or consumption, such as, but not limited to, edible products, ointments, and tinctures.

*Marijuana testing facility* means an entity licensed to analyze and certify the safety and potency of marijuana.

*Person* means a natural person, partnership, association, company, corporation, limited liability company, or organization, or a manager, agent, owner, director, servant, officer, or employee thereof.

*Retail marijuana store* means an entity licensed to purchase marijuana from marijuana cultivation facilities and marijuana and marijuana products from marijuana product manufacturing facilities and to sell marijuana and marijuana products to consumers.

(Ord. 2013-02, 2013, §2)

Sec. 6-3-20.   Marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities, and retail marijuana stores prohibited.

It is unlawful for any person to operate, cause to be operated, or permit to be operated, any marijuana cultivation facility, marijuana product manufacturing facility, marijuana testing facility, or retail marijuana store within the Town, and all such uses are hereby prohibited in any location within the Town, including any area hereinafter annexed to the Town.

(Ord. 2013-02, 2013, §2)

Sec. 6-3-30.   Penalty.

A violation of the provisions of this Article shall be punishable as follows:

(1) By fine or imprisonment, or both, and assessment of expenses, costs and attorney fees as set forth in Section 1-4-20 of this Code. Each and every day a violation of the provisions of this Article is committed, exists or continues shall be deemed a separate offense as provided in Section 1-4-20 of this Code.

(2) The Town is specifically authorized to seek an injunction, abatement, restitution or any other remedy necessary to prevent, enjoin, abate, or remove a violation; and

(3) Any and all remedies provided for herein shall be cumulative and not exclusive, and shall be in addition to any other remedies provided by law or in equity.

(Ord. 2013-02, 2013, §2)

## ARTICLE IV   Medical Marijuana

[Sec. 6-4-10 Definitions.](#BK_42EF6B8019C44EBBEFF1D484F929D3BE)

[Sec. 6-4-20. Medical marijuana centers, optional premises cultivation operations and medical marijuana-infused products manufacturers' licenses prohibited.](#BK_791ED28D85851B9081E3D698F6E776D6)

[Sec. 6-4-30. Patients and primary caregivers.](#BK_55967EC5E63B45B5FC1D467D61CA7654)

[Sec. 6-4-40. Penalty.](#BK_36EB008C2422563C7502836FAA4D673C)

Sec. 6-4-10   Definitions.

For the purposes of this Article, the following terms shall have the following meanings:

*Medical marijuana* means marijuana that is grown and sold for a purpose authorized by Article XVIII, Section 14 of the Colorado Constitution.

*Medical marijuana center* means a person authorized to be licensed to operate a business as described in the Colorado Medical Marijuana Code that sells medical marijuana to registered patients or primary caregivers as defined in Article XVIII, Section 14 of the Colorado Constitution, but is not a primary caregiver, and which a municipality is authorized to prohibit as a matter of law.

*Medical marijuana-infused products manufacturer* means a person authorized to be licensed pursuant to the Colorado Medical Marijuana Code to operate a business known as a medical marijuana-infused products manufacturing license, and which a municipality is authorized to prohibit as a matter of law.

*Optional premises cultivation operation* means a person authorized to be licensed pursuant to the Colorado Medical Marijuana Code to operate a business known as an optional premises grow facility in order to grow and cultivate marijuana for a purpose authorized by Article XVIII, Section 14 of the Colorado Constitution, and which a municipality is authorized to prohibit as a matter of law.

*Person* means a natural person, partnership, association, company, corporation, limited liability company or organization, or a manager, agent, owner, director, servant, officer or employee thereof.

*Patient* has the meaning provided in Article XVIII, Section 14(1)(c) of the Colorado Constitution.

*Primary caregiver* has the meaning provided in Article XVIII, Section 14(1)(f) of the Colorado Constitution.

(Ord. 2010-04, §2)

Sec. 6-4-20.   Medical marijuana centers, optional premises cultivation operations and medical marijuana-infused products manufacturers' licenses prohibited.

It is unlawful for any person to operate, cause to be operated or permit to be operated within the Town a medical marijuana center, optional premises cultivation operation or facility for which a medical marijuana-infused products manufacturers' license could otherwise be obtained, and all such businesses are hereby prohibited in any location within the Town.

(Ord. 2010-04, §2)

Sec. 6-4-30.   Patients and primary caregivers.

Nothing in this Article shall be construed to prohibit, regulate or otherwise impair the use of medical marijuana by patients, or the provision of medical marijuana by a primary caregiver to a patient in accordance with the Colorado Constitution and consistent with Section 25-1.5-106, C.R.S., and rules promulgated thereunder, as the same may be amended from time to time.

(Ord. 2010-04, §2)

Sec. 6-4-40.   Penalty.

A violation of the provisions of this Article shall be punishable as follows;

(1) By fine or imprisonment, or both, and assessment of expenses, costs and attorney fees as set forth in Section 1-4-20 of this Code. Each and every day a violation of the provisions of this Article is committed, exists or continues shall be deemed a separate offense as provided in Section 1-4-20 of this Code.

(2) The Town is specifically authorized to seek an injunction, abatement, restitution or any other remedy necessary to prevent, enjoin, abate, or remove a violation.

(3) Any and all remedies provided for herein shall be cumulative and not exclusive, and shall be in addition to any other remedies provided by law or in equity.

(Ord. 2010-04, §2)