

Title 5

Business Regulations and Licenses

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Chapter 5.20

Business Licenses

5.20.010 Business license.

(a) Each business, profession or occupation within the Town, which business, profession or occupation consists of the selling of goods, wares, merchandise or service; the performing or rendering of service for charge; the leasing, renting or furnishing of accommodation units; and the carrying on or engaging in any nonresidential business or community special event shall obtain and maintain a business license. Each business, profession or occupation conducted at a separate physical location, regardless of ownership, shall obtain and maintain a separate business license.

(b) Each individual accommodation unit which is separately owned, including but not limited to a condominium unit, shall obtain and maintain a business license for the individual unit as provided in Section 5.20.030. An entity or company managing one (1) or more accommodation units, shall obtain and maintain a business license for the management business separate from the business license of the owner of the individual accommodation unit.

(c) Each community special event vendor that engages in business within the Commercial Downtown "CD" zoning district of the Town shall first obtain a business license from the Town Clerk. The community special event coordinator is required to have a business license to engage in business within Town limits. Any community special event coordinator or special event vendor with a current Town business license is exempt from this business license. (Ord. 1-91 §1(part), 1991; Ord. 19-91 §1(part), 1991; Ord. 18-93 §2, 1993; Ord. 20-01 §1, 2001; Ord. 4-04 §1, 2004; Ord. 19-07 §1, 2007; Ord. 28-07 §1, 2007)

5.20.020 Definitions.

In this Chapter, the following words and phrases shall have the following meanings:

Accommodation means the leasing, renting or furnishing of any room, mobile home site, recreational vehicle site, camp site or other area in any hotel, motel, guest house, bed and breakfast, apartment, dormitory, mobile home park, recreational vehicle park or campground, any single-family dwelling, duplex, multiple-family dwelling, condominium unit, vacation home or any such similar place to any person who, for a consideration, uses, possesses or has the right to use or possess such dwelling, room, single-family dwelling, duplex unit, multiple-family unit, condominium unit, vacation home, site or other accommodation for a total continuous duration of less than thirty (30) days.

Accommodation site means a site consisting of one (1) or more accommodation units, including, but not limited to condominium units, which are located on one (1) individual parcel of real property and under management control for rental purposes of an agent, entity or agency.

Accommodation unit means each individual room, set of rooms, site, single-family dwelling, duplex unit, multiple-family unit, condominium unit, vacation home or divided area rented, leased or occupied on a unit basis in an accommodation.

Building contractor means a business, profession or occupation whose primary business is the physical construction of structures and their appurtenances, including but not limited to:

- Acoustical contractor;
- Air conditioning contractor;
- Asphalt contractor;

Cabinets and cabinet makers;
Carpenter;
Caulking contractor;
Ceiling contractor;
Concrete contractor;
Counter tops contractor;
Demolition contractor;
Drilling and boring contractor;
Drywall contractor;
Electrical contractor;
Excavating contractor;
Fire system installation contractor;
Framing contractor;
General contractor;
Heating/mechanical contractor;
Home building;
Home improvement contractor;
House mover contractor;
Insulation contractor;
Landscape contractor;
Mason contractor;
Painting contractor;
Patio, deck, porch, building/enclosure contractor;
Paving contractor;
Plumbing contractor;
Remodeling and repairing contractor;
Road building contractor;
Roofing contractor;
Septic tanks and systems contractor;
Siding contractor;
Sprinkler system contractor;
Swimming pool contractor;
Tile/ceramic contractor; and
Waterproofing contractor.

Community special events means any event at which a business, profession or occupation is conducted where goods, wares, merchandise, service or the performing or rendering of service, for charge, is conducted or sponsored by a nonprofit association or organization.

Community special event coordinator means the individual or organization that is responsible for the management of the community special event.

Community special event vendor means any business that sells or offers to sell any goods, wares, merchandise or service in conjunction with a community special event within the Commercial Downtown "CD" zoning district.

General business means the carrying on or engaging in any business, profession or occupation within the Town which business, profession or occupation consists of the selling of goods, wares, merchandise or service or the performing or rendering of service for charge; except the carrying on or engaging in an accommodation, building contractor, community special event or home business.

Home business means a business, profession or occupation conducted within or from a dwelling by a resident as an accessory use to the residential use of the dwelling, but it does not include a building contractor or accommodation.

Nonresident business means a business, profession or occupation whose business premises is located outside the corporate limits of the Town but is otherwise subject to the terms of this Chapter.

Owner means the person owning any business, profession, occupation or accommodation unit. In the event that the owner is a nonresident or cannot be located by the Town, the operator, manager or lessee of any such business, profession or occupation shall be deemed an owner for all purposes of this Chapter.

Vacation home means a residential dwelling unit, as defined in the Estes Valley Development Code, that is located within a residential zoning district and is rented, leased or occupied on a unit basis as an accommodation. (Ord. 1-91 §1 (part), 1991; Ord. 19-91 §1(part), 1991; Ord. 18-93 §1, 1993; Ord. 11-94 §1, 1994, Ord. 15-97, 1997; Ord. 20-98 §1, 1998; Ord. 20-01 §2, 2001; Ord. 4-04 §1, 2004; Ord. 19-07 §1, 2007)

5.20.030 Amount of license fee.

The business license fee is set forth as follows:

- (1) General business license: two hundred dollars (\$200.00) per year.
- (2) Accommodations license: five (5) units or less, one hundred fifty dollars (\$150.00) per year; six (6) to twenty (20) units, two hundred sixty dollars (\$260.00) per year; twenty-one (21) units or more, three hundred seventy-five dollars (\$375.00) per year. Each individual accommodation site shall pay a business license fee based upon the number of units on the individual accommodation site.
- (3) Building contractor's license: two hundred dollars (\$200.00) per year.

(4) Home business license: one hundred dollars (\$100.00) per year.

(5) Individual accommodation unit: Any individual accommodation unit, including but not limited to a condominium unit, which is not part of an accommodation site, shall pay a business license fee of one hundred fifty dollars (\$150.00) per year.

(6) Community special event vendor operating within the Commercial Downtown "CD" zoning district: The business license fee shall be as follows:

1—3 days	\$ 20.00
4—7 days	25.00
8—30 days	50.00
+30 days	200.00

(Ord. 1-91 §1(part), 1991; Ord. 19-91 §1(part), 1991; Ord. 18-93 §3, 1993; Ord. 11-94 §2, 1994; Ord. 20-98 §3, 1998; Ord. 21-98 §1, 1998; Ord. 20-01 §3, 2001; Ord. 4-04 §1, 2004; Ord. 19-07 §1, 2007)

5.20.040 Business license requirements.

Every person who is the owner of any business, profession, occupation, accommodation unit or community special event vendor, including owners of multiple businesses at separate physical locations, shall obtain a business license from the Town as follows:

(1) A business license shall be obtained prior to engaging in any business, profession, occupation, accommodation or special event within the Town.

(2) The owner shall complete all forms and provide all information required by the Town Clerk for obtaining a business license.

(3) The owner, if required, shall complete an Affidavit of Lawful Presence and present valid identification required by Section 25-76.5-101 et seq., C.R.S., or any regulation of the State promulgated thereto.

(4) The owner shall complete and/or provide all documentation and information required by the State and/or the United States for the issuance of a business license. (Ord. 1-91 §1(part), 1991; Ord. 19-91 §1(part), 1991; Ord. 4-04 §1, 2004; Ord. 19-07 §1, 2007; Ord. 28-07 §2, 2007)

5.20.050 Form of license; transfers.

(a) Each business license shall be numbered and shall show the name and place of the business of the licensee and shall be posted in a conspicuous place on the business premises for which it is issued. This license may be transferable to any new owner of the business so long as the business remains at the same premises.

(b) Every community special event business license shall be numbered and show the vendor name, name of the event and dates applicable, and shall be displayed at each booth in a conspicuous place. (Ord. 1-91 §1(part), 1991; Ord. 19-91 §1(part), 1991; Ord. 18-93 §4, 1993; Ord. 15-97, 1997; Ord. 20-01 §4, 2001; Ord. 19-07 §1, 2007)

5.20.060 Payment of license fee.

(a) The owner of each business, profession, occupation or accommodation unit subject to the provisions of this Chapter shall pay the business license fee for each calendar year in which the owner engages in any business, profession, occupation or accommodation within the Town as follows:

(1) Full payment is required on or before March 31 of each calendar year.

(2) Any new business, profession, occupation or accommodation which begins its business on or after January 1 and on or before June 30 shall pay the full amount of the business license fee. Any new business, profession, occupation or accommodation which begins its business on or after July 1 and on or before September 30 shall pay one-half (½) of the business license fee. Any new business, profession, occupation or accommodation which begins its business on or after October 1 and on or before December 31 shall pay one-fourth (¼) of the business license fee. All business license fees subject to this Subsection (2) shall be due and payable upon submittal of an application to the Town Clerk's office.

(3) In the event any existing business license is not renewed in the subsequent calendar year on or before March 31, the business license shall be deemed to have lapsed. A new business license fee in full must be paid by the owner. There shall be no proration of this business license fee.

(4) In the event that a nonsufficient funds (NSF) check is received, a twenty-dollar fee will be added to the account.

(b) Community special event vendor fees shall be collected by the community special event coordinator and remitted to the Town

Clerk with the name of the vendor, vendor's sales tax information, name of event and date(s) of event, at least ten (10) business days prior to the start of the event. (Ord. 1-91 §1(part), 1991; Ord. 19-91 §1(part), 1991; Ord. 18-93 §5, 1993; Ord. 15-97, 1997; Ord. 20-01 §5, 2001; Ord. 4-04 §1, 2004; Ord. 19-07 §1, 2007; Ord. 28-07 §3, 2007)

5.20.070 Violation.

It shall be a violation of this Chapter for an owner of a business, profession, occupation or accommodation or a community special event vendor to fail to obtain and maintain the business license; refuse to make payment to the Town of the business license fee; or fail to complete the application process. (Ord. 1-91 §1(part), 1991; Ord. 19-91 §1(part), 1991; Ord. 4-04 §1, 2004; Ord. 19-07 §1, 2007; Ord. 28-07 §4, 2007)

5.20.080 Revocation of license.

The Town shall give written notice to the owner of any business, profession, occupation or accommodation or the community special event vendor who has failed to pay the fee in accordance with Section 5.20.060. If the business license fee is not paid in full within twenty (20) days of the date of the notice, the Town shall revoke the business license. Upon revocation of the business license, the owner's right and privilege to conduct the business, profession, occupation or accommodation or participate in community special events within the Town is terminated. (Ord. 1-91 §1(part), 1991; Ord. 19-91 §1(part), 1991; Ord. 4-04 §1, 2004; Ord. 19-07 §5, 2007; Ord. 28-07 §5, 2007)

5.20.085 Termination of right to conduct business.

Upon revocation of a business license or failure to obtain and maintain a business license, the owner's right and privilege to conduct its business, profession, occupation or accommodation or participate in a community special event

within the Town is terminated. Following termination, the Town may seek injunctive relief in the District Court to enjoin the owner of any business, profession, occupation or accommodation or the community special event vendor within the Town from conducting said business, profession, occupation or accommodation or participate in a community special event within the Town. (Ord. 28-07 §6, 2007)

5.20.090 Inspections.

The Town shall be entitled at any time, upon reasonable notice to the owner of any business, profession, occupation or accommodation, to inspect the premises occupied by the business, profession, occupation or accommodation for the purpose of ascertaining compliance with the terms and conditions of this Chapter. In the event that such inspection reveals that the business license fee charged to the business, profession, occupation or accommodation is in fact erroneous, an adjustment shall be made by the Town of the license fee. (Ord. 1-91 §1(part), 1991; Ord. 19-91 §1(part), 1991; Ord. 4-04 §1, 2004)

5.20.100 Chapter exceptions.

The provisions of this Chapter shall not apply to the following:

(1) Any business, profession or occupation licensed under any other Town ordinance and paying a license fee to engage in such business, profession or occupation, other than sales tax licenses, nor to any business, profession or occupation paying another business license fee or tax to the Town.

(2) Any business, profession or occupation which consists solely of delivering goods at wholesale to other businesses, professions or occupations within the Town. (Ord. 1-91 §1(part), 1991; Ord. 19-91 §1(part), 1991; Ord. 15-97, 1997)

5.20.110 Vacation homes in residential zoning districts.

This Section shall apply to the leasing, renting and occupation of any vacation home existing in the following zoning districts of the Town: RE-1, RE, E-1, E, R, R-1, R-2 and R-M.

(1) Purpose. The purpose of this Section is to permit the leasing, renting and occupation of vacation homes in residential zoning districts while maintaining the residential character of those districts.

(2) Restrictions on rentals. The leasing, renting or occupation of all vacation homes subject to this Section shall be restricted as follows:

a. Vacation homes shall not be operated in a manner that is out of character with residential uses. This includes vehicular traffic and noise levels that are out of character with residential uses. Vacation homes shall be designed to be compatible, in terms of building scale, mass and character, with a predominantly low-intensity and low-scale residential setting. Guest rooms shall be integrated within the vacation home. Kitchen facilities shall be limited to be consistent with single-family residential use.

b. A vacation home shall be rented, leased or furnished to no more than one (1) party with a maximum of eight (8) individual guests. The total maximum occupancy of eight (8) individuals shall be further limited by a maximum of two (2) guests per bedroom plus two (2) individuals. In the event the vacation home is managed by a full-time on-site manager, the vacation home may be rented, leased or furnished to more than one (1) party subject to the limitations of two (2) guests per bedroom plus two (2) individuals with a maximum of eight (8) guests.

c. No changes in the exterior appearance to accommodate each vacation home shall be allowed, except that one (1) wall-mounted identification sign no larger than four (4) square feet in area shall be permitted.

d. Only one (1) vacation home shall be permitted per lot in single-family residential districts.

e. No recreational vehicle, as the same is defined in Chapter 13 of the Estes Valley Development Code, tent, temporary shelter, canopy, teepee or yurt shall be used by any individual for living or sleeping purposes.

f. Each vacation home is permitted a maximum of three (3) guest vehicles on site and parked outside at any one (1) time. On-street parking shall be prohibited.

g. Vacation homes shall be subject to commercial utility rates for the entire calendar year of the current license, and sales tax collection and remittance. It is the owner's responsibility to notify the Utility Billing Department when the residence is no longer being used as a vacation home after the license expires.

h. The application for a business license for any vacation home shall designate a local resident or property manager of the Estes Valley who can be contacted by the Town with regard to any violation of the provisions of this Section. The person set forth on the application shall be the agent of the owner for all purposes with regard to the issuance of the business license, the operation of the vacation home and revocation of the business license pursuant to the terms and conditions of this Section.

i. Any vacation home in operation on or before November 1, 2004, and whose owner obtained a business license from the Town for 2004 shall be entitled to operate the vacation home to the extent of its operation on the effective date of the ordinance codified herein, including but not limited to the number of guest individuals allowed to occupy the vacation home at any one (1) time, the number of guest vehicles allowed to be parked on-site and any permitted signage identifying the operation of the vacation home. In the event the operation of the vacation home grandfathered by this Section is abandoned for a period of one (1) year or the owner does not maintain a business license for the vacation home in any subsequent calendar year, the vacation home shall then be subject to all of the terms and conditions of this Section, including but not limited to the number of guest individuals occupying the premises, the number of vehicles allowed to be parked outside one-site and the signage identifying the operation of the vacation home.

(3) Violation. It is a violation of this Section for any owner, agent, guest and/or occupant of a vacation home to be convicted, including a plea of no contest, of a violation of Section 9.08.010 (Disturbing the Peace) of this Code; to fail to collect and remit all required sales tax to the State due and owing for the leasing, rental or occupation of a vacation home; to violate any provisions of this Section; and/or to fail to acquire and pay for a business license. For the purpose of this Section, only violations of Section 9.08.010 of this Code which occur on the premises of the vacation home and while a vacation home is being occupied as a vacation home shall be a violation of this Section.

(4) Revocation of license. The Town may revoke the business license of any vacation home for violation of the provisions of this Section as follows:

a. The Town Clerk, upon the receipt and verification of any violation of this Section, shall give written notice to the owner or agent that a violation has occurred.

b. Upon the receipt and verification of any subsequent violation of the terms and conditions of this Section, within two (2) years of the date of the written warning set forth in Subsection a above, the Town Clerk shall revoke the business license by giving written notice to the owner or agent of the revocation of the license. Said revocation shall be for one (1) year from the date of the notice.

c. Upon the receipt and verification of any subsequent violation of the terms and conditions of this Section within two (2) years after reinstatement, the Town Clerk shall revoke the business license by giving written notice to the owner or agent of the revocation of the business license. Said revocation shall be for two (2) years from the date of the notice.

Upon revocation of the business license, the owner's right to operate a vacation home on the property shall terminate.

(5) Appeal. Any owner or agent who wishes to contest the written warning or the revocation of a business license shall be entitled to request a hearing before the Town Clerk by written notice delivered in person or by certified mail, return receipt requested, to the Town Clerk within fifteen (15) days of the date of the warning or revocation. The Town Clerk shall hold a hearing on the appeal and determine whether or not a violation of the provisions of this Section has occurred. The owner shall be entitled to present any evidence of compliance with the terms and conditions of this Section at said hearing. The decision of the Town Clerk as to whether or not the violation occurred shall be final and not subject to further appeal. (Ord. 4-04 §3, 2004)

Chapter 5.28

Beer and Liquor Sales

5.28.010 Definitions.

As used in this Chapter, the following words or phrases shall have the following meanings:

(1) *Malt liquors* means any beverage including beer obtained by the alcoholic fermentation or any infusion or decoction of barley, malt, hops or any other similar products or any combination in water, containing more than 3.2% of alcohol by weight.

(2) *Operator* means a person licensed by the Town or State to sell 3.2% beer, malt, vinous or spirituous liquors for beverage purposes at retail, and who is engaged at any time during the calendar year in such operation in the Town.

(3) *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 alcohol and which is fit for use for beverage purposes. Any liquid or solid containing beer or wine in combination with any other liquor except as provided in this Section shall not be construed to be malt or vinous liquor, but shall be construed to be spirituous liquor.

(4) *3.2% beer* means malt liquor as defined in this Section containing not more than 3.2% of alcohol by weight.

(5) *Vinous liquors* means any wine and fortified wines not more than twenty-one percent (21%) of alcohol by volume and which contain not less than one-half of one

percent (.5%), and shall be construed to mean alcoholic beverages obtained by the fermentation of the natural sugar contents of fruits or other agricultural products containing sugar. (Ord. 2-91 §1(part), 1991; Ord. 15-97, 1997)

5.28.020 Classification.

The business of selling at retail any 3.2% beer, malt, vinous or spirituous liquor is defined and separately classified for the purpose of this Chapter as follows:

(1) Class "A" Operators. All operators who are licensed to sell 3.2% beer on and off the premises;

(2) Class "B" Operators. All operators licensed to sell malt, vinous or spirituous liquors as a retail liquor store, liquor-licensed drugstore or club;

(3) Class "C" Operators. All operators licensed to sell malt, vinous or spirituous liquors as beer and wine, hotel and restaurant, tavern and brew pub; and

(4) Class "D" Operators. All nonprofit arts organization operators who are licensed to sell beer, wine and spirituous liquors for consumption on the premises to its patrons in connection with a production or performance. (Ord. 2-91 §1(part), 1991; Ord. 24-96 §1, 1996)

5.28.030 Declaration of policy and purpose.

The Board of Trustees finds, determines and declares that, considering the nature of the business of selling at retail 3.2% beer, malt, vinous or spirituous liquors for beverage purposes and the relations of such business to the municipal welfare, as well as the

relation to the expenditures required by the Town and a proper, just and equitable distribution of tax burdens within the Town, and all other matters proper to be considered in relation, the classification of the business as a separate occupation is reasonable, proper, uniform and nondiscriminatory and the amount of tax imposed by this Chapter is reasonable, proper, uniform and nondiscriminatory and necessary for a just and proper distribution of tax burdens within the Town. (Ord. 2-91 §1(part), 1991; Ord. 15-97, 1997)

Chapter 5.30

Liquor License Fees

5.30.010 Liquor and beer application fees.

Each initial application and renewal application to the Town for a 3.2% beer, malt, spirituous or vinous liquor license shall be accompanied by a fee in the amount provided for in the Liquor License Procedure Manual maintained by and on file with the Town Clerk, as the same may be modified from time to time. Said fees shall not exceed the maximum allowable under applicable State law. (Ord. 12-97 §1, 1997)

5.30.020 Renewals.

(a) All renewal applications for malt, vinous and spirituous liquor licenses and for fermented malt beverage licenses shall be submitted to the Town Clerk on the prescribed forms, together with the applicable license fees, no later than forty-five (45) days prior to the date on which the license expires. The Town Clerk may waive the forty-five-day requirement. 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 review the application and any other pertinent information 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 shall 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.

(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 shall cause to be issued a notice of hearing. The service and posting of notice shall be as provided in the applicable sections of the Colorado Liquor and Beer Codes. At the hearing, the Board of Trustees shall make a determination whether or not the license shall be renewed. (Ord. 8-93 §1(part), 1993; Ord. 15-97, 1997)

5.30.030 New licenses and transfer of ownership.

(a) All applications for new licenses and transfer of ownership shall be submitted to the Town Clerk on the prescribed forms, together with the applicable license fees. No new license or transfer of ownership application shall be accepted by the Town Clerk which is not complete in every detail.

(b) Upon receiving the completed application, the Town Clerk shall set the application for public hearing, publish and post the premises as provided in the applicable sections of the Colorado Liquor and Beer Codes. (Ord. 8-93 §1(part), 1993)

5.30.040 Modification of premises.

(a) All applications for modification of premises shall be submitted to the Town Clerk on the prescribed forms. No modification for premises application shall be accepted by the Town Clerk which is not complete in every detail. Upon receiving the completed application, the Town Clerk shall review the application and any other information to determine whether or not the premises, as changed, altered or modified, will meet all the pertinent requirements of the Colorado Liquor and Beer Code and the regulations promulgated thereunder. If the Town Clerk's review indicates that the premises, as changed, altered or modified, will meet the pertinent requirements, the Town Clerk shall approve the application for modification of premises.

(b) If the Town Clerk denies the application, the Town Clerk shall give notice in writing and state the grounds upon which the application was denied. The applicant shall be entitled to a hearing before the Board of Trustees on the denial if the applicant requests the same within fifteen (15) days after the date of the notice of denial. (Ord. 8-93 §1(part), 1993)

5.30.050 Special events permit.

(a) All applications for special events permits, pursuant to Article 48 of Title 12, C.R.S., shall be filed with the Town Clerk on the prescribed forms together with the applicable permit fees. No special events application shall be accepted by the Town Clerk which is not complete in every detail.

(b) Upon receiving the completed special events application, the Town Clerk shall review the application and any other documentation and determine whether or not the application

meets all of the requirements of Article 48 of Title 12, C.R.S., and the regulations promulgated thereunder. The Town Clerk shall also cause the premises to be posted as provided in said statute. If the Town Clerk finds that all applicable requirements of the State statute and regulations promulgated are met, and no protest has been filed, the Town Clerk shall issue the special events permit.

(c) If there is information before the Town Clerk and/or any protest filed by affected persons, the Town Clerk shall cause to be issued a notice of hearing on the special events application. The Town Clerk shall do all required posting and notification. At said hearing, the Board of Trustees shall determine whether or not to issue or deny the permit. (Ord. 8-93 §1(part), 1993)

Chapter 5.31

Optional Premises Liquor Licenses

5.31.010 Standards.

The following standards for the issuance of optional premises licenses or for optional premises for a hotel and restaurant license are adopted pursuant to the provisions of Section 12-47-135.5, C.R.S. These standards adopted herein shall be considered in addition to all other standards applicable to the issuance of licenses under the Colorado Liquor Code for an optional premises license or for an optional premises for a hotel and restaurant license. These two (2) types of licenses for optional premises will collectively be referred to as "optional premises" in these standards unless otherwise provided. (Ord. 9-91 §1(part), 1991)

5.31.020 Eligible facilities.

(a) An optional premises may only be approved when that premises is located on or adjacent to an outdoor sports and recreational facility as defined in Section 12-47-103(13.5)(b), C.R.S. The types of outdoor sports and recreational facilities which may be considered for an optional premises license are limited to the following:

- (1) Golf courses; and
- (2) Swimming pools.

(b) There are no restrictions on the minimum size of the outdoor sports and recreational facilities which may be eligible for the approval of an optional premises license. However, the Board of Trustees may consider the size of the particular outdoor sports or recreational facility in relationship to the number of optional premises requested for the facility. (Ord. 9-91 §1(part), 1991; Ord. 15-97, 1997)

5.31.030 Number of optional premises.

There are no restrictions on the number of optional premises which any one (1) licensee may have on his or her outdoor sports or recreational facility. However, any applicant requesting approval of more than one (1) optional premises shall demonstrate the need for each optional premises in relationship to the outdoor sports or recreational facility and its guests. (Ord. 9-91 §1(part), 1991)

5.31.040 Application requirements.

When submitting an application for the approval of an optional premises, an applicant shall also submit the following information:

- (1) A map or other drawing illustrating the outdoor sports or recreational facility boundaries and the approximate location of each optional premises requested;

(2) A description of the method which shall be used to identify the boundaries of the optional premises when it is in use and how the licensee will ensure alcoholic beverages are not removed from such premises;

(3) Proof of the applicant's right to possession of the optional premises; and

(4) A description of the provisions which have been made for storing malt, vinous and spirituous liquors in a secured area on or off the optional premises for use on the optional premises. (Ord. 9-91 §1(part), 1991; Ord. 15-97, 1997)

5.31.050 Advance notification.

Pursuant to Section 12-47-135(6) and (7), C.R.S., no alcoholic beverages may be served on the optional premises until the licensee has provided written notice to the state and local licensing authorities forty-eight (48) hours prior to serving alcoholic beverages on the optional premises. Such notice must contain the specific days and hours on which the optional premises are to be used. In this regard, there is no limitation on the number of days which a licensee may specify in each notice. (Ord. 9-91 §1(part), 1991)

Chapter 5.34

Telephone Systems

5.34.010 Purpose.

The tax provided for in this Chapter is upon occupations and businesses in the performance of local functions and is not a tax upon those functions relating to interstate commerce. It is expressly understood that none of the terms of this Chapter shall be construed to mean that any telephone utility company is issued a franchise by the Town. (Ord. 19-78 §7, 1978)

5.34.020 Tax levied.

There is levied on and against each telephone utility company operating within the Town a tax on the occupation and business of maintaining a telephone exchange and lines connected therewith in the Town, and of supplying local exchange telephone service to the inhabitants of the Town. The annual amount of tax levied hereby shall be equal to four dollars (\$4.00) per telephone account for which local exchange telephone service is provided within the corporate limits of the Town on the effective date, as provided in Section 5.32.030, and upon each anniversary of the effective date. (Ord. 19-78 §1, 1978)

5.34.030 Effective date.

The tax levied by this Chapter shall commence on January 1, 1978, and shall be due and payable at least annually. (Ord. 19-78 §2, 1978; Ord. 15-97, 1997)

5.34.040 Filing statement.

Within thirty (30) days after the effective date as provided in Section 5.32.030, each telephone utility company subject to this Chapter shall file with the Town Clerk, in such form as the Clerk may require, a statement showing the total telephone accounts for which local exchange telephone service was provided within the corporate limits of the Town on the effective date. Such statement shall be filed within thirty (30) days after each anniversary of the effective date showing such accounts on the anniversary date. (Ord. 19-78 §3, 1978)

5.34.050 Tax in lieu of other taxes.

The tax provided in this Chapter shall be in lieu of all other payments by or fees and taxes on any telephone utility subject to the provisions of this Chapter, other than ad valorem taxes, and in addition shall be in lieu of any free service furnished the Town by any such telephone utility. (Ord. 19-78 §8, 1978)

5.34.060 Inspection of records.

The Town, its officers, agents or representatives shall have the right at all reasonable hours and times to examine the books and records of the telephone utility company which are subject to the provisions of this Chapter and to make copies of the entries or contents. (Ord. 19-78 §6, 1978)

5.34.070 Failure to pay tax.

If any telephone utility company subject to the provisions of this Chapter fails to pay the taxes as provided in this Chapter, the full amount shall be due and collected from such company, and the same, together with an addition of ten percent (10%) of the amount of taxes due, shall be and is declared to be a debt due and owing from such company to the Town. The Town Attorney, upon direction of the Board of Trustees, shall commence and prosecute to final judgment and determination in any court of competent jurisdiction an action at law to collect the debt in the name of the Town. (Ord. 19-78 §4, 1978)

5.34.080 Violation; penalty.

If any officer, agent or manager of a telephone utility company which is subject to the provisions of this Chapter fails, neglects or refuses to make or file the annual statement of accounts provided in Section 5.34.040, the officer, agent, manager or person shall, on conviction, be punished by a fine not less than twenty-five dollars (\$25.00) nor more than three hundred dollars (\$300.00); provided that each day after such statement becomes delinquent, during which the officer, agent, manager or person so fails, neglects or refuses to make and file such statement, shall be considered a separate and distinct offense. (Ord. 19-78 §5, 1978)

