

## CHAPTER 6

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**ARTICLE I**

**Licenses and Permits Generally**

**Sec. 6-1. Applications.**

Applications for all licenses and permits required by any provision of this Code or any code adopted herein shall be made in writing to the Town Clerk in the absence of a specific provision to the contrary. Each application shall state the name of the applicant, the permit or license desired, the location to be used, if any, the time covered and the fee to be paid; and each application shall contain such additional information as may be needed for the proper guidance of the Town officials in the issuing of the permit or license applied for. (Prior code 14-1)

**Sec. 6-2. Persons subject to license.**

Whenever in this Code or in any code adopted herein a license or permit is required for the maintenance, operation or conduct of any business or establishment, or for doing business or engaging in any activity or occupation, any person shall be subject to the requirement if by himself or herself or through an agent, employee or partner, he or she holds himself or herself forth as being engaged in the business or occupation, or solicits patronage therefor, actively or passively, or performs or attempts to perform any part of such business or occupation in the Town. (Prior code 14-2)

**Sec. 6-3. Forms to be prepared and kept by Town Clerk.**

Forms for all licenses and permits, and applications therefor, shall be prepared and kept on file by the Town Clerk. (Prior code 14-3)

**Sec. 6-4. Signatures required; form proscribed.**

Each license or permit issued shall bear the signatures of the Mayor and the Town Clerk, in the absence of any specific provision to the contrary. The Mayor may authorize in writing that his or her signature may be affixed by the Town Clerk by facsimile, rubber stamp or other method. Such license or permit shall be in substantially the following form:

No. \_\_\_\_\_

STATE OF COLORADO

By Authority of

THE TOWN OF JOHNSTOWN

LICENSE \$ \_\_\_\_\_

Permission is hereby given to \_\_\_\_\_ to maintain and carry on the following described business of \_\_\_\_\_ for the term of \_\_\_\_\_ months, being from the \_\_\_\_ day of \_\_\_\_\_ A.D. 19\_\_ to the \_\_\_\_ day of \_\_\_\_\_ A.D. 19\_\_, both days inclusive.

IN TESTIMONY WHEREOF the signature of the Mayor and Clerk is hereunto affixed this \_\_\_\_ day of \_\_\_\_\_ A.D. 19\_\_.

(SEAL)

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Town Clerk

(Prior code 14-4)

**Sec. 6-5. Investigations.**

Upon the receipt of an application for a license or permit where any provision of this Code or of any code adopted herein necessitates an inspection or investigation before the issuance of such permit or license, the Town Clerk shall refer such application to the proper officer, Board of Trustees or commission for making such investigation within forty-eight (48) hours of the time of such receipt. The officer, Board of Trustees or commission charged with the duty of making the investigation or inspection shall make a report thereon, favorable or otherwise, within ten (10) days after receiving the application or a copy thereof. The Health Officer or such other officer as is delegated by the Board of Trustees shall make or cause to be made an inspection in regard to such licenses in connection with the care and handling of food and the preventing of nuisances and the spread of disease, for the protection of health. The Building Inspector shall make or cause to be made any such inspections relative to the construction of buildings or other structures. All other investigations, except where otherwise specifically provided, shall be made by the Chief of Police or by another officer designated by the Board of Trustees. (Prior code 14-5)

**Sec. 6-6. Fees.**

In the absence of any specific provision to the contrary, all fees and charges for licenses or permits shall be paid in advance at the time application therefor is made to the Town Clerk. When an applicant has not engaged in the business until after the expiration of part of the current license year, the license or permit fee shall be prorated by quarters in the absence of any specific provision to the contrary and the fee paid for each quarter or fraction thereof during which the business has been or will be conducted. Except as otherwise provided, all license or permit fees shall become a part of the General Fund. (Prior code 14-6)

**Sec. 6-7. Termination of licenses; renewal.**

In the absence of any specific provision to the contrary, all annual licenses shall terminate on the last day of the fiscal year. Unless specifically otherwise stated, all annual licenses may be renewed upon payment of the annual license fee to the Town Clerk without further examination or investigation. (Prior code 14-7)

**Sec. 6-8. Compliance with requirements for buildings, premises and zoning required prior to issuance.**

No license shall be issued for the conduct of any business, and no permit shall be issued for any thing or act, if the premises and building to be used for the purpose do not fully comply with the requirements of this Code and any code adopted hereby. No such license or permit shall be issued for the conduct of any business or performance of any act which would involve a violation of Chapter 16 of this Code. (Prior code 14-8)

**Sec. 6-9. Change of location.**

The location of any licensed business, occupation or permitted act may be changed, provided that ten (10) days' notice thereof is given to the Town Clerk, in the absence of any provision to the contrary; provided that the building and zoning requirements of this Code and any code adopted hereby are complied with. (Prior code 14-9)

**Sec. 6-10. Inspections.**

(a) Whenever inspections of the premises used for or in connection with the operation of a licensed or permitted business or occupation are provided for or required by this Code or by any code adopted herein, or are reasonably necessary to secure compliance with any provision of this Code or any code adopted herein or to detect violation thereof, it shall be the duty of the licensee or holder of the permit, or the person in charge of the premises to be inspected, to admit thereto for the purpose of making the inspection any officer or employee of the Town who is authorized or directed to make such inspection at any reasonable time that admission is requested, and it shall be unlawful for such person to fail or refuse to admit such officer or employee for such purpose.

(b) Whenever an analysis of any commodity or material is reasonably necessary to secure conformance with any provision of this Code or any code adopted herein or to detect violations thereof, it shall be the duty of the licensee of the municipality whose business is governed by such provision to give to any authorized officer or employee of the Town requesting the same sufficient samples of such material or commodity for such analysis upon request, and it shall be unlawful for such licensee to fail or refuse to give such samples to such officer or employee.

(c) Conviction of a violation of any provision of this Section shall automatically forfeit and revoke any license issued under this Chapter; provided that there shall be no violation of this Section unless written demand is made upon the licensee or person in charge of the premises, in the name of the Town, stating that such inspection or sample is desired at the time it is sought to make the inspection of or obtain the sample. (Prior code 14-10)

**Sec. 6-11. Revocation.**

The Board of Trustees may, upon seven (7) days' written notice to a licensee or holder of a permit stating the contemplated action and in general the grounds therefor, and after a reasonable opportunity to be heard, revoke any license or permit issued by the Town if it finds that:

- (1) The licensee or holder of a permit has failed to pay the annual license fee;
  - (2) The licensee or holder of a permit has failed to file any reports or furnish any other information that may be required by the provisions relating to the specific license;
  - (3) The licensee or holder of a permit has violated any of the terms of the provisions pertaining to his or her license or permit or any regulation or order lawfully made relating thereto;
- or

(4) Any fact or condition exists which, if it had existed or had been known to exist at the time of the application for such license or permit, would have warranted the refusal of the issuance of such license or permit. (Prior code 14-11)

**Sec. 6-12. Return of fees in case of refusal or revocation.**

Upon refusal 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, 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. (Prior code 14-12)

**Sec. 6-13. Posting.**

It shall be the duty of any person conducting a licensed or permitted business in the Town to keep his or her license posted in a prominent place on the premises used for such business at all times. (Prior code 14-13)

**Secs. 6-14—6-20. Reserved.**

**ARTICLE II**

**Fireworks Permit**

**Sec. 6-41. Sales permit; required.**

No person, partnership, association or corporation shall import, export, offer to sell at retail, or possess for the purpose of sale at retail, any pyrotechnic displays for any use or purpose without first having received a pyrotechnic display sale permit therefor. (Prior code 12.5-11)

**Sec. 6-42. Application.**

Any person, partnership, association or corporation desiring to obtain a pyrotechnic display sale permit shall file an application therefor with the Fire Chief, which application shall be accompanied by an application fee of ten dollars (\$10.00), shall be signed by at least one (1) person twenty-one (21) years of age or older who shall be responsible for the operation under this permit, and which application shall contain the following:

- (1) The name and address of the applicant;
- (2) The names and addresses of the officers, if any, of the applicant;
- (3) The location where the applicant will sell fireworks;
- (4) The date when the applicant was organized and established if the applicant is an association, partnership or corporation;
- (5) The names and addresses of all wholesalers or distributors from whom the applicant proposes to purchase pyrotechnic displays for resale;

- (6) The applicant's state sales tax permit number;
- (7) The manner, method and times when and how the applicant proposes to sell pyrotechnic displays;
- (8) Such other information as the Fire Chief may require in order to complete the investigation required by Section 6-43;
- (9) A statement that the applicant has been licensed by the Secretary of State to make such sale. (Prior code 12.5-12)

**Sec. 6-43. Investigation; issuance.**

The Fire Chief shall cause an investigation to be made of the applicant and of the location which is named in the application, and if he or she concludes that the applicant can safely engage in the sale of fireworks at the location named in the application, and that the applicant has been licensed by the Secretary of State to make such sale, the Fire Chief shall forward his or her written consent to the Town Clerk that the application be granted. Upon receipt of the written consent of the Fire Chief by the Town Clerk and upon receipt of the bond required in Section 6-46 and the policy of public liability insurance required by Section 6-47, and upon receipt of the building permit required by Section 6-48, the Town Clerk shall issue a pyrotechnic display sale permit to the applicant. If any application is denied, the applicant shall have his or her application fee returned. (Prior code 12.5-13)

**Sec. 6-44. Validity, transferability, assignability, renewability.**

A pyrotechnic display sale permit is valid only within the calendar year in which it is issued. Such permit or permits are valid for only the premises or location for which it is issued. No permit is transferable, assignable or renewable. (Prior code 12.5-14)

**Sec. 6-45. Filing deadline.**

Each application for a permit to sell pyrotechnic displays shall be filed with the Fire Chief on or before June 1 of the calendar year for which the permit is sought. (Prior code 12.5-15)

**Sec. 6-46. Cleanup bond.**

Every person granted a pyrotechnic display sale permit shall post, with the Town Clerk, a cash bond in an amount of not less than two hundred dollars (\$200.00) or an approved letter of credit or guaranty from a banking institution authorized to do business in the State of an amount equal to two hundred dollars (\$200.00) to guarantee the prompt removal of any temporary pyrotechnic display sale stand and the cleaning up of the debris from the site of any temporary pyrotechnic display sale stand, which bond shall be returned to the permit holder only in the event he or she removes the temporary stand and cleans up all of the debris to the satisfaction of the Fire Chief. In the event that the permit holder shall fail to so remove the stand and the debris, the cash bond or the money guaranteed by the letter of credit or letter of guaranty shall be forfeited to the Town. In no event shall the permit holder be entitled to the return of the cash bond if he or she fails to remove the temporary pyrotechnic display sale stand and clean up all of the debris therefrom by noon on July 7 of the year in which the permit is granted. (Prior code 12.5-16)

**Sec. 6-47. Liability insurance.**

Each applicant for a pyrotechnic display sale permit shall file with the Town Clerk, prior to the issuance of any permit, a policy of public liability insurance with coverage of at least two hundred fifty thousand dollars (\$250,000.00) per person, five hundred thousand dollars (\$500,000.00) per accident, and property damage insurance coverage of at least twenty-five thousand dollars (\$25,000.00) and a products liability policy of at least three hundred thousand dollars (\$300,000.00). Each applicant shall be responsible for the procuring of necessary insurance and the inclusion therein of coverage to protect the applicant, the manufacturer, the supplier, the seller, the buyer, the user and the Town. (Prior code 12.5-17)

**Sec. 6-48. Building permits.**

Each applicant shall obtain and present a building permit for the temporary stand to be erected on the location set forth in the application from the Building Department to the Town Clerk before the permit is issued. (See Chapter 18) (Prior code 12.5-18)

**Sec. 6-49. Regulations.**

All sales of pyrotechnic displays, pursuant to a pyrotechnic display sale permit issued under this Section, shall be made only in accordance with the following regulations:

(1) All sales shall be at retail by the applicant at the location set forth in the permit.

(2) No pyrotechnic displays shall be sold, or offered for sale, except from 12:00 noon on June 15 to midnight on July 4 of each year.

(3) All retail sales of pyrotechnic displays shall be permitted only from within a temporary stand, and the sale from any other building or structure is prohibited. Temporary stands are subject to the following provisions:

a. No temporary stand shall be located within twenty-five (25) feet of any other building; nor within one hundred (100) feet of any gasoline station; nor within three hundred (300) feet of any such other temporary stand at which pyrotechnic displays are sold.

b. All temporary stands shall meet the structural stability requirements and the requirements for electrical circuits and equipment as required by the Building Code of the Town.

c. The exterior of the stand shall be covered with noncombustible fire-resistant material as approved by the Fire Chief.

d. Each stand shall have exit doors at least thirty (30) inches wide at both ends of the structure and one (1) door in the rear of the structure for each twenty-five (25) feet of length of the rear wall. All doors shall open outward from the stand and all doorways shall be kept free and clear from all supplies and materials at all times.

e. Each stand shall be provided with two (2) fire extinguishers, as approved by the Fire Chief. Each fire extinguisher shall be filled with a fire-combating substance as approved by

the Fire Chief, shall be in good working order and shall be easily accessible for use in case of fire.

f. There shall be at least one (1) individual twenty-one (21) years of age or older available to supervise the operations at all times. No person under sixteen (16) years of age shall be allowed inside any stand at any time, nor shall any person under sixteen (16) years of age work at or about any premises where pyrotechnic displays are sold or offered for sale.

g. No person employed as a watchman shall be permitted to remain inside of any stand when it is not open for business.

h. "NO SMOKING" signs shall be prominently displayed, both inside and outside the stand. No smoking shall be permitted within the stand or within fifteen (15) feet of the stand.

i. No stand shall be erected before June 10 of any year. The premises on which the stand is erected shall be cleared of all structures and debris not later than noon of July 7 in the year in which the license is granted.

j. No person shall allow any rubbish to accumulate in or around any stand or permit a fire nuisance to exist.

k. No pyrotechnic displays shall remain unattended at any time regardless of whether the stand is open for business or not. If any pyrotechnic displays are stored, they shall only be stored at such places as are approved for storage of pyrotechnic displays by the Fire Chief. (Prior code 12.5-19; Ord. 2006-768 §1)

**Sec. 6-50. Revocation.**

Should any licensee fail to comply with any provision of this Article, the Fire Chief shall forthwith and summarily revoke the pyrotechnic display sale permit, in which event the permit holder shall immediately cease the sale of pyrotechnic displays and shall immediately dismantle and remove the temporary stand, cleaning up all debris therefrom. (Prior code 12.5-20)

**Sec. 6-51. Discharge of fireworks in or near stand.**

It is unlawful for any person to set fire to, activate or discharge any pyrotechnic display in, or within twenty-five (25) feet of, any stand where pyrotechnic displays are offered for sale. (Prior code 12.5-21)

**Secs. 6-52—6-60. Reserved.**

## ARTICLE III

### Fireworks Public Display Permit

#### **Sec. 6-61. Possession, use unlawful.**

Subject to the provisions wherein a license for a public fireworks display permit has been validly issued by the Town and is in force, no person, partnership, association or corporation shall possess, store, keep, sell, use or permit the storing, sale, possession, keeping or use of any fireworks. (Prior code 12.5-31)

#### **Sec. 6-62. Required.**

Public displays of either fireworks or pyrotechnic displays may be conducted only if the person, partnership, association or corporation desiring to conduct the same applies for, and is granted, a public fireworks display permit. (Prior code 12.5-32)

#### **Sec. 6-63. Application; contents.**

Any person desiring to conduct a public display of fireworks or pyrotechnic display shall submit an application therefor to the Fire Chief, together with an application fee of ten dollars (\$10.00), which application shall contain the following information:

- (1) The name of the organization sponsoring the display, together with the names of the persons to actually be in charge of the display;
- (2) The date, time and exact location on which the display is to be held;
- (3) The name of the pyrotechnic operator who is to supervise the discharge of the fireworks;
- (4) The class of fireworks to be discharged, the number of set pieces and shells (specifying single or multiple break), and other items including experimental or model rockets or missiles, which shall be activated at such display;
- (5) The manner and place of storage of such fireworks prior to and during the display;
- (6) A diagram of the grounds on which the display is to be held showing the point at which the fireworks are to be discharged, the location of all buildings, highways and other lines of communication, the lines behind which the audience will be restrained, the location of all nearby trees, telegraph and telephone lines, or other overhead obstructions;
- (7) Proof that satisfactory compensation insurance is carried for all employees;
- (8) Proof of public liability insurance in an amount of not less than fifty thousand dollars (\$50,000.00);
- (9) Proof that the applicant has signed a performance bond in a sum of not less than one thousand dollars (\$1,000.00) conditioned on compliance with the provisions of Section 12-28-101

*et seq.*, C.R.S., and with the provisions of this Article; provided that the Town shall not be required to file such bond. (Prior code 12.5-33)

**Sec. 6-64. Investigation of site.**

The Fire Chief shall make, or cause to be made, an investigation of the proposed site for the display of fireworks for the purpose of determining if the fireworks will be of such character, or so located, as to be hazardous to property or person. He or she shall, in the exercise of reasonable discretion, grant or deny the application, and he or she shall have the authority to require and prescribe conditions which must be met for the display. No permit for public display may be granted where the discharge, failure to fire, faulty firing or fallout of any fireworks or other objects would endanger persons, buildings, structures, forests, brush, grass or other objects. (Prior code 12.5-34)

**Sec. 6-65. Operator's responsibilities.**

No public fireworks display permit shall be granted unless at least two (2) experienced pyrotechnic operators are provided. Both operators shall:

- (1) Be responsible for, and have charge of, the display with respect to preparation for transporting, unloading, storing, preparing special effects, setting, arming, firing and disposing of all fireworks or other items used in the display.
- (2) Be responsible for activating and setting off all fireworks used in the display at locations designated and approved in the application, and take into account wind direction and velocity in setting the firing angles. Shells, rockets and missiles shall not be permitted to cross or burst above areas occupied by persons.
- (3) Be held responsible for acts of all persons employed in connection with fireworks for the display. The operators shall have authority to dismiss or discharge any employee or person, whether remunerated or not, at any time. (Prior code 12.5-35)

**Sec. 6-66. Spectators.**

Spectators at public displays of fireworks shall be restrained behind lines or barriers as designated by the Fire Chief. Only authorized persons and those in actual charge of the display shall be allowed inside these lines or barriers during the unloading, preparation, firing and disposal of fireworks. (Prior code 12.5-36)

**Secs. 6-67—6-80. Reserved.**

**ARTICLE IV**

**Auctions and Auctioneers**

**Sec. 6-81. Definition.**

For purposes of this Chapter, an *auctioneer* is herewith defined to be any person who sells at public auction or conducts any auction sale within the corporate limits. (Prior code 7-1)

**Sec. 6-82. License required.**

No person shall carry on or engage in an auction sale within the Town limits without having obtained a license therefor. (Prior code 7-17)

**Sec. 6-83. Fee.**

The license fee for each license required by this Article shall be the sum of five dollars (\$5.00) per day; except that an auctioneer who operates an auction in his or her own auction house or business establishment on a regular weekly or monthly schedule shall pay an annual fee of five dollars (\$5.00). (Prior code 7-18)

**Secs. 6-84—6-100. Reserved.**

**ARTICLE V**

**Skating Rinks, Merry-Go-Rounds, Shows and Exhibitions**

**Sec. 6-101. License required; exception.**

It shall be unlawful for any person to operate any skating rink, merry-go-round, circus, carnival, shows or exhibitions of any kind within the corporate limits of the Town unless such person shall first have obtained a license therefor as hereinafter provided, except that for exhibitions given or made by the citizens of the Town, no license shall be required. (Prior code 4-40)

**Sec. 6-102. Fees.**

For all shows, exhibitions, performances or events described in Section 6-101, the fee shall be such as is affixed by resolution of the Board of Trustees. (Prior code 4-41)

**Secs. 6-103—6-110. Reserved.**

**ARTICLE VI**

**Coin-Operated Game Machines**

**Sec. 6-111. License fee; when payable.**

There shall be an annual license fee of twenty dollars (\$20.00) per each coin-operated game machine within the Town. This fee shall be paid by the operator of the business to the Town on March 1 of each year. (Prior code 4-51)

**Sec. 6-112. Evidence of license; display; records.**

The license shall be evidenced by a document issued by the Town, and issued for and displayed in the establishment. A record must be kept by the operator of the business of all of the machines,

including make, type, serial number and name of owner of the machine and operator of the business. (Prior code 4-52)

**Sec. 6-113. Transfer of license.**

Following a written request from the owner or operators to the Town, said license may be transferable during the year from machine to machine. Upon reasonable cause being shown, the transfer may be approved by the Town Clerk. (Prior code 4-53)

**Sec. 6-114. Inspection of machines.**

The Police Department, or a representative of the Police Department, shall have the authority to inspect at any time the machine to ensure compliance herewith. (Prior code 4-55)

**Secs. 6-115—6-130. Reserved.**

**ARTICLE VII**

**Peddlers and Solicitors**

**Sec. 6-131. Definitions.**

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

(1) *Peddler* means 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, 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.

(2) *Solicitor* means 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, 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 or she is collecting advance payment on such sales or not. (Prior code 20-1)

**Sec. 6-132. License required.**

It shall be unlawful for any person to engage in the business of solicitor or peddler, as defined in this Article, within the corporate limits of the Town without first obtaining a license therefor in compliance with the provisions of this Article. (Prior code 20-18)

**Sec. 6-133. Application; application fee.**

(a) Applicants for a solicitor's or peddler's license shall file with the Town Clerk, at least five (5) days prior to the date upon which the applicant desires to begin his or her business, a sworn

application in writing on a form to be furnished by the Town Clerk, which shall give the following information:

- (1) Name and description of the applicant;
- (2) The permanent home address and full local address of the applicant;
- (3) A brief description of the nature of the business and goods shown for sale or for future delivery;
- (4) If employed, the name, address and phone number of the employer, together with credentials establishing the exact relationship between the employer and employee;
- (5) The length of time for which the right to do business is desired;
- (6) Two (2) identical photographs of the applicant which reasonably identify the applicant, such photographs to measure two (2) inches by two (2) inches;
- (7) The fingerprints of the applicant; and
- (8) A sworn statement taken by the Town Clerk or Chief of Police as to whether the applicant or the company or firm he or she proposes to represent in the Town has ever been convicted of any crime or misdemeanor, or has been adjudged by any court of competent jurisdiction or any administrative agency or tribunal in any regulatory or civil proceeding to have violated any of the criminal or other statutes set forth in Section 6-134(b) and, if so, a statement as to the nature of the offense or violation.

(b) At the time of the filing of the application, a fee of ten dollars (\$10.00) shall be paid to the Town Clerk to cover the cost of investigating the facts stated herein. (Prior code 20-19)

**Sec. 6-134. Investigation; qualifications; issuance; contents.**

(a) Upon receipt of the application provided for in Section 6-133, an investigation shall be conducted at the direction of the Town Clerk to determine the applicant's qualifications for a license as set forth herein.

(b) No license under this Article shall issue to any person who within the five (5) years next preceding the date of his or her application hereunder has been convicted of theft, burglary, assault (menacing), battery or sexual assault, or has been adjudged by any court of competent jurisdiction or any administrative agency or tribunal in any administrative, regulatory or civil proceeding to have violated any of the following:

- (1) Article 2 (concerning credit sales) or Article 4 (concerning credit insurance) of the Colorado Uniform Consumer Credit Code (Title 5, C.R.S.);
- (2) The Colorado Consumer Protection Act (Title 6, Article 1, C.R.S.);
- (3) Colorado Unfair Practices Act (Title 6, Article 2, C.R.S.);

(4) Colorado Fair Trade Act (Title 6, Article 3, C.R.S.);

(5) Any law of any other state or of the United States containing substantially the same provisions as any of the above named acts.

(c) No license shall issue hereunder to any person who represents, proposes or intends to represent as a peddler or solicitor in the Town any company or firm which has been adjudged by any court of competent jurisdiction or any administrative agency or tribunal in any administrative, regulatory or civil proceeding to have violated any of the statutes set forth in paragraphs (1) through (5) of Subsection (b) above.

(d) If no disqualifying factors set forth herein appear from the investigation, upon receipt of the necessary fees as set forth hereafter, the Town Clerk shall execute and deliver to the applicant a license to carry on his or her business within the corporate limits of the Town within a period of time not exceeding thirty (30) days, except as hereinafter set forth.

(e) The license issued shall contain the signature and seal of the issuing officer, the type of license or permit issued, the kind of goods to be sold thereunder, the date of issuance, the expiration date thereof, and a two (2) inch by two (2) inch photograph of the applicant. (Prior code 20-20)

**Sec. 6-135. License fee.**

(a) The license fee which shall be charged in advance by the Town Clerk for any such license shall be two dollars and fifty cents (\$2.50) per day, ten dollars (\$10.00) per each seven (7) day week, or twenty-five dollars (\$25.00) per each thirty (30) day month.

(b) An annual license and permit may be obtained by paying to the Town Clerk the sum of fifty dollars (\$50.00) per year in advance. This license shall be kept in full force and effect by submitting to the Town Clerk, after each thirty (30) day period during which the annual license is in force, a sworn statement setting forth that the facts as contained in the original application still remain the same as set forth therein. If such written statement is not filed at the end of every thirty (30) day period during which the annual license is to be in full force and effect, the Town Clerk can suspend the license and any such business carried on after the suspension of the license shall be deemed a violation of this Article.

(c) None of the license fees provided for herein shall be so applied as to occasion an undue burden upon interstate commerce. In any case where a license fee is believed by the licensee or applicant for a license to place an undue burden upon such commerce, he or she 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. Such application may be made before, at or within six (6) months after payment of the prescribed license fee. The applicant shall, by affidavit and supporting testimony, show his or her method of business and the gross volume of business and such other information as the Board of Trustees may deem necessary in order to determine the extent, if any, of such undue burden on such commerce. The Board of Trustees shall then conduct an investigation, comparing the applicant's business with other businesses of like nature and shall make findings of fact from which it shall determine whether the fee fixed by this Section is unfair, unreasonable or discriminatory as to the applicant's business, and shall fix as the license fee for the applicant an amount that is fair,

reasonable and not discriminatory, or, if the fee has already been paid, a refund shall be ordered of the amount over and above the fee so fixed. (Prior code 20-21)

**Sec. 6-136. Exhibition of license.**

Solicitors and peddlers are required to exhibit their licenses at the request of any citizen of the Town. (Prior code 20-22)

**Sec. 6-137. Revocation.**

(a) Licenses issued under this Article may be revoked by the Board of Trustees after notice and hearing for any of the following causes:

- (1) Fraud, misrepresentation or false statement contained in the application of the license;
- (2) Fraud, misrepresentation or false statement made in the course of carrying on his or her business as solicitor or as peddler;
- (3) Any violation of this Code or other ordinance of the Town;
- (4) Conviction of any crime or misdemeanor involving moral turpitude; or
- (5) 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.

(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 local address as set forth in the application, at least five (5) days prior to the date set for the hearing. (Prior code 20-23)

**Sec. 6-138. Appeal.**

Any person aggrieved by the action of the police or the Town Clerk in the denial of a license required by this Article 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 of Trustees shall set a time and place for the hearing and shall give notice to the appellant in the same manner as provided in Section 6-137. The decision of the Board of Trustees shall be final and conclusive, except as provided by the laws of the State. (Prior code 20-24)

**Sec. 6-139. Expiration.**

All licenses issued under the provisions of this Article shall expire on the date as set forth thereon. (Prior code 20-25)

**Sec. 6-140. Exemptions.**

Organizations organized and operated exclusively for religious, charitable, scientific or educational purposes, no part of whose net earnings inures to the benefit of any private shareholder or individual, and all duly accredited representatives of such organizations, are exempt from the provisions or requirements of Subsections 6-133(a)(6), (7) and (8), and the fee requirement in Sections 6-133(b) and 6-135. (Prior code 20-26)

**Sec. 6-141. Observance of *No Peddlers/Solicitors* signs required.**

It shall be unlawful for any person engaged as a peddler or solicitor in the Town to call on or attempt to contact any person at, or knock at or ring the doorbell of premises bearing or displaying a *No Solicitors* or *No Peddlers* sign or any other sign or notice which conveys said message with reasonable clarity. (Prior code 20-3)

**Secs. 6-142—6-160. Reserved.**

**ARTICLE VIII**

**Tree Trimmers**

**Sec. 6-161. Application and licensing required for tree trimmers.**

(a) It shall be unlawful for any person to engage in the business of cutting, trimming, pruning or removing trees, shrubs or other plants within the Town without a license therefor from the Town.

(b) Any person desiring a license pursuant to this Article shall make application therefor at the office of the Town Clerk on forms to be provided by the Town. The Town Clerk shall examine the applicant's qualifications and references to engage in the business applied for. No license shall be issued or renewed without the approval of the Town Clerk.

(c) No such license shall be issued until the applicant therefor has presented to the Town Clerk a satisfactory liability insurance policy in the sum of at least one hundred thousand dollars (\$100,000.00) for the injury or death of any one (1) person; three hundred thousand dollars (\$300,000.00) for the injury or death of any number of persons in any one (1) accident; and twenty-five thousand dollars (\$25,000.00) for damage to property. Said policy coverage is to extend to all operations of the licensee and shall be written according to local custom and practice for the benefit and protection of the Town and the people therein. Such insurance policy shall require at least thirty (30) days' advance notice to the Town before cancellation. In the event of the cancellation or termination of any such required insurance policy during the license term, the license shall be terminated and the holder thereof shall surrender the same to the Town Clerk unless the licensee presents to the Town Clerk a substitute insurance policy meeting the requirements of this Section.

(d) No license shall be issued hereunder until the applicant has paid a license fee of five dollars (\$5.00) for the original license. Every license issued hereunder shall expire one (1) year after the date of its issuance. Renewal applications may be submitted at the office of the Town Clerk within thirty (30) days of the date the license will expire. (Ord. 460, § 16-150, 1991)

**Sec. 6-162. Suspension or revocation of license; hearing.**

(a) Upon the verified complaint in writing by any person, the Board of Trustees may suspend or revoke any license issued hereunder for violation of this Article. The complaint shall be submitted in writing to the Board of Trustees and shall state the date, time and place of violation. Before suspending or revoking any licensee pursuant to this Section, the Board of Trustees shall first mail, by certified mail, a copy of the complaint to the license holder and give notice of a date, not less than five (5) days after the date of mailing, on which the Board of Trustees will hold a hearing to determine whether or not such license shall be suspended or revoked. (Ord. 460, § 16-152, 1991)

**Secs. 6-163—6-170. Reserved.**