

CHAPTER 6 Business Licenses and Regulations

**CHAPTER 6 Business Licenses and Regulations**

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**ARTICLE 1 Licenses and Permits Generally**

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**Sec. 6-1. Purpose.**

The purpose of this chapter is the regulation and registration of retail businesses operating within the town for the health, safety and welfare of the citizens of the town, and for the proper collection of sales tax which supports the town.

(Ord. 91-7 §1, 1991)

**Sec. 6-2. License required.**

No person shall engage or be engaged in the operation, conduct or carrying on of any retail, profession, trade or business within the town until he or she shall have first obtained a license therefor from the town, except as follows:

- (1) Nonprofit state corporations and federal, state or municipal corporations are hereby exempt from the license set forth in this chapter.

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- (2) Persons conducting a business which has as its principal place of business outside of the town shall obtain a peddlers and solicitors license and/or permit instead of a business license.

(Ord. 91-7 §1, 1991)

**Sec. 6-3. Separate license required for each trade or business.**

Any person operating, conducting or carrying on any retail trade, profession or business which contains or is composed of separate businesses shall secure individual licenses for each trade, profession or business.

(Ord. 91-7 §1, 1991)

**Sec. 6-4. License application.**

Every person required to obtain a license under this chapter shall make application for the license to the town clerk upon forms provided by the town, and 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, and the penalties provided in Title 31, C.R.S., shall be applicable.

(Ord. 91-7 §1, 1991)

**Sec. 6-5. Payment of fee.**

The fee required for any license shall be paid at the office of the town clerk before the granting of the license.

(Ord. 91-7 §1, 1991)

**Sec. 6-6. License fees.**

Every person required to be licensed by the provisions of this chapter shall pay as follows:

- (1) For sixty (60) days following the effective date of the ordinance codified in this article, there shall be no fee for any license.
- (2) Unless otherwise provided for in this chapter, a fee in such amount as shall be adopted by the town by resolution of the board of trustees shall be imposed for every license.

(Ord. 91-7 §1, 1991; Ord. 13-13 §10, 2013)

**Sec. 6-7. Issuance.**

Upon receipt of the required fee and compliance with section 6-4 above, the town clerk shall issue a certificate separate from the tax receipt which shall indicate that the license tax has been paid for the specified year.

(Ord. 91-7 §1, 1991)

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**Sec. 6-8. Carrying or posting license required.**

No licensee shall fail to carry any license issued in accordance with the provisions of this chapter upon his or her person at all times when engaged in the operation, conduct or carrying on of any retail trade, profession or business for which the license was granted; except that, where such trade or business is operated, conducted or carried on at a fixed place or establishment, such license shall be exhibited at all times in some conspicuous place in the place of business. Every licensee shall produce his or her license for examination when requested to do so by any town police officer or by any person representing the town.

(Ord. 91-7 §1, 1991)

**Sec. 6-9. License nontransferable.**

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

(Ord. 91-7 §1, 1991)

**Sec. 6-10. Period of license.**

All licenses shall cover a period of three hundred sixty-five (365) days from the date of issuance of the license.

(Ord. 91-7 §1, 1991)

**Sec. 6-11. Suspension and revocation of license.**

The local licensing authority has the power to suspend or revoke any license issued according to Section 12-47-110(1) to (8), C.R.S., and 1 C.C.R. 203, reg. 47-110.1 and 47-110.2, as amended. The local licensing authority has the specific authority to impose the optional procedures set forth in Section 12-47-110(3) to (6), C.R.S.

(Ord. 91-7 §1, 1991; Ord. 94-15 §1, 1994)

**Secs. 6-12—6-19. Reserved.**

**ARTICLE 2 Peddlers and Solicitors**

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**Sec. 6-20. Title.**

This article shall be known and cited as the Hudson Peddlers and Solicitors Ordinance. (Ord. 91-2 §1, 1991)

**Sec. 6-21. Definitions.**

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

Clerk means the town clerk.

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.

Sales tax means the tax authorized and levied by and within the town, pursuant to ordinance (Ord. 91-2 §2, 1991)

**Sec. 6-22. 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 chapter.
- (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 chapter.
- (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.

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(Ord. 91-2 §3, 1991)

**Sec. 6-23. 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 as adopted by the town by resolution of the board of trustees, 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 as adopted by the town by resolution of the board of trustees, and such permit shall be issued for six (6) months or the term remaining on the license such permit is issued under, if any.

(Ord. 91-2 §4, 1991; Ord. 13-13 §11, 2013)

**Sec. 6-24. 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 chapter.
  - (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.

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(Ord. 91-2 §5, 1991)

**Sec. 6-25. 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 chapter 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. 91-2 §6, 1991)

**Sec. 6-26. 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. 91-2 §7, 1991)

**Sec. 6-27. Records.**

The town clerk shall maintain records showing each license or permit issued and the alleged violations of this article.

(Ord. 91-2 §8, 1991)

**Sec. 6-28. 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

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pursuant to this code. The decision of the board of trustees shall be by a majority of the quorum of the board.

(Ord. 91-2 §9, 1991)

**Sec. 6-29. 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. 91-2 §10, 1991)

**Sec. 6-30. Violation; penalties.**

It shall be a violation of this article for any person who employs any other person to engage in door-to-door sales for a salary, commission or other remuneration in the town, without causing such employee to comply with this article, and they shall be guilty of a misdemeanor and, on conviction, shall be punished as set forth in section 1-51 of this code.

(Ord. 91-2 §11, 1991)

**Sec. 6-31. Revocation of license or permit.**

If the town clerk finds that any of the grounds stated in section 6-25 of this article 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. 91-2 §12, 1991)

**Sec. 6-32. 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. 91-2 §13, 1991)

**Sec. 6-33. Construction.**

It is the intent of the board of trustees that not only each person who engaged 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. 91-2 §14, 1991)

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**Sec. 6-34. 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 soliciting lawn mowing and shoveling of snow.
- (3) Persons authorized by civic, religious, charitable, government or political organizations.
- (4) All companies that have a franchise agreement with the town.
- (5) 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.
- (6) Persons holding a valid and current business license issued by the town.

(Ord. 91-2 §15, 1991)

**Secs. 6-35—6-40. Reserved.**

**ARTICLE 3 Sexually Oriented Businesses**

Division 1 - General Provisions

Division 2 - Permits

Division 3 - Manager's License

Division 4 - Inspection

Division 5 - Sexually Explicit Films or Videos in Peep Booths

Division 6 - Hours of Operation

Division 7 - Additional Regulations

Division 8 - Criminal Penalties and Additional Relief

***Division 1 General Provisions***

[Sec. 6-41. Purpose; intent.](#)

[Sec. 6-42. Definitions.](#)

[Secs. 6-43—6-46. Reserved.](#)

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**Sec. 6-41. Purpose; intent.**

- (a) The purpose and intent of this article is to establish reasonable and uniform regulations designed to curtail the potential harmful secondary effects of sexually oriented businesses upon the surrounding communities in which they are located. These reasonable and uniform regulations are designed to protect town citizens from increased crime, to preserve the quality of life, property values and character of neighborhoods and businesses, to deter the spread of urban blight and to protect against the spread of sexually transmitted diseases.
- (b) The provisions of this article shall not impose limitations or restrictions on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent of this article to restrict or deny access by adults to sexually oriented materials protected by the First Amendment of the United States Constitution or the Colorado Constitution, or to deny access by the distributors and exhibitors of sexually oriented materials to their intended market. It is also not the intent or purpose of this article to condone or legitimize the distribution of obscene material.

(Ord. 02-08 §1, 2002)

**Sec. 6-42. Definitions.**

Unless the context otherwise dictates, the words and phrases used in this article shall have the following meanings:

Board of trustees is the board of trustees of the town.

Employee means a person who works or performs in or for a sexually oriented business, regardless of whether or not said person is paid a salary, commission, wage or other compensation by the operator of said business.

Establishment of a sexually oriented business means and includes any of the following:

- a. The opening or commencement of any such business as a new business;
- b. The conversion of an existing business into a sexually oriented business;
- c. The addition of a sexually oriented business to any other existing sexually oriented business; or
- d. The relocation of a sexually oriented business.

Licensing officer means the town clerk of the town.

Manager means an operator, other than a licensee, who is employed by a sexually oriented business to act as a manager or supervisor of employees or is otherwise responsible for the operation of the business.

Operator means and includes the owner, permit holder, custodian, manager, operator or person in charge of any permitted or licensed premises.

Permittee and/or licensee means a person in whose name a permit or license to operate a sexually oriented business has been issued, as well as the individual listed as an applicant on the application for a permit or license.

Person means an individual, proprietorship, partnership, corporation, limited liability company, association or other legal entity.

Premises or permitted or licensed premises means any premises that requires a license or permit and that is classified as a sexually oriented business.

Principal owner means any person owning, directly or beneficially:

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- a. Ten percent (10%) or more of a corporation's equity securities;
- b. Ten percent (10%) or more of the membership interests in a limited liability company; or
- c. In the case of any other legal entity, ten percent (10%) or more of the ownership interests in the entity.

Specified criminal acts means any offense which is included in the definition of "unlawful sexual behavior" under Section 18-3-412.5, C.R.S., Sex Offenders-Duty to Register-Penalties, or any offense committed in another state that, if committed in the state, would constitute an offense involving unlawful sexual behavior, or any offense that has a factual basis of one (1) of the offenses specified in the definition of "unlawful sexual behavior." Specified criminal acts also includes any offense involving soliciting for prostitution, prostitution, patronizing a prostitute, pandering, pimping, public indecency or the distribution or possession of obscene materials.

Transfer of ownership or control of a sexually oriented business means and includes any of the following:

- a. The sale, lease or sublease of the business;
- b. The transfer of securities which constitute a controlling interest in the business, whether by sale, exchange or similar means; or
- c. The establishment of a trust, management arrangement, gift or other similar legal device which transfers ownership or control of the business, except for transfer by bequest or other operation of law upon the death of a person possessing the ownership or control.

Zoning code means the town zoning ordinance as amended.

(Ord. 02-08 §1, 2002)

**Secs. 6-43—6-46. Reserved.**

***Division 2 Permits***

[Sec. 6-47. Permit required.](#)

[Sec. 6-48. Application.](#)

[Sec. 6-49. Duty to supplement application.](#)

[Sec. 6-50. Investigation; application.](#)

[Sec. 6-51. Issuance.](#)

[Sec. 6-52. Expiration.](#)

[Sec. 6-53. Suspension.](#)

[Sec. 6-54. Revocation.](#)

[Sec. 6-55. Transferability.](#)

[Sec. 6-56. Appeal rights.](#)

[Secs. 6-57—6-62. Reserved.](#)

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**Sec. 6-47. Permit required.**

- (a) No sexually oriented business shall be permitted to operate without a valid sexually oriented business permit issued by the town.
- (b) It shall be unlawful for any person to operate or cause to be operated a sexually oriented business if said person knows or reasonably should know that:
  - (1) The business does not have a sexually oriented business permit.
  - (2) The business has a permit which is under suspension.
  - (3) The business has a permit which has been revoked.
  - (4) The business has a permit which has expired.
- (c) Before any person may work at a licensed premises, he or she shall file a notice with the licensing officer of his or her intended employment on forms supplied by the licensing officer and shall receive approval of such employment from the licensing officer. The prospective employee shall supply such information as the licensing officer requires, including a set of fingerprints, on regular United States Department of Justice forms. Upon approval, the employee may begin working at the licensed premises. If approval is denied, the prospective employee may, within twenty (20) days from the date of the denial, apply to the licensing officer for a hearing. The decision of the licensing officer after hearing may be appealed to the board of trustees, which may issue such order as is proper in the premises. An investigation fee in an amount as shall be adopted by the town by resolution of the board of trustees shall accompany the notice of intended employment or a receipt of the licensing officer evidencing the payment of such fee at the time the notice is filed.

(Ord. 02-08 §1, 2002; Ord. 13-13 §12, 2013)

**Sec. 6-48. Application.**

- (a) The licensing officer is responsible for granting, denying, revoking, renewing, suspending and canceling sexually oriented business permits for proposed or existing sexually oriented businesses.
- (b) The building inspection department is responsible for ascertaining whether a proposed sexually oriented business for which a permit application has been submitted complies with all locational requirements of this article and the zoning ordinance.
- (c) The chief of police, another duly authorized law enforcement representative or his or her designee is responsible for providing information on whether an applicant has been convicted of a specified criminal act during the time periods set forth in paragraph 6-57(c)(10) below.
- (d) The building inspection department is responsible for inspecting a proposed sexually oriented business in order to ascertain whether it is in compliance with applicable statutes and ordinances.
- (e) Any person desiring to operate a sexually oriented business shall file with the licensing officer an original and two (2) copies of a sworn permit application on the standard application form supplied by the licensing officer.
- (f) The completed application shall contain the following information and shall be accompanied by the following documents:
  - (1) If the applicant is an individual, the individual shall state his or her legal name and any aliases and submit satisfactory proof that he or she is:
    - a. Eighteen (18) years of age or older; or

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- b. Twenty-one (21) years of age or older if the sexually oriented business will provide live entertainment.
- (2) If the applicant is a legal entity, the person shall state its complete name; the date and place of its organization; evidence that it is in good standing under the laws of the state in which it is organized, and if it is organized under the laws of a state other than Colorado, that it is registered to do business in Colorado; the names and capacity of all officers, directors, managers and principal owners; and the name of the registered agent and the address of the registered office for service of process, if any.
- (3) If the applicant intends to operate the sexually oriented business under a name other than that of the applicant, he or she must state the sexually oriented business's fictitious name.
- (4) Whether the applicant or any other individual listed pursuant to paragraph (f)(1) or (2) above has been convicted of a specified criminal act within the times set forth in paragraph 6-57(c)(10) below, and, if so, the specified criminal act involved, the date of conviction and the place of conviction.
- (5) Whether the applicant or any other individual listed pursuant to paragraph (f)(1) or (2) has had a previous permit under this or other similar sexually oriented business ordinances from another city, town or county denied, suspended or revoked, and, if so, the name and location of the sexually oriented business for which the permit was denied, suspended or revoked, as well as the date of the denial, suspension or revocation.
- (6) Whether the applicant or any other individual listed pursuant to paragraph (f)(1) or (2) has been a partner in a partnership or a principal owner of a corporation or other legal entity whose permit has previously been denied, suspended or revoked, and, if so, the name and location of the sexually oriented business for which the permit was denied, suspended or revoked, as well as the date of denial, suspension or revocation.
- (7) Whether the applicant or any other individual listed pursuant to paragraph (f)(1) or (2) holds any other permits and/or licenses under this article or other similar sexually oriented business ordinances from another city, town or county and, if so, the names and locations of such other permitted businesses.
- (8) The location of the proposed sexually oriented business, including a legal description of the property, street address and telephone numbers, if any.
- (9) The applicant's mailing address and residential address.
- (10) A sketch or diagram showing the configuration of the premises, including a statement of total floor space occupied by the business. The sketch or diagram need not be professionally prepared, but it must be oriented to the north or to some designated street or object and shall be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six (6) inches. The licensing officer may waive the foregoing diagram for renewal applications if the applicant adopts a diagram that was previously submitted and certifies that the configuration of the premises has not been altered since it was prepared. If the sexually oriented business has or will have a peep booth or booths subject to the provisions of Division 5 of this article, the sketch shall show the locations of each manager's station and designate any portion of the premises in which patrons will not be permitted.
- (11) A current certificate and straight-line drawing prepared within thirty (30) days prior to an initial application by a Colorado registered land surveyor depicting:
  - a. The property lines and the structures of the property to be certified;
  - b. The property lines of any church, school, library, daycare, educational facility, dwelling unit (single or multiple), public park or residential district within three hundred (300) feet of the property to be certified; and

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- c. The property lines and structures of any other sexually oriented business within one hundred (100) feet of the property to be certified. For purposes of this section, a use shall be considered existing or established if it is in existence at the time an application is submitted.
- (g) If a person who wishes to operate a sexually oriented business is an individual, he or she must sign the application for a permit as applicant. If a person who wishes to operate a sexually oriented business is other than an individual, each principal owner of the business must sign the application for a permit as applicant.
- (h) In the event that the licensing officer determines or learns at any time that the applicant has improperly completed the application for a proposed sexually oriented business, he or she shall promptly notify the applicant of such fact and allow the applicant ten (10) days to properly complete the application. The time period for granting or denying a permit shall be stayed during the period in which the applicant is allowed an opportunity to properly complete the application.
- (i) The fact that a person possesses other types of state or town permits and/or licenses does not exempt him or her from the requirement of obtaining a sexually oriented business permit.

(Ord. 02-08 §1, 2002)

**Sec. 6-49. Duty to supplement application.**

Applicants for a permit under section 6-48 above shall have a continuing duty to promptly supplement application information required by that section in the event that said information changes in any way from what is stated on the application. The failure to comply with said continuing duty within thirty (30) days from the date of such change shall be grounds for suspension of a permit.

(Ord. 02-08 §1, 2002)

**Sec. 6-50. Investigation; application.**

- (a) Upon receipt of an application for a sexually oriented business permit properly filed with the licensing officer and upon payment of the nonrefundable application fee, the licensing officer shall immediately stamp the application as received and send photocopies of the application to the police department or the Weld County sheriff's office and the building inspection department. Each department or agency shall promptly conduct an investigation of the applicant, application and the proposed sexually oriented business in accordance with its responsibilities under law. Said investigation shall be completed within twenty (20) days of receipt of the application by the licensing officer. At the conclusion of its investigation, each department or agency shall indicate on the photocopy of the application its approval or disapproval of the application, date it, sign it and, in the event it disapproves, state the reasons therefor. The police department or the Weld County sheriff's office shall only be required to provide the information specified in subsection 6-48(c) of this article, and shall not be required to approve or disapprove applications.
- (b) A department or agency shall disapprove an application if it finds that the proposed sexually oriented business will be in violation of any provision of any statute, code, ordinance, regulation or other law in effect in the town. After its indication of approval or disapproval, each department or agency shall immediately return the photocopy of the application to the licensing officer.

(Ord. 02-08 §1, 2002)

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**Sec. 6-51. Issuance.**

- (a) The licensing officer shall grant or deny an application for a permit within thirty (30) days from the date of its proper filing. Upon the expiration of the thirtieth (30th) day, the applicant shall be permitted to begin operating the business for which the permit is sought, unless and until the licensing officer notifies the applicant of a denial of the application and states the reasons for such denial.
- (b) Grant of application for permit.
  - (1) The licensing officer shall grant the permit application for a sexually oriented business in the zoning districts where such use is permitted under chapter 16 of this code, unless one (1) or more of the criteria set forth in subsection (c) below are present.
  - (2) The permit, if granted, shall state on its face the name of the person or persons to whom it is granted, the expiration date and the address of the sexually oriented business. The permit shall be posted in a conspicuous place at or near the entrance to the sexually oriented business so that it can be easily read at any time.
- (c) Denial of application for permit. The licensing officer shall deny the application for any of the following reasons:
  - (1) The applicant fails to show to the town's satisfaction that the requirements of the town's zoning ordinance have been met.
  - (2) An applicant is:
    - a. Under eighteen (18) years of age, or
    - b. Under twenty-one (21) years of age if the sexually oriented business will provide live entertainment.
  - (3) An applicant is overdue on his or her payment to the town of taxes, fees, fines or penalties assessed against him or her or imposed upon him or her in relation to a sexually oriented business.
  - (4) An applicant has failed to provide information required by this section for the issuance of the permit or has falsely answered a question or request for information on the application form.
  - (5) The premises to be used for the sexually oriented business have been disapproved by an inspecting agency pursuant to the provisions of subsection 6-48(b) of this article.
  - (6) The application or permit fees have not been paid.
  - (7) An applicant or the proposed business is in violation of, or is not in compliance with, any of the provisions of this article.
  - (8) The granting of the application would violate a statute, ordinance or court order.
  - (9) The applicant has a permit under this article which has been suspended or revoked within the previous twelve (12) months.
  - (10) An applicant has been convicted of a specified criminal act or acts for which:
    - a. Less than two (2) years have elapsed since the date of conviction or the date of release from confinement, whichever is the later date, if the conviction is of a misdemeanor offense;
    - b. Less than five (5) years have elapsed since the date of conviction or the date of release from confinement, whichever is the later date, if the conviction is of a felony offense; or
    - c. Less than five (5) years have elapsed since the date of conviction or the date of release from confinement, whichever is the later date, if the convictions are of two (2) or more misdemeanors.

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The fact that a conviction is being appealed shall have no effect on disqualification of the applicant. An applicant who has been convicted of a specified criminal act or acts may qualify for a sexually oriented business permit only when the time period required above has elapsed.

- (d) If the licensing officer denies the application, he or she shall notify the applicant of the denial and state the reasons for the denial.

(Ord. 02-08 §1, 2002)

**Sec. 6-52. Expiration.**

- (a) Each permit shall expire one (1) year from the date of issuance and may be renewed only by making application as provided in section 6-48 (for renewals, filing of original survey shall be sufficient) of this article. Application for renewal of a permit shall be made at least thirty (30) days before the expiration date of the permit. If a renewal application is made fewer than thirty (30) days before the expiration date of a permit, the expiration of the permit will not be affected.
- (b) If, subsequent to denial of renewal, the licensing officer finds that the basis for denial of the renewal of the permit has been corrected, the applicant shall be granted a permit if at least ninety (90) days have elapsed since the date denial became final.

(Ord. 02-08 §1, 2002)

**Sec. 6-53. Suspension.**

- (a) The licensing officer shall suspend a permit for a period not to exceed thirty (30) days if he or she determines that a permittee or an employee of a permittee has:
  - (1) Violated or is not in compliance with any section of this article.
  - (2) Refused to allow an inspection of the sexually oriented business premises as authorized by this article.
  - (3) Operated the sexually oriented business in violation of a building, fire, health or zoning statute, code, ordinance or regulation, whether federal, state or local, said determination being based on investigation by the division, department or agency charged with enforcing said rules or laws. In the event of such a statute, code, ordinance or regulation violation, the licensing officer shall promptly notify the permittee of the violation and shall allow the permittee a seven-day period in which to correct the violation. If the permittee fails to correct the violation before the expiration of the seven-day period, the licensing officer shall forthwith suspend the permit and shall notify the permittee of the suspension.
  - (4) Engaged in a permit transfer contrary to section 6-55 below. In the event that the licensing officer suspends a permit on the grounds that a permittee engaged in a permit transfer contrary to section 6-55, the licensing officer shall forthwith notify the permittee of the suspension. The suspension shall remain in effect until the applicable section of this article has been satisfied.
  - (5) Operated the sexually oriented business in violation of the hours of operation provisions of Division 6.
- (b) The suspension shall remain in effect until the violation of the statute, code, ordinance or regulation in question has been corrected.

(Ord. 02-08 §1, 2002)

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**Sec. 6-54. Revocation.**

- (a) The licensing officer shall revoke a sexually oriented business permit upon determining that:
  - (1) A cause of suspension in section 6-53 above occurs and the permit has been suspended within the preceding twelve (12) months.
  - (2) A permittee gave false or misleading information in the material submitted during the application process that tended to enhance the applicant's opportunity for obtaining a permit.
  - (3) A permittee or an employee has knowingly allowed possession, use or sale of controlled substances (as defined in Part 3 of Article 22 of Title 12, C.R.S.) on the premises.
  - (4) A permittee or an employee has knowingly allowed prostitution on the premises.
  - (5) A permittee or an employee knowingly operated the sexually oriented business during a period of time when the permittee's permit was suspended.
  - (6) A permittee has been convicted of a specified criminal act for which the time period set forth in paragraph 6-57(c)(10) of this article has not elapsed.
  - (7) On two (2) or more occasions within a twelve-month period, a person or persons committed an offense, occurring in or on the permitted premises, constituting a specified criminal act for which a conviction has been obtained, and the person or persons were employees of the sexually oriented business at the time the offenses were committed. The fact that a conviction is being appealed shall have no effect on the revocation of the permit.
  - (8) A permittee is delinquent in payment to the town or state for any taxes or fees.
  - (9) A permittee or an employee has knowingly allowed any specified sexual activity to occur in or on the permitted premises.
  - (10) The permittee has operated more than one (1) sexually oriented business within the same building, structure or portion thereof.
- (b) When the licensing officer revokes a permit, the revocation shall continue for one (1) year and the permittee shall not be issued a sexually oriented business permit for one (1) year from the date revocation became effective.

(Ord. 02-08 §1, 2002)

**Sec. 6-55. Transferability.**

- (a) A permittee shall not operate a sexually oriented business under the authority of a permit at any place other than the address designated in the application for permit.
- (b) A permittee shall not transfer his or her permit to another person unless and until such other person satisfies the following requirements:
  - (1) Obtains an amendment to the permit from the licensing officer which provides that he or she is now the permittee, which amendment may be obtained only if he or she has completed and properly filed an application with the licensing officer, setting forth the information called for under section 6-48 in the application; and
  - (2) Pays a transfer fee of a percentage of the annual permit fee, such percentage as shall be adopted by the town by resolution of the board of trustees.
- (c) No permit may be transferred when the licensing officer has notified the permittee that suspension or revocation proceedings have been or will be brought against the permittee.

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- (d) A permittee shall not transfer his or her permit to another location.
- (e) Any attempt to transfer a permit either directly or indirectly in violation of this section is hereby declared void.

(Ord. 02-08 §1, 2002; Ord. 13-13 §13, 2013)

**Sec. 6-56. Appeal rights.**

- (a) Any denial, suspension or revocation of a new or renewal permit under this article may be appealed to the board of trustees by written notice within ten (10) days of such denial, suspension or revocation. Unless the applicant requests a longer period, the board of trustees must hold a hearing on the appeal within thirty (30) days and must issue a decision affirming or reversing the denial, suspension or revocation within fifteen (15) days after the hearing.
- (b) Any decision by the board of trustees shall be a final appealable order, and the applicant or licensee may seek prompt judicial review of such administrative action in any court of competent jurisdiction.
- (c) In the event that an applicant or licensee seeks judicial review of a decision issued pursuant to this article, the applicant or licensee shall provide written notice of such appeal to the board of trustees within three (3) days of the filing of the appeal. Within ten (10) days of receiving such written notice of appeal, or within such shorter time as may be ordered by the court, the board of trustees shall transmit to the court in which appeal was sought a copy of the full administrative record for the matter, including a complete transcript of all the original papers, testimony and evidence offered, heard and taken into consideration in issuing the final order. The board of trustees shall provide any further information, assistance or cooperation requested by the reviewing court without delay.
- (d) Subject to the provisions of subsection (f) below, any licensee lawfully operating a sexually oriented business prior to the denial of a permit renewal application, or the suspension or revocation of a permit, may continue to operate said business during the pendency of an appeal of a decision rendered under this article to the board of trustees or to a court.
- (e) Subject to the provisions of subsection (f) below, any licensee lawfully acting as a manager in a sexually oriented business prior to the denial of a license renewal application, or the suspension or revocation of a license, may continue to serve in such capacity during the pendency of an appeal of a decision rendered under this article to the board of trustees or to a court.
- (f) In the event that an applicant for a new sexually oriented business permit or a new sexually oriented business manager license seeks judicial review of the denial of a new license, and such review does not result in a final judicial decision within thirty (30) days of the date the appeal was filed, the town will issue such applicant a provisional sexually oriented business permit or sexually oriented business manager license upon request of the applicant. The provisional license:
  - (1) Will allow an applicant for a sexually oriented business permit to operate the sexually oriented business named in the permit application under the same terms as a normal sexually oriented business permit issued pursuant to section 6-51 of this article for the period of time specified in subsection (g) of this section.
  - (2) Will allow an applicant for a sexually oriented business manager license to act as a manager on the premises of a sexually oriented business under the same terms as a normal sexually oriented business employee license issued pursuant to section 6-51 of this article for the period of time specified in subsection (g) of this section.
  - (3) Will be subject to the same requirements as a normal sexually oriented business permit or sexually oriented business manager license issued under section 6-51 or 6-63 of this article.
- (g) A provisional license will expire on whichever of the following three (3) dates is earliest:

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- (1) The date that a judicial decision is issued upholding the permit denial.
  - (2) The date on which a nonprovisional sexually oriented business permit or sexually oriented business manager license is issued to the applicant pursuant to a judicial decision overturning the license denial.
  - (3) The date one (1) year from the issuance of the provisional license.
- (h) In the event that judicial review of the denial of a new permit or license application is still pending thirty (30) days before the expiration date of a provisional license, the provisional licensee may file a renewal license application with the town pursuant to section 6-52 above. The licensing officer shall grant an application for renewal of a provisional license unless he or she determines that new grounds exist for denial of a permit or license application pursuant to section 6-51 above which did not exist at the time of the original permit or license application. In the event that an application for renewal of a provisional license is denied and the applicant seeks judicial review of that denial, the town has the right to consolidate such review with the pending judicial appeal of the previous permit or license denial.

(Ord. 02-08 §1, 2002)

**Secs. 6-57—6-62. Reserved.**

***Division 3 Manager's License***

[Sec. 6-63. License required.](#)

[Sec. 6-64. Application.](#)

[Secs. 6-65—6-70. Reserved.](#)

**Sec. 6-63. License required.**

It shall be unlawful, and a person commits a misdemeanor, if he or she works as a manager of a sexually oriented business without first obtaining a manager's license.

(Ord. 02-08 §1, 2002)

**Sec. 6-64. Application.**

- (a) A manager shall submit an application for a manager's license on a form to be provided by the licensing officer. The application shall contain the applicant's name, address, date of birth, phone number and the information required in section 6-48 of this article.
- (b) The licensing officer shall grant the application within ten (10) days of its filing unless:
  - (1) The applicant is:
    - a. Under eighteen (18) years of age; or
    - b. Under twenty-one (21) years of age if the sexually oriented business will provide live entertainment.
  - (2) The applicant has failed to provide the information required by this section.

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- (3) The license fee has not been paid.
- (4) The applicant has been convicted of a specified criminal act within the times set forth in paragraph 6-51(c)(10) of this article.

(Ord. 02-08 §1, 2002)

**Secs. 6-65—6-70. Reserved.**

***Division 4 Inspection***

[Sec. 6-71. Inspection.](#)

[Secs. 6-72—6-77. Reserved.](#)

**Sec. 6-71. Inspection.**

- (a) An applicant or permittee shall permit representatives of the building inspection department, the health department and the fire department to inspect the premises of a sexually oriented business for the purpose of ensuring compliance with the law, at any time it is occupied or open for business.
- (b) A person who operates a sexually oriented business or his or her agent commits a misdemeanor if he or she refuses to permit such lawful inspection of the premises at any time that it is occupied or open for business.

(Ord. 02-08 §1, 2002)

**Secs. 6-72—6-77. Reserved.**

***Division 5 Sexually Explicit Films or Videos in Peep Booths***

[Sec. 6-78. Generally.](#)

[Sec. 6-79. Regulation of peep booths.](#)

[Secs. 6-80—6-85. Reserved.](#)

**Sec. 6-78. Generally.**

A person who operates or causes to be operated a sexually oriented business, which exhibits on the premises in a peep booth or similar viewing area, a film, video cassette or other video reproduction which depicts specified sexual activities or specified anatomical areas, shall comply with the requirements of this article.

(Ord. 02-08 §1, 2002)

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**Sec. 6-79. Regulation of peep booths.**

- (a) A sexually oriented business with a peep booth or similar viewing area shall have one (1) or more manager's stations, subject to the following regulations:
  - (1) At least one (1) employee must be on duty and situated at each manager's station at all times that any patron is present inside the premises; and
  - (2) The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the premises to which any patron is permitted access for any purpose, excluding rest rooms. Rest rooms may not contain video display equipment. If the premises has two (2) or more manager's stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose from at least one (1) of the manager's stations. The view required in this subsection must be by direct line of sight from the manager's station. The view area shall remain unobstructed by any doors, walls, merchandise, display racks or other materials at all times, and no patron shall be permitted access to any area of the premises which has been designated as an area in which patrons will not be permitted in the application filed pursuant to section 6-48 of this article.
- (b) Peep booths and similar viewing areas shall be subject to the following regulations:
  - (1) No peep booth may be occupied by more than one (1) person at any time; and
  - (2) No door, screen or other covering shall be placed or allowed to remain on any peep booth, and no holes or openings shall be placed or allowed to remain in the wall between any two (2) adjacent peep booths.
- (c) A person having a duty under this article commits a misdemeanor if he or she knowingly fails to fulfill that duty.

(Ord. 02-08 §1, 2002)

**Secs. 6-80—6-85. Reserved.**

***Division 6 Hours of Operation***

[Sec. 6-86. Hours of operation.](#)

[Sec. 6-87. Exemption.](#)

[Secs. 6-88—6-90. Reserved.](#)

**Sec. 6-86. Hours of operation.**

It shall be unlawful for a sexually oriented business to be open for business or for the licensee or any employee of a licensee to allow patrons upon the licensed premises:

- (1) On any Tuesday through Saturday from 2:00 a.m. until 7:00 a.m.
- (2) On any Monday other than a Monday which falls on January 1, from 12:00 a.m. until 7:00 a.m.
- (3) On any Sunday from 2:00 a.m. until 8:00 a.m.
- (4) On any Monday which falls on January 1, from 2:00 a.m. until 7:00 a.m.

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(Ord. 02-08 §1, 2002)

**Sec. 6-87. Exemption.**

This article shall not apply to those areas of an adult motel that are private rooms.

(Ord. 02-08 §1, 2002)

**Secs. 6-88—6-90. Reserved.**

***Division 7 Additional Regulations***

[Sec. 6-91. Minimum age.](#)

[Sec. 6-92. Lighting regulations.](#)

[Sec. 6-93. Stage required in adult cabaret and adult theater.](#)

[Sec. 6-94. Conduct in sexually oriented businesses.](#)

[Sec. 6-95. Employee tips.](#)

[Sec. 6-96. Unlawful acts.](#)

[Sec. 6-97. Exemptions.](#)

[Sec. 6-98. Fees.](#)

[Secs. 6-99—6-104. Reserved.](#)

**Sec. 6-91. Minimum age.**

- (a) It shall be unlawful for any person:
  - (1) Under the age of eighteen (18) years to be upon the premises of a sexually oriented business;  
or
  - (2) Under the age of twenty-one (21) years to be upon the premises of a sexually oriented business that provides live entertainment.
- (b) It shall be unlawful for the licensee or any employee of the licensee to allow any person:
  - (1) Under the age of eighteen (18) years to be upon the premises of a sexually oriented business;  
or
  - (2) Under the age of twenty-one (21) years to be upon the premises of a sexually oriented business that provides live entertainment.

(Ord. 02-08 §1, 2002)

**Sec. 6-92. Lighting regulations.**

- (a) Excluding a private room of an adult motel, the interior portion of the premises of a sexually oriented business to which patrons are permitted access shall be equipped with overhead lighting fixtures of

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sufficient intensity to illuminate every place (including peep booths) at an illumination of not less than five (5) foot-candles as measured at the floor level.

- (b) It shall be the duty of the licensee and employees present on the premises to ensure that the illumination described above is maintained at all times during the hours of operation prescribed in section 6-86 of this article.

(Ord. 02-08 §1, 2002)

**Sec. 6-93. Stage required in adult cabaret and adult theater.**

Any adult cabaret or adult theater shall have one (1) or more separate areas designated as a stage in the diagram submitted as part of the application for the licensee. Entertainers shall perform only upon the stage. The stage shall be fixed and immovable. No seating for the audience shall be permitted within six (6) feet of the edge of the stage. No members of the audience shall be permitted upon the stage or within six (6) feet of the edge of the stage.

(Ord. 02-08 §1, 2002)

**Sec. 6-94. Conduct in sexually oriented businesses.**

- (a) No licensee, manager or employee mingling with the patrons of a sexually oriented business or serving food or drinks shall be in a state of nudity. It is a specific defense to prosecution for a violation of this section that an employee of a sexually oriented business exposed any specified anatomical area during the employee's bona fide use of a rest room, or during the employee's bona fide use of a dressing room which is accessible only to employees.
- (b) No licensee or employee shall encourage or knowingly permit any person upon the premises to touch, caress or fondle the breasts, anus, genitals or other specified anatomical areas of any person.

(Ord. 02-08 §1, 2002)

**Sec. 6-95. Employee tips.**

- (a) It shall be unlawful for any employee of a sexually oriented business to receive tips from patrons, except as set forth in subsection (b) of this section.
- (b) A licensee that desires to provide for tips from its patrons shall establish one (1) or more boxes or other containers to receive tips. All tips for such employees shall be placed by the patron of the sexually oriented business into the tip box.
- (c) A sexually oriented business that provides tip boxes for its patrons as provided in this section shall post one (1) or more signs to be conspicuously visible to the patrons on the premises in letters at least one-inch high to read as follows: "All tips are to be placed in the tip box and not handed directly to employees. Any physical contact between a patron and employees is strictly prohibited." (Ord. 02-08 §1, 2002)

**Sec. 6-96. Unlawful acts.**

It shall be unlawful for the licensee or for any manager or employee to violate any of the requirements of this article or to knowingly permit any patron to violate the requirements of this article.

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(Ord. 02-08 §1, 2002)

**Sec. 6-97. Exemptions.**

The provisions of this article regulating nude model studios do not apply to:

- (1) A college, junior college or university supported entirely or partly by taxation;
- (2) A private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college or university supported entirely or partly by taxation; or
- (3) A business located in a structure which has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing; and where, in order to participate in a class a student must enroll at least three (3) days in advance of the class; and where no more than one (1) nude model is on the premises in a state of undress at any one (1) time.

(Ord. 02-08 §1, 2002)

**Sec. 6-98. Fees.**

- (a) The annual fee for a sexually oriented business permit shall be as adopted by the town by resolution of the board of trustees.
- (b) The annual manager's license fee shall be as adopted by the town by resolution of the board of trustees.
- (c) An applicant for a sexually oriented business permit shall pay a nonrefundable application fee at the time of filing an application as shall be adopted by the town by resolution of the board of trustees.
- (d) An applicant for an employee permit shall pay a nonrefundable application fee at the time of filing an application as shall be adopted by the town by resolution of the board of trustees.

(Ord. 02-08 §1, 2002; Ord. 13-13 §14, 2013)

**Secs. 6-99—6-104. Reserved.**

***Division 8 Criminal Penalties and Additional Relief***

[Sec. 6-105. Town's remedies.](#)

[Sec. 6-106—6-109. Reserved.](#)

**Sec. 6-105. Town's remedies.**

- (a) If any person fails or refuses to obey or comply with or violates any of the criminal provisions, such person, upon conviction of such offense, shall be guilty of a misdemeanor and shall be punished by a fine not to exceed the amount set forth in section 1-51 of this code. Each violation or noncompliance shall be considered a separate and distinct offense. Further, each day of continued violation shall be considered a separate offense.

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- (b) Nothing herein contained shall prevent or restrict the town from taking such other lawful action in any court of competent jurisdiction as is necessary to prevent or remedy any violation or noncompliance. Such other lawful actions shall include, but shall not be limited to, an equitable action for injunctive relief or an action at law for damages.
- (c) All remedies and penalties provided for in this section shall be cumulative and independently available to the town, and the town shall be authorized to pursue any and all remedies set forth in this section to the full extent allowed by law.

(Ord. 02-08 §1, 2002; Ord. 13-07 §7, 2013)

**Sec. 6-106—6-109. Reserved.**

**ARTICLE 4 Alcoholic Beverages**

Division 1 - In General

Division 2 - Liquor Licenses

Division 3 - 3.2 Beer

Division 4 - Liquor

Division 5 - Regulation of Conduct in Establishments Selling Alcoholic Beverages

Division 6 - Special Events Permit

***Division 1 In General***

[Sec. 6-110. Alcoholic beverage tastings.](#)

[Sec. 6-111—6-120. Reserved.](#)

**Sec. 6-110. Alcoholic beverage tastings.**

- (a) Pursuant to Section 12-47-301(10)(a), C.R.S., the town hereby authorizes alcoholic beverage tastings for licensed retail liquor stores and liquor-licensed drug stores within the town.
- (b) The town shall not require a further application prior to allowing retail liquor licensees or liquor-licensed drug stores to conduct alcoholic beverage tastings, and elects not to impose additional limitations on such tastings beyond those limitations set forth in Title 12, Chapter 47, C.R.S.

(Ord. 04-09 §1, 2004)

**Sec. 6-111—6-120. Reserved.**

***Division 2 Liquor Licenses***

[Sec. 6-121. Purpose; intent.](#)

[Sec. 6-122. Separate license for each business.](#)

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[Sec. 6-123. Sale of all or part of business interest.](#)

[Sec. 6-124. Change of corporate officers or directors.](#)

[Sec. 6-125. Additional licenses; rules and regulations; fees.](#)

[Sec. 6-126. Renewal.](#)

[Secs. 6-127—6-136. Reserved.](#)

**Sec. 6-121. Purpose; intent.**

- (a) No license provided by this article shall be issued to or held by:
- (1) Any person until the annual fee has been paid;
  - (2) Any person who is not of good moral character;
  - (3) Any corporation, any of whose officers, directors or stockholders holding ten percent (10%) of the outstanding and issued capital stock of the corporation are not of good moral character;
  - (4) Any partnership, association or company, any of whose officers or any of whose members holding ten percent (10%) or more interest therein are not of good moral character;
  - (5) Any person employing, assisted by, or financed in whole or in part by any other person who is not of good character and reputation satisfactory to the respective licensing authorities;
  - (6) Any sheriff, deputy sheriff, police officer, prosecuting officer, the state licensing authority or any of its inspectors or employees;
  - (7) Any person, unless he or she is, with respect to his or her character, record and reputation, satisfactory to the respective licensing authority; and
  - (8) Any natural person under twenty-one (21) years of age.
- (b) In making a determination as to character or when considering the conviction of a crime, the local licensing authority shall be governed by the provisions of Section 24-5-101, C.R.S.
- (c) Jurisdiction.
- (1) In investigating the qualifications of the applicant or a licensee, the local licensing authority may have access to criminal history record information furnished by a criminal justice agency subject to any restrictions imposed by such agency. In the event the local licensing authority takes into consideration information concerning the applicant's criminal history record, the local licensing authority shall also consider any information provided by the applicant regarding such criminal history record, including but not limited to evidence of rehabilitation, character references and educational achievements, especially those items pertaining to the period of time between the applicant's last criminal conviction and the consideration of the application for a license.
  - (2) As used in paragraph (1) of this section, criminal justice agency means any federal, state, or municipal court or any governmental agency or subunit of such agency that performs the administration of criminal justice pursuant to a statute or executive order and that allocates a substantial part of its annual budget to the administration of criminal justice.

(Ord. 05-03 §1, 2005)

CHAPTER 6 Business Licenses and Regulations

**Sec. 6-122. Separate license for each business.**

- (a) Each license issued under this article is separate and distinct and no person shall exercise any of the privileges granted under any license other than that which he or she holds. A separate license shall be issued for each specific business and each location, and in such license the particular liquors which the applicant is authorized to manufacture or sell shall be named and described.
- (b) In the event a specific business holding a license issued under this article changes its business location, an application for a new license reflecting the change of location shall be made to the town clerk. An application fee as shall be adopted by the town by resolution of the board of trustees shall be paid to the town at the time of making the application.
- (c) The town clerk shall cause the new application for a license reflecting the change of location to be placed on the agenda of a board of trustees (the board) meeting to be held not less than four (4) days nor more than thirty (30) days after the clerk has received the application. The applicant or his or her attorney shall be in attendance at the board meeting at which his or her application is presented. The date of presentation of the application to the board shall be deemed the date of filing the application. Upon receipt of the application, the board shall follow procedures set forth in this article for the investigation of the applicant and the conduct of a public hearing and the notice requirement for such public hearing.

(Ord. 05-03 §1, 2005; Ord. 13-13 §15, 2013)

**Sec. 6-123. Sale of all or part of business interest.**

- (a) Whenever any individual, corporation or partnership existing or licensed under this article sells all or part of its corporate stock, partnership interest or business interest in a beer or liquor outlet and a new license application is required by the state, an application fee as shall be adopted by the town by resolution of the board of trustees shall be paid to the town at the time of making the application.
- (b) The board shall follow the procedures in this article for the investigation of the applicant, and shall determine whether the investigation reveals any information tending to establish that the applicant may be prohibited from holding a license pursuant to section 6-121 of this article. If the investigation reveals no information tending to establish that the applicant may be prohibited from holding a license, the town clerk shall issue a license to the applicant; provided, however, that if the investigation reveals any information tending to establish that the applicant may be prohibited from holding a license, the town clerk shall cause the new application for the existing outlet to be placed on the agenda not less than four (4) days nor more than thirty (30) days after the town clerk has received the application. The applicant or his or her attorney shall be in attendance at the board meeting at which his or her application is presented. The date of presentation of the application to the board shall be deemed the date of filing of the application. Upon receipt of the application, the board shall follow procedures set forth in this article for conducting a public hearing. The board shall only consider the criteria listed in section 6-111 of this article when conducting the hearing.
- (c) The town clerk shall have the authority to issue a temporary permit to any applicant under this section who has also satisfied the applicable provisions of Section 12-47-303, C.R.S., and the provision of such statute shall apply to both the issuance and administration of such a temporary permit. The town clerk shall charge a fee as shall be adopted by the town by resolution of the board of trustees for a temporary permit.

(Ord. 05-03 §1, 2005; Ord. 13-13 §§16, 17, 2013)

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**Sec. 6-124. Change of corporate officers or directors.**

- (a) Whenever any corporation causes a change in its corporate officers or directors and a license addendum is required to be filed with the state, an application fee as shall be adopted by the town by resolution of the board of trustees shall be paid to the town at the time of filing the addendum with the town.
- (b) Upon the filing of a license addendum, the procedures set forth in this section of this article shall be followed.

(Ord. 05-03 §1, 2005; Ord. 13-13 §18, 2013)

**Sec. 6-125. Additional licenses; rules and regulations; fees.**

The town clerk shall establish rules and regulations concerning temporary beer or liquor licenses, special events licenses and renewal of 3.2 beer licenses. The clerk is authorized to establish rules and regulations not inconsistent with other provisions of this article for the filing, processing, investigation and review of applications for these licenses. The application and renewal fees for these licenses, as shall be adopted by the town by resolution of the board of trustees, shall not be greater than the maximum fee allowed by law.

(Ord. 05-03 §1, 2005; Ord. 13-13 §19, 2013)

**Sec. 6-126. Renewal.**

- (a) All renewal applications for malt, vinous and spirituous liquor licenses and fermented malt beverage licenses shall be submitted to the town clerk on the prescribed forms, together with the applicable license fee, no later than forty-five (45) days prior to the date on which the license expires. No renewal application shall be accepted by the town clerk which is not complete in every detail.
- (b) Upon receiving the completed renewal application, the town clerk shall assemble the file of the applicant and review the file to determine whether good cause is present for nonrenewal. Whether good cause is present is a fact-specific inquiry depending on the circumstances of the case, and may be based on evidence that continuation of the license would be contrary to the public interest, as well as the conduct of the licensee. If the town clerk's review indicates no facts or circumstances supporting good cause for nonrenewal, the town clerk shall issue a renewal license. Provided, however, that in the event that the renewal application is made by a financial institution which came into possession of the license by virtue of a deed in lieu of foreclosure, a hearing must be held before the board.
- (c) If there is information before the town clerk tending to constitute good cause for not renewing a particular license for an additional year, the town clerk, at the direction of the board, shall cause to be issued a notice of hearing on the license renewal. In the event the town clerk issues a notice requiring a hearing to renew a license, the notice shall be served and a notice of the hearing shall be conspicuously posted on the premises at least ten (10) days prior to the hearing.
- (d) Hearings held on any renewal application, after proper notice has been given, may result in denial of renewal of the license for good cause.
- (e) In the event that a license is renewed by the licensing authority, such renewal will not affect a pending show cause order which relates to an incident that occurred prior to the date of the renewal. The licensing authority shall be authorized to take whatever action is necessary against a licensee either in the form of suspension or revocation of the liquor license, regardless of when such license has been renewed.

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(Ord. 05-03 §1, 2005)

**Secs. 6-127—6-136. Reserved.**

***Division 3 3.2 Beer***

[Sec. 6-137. Application required; filing.](#)

[Sec. 6-138. Manager registration.](#)

[Sec. 6-139. Fee.](#)

[Sec. 6-140. Establishing neighborhood and public hearing dates.](#)

[Sec. 6-141. Public notice.](#)

[Sec. 6-142. Investigation of applicant.](#)

[Sec. 6-143. Procedure at hearing.](#)

[Sec. 6-144. Considerations for approving or denying application.](#)

[Sec. 6-145. Approval or disapproval.](#)

[Sec. 6-146. Issuance of license in cases of building to be constructed.](#)

[Sec. 6-147. Change of location.](#)

[Sec. 6-148. Rehearing limitation.](#)

[Sec. 6-149. Judicial review.](#)

[Sec. 6-150—6-159. Reserved.](#)

**Sec. 6-137. Application required; filing.**

(a) An application for a 3.2 beer license shall be required for the following:

- (1) Sales for consumption off the premises of the licensee;
- (2) Sales for consumption on the premises of the licensee; and
- (3) Sales for consumption both on and off the premises of the licensee.

A person licensed pursuant to this subsection may deliver at retail fermented malt beverages in factory-sealed containers in conjunction with the delivery of food products, if such person has obtained a permit for the delivery of fermented malt beverages from the state licensing authority.

(b) All new applications for 3.2 beer licenses shall be filed in duplicate on forms made available by the office of the secretary of state, with the town clerk and shall be accompanied by the following:

- (1) Three (3) letters of character reference;
- (2) In the case of a partnership, except between husband and wife, a certified copy of the partnership agreement and a statement showing the financial and management interests of each partner, along with their name, residence address and telephone number;
- (3) In the case of a corporation, a copy of its articles of incorporation and, if a foreign corporation, evidence of qualification to do business in this state and a sworn statement setting forth the

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names, residence addresses and telephone numbers of each stockholder, director and officer of the corporation; and

- (4) In the case of existing buildings, a plan of the interior of the building; in the case of buildings not yet built, architectural plans and specifications for the building.

(Ord. 05-03 §1, 2005)

**Sec. 6-138. Manager registration.**

A person licensed pursuant to this division shall manage the premises himself or herself or shall employ a separate and distinct manager on the premises and shall report the name of such manager to the town. Such person licensed shall also report any change in managers to the town within thirty (30) days after the change. Such failure to report a change in managers shall be grounds for suspension of a license.

(Ord. 05-03 §1, 2005)

**Sec. 6-139. Fee.**

An application fee and a license fee as shall be adopted by the town by resolution of the board of trustees shall be paid to the town at the time of making an application for a 3.2 beer license. A renewal fee as shall be adopted by the town by resolution of the board of trustees shall also be imposed by the town for renewals. This fee shall be used by the town to defray the expenses incurred by the town in investigating the applicant and conducting the hearing. In addition, the town shall impose a fee for the registration of a manager if the manager is different from the licensed person and shall also impose a fee for a change of managers in accordance with section 6-138 above, such fees shall be as adopted by the town by resolution of the board of trustees. No part of this fee shall be refundable to the applicant for any reason.

(Ord. 05-03 §1, 2005; Ord. 13-13 §20, 2013)

**Sec. 6-140. Establishing neighborhood and public hearing dates.**

- (a) The town clerk shall cause the application for a 3.2 beer license to be placed on the agenda of a board meeting to be held not less than four (4) days nor more than thirty (30) days after the clerk has received the application. The date of presentation of the application to the board shall be deemed the date of filing of the application.
- (b) The corporate limits of the town shall be designated the neighborhood upon the presentation of the application.
- (c) The board shall also set a date for a public hearing, which date shall be held not less than thirty (30) days from the date of the board meeting at which the date is set.

(Ord. 05-03 §1, 2005)

**Sec. 6-141. Public notice.**

- (a) The applicant for a 3.2 beer license shall cause to be posted and published a public notice of hearing thereon. The sign used for posting such notice shall be of cardboard material, not less than twenty-

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two (22) inches wide and twenty-six (26) inches high, composed of letters not less than one (1) inch in height and stating the type of license applied for, the date of the application, the date of hearing, the name and address of the applicant and such other information as may be required to fully apprise the public of the nature of the application. If the applicant is a partnership, the sign shall contain the names and addresses of all partners. If the applicant is a corporation, association or other organization, the sign shall contain the names and addresses of the president, vice-president, secretary and manager or other managing officers.

- (b) The published notice shall contain the same information as that required for signs, and shall be composed of eight-point boldface type so as to be not less than one (1) column in width nor less than six (6) inches in length.
- (c) Where the building in which the 3.2 beer is to be sold is in existence at the time of the application for the license, the sign shall be placed on the premises so as to be conspicuous and plainly visible to the general public from the exterior of the building. If the building is not in existence at the time of such application, the sign shall be posted upon the premises upon which the building is to be constructed in such manner that it shall be conspicuous and plainly visible to the general public.

(Ord. 05-03 §1, 2005)

**Sec. 6-142. Investigation of applicant.**

- (a) The Weld County sheriff's department shall make an investigation of the applicant for a 3.2 beer license and, in the case of a corporation, the board of directors of the applicant and, in the case of a partnership, the partners of the applicant. Such investigation shall include the fingerprinting and photographing of the applicant and the obtaining from the Colorado Bureau of Investigation of a report on the applicant. A written report of the finding of such investigation shall be delivered by the Weld County sheriff's department to the town clerk at least ten (10) days prior to the hearing on the application.
- (b) Not less than five (5) days prior to the date of the hearing on an application under this division, the written report of the findings based on the investigation by the police department shall be made available to the applicant and other interested parties.

(Ord. 05-03 §1, 2005)

**Sec. 6-143. Procedure at hearing.**

The rules of procedure to be followed in the conducting of the public hearing upon an application for a 3.2 beer license shall be established by the mayor.

(Ord. 05-03 §1, 2005)

**Sec. 6-144. Considerations for approving or denying application.**

Before entering any decision approving or denying the application for a 3.2 beer license, the board shall consider the following:

- (1) The desires of the adult inhabitants of the neighborhood as evidenced by petitions, remonstrances or otherwise;
- (2) The reasonable requirements of the neighborhood;

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- (3) The character and reputation of the applicant subject to the provisions contained in section 6-121 of this article; and
- (4) Other pertinent facts and evidence affecting the qualification of the applicant.

(Ord. 05-03 §1, 2005)

**Sec. 6-145. Approval or disapproval.**

The decision of the board approving or disapproving the application for a 3.2 beer license shall be in writing, stating the reasons, and shall be issued within thirty (30) days after the date of the public hearing on the application. A copy of such decision shall be sent by mail to the applicant to the address shown in the application.

(Ord. 05-03 §1, 2005)

**Sec. 6-146. Issuance of license in cases of building to be constructed.**

In the case of buildings not yet in existence, where the board votes in favor of the issuance of a 3.2 beer license, the license shall not be issued until the building in which the business is to be conducted is ready for occupancy, and then only after inspection of the premises has been made to determine that the applicant has complied substantially with the architect's drawings and plans and specifications submitted with the application for such license.

(Ord. 05-03 §1, 2005)

**Sec. 6-147. Change of location.**

All of the procedures outlined in this division shall be applicable to a change of location of an existing 3.2 beer license.

(Ord. 05-03 §1, 2005)

**Sec. 6-148. Rehearing limitation.**

No application for the issuance of a 3.2 beer license shall be considered by the board if an application for a similar type license has been denied for the same location within the two (2) years immediately preceding the date of such new application.

(Ord. 05-03 §1, 2005)

**Sec. 6-149. Judicial review.**

Any person applying to the courts for a review of any licensing authority's decision shall apply for review within thirty (30) days after the date of decision and shall be required to pay the cost of preparing a transcript of proceedings before the licensing authority when such a transcript is furnished by the licensing authority pursuant to court order.

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(Ord. 05-03 §1, 2005)

**Sec. 6-150—6-159. Reserved.**

***Division 4 Liquor***

[Sec. 6-160. Definitions.](#)

[Sec. 6-161. Application.](#)

[Sec. 6-162. Optional premises.](#)

[Sec. 6-163. Application fee.](#)

[Sec. 6-164. Initial appearance before board.](#)

[Sec. 6-165. Public notice.](#)

[Sec. 6-166. Investigation of applicant.](#)

[Sec. 6-167. Procedure at hearing.](#)

[Sec. 6-168. Consideration of factors.](#)

[Sec. 6-169. Decision of board.](#)

[Sec. 6-170. License fees.](#)

[Sec. 6-171. Business premises prerequisite.](#)

[Sec. 6-172. Distance from schools.](#)

[Sec. 6-173. Transfer.](#)

[Sec. 6-174. Change of location.](#)

[Sec. 6-175. Rehearing limitation.](#)

[Sec. 6-176. Judicial review.](#)

[Sec. 6-177. Exemptions.](#)

[Secs. 6-178—6-187. Reserved.](#)

**Sec. 6-160. Definitions.**

As used in this Division, the term liquor license shall include the following classes of licenses:

- (1) Retail liquor store license;
- (2) Liquor-licensed drugstore;
- (3) Beer and wine license;
- (4) Hotel and restaurant license;
- (5) Club license;
- (6) Tavern license;
- (7) Optional premises license;

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- (8) Brew pub license;
- (9) Arts license; and
- (10) Racetrack license.

(Ord. 05-03 §1, 2005)

**Sec. 6-161. Application.**

All applications for new liquor licenses shall be filed with the town clerk. They shall be filed in duplicate on forms made available by the state liquor licensing authority. Each application shall be verified by the oath or affirmation of such persons as prescribed by the state licensing authority. Any application shall be accompanied by the following:

- (1) Three (3) letters of character reference;
- (2) The occupational tax required by the town;
- (3) In the case of existing buildings, a plan of the interior of the building; in the case of buildings not yet built, architectural plans and specifications for the building;
- (4) Some evidence of ownership or right to possession of the premises, consisting of a copy of a deed or lease thereto;
- (5) In the case of a partnership, except between husband and wife, a certified copy of the partnership agreement and a statement showing the financial and management interests of each partner, along with their name, residence address and telephone number; and
- (6) In the case of a corporation, a copy of its articles of incorporation and, if a foreign corporation, evidence of qualification to do business in this state and a sworn statement setting forth the names, residence address and telephone number of each stockholder, director and officer of the corporation.

(Ord. 05-03 §1, 2005)

**Sec. 6-162. Optional premises.**

(a) Optional premises means:

- (1) Premises specified in an application for a hotel and restaurant license under section 12-47-101, C.R.S., with related outdoor sports and recreational facilities for the convenience of its guests or the general public located on or adjacent to the hotel and restaurant within which such license is authorized to serve alcoholic beverages in accordance with the provisions of this division and at the discretion of the state and local licensing authorities; and
- (2) The premises specified in an application for an optional premises license located on an applicant's outdoor sports and recreational facility. For purposes of this section, outdoor sports and recreational facility means a facility which charges a fee for the use of such facility.

(b) The requirements for an optional premises license shall be:

- (1) An applicant or holder of a hotel and restaurant license desiring to sell or serve alcoholic beverages on an optional premises shall:
  - a. Provide a scale drawing showing the area to be licensed;

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- b. Make a mark on the scale drawing indicating the location where alcoholic beverages are to be dispensed, significant land or architectural factors; and
  - c. An affidavit of the owner or the agent and manager of the facility showing the need, convenience or desirability of the optional premises license.
- (2) The decisions of the board shall be made by resolution within thirty (30) days of the date of providing all information pertinent to the application. No public hearing shall be required, but the board may order a public hearing should, in its discretion, a public hearing be necessary.

(Ord. 05-03 §1, 2005)

**Sec. 6-163. Application fee.**

An application fee as shall be adopted by the town by resolution of the board of trustees shall be paid to the town at the time of making an application for a liquor license. This fee shall be used by the town to defray the expenses incurred by the town in investigating the applicant and conducting the hearing. No part of this fee shall be refundable to the applicant for any reason.

(Ord. 05-03 §1, 2005; Ord. 13-13 §21, 2013)

**Sec. 6-164. Initial appearance before board.**

- (a) The town clerk shall cause the application for a liquor license to be placed on the agenda of a board meeting to be held not less than four (4) days nor more than thirty (30) days after the clerk has received the application. The date of presentation of the application to the board shall be deemed the date of filing the application.
- (b) The board shall designate the neighborhood upon the presentation of the application.
- (c) The applicant shall comply with the policies and procedures established by the town clerk and adopted by the board for applications, including but not limited to the form of petitions and the means and methods for surveying and canvassing the neighborhood.
- (d) The board shall also set a date for public hearing, which shall be not less than thirty (30) days from the date of the board meeting at which the date is set.

(Ord. 05-03 §1, 2005)

**Sec. 6-165. Public notice.**

The applicant for a liquor license shall cause to be posted and published a public notice of hearing thereon:

- (1) The sign used for posting such notice shall be of cardboard material, not less than twenty-two (22) inches wide and twenty-six (26) inches high, composed of letters not less than one (1) inch in height and stating the type of license applied for, the date of the application, the date of hearing, the name and address of the applicant and such other information as may be required to fully apprise the public of the nature of the application. If the applicant is a corporation, association or other organization, the sign shall contain the names and addresses of the president, vice president, secretary and manager or other managing officers.

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- (2) The published notice shall contain the same information as that required for signs, and shall be composed of eight-point boldface type so as to be not less than one (1) column in width nor less than six (6) inches in length.
- (3) Where the building in which the liquor is to be sold is in existence at the time of the application for the license, the sign shall be placed on the premises so as to be conspicuous and plainly visible to the general public from the exterior of the building. If the building is not in existence at the time of such application, the sign shall be posted upon the premises upon which the building is to be constructed in such manner that it shall be conspicuous and plainly visible to the general public.

(Ord. 05-03 §1, 2005)

**Sec. 6-166. Investigation of applicant.**

- (a) The Weld County sheriff's department shall make an investigation of the applicant for a liquor license and, in the case of a corporation, the board of directors of the applicant and, in the case of a partnership, the partners of the applicant. Such investigation shall include the fingerprinting and photographing of the applicant and the obtaining from the Colorado Bureau of Investigation of a report on the applicant. A written report of the finding of such investigation shall be delivered by the chief of police to the town clerk at least ten (10) days prior to the hearing on the application.
- (b) Not less than five (5) days prior to the date of the hearing on an application under this division, the written report of the findings based on the investigation by the Weld County sheriff's department shall be made available to the applicant and other interested parties.

(Ord. 05-03 §1, 2005)

**Sec. 6-167. Procedure at hearing.**

The rules of procedure to be followed in the conducting of the public hearing upon an application for a liquor license shall be established by the mayor.

(Ord. 05-03 §1, 2005)

**Sec. 6-168. Consideration of factors.**

Before entering any decision approving or disapproving the application for a liquor license, the board shall consider the following:

- (1) The facts and evidence of the investigation;
- (2) The reasonable requirements of the neighborhood for the type of license for which application has been made, including reference to the number, type and availability of liquor outlets located in or near the neighborhood under consideration;
- (3) The desires of the adult inhabitants of the neighborhood as evidenced by petitions, remonstrances or otherwise; and
- (4) Other pertinent facts and evidence affecting the qualification of the applicant.

(Ord. 05-03 §1, 2005)

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**Sec. 6-169. Decision of board.**

The decision of the board approving or denying the application for a liquor license shall be in writing, stating the reasons, and shall be issued within thirty (30) days after the date of the public hearing thereon. A copy of such decision shall be sent by mail to the applicant at the address shown in the application.

(Ord. 05-03 §1, 2005)

**Sec. 6-170. License fees.**

- (a) License fees for the following shall be as adopted by the town by resolution of the board of trustees and shall be paid to the town annually in advance:
  - (1) For each retail liquor store license. Fee revenues shall be paid to the Colorado Department of Revenue and to the town clerk pursuant to subsection (c) below;
  - (2) For each liquor-licensed drugstore. Fee revenues shall be paid to the Colorado Department of Revenue and to the town clerk pursuant to subsection (c) below;
  - (3) Beer and wine licenses:
    - a. For each beer and wine license, except as provided in subparagraph b. below. Fee revenues shall be paid to the Colorado Department of Revenue and to the town clerk pursuant to subsection (c) below;
    - b. For each beer and wine license issued to a resort hotel. Fee revenues shall be paid to the Colorado Department of Revenue and to the town clerk pursuant to subsection (c) below;
  - (4) For each hotel and restaurant license. Fee revenues shall be paid to the Colorado Department of Revenue and to the town clerk pursuant to subsection (c) below;
  - (5) For each tavern license. Fee revenues shall be paid to the Colorado Department of Revenue and to the town clerk pursuant to subsection (c) below, with such fee proceeds being distributed pursuant to subsection (c) below;
  - (6) For each optional premises license. Fee revenues shall be paid to the Colorado Department of Revenue and to the town clerk pursuant to subsection (c) below, with such fee proceeds being distributed pursuant to subsection (c) below;
  - (7) For each club license. Fee revenues shall be paid to the Colorado Department of Revenue and to the town clerk pursuant to subsection (c) below, with such fee proceeds being distributed pursuant to subsection (c) below;
  - (8) For each brew pub license. Fee revenues shall be paid to the Colorado Department of Revenue and to the town clerk pursuant to subsection (c) below, with such fee proceeds being distributed pursuant to subsection (c) below;
  - (9) For each arts license. Fee revenues shall be paid to the Colorado Department of Revenue and to the town clerk pursuant to subsection (c) below, with such fee proceeds being distributed pursuant to subsection (c) below;
  - (10) For each racetrack license. Fee revenues shall be paid to the Colorado Department of Revenue and to the town clerk pursuant to subsection (c) below, with such fee proceeds being distributed pursuant to subsection (c) below; and
  - (11) For each bed and breakfast permit. Fee revenues shall be paid to the Colorado Department of Revenue and to the town clerk pursuant to subsection (c) below, with such fee proceeds being distributed pursuant to subsection (c) below.

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- (b) No rebate shall be paid by the town of any alcoholic beverage license fee paid for any such license issued by it, except upon affirmative action by the local licensing authority rebating a proportionate amount of such license fee.
- (c) Eighty-five percent (85%) of the license fees provided for in this section and collected by the town clerk shall be paid to the Colorado Department of Revenue, which shall transmit said fees to the state treasurer to be credited to the old age pension fund.
- (d) Each application for a license provided for in this section filed with the local licensing authority shall be accompanied by an application fee as shall be adopted by the town by resolution of the board of trustees to cover actual and necessary expenses:
  - (1) For a new license;
  - (2) For a transfer of location or ownership;
  - (3) For renewal of a license;
  - (4) For renewal of an expired license; and
  - (5) For the registration of a manager who is separate from the licensed person or for a change in managers.
- (e) The local licensing authority may charge corporate applicants and limited liability companies a fee as shall be adopted by the town by resolution of the board of trustees for the cost of each fingerprint analysis and background investigation undertaken to qualify new officers, directors, stockholders, members or managers pursuant to the requirements of section 6-121 of this article; however, the local licensing authority shall not collect such a fee if the applicant has already undergone a background investigation and paid a fee to the state licensing authority.

(Ord. 05-03 §1, 2005; Ord. 13-13 §22, 2013)

**Sec. 6-171. Business premises prerequisite.**

In the case of buildings not yet in existence, where the board votes in favor of the issuance of a liquor license, the license shall not be issued until the building in which the business is to be conducted is ready for occupancy, and then only after inspection of the premises has been made to determine that the applicant has complied substantially with the architect's drawings and plans and specifications submitted for such license.

(Ord. 05-03 §1, 2005)

**Sec. 6-172. Distance from schools.**

- (a) No liquor license provided for by this Division shall be issued to or held by any person who will operate any place where liquor is sold or is to be sold by the drink within five hundred (500) feet from any public or parochial school or the principal campus of any college, university or seminary.
- (b) Subsection (a) does not apply to:
  - (1) The renewal or reissuance of any license once granted;
  - (2) Any licensed premises located or to be located on land owned by a municipality;
  - (3) A liquor license in effect and actively doing business before the principal campus was constructed; or

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- (4) Any club located within the principal campus of any college, university or seminary, which limits its membership to the faculty or staff of such institution.

(Ord. 05-03 §1, 2005)

**Sec. 6-173. Transfer.**

No license for alcoholic liquor granted under the provisions of this division shall be transferable, except that when a license has been issued to a husband and wife or to general or limited partners, the death of a spouse or partner shall not require the surviving spouse or partner to obtain a new license. All rights and privileges granted under the original license shall continue in full force and effect as to such survivors for the balance of the license period.

(Ord. 05-03 §1, 2005)

**Sec. 6-174. Change of location.**

All of the procedures outlined in this division shall be applicable to a change of location of an existing liquor license.

(Ord. 05-03 §1, 2005)

**Sec. 6-175. Rehearing limitation.**

No application for the issuance of an alcoholic liquor license shall be considered by the board if an application for a similar type of license has been denied for the same location within the two (2) years immediately preceding the date of such new application.

(Ord. 05-03 §1, 2005)

**Sec. 6-176. Judicial review.**

Any person applying to the courts for a review of the state or any local licensing authority's decision shall apply for review within thirty (30) days after the date of decision of refusal by a local licensing authority or, in the case of approval by a local licensing authority, within thirty (30) days after the date of decision by the state licensing authority, and shall be required to pay the cost of preparing a transcript of proceedings before the licensing authority when such a transcript is demanded by the person taking the appeal or when such a transcript is furnished by the licensing authority pursuant to court order.

(Ord. 05-03 §1, 2005)

**Sec. 6-177. Exemptions.**

- (a) The provisions of this division shall not apply to the sale or distribution of sacramental wines sold and used for religious purposes.
- (b) Any provision of this article to the contrary notwithstanding, when permitted by federal law, rules and regulations promulgated pursuant thereto, a head of a family may produce for family use and not for

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sale such amount of malt or vinous liquor as is exempt from the federal excise tax on such liquors when produced by a head of a family for family use and not for sale.

- (1) The production of malt or vinous liquors under the circumstances set forth in this subsection shall be in strict conformity with federal law, and rules and regulations issued pursuant thereto.
- (2) Malt or vinous liquors produced pursuant to the provisions of this subsection shall not be required to obtain any license provided by this division.

(Ord. 05-03 §1, 2005)

**Secs. 6-178—6-187. Reserved.**

***Division 5 Regulation of Conduct in Establishments Selling Alcoholic Beverages***

[Sec. 6-188. Definitions.](#)

[Sec. 6-189. Penalty for violation.](#)

[Sec. 6-190. Use of gambling equipment.](#)

[Sec. 6-191. Conduct on premises.](#)

[Sec. 6-192. When consumption on premises prohibited.](#)

[Sec. 6-193. Soliciting drinks.](#)

[Sec. 6-194. Loitering.](#)

[Sec. 6-195. Nudity on premises.](#)

[Sec. 6-196. Indecent displays.](#)

[Sec. 6-197. Showing of films, etc., depicting acts prohibited.](#)

[Secs. 6-198—6-208. Reserved.](#)

**Sec. 6-188. Definitions.**

The following words, terms and phrases, when used in sections 6-126 and 6-189 through 6-197 of this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Adult means a person lawfully permitted to purchase alcoholic beverages.

Alcoholic beverage means fermented malt beverage or malt, vinous or spirituous liquors; except that alcoholic beverage shall not include confectionery containing alcohol within the limits prescribed by section 25-5-410(1)(i)(II), C.R.S.

Bed and breakfast means an overnight lodging establishment that provides at least one (1) meal per day at no charge other than a charge for overnight lodging and does not sell malt, vinous, or spirituous liquors by the drink.

Brew pub means a retail establishment that manufactures not more than one million eight hundred sixty thousand (1,860,000) gallons of malt liquor on its premises each year.

Brewery means any establishment where malt liquors are manufactured, except brew pubs licensed under this article.

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Club means:

- a. A corporation that:
  1. Has been incorporated for not less than three (3) years;
  2. Has a membership that has paid dues for a period of at least three (3) years; and
  3. Has a membership that for three (3) years has been the owner, lessee or occupant of an establishment operated solely for objects of a national, social, fraternal, patriotic, political or athletic nature, but not for pecuniary gain, and the property as well as the advantages of which belong to the members.
- b. A corporation that is a regularly chartered branch or lodge, or article of a national organization that is operated solely for the objects of a patriotic or fraternal organization or society, but not for pecuniary gain.

Distillery means any establishment where spirituous liquors are manufactured.

Fermented malt beverage or 3.2 beer means any beverage obtained by the fermentation of any infusion or decoction of barley, malt, hops or any similar product or any combination thereof in water containing not less than one-half of one percent (0.5%) alcohol by volume and not more than three and two-tenths percent (3.2%) alcohol by weight or four percent (4%) alcohol by volume; except that fermented malt beverage shall not include confectionery containing alcohol within the limits prescribed by section 25-5-410(1)(i)(II), C.R.S.

Fine means a form of discipline imposed pursuant to this article in lieu of a suspension. Any fine shall be the equivalent of twenty percent (20%) of the retail 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).

Good cause, for the purpose of refusing or denying a license renewal or initial license issuance, means:

- a. The licensee or applicant has violated, does not meet or has failed to comply with any of the terms, conditions or provisions of this article or any rules and regulations promulgated pursuant to this article;
- b. The licensee or applicant has failed to comply with any special terms or conditions that were placed on its license in prior disciplinary proceedings or arose in the context of potential disciplinary proceedings;
- c. In the case of a new license, the applicant has not established the reasonable requirements of the neighborhood or the desires of its adult inhabitants as provided in section 12-47-301(2), C.R.S.; or
- d. Evidence that the licensed premises have been operated in a manner that adversely affects the public health, welfare or safety of the immediate neighborhood in which the establishment is located, which evidence must include a continuing pattern of fights, violent activity or disorderly conduct. For purposes of this paragraph, disorderly conduct is defined in section 18-9-106, C.R.S.

Hard cider means an alcoholic beverage containing at least one-half of one percent (0.5%) and less than seven percent (7%) alcohol by volume that is made by fermentation of the natural juice of apples or pears, including but not limited to flavored hard cider and hard cider containing not more than 0.392 gram of carbon dioxide per one hundred (100) milliliters. For the purpose of simplicity of administration of this article, hard cider shall in all respects be treated as vinous liquor except where expressly provided otherwise.

Hotel means any establishment with sleeping rooms for the accommodation of guests and having restaurant facilities.

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Inhabitant means an individual who resides in a given neighborhood or community for more than six (6) months each year.

Lewd or indecent displays means performing acts of or acts which simulate:

- a. Sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts which are prohibited by law;
- b. The touching, caressing or fondling of the breast, buttocks, anus or genitals;
- c. The displaying of the pubic hair, anus, vulva or genitals; and
- d. The displaying of a post-pubertal human female breast below a point immediately above the top of the areola, or the displaying of the post-pubertal human female breast where the nipple only or the nipple and the areola only are covered.

License means a grant to a licensee to manufacture or sell fermented malt beverages or malt, vinous or spirituous liquors as provided by this article.

Licensed premises means the premises specified in an application for a license under this article which are owned or in possession of the licensee and within which such licensee is authorized to sell, dispense or serve fermented malt beverages or malt, vinous or spirituous liquors in accordance with the provisions of this article.

Licensee means a person holding a license issued pursuant to this article.

Limited winery means any establishment manufacturing not more than one hundred thousand (100,000) gallons, or the metric equivalent thereof, of vinous liquors annually which uses not less than seventy-five percent (75%) Colorado-grown products in the manufacture of such vinous liquors.

Liquor license shall include the following classes of licenses:

- a. Retail liquor store license;
- b. Liquor-licensed drugstore;
- c. Beer and wine license;
- d. Hotel and restaurant license;
- e. Club license;
- f. Tavern or gaming tavern license;
- g. Optional premises license;
- h. Brew pub license;
- i. Arts license; and
- j. Racetrack license.

Liquor-licensed drugstore means any drugstore licensed by the state board of pharmacy that has also applied for and has been granted a license by the state licensing authority to sell malt, vinous and spirituous liquors in original sealed containers for consumption off the premises.

Local licensing authority means, for purposes of this article, the town's special licensing authority.

Location means a particular parcel of land that may be identified by an address or by other descriptive means.

Malt liquors includes beer and shall be construed to mean any beverage obtained by the alcoholic fermentation of any infusion or decoction of barley, malt, hops or any other similar product,

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or any combination thereof, in water containing more than three and two-tenths percent (3.2%) of alcohol by weight or four percent (4%) alcohol by volume.

Meal means a quantity of food of such nature as is ordinarily consumed by an individual at regular intervals for the purpose of sustenance.

Medicinal spirituous liquors means any alcoholic beverage, excepting beer and wine, that has been aged in wood for four (4) years and bonded by the United States government and is at least one hundred proof.

Nudity means uncovered, or less than opaquely covered, post-pubertal human genitals, pubic areas, the post-pubertal human female breast below a point immediately above the top of the areola, or the covered human male genitals in a discernibly turgid state. For purposes of this definition, a female breast is considered uncovered if the nipple only or the nipple and the areola only are covered.

Optional premises means:

- a. Premises specified in an application for a hotel and restaurant license under section 12-47-103, C.R.S., with related outdoor sports and recreational facilities for the convenience of its guests or the general public located on or adjacent to the hotel or restaurant which is licensed to serve alcoholic beverages in accordance with the provisions of this article and at the discretion of the state and local licensing authorities; and
- b. The premises specified in an application for an optional premises license located on an applicant's outdoor sports and recreational facility. For purposes of this paragraph, outdoor sports and recreational facility means a facility that charges a fee for the use of such facility.

Person means a natural person, partnership, association, company, corporation or organization or a manager, agent, servant, officer or employee thereof.

Premises means a distinct and definite location, which may include a building, a part of a building, a room or any other definite contiguous area.

Racetrack means any premises where races meet or simulcast races with pari-mutuel wagering are held in accordance with the provisions of section 12-60-102, C.R.S.

Rectify means to blend spirituous liquor with neutral spirits or other spirituous liquors of different age.

Rectifying plant means any establishment where spirituous liquors are blended with neutral spirits or other spirituous liquors of different age.

Resort complex means a hotel with related sports and recreational facilities for the convenience of its guests or the general public located contiguous or adjacent to the hotel.

Resort hotel means a hotel with well-defined occupancy seasons.

Restaurant means an establishment which is not a hotel provided with special space, sanitary kitchen and dining room equipment, and persons to prepare, cook and serve meals, where, in consideration of payment, meals, drinks, tobaccos and candies are furnished to guests and in which nothing is sold excepting food, drinks, tobaccos, candies and items of souvenir merchandise depicting the theme of the restaurant or the geographical or historic subjects of the nearby area. Any establishment connected with any business wherein any business is conducted, excepting hotel business, limited gaming conducted pursuant to Sections 12-47.1-101 through 12-47.1-302, C.R.S., or the sale of food, drinks, tobaccos, candies or such items of souvenir merchandise, is declared not to be a restaurant. Nothing in this subsection shall be construed to prohibit the use in a restaurant of orchestras, singers, floor shows, coin-operated music machines, amusement devices that pay nothing of value and cannot by adjustment be made to pay anything of value, or other forms of entertainment commonly provided in restaurants.

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Retail liquor store means an establishment engaged only in the sale of malt, vinous and spirituous liquors and soft drinks and mixers, all in sealed containers for consumption off the premises; tobaccos, tobacco products, smokers' supplies and nonfood items related to the consumption of such beverages; and liquor-filled candy and food items approved by the state licensing authority, which are prepackaged, labeled and directly related to the consumption of such beverages and are sold solely for the purpose of cocktail garnish in containers up to sixteen (16) ounces. Nothing in this subsection shall be construed to authorize the sale of food items that could constitute a snack, meal or portion of a meal.

School means a public, parochial or nonpublic school that provides a basic academic education in compliance with school attendance laws for students in grades one (1) to twelve (12). Basic academic education has the same meaning as set forth in Section 22-33-104(2)(b), C.R.S.

Sealed containers means any container or receptacle used for holding an alcoholic beverage, which container or receptacle is corked or sealed with any stub, stopper or cap.

Sell or sale means any of the following: to exchange, barter or traffic in; to solicit or receive an order for, except through a licensee licensed under article 46 or 48 of title 12, C.R.S.; to keep or expose for sale; to serve with meals; to deliver for value or in any way other than gratuitously; to peddle or possess with intent to sell; to possess or transport in contravention of this article; or to traffic in for any consideration promised or obtained, directly or indirectly.

Sell at wholesale means selling to any other than the intended consumer of fermented malt beverages or malt, vinous or spirituous liquors. Sell at wholesale shall not be construed to prevent a brewer or wholesale beer dealer from selling fermented malt beverages or malt, vinous or spirituous liquors to the intended consumer thereof or to prevent a licensed manufacturer or importer from selling such beverages to a licensed wholesaler.

Spirituous liquors means any alcoholic beverage obtained by distillation, mixed with water and other substances in solution, and includes among other things brandy, rum, whiskey, gin and every liquid or solid, patented or not, containing at least one-half of one percent (0.5%) alcohol by volume and which is fit for use for beverage purposes. Any liquid or solid containing beer or wine in combination with any other liquor shall not be construed to be fermented malt or malt or vinous liquor but shall be construed to be spirituous liquor.

State licensing authority means the executive director of the department of revenue or the deputy director of the department of revenue if the executive director so designates.

Tavern means an establishment serving malt, vinous and spirituous liquors in which the principal business is the sale of such beverages at retail for consumption on the premises, and where sandwiches and light snacks are available for consumption on the premises.

Vinous liquors means wine and fortified wines that contain not less than one-half of one percent (0.5%) and not more than twenty-one percent (21%) alcohol by volume and shall be construed to mean an alcoholic beverage obtained by the fermentation of the natural sugar contents of fruits or other agricultural products containing sugar.

Winery means any establishment where vinous liquors are manufactured.

(Ord. 05-03 §1, 2005)

**Sec. 6-189. Penalty for violation.**

- (a) Any licensee who violates the terms of this article may be subject to suspension or revocation of his or her liquor license pursuant to Section 12-47-601, C.R.S.
- (b) Whenever a decision of the licensing authority suspending a license for fourteen (14) or fewer days becomes final, whether by failure of the licensee to appeal the decision or by exhaustion of all

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appeals and judicial review, the licensee may, before the operative date of the suspension or such earlier date as the licensing authority may designate in its decision, petition for permission to pay a fine in lieu of having the license suspended for all or part of the suspension period. The licensing authority may, in its sole discretion, stay the proposed suspension in part or in whole and grant the petition if it finds, after any investigation that it deems desirable, that:

- (1) The public welfare and morals would not be impaired by permitting the licensee to operate during the period set for suspension and that the payment of the fine will achieve the desired disciplinary purpose;
  - (2) The books and records of the licensee are kept in such a manner that the loss of sales during the proposed suspension can be determined with reasonable accuracy therefrom; and
  - (3) The licensee has not had its 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 license.
- (c) Payment of any fine shall be in the form of cash, a certified check or a cashier's check payable to the licensing authority. Such fine shall be paid into the general fund of the town.
- (d) The licensing authority may grant such conditional or temporary stays as are necessary for it to complete its investigations, to make its findings as specified in subsection (b) above and to grant a permanent stay of the entire or part of the suspension. If no permanent stay is granted, the suspension shall go into effect on the operative date finally set by the licensing authority.

(Ord. 05-03 §1, 2005)

**Sec. 6-190. Use of gambling equipment.**

No licensee shall install, maintain or operate, or permit the installation, maintenance or operation of, within or upon the licensed premises, any gambling table, establishment, device, machine, apparatus or other thing contrary to this article or to the laws of this state or which is kept or used for the purpose of gambling either directly or indirectly. This article shall not be construed to prohibit the use of bona fide amusement devices which do not and cannot be adjusted to pay anything of value, and which may not be used for gambling, directly or indirectly, and for the scoring, achievement, use or operation of which no prize, reward or thing of value is offered or paid by any person.

(Ord. 05-03 §1, 2005)

**Sec. 6-191. Conduct on premises.**

- (a) Each licensee shall conduct his or her establishment in a decent, orderly and respectable manner, and shall not permit within or upon the licensed premises the loitering of habitual drunkards or intoxicated persons, lewd or indecent displays, profanity, rowdiness, undue noise or other disturbance or activity offensive to the senses of the average citizen or to the residents of the neighborhood in which the establishment is located.
- (b) Any licensee shall immediately report to the police department any unlawful or disorderly act, conduct or disturbance committed on the premises.
- (c) Each licensee shall post and keep at all times visible to the public in a conspicuous place on the premises, signs to be furnished by the town clerk's office, which signs shall be in the following forms:
  - (1) "Warning! Hudson police must be notified of all disturbances in this establishment and on the grounds, which are part of the establishment."

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- (2) "Warning! A mandatory fine of two thousand six hundred fifty dollars (\$2,650.00) and imprisonment of up to one (1) year may be levied on any person convicted of carrying or possessing any dangerous or deadly weapon, including firearms or knives with over three-and-one-half-inch blades, into or onto any public property, any organized public gathering or any establishment licensed for the sale of alcoholic or fermented malt beverages."
- (d) Prosecution or conviction under this section shall not prohibit prosecution or conviction under any other applicable law or ordinance, and the penalties provided shall be accumulative and in addition to all other penalties incurred under such other applicable law or ordinance enacted by the town.
- (e) It shall not be a defense that the licensee was not personally present on the premises at the time any unlawful or disorderly act, conduct or disturbance took place; provided, however, that an agent, servant or employee of the licensee shall not be responsible hereunder when absent from the premises while not on duty.
- (f) Any person who violates any provision of this section, upon conviction thereof, shall be fined not more than the amount set forth in section 1-51 of this code and/or shall be imprisoned for not more than one (1) year.

(Ord. 05-03 §1, 2005; Ord. 13-07 §§8, 9, 2013)

**Sec. 6-192. When consumption on premises prohibited.**

No licensee shall permit the consumption of malt, vinous or spirituous beverages or 3.2 percent beer on the licensed premises at any time when the sale of such beverages is prohibited by law.

(Ord. 05-03 §1, 2005)

**Sec. 6-193. Soliciting drinks.**

No licensee, manager or agent shall employ or permit upon any liquor licensed on-sale premises any employee, waiter, waitress, entertainer, host or hostess to mingle with patrons and personally beg, procure or solicit the purchase or sale of drinks or beverages for the use of the one begging, procuring or soliciting or for the use of any other employee.

(Ord. 05-03 §1, 2005)

**Sec. 6-194. Loitering.**

No licensee, manager or agent shall permit upon any premises licensed under this article for on-premises consumption any person to loiter in or about the premises for the purpose of begging and soliciting any patron or customer of or visitor in such premises to purchase any drinks or beverages of any type or nature whatsoever for the one soliciting or begging.

(Ord. 05-03 §1, 2005)

**Sec. 6-195. Nudity on premises.**

No licensee for retail sale by the drink of spirituous, vinous or malt beverages or 3.2 percent beer shall permit any person to appear in a state of nudity within or upon the premises.

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(Ord. 05-03 §1, 2005)

**Sec. 6-196. Indecent displays.**

No licensee for retail sale by the drink of spirituous, vinous or malt beverages or 3.2 percent beer shall permit any lewd or indecent display by any person within or upon the premises.

(Ord. 05-03 §1, 2005)

**Sec. 6-197. Showing of films, etc., depicting acts prohibited.**

No licensee for retail sale by the drink of spirituous, vinous or malt beverages or 3.2 percent beer shall permit the showing of films, still pictures, electronic reproduction or other visual reproductions depicting any act or live performance prohibited by sections 6-189 through 6-196 of this article.

(Ord. 05-03 §1, 2005)

**Secs. 6-198—6-208. Reserved.**

***Division 6 Special Events Permit***

[Sec. 6-209. Special events permit authorized.](#)

[Sec. 6-210. Fee.](#)

[Sec. 6-211. Notification to state licensing authority of special event permit issuance.](#)

[Secs. 6-212—6-220. Reserved.](#)

**Sec. 6-209. Special events permit authorized.**

The town shall be authorized to issue special events permits in accordance with Section 12-48-101, C.R.S.

(Ord. 05-03 §1, 2005)

**Sec. 6-210. Fee.**

In addition to the fees paid to the department of revenue, an application for a special events permit shall be accompanied by a fee paid to the town as shall be adopted by the town by resolution of the board of trustees to defray the expenses for any necessary investigation and for the issuance of the permit.

(Ord. 05-03 §1, 2005; Ord. 13-13 §23, 2013)

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**Sec. 6-211. Notification to state licensing authority of special event permit issuance.**

- (a) Pursuant to Section 12-48-107(5)(a), C.R.S., the local licensing authority ("authority") elects not to notify the state licensing authority to obtain the state licensing authority's approval or disapproval of applications for special event permits.
- (b) The town clerk shall report to the Colorado Liquor Enforcement Division, within ten (10) days after the authority issues a special event permit, the name of the organization to which the permit was issued, the address of the permitted location and the permitted dates of alcohol beverage service.
- (c) Upon receipt of an application for a special event permit, the town clerk shall, as required by Section 12-48-107(5)(c), C.R.S., access information made available on the state licensing authority's website to determine the statewide permitting activity of the organization applying for the permit. The authority shall consider compliance with the provisions of Section 12-48-105(3), C.R.S., which restricts the number of permits issued to an organization within a calendar year to fifteen (15), before approving any application.
- (d) A special event permit may be issued only upon a satisfactory showing by an organization or a qualified political candidate that:
  - (1) Other existing facilities are not available or are inadequate for the needs of the organization or political candidate; and
  - (2) Existing licensed facilities are inadequate for the purposes of serving members or guests of the organization or political candidate and that additional facilities are necessary by reason of the nature of the special event being scheduled; or
  - (3) The organization or political candidate is temporarily occupying premises other than the regular premises of such organization or candidate during special events, such as civic celebrations or county fairs, and that members of the general public will be served during such special events.
- (e) Each application for a special event permit shall be accompanied by an application fee in an amount equal to the maximum local licensing fee established by Section 12-48-107(2), C.R.S.

(Ord. 12-03 §1, 2012)

**Secs. 6-212—6-220. Reserved.**

**ARTICLE 5 Medical Marijuana Businesses**

[Sec. 6-221. Findings and legislative intent.](#)

[Sec. 6-222. Authority.](#)

[Sec. 6-223. Definitions.](#)

[Sec. 6-224. Medical marijuana centers, optional premises cultivation operations and medical marijuana-infused products manufacturers' licenses prohibited.](#)

[Sec. 6-225. Patients and primary caregivers.](#)

[Sec. 6-226. Penalty.](#)

[Sec. 6-227. Application fee.](#)

[Secs. 6-228—6-239. Reserved.](#)

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**Sec. 6-221. Findings and legislative intent.**

The board of trustees makes the following legislative findings:

- (1) The board of trustees finds and determines that the Colorado Medical Marijuana Code, Section 12-43.3-101, et seq., C.R.S., clarifies state law regarding the scope and extent of Amendment 20 to the Colorado Constitution.
- (2) The board of trustees finds and determines that the Colorado Medical Marijuana Code specifically authorizes in part that the governing body of a municipality may "vote to prohibit the operation of medical marijuana centers, optional premises cultivation operations, and medical marijuana-infused products manufacturers' licenses."
- (3) The board of trustees finds and determines that the Colorado Medical Marijuana Code further specifically authorizes a municipality in part "to prohibit the operation of medical marijuana centers, optional premises cultivation operations, and medical marijuana-infused products manufacturers' licenses based on local government zoning, health, safety, and public welfare laws for the distribution of medical marijuana."
- (4) The board of trustees finds and determines, after careful consideration of the provisions of the Colorado Medical Marijuana Code and Article XVIII, Section 14 of the Colorado Constitution, and after evaluating, inter alia, the potential secondary impacts associated with the retail sale, distribution, cultivation and dispensing of medical marijuana through medical marijuana centers, optional premises cultivation operations and medical marijuana-infused products manufacturers' licenses, that such land uses have an adverse effect on the health, safety and welfare of the town and the inhabitants thereof.
- (5) The board of trustees therefore finds and determines that, as a matter of the town's local land use and zoning authority, and consistent with the authorization provided by the Colorado Medical Marijuana Code, no suitable location exists within the corporate limits of the town for the cultivation, manufacture and sale of medical marijuana by the operation of medical marijuana centers, optional premises cultivation operations and medical marijuana-infused products manufacturers' licenses.
- (6) The board of trustees recognizes and affirms the protections afforded by Article XVIII, Section 14 of the Colorado Constitution, and desires to affirm the ability of patients and primary caregivers to otherwise be afforded the protections of Article XVIII, Section 14 of the Colorado Constitution and Section 25-1.5-106, C.R.S.

(Ord. 12-04 §1, 2012)

**Sec. 6-222. Authority.**

The board of trustees hereby finds, determines and declares that it has the power and authority to adopt this article pursuant to:

- (1) The Colorado Medical Marijuana Code, Section 12-43.3-101, et seq., C.R.S.;
- (2) The Local Government Land Use Control Enabling Act, Article 20 of Title 29, C.R.S.;
- (3) Part 3 of Article 23 of Title 31, C.R.S. (concerning municipal zoning powers);
- (4) Section 31-15-103, C.R.S. (concerning municipal police powers);
- (5) Section 31-15-401, C.R.S. (concerning municipal police powers); and
- (6) Section 31-15-501, C.R.S. (concerning municipal authority to regulate businesses).

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(Ord. 12-04 §1, 2012)

**Sec. 6-223. 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 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 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.

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

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.

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

(Ord. 12-04 §1, 2012)

**Sec. 6-224. 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 a medical marijuana center, optional premises cultivation operation or facility for which a medical marijuana-infused products manufacturers' license could otherwise be obtained within the town, and all such uses are hereby prohibited in any location within the town or within any area hereinafter annexed to the town.

(Ord. 12-04 §1, 2012)

**Sec. 6-225. Patients and primary caregivers.**

Nothing in this Article shall be construed to prohibit, regulate or otherwise impair the use of medical marijuana by patients as defined by the Colorado Constitution 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 statute and rules may be amended from time to time.

(Ord. 12-04 §1, 2012)

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**Sec. 6-226. Penalty.**

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

- (1) By a fine of not more than nine hundred ninety-nine dollars (\$999.00) or imprisonment in the county jail for not more than one (1) year, or by both such fine and imprisonment;
- (2) Each and every day a violation of the provisions of this article is committed, exists or continues shall be deemed a separate offense;
- (3) The town is specifically authorized to seek an injunction, abatement, restitution or any other remedy necessary to prevent, enjoin, abate or remove the violation; and
- (4) Any 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. 12-04 §1, 2012)

**Sec. 6-227. Application fee.**

An applicant shall pay to the town a nonrefundable application fee when the application is filed. The purpose of the fee is to cover the administrative costs of processing the application. The application fee shall be as adopted by the town by resolution of the board of trustees.

(Ord. 13-13 §24, 2013)

**Secs. 6-228—6-239. Reserved.**