

CHAPTER VI
LICENSES AND PERMITS

Article 6-1 Procedures

ARTICLE 1

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6-1-1 Applications

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

6-1-2 Persons Subject to License

Whenever in this Code or in any code adopted herein a license is required for the maintenance, operation or conduct of any business or establishment, or for doing business or engaging in any activity or occupation, any person or corporation shall be subject to the requirement if by himself or through an agent, employee, or partner, he holds himself forth as being engaged in the business,

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or occupation; or solicits patronage therefore, actively or passively; or performs or attempts to perform any part of such business or occupation in the Town.

6-1-3 Forms

Forms for all licenses and permits, and applications therefore, shall be prepared and kept in file by the Town Clerk.

6-1-4 Signatures

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

No. STATE OF COLORADO
By Authority of
THE TOWN OF HOTCHKISS

LICENSE \$

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

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

(SEAL)

MAYOR

ATTEST:

TOWN CLERK

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6-1-5 Investigations

Upon the receipt of an application for a license or permit where any provision of this Code or of any code adopted herein necessitates an inspection or investigation before the issuance of such permit or license, the Town Clerk shall refer such application to the proper officer, board or commission for making such investigation within forty-eight (48) hours of the time of such receipt. The officer, board or commission charged with the duty of making the investigation or inspection shall make a report thereon, favorable or otherwise, within ten (10) days after receiving the application or a copy thereof. The Building Inspector shall make or cause to be made any such inspections relative to the construction of buildings or other structures. All other investigations except where otherwise specifically provided, shall be made by the Town Marshall or by another officer designated by the Board of Trustees.

6-1-6 Fees

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

6-1-7 Termination of Licenses: Renewal

In the absence of any specific provision to the contrary, all annual licenses shall terminate on the last day of the calendar year. Unless specifically otherwise stated, all

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annual licenses may be renewed upon payment of the annual license fee to the Town Clerk without further examination or investigation.

6-1-8 Building and Premises

No license shall be issued for the conduct of any business, and no permit shall be issued for anything or act, if the premises and building to be used for the purpose do not fully comply with the requirements of this Code and any code adopted hereby. No such license or permit shall be issued for the conduct of any business or performance of any act which would involve a violation of zoning provisions, if any, enacted by the Town of Hotchkiss.

6-1-9 Change of Location

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

6-1-10 Inspections

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

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- (b) Whenever an analysis of any commodity or material is reasonably necessary to secure conformance with any provision of this Code or any code adopted herein or to detect violations thereof, it shall be the duty of the licensee of the municipality whose business is governed by such provision to give to any authorized officer or employee of the Town requesting the same sufficient samples of such material or commodity for such analysis upon request, and it shall be unlawful for such licensee to fail or refuse to give such samples to such officer or employee.
- (c) Conviction of a violation of any provision of this Section shall automatically forfeit and revoke any license issued under this Chapter; provided, that there shall be no violation of this Section unless written demand is made upon the licensee or person in charge of the premises, in the name of the Town stating that such inspection or sample is desired at the time it is sought to make the inspection of or obtain the sample.

6-1-11 Revocation

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

- (a) The licensee has failed to pay the annual license fee; or
- (b) The licensee has failed to file any reports or furnish any other information that may be required by the provisions relating to the specific license; or

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- (c) The licensee has violated any of the terms of the provisions pertaining to his license or any regulation or order lawfully made relating thereto; or
- (d) Any fact or condition exists which if it had existed or had been known to exist at the time of the application for such license, would have warranted the refusal of the issuance of such license; or
- (e) Fraud, misrepresentation, or false statement was contained in the application of the license; or
- (f) Intentional fraud, misrepresentation or false statement was made in the course of business for which the license was issued.

6-1-12 Return of Fees

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

6-1-13 Posting License

It shall be the duty of any person conducting a licensed business in the Town to keep his license posted in a prominent place on the premises used for such business at all times.

6-1-14 Licensing Violations

It shall be unlawful for any person subject to licensing requirements under this Code to operate without such a license or after the termination, revocation or suspension of such license.

6-1-15 Appeal

Any person aggrieved by the action of the police or the Town Clerk in the denial of a permit or license or the suspension of the same, shall have the right of appeal to the Board of Trustees. Such appeal shall be filed within fourteen days after notice of the action complained of has been mailed to such person's last known address, by means of a written statement setting forth fully the grounds for an appeal. The Board shall set a time and a place for the hearing and shall give notice to the appellant in the same manner as provided in Section 8-1-7 (b)

6-1-16 Decision Final

The decision of the Board shall be final and conclusive, except as provided by the laws of the State of Colorado.