

**TOWN OF LYONS  
COLORADO**

**ORDINANCE 1096**

**AN ORDINANCE OF THE TOWN OF LYONS, COLORADO REPEALING AND  
REPLACING CHAPTER 6, ARTICLE 1 OF THE LYONS MUNICIPAL CODE  
CONCERNING BUSINESS LICENSES**

**WHEREAS**, pursuant to Sections 31-15-401 and 31-23-301, C.R.S., the Town of Lyons (“the Town”) has broad authority to exercise its police powers to promote and protect the health, safety and welfare of the community and its residents; and

**WHEREAS**, the Town previously adopted regulations regarding the issuances, renewal, and revocation of business licenses in Chapter 6, Articles 1 of the Lyons Municipal Code (“LMC”); and

**WHEREAS**, it is necessary to amend the LMC in order to update the requirements for the issuance, denial, renewal, and revocation of business licenses in addition to other miscellaneous updates as set forth with particularity in **Exhibit A** and **Exhibit B**, attached hereto and incorporated by reference; and

**WHEREAS**, The Lyons Board of Trustees desire to repeal and replace Chapter 6, Article 1 and create a new Chapter 6, Article 1 of the LMC, as set forth in this Ordinance, and determines that the amendments promote the health, safety, and welfare of the citizens of and visitors to the Town of Lyons.

**NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE  
TOWN OF LYONS, COLORADO:**

Section 1. Recitals Incorporated. The recitals set forth above are hereby incorporated by reference and are adopted as findings and determinations of the Board of Trustees.

Section 2. Chapter 6, Article 1, of the Lyons Municipal Code is hereby repealed in its entirety and replaced with the following provisions:

**Sec. 6-1-10. - License required.**

- (a) It shall be unlawful for any person to Engage in Business in the Town, including selling tangible personal property or providing taxable services, without first having obtained a Town of Lyons business license and any other applicable Town licenses. Licenses shall be granted and issued by the Town Clerk and shall be in force and effect until December 31 of the year in which it is issued, unless revoked.

- (b) Licenses shall be granted and renewed only upon application stating the name and address of the person desiring the license, the name and location of the Business and other facts as the Town Clerk may require.

**Sec. 6-1-20. – Definitions**

The Following definition shall be applicable to this Chapter:

*Business* means all activities engaged in or caused to be engaged in with the object of gain, benefit or advantage, direct or indirect.

*Engaged in Business in the Town* means performing or providing services or selling, leasing, renting, delivering or installing tangible personal property, products or services for storage, use or consumption, within the Town. Engaged in Business in the Town includes, but is not limited to, any one of the following activities by a person:

1. Directly, indirectly, or by a subsidiary maintains a building, store, office, salesroom, warehouse, or other place of Business within the Town;
2. Sends one or more employees, agents, or commissioned salespersons into the Town to solicit or conduct Business or to install, assemble, repair, service, or assist in the use of its products or services, or for demonstration or other reasons;
3. Maintains one or more employees, agents, independent contractors, or commissioned salespersons on duty at a location within the Town;
4. Owns, leases, rents or otherwise exercises control over commercial or industrial real property within the Town excluding any Accessory Dwelling Units;
5. Retailer or vendor in the State of Colorado that makes more than one delivery into the Town within a 12-month period; or
6. Makes sales of tangible personal property or taxable services in the Town of Lyons.

**Sec. 6-1-30. – License applications.**

The application for every license required by and issued under authority of the Town shall contain the following information:

- (1) The name of the person, firm, or corporation desiring a license(s).

- (2) The residential address of the applicant, or each individual member of the firm or each individual directing officer of the corporation, their respective telephone numbers and the applicant's principal place of Business.
- (3) The kind of license(s) desired if licenses additional to a business license is required.
- (4) A narrative description of the Business, trade or profession to be performed, practiced or carried out.
- (5) The street address, if any, where the Business is to be carried out.
- (6) The year for which the license(s) is sought.
- (7) Any other relevant information required by the terms or provisions pertaining to the particular license(s) sought.

**Sec. 6-1-40. – Issuance or denial of license.**

(a) Issuance

- (1) In case Business is transacted at one (1) or more separate premises by one (1) person, a separate license for each place of Business shall be required.
- (2) Unless one or more of the grounds for license denial exist, as set forth in subsection (b) below, the Town Clerk shall issue and deliver to the applicant the license(s) requested upon the receipt of the application containing the information set forth in Section 6-1-30 above, proof that the annual fee therefor has been paid in advance, the execution and delivery of any bond or insurance that may be required, the approval of the application for the license(s) where the same is required and the fulfillment of all other specific requirements relating to the issuance of the particular license(s).
- (3) Each license shall be numbered and shall show the licensee's name, the Business's name, address, and type of license. The license(s) shall be posted in a conspicuous place in the place of Business for which it is issued. No license shall be transferable.

(b) Denial

The Town Clerk may deny an application for any license under this Chapter upon a determination that:

- (1) The applicant has failed to supply any of the information required under Section 6-1-30 or contained on the application;
- (2) The applicant has provided false information or misrepresented a material fact in connection with an application;
- (3) The applicant has failed to obtain required the insurance for the license(s);
- (4) The applicant has failed to pay the required license fee(s) for the year for which the license(s) is sought, has failed to pay a required license fee(s) or any penalties or other amounts relating to prior failures to pay, or has failed to pay any other debt owed to the Town;
- (5) The applicant is delinquent on any sales, use, or lodging taxes owed to the Town, unless the applicant has entered into, and is current on, any payment agreement relating to delinquent sales, use or lodging taxes;
- (5) The applicant has within the past three (3) years, from application date, violated a law or condition governing the activities permitted by the license;
- (6) The applicant has previously unlawfully conducted activities that require a permit or license without obtaining permission in advance;
- (7) The applicant had a Town-issued license revoked within the past year;
- (8) The applicant does not have a required state or federal license to engage in the activity authorized by the license; or
- (9) The applicant has been finally convicted or has plead guilty to a criminal or administrative offense and is likely to create a danger to the public health, safety, or welfare if the applicant were to engage in similar conduct after the license(s) were issued.

If the Town Clerk denies a license application under this section, the Town Clerk shall notify the applicant in writing stating the specific grounds for the denial. The applicant may thereafter appeal the denial of the application under the procedures prescribed by Section 2-4-10 of this Code.

(c) Timeframe for Review

The Town Clerk shall review applications for a business license in accordance with the following timeframe for review.

- (1) Decisions on a business license application shall be made within thirty (30) calendar days of submission to the Town Clerk.
- (2) The Clerk may issue a conditional business license within thirty days (30) of submission for applications which require additional review by the Town Clerk. A conditional business license shall have the same benefits of a business license while review is ongoing. If a conditional business license is issued, the Town Clerk shall make a final decision on the application within ninety (90) days of submission.
- (3) If an application is determined to be incomplete, the application shall be denied by the clerk with a written explanation of why the application is incomplete. Upon resubmission, the timeline for review shall restart.

**Sec. 6-1-50. – Contents of license.**

Each license shall show upon its face the name of the license number, the person to whom it has been issued, the street address where any Business is to be carried out, the kind of license, the amount paid therefor, the year for which the license is issued and any other information required by this Chapter to be displayed thereon.

**Sec. 6-1-60. – Term of license.**

All licenses shall be issued on a calendar-year basis only and shall expire at the end of the calendar year for which they are issued.

**Sec. 6-1-70. – Prorating license fees.**

The license fee shall be for the calendar year in which the license is issued unless provided otherwise. There shall be no reduction or proration of fees where the license is applied for after the first of the calendar year.

**Sec. 6-1-80. – Records of licensees.**

The Town Clerk shall keep a record of all licenses issued, setting forth the name of every licensee, the place of Business licensed, if any, and the kind of license(s) issued.

**Sec. 6-1-90. – Posting and exhibition.**

Every license for a Business to be conducted at a particular street address shall be posted in a conspicuous place within the Business during the period the license is valid. It shall be the duty of each and every person to whom a license has been issued by the Town to exhibit the same upon the request of any law enforcement officer, inspector, code enforcement officer, or other officer of the Town.

**Sec. 6-1-100. - License transfers; fee.**

No license may be transferred from one (1) person to another, or from one (1) place to another, except where permitted by state law or the provisions of this Code relating to the particular license, and then only by the Town Clerk after written application therefor and the payment of a transfer fee, if any, as set forth in the annual fee resolution adopted by the Board of Trustees, as amended from time to time. Applications for transfer shall be evaluated in accordance with the provisions of Section 6-1-40 above.

**Sec. 6-1-110. - License renewals.**

- (a) It shall be the duty of each licensee on or before January 1 of each year to obtain a renewal of any required license. The Clerk may denial a renewal pursuant to the provisions of Section 6-1-4.
- (b) Any licensee may make application for a new license for the succeeding year and pay the required fee therefor on or before the expiration date of any license issued to him or her for the current year. Whenever any application and license fee payment is not received on or before the expiration date of the license issued for the current year and the licensee continues to engage in the Business or activity for which the license was issued, a penalty of ten percent (10%) of the amount of the license fee shall be imposed and collected, and an additional five percent (5%) of the original fee shall be added on the last day of each calendar month after the expiration date. In addition to the above penalty, it shall be unlawful for a licensee to continue to engage in any Business or activity after his or her license therefor has expired.

**Sec. 6-1-120. – Suspension or revocation of license.**

The Board of Trustees may initiate a hearing to consider a temporary suspension or revocation of a license upon seven (7) days' written notice to a licensee stating the contemplated action and the grounds for the temporary suspension or

revocation. After a reasonable opportunity to be heard, the Board may temporarily suspend or revoke any license issued by the Town if it finds that:

- (1) The licensee has failed to pay the annual license fee for the current or any prior year or has failed to pay any penalties or other amounts owed to the Town relating to prior license years;
- (2) The licensee 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 has violated any of the terms of the provisions pertaining to their license or has violated any local, state, or federal law, regulation, or order which relates to their license, including, without limitation, any failure to pay taxes or perform a payout agreement relating to the payment of taxes; or
- (4) Any fact or condition exists which, if it has existed or had been known to exist at the time of the application for the license, would have warranted the refusal of the issuance of the license.

If any Section this Chapter or provision state law contains a specific procedure for suspension or revocation for a particular type of license, those specific provisions shall control where in conflict with the requirements of this Section.

**Sec. 6-1-130. - Return of fees.**

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

**Sec. 6-1-140. - Other Businesses and trades.**

This Section shall apply to any and all Businesses or trades operating within the corporate limits of the Town not specifically covered by other provisions of this Chapter.

- (1) License required. It shall be unlawful for any person to operate any Business or trade within the corporate limits of the Town without first obtaining a business or trade license therefor, except for licensed

plumbers, electricians or other Business, trade or profession as may be exempted therefrom by state or federal law.

- (2) License fee. Each application for a business or trade license shall be accompanied by an annual license fee, as set forth in the annual fee resolution adopted by the Board of Trustees, as amended from time to time. Said license fee shall be due and payable in the office of the Town Clerk prior to the issuance of any business or trade license.
- (3) Expiration, renewal, and transfer of license. All licenses issued under this Section shall expire December 31 of the calendar year in which it was issued and shall be renewable upon written application made before said date. No license pursuant to the provisions of this Section shall be transferable.
- (4) Issuance, denial, suspension, and revocation of license. Licenses may be issued in accordance with Section 6-1-40(a). Licenses may be denied in accordance with the provisions of Section 6-1-40(b). Licenses may be suspended or revoked in accordance with the provisions of 6-1-120.

#### **Sec. 6-1-150. - Exemptions.**

No license shall be required for any person engaged exclusively in the Business of selling commodities which are exempt from taxation under this Article.

#### **Sec. 6-1-160. - Violation.**

Any person Engaged in Business in the Town, without having and maintaining all necessary licenses shall be guilty of a violation of this Article. Violations of this Chapter shall be punishable in accordance with the applicable provisions of Section 1-4-10 *et seq* of this Code.

Section 3. Severability. Should any one or more sections or provisions of this Ordinance be judicially determined invalid or unenforceable, such judgment shall not affect, impair or invalidate the remaining provisions of this Ordinance, the intention being that the various sections and provisions are severable.

Section 4. Repeal. All other ordinances or resolutions or parts of ordinances or resolutions in conflict with the provisions of this Ordinance are hereby repealed, provided that such repeal shall not repeal any repealer clauses in such ordinances nor revive any ordinance thereby.

Section 5. Effective Date. This Ordinance shall become effective thirty (30) days after publication following final passage in accordance with Section 2-2-160 of the Lyons Municipal Code.

Section 6. Codification Amendments. The codifier of the Town's Municipal Code, Municipal Code Corporation, is hereby authorized to make such numerical and formatting changes as may be necessary to incorporate the provisions of Section 2 of this Ordinance within the Lyons Municipal Code.

**INTRODUCED AND PASSED ON FIRST READING THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021.**

**INTRODUCED, PASSED, ADOPTED AND ORDERED PUBLISHED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021.**

**TOWN OF LYONS, COLORADO**

Nicholas Angelo, Mayor

ATTEST:

Dolores M. Vasquez, CMC - Town Clerk

**EXHIBITS:**

**Exhibit A:** Redline of Changes

**Exhibit B:** Clean Copy of Changes