



**TOWN OF PAONIA**  
**TUESDAY, JUNE 11, 2019**  
**REGULAR TOWN BOARD MEETING AGENDA**  
**6:30 PM**

**Roll Call**

**Approval of Agenda**

**Announcements**

**Recognition of Visitors & Guests**

1. Miner's Plaza Memorial Wall Update

**Consent Agenda**

2. Cherry Days - Large Park Event  
Top O the Rockies BMW Rally - Large Park Event  
Cherry Days - Special Event Liquor License - Cherry Days and BMW Rally  
Mountain Harvest Festival - Large Park Event & Special Event Application

**Mayor's Report**

3. Mayor's Report

**Staff Reports**

4. Administrator's Report
5. Public Works Report
6. Police Report
7. Treasurer's Report

**Disbursements**

**Unfinished Business**

8. Colorado Detours, LLC – Commercial Use of Public Property
9. Colorado Code Consulting Contract – Collaborative Update of Building Code
10. Business Licensing - Continued Discussion

**New Business**

11. Special Review - Ruppert/Hunter - Home Occupation Application
12. Green Belt Addition - Acceptance of Annexation Petition
13. Resolution 2019-10 Initiating Annexation Proceedings
14. Home Occupation Application Process - Discussion

**Committee Reports**

15. Finance & Personnel
16. Public Works/Utilities/Facilities
17. Governmental Affairs/Public Safety
18. Space to Create
19. Tree Board

**Adjournment**

I. RULES OF PROCEDURE

**Section 1. Schedule of Meetings.** Regular Board of Trustees meetings shall be held on the second and fourth Tuesdays of each month, except on legal holidays, or as re-scheduled or amended and posted on the agenda prior to the scheduled meeting.

**Section 2. Officiating Officer.** The meetings of the Board of Trustees shall be conducted by the Mayor or, in the Mayor's absence, the Mayor Pro-Tem. The Town Clerk or a designee of the Board shall record the minutes of the meetings.

**Section 3. Time of Meetings.** Regular meetings of the Board of Trustees shall begin at 6:30 p.m. or as scheduled and posted on the agenda. Board Members shall be called to order by the Mayor. The meetings shall open with the presiding officer leading the Board in the Pledge of Allegiance. The Town Clerk shall then proceed to call the roll, note the absences and announce whether a quorum is present. Regular Meetings are scheduled for three hours, and shall be adjourned at 9:30 p.m., unless a majority of the Board votes in the affirmative to extend the meeting, by a specific amount of time.

**Section 4. Schedule of Business.** If a quorum is present, the Board of Trustees shall proceed with the business before it, which shall be conducted in the following manner. Note that all provided times are estimated:

- (a) Roll Call - (5 minutes)
- (b) Approval of Agenda - (5 minutes)
- (c) Announcements (5 minutes)
- (d) Recognition of Visitors and Guests (10 minutes)
- (e) Consent Agenda including Approval of Prior Meeting Minutes (10 minutes)
- (f) Mayor's Report (10 minutes)
- (g) Staff Reports: (15 minutes)
  - (1) Town Administrator's Report
  - (2) Public Works Reports
  - (3) Police Report
  - (4) Treasurer Report
- (h) Unfinished Business (45 minutes)
- (i) New Business (45 minutes)
- (j) Disbursements (15 minutes)
- (k) Committee Reports (15 minutes)
- (l) Adjournment

\* This schedule of business is subject to change and amendment.

**Section 5. Priority and Order of Business.** Questions relative to the priority of business and order shall be decided by the Mayor without debate, subject in all cases to an appeal to the Board of Trustees.

**Section 6. Conduct of Board Members.** Town Board Members shall treat other Board Members and the public in a civil and polite manner and shall comply with the Standards of Conduct for Elected Officials of the Town. Board Members shall address Town Staff and the Mayor by his/her title, other Board Members by the title of Trustee or the appropriate honorific (i.e.: Mr., Mrs. or Ms.), and members of the public by the appropriate honorific. Subject to the Mayor's discretion, Board Members shall be limited to speaking two times when debating an item on the agenda. Making a motion, asking a question or making a suggestion are not counted as speaking in a debate.

**Section 7. Presentations to the Board.** Items on the agenda presented by individuals, businesses or other organizations shall be given up to 5 minutes to make a presentation. On certain issues, presenters may be given more time, as determined by the Mayor and Town Staff. After the presentation, Trustees shall be given the opportunity to ask questions.

**Section 8. Public Comment.** After discussion of an agenda item by the Board of Trustees has concluded, the Mayor shall open the floor for comment from members of the public, who shall be allowed the opportunity to comment or ask questions on the agenda item. Each member of the public wishing to address the Town Board shall be recognized by the presiding officer before speaking. Members of the public shall speak from the podium, stating their name, the address of their residence and any group they are representing prior to making comment or asking a question. Comments shall be directed to the Mayor or presiding officer, not to an individual Trustee or Town employee. Comments or questions should be confined to the agenda

item or issue(s) under discussion. The speaker should offer factual information and refrain from obscene language and personal attacks.

**Section 9. Unacceptable Behavior.** Disruptive behavior shall result in expulsion from the meeting.

**Section 10. Posting of Rules of Procedure for Paonia Board of Trustees Meetings.** These rules of procedure shall be provided in the Town Hall meeting room for each Board of Trustees meeting so that all attendees know how the meeting will be conducted.

## **II. CONSENT AGENDA**

**Section 1. Use of Consent Agenda.** The Mayor, working with Town Staff, shall place items on the Consent Agenda. By using a Consent Agenda, the Board has consented to the consideration of certain items as a group under one motion. Should a Consent Agenda be used at a meeting, an appropriate amount of discussion time will be allowed to review any item upon request.

**Section 2. General Guidelines.** Items for consent are those which usually do not require discussion or explanation prior to action by the Board, are non-controversial and/or similar in content, or are those items which have already been discussed or explained and do not require further discussion or explanation. Such agenda items may include ministerial tasks such as, but not limited to, approval of previous meeting minutes, approval of staff reports, addressing routine correspondence, approval of liquor licenses renewals and approval or extension of other Town licenses. Minor changes in the minutes such as non-material Scribner errors may be made without removing the minutes from the Consent Agenda. Should any Trustee feel there is a material error in the minutes, they should request the minutes be removed from the Consent Agenda for Board discussion.

**Section 3. Removal of Item from Consent Agenda.** One or more items may be removed from the Consent Agenda by a timely request of any Trustee. A request is timely if made prior to the vote on the Consent Agenda. The request does not require a second or a vote by the Board. An item removed from the Consent Agenda will then be discussed and acted on separately either immediately following the consideration of the Consent Agenda or placed later on the agenda, at the discretion of the Board.

## **III. EXECUTIVE SESSION**

**Section 1.** An executive session may only be called at a regular or special Board meeting where official action may be taken by the Board, not at a work session of the Board. To convene an executive session, the Board shall announce to the public in the open meeting the topic to be discussed in the executive session, including specific citation to the statute authorizing the Board to meet in an executive session and identifying the particular matter to be discussed "in as much detail as possible without compromising the purpose for which the executive session is authorized." In the event the Board plans to discuss more than one of the authorized topics in the executive session, each should be announced, cited and described. Following the announcement of the intent to convene an executive session, a motion must then be made and seconded. In order to go into executive session, there must be the affirmative vote of two thirds (2/3) of Members of the Board.

**Section 2.** During executive session, minutes or notes of the deliberations should not be taken. Since meeting minutes are subject to inspection under the Colorado Open Records Act, the keeping of minutes would defeat the private nature of executive session. In addition, the deliberations carried out during executive session should not be discussed outside of that session or with individuals not participating in the session. The contents of an executive session are to remain confidential unless a majority of the Trustees vote to disclose the contents of the executive session.

**Section 3.** Once the deliberations have taken place in executive session, the Board should reconvene in regular session to take any formal action decided upon during the executive session. If you have questions regarding the wording of the motion or whether any other information should be disclosed on the record, it is essential for you to consult with the Town Attorney on these matters.

## **IV. SUBJECT TO AMENDMENT**

**Section 1. Deviations.** The Board may deviate from the procedures set forth in this Resolution, if, in its sole discretion, such deviation is necessary under the circumstances.

**Section 2. Amendment.** The Board may amend these Rules of Procedures Policy from time to time.

AGENDA SUMMARY FORM



Roll Call

Summary:

Notes:

Possible Motions:

Motion by: \_\_\_\_\_ 2<sup>nd</sup>: \_\_\_\_\_ vote: \_\_\_\_\_

Vote:	Trustee Bachran:	Trustee Bear:	Trustee Bookout:
Trustee Budinger:	Trustee Hart:	Trustee Knutson:	Mayor Stewart:

AGENDA SUMMARY FORM



Approval of Agenda

Summary:

Notes:

Possible Motions:

Motion by: \_\_\_\_\_ 2<sup>nd</sup>: \_\_\_\_\_ vote: \_\_\_\_\_

Vote:	Trustee Bachran:	Trustee Bear:	Trustee Bookout:
Trustee Budinger:	Trustee Hart:	Trustee Knutson:	Mayor Stewart:

AGENDA SUMMARY FORM



Announcements

Summary:

Notes:

Possible Motions:

Motion by: \_\_\_\_\_ 2<sup>nd</sup>: \_\_\_\_\_ vote: \_\_\_\_\_

Vote:	Trustee Bachran:	Trustee Bear:	Trustee Bookout:
Trustee Budinger:	Trustee Hart:	Trustee Knutson:	Mayor Stewart:

AGENDA SUMMARY FORM



Visitors & Guests

Summary:

Notes:

Possible Motions:

Motion by: \_\_\_\_\_ 2<sup>nd</sup>: \_\_\_\_\_ vote: \_\_\_\_\_

Vote:	Trustee Bachran:	Trustee Bear:	Trustee Bookout:
Trustee Budinger:	Trustee Hart:	Trustee Knutson:	Mayor Stewart:

AGENDA SUMMARY FORM



Miner's Plaza Memorial Wall Update

Summary:  
July 4<sup>th</sup> Dedication and other information.

Notes:

Possible Motions:

Motion by: \_\_\_\_\_ 2<sup>nd</sup>: \_\_\_\_\_ vote: \_\_\_\_\_

Vote:	Trustee Bachran:	Trustee Bear:	Trustee Bookout:
Trustee Budinger:	Trustee Hart:	Trustee Knutson:	Mayor Stewart:



AGENDA SUMMARY FORM



Consent Agenda

Summary:

Notes:

Cherry Days - Large Park Event

Top O the Rockies BMW Rally - Large Park Event

Cherry Days - Special Event Liquor License - Cherry Days and BMW Rally

Mountain Harvest Festival - Large Park Event & Special Event Application

Possible Motions:

Motion by: \_\_\_\_\_ 2<sup>nd</sup>: \_\_\_\_\_ vote: \_\_\_\_\_

Vote:	Trustee Bachran:	Trustee Bear:	Trustee Bookout:
Trustee Budinger:	Trustee Hart:	Trustee Knutson:	Mayor Stewart:

**TOWN OF PAONIA**  
**REQUEST TO BE PLACED ON AGENDA**

PO Box 460  
Paonia, CO 81428  
970/527-4101  
paonia@townofpaonia.com

Here are things you need to know:

- You must contact the Town Administrator or Town Clerk prior to coming to the Board. Quite often the issue can be resolved by staff action.
- No charges or complaints against *individual* employees should be made. Such charges or complaints should be sent to the employee's Department Head in writing with your signature.
- Remarks that discriminate against anyone or adversely reflect upon the race, color, ancestry, religious creed, national origin, political affiliation, disability, sex, or marital status of any person are *out of order* and may end the speaker's privilege to address the Board.
- Defamatory, abusive remarks or profanity are *out of order* and will not be tolerated.

Please complete the following information and return this form no later than the Monday, a week prior to the Board meeting to the above address or bring it to the Town Hall at 214 Grand Avenue.

Office hours are Monday through Friday, 8:00 a.m. to 4:30 p.m.

Regular Board meetings are scheduled for the second and fourth Tuesdays of each month.

Name of person making presentation: Robert Bushta

Organization, if speaking on behalf of a group: Paonia Cherry Days

Is this a request for Board action?  Yes  No

Please provide a summary of your comments:

Present Cherry Days Park/Event Application and the Special Event Permit Application (for both Cherry Days and the BMW Rally... both in July) for board approval

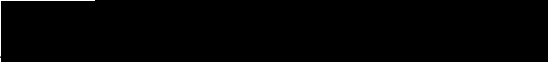
What staff member have you spoken to about this? Please summarize your discussion:

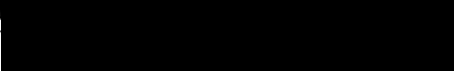
Corinne Ferguson; will have meetings with and discuss with Travis Loberg & Neal Ferguson

Contact information:

Name: Robert Bushta

Mailing Address: 

E-mail: 

Daytime Phone: 

Office Use Only:

Received: \_\_\_\_\_

Approved for Agenda: \_\_\_\_\_

Board Meeting Date: \_\_\_\_\_

## Town of Paonia Park/Event Registration Application

*This form is intended for events 100+ people using public property. The Town of Paonia encourages the use of its parks for the pleasure of its citizens, and reminds applicants to consider impacts on neighbors living adjacent to these public areas so we may all continue to enjoy our parks!*

*Please contact the Town office should there be any questions in filling out this form. The Town office is open from 8:00a to 4:30p Monday through Friday.  
Thank you~*

Applicant Name: Robert Bushta  
Organization: Paonia Cherry Days  
Mailing Address: P.O. Box 1703, Paonia, CO 81428  
Telephone Number: [REDACTED]  
Event Manager (if different than Applicant): same  
Event Manager Telephone: - same  
Event Manager E-Mail: [REDACTED]

**Please describe the event:** Cherry Days is the longest annual community festival in Paonia (73rd year) and it is held over the 4th of July holiday  
\*Event Date(s): Thursday July 4th Event Hours: 7 AM - 9 PM  
Event Date(s): Friday July 5th Event Hours: 11 AM - 9 PM  
Event Date(s): \_\_\_\_\_ Event Hours: \_\_\_\_\_  
Event Date(s): \_\_\_\_\_ Event Hours: \_\_\_\_\_

\* related community activities are published on the Cherry Days schedule, but are coordinated separately; Downtown Days is July 5th

**Which park do you want to use?**

- Town Park – 700 Fourth Street
  - Green space including shelters and gazebo
  - Football and/or Back Field area
- Apple Valley Park – 45 Pan American Avenue
- Poulos Park – 221 Grand Avenue (*no commercial activity allowed*)
- River Park – Grand Avenue (*no commercial activity allowed*)

**Will there be alcohol? (Alcohol Requires Board of Trustees Approval)**

- No
- Yes, but we are not selling it.
  - An On-Premise Liquor Application is required.
- Yes, and we would like to sell it.
  - We are a non-profit and submitted From DR-8439 Application for a Special Event Permit and any associated forms required.
  - On an attached piece of paper is the Alcohol Mitigation Plan.

**Will there be vendors?**

- No
- Yes
  - A list of vendors ~~is being~~ <sup>will be</sup> provided to the Town for tax compliance.
  - We have contacted the Department of Revenue to work out how taxes will be submitted for the event; ~~either electronically or manually.~~
  - Vendors will be notified that tax compliance will be monitored.
  - Chalk or tape are permitted to define vendor boundaries on the grass.

**Are you having a parade? Do you need a street closed?**

- No
- Yes. Attached is the street closure request form noting the day, hours and route information.

**Do you have any special requests? (i.e. - gate openings at certain times?)**

- No
- Yes Wow Factor Attractions will arrive Wednesday, July 3rd to set up on the football field. We will need access to the 5th Street gate; The park will be open, but we will set up the beer garden and allow food vendors to set up on the 3rd.

**Pricing:**

**Half Day (6 Hours or less)** \$ 100.00/day  
Includes: 3 dumpsters and up to 5 vendors  
Date Submitted \_\_\_\_\_ Amount \_\_\_\_\_

**Full Day (6+ Hours until 10:00p)** \$ 175.00/day  
Includes: 3 dumpsters and up to 10 vendors  
Date Submitted \_\_\_\_\_ Amount \_\_\_\_\_

**Multi-Day Rate (3+ consecutive days)** \$ 150.00/day  
Includes: 3 dumpsters and up to 10 vendors  
Date Submitted \_\_\_\_\_ Amount 300<sup>00</sup>

**Additional Vendors (More than 10)** \$ 5.00/ea  
Date Submitted TBD; paid separately after the event Amount the event

**Trash:** The Town will provide 3 dumpsters. If the event requires more, it is the responsibility of the applicant to contract with a local agency for additional services. Compostable ware is strongly encouraged from all vendors and event managers. Styrofoam not permitted.  
Date Submitted Travis will coordinate roll-offs Amount NA

**Any additional fees submitted (street closure, liquor licensing, etc):**  
Type: Town Special Event Permit (5 days with BMW Rally) \$ 250  
Street Closure Permit \$ 75  
Colorado Department of Revenue (5 days) \$ (125) - paid with separate check  
Date Submitted \_\_\_\_\_ Amount 625

**Recycling:** Should the event provide recycling, a \$50 credit shall be applied. \$ -50

**TOTAL FEES SUBMITTED** \$ 575

**All fees must be submitted no less than thirty (30) days before the first date of the event.**

**Other items submitted for consideration:** (On an attached piece(s) of paper)

- Communication Contacts
- Liability Insurance (certificate will be provided)  
(\$1,000,000 minimum AND the Town of Paonia needs to be listed as an additional insured)
- Medical Plan (ie - How do you plan on addressing a person who is injured at the event?)
- Parking Plan (ie-Staff versus Visitor parking)
- Safety Plan (ie - How would you deal with a natural emergency or a tree limb falling?)
- Security Plan (ie - Vendor security, controlling alcohol, etc)

**Promotion:**

The Town is willing to promote your event by posting submitted material on the Town website, the Town of Paonia Facebook page, and/or a poster placed in the Town Hall entryway.

Any material to be promoted must be submitted no less than thirty (30) days before the first day of the event. Material shall only be promoted once for each avenue noted above.

***The undersigned agrees to restore the park to pre-event condition, safety standards will be observed at all times, no glass will be brought into the park and all fees submitted are non-refundable, even if the event is canceled.***

Signed and submitted this 3rd day of June, 2019

Printed Name: Robert E. Bushta

Signature: 

- Unless waived by Town staff, no less than one week before the event, a meeting **must** be scheduled with the Public Works Director, Parks Maintenance, Town Clerk and the Police Chief, or designees to finalize all plans and coordinate last minute items.

**Date of Pre-Event Meeting:** \_\_\_\_\_

- Application is deemed complete and is accepted. Employee Initials GB

- Application requires Board of Trustee Approval.

**Hearing Date:** 6.11.19

Comments: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



# Paonia Cherry Days 2019

## “Small Town Living”

P.O. Box 1703 • Paonia, CO 8148 • paoniacherrydays.com

### Park/Event Registration Application Special Attachment

**Alcohol Mitigation Plan:** Paonia Cherry Days will offer beer and wine in the Park during Cherry Days, July 4 and 5. The alcohol will be served and must be consumed within the designated beer garden area. A roped and lighted barrier will designate the Cherry Days beer garden perimeter. Cherry Days will provide barrier security for the perimeter. Attendees will have their identification checked and a wristband applied once they are verified to be 21 or over. Servers will be educated in the serving of alcohol to prevent over consumption.

**Medical Plan:** The North Fork Ambulance Association traditionally has a presence during Cherry Days, with water and a first aid tent in the park. Cherry Days committee members will be instructed to call 911 if there is any doubt.

**Parking Plan:** Paonia Cherry Days will offer a minimum of four designated Handicap Parking spaces for attendees. All other festival attendees will be able to park on a first come, first served basis around the perimeter of the park and on adjacent side streets. We have requested 12 of the town’s traffic barriers be left on the east side of the teen center. Barriers will be used to limit traffic within the park during the festival (particularly on the 4<sup>th</sup>). Additionally, we request that barriers be left until Monday, July 22, so they may be used for the BMW Rally. Overflow parking is available at Paonia Elementary School to the west and the Church of Jesus Christ of Latter-Day Saints to the northeast.

**Safety Plan:** The volunteer coordinators of Paonia Cherry Days have made every conscience effort to produce a festival with safety in mind for all attendees regardless of age. Paonia Cherry Days will be insured through Hallam and Associates Insurance, with the Town of Paonia named as an additional insured. The policy will be finalized before the end of June and a copy of the insurance certificate will be provided to the town when it is received.

**Security Mitigation Plan:** Paonia Cherry Days will contract with Citadel Security to provide two park security guards for Thursday, July 4 from 8 PM until 8 AM, Friday, July 5, 2019. Any additional police presence from the Paonia Police Department would be greatly appreciated.

For further information, please contact: Bob Bushta [REDACTED]

OFFICE OF THE SECRETARY OF STATE  
OF THE STATE OF COLORADO  
CERTIFICATE OF REGISTRATION

I, Jena Griswold, as the Secretary of State of the State of Colorado, hereby certify that, according to the records of this office,

**PAONIA CHERRY DAYS**

is a **Charitable Organization** registered to solicit contributions in Colorado as required by the Colorado Charitable Solicitation Act, Title 6, Article 16, C.R.S.

This organization has been assigned a registration number of 20133008064.

The status of its registration is **Good**, and this status has been in effect since 02/19/2019.

The organization's registration expires on 05/15/2020.

Registrants may legally solicit contributions, provide consulting services in connection with a solicitation campaign, and conduct solicitation campaigns in Colorado until the registration expires or is withdrawn, suspended, or revoked.

This certificate reflects facts established or disclosed by documents delivered to this office electronically through 06/02/2019.

**IN TESTIMONY WHEREOF** I have hereunto set my hand and affixed the Great Seal of Colorado, at the City of Denver on 06-02-2019 18:47:07



*Jena Griswold*

Secretary of State of the State of Colorado

*Notice: A certificate issued electronically from the Colorado Secretary of State's website is fully and immediately valid and effective.*



**TOWN OF PAONIA**  
**REQUEST TO BE PLACED ON AGENDA**

PO Box 460  
Paonia, CO 81428  
970/527-4101  
paonia@townofpaonia.com

Here are things you need to know:

- You must contact the Town Administrator or Town Clerk prior to coming to the Board. Quite often the issue can be resolved by staff action.
- No charges or complaints against *individual* employees should be made. Such charges or complaints should be sent to the employee's Department Head in writing with your signature.
- Remarks that discriminate against anyone or adversely reflect upon the race, color, ancestry, religious creed, national origin, political affiliation, disability, sex, or marital status of any person are *out of order* and may end the speaker's privilege to address the Board.
- Defamatory, abusive remarks or profanity are *out of order* and will not be tolerated.

Please complete the following information and return this form no later than the Monday, a week prior to the Board meeting to the above address or bring it to the Town Hall at 214 Grand Avenue.

Office hours are Monday through Friday, 8:00 a.m. to 4:30 p.m.

Regular Board meetings are scheduled for the second and fourth Tuesdays of each month.

Name of person making presentation: Robert Bushta

Organization, if speaking on behalf of a group: Paonia Youth Center for BMWCC

Is this a request for Board action?  Yes  No

Please provide a summary of your comments:

Present Park/Event Application, as well as answer questions about the beer garden provided by Cherry Days and the On Premise Permit request

What staff member have you spoken to about this? Please summarize your discussion:

Corinne Ferguson; will also meet with and work with Travis Loberg and Neal Ferguson

Contact information:

Name: Robert Bushta

Mailing Address: [REDACTED]

E-mail: [REDACTED]  
Daytime Phone: [REDACTED]

Office Use Only:

Received: \_\_\_\_\_

Approved for Agenda: \_\_\_\_\_

Board Meeting Date: \_\_\_\_\_

# Town of Paonia

## Park/Event Registration Application

*This form is intended for events 100+ people using public property. The Town of Paonia encourages the use of its parks for the pleasure of its citizens, and reminds applicants to consider impacts on neighbors living adjacent to these public areas so we may all continue to enjoy our parks!*

*Please contact the Town office should there be any questions in filling out this form. The Town office is open from 8:00a to 4:30p Monday through Friday. Thank you~*

Applicant Name: Robert Bushta

Organization: Paonia Youth Center for BMW MCE

Mailing Address: [REDACTED] CO 81428

Telephone Number: [REDACTED]

Event Manager (if different than Applicant): Same

Event Manager Telephone: Same

Event Manager E-Mail: [REDACTED]

**Please describe the event:** Annual Top of the Rockies BMW Rally (in Paonia since 1989). Approximately 600 motorcycles parked around and riders camping in the town park

Event Date(s): July 18-20, 2019\* Event Hours: 24 hours a day

Event Date(s): \_\_\_\_\_ Event Hours: \_\_\_\_\_

Event Date(s): \_\_\_\_\_ Event Hours: \_\_\_\_\_

Event Date(s): \_\_\_\_\_ Event Hours: \_\_\_\_\_

\* the advance party will arrive July 17 for set-up and riders will leave the morning of July 21

**Which park do you want to use?**

- Town Park – 700 Fourth Street
  - Green space including shelters and gazebo
  - Football and/or Back Field area
- Apple Valley Park – 45 Pan American Avenue
- Poulos Park – 221 Grand Avenue (no commercial activity allowed)
- River Park – Grand Avenue (no commercial activity allowed)

**Will there be alcohol? (Alcohol Requires Board of Trustees Approval)**

- No
- Yes, but we are not selling it. (outside of the Cherry Days provided Beer Garden)
  - An On-Premise Liquor Application is required.
- Yes, and we would like to sell it.
  - We are a non-profit and submitted From DR-8439 Application for a Special Event Permit and any associated forms required.
  - On an attached piece of paper is the Alcohol Mitigation Plan.

**Will there be vendors?**

- No
- Yes <sup>will be</sup>
  - A list of vendors ~~is being~~ provided to the Town for tax compliance.
  - We have contacted the Department of Revenue to work out how taxes will be submitted for the event; either electronically or manually.
  - Vendors will be notified that tax compliance will be monitored.
  - Chalk or tape are permitted to define vendor boundaries on the grass.

**Are you having a parade? Do you need a street closed?**

- No
- Yes. Attached is the street closure request form noting the day, hours and route information.

**Do you have any special requests? (i.e. - gate openings at certain times?)**

- No
- Yes We will work out trash/recycling plan and other park logistics with Travis Loberg

**Pricing:**

**Half Day (6 Hours or less)** \$ 100.00/day

Includes: 3 dumpsters and up to 5 vendors

Date Submitted \_\_\_\_\_ Amount \_\_\_\_\_

**Full Day (6+ Hours until 10:00p)** \$ 175.00/day

Includes: 3 dumpsters and up to 10 vendors

Date Submitted \_\_\_\_\_ Amount \_\_\_\_\_

**Multi-Day Rate (3+ consecutive days)** \$ 150.00/day

Includes: 3 dumpsters and up to 10 vendors

Date Submitted \_\_\_\_\_ Amount 450

**Additional Vendors (More than 10)** \$ 5.00/ea

Date Submitted to be submitted and paid for separately Amount \_\_\_\_\_

**Trash:** The Town will provide 3 dumpsters. If the event requires more, it is the responsibility of the applicant to contract with a local agency for additional services. Compostable ware is strongly encouraged from all vendors and event managers. Styrofoam not permitted.

Date Submitted Travis will coordinate roll-offs Amount NA

**Any additional fees submitted (street closure, liquor licensing, etc):**

Type: \_\_\_\_\_ \$ \_\_\_\_\_  
\_\_\_\_\_ \$ \_\_\_\_\_  
\_\_\_\_\_ \$ \_\_\_\_\_  
\_\_\_\_\_ \$ \_\_\_\_\_

Date Submitted 6/3/19 Amount 450

**Recycling:** Should the event provide recycling, a \$50 credit shall be applied. \$ -50

**TOTAL FEES SUBMITTED** \$ 400<sup>00</sup>

**All fees must be submitted no less than thirty (30) days before the first date of the event.**

**Other items submitted for consideration:** (On an attached piece(s) of paper)

- Communication Contacts
- Liability Insurance *to be provided by BMWCC (I will forward via email)*  
(*\$1,000,000 minimum AND the Town of Paonia needs to be listed as an additional insured*)
- Medical Plan (ie - How do you plan on addressing a person who is injured at the event?)
- Parking Plan (ie-Staff versus Visitor parking)
- Safety Plan (ie - How would you deal with a natural emergency or a tree limb falling?)
- Security Plan (ie - Vendor security, controlling alcohol, etc)

**Promotion:**

The Town is willing to promote your event by posting submitted material on the Town website, the Town of Paonia Facebook page, and/or a poster placed in the Town Hall entryway.

Any material to be promoted must be submitted no less than thirty (30) days before the first day of the event. Material shall only be promoted once for each avenue noted above.

***The undersigned agrees to restore the park to pre-event condition, safety standards will be observed at all times, no glass will be brought into the park and all fees submitted are non-refundable, even if the event is canceled.***

Signed and submitted this 3rd day of June, 2019

Printed Name: Robert F. Bushta

Signature: 

- Unless waived by Town staff, no less than one week before the event, a meeting **must** be scheduled with the Public Works Director, Parks Maintenance, Town Clerk and the Police Chief, or designees to finalize all plans and coordinate last minute items.

**Date of Pre-Event Meeting:** \_\_\_\_\_

- Application is deemed complete and is accepted. Employee Initials YB

- Application requires Board of Trustee Approval.

**Hearing Date:** 6.11.19

Comments: \$50. Banner Permit fees to be paid with vendor invoice

## **2019 BMW Rally Additional Information:**

The event manager (Robert Bushta) lives right across the street and can be contacted 24 hours a day [REDACTED]. If something occurs during the event that requires police or town attention, and he isn't doing the notification, please contact him.

**Liability Insurance** taken out by BMWCC and will be forwarded by email.

**Medical/Safety** will be handled through 911.

**Parking Plan:** Bikes will not be parked on the grass. They will be parked around the perimeter of the park, as well as in designated areas on the pavement within the park. The only four-wheeled vehicle parking will be on the east side of the teen center, by the skate park. Additional four-wheeled vehicle parking (overflow) will be available at Paonia Elementary. We have requested 12 of the town's traffic barriers for Cherry Days and requested that they remain until Monday, July 22 for the rally.

**Security/Alcohol Mitigation Plan:** The BMWCC will request to view government issued IDs of participants during registration and issue colored wristbands based on age (the few, if any, participants under 21 will receive a different color wristband). The Cherry Days beer garden will honor rally wristbands and conduct identification checks and issue unique wristbands to non-rally adults (volunteers, vendors, community visitors, etc.) who wish to drink in the beer garden. Servers will be educated in the serving of alcohol to prevent over consumption. A roped and lighted barrier will designate the Cherry Days beer garden perimeter and Cherry Days will provide barrier security for the perimeter. Although an On Premise Liquor Permit will cover the camping area, **alcohol will not be allowed to pass in or out of the Cherry Days Beer Garden. They will be two distinct areas.** The event coordinator, who doesn't drink, and the BMW Rally Master, will both be there every night and will walk through the park several times during the evening to oversee the On Premise area and to ensure there is no under age drinking (wristband checks). They will also ensure that there are no glass bottles in the park.

**Early Camping:** We request early camping in the park on Wednesday the 17th for the BMWCC advance party, as well as late camping on Sunday the 21st, for the four or five people who may request to stay one additional night. If we have any stay an additional day, we will relocate them to the area around the Teen Center. The town has granted this early and late camping for all of the twelve years I've been associated with the rally.

# Application for a Special Events Permit

Departmental Use Only

In order to qualify for a Special Events Permit, You Must Be Nonprofit and One of the Following (See back for details.)

- |  |  |  |
|--|--|--|
| <input checked="" type="checkbox"/> Social | <input type="checkbox"/> Athletic                              | <input type="checkbox"/> Philanthropic Institution           |
| <input type="checkbox"/> Fraternal         | <input type="checkbox"/> Chartered Branch, Lodge Or Chapter    | <input type="checkbox"/> Political Candidate                 |
| <input type="checkbox"/> Patriotic         | <input type="checkbox"/> Of A National Organization Or Society | <input type="checkbox"/> Municipality Owning Arts Facilities |
| <input type="checkbox"/> Political         | <input type="checkbox"/> Religious Institution                 |  |

<b>LIAB</b> Type of Special Event Applicant is Applying for:	<b>DO NOT WRITE IN THIS SPACE</b>
2110 <input checked="" type="checkbox"/> Malt, Vinous And Spirituous Liquor \$25.00 Per Day	Liquor Permit Number
2170 <input type="checkbox"/> Fermented Malt Beverage (3.2 Beer) \$10.00 Per Day	

1. Name of Applicant Organization or Political Candidate <i>Paonia Cherry Days</i>	State Sales Tax Number (Required) <i>32934720</i>
---	--

2. Mailing Address of Organization or Political Candidate (include street, city/town and ZIP) <i>P.O. Box 1703 Paonia, CO 81428</i>	3. Address of Place to Have Special Event (include street, city/town and ZIP) <i>Paonia Town Park 700 4th Street Paonia, CO 81428</i>
--	--

Name	Date of Birth	Home Address (Street, City, State, ZIP)	Phone Number
------	---------------	---	--------------

4. Pres./Sec'y of Org. or Political Candidate <i>Robert E. Bushta</i>	[REDACTED]
--	------------

5. Event Manager <i>Robert E. Bushta</i>	[REDACTED]
---	------------

6. Has Applicant Organization or Political Candidate been Issued a Special Event Permit this Calendar Year? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES HOW MANY DAYS? _____	TO WHOM? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES _____
---	--

8. Does the Applicant Have Possession or Written Permission for the Use of The Premises to be Licensed? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
---

List Below the Exact Date(s) for Which Application is Being Made for Permit				
Date <i>7/4/19</i>	Date <i>7/5/19</i>	Date <i>7/18/19</i>	Date <i>7/19/19</i>	Date <i>7/20/19</i>
Hours From <i>11:00 a.m.</i> To <i>10:00 p.m.</i>	Hours From <i>11:00 a.m.</i> To <i>10:00 p.m.</i>	Hours From <i>11:00 a.m.</i> To <i>12:00 a.m.</i>	Hours From <i>11:00 a.m.</i> To <i>12:00 a.m.</i>	Hours From <i>11:00 a.m.</i> To <i>12:00 a.m.</i>

**Oath of Applicant**

I declare under penalty of perjury in the second degree that I have read the foregoing application and all attachments thereto, and that all information therein is true, correct, and complete to the best of my knowledge.

Signature <i>[Signature]</i>	Title <i>President, Paonia Cherry Days</i>	Date <i>6/3/19</i>
------------------------------	--	--------------------

**Report and Approval of Local Licensing Authority (City or County)**

The foregoing application has been examined and the premises, business conducted and character of the applicant is satisfactory, and we do report that such permit, if granted, will comply with the provisions of Title 44, Article 5, C.R.S., as amended.  
**THEREFORE, THIS APPLICATION IS APPROVED.**

Local Licensing Authority (City or County)	<input type="checkbox"/> City <input type="checkbox"/> County	Telephone Number of City/County Clerk
--	--	---------------------------------------

Signature	Title	Date
-----------	-------	------

**DO NOT WRITE IN THIS SPACE - FOR DEPARTMENT OF REVENUE USE ONLY**

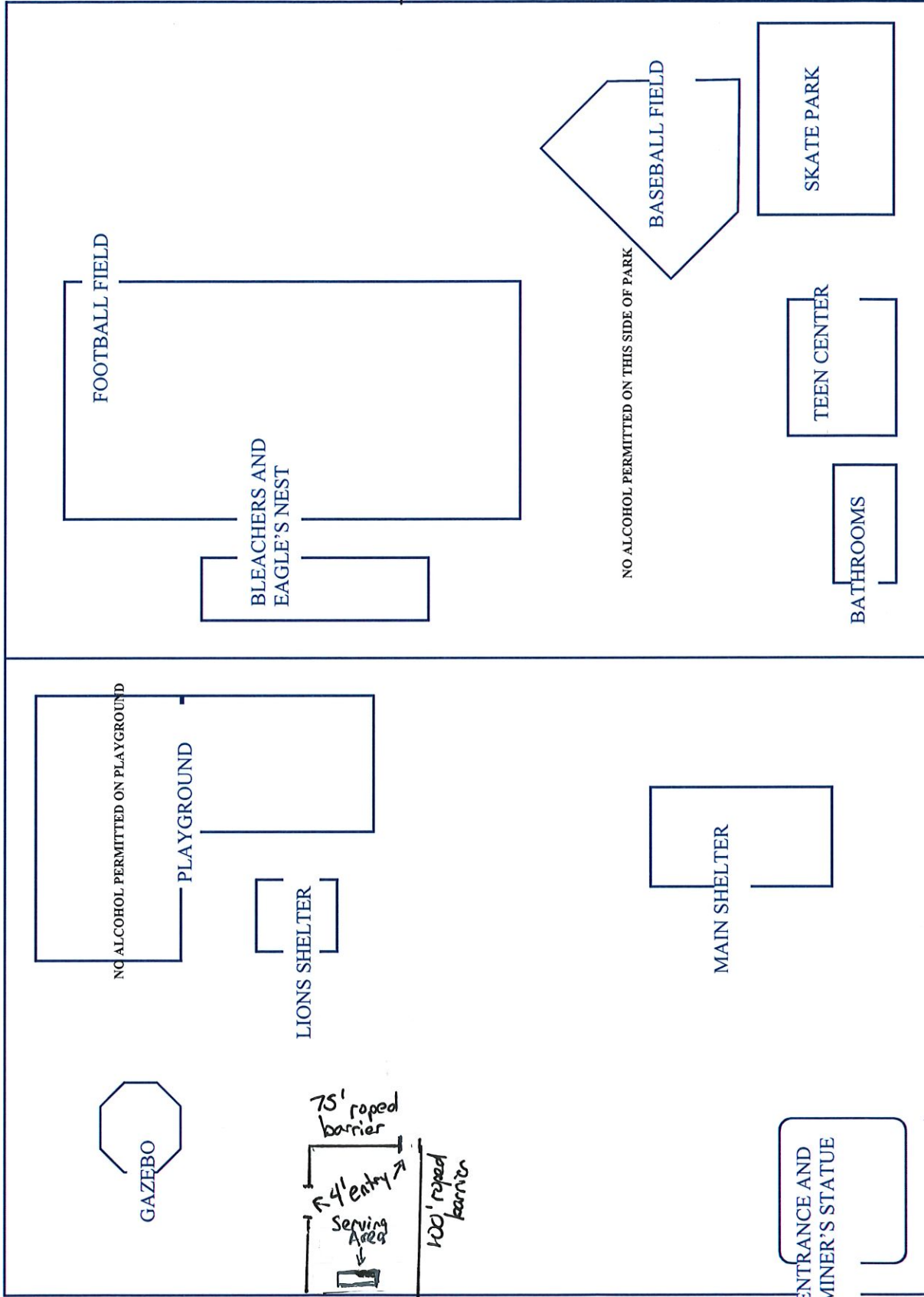
**Liability Information**

License Account Number	Liability Date	State	Total
		-750 (999)	\$ .

# Paoia Cherry Days Liquor Containment July 4-5, 2019

## TOWN PARK MAP

FIFTH STREET



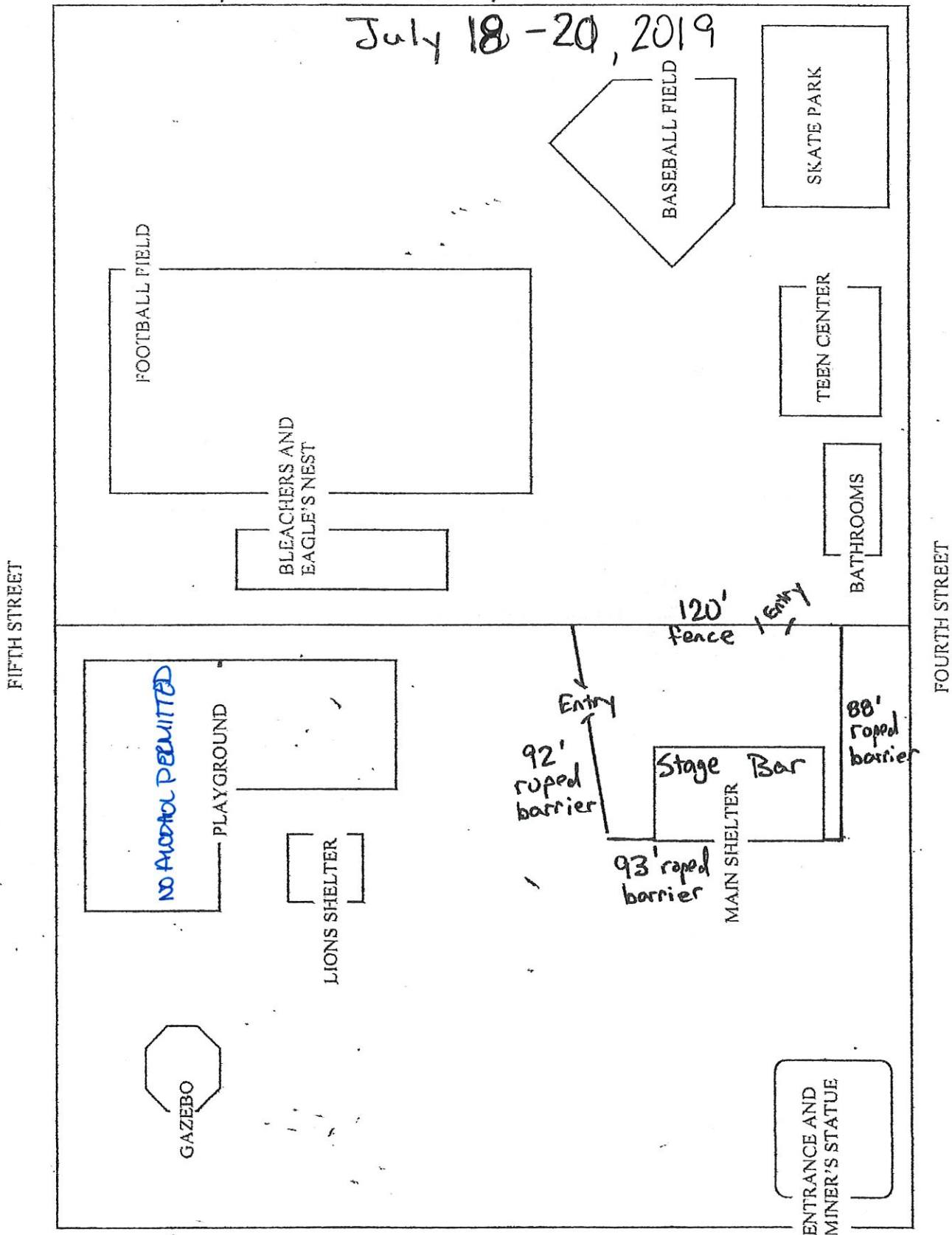
NORTH FORK AVENUE

FOURTH STREET



# BMW Rally Special Event Permit (Cherry Days Beer Garden) Liquor Containment

July 18 - 20, 2019



## Town of Paonia Park/Event Registration Application

*This form is intended for events 100+ people using public property. The Town of Paonia encourages the use of its parks for the pleasure of its citizens, and reminds applicants to consider impacts on neighbors living adjacent to these public areas so we may all continue to enjoy our parks!*

*Please contact the Town office should there be any questions in filling out this form. The Town office is open from 8:00a to 4:30p Monday through Friday.  
Thank you-*

Applicant Name: Josh Behrman

Organization: Mountain Harvest Creative

Mailing Address: PO Box 1771 Paonia, 81428

Telephone Number: [REDACTED]

Event Manager (if different than Applicant): Josh Behrman

Event Manager Telephone: [REDACTED]

Event Manager E-Mail: [REDACTED]

Please describe the event: Mountain Harvest Festival 159  
Celebration of all the harvests of the North Fork Valley  
There will be events, vendors, music for four days

Event Date(s):	<u>Sept. 26</u>	Event Hours:	<u>7 pm - 10pm (not in Park)</u>
Event Date(s):	<u>Sept 27</u>	Event Hours:	<u>8am - 8pm</u>
Event Date(s):	<u>Sept 28</u>	Event Hours:	<u>8am - 8pm</u>
Event Date(s):	<u>Sept 29</u>	Event Hours:	<u>8am - 8pm</u>

we would like to set up town Park starting at 8am  
Friday, vendors would stay overnight Friday and Saturday  
we would clear out of the park 8pm Sunday  
Saturday night concert on Grand ave will start at 7pm

**Which park do you want to use?**

- Town Park – 700 Fourth Street
- Green space including shelters and gazebo *could use + Teen Center*
- Football and/or Back Field area
- Apple Valley Park – 45 Pan American Avenue
- Poulos Park – 221 Grand Avenue *(no commercial activity allowed) MUSIC Saturday night*
- River Park – Grand Avenue *(no commercial activity allowed) Sept 28 6 pm - 1 am*

**Will there be alcohol? (Alcohol Requires Board of Trustees Approval)**

- No
  - Yes, but we are not selling it.
  - An On-Premise Liquor Application is required.
  - Yes, and we would like to sell it.
  - We are a non-profit and submitted From DR-8439 Application for a Special Event Permit and any associated forms required.
  - On an attached piece of paper is the Alcohol Mitigation Plan.
- \$50/day to town \$25/day to state*

**Will there be vendors?**

- No
  - Yes
  - A list of vendors is being provided to the Town for tax compliance.
  - We have contacted the Department of Revenue to work out how taxes will be submitted for the event; either electronically or manually.
  - Vendors will be notified that tax compliance will be monitored.
  - Chalk or tape are permitted to define vendor boundaries on the grass.
- Vendor deadline 9/11/19*

**Are you having a parade? Do you need a street closed?**

- No
- Yes. Attached is the street closure request form noting the day, hours and route information.

**Do you have any special requests? (i.e. - gate openings at certain times?)**

- No
- Yes *we would like to meet with all Town Dept's to work out needs of both the town and MWF, ie: Street closure, trash, times.*  
*We can do that in September*

Client notes:

**Pricing:**

**Half Day (6 Hours or less)** \$ 100.00/day  
Includes: 3 dumpsters and up to 5 vendors  
Date Submitted \_\_\_\_\_ Amount \_\_\_\_\_

**Full Day (6+ Hours until 10:00p)** \$ 175.00/day  
Includes: 3 dumpsters and up to 10 vendors  
Date Submitted \_\_\_\_\_ Amount \_\_\_\_\_

**Multi-Day Rate (3+ consecutive days)** \$ 150.00/day  
Includes: 3 dumpsters and up to 10 vendors  
Date Submitted \_\_\_\_\_ Amount ~~\$~~ 450 ✓

**Additional Vendors (More than 10)** \$ 5.00/ea  
Date Submitted \_\_\_\_\_ Amount \_\_\_\_\_

**Trash:** The Town will provide 3 dumpsters. If the event requires more, it is the responsibility of the applicant to contract with a local agency for additional services. Compostable ware is strongly encouraged from all vendors and event managers. Styrofoam not permitted.  
Date Submitted \_\_\_\_\_ Amount \_\_\_\_\_

**Any additional fees submitted (street closure, liquor licensing, etc):**  
Type: Liquor Lic \$ 150 ✓  
Street Closure \$ 100 + 3 hours @ 25/ea \$ 175.00  
Community room \$ 60 \$ 60.00  
~~Liquor Lic suite~~ Banner \$ ~~75~~ 50.00 \$ 50.00  
Date Submitted \_\_\_\_\_ Amount 835

**Recycling:** Should the event provide recycling, a \$50 credit shall be applied. \$ -50 - CR \$ 50.00

**TOTAL FEES SUBMITTED** \$ 785 - Corrected total \$835.00

**All fees must be submitted no less than thirty (30) days before the first date of the event.**

+50.00

\$150.00  
\$175.00  
\$60.00  
\$50.00

CR \$ 50.00

Corrected total \$835.00

(8)

**Other items submitted for consideration: (On an attached piece(s) of paper)**

- Communication Contacts
- Liability Insurance  
(*\$1,000,000 minimum AND the Town of Paonia needs to be listed as an additional insured*)
- Medical Plan (ie - How do you plan on addressing a person who is injured at the event?)
- Parking Plan (ie-Staff versus Visitor parking)
- Safety Plan (ie - How would you deal with a natural emergency or a tree limb falling?)
- Security Plan (ie - Vendor security, controlling alcohol, etc)

**Promotion:**

The Town is willing to promote your event by posting submitted material on the Town website, the Town of Paonia Facebook page, and/or a poster placed in the Town Hall entryway.

Any material to be promoted must be submitted no less than thirty (30) days before the first day of the event. Material shall only be promoted once for each avenue noted above.

*The undersigned agrees to restore the park to pre-event condition, safety standards will be observed at all times, no glass will be brought into the park and all fees submitted are non-refundable, even if the event is canceled.*

Signed and submitted this 27 day of May, 2019.

Printed Name: Josh Behrman

Signature: 

Unless waived by Town staff, no less than one week before the event, a meeting **must** be scheduled with the Public Works Director, Parks Maintenance, Town Clerk and the Police Chief, or designees to finalize all plans and coordinate last minute items.

Date of Pre-Event Meeting: Sept

Application is deemed complete and is accepted. Employee Initials YB

Application requires Board of Trustee Approval.  
Hearing Date: 7.11.19

Comments: \_\_\_\_\_

## Application for a Special Events Permit

Departmental Use Only

In order to qualify for a Special Events Permit, You Must Be Nonprofit and One of the Following (See back for details.)

- |  |  |  |
|--|--|--|
| <input checked="" type="checkbox"/> Social | <input type="checkbox"/> Athletic                              | <input type="checkbox"/> Philanthropic Institution           |
| <input type="checkbox"/> Fraternal         | <input type="checkbox"/> Chartered Branch, Lodge Or Chapter    | <input type="checkbox"/> Political Candidate                 |
| <input type="checkbox"/> Patriotic         | <input type="checkbox"/> Of A National Organization Or Society | <input type="checkbox"/> Municipality Owning Arts Facilities |
| <input type="checkbox"/> Political         | <input type="checkbox"/> Religious Institution                 |  |

<b>LIAB</b>	Type of Special Event Applicant Is Applying for:	
2110	<input checked="" type="checkbox"/> Malt, Vinous And Spirituous Liquor	\$25.00 Per Day
2170	<input type="checkbox"/> Fermented Malt Beverage	\$10.00 Per Day

<b>DO NOT WRITE IN THIS SPACE</b>
Liquor Permit Number

1. Name of Applicant Organization or Political Candidate <b>Mountain Harvest Festival</b>	State Sales Tax Number (Required) <b>98-2093-0000</b>
--	--

2. Mailing Address of Organization or Political Candidate (include street, city/town and ZIP) <b>PO Box 1771 Pacifica Co 81428</b>	3. Address of Place to Have Special Event (include street, city/town and ZIP) <b>700 4th st - Town Park Pacifica Co 81428</b>
---	--

Name	Date of Birth	Home Address (Street, City, State, ZIP)	Phone Number
4. Pres./Sec'y of Org. or Political Candidate			
5. Event Manager			
6. Has Applicant Organization or Political Candidate been Issued a Special Event Permit this Calendar Year? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES HOW MANY DAYS? _____		7. Is premises now licensed under state liquor or beer code? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES TO WHOM? _____	

8. Does the Applicant Have Possession or Written Permission for the Use of The Premises to be Licensed?  Yes  No

List Below the Exact Date(s) for Which Application is Being Made for Permit

Date	Date	Date	Date	Date
Sept 27 2019	Sept 28 2019	Sept 29 2019		
Hours From 9 a .m.	Hours From 9 a .m.	Hours From 9 a .m.	Hours From .m.	Hours From .m.
To 10 p .m.	To 10 p .m.	To 8 p .m.	To .m.	To .m.

**Oath of Applicant**

I declare under penalty of perjury in the second degree that I have read the foregoing application and all attachments thereto, and that all information therein is true, correct, and complete to the best of my knowledge.

Signature	Title <b>Festival Director</b>	Date <b>5/27/19</b>
-----------	--------------------------------	---------------------

**Report and Approval of Local Licensing Authority (City or County)**

The foregoing application has been examined and the premises, business conducted and character of the applicant is satisfactory, and we do report that such permit, if granted, will comply with the provisions of Title 44, Article 5, C.R.S., as amended.

**THEREFORE, THIS APPLICATION IS APPROVED.**

Local Licensing Authority (City or County)	<input type="checkbox"/> City <input type="checkbox"/> County	Telephone Number of City/County Clerk
Signature	Title	Date

**DO NOT WRITE IN THIS SPACE - FOR DEPARTMENT OF REVENUE USE ONLY**

Liability Information			
License Account Number	Liability Date	State	Total
		-750 (999)	\$



PO Box 1771 • Paonia, Colorado 81428

Josh Behrman, Festival Director  
Mountain Harvest Festival  
A 501(c)3 charitable organization  
Serving the North Fork Valley

May 27<sup>th</sup>, 2019

**Attention: Merchants of Grand Avenue**

Dear Merchants,

This September, we will be celebrating the 19<sup>th</sup> year of Mountain Harvest Festival, with four days of music, food, craft and information booths, agricultural tours and fun! As always, the festival will happen over the last full weekend of September, 26<sup>th</sup> -29<sup>th</sup>, 2019.. We know this weekend brings visitors to town from all over the area, state, and beyond, and this year we're targeting our advertising to reach even more people interested in discovering our beautiful valley. Local businesses often report this as one of their best sales weekends of the year. We hope to share the prosperity as we continue to grow.

Saturday night, September 28<sup>th</sup>, will feature excellent regional artists in four venues: Paradise Theater, The Blue Sage.. We will be asking the Town Council of Paonia for permission to once again close one block of Grand to traffic, from 6 pm – 1 am, between 2<sup>nd</sup> and 3<sup>rd</sup> Street. This will allow festival concert attendees to travel between venues safely. Restaurants who are open for dinner and late-night refreshments will likely find eager customers during this time. We encourage and request you to consider serving the late-night crowd, who often are in search of food during this time.

Our year-round non-profit organization, Mountain Harvest Creative, also continues to expand. Throughout the year, we support youth in agriculture and the arts in the North Fork Valley by offering funds for programs such as arts education in the schools. We hope you will consider sponsoring us at a level that works best for you and your business. Enclosed is a Friend of the Festival card to make this easy to do.

Thanks for all you do to make our small town wonderful.

Sincerely,

Josh Behrman, Festival Director [directormhf@gmail.com](mailto:directormhf@gmail.com)



PO Box 1771 • Paonia, Colorado 81428

Josh Behrman, Festival Director  
Mountain Harvest Festival  
A 501(c)3 charitable organization  
Serving the North Fork Valley

May 27<sup>th</sup>, 2019

**Attention: Town of Paonia**

Dear Town of Paonia Board,

This September, we will be celebrating the 19<sup>th</sup> year of Mountain Harvest Festival, with four days of music, food, craft and information booths, agricultural tours and fun! As always, the festival will happen over the last full weekend of September, the 26<sup>th</sup> – 29<sup>th</sup>. Here are the additional items of information you have requested with our application for using Paonia Town Park.

**Medical Plan:**

We will invite the North Fork Ambulance to be at the festival, as backup.

We will have staff on hand at all times at the park, and will use the stage PA system, if necessary, to call for medical assistance from festival participants who are qualified to offer it.

We have free water available, to prevent dehydration.

We request the gate near the Berkman stage to remain unlocked, should an emergency vehicle need to arrive to help a participant.

**Parking Plan:**

Our Entertain Guide will direct participants to use street parking, being aware of residents' driveways. The strip between the park and the football field will be closed to traffic, allowing safe access to our food vendors.

Staff are encouraged to carpool or ride bikes to the event, as are participants.

**Safety Plan:**

We have volunteers wearing florescent vests at the park during festival hours, available to help out with any issues that may arise; they also help insure that alcohol is kept in the park, no glass containers are used, and trash is picked up.

In the case of a natural emergency, we will use our stage PA system to calmly direct participants to safe gathering places, such as the Teen Center (storm, lightning), the center of the football field (earthquake), etc.





PO Box 1771 • Paonia, Colorado 81428

**Security Plan:**

We will hire a local person to be on hand overnight, patrolling Town Park and reporting any activity which threatens the peace and safety of our Vendors (this includes Friday and Saturday nights of the festival). Lone Star Security has been contracted for both Friday & Saturdays.

Volunteers wearing florescent vests at the park are also available to help out with any issues that may arise.

**Alcohol Management Plan:**

***In the Park:***

The Drink Locally booth will be checking identification, then issuing an "age verified" bracelet, and checking again before serving. They will be trained to be aware of customer behavior, and not serve those who are overly intoxicated.

Volunteers wearing florescent vets at the park are also available to ensure that alcohol is kept in the white fenced area of the park.

***Downtown Saturday Night:***

The Paradise Theater and the Blue Sage are the only MHF venues serving alcohol. We will provide door security to ensure that no alcohol leaves or enters the venues. IDs will be checked at point of sale to ensure customer is of age.

Our Entertainment Guide will state that no alcohol or marijuana is to be brought into and consumed in the park or downtown.

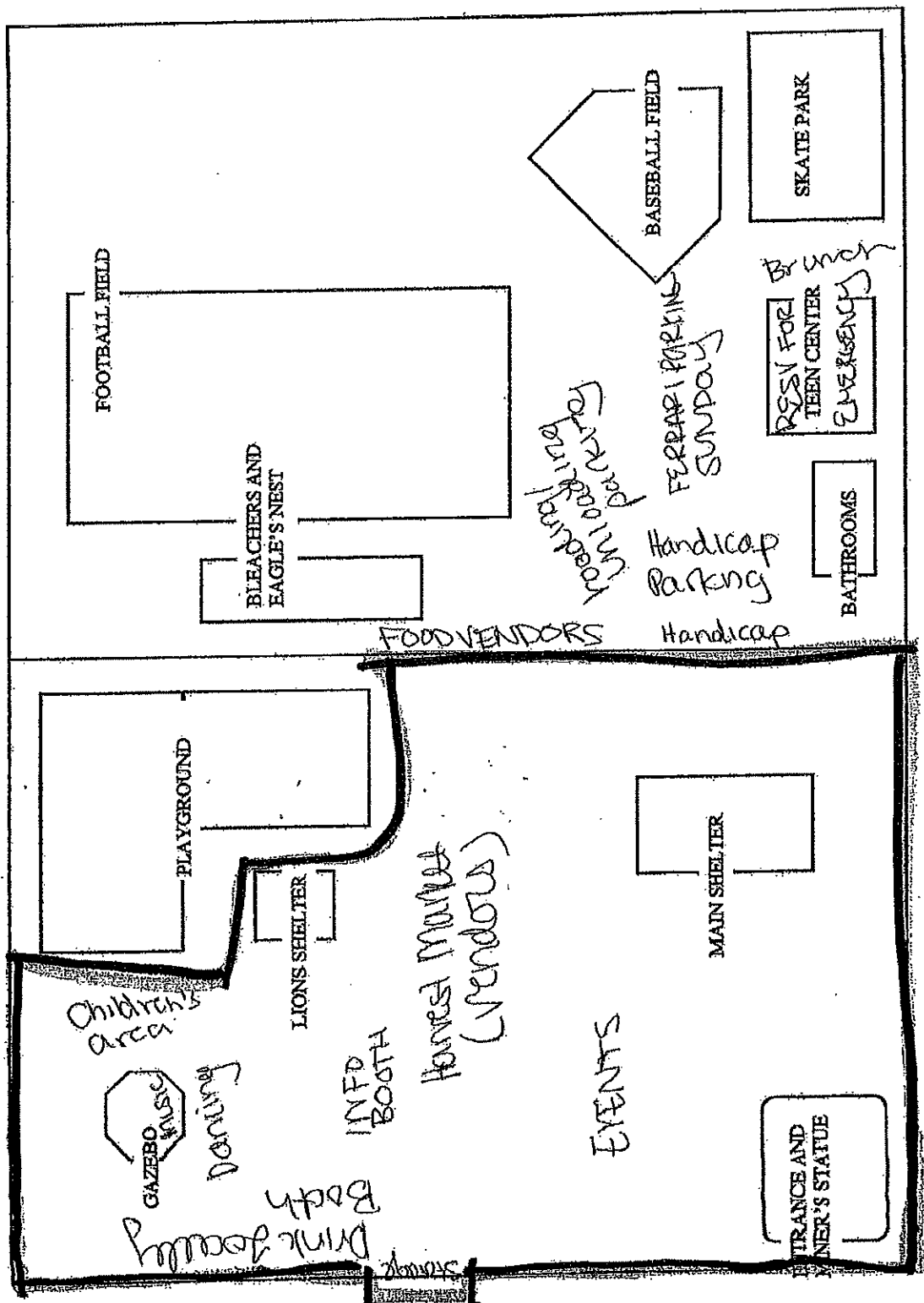
Sincerely,

A handwritten signature in black ink, consisting of a large, stylized 'J' and 'B' that are intertwined.

Josh Behrman  
Festival Director  
[directormhf@gmail.com](mailto:directormhf@gmail.com)

TOWN PARK MAP

FIFTH STREET



FOURTH STREET

NORTH YORK AVENUE

OFFICE OF THE SECRETARY OF STATE  
OF THE STATE OF COLORADO  
CERTIFICATE OF REGISTRATION

I, Jena Griswold, as the Secretary of State of the State of Colorado, hereby certify that, according to the records of this office,

**MOUNTAIN HARVEST CREATIVE**

is a **Charitable Organization** registered to solicit contributions in Colorado as required by the Colorado Charitable Solicitation Act, Title 6, Article 16, C.R.S.

This organization has been assigned a registration number of 20113008975.

The status of its registration is **Good**, and this status has been in effect since 05/15/2019.

The organization's registration expires on 08/15/2020.

Registrants may legally solicit contributions, provide consulting services in connection with a solicitation campaign, and conduct solicitation campaigns in Colorado until the registration expires or is withdrawn, suspended, or revoked.

This certificate reflects facts established or disclosed by documents delivered to this office electronically through 05/29/2019.

**IN TESTIMONY WHEREOF** I have hereunto set my hand and affixed the Great Seal of Colorado, at the City of Denver on 05-29-2019 11:58:50



*Jena Griswold*

Secretary of State of the State of Colorado

*Notice: A certificate issued electronically from the Colorado Secretary of State's website is fully and immediately valid and effective.*

AGENDA SUMMARY FORM



Mayor's Report

Summary:


Notes:

Possible Motions:


Motion by: \_\_\_\_\_ 2<sup>nd</sup>: \_\_\_\_\_ vote: \_\_\_\_\_

Vote:	Trustee Bachran:	Trustee Bear:	Trustee Bookout:
Trustee Budinger:	Trustee Hart:	Trustee Knutson:	Mayor Stewart:

AGENDA SUMMARY FORM

	Administrator's Report		
Summary:			
Notes:			
Vote:	Trustee Bachran:	Trustee Bear:	Trustee Bookout:
Trustee Budinger:	Trustee Hart:	Trustee Knutson:	Mayor Stewart:

AGENDA SUMMARY FORM

	Public Works Report		
Summary:			
Notes:			
Vote:	Trustee Bachran:	Trustee Bear:	Trustee Bookout:
Trustee Budinger:	Trustee Hart:	Trustee Knutson:	Mayor Stewart:

AGENDA SUMMARY FORM



Police Report

Summary:

Notes:

Possible Motions:

Motion by: \_\_\_\_\_ 2<sup>nd</sup>: \_\_\_\_\_ vote: \_\_\_\_\_

Vote:	Trustee Bachran:	Trustee Bear:	Trustee Bookout:
Trustee Budinger:	Trustee Hart:	Trustee Knutson:	Mayor Stewart:

# Paonia Police Department

## Law Incident Table, by Date and Time

**Date Occurred:** 05/15/19

<u>Time</u>	<u>Nature</u>	<u>Address</u>	<u>Agency</u>	<u>Loctn</u>	<u>Dsp</u>
16:05:18	FRAUD	DELTA AVE, Paonia, CO	PPD	PPD	
16:44:18	AGENCY ASSIST	LAMBORN MESA RD; Paonia, CO	PPD	DIST3	
20:08:07	Parking Problem	200 BOX ELDER AVE, Paonia, CO	PPD	PPD	WW
<b>Total Incidents for this Date: 3</b>					

**Date Occurred:** 05/16/19

<u>Time</u>	<u>Nature</u>	<u>Address</u>	<u>Agency</u>	<u>Loctn</u>	<u>Dsp</u>
15:27:14	SEX OFFENSE	GRAND AVE, Paonia, CO	PPD	PPD	
19:09:53	CIVIL PROBLEM	MAIN AVE, Paonia, CO	PPD	PPD	
23:18:14	Traffic Stop	100 BLOCK OF 3RD STREET, Paonia, CO	PPD	PPD	CIT
<b>Total Incidents for this Date: 3</b>					

**Date Occurred:** 05/17/19

<u>Time</u>	<u>Nature</u>	<u>Address</u>	<u>Agency</u>	<u>Loctn</u>	<u>Dsp</u>
15:01:12	Disturbance	SAMUEL WADE RD, Paonia, CO	PPD	DIST3	
17:25:42	Information	SAMUEL WADE RD; Paonia, CO	PPD	PPD	
19:15:05	Parking Problem	200 BLOCK OF 4TH STREET, Paonia, CO	PPD	PPD	WW
21:43:53	Traffic Stop	100 BLOCK OF MAIN AVENUE, Paonia, CO	PPD	PPD	VW
<b>Total Incidents for this Date: 4</b>					

**Date Occurred:** 05/18/19

<u>Time</u>	<u>Nature</u>	<u>Address</u>	<u>Agency</u>	<u>Loctn</u>	<u>Dsp</u>
17:49:09	Information	MEADOWBROOK BLVD; Paonia, CO	PPD	PPD	
20:04:00	Code Enforce	BOX ELDER AVE, Paonia, CO	PPD	PPD	WW
20:25:27	Code Enforce	BOX ELDER AVE, Paonia, CO	PPD	PPD	WW
20:59:18	Code Enforce	BOX ELDER AVE, Paonia, CO	PPD	PPD	WW
21:04:51	Code Enforce	BOX ELDER AVE, Paonia, CO	PPD	PPD	WW
<b>Total Incidents for this Date: 5</b>					

**Date Occurred:** 05/19/19

<u>Time</u>	<u>Nature</u>	<u>Address</u>	<u>Agency</u>	<u>Loctn</u>	<u>Dsp</u>
18:09:29	Code Enforce	BOX ELDER AVE, Paonia, CO	PPD	PPD	WW
18:13:01	Code Enforce	BOX ELDER AVE, Paonia, CO	PPD	PPD	WW
18:15:46	Code Enforce	BOX ELDER AVE, Paonia, CO	PPD	PPD	WW



<u>Time</u>	<u>Nature</u>	<u>Address</u>	<u>Agency</u>	<u>Loctn</u>	<u>Dsp</u>
18:19:29	Code Enforce	BOX ELDER AVE, Paonia, CO	PPD	PPD	WW
18:24:59	Code Enforce	BOX ELDER AVE, Paonia, CO	PPD	PPD	WW
20:08:59	Code Enforce	3RD ST, Paonia, CO	PPD	PPD	WW

**Total Incidents for this Date: 6**

**Date Occurred:** 05/20/19

<u>Time</u>	<u>Nature</u>	<u>Address</u>	<u>Agency</u>	<u>Loctn</u>	<u>Dsp</u>
11:34:07	Traffic Stop	300 BLOCK 5TH STREET, Paonia, CO	PPD	DIST3	CIT
11:52:59	Traffic Stop	300 BLOCK 5TH STREET, Paonia, CO	PPD	PPD	CIT
13:35:24	Traffic Stop	300 BLOCK 5TH STREET, Paonia, CO	PPD	DIST1	CIT
15:08:53	Traffic Stop	400 BLOCK BOX ELDER AVE, Paonia, CO	PPD	PPD	CIT
15:31:42	Traffic Stop	400 4TH ST, Paonia, CO	PPD	PPD	CIT
20:08:32	Code Enforce	NORTH FORK AVE, Paonia, CO	PPD	PPD	WW
20:11:57	Code Enforce	NORTH FORK AVE, Paonia, CO	PPD	PPD	WW
20:13:37	Code Enforce	NORTH FORK AVE, Paonia, CO	PPD	PPD	WW
20:15:26	Code Enforce	NORTH FORK AVE, Paonia, CO	PPD	PPD	WW
20:18:17	Code Enforce	NORTH FORK AVE, Paonia, CO	PPD	PPD	WW
20:20:43	Code Enforce	4TH ST, Paonia, CO	PPD	PPD	WW
20:24:10	Code Enforce	NORTH FORK AVE, Paonia, CO	PPD	PPD	WW
20:25:55	Code Enforce	NORTH FORK AVE, Paonia, CO	PPD	PPD	WW
20:27:46	Code Enforce	NORTH FORK AVE, Paonia, CO	PPD	PPD	WW

**Total Incidents for this Date: 14**

**Date Occurred:** 05/21/19

<u>Time</u>	<u>Nature</u>	<u>Address</u>	<u>Agency</u>	<u>Loctn</u>	<u>Dsp</u>
10:44:32	HARASSMENT	2ND ST; Paonia, CO	PPD	PPD	
14:15:47	Certified Vin	GRAND AVE, Paonia, CO	PPD	PPD	
17:20:41	VIN INSPECTION	MAIN AVE, Paonia, CO	PPD	PPD	
18:35:11	VIN INSPECTION	MAIN AVE, Paonia, CO	PPD	PPD	
20:53:19	Code Enforce	RIO GRAND AVE., Paonia, CO	PPD	PPD	WW
21:00:19	Code Enforce	BOX ELDER AVE., Paonia, CO	PPD	PPD	WW
21:05:33	Code Enforce	GRAND AVE., Paonia, CO	PPD	PPD	WW
21:09:05	Code Enforce	GRAND AVE., Paonia, CO	PPD	PPD	WW
23:55:03	AGENCY ASSIST	HIGHWAY 133; mm 5.5, Paonia, CO	PPD	DIST3	

**Total Incidents for this Date: 9**

**Date Occurred:** 05/22/19

<u>Time</u>	<u>Nature</u>	<u>Address</u>	<u>Agency</u>	<u>Loctn</u>	<u>Dsp</u>
09:24:03	Medical/transfe	GRAND AVE, Paonia, CO	PPD	PPD	
13:28:37	VIN INSPECTION	GRAND AVE; PPD, Paonia, CO	PPD	PPD	
17:19:50	Traffic Stop	100 BLOCK OF 3RD STREET, Paonia, CO	PPD	PPD	CIT
18:21:49	MARIJUANA	ORCHARD AVE, Paonia, CO	PPD	PPD	
19:12:40	Code Enforce	200 Block Main AVE., Paonia, CO	PPD	PPD	WW

**Total Incidents for this Date: 5**

**Date Occurred:** 05/23/19

<u>Time</u>	<u>Nature</u>	<u>Address</u>	<u>Agency</u>	<u>Loctn</u>	<u>Dsp</u>
07:57:30	AGENCY ASSIST	L75 RD, Paonia, CO	PPD	DIST3	
17:39:38	Traffic Stop	100 BLOCK ONARGA AVE, Paonia, CO	PPD	PPD	WW
18:50:14	Traffic Stop	100 BLOCK OF MAIN AVENUE, Paonia, CO	PPD	PPD	CIT
20:50:02	Medical/transfe	MAIN AVE; , Paonia, CO	PPD	PPD	
22:07:18	Traffic Stop	100 BLOCK OF ONARGA AVE., Paonia, CO	PPD	PPD	.VW
22:54:22	Traffic Stop	200 BLOCK OF GRAND AVENUE, Paonia, CO	PPD	PPD	CIT
23:30:05	SUSPICIOUS	700 BLOCK OF 4TH St. (PAONIA TOWN PARK), Paonia, CO	PPD	PPD	.VW

**Total Incidents for this Date:** 7**Date Occurred:** 05/24/19

<u>Time</u>	<u>Nature</u>	<u>Address</u>	<u>Agency</u>	<u>Loctn</u>	<u>Dsp</u>
18:35:06	Wanted Person	3RD ST, Paonia, CO	PPD	PPD	CAA
21:06:50	Traffic Stop	100 BLOCK OF GRAND AVENUE, Paonia, CO	PPD	PPD	.VW
21:37:53	Traffic Stop	200 2ND ST, Paonia, CO	PPD	PPD	WW
22:38:39	Traffic Stop	200 BLOCK OF GRAND AVE., Paonia, CO	PPD	PPD	CIT

**Total Incidents for this Date:** 4**Date Occurred:** 05/25/19

<u>Time</u>	<u>Nature</u>	<u>Address</u>	<u>Agency</u>	<u>Loctn</u>	<u>Dsp</u>
00:56:53	Noise Complaint	ALDER DRIVE, Paonia, CO	PPD	PPD	.VW
18:08:38	Parking Problem	GRAND AVE, Paonia, CO	PPD	PPD	WW
18:30:54	Traffic Stop	200 BLOCK OF ONARGA AVE, Paonia, CO	PPD	DIST3	CIT
23:12:32	SUSPICIOUS	200 BLOCK OF 3RD St., Paonia, CO	PPD	PPD	

**Total Incidents for this Date:** 4**Date Occurred:** 05/26/19

<u>Time</u>	<u>Nature</u>	<u>Address</u>	<u>Agency</u>	<u>Loctn</u>	<u>Dsp</u>
00:06:37	Traffic Stop	1000 BLOCK OF 2ND St., Paonia, CO	PPD	DIST3	.VW
23:13:25	WELFARE CHECK	OAK AVE, Paonia, CO	PPD	PPD	

**Total Incidents for this Date:** 2**Date Occurred:** 05/27/19

<u>Time</u>	<u>Nature</u>	<u>Address</u>	<u>Agency</u>	<u>Loctn</u>	<u>Dsp</u>
14:42:20	MARIJUANA	200 Block of 3rd St., Paonia,	PPD	PPD	CIT

**Total Incidents for this Date:** 1**Date Occurred:** 05/28/19

<u>Time</u>	<u>Nature</u>	<u>Address</u>	<u>Agency</u>	<u>Loctn</u>	<u>Dsp</u>
11:35:09	UNATTEND DEATH	MAIN AVE, Paonia, CO	PPD	PPD	.
12:22:52	TrafficAccident	2ND ST, Paonia, CO	PPD	PPD	.
14:12:36	ALARM	VISTA DR, Paonia, CO	PPD	PPD	.
18:44:48	AGENCY ASSIST	LAMBORN MESA RD, Paonia, CO	PPD	DIST3	.
18:57:53	AGENCY ASSIST	BOX ELDER AVE, Paonia, CO	PPD	PPD	.
21:07:43	Traffic Stop	300 BLOCK OF GRAND AVE., Paonia, CO	PPD	DIST3	CIT
21:38:15	Infomation	BOX ELDER AVE; PES PAONIA ELEMENTARY, Paonia, CO	PPD	PPD	.

**Total Incidents for this Date: 7**

**Date Occurred:** 05/29/19

<u>Time</u>	<u>Nature</u>	<u>Address</u>	<u>Agency</u>	<u>Loctn</u>	<u>Dsp</u>
08:52:51	VIN INSPECTION	GRAND AVE; PPD, Paonia, CO	PPD	PPD	.
13:26:51	Parking Problem	200 BLOCK OF GRAND AVE, Paonia,	PPD	PPD	VW.
19:07:42	Code Enforce	MINNESOTA AVE, Paonia, CO	PPD	PPD	WW.
19:10:44	Code Enforce	2ND ST, Paonia, CO	PPD	PPD	WW.
21:53:43	Traffic Stop	100 BLOCK OF SAMUEL WADE ROAD, Paonia, CO	PPD	PPD	VW.
23:37:09	Traffic Stop	300 SAMUEL WADE RD, Paonia, CO	PPD	DIST3	VW.

**Total Incidents for this Date: 6**

**Date Occurred:** 05/30/19

<u>Time</u>	<u>Nature</u>	<u>Address</u>	<u>Agency</u>	<u>Loctn</u>	<u>Dsp</u>
16:49:26	WELFARE CHECK	DORRIS AVE, Paonia, CO	PPD	PPD	.
17:07:42	SUSPICIOUS	3RD ST, Paonia, CO	PPD	PPD	.
20:22:03	SUSPICIOUS	2ND ST, Paonia, CO	PPD	PPD	.
22:28:03	Traffic Stop	70 BLOCK OF SAMUEL WADE RD., Paonia, CO	PPD	PPD	VW.
22:36:57	Traffic Stop	200 BLOCK OF NIAGARA, Paonia, CO	PPD	PPD	CIT
22:55:50	Traffic Stop	300 BLOCK OF 3RD St., Paonia, CO	PPD	PPD	CIT

**Total Incidents for this Date: 6**

**Date Occurred:** 05/31/19

<u>Time</u>	<u>Nature</u>	<u>Address</u>	<u>Agency</u>	<u>Loctn</u>	<u>Dsp</u>
01:53:23	Medical/transfe	MAIN AVE., Paonia, CO	PPD		.
10:03:30	Elder Abuse	GRAND AVE, Paonia, CO	PPD	PPD	.
10:42:44	Disturbance	MEADOWBROOK BLVD; PAONIA CARE AND REHABILITATION, Paonia, CO	PPD	PPD	.
16:53:17	AGENCY ASSIST	HIGHWAY 133 & GRAND AVE, Paonia, CO	PPD	DIST3	.
21:33:48	Traffic Stop	300 BLOCK OF GRAND AVE., Paonia, CO	PPD	PPD	CIT
22:15:34	Traffic Stop	70 BLOCK OF SAMUEL WADE ROAD, Paonia, CO	PPD	DIST3	CIT

**Total Incidents for this Date: 6**

Total reported: 92      VW= 10, WW= 31, CIT= 17, CAA= 1

AGENDA SUMMARY FORM



Treasurer's Report

Summary:

Notes:

Possible Motions:

Motion by: \_\_\_\_\_ 2<sup>nd</sup>: \_\_\_\_\_ vote: \_\_\_\_\_

Vote:	Trustee Bachran:	Trustee Bear:	Trustee Bookout:
Trustee Budinger:	Trustee Hart:	Trustee Knutson:	Mayor Stewart:

AGENDA SUMMARY FORM



Disbursements

Summary:

Notes:

Possible Motions:

Motion by: \_\_\_\_\_ 2<sup>nd</sup>: \_\_\_\_\_ vote: \_\_\_\_\_

Vote:	Trustee Bachran:	Trustee Bear:	Trustee Bookout:
Trustee Budinger:	Trustee Hart:	Trustee Knutson:	Mayor Stewart:

FSBC OPS DISBURSEMENT SUMMARY		
DESCRIPTION	DATES	AMOUNT
CURRENT FSBC OPS BALANCE		61,838.00
ACCOUNTS PAYABLE	5/22/2019-6/07/2019	(42,983.27)
PAYROLL TAXES	6/7/2019	(7,298.02)
BALANCE AFTER PAYMENT		11,556.71

FSBC SUMMIT DISBURSEMENT SUMMARY		
DESCRIPTION	DATES	AMOUNT
CURRENT FSBC SUMMIT BALANCE		164,647.02
WPA GRANT FUNDS	TRANSFER FROM INTERNAL GRANT	184,778.38
CURRENT FSBC PAYROLL BALANCE		25.00
PAYROLL (DIRECT DEPOSIT)	6/7/2019	(18,182.66)
BALANCE AFTER PAYMENT		331,267.74

FSBC INTERNAL GRANT BALANCE		
BALANCE		184,814.15
WPA GRANT FUNDS	TRANSFER TO SUMMIT	184,778.38
CD TOTAL		35.77

FSBC LOC BALANCE		
FSBC CD#2 BALANCE	GENERAL	200,492.84
CD TOTAL		200,492.84
LOC DRAW		
BALANCE AVAILABLE SECURING LOC		200,492.84

CREDIT CARD		
CHASE	5/22/2019	
CITIBANK	5/25/2019	-
TOTAL		-

COLOTRUST - GENERAL		
		580,779.88
TOTAL		580,779.88
COLOTRUST RESTRICTED - SEWER PROPERTY		
TOTAL		519,749.34
COLOTRUST RESTRICTED - SEWER LOAN RESERVE		
TOTAL		104,727.50
COLOTRUST - BRIDGE RESTRICTED		
TOTAL		576,793.29

GRANT FUNDS IN PROCESS		
CDPHE	STORM DRAIN/SEWER	21,710.45
TOTAL		21,710.45

107K 6/10/19

BANK BALANCES		
	FSBC	COLOTRUST
AS OF: 6/03/19		
WWTP	58,105.63	580,779.88
SPACE-TO-CREATE	72,592.94	519,749.34
INT GRANT	184,814.15	104,727.50
PAYROLL	25.00	576,793.29
SUMMIT	164,647.02	
OPS	87,947.06	
CONS.TRUST	2,675.48	
PASS THRU	25.00	
PARK CONTRIBUTIONS	7,217.00	
CD#1	CLOSED	
CD#2	200,492.84	
	<u>778,542.12</u>	<u>1,782,050.01</u>
		2,560,592.13

Due Date	Vendor Number	Vendor Name	Invoice Number	Invoice Amount	Discount Amount	Partial Payments	Net Due Amount	Pay	Partial Pmt Amt	Part Pmt Disc Amt
06/11/2019	1014	AAP of Delta CO #	2482-501356	19.94 ✓	.00	.00	19.94	KPK		
06/11/2019	377	Benson Brothers L	23666	116.80 ✓	.00	.00	116.80	✓		
06/11/2019	14	Bolinger & Queen I	54486	230.50 ✓	.00	.00	230.50	✓		
06/11/2019	14	Bolinger & Queen I	54595	559.60 ✓	.00	.00	559.60	✓		
06/11/2019	14	Bolinger & Queen I	55239	193.80 ✓	.00	.00	193.80	✓		
06/11/2019	14	Bolinger & Queen I	56746	211.40 ✓	.00	.00	211.40	✓		
06/11/2019	21	Caselle, Inc	95451	989.00 ✓	.00	.00	989.00	✓		
06/11/2019	24	City of Delta	050119	236.00 ✓	.00	.00	236.00	✓		
06/11/2019	1090	Community Resou	17733	529.09 ✓	.00	.00	529.09	✓		
06/11/2019	1091	Dairy Specialists, L	RTI14666-RT	1,905.75 ✓	.00	.00	1,905.75	✓		
06/11/2019	39	Delta County Inde	102144-1020	156.45 ✓	.00	.00	156.45	✓		
06/11/2019	43	Delta Montrose Ele	20886100-05	2,665.41 ✓	.00	.00	2,665.41	✓		
06/11/2019	43	Delta Montrose Ele	6-2019-W	2,067.62 ✓	.00	.00	2,067.62	✓		
06/11/2019	46	Dependable Lumb	1905-061795	492.86 ✓	.00	.00	492.86	✓		
06/11/2019	48	Don's Market	01-589414	3.69 ✓	.00	.00	3.69	✓		
06/11/2019	48	Don's Market	01-597033	23.21 ✓	.00	.00	23.21	✓		
06/11/2019	48	Don's Market	04-445602	32.29 ✓	.00	.00	32.29	✓		
06/11/2019	368	Double J Disposal	37525-37527	243.00 ✓	.00	.00	243.00	✓		
06/11/2019	50	Duckworks Auto P	11044-30692	64.15 ✓	.00	.00	64.15	✓		
06/11/2019	56	Enterprise Fund/La	296880-2989	3,915.25 ✓	.00	.00	3,915.25	✓		
06/11/2019	62	Feather Petroleum	5235617-550	1,070.00 ✓	.00	.00	1,070.00	✓		
06/11/2019	888	Filter Tech System	8563	4,526.15 ✓	.00	.00	4,526.15	✓		
06/11/2019	1011	J. David Reed, PC	76371-76377	4,602.00 ✓	.00	.00	4,602.00	✓		
06/11/2019	482	Larry D Gillenwate	909398	364.20 ✓	.00	.00	364.20	✓		
06/11/2019	470	Leon, Susan	060119-0630	700.00 ✓	.00	.00	700.00	✓		
06/11/2019	103	Master Petroleum	CL-35134-IN	819.03 ✓	.00	.00	819.03	✓		
06/11/2019	763	Mesa County Healt	879-19	20.00 ✓	.00	.00	20.00	✓		
06/11/2019	763	Mesa County Healt	881-19	20.00 ✓	.00	.00	20.00	✓		
06/11/2019	113	Munro Supply, Inc	408303	856.95 ✓	.00	.00	856.95	✓		
06/11/2019	1089	NIMTHOR Inc	37853	260.04 ✓	.00	.00	260.04	✓		
06/11/2019	141	North Fork Service	182719-1827	598.30 ✓	.00	.00	598.30	✓		
06/11/2019	122	Paonia Auto Parts	353307-3539	361.54 ✓	.00	.00	361.54	✓		
06/11/2019	125	Paonia Farm & Ho	10337-13396	26.44 ✓	.00	.00	26.44	✓		
06/11/2019	499	Phonz +	704	1,137.08 ✓	.00	.00	1,137.08	✓		
06/11/2019	737	Ricoh USA Inc	31869431	127.42 ✓	.00	.00	127.42	✓		
06/11/2019	737	Ricoh USA Inc	5056733231	143.46 ✓	.00	.00	143.46	✓		
06/11/2019	656	Schmueser Gordo	2013-471.00	2,414.00 ✓	.00	.00	2,414.00	✓		
06/11/2019	152	Southwestern Syst	202501	633.25 ✓	.00	.00	633.25	✓		
06/11/2019	152	Southwestern Syst	202502	827.00 ✓	.00	.00	827.00	✓		
06/11/2019	152	Southwestern Syst	202505	845.25 ✓	.00	.00	845.25	✓		
06/11/2019	1087	Stahly, Lester	051819-0531	825.00 ✓	.00	.00	825.00	✓		
06/11/2019	1088	Studio MW, LLC	060319	756.00 ✓	.00	.00	756.00	✓		
06/11/2019	156	TDS Telecom	6-2019	203.79 ✓	.00	.00	203.79	✓		
06/11/2019	861	The Paper-Clip LL	2032168-203	229.93 ✓	.00	.00	229.93	✓		
06/11/2019	161	UNCC	219050770	56.80 ✓	.00	.00	56.80	✓		
06/11/2019	1009	US Postal Service	POBOX460	120.00 ✓	.00	.00	120.00	✓		
06/11/2019	846	Weavers Small En	5666-5670	833.25 ✓	.00	.00	833.25	✓		
06/11/2019	491	Winwater Corp	050434-01	3,242.86 ✓	.00	.00	3,242.86	✓		
06/11/2019	491	Winwater Corp	050477-00	1,707.72 ✓	.00	.00	1,707.72	✓		
Grand Totals:			49	42,983.27	.00	.00	42,983.27			



## Report Criteria:

Unpaid transmittals included  
Begin Date: ALL  
End Date: ALL

Transmittal Number	Name	Invoice Number	Pay Per Date	Pay Code	Description	GL Account	Amount
2							
2	IRS Tax Deposit		05/31/2019	74-00	Federal Tax Deposit Social Security	10-0216	997.44
2	IRS Tax Deposit		05/31/2019	74-00	Federal Tax Deposit Social Security	10-0216	997.44
2	IRS Tax Deposit		05/31/2019	75-00	Federal Tax Deposit Medicare Pay P	10-0216	336.99
2	IRS Tax Deposit		05/31/2019	75-00	Federal Tax Deposit Medicare Pay P	10-0216	336.99
2	IRS Tax Deposit		05/31/2019	76-00	Federal Tax Deposit Federal Withhold	10-0216	1,621.41
Total 2:							4,290.27
4							
4	Aflac		05/31/2019	63-01	Aflac Pre-Tax Pay Period: 5/31/2019	10-0225	120.18
4	Aflac		05/31/2019	63-02	Aflac After Tax Pay Period: 5/31/2019	10-0225	24.90
Total 4:							145.08
6							
6	Colorado Dept of Labor		04/05/2019	98-00	SUTA State Unemployment Tax Pay	10-0218	72.42
6	Colorado Dept of Labor		04/19/2019	98-00	SUTA State Unemployment Tax Pay	10-0218	74.00
6	Colorado Dept of Labor		05/03/2019	98-00	SUTA State Unemployment Tax Pay	10-0218	73.03
6	Colorado Dept of Labor		05/17/2019	98-00	SUTA State Unemployment Tax Pay	10-0218	75.64
6	Colorado Dept of Labor		05/31/2019	98-00	SUTA State Unemployment Tax Pay	10-0218	73.16
Total 6:							368.25
9							
9	Colorado Dept of Revenue		05/31/2019	77-00	State Withholding Tax Pay Period: 5/3	10-0217	667.00
Total 9:							667.00
31							
31	Mutual of Omaha		05/31/2019	51-01	Group# MOORetirement Plan Pay P	10-0220	491.53
31	Mutual of Omaha		05/31/2019	51-01	Group# MOORetirement Plan Pay P	10-0220	842.74
31	Mutual of Omaha		05/31/2019	51-02	Group# MOO Loan Payment Pay Pe	10-0220	129.07
Total 31:							1,463.34
33							
33	FPPA - Fire & Police Pensi		05/31/2019	50-00	FPPA Pay Period: 5/31/2019	10-0219	761.33
33	FPPA - Fire & Police Pensi		05/31/2019	50-00	FPPA Pay Period: 5/31/2019	10-0219	580.06
33	FPPA - Fire & Police Pensi		05/31/2019	90-00	Death & Disability Pay Period: 5/31/2	10-0219	203.02
Total 33:							1,544.41
70							
70	Rocky Mountain HMO		05/31/2019	60-01	RMHMO - Employee Only Pay Period	10-0223	434.21
70	Rocky Mountain HMO		05/31/2019	60-01	RMHMO - Employee Only Pay Period	10-0223	3,473.98
70	Rocky Mountain HMO		05/31/2019	60-03	RMHMO - Employee + Family Pay Pe	10-0223	343.44
70	Rocky Mountain HMO		05/31/2019	60-03	RMHMO - Employee + Family Pay Pe	10-0223	2,747.60
70	Rocky Mountain HMO		05/31/2019	60-04	RMHMO - Vision Pay Period: 5/31/20	10-0223	33.58
70	Rocky Mountain HMO		05/31/2019	60-05	RMHMO - Dental Pay Period: 5/31/20	10-0223	213.12

Transmittal Number	Name	Invoice Number	Pay Per Date	Pay Code	Description	GL Account	Amount
Total 70:							7,245.93
71							
71	The Harford		05/31/2019	65-01	Group#013307460001 Hartford Basic	10-0226	27.56
71	The Harford		05/31/2019	65-02	Group#013307460001 Hartford Suppl	10-0226	29.38
Total 71:							56.94
73							
73	Delta Dental of Colorado		05/31/2019	60-05	Dental RMHMO - Dental Pay Period:	10-0223	213.12
Total 73:							213.12
Grand Totals:							15,994.34

Report Criteria:

Unpaid transmittals included  
Begin Date: ALL  
End Date: ALL

0 \*

4,290.27+

1,463.34+

1,544.41+

003

7,298.02\*

*PK*  
*6/4/19*

Employee Number	Name	85-00 Net Pay Emp Amt
1054	Beardslee, Dominic D	1,061.23
1052	Edwards, Roger	872.33
1002	Ferguson, J. Corinne	1,397.54
1020	Ferguson, Neil	1,684.27
1022	Hinyard, Patrick	1,029.85
1001	Jones, Cynthia	1,618.03
1000	Knight, Kenneth D	1,945.73
1050	Loberg, Travis	2,100.51
1003	Mojarro-Lopez, Amanda	1,014.97
1025	Patterson, Taffine A	1,043.06
1055	Redden, Jordan	603.90
1051	Reich, Dennis	1,011.24
1026	Vassel, Andrew C	1,097.74
1056	Voight, Steven P	799.56
1024	Winnett, Lorin E	902.70
Grand Totals:		
	15	18,182.66

*POK*  
*6/4/19*

AGENDA SUMMARY FORM



Colorado Detours, LLC – Commercial Use of Public Property

**Summary:**  
Per Board direction, included in the packet is the proposed agreement.

**Notes:**

**Possible Motions:**

Motion by: \_\_\_\_\_ 2<sup>nd</sup>: \_\_\_\_\_ vote: \_\_\_\_\_

Vote:	Trustee Bachran:	Trustee Bear:	Trustee Bookout:
Trustee Budinger:	Trustee Hart:	Trustee Knutson:	Mayor Stewart:

## LICENSE AGREEMENT

This LICENSE AGREEMENT (this “**Agreement**”) is made and entered into this 11<sup>th</sup> day of June, 2019, by and between the Town of Paonia, Colorado, a Colorado statutory town (“**Grantor**”), and Colorado Detours, LLC, a Colorado limited liability company (“**Grantee**”). Grantor and Grantee shall be collectively referred to herein as the “**Parties**” and individually as a “**Party.**”

### RECITALS

A. Grantor is the owner of the following real property:

3 3rd Street  
Paonia, Colorado 81428  
Delta County Assessor Parcel No. 324506200005  
State of Colorado (the “**Property**”).

B. Grantee desires to use a certain portion of the Property to stage a horse carriage, which portion of Property is more particularly depicted on Exhibit A attached hereto and incorporated herein by this reference (the “**Licensed Area**”).

C. Grantor is willing to grant to Grantee a revocable license to enter the Licensed Area to stage horse carriage rides upon the terms and conditions contained in this Agreement.

### AGREEMENT

1. Term. The term of this Agreement shall commence on the Effective Date and expire upon the earlier of the following events: (i) sixty (60) days from the Effective Date, or (ii) revocation of the License by Grantor (the “**Term**”).

2. Grant of License. Grantor hereby grants to Grantee a non-exclusive license to enter upon and use the Licensed Area during the Term of this Agreement for the sole purpose of staging horse carriage rides. Grantee may use any other portion of the Property for any other purpose without the written consent of Grantor. While staging horse carriage rides, Grantee may place equipment related its operations on the Licensed Area, such as trucks and trailers.

3. Compensation. Grantee shall remit to Grantor Ten Dollars (\$10.00) per day that Grantee uses the Licensed Area. Grantee shall remit such payments on a monthly basis.

4. Maintenance and Improvements. Grantee shall not construct any improvements on the Licensed Area. Grantee is responsible for any and all damages to the Licensed Area caused by Grantee’s use of the Licensed Area.

5. Interference with Grantor Operations. Grantee acknowledges and agrees that Property and the Licensed Area are public lands, and that Grantee’s activities on the Property and within the Licensed Area may cause immediate and irreparable harm to Grantor. If, in Grantor’s

sole discretion, Grantee interferes, directly or indirectly, with any use of the Property by Grantor or the public, causes harm to others or creates any nuisances, public or private, Grantor may immediately terminate this Agreement upon written notice to Grantee without liability and without limiting any other rights and remedies Grantor may have at law or in equity. Grantee shall be responsible for its members, directors, officers, agents, employees, invitees, partners, affiliates, contractors, and representatives in connection with this Agreement.

6. Compliance with Laws. Grantee represents and warrants to Grantor that it shall conduct its operations in compliance with all applicable local, state and federal laws, permits and regulations, and shall indemnify, defend and hold harmless Grantor from any and all claims for damages and/or liability arising out of Grantee's use of the Property, the Licensed Area or this Agreement.

7. Hazardous Materials. Grantee shall not cause nor permit to be caused any hazardous substances to be dumped, spilled, released, permanently stored, or deposited on, over, or beneath the Licensed Area or the Property. Any such hazardous, toxic or flammable substances shall be removed by Grantee. Grantee, for itself and its members, directors, officers, agents, employees, invitees, partners, affiliates, contractors, and representatives, hereby agrees to indemnify and hold Grantor harmless to the extent permitted by law from any and all claims, demands, causes of action or damages (including reasonable attorney's fees and court costs) arising from any breach of Grantee's covenants and obligations under this Section 7.

8. Maintenance of the Licensed Area. Grantee shall maintain the Licensed Area in a clean manner, undertaking best efforts to mitigate any and all dust that may be attributed to the Grantee's operations. Grantee shall not cause any damage to the Property or the Licensed Area. Grantee shall promptly remove any horse manure from the Property and the Licensed Area.

9. Liability. Grantee assumes sole responsibility and liability to all persons and authorities related to its use of the Licensed Area. In the event that Grantor is required to pay any sum that is the Grantee's responsibility or liability, Grantee shall promptly reimburse Grantor for such payments and for reasonable expenses incurred by Grantor in connection with the same.

10. Indemnification. Grantee agrees to defend, indemnify and hold Grantor, its officers, directors, employees and agents harmless against all liability and claims of liability for injury or damage to person or property on or about the Licensed Area arising out of this Agreement.

11. Insurance. Grantee agrees, at its sole cost and expense, to obtain and maintain at all times during the Term of this Agreement, a policy or policies of comprehensive general liability insurance with limits of coverage of not less than \$1,000,000 for injuries, damages or losses sustained by any one person in any one accident or event, and not less than \$1,000,000 for injuries, damages or losses incurred by two or more persons in any one accident or event. Grantor shall be named as additional insureds on all such policies and Grantee shall furnish the Grantor with a copy of such policy or policies prior to the Effective Date hereof.

12. Breach and Attorney's Fees. In the event of any breach of any covenant or condition of this Agreement by Grantee, Grantor may sue to enforce the Agreement or recover damages for

such breach. In the event of any legal action available to either Party, the prevailing Party shall be entitled to recover from the non-prevailing Party all costs and expenses related to such action, including reasonable attorneys' fees and costs.

13. Termination. In the event of termination of this Agreement, all obligations of either Party shall immediately be extinguished.

14. Notices.

If to Grantor:                   Town Administrator  
Town of Paonia  
PO Box 460  
Paonia, Colorado 81428

With a copy to:                J. David Reed, P.C.  
P.O. Box 196  
Montrose, CO 81402  
Attention: Bo James Nerlin

If to Grantee:                    David Noe  
Colorado Detours, LLC  
PO Box 191  
Paonia, Colorado 81428

15. Assignment. Grantee may not assign this Agreement, in whole or in part, without the prior written consent of Grantor.

16. Waiver. The failure of either Party to exercise any of its rights under this Agreement shall not be a waiver of those rights.

17. Entire Agreement. This Agreement constitutes the entire agreement and understanding between the Parties hereto with regard to the subject matter contained herein and supersedes any prior agreement or understanding relating to the subject matter of this Agreement.

18. Modification. This Agreement may be modified or amended only by a duly authorized written instrument executed by the Parties hereto.

19. Venue and Jurisdiction. The laws of the State of Colorado shall govern the interpretation, validity, performance and enforcement of this Agreement. Venue shall be proper in Delta County, Colorado.

20. Severability. If any provision of this Agreement shall be held to be invalid or unenforceable, the validity and enforceability of the remaining provisions of this Agreement shall not be affected thereby.

21. Counterparts. This Agreement may be executed in one or more counterparts, each of which shall be deemed an original but all of which together will constitute one and the same instrument.

*[Signatures on following page]*



IN WITNESS WHEREOF, the Parties have entered into this Agreement as of the Effective Date.

**GRANTOR:**

**THE TOWN OF PAONIA, COLORADO** a Colorado statutory town

---

Charles Stewart, Mayor

**GRANTEE:**

**COLORADO DETOURS, LLC**, a Colorado limited liability company:

---

By: David Noe, Member

Exhibit A  
Licensed Area

# Berg Harvest Mercantile and Cafe



Imagery ©2019 Google, Map data ©2019 50 ft

AGENDA SUMMARY FORM



Colorado Code Consulting Contract – Collaborative Update of Building Code

Summary:

Per Board instructions, attached is the draft contract to begin the code update in conjunction with neighboring Western Slope communities with the inclusion of the maximum costs for the updates.

Notes:

Possible Motions:

Motion by: \_\_\_\_\_ 2<sup>nd</sup>: \_\_\_\_\_ vote: \_\_\_\_\_

Vote:	Trustee Bachran:	Trustee Bear:	Trustee Bookout:
Trustee Budinger:	Trustee Hart:	Trustee Knutson:	Mayor Stewart:

## PROFESSIONAL SERVICES AGREEMENT

**THIS PROFESSIONAL SERVICES AGREEMENT** (this “Agreement”) is entered into as of this 14<sup>th</sup> day of June, 2019, by and between the Town of Paonia, a Colorado Statutory Town, hereinafter referred to as “Town,” and Colorado Code Consultants, a Colorado Corporation, hereinafter referred to as "Contractor".

In consideration of the mutual covenants and obligations herein expressed, it is agreed by and between the parties hereto as follows:

1. **SCOPE OF SERVICES**

Contractor agrees to perform services in accordance with the Scope of Consulting Services, attached hereto as Exhibit "A" and incorporated herein by this reference (the “Services”).

2. **TIME OF COMPLETION**

The Services to be performed pursuant to this Agreement by Contractor shall be initiated upon execution of this Agreement, shall be pursued with due diligence thereafter, and shall be continued until *December 31, 2019*, unless terminated prior.

3. **PROFESSIONAL RESPONSIBILITY**

Contractor shall be responsible for the professional quality, timely completion and coordination of all Services as outlined in Exhibit A and shall without additional compensation promptly remedy and correct any errors, omissions or other deficiencies. Contractor is solely responsible for the timing, means and methods of performing the Services. Contractor shall meet or exceed industry standards applicable to the Services and shall provide for all training and education needed and all tools necessary to perform the Services. Contractor shall comply with all applicable laws.

4. **RELEASE AND INDEMNIFICATION**

Contractor hereby waives any claims for damage to Contractor's property or injury to Contractor's person against the Town, its officers, agents and employees arising out of the performance of the Services under this Agreement. To the fullest extent permitted by law, the Contractor agrees to indemnify and hold harmless the Town, and its officers and employees from and against all liability, claims and demands on account of any injury, loss or damage arising out of or connected with the Services, if such injury, loss or damage, or any portion thereof, is caused by or claimed to be caused by the act, omission or other fault of the Contractor or any subcontractor of the Contractor, or any officer, employee or agent of the Contractor or any subcontractor, or any other person for whom Contractor is responsible. The Contractor shall investigate, handle, respond to and provide defense for and defend against any such liability, claims and demands and shall bear all other costs and expenses related thereto, including court costs and attorneys' fees. The Contractor's indemnification obligation shall not be construed to extend to any injury, loss or damage which is caused by the act, omission or other fault of the Town.

5. **WORKER'S COMPENSATION**

Contractor shall obtain statutorily required Worker's Compensation insurance to cover Contractor's employees and provide the Town a certificate of such insurance. Contractor hereby agrees to release, waive, save, hold harmless, defend and indemnify the Town, its officers, agents or employees on account of any claims arising under the Worker's Compensation laws of the State of Colorado on behalf of Contractor or any of Contractor's employees, subcontractors or subcontractor's employees.

6. **PAYMENT**

In consideration of the proper performance of the Contractor's Services, the Town agrees to pay the Contractor as follows:

- i. Code Consulting Services - \$135.00 per hour not to exceed a total of \$16,875 for all services rendered
- ii. In-person meetings as needed - \$1,250.00 per day

The total price included herein is subject to further reduction in the event the Contractor agrees to provide services to other jurisdictions. In the event the total amount is reduced, the parties will add an addendum to this Agreement.

These payment amounts include all travel expenses which may be incurred by the Contractor. The Contractor is not entitled to reimbursement for supplies, materials or expenses without the prior approval of the Town Manager. The Contractor will not be reimbursed for travel, meals, per diem or other expenses.

The Contractor will invoice the Town monthly for services rendered. The Town shall remit payment for services rendered in a timely fashion.

7. **TOWN REPRESENTATIVE**

The Town hereby designates its Town Administrator, or his or her designee as its representative and authorizes him or her to make all necessary and proper decisions with reference to this Agreement.

8. **INDEPENDENT CONTRACTOR**

**The Services to be performed by the Contractor are those of an independent contractor and not as an employee of the Town. As an independent contractor, Contractor is not entitled to Worker's Compensation benefits, except as may be provided by the independent contractor, nor to unemployment insurance benefits. The Contractor is obligated to pay all federal and state income tax on any moneys received pursuant to this Agreement.**

9. **ASSIGNMENT**

This Agreement may not be assigned nor subcontracted by either party without the written consent of the other party. Provided, however, Contractor shall arrange for substitute service

in those instances when Contractor is not able to perform the Services due to temporary absence.

10. **NON-WAIVER**

Not applicable.

11. **INSURANCE**

The Contractor agrees to procure and maintain, at its own cost, a policy or policies of insurance. The Contractor shall not be relieved of any liability, claims, demands or other obligations assumed pursuant to this Agreement by reason of its failure to procure or maintain insurance, or by reason of its failure to procure or maintain insurance in sufficient amounts, duration or types.

Contractor shall procure and maintain the minimum insurance coverages listed below. Such coverages shall be procured and maintained with forms and insurers acceptable to the Town. All coverages shall be continuously maintained from the date of commencement of Services hereunder.

- A. Worker's Compensation insurance to cover obligations imposed by the Worker's Compensation Act of Colorado and any other applicable laws for any employee engaged in the performance of Services under this Agreement.
- B. Commercial general liability insurance with minimum combined single limits of one million dollars (\$1,000,000) each occurrence and one million dollars (\$1,000,000) aggregate. The policy shall be applicable to all premises and operations. The policy shall include coverage for bodily injury, broad form property damage (including completed operations), personal injury (including coverage for contractual and employee acts), blanket contractual, independent contractors, products, and completed operations.
- C. Comprehensive Automobile Liability insurance with minimum combined single limits for bodily injury and property damage of not less than Five Hundred Thousand Dollars (\$500,000) each occurrence and Five Hundred Thousand Dollars (\$500,000) aggregate with respect to each of Contractor's owned, hired and non-owned vehicles assigned to or used in performance of the Services.

The policies required above, except the Worker's Compensation insurance, shall be endorsed to include the Town and the Town's officers and employees as additional insureds. Every policy required above shall be primary insurance, and any insurance carried by the Town, its officers or its employees shall be excess and not contributory insurance to that provided by Contractor. The Contractor shall be responsible for any deductible losses under any policy required above.

Certificates of insurance shall be completed by the Contractor's insurance agent as evidence that policies providing the required coverages and minimum limits are in full force and effect and shall be reviewed and approved by the Town prior to commencement. The Town

reserves the right to request and receive a certified copy of any policy.

Failure on the part of the Contractor to procure or maintain policies providing the required coverages, conditions and minimum limits shall constitute a material breach of contract upon which the Town may immediately terminate this Agreement or, at its discretion, the Town may procure or renew any such policy or any extended reporting period thereto and may pay any and all premiums in connection therewith, and all monies so paid by the Town shall be repaid by Contractor to the Town upon demand or the Town may offset the cost of the premiums against any monies due to Contractor from the Town.

The parties hereto understand and agree that the Town is relying on, and does not waive or intend to waive by any provision of this Agreement, the monetary limitations (presently \$150,000 per person and \$600,000 per occurrence) or any other rights, immunities and protections provided by the Colorado Governmental Immunity Act, C.R.S. § 24-10-101 *et seq.*, as from time to time amended.

12. **SECURITY**

Contractor shall procure an irrevocable letter of credit in a form and with a lending institution satisfactory to the Town for a term equal to the term of this Agreement, or such other security that is satisfactory to the Town, in the amount of \$9,500, insuring full performance of this Agreement by Contractor and reflecting the ability of the Town to call on such security if Contractor fails to perform any of the Services as obligated by this Agreement.

13. **CONTRACTOR OPERATIONS**

Contractor shall provide Services as set forth in Exhibit A.

Contractor shall maintain its own office, utilize Contractor's own office equipment and supplies and shall keep the Town advised of Contractor's office address, mailing address and telephone number.

All personnel of the Contractor involved with the Services of the Contractor to the Town shall be courteous and respectful at all times. Personnel driving Contractor's vehicles shall each at all times possess and carry the appropriate Colorado Driver's License or Commercial Driver's License ("CDL") for the particular type of vehicle or equipment operated. The Town may request the removal or transfer of any employee of the Contractor who violates the provisions hereof, or who is wanton, negligent or discourteous in the performance of such duties.

Contractor shall not use a firm name containing "Town of Paonia" or other words which could imply municipal ownership.

14. **ADMINISTRATION**

The administration of this Agreement shall be the responsibility of the Town of Paonia.

It shall be the responsibility of the Town to coordinate with the Contractor for the timely



and satisfactory completion of the Services. The Town may adopt rules and regulations to enforce or carry out the terms and conditions of this Agreement, which shall be binding upon the Contractor.

15. **BREACH AND TERMINATION**

All terms and conditions of this Agreement are considered material, and failure to perform any of said conditions on be considered a breach of this Agreement. In such event, either party may notify the other of the breach, in which case there shall be a thirty (30) day opportunity to cure the breach, except for failure to provide Service which must be corrected within three (3) days. If the breach is not cured, the non-breaching party may have recourse to any and all remedies provided by law, including damages, specific performance and termination of this Agreement.

16. **MISCELLANEOUS**

Contractor shall comply with all laws, ordinances, rules and regulations relating to the performance of this Agreement, use of premises and public places and safety of persons and property.

17. **DATE**

This Agreement is dated \_\_\_\_\_, 20\_\_\_\_\_.

18. **EMPLOYMENT OF “ILLEGAL ALIENS”**

The following provisions are required by Colorado Revised Statutes §8-17.5-102, as amended. The term “illegal alien” is used as it is referenced in the above Statutes and is not a term chosen or endorsed by the Town.

- A. Contractor shall not knowingly employ or contract with an illegal alien to perform Services under this Agreement.
- B. Contractor shall not enter into a contract with a subcontractor that fails to certify to the Contractor that the subcontractor shall not knowingly employ or contract with an illegal alien to perform Services under this Agreement.
- C. Contractor has confirmed the employment eligibility of all employees who are newly hired for employment to perform Services under this Agreement through participation in either (1) the E-Verify Program, (the electronic employment verification program created in Public Law 104-208, as amended and expanded in Public Law 108-156, as amended, and jointly administered by the U.S. Department of Homeland Security and the Social Security Administration, or its successor program), or (2) the Department Program (the employment verification program established pursuant to CRS §8-17.5-102(5)(c)).
- D. Contractor is prohibited from using the E-Verify program or the Department Program procedures to undertake pre-employment screening of job applicants while this Agreement is being performed.
- E. If the Contractor obtains actual knowledge that a subcontractor performing Services under this Agreement knowingly employs or contracts with an illegal alien, the Contractor shall be required to: (a) notify the subcontractor and the

Town within three (3) days that the Contractor has actual knowledge that the subcontractor is employing or contracting with an illegal alien; and (b) terminate the subcontract with the subcontractor if within three (3) days of receiving the notice required pursuant to (a) of this paragraph (E), or if the subcontractor does not stop employing or contracting with the illegal alien, except that the Contractor shall not terminate the contract with the subcontractor if during such three days the subcontractor provides information to establish that the subcontractor has not knowingly employed or contracted with an illegal alien.

- F. Contractor shall comply with any reasonable request by the Department of Labor and Employment in the course of an investigation that the Department is undertaking pursuant to CRS §8-17.5-102(5).
- G. If Contractor violates these illegal alien provisions, the Town may terminate this Agreement for a breach of contract. If this Agreement is so terminated, Contractor shall be liable for actual and consequential damages to the Town. The Town will notify the Office of the Secretary of State if Contractor violates these provisions and the Town terminates this Agreement for that reason.
- H. Contractor shall notify the Town of participation in the Department Program and shall within twenty (20) days after hiring an employee who is newly hired for employment to perform Services under this Agreement affirm that the contractor has examined the legal work status of such employee, retained file copies of the documents required by 8 USC §1324a and not altered or falsified the identification documents for such employee. Contractor shall provide a written, notarized copy of the affirmation to the Town.

19. **APPROPRIATION REQUIRED**

This Agreement shall NOT be construed to constitute a debt of the Town beyond any current fiscal year and shall be subject to the availability of an annual appropriation therefore by the Town.

20. **NON-PROPRIETARY SERVICES AND PRODUCTS**

All Services and products are non-proprietary; all Services and products shall be related solely to the business of Town Government.

**TOWN OF PAONIA**

By \_\_\_\_\_  
*Ken Knight. Town Administrator*

**ATTEST:**

\_\_\_\_\_

Town Clerk

**CONTRACTOR:**

COLORADO CODE CONSULTANTS, a  
Colorado Corporation

By \_\_\_\_\_  
\_\_\_\_\_, *Owner*

## **EXHIBIT A**

### **Services**

The following shall constitute the Services as defined under the Agreement:

1. CCC will review the current Town Building Code, adoption ordinances and recommend changes based on updated codes.
2. CCC will work with the Town building department and Town staff to develop a code adoption ordinance that is specific Paonia.
3. CCC will work with the collective group to develop a uniform set of amendments between other jurisdictions that are CCC clients engaged in the same building code amendment process.
4. CCC will provide redline updates, deletions and clarifications to the Town's Building Code, for suggested adoption.
5. The Town will review the redline recommendations and discuss with CCC's team so that it is clearly understood what significant changes are recommended.
6. CCC will provide the building code updated as found within the Town's or City's municipal code.
7. CCC will attend meetings at the hourly rate, or the daily rate, depending on who from CCC is attending.



Business Licensing – Continued Discussion

Summary:

Per Board direction – follow-up discussion regarding business licensing. Included in the packet are a few examples of regulations from other communities.

Notes:

Possible Motions:

Motion by: \_\_\_\_\_ 2<sup>nd</sup>: \_\_\_\_\_ vote: \_\_\_\_\_

Vote:	Trustee Bachran:	Trustee Bear:	Trustee Bookout:
Trustee Budinger:	Trustee Hart:	Trustee Knutson:	Mayor Stewart:

## ARTICLE 1

### Business Licenses

#### Sec. 6-1-10. Definitions.

For purposes of this Article, the following definitions shall apply:

*Accommodations unit* means any separately owned condominium or condominium-hotel unit with one (1) or more sleeping rooms which is rented or leased for increments of less than thirty days (1-29 days).

*Advertising* includes all advertising regardless of medium i.e. internet, print, brochures, etc. All advertising of short term rental units must include a current Town of Telluride business license number, a condominium name and unit number and, when advertising a rental house, its street address.

*Business* means all activities engaged in with the object of gain, benefit, advantage or profit, direct or indirect. It includes, but is not limited to, deriving compensation from activities within the Town, including the sale, supply or distribution of commodities, services or related financial transactions. Advertising of a product, service, or short term rental unit in the Town is considered doing business.

*Employee* means any person or combination of two (2) persons working for him/herself, or another person, who is compensated for such work on an hourly, weekly, monthly or commission basis, or any combination of such means of compensation. The following shall apply:

- (1) An individual who works twenty (20) hours per week or less shall be designated a part-time or half employee; thus, two (2) part-time employees shall equal one (1) employee.
- (2) An individual who works more than twenty (20) hours per week shall be considered one (1) employee.
- (3) An owner who works for or draws a salary from his or her business shall be designated as an employee

*Lodging establishment* means any hotel, motel, boardinghouse, roominghouse or lodge owned by a single entity and having an on-site lobby.

*Owner Representative* means a person who is on call full-time to manage a short term rental unit. The name, address, and phone number of the owner representative shall be listed on the business license application on file at Town Hall.

*Person* means any individual, firm, partnership, joint venture, corporation, estate or trust, or any group or combination acting as a unit, in the plural as well as the singular number.

*Rental House* means a single family home or duplex offered for rental, rented or leased for less than thirty days (1-29 days).

*Short Term Rental Unit* means an accommodations unit, unit in a lodging establishment, or a rental house which is rented for increments of less than thirty days (1-29 days).

*Sleeping room* means any area with a bed surrounded by a minimum of one (1) wall. (Prior code 5.04.010; Ord. 1288, 2008; Ord. 1342, 2010)

## **Sec. 6-1-20. Fee levied.**

An annual business license fee is levied on all persons doing business in the Town according to the following schedule:

- (1) Lodging Establishment licenses, sixty-six dollars (\$66.00) per sleeping room.
- (2) Accommodations Unit licenses, one hundred sixty-five dollars (\$165.00) plus twenty-two dollars (\$22.00) per sleeping room.
- (3) Rental House licenses, one hundred sixty-five dollars (\$165.00) plus twenty-two dollars (\$22.00) per sleeping room. Please note that the Town of Telluride has restrictions regarding short term rentals in residential zone districts in its Land Use Code.
- (4) All others, including but not limited to, retail, restaurant, wholesale, service and professional licenses:
  - (a) Businesses with up to one and one-half (1½) employees, one hundred ten dollars (\$110.00).
  - (b) Businesses with more than one and one-half (1½) employees and up to four (4) employees, three hundred three dollars (\$303.00).
  - (c) Businesses with more than four (4) employees and up to six (6) employees, four hundred thirteen dollars (\$413.00).
  - (d) Businesses with more than six (6) employees and up to nine (9) employees, five hundred twenty-three dollars (\$523.00).
  - (e) Businesses with more than nine (9) employees and up to fifteen (15) employees, eight hundred fifty-three dollars (\$853.00).
  - (f) Businesses with more than fifteen (15) employees and up to twenty-five (25) employees, one thousand three hundred seventy-five dollars (\$1,375.00).
  - (g) Businesses with more than twenty-five (25) employees and up to forty (40) employees, one thousand seven hundred thirty-three dollars (\$1,733.00).
  - (h) Businesses with more than forty (40) employees and up to sixty (60) employees, two thousand one hundred seventy-three dollars (\$2,173.00).
  - (i) Businesses with more than sixty (60) employees and up to one hundred (100) employees, two thousand six hundred thirteen dollars (\$2,613.00).

- (j) Businesses with more than one hundred (100) employees, two thousand eight hundred seventy-five dollars (\$2,875.00).

Fees shall be subject to increase by Town Council resolution.

(5) A building license is created and is imposed on all new construction within the Town, except as provided in this Section. The building license fee is determined as follows: .007 times the value of the building. Value is determined under the guidelines of Section 108.3 of the International Building Code, as adopted and amended by the Town. Single-family, duplex and triplex units built within the residential zone of the Town and deed-restricted, long-term housing units built within any zone are exempt from this license. (Prior code 5.04.020; Ord. 1288, 2008; Ord. 1342, 2010)

### **Sec. 6-1-30. Use of proceeds.**

The proceeds derived from the business license fee shall be used first for reasonable costs incurred in connection with the administration of this Article: of the remaining balance, eighty percent (80%) shall be used for marketing and twenty percent (20%) shall be deposited into the Open Space Fund. (Prior code 5.04.030; Ord. 1288, 2008)

### **Sec. 6-1-40. License required.**

- (1) It is unlawful for any person to do business within the Town without first having obtained a business license.
- (2) A separate license for each place of business is required and shall be in force and effect until December 31 of the year in which it is issued unless sooner revoked.
- (3) Annual business license fees must be paid either on or before January 1. A business which begins operating after September 30 of any year shall only pay one-half (½) of the annual license fee. The building license fee shall be collected at the time of the issuance of a building permit.
- (4) Each license shall be numbered and shall show the name, mailing address, and place of business of the licensee. It is the duty of each person conducting business in the Town to post his or her business license in a prominent place on the licensed premises and notify the Town Clerk of any changes to the current application including change of Management Company or Owner Representative. No licenses shall be transferable. The location of any licensed business may be changed, provided that ten (10) days' advance notice thereof is given to the Town Clerk. (Prior code 5.04.040; Ord. 1342, 2010)

### **Sec. 6-1-50. License exemptions.**

- (1) No license is required for any person engaged exclusively in the business of selling commodities or services which are exempt from taxation under this Code.



- (2) Persons exempt from the provisions of this Article are employees of a licensee, minors, churches or established religious organizations, nonprofit organizations, charitable organizations, hospitals, governments and any persons exempt under federal or state law.
- (3) The exchange for use of a short term rental unit for the use of any other structure not in Telluride is exempt from the provisions of this Article except that if any such "exchange" includes the transfer of money, consideration, or any other thing of value other than the use of the structure. Exchange stays sold through non-profits for the purpose of fundraising are exempt from the provisions of this Article.
- (4) No license is required for any person responding to a Town of Telluride Request for Proposal/Qualification/Bid until a contract has been executed.
- (5) No additional license is required for current license holders vending at a temporary location under the auspices of any special event, including festivals. (Prior code 5.04.050; Ord. 1288, 2008; Ord. 1342, 2010; Ord. 1387, 2013)

### **Sec. 6-1-60. Administration by Town Clerk.**

- (1) The power to administer this Article shall be vested in the Town Clerk, who is authorized to do the following:
  - (a) Collect license fees and issue receipts therefor.
  - (b) Adopt all forms for applications, exemptions and licenses, and prescribe the information to be provided on such forms.
  - (c) Promulgate and enforce all reasonable rules and regulations necessary to the operation and enforcement of this Article.
- (3) It is the duty of each such licensee, on or before January 1 of each year, to obtain a renewal thereof if the licensee remains in business or is liable to account for the sales, use or excise tax provided for in this Code; however, nothing contained in this Article shall be construed to empower the Town Clerk to refuse such renewal except in the case of revocation for cause of the licensee's prior license. (Prior code 5.04.060; Ord. 1288, 2008)

### **Sec. 6-1-70. Legal compliance required.**

Each licensee shall be required to:

- (1) Ascertain and at all times comply with all laws and regulations applicable to such licensed business.
- (2) Refrain from all illegal or unlawful practices or conditions which do or may affect the public health, safety, morals or welfare.
- (3) Refrain from operating the licensed business or premises after expiration of his or her license and during the period his or her license is revoked or suspended. (Prior code 5.04.070)

**Sec. 6-1-80. Affidavit Required.**

An annual affidavit is required to be filed, for each calendar year, by the Owner, Property Manager or the Owner's Representative for any Owner engaging in short term rentals within any residential zone district within the Town. The affidavit will include such information as is determined by the Town Clerk. (Ord. 1342, 2010; Ord. 1387, 2013)

**Sec. 6-1-90. License revocation.**

The Town Council, after reasonable notice and a fair hearing, may revoke any license, based upon a violation of this Article. (Prior code 5.04.080)

**Sec. 6-1-100. Failure to obtain.**

Any person engaged in conducting business within the Town of Telluride, without having first secured a license therefor as provided in this Article, is guilty of a violation of this Article. (Prior code 5.04.090; Ord. 1342, 2010)

**Sec. 6-1-110. Delinquency charges penalty.**

(1) A delinquency charge for failure to comply with any provision of Section [6-1-40](#) above shall accrue five (5) days after a license is required in the amount of fifteen dollars (\$15.00), or up to five percent (5%) per month (or fraction thereof), not to exceed a total of twenty-five percent (25%) of the amount due, whichever is greater.

(2) The Town may issue a summons and complaint sixty (60) days after the business license fee is due, charging a person with failure to comply with this Article. A violation of any part of this Article is punishable for each day of violation by a maximum penalty as set forth in Paragraph [1-4-10\(a\)\(1\)](#) of this Code. A minimum fine, in the amount of one-half percent (.5%) per day of the amount of the business license fee for each day of noncompliance from the date the fee is due through the date of sentencing, is mandatory and may not be suspended by the court. Each day of violation is a separate offense.

(3) The Town may also seek an injunction to restrain a person from engaging in business within the Town who does not obtain an annual business license, or has his or her license revoked or suspended.

(4) All these remedies shall be in addition to all other remedies and penalties provided for by local ordinance or available at law. (Prior code 5.04.100)

**The Telluride Municipal Code is current through Ordinance 1480, passed April 30, 2019.**

Disclaimer: The Town Clerk's office has the official version of the Telluride Municipal Code. Users should contact the Town Clerk's office for ordinances passed subsequent to the ordinance cited here.

[Town Website: www.telluride-co.gov](http://www.telluride-co.gov)

Town Telephone: (970) 728-2160

[Code Publishing Company](#)

**Mt. Crested Butte Code**[Up](#)[Previous](#)[Next](#)[Main](#)[Collapse](#)[Search](#)[Print](#)[No Frames](#)[Chapter 11 LICENSES AND BUSINESS REGULATIONS](#)**ARTICLE I. IN GENERAL**

---

**Sec. 11-1 Definitions.**

---

For the purposes of this article, the following terms, phrases, words and their derivations shall have the meanings given herein:

*Accommodation space* shall mean that space, which includes a bed, located within a lodge, available for short-term rental by a person, otherwise commonly referred to in the ski industry as a “pillow.”

*Accommodation unit* shall mean any room or group of rooms with or without full kitchen facilities, not intended or designed for permanent occupancy as a housekeeping unit, designed for or adapted to occupancy by guests, available for short-term rental by an individual or group of individuals, and accessible from common corridors, walks or balconies, without passing through another accommodation unit or dwelling unit and which is intended to be rented on a short-term basis.

*Advertisement* shall mean a non-personal marketing communication to promote the rental of an accommodation unit. This includes paid and non-paid forms of marketing, including print (e.g., mailings, brochures) and electronic means (e.g., Internet listings, blogs, e-mail, social media sites).

*Business* shall mean all kinds of vocations, occupations, professions, enterprises, establishments and all other kinds of activities and matters, together with all devices, machines, vehicles and appurtenances used therein, any of which are conducted for private profit or benefit, either directly or indirectly, on any premises in the town or anywhere else within its jurisdiction.

*Business licensee or licensee* shall mean any person holding a valid business and occupational license issued by the town under this article.

*Employee* shall mean any person receiving compensation from a business subject to the provisions of this article subject only to the following: Any person who works twenty (20) hours or more per week is considered a full-time employee. Any combination of persons who together work twenty (20) hours or more per week are counted as one (1) full-time employee for each increment of twenty (20) hours, or fraction thereof, worked per week; an employee includes an owner, manager, partner, associate or proprietor who works for and receives compensation from his/her business; and, further, includes commissioned agents or independent contractors performing services for the business on more than a temporary basis.

*Lodge* shall mean a building or group of associated buildings which holds itself out to the public for the renting of accommodations to an individual or group of individuals either in accommodation units or dwelling units for private profit or benefit, either directly or indirectly, on any premises within this town, for periods of less than thirty (30) days per rental period. Included within this definition are hotels, boardinghouses, condominiums and short-term rental houses.

*Peddler* shall mean a person who engages in a temporary business of selling and/or delivering wares or merchandise within the town.

*Person* shall mean individual natural persons, partnerships, joint ventures, societies, associations, clubs, trustees, trusts or corporations, or any officers, agents, employees, factors or any kinds of personal representatives of any other person, under either personal appointment or pursuant to law.

*Premises* shall mean all lands, structures, places and also the equipment and appurtenances connected or used therewith, in any business, and also any personal property which is either affixed to or is otherwise used in connection with any such business connected on such premises.

*Town license officer or license officer* shall mean the town manager of the town.

*Vendor* shall mean any established business not having an operating location within the town at any time during the calendar year, but which otherwise does business within the town.

(1) A seasonal vendor is a vendor doing business within the town during part of the calendar year, not exceeding four (4) calendar months, which months need not be consecutive.

(2) A regular vendor is a vendor doing business within the town in excess of four (4) calendar months within each calendar year, which months need not be consecutive.

(Ord. No. 74-14, § 14, 12-3-74; Ord. No. 77-3, § 2, 3-1-77; Ord. No. 84-3, § 1(3-1-2), 7-2-84; Ord. No. 92-14, §§ 5—7, 10-20-92; Ord. No. 17-5, § 1, 9-5-17)

---

### **Sec. 11-2 Purpose.**

The purpose of this article shall be to require the licensing and regulation of business activities, occupations and enterprises conducted within the town and provide the town with necessary information relating to businesses and professions operating within the town in order to protect the health, welfare and safety of its inhabitants, and to generate and raise additional revenues for the town for the purpose of marketing and promoting the town and its environs as a year-round resort, and to promote and market activities and events beneficial to the business community.

(Ord. No. 74-14, § 13, 12-3-74; Ord. No. 77-3, § 1, 3-1-77; Ord. No. 84-3, § 1(3-1-1), 7-2-84)

---

### **Sec. 11-3 Double taxation not intended.**

It is the express intent of this article that there be no double taxation of businesses operating in both the Town of Mt. Crested Butte and the Town of Crested Butte. Toward that end, any applicant under this article who has paid the full applicable fee under this article for such business in the Town of Crested Butte shall upon presentation to the town clerk of a paid receipt for such business and occupational license tax issued by the Town of Crested Butte, and payment of an additional fee to the town of twenty-five dollars (\$25.00) for the payment of reasonable costs incurred in the administration of the application and issuance of the subject license, and full compliance with sections 11-6 through 11-11, be entitled to a full business and occupational license under this article.

(Ord. No. 84-3, § 1(3-1-4E), 7-2-84)

---

### **Sec. 11-4 Exemptions from license requirement.**

(a) The provisions of this article shall not be deemed or construed to require the procurement of a license to conduct, manage or carry on any business, occupation or activity, or require the payment of any license from any institution or organization which is conducted, managed or carried on wholly for the benefit of charitable, municipal or public purposes from which profit is not derived, either directly or indirectly, by any individual, firm or corporation.

(b) No license shall be required for the conducting of any entertainment, dance, concert, exhibition or lecture on scientific, historical, literary, religious or moral subjects, whenever the entire receipts from the same are to be appropriated to, or such projects are conducted under the auspices of, any church or school, or any religious, nonprofit or benevolent organization.

(c) No license shall be required for the conducting of any entertainment, dance, concert, exhibition or lecture, whenever the receipts from the same are to be appropriated for the purposes and objects for which such association or organization was formed and from which profit is not derived, either directly or indirectly, by any individual, firm or corporation.

(Ord. No. 77-3, § 3, 3-1-77; Ord. No. 84-3, § 1(3-1-5), 7-2-84)

---

### **11-5 Persons subject to license.**

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, and a person shall be subject to the requirement if by him or herself or through an agent, employee or partner he or she holds him or herself forth as being engaged in such business or occupation; or solicits patronage therefor, or performs or attempts to perform any part of such business or occupation in the town, including the delivery of goods or services within the town which are purchased or contracted for outside of the corporate limits of the town. Advertisement of an accommodation unit that is located within the town is considered engaging in a business activity within the town. It shall be unlawful for any person to conduct business within the town without having first obtained a business and occupational license under this article.

(Ord. No. 74-14, § 2, 12-3-74; Ord. No. 77-3, § 3, 3-1-77; Ord. No. 84-1, § 3, 2-7-84; Ord. No. 84-3, § 1(3-1-2), 7-2-84; Ord. No. 17-5, § 2, 9-5-17)

### **Sec. 11-6 Application for license.**

(a) Applications for all licenses required by this article shall be made in writing to the town manager or town clerk in the absence of provisions to the contrary. An application shall be made, and a license shall be required, for each separate location within the town at which the applicant conducts a business; provided, however, that any person that operates a group or combination of businesses which support the applicant's primary business or are closely related thereto need only obtain one (1) license under this article, the application for which shall state the primary business and its location, and identify all supporting or related businesses and their locations. In such event, the applicant shall be given duplicate copies of his/her business license, a copy of which shall be prominently displayed at each location.

(b) Each application shall state the full name of the applicant, the type of license desired, the type of business for which the license is to be issued, the state sales tax license number for such applicant for such business or other state license numbers if applicable, the specific location to be used by the applicant for such business, the license period requested to be covered by the license and the fee to be paid. Further, 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.

(c) If the applicant for a license under this article for the operation of a business involving the placement of vending machines, washing machines, video games or other such machines in and about the town leases space for each such machine or machines in various locations throughout the town, with the permission of the owner or lessee thereof, and performs no business at such locations other than servicing such machines, then applicant need obtain only one (1) business license under this article, which application shall specify the locations where such machines are located.

(d) Conditions for advertisement of an accommodation unit. In addition to the other requirements of this chapter, the owner of an accommodation unit licensed pursuant to this chapter shall, as a condition of such license, be subject to the following requirements:

(1) The owner of the accommodation unit shall list in the initial license application filed pursuant to this chapter, and/or upon renewal of the license, all means, methods, and locations of advertisement for the rental of the accommodation unit that the owner intends to use.

(2) A licensee shall update the list of advertising information that was provided to the town with the initial license application within thirty (30) days of any change in their location or method of advertisement of the accommodation unit.

(3) An advertisement offering to rent an accommodation unit must prominently display the town's business and occupational license number in the advertisement as "Town of Mt. Crested Butte, Business License No. \_\_\_\_\_." The failure to prominently display the required information in any advertisement of an accommodation unit shall be a violation of this section, and subject to enforcement by the Town.

(Ord. No. 74-14, § 1, 12-3-74; Ord. No. 77-3, § 3, 3-1-77; Ord. No. 84-1, § 2, 2-7-84; Ord. No. 84-3, § 1(3-1-5(a)), 7-2-84; Ord. No. 17-5, § 3, 9-5-17)

### **Sec. 11-7 Forms for licenses.**

Forms for all licenses and applications therefor shall be prepared and kept on file by the town clerk. All license applications shall be made upon such forms as are prescribed by the town clerk.

(Ord. No. 74-14, § 3, 12-3-74; Ord. No. 84-3, § 1(3-1-5(b)), 7-2-84)

### **Sec. 11-8 Signatures on licenses.**

Each license issued shall bear the signatures of the mayor and the town clerk in the absence of any provision to the contrary. The mayor may authorize in writing that his or her signature may be affixed by the town manager by facsimile, rubber stamp or other method.

(Ord. No. 74-14, § 4, 12-3-74; Ord. No. 84-3, § 1(3-1-5c), 7-2-84)

### **Sec. 11-9 Investigations prior to issuance of license.**

Upon receipt of an application for a license, the town may require an investigation or inspection before the issuance of such license and, if so required, the town clerk shall refer such application to the proper officer or person for making such investigation within forty-eight (48) hours of the time of such receipt. The town shall require that an inspection be made by the state health officer in regard to such licenses in the connection of the care and handling of food, for the protection of health, the spread of disease and the preventing of nuisances; the town building official shall make or cause to be made any appropriate inspection relative to the construction of buildings or other structures, and to determine whether the use of the requested premises for the requested business is a proper use for the zoning district in which the building or structure lies. If the operation of such

business requires a license from the state or any other governmental entity, an investigation will be made with such entity to assure the town that the applicant has the appropriate licenses in order to carry on such business; and if the town feels that a history or background check should be performed upon the applicant or his or her business, such investigation shall be made by the chief of police, or by some other officer designated by the town manager.

(Ord. No. 74-14, § 5, 12-3-74; Ord. No. 77-3, § 3, 3-1-77; Ord. No. 84-1, § 4, 2-7-84; Ord. No. 84-3, § 1(3-1-5), 7-2-84)

### **Sec. 11-10 Buildings, premises to comply with town requirements prior to issuance of license.**

No license shall be issued for the conduct of any business, and no permit shall be issued for any thing, or act, if the premises and building to be used for the purpose do not fully comply with the requirements of the town. 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 the zoning provisions of the town.

(Ord. No. 74-14, § 8, 12-3-74; Ord. No. 77-3, § 3, 3-1-77; Ord. No. 84-3, § 1(3-1-5), 7-2-84)

### **Sec. 11-11 Duty of licensee to permit inspection of premises, books, records; provide samples for analysis.**

(a) Whenever inspection of the premises or of the books and records used for or in connection with the operation of a licensed business or occupation are provided for or required by this article, or are reasonably necessary to secure compliance with any provision of this article or to detect violations of this article, it shall be the duty of the licensee, or the person in charge of the premises or of the books and records to be inspected, to admit or permit access thereto, for the purpose of making the inspection of such premises or to inspect such books and records, any officer or employee of the town who is authorized or directed to make such inspection at any reasonable time that admission or access is requested. Any inspection of books and records shall be limited to that necessary to determine compliance with a licensee's affidavit relating to his/her number of accommodation spaces or employees.

(b) Whenever an analysis of any commodity or material is reasonably necessary to secure conformance with any provision of this article or to detect violations of this article, 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.

(Ord. No. 77-3, § 3, 3-1-77; Ord. No. 84-3, § 1(3-1-5k), 7-2-84)

### **Sec. 11-12 Fees—Levied; amount.**

A business and occupational license tax is hereby levied upon every person doing business within the town according to the following schedule:

(1) Lodges. Each lodge shall pay ten dollars (\$10.00) per annum for each accommodation for an individual in each unit of such lodge. Each lodge applicant shall advise the town, by affidavit, under oath, at the time of application under this article, of the number of accommodations applicant had for the prior year and the number of such accommodations applicant intends to have for the present year. The fees payable under this subsection shall be based upon the number of accommodations set forth for the current year in such affidavit.

(2) Vendors. Each regular vendor shall pay two hundred dollars (\$200.00) per annum. Each seasonal vendor shall pay one hundred dollars (\$100.00) per annum.

(3) Peddlers. Each peddler shall be charged a fee of five dollars (\$5.00) per day, with a maximum number of ten (10) licensed days per calendar year.

(4) Other business. All other businesses and persons subject to this article shall pay on the basis of the number of employees of such business at each business location within the town, as follows:

<i>Number of employees</i>	<i>Annual license fee</i>
0—2	\$ 100.00
3—7	275.00
8—15	475.00
16—24	1,000.00
25 and over	1,500.00

The applicant shall advise the town, by affidavit, under oath, at the time of application under this article, of the total number of full-time and part-time employees applicant had for the subject business for the prior year, and the number of such employees applicant intends to have for the present year. The fees payable under this subsection shall be based upon the number of employees set forth for the current year in such affidavit. The affidavit shall be based on the average number of employees employed during the months of operation.

(Ord. No. 74-14, § 6, 12-3-74; Ord. No. 77-3, § 3, 3-1-77; Ord. No. 84-3, § 1(3-1-4), 7-2-84; Ord. No. 92-14, § 8, 10-20-92)

### **Sec. 11-13 Same—Payment; exemption.**

In the absence of provisions to the contrary, all fees and charges for licenses or permits shall be paid in advance at the time application therefor is made to the town clerk. Persons subject to this article of the age of seventeen (17) years or less are excluded from the payment of fees.

(Ord. No. 84-3, § 1(3-1-5), 7-2-84)

### **11-14 Delinquent charges.**



Pursuant to C.R.S. section 31-20-101, et seq., the town may cause any delinquent charges or fees made or levied under this article to be certified to the county treasurer, to be collected and paid over by the treasurer in the same manner as real or personal property taxes, including the provisions for the creation of a lien upon the subject property.

(Ord. No. 84-3, § 1(3-1-5), 7-2-84)

#### **Sec. 11-15 Recovery of costs of enforcement.**

---

(a) If it is necessary for the town to take action for the enforcement of this article, there shall be added to any fees due under this article all reasonable costs and fees incurred by the town, including reasonable attorneys' fees.

(b) If any action is brought in a court of law by or against the town relating to the enforcement, interpretation or construction of this article, or of any document provided for in this article, or of any proceeding under this article, the prevailing party in such action shall be entitled to reasonable attorneys' fees as well as all costs incurred in the prosecution or defense of such action.

(Ord. No. 84-3, § 1(3-1-5), 7-2-84)

#### **Sec. 11-16 Use of proceeds.**

---

It is hereby declared that the proceeds from the levy imposed pursuant to this article shall be used for the payment of reasonable costs incurred in connection with the administration of this article, and for marketing and promotion of the town's principal industry, being tourism, and for payment of expenses related to such marketing and promotion and to promote and market activities and events beneficial to the business community.

(Ord. No. 84-3, § 1(3-1-6), 7-2-84)

#### **Sec. 11-17 Display of licenses.**

---

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

(b) It shall be the duty of any licensee under this article who does not have an operating location within the town to keep his/her license, or a copy thereof, on his/her person or in his/her vehicle at times while conducting business within the town, and shall produce such license or copy for inspection upon demand by the town manager.

(Ord. No. 74-14, § 12, 12-3-74; Ord. No. 77-3, § 3, 3-1-77; Ord. No. 84-3, § 1(3-1-5), 7-2-84)

#### **Sec. 11-18 Expiration of license; notice.**

---

(a) All licenses shall terminate on December 31 at 12:00 midnight of the license year of the town where no provision to the contrary is made.

(b) The town clerk shall mail to all licensees of the town a statement of the time of expiration of the license held by the licensee no later than three (3) weeks prior to the date of such expiration. Provided, that a failure to send out such notice or the failure of the licensee to receive it shall not excuse the licensee from a failure to obtain a new license, or a renewal thereof, nor shall it be a defense in an action for operation without a license.

(Ord. No. 74-14, § 7, 12-3-74; Ord. No. 77-3, § 3, 3-1-77; Ord. No. 84-3, § 1(3-1-5f), 7-2-84)

---

**Sec. 11-19 Revocation of license—Notice; hearing.**

---

Any license or permit may be revoked by the town at any time during the life of such license or permit for any violation by the licensee or permittee of the article provisions relating to the license or permit, the subject matter of the license or permit, or to the premises occupied, upon not less than five (5) days' notice to the licensee or permittee, and a hearing thereon before the council no less than ten (10) days after the date of such notice. The notice shall set forth the reasons for such revocation, and, at such hearing, the licensee or permittee shall be asked to show cause why such license or permit should not be revoked. Upon conclusion of such hearing, the council shall forthwith render its decision, which decision shall be final, and shall be further transmitted in writing to the licensee or permittee within seven (7) days following such hearing. Any revocation may be in addition to any fine imposed for violation of this article.

(Ord. No. 74-14, § 17, 12-3-74; Ord. No. 77-3, § 3, 3-1-77; Ord. No. 84-3, § 1(3-1-5), 7-2-84)

---

**Sec. 11-20 Same—Method of notification.**

---

A notice of revocation is required before such revocation shall take effect. Notice may be accomplished by service upon the licensee, his/her agents or employees; or by posting such notice in a conspicuous place upon the licensed premises; or by mailing such notice to the address of the licensee as it appears on the license application.

(Ord. No. 77-3, § 3, 3-1-77; Ord. No. 84-3, § 1(3-1-5n), 7-2-84)

---

**Sec. 11-21 Same—Summons and complaint.**

---

The town manager shall cause to be issued against the appropriate licensee or permittee a summons and complaint for violation of this article; and may cause such summons and complaint to be issued against such licensee or permittee following a revocation hearing at which hearing the subject license or permit was revoked.

(Ord. No. 77-3, § 3, 3-1-77; Ord. No. 84-1, § 8, 2-7-84; Ord. No. 84-3, § 1(3-1-5), 7-2-84)

---

**Sec. 11-22 Frontage consents.**

---

(a) Whenever the consent of adjoining or neighboring owners is required as a prerequisite to the conduct of any business or occupation, or the location of any establishment, such consents must be obtained by securing the necessary signatures to a written consent petition. Such petition shall be filed with the town clerk when signed.

(b) Consents once given and filed shall not be withdrawn; and such petitions need not be renewed for the continuous conduct of the same business, whether by the same proprietor or not.

(c) It shall be unlawful to forge any name to such a petition or to falsely represent that the names thereon have been properly placed thereon if such is not the fact.

(d) Each consent when filed shall be accompanied by the affidavit of the person securing the signatures that each signature appearing therein was properly secured and written on; and that the petition contains the necessary number of signatures required by ordinance.

(e) The frontage consent requirements contained in this section shall not be construed to amend or change any zoning provision of the town; and no such provision shall be construed as permitting the erection of a structure or building, or the conduct of a business or the commission of any act in any location where such structure, building, business or act is or are prohibited by any zoning provision of the town.

---

**Sec. 11-23 Location change; notice.**

---

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 town clerk, in the absence of any provision to the contrary; provided, that the building, zoning and frontage consent requirements are complied with.

(Ord. No. 74-14, § 9, 12-3-74; Ord. No. 77-3, § 3, 3-1-77; Ord. No. 84-3, § 1(3-1-5h), 7-2-84)

---

**Sec. 11-24 Nuisances.**

---

No business, licensed or not, shall be so conducted or operated as to amount to a nuisance; or so as to permit the premises to become unsanitary or a fire menace by allowing any offensive or unsafe matter to grow, accumulate or otherwise occupy and remain upon such premises; by permitting pools of water to accumulate and remain upon the premises and become stagnant and foul; by allowing junk, disabled cars and trucks, trash, waste and old lumber to accumulate and remain upon the premises; by the keeping upon such premises of a deleterious or septic material unless such material is retained in containers or vessels which deny access to humans, flies, insects, rodents and animals; or by permitting refuse from drifting or blowing onto adjoining premises or public rights-of-way.

(Ord. No. 77-3, § 3, 3-1-77; Ord. No. 84-1; Ord. No. 84-3, § 1(3-1-5), 7-2-84)

---

**Secs. 11-25—11-39 Reserved.**

---

---

View the [mobile version](#).

P.O. Box 468  
320 Sixth Avenue  
Ouray, Colorado 81427



970.325.7211  
Fax 970.325.7212  
www.cityofouray.com

---

## BUSINESS QUESTIONNAIRE

The purpose of this form is to gather basic information about the business activity you plan to conduct in the City of Ouray. Please fill in as much as possible. Staff will review your responses and contact you about any applications, permits, or licenses that may be required of you.

**We appreciate your contacting us!**

YOUR NAME: \_\_\_\_\_ DATE: \_\_\_\_\_

BUSINESS NAME: \_\_\_\_\_ PHONE: \_\_\_\_\_

MAILING ADDRESS: \_\_\_\_\_ EMAIL: \_\_\_\_\_

PHYSICAL ADDRESS: \_\_\_\_\_ OWNER/TENANT? (Circle one)

NATURE OF BUSINESS ACTIVITY: \_\_\_\_\_

---

You can find information about starting a business in Colorado at:

**<http://www.Colorado.gov/ColoradoBusinessExpress>**

If you have applied for and received a Colorado Sales Tax ID#, please provide: \_\_\_\_\_

Do you plan to serve alcohol as part of this business activity? Yes \_\_\_\_\_ No \_\_\_\_\_

You can find information about applying for a liquor license at **[www.colorado.gov/revenue/liquor](http://www.colorado.gov/revenue/liquor)**.

There may be land use regulations and applications that apply to your business, such as building permits, zoning, and signs. City staff contacts are:

Community Development	John Strandberg	970-325-7087	<a href="mailto:strandbergj@cityofouray.com">strandbergj@cityofouray.com</a>
Building Inspector	Mike Gill	970-325-7063	<a href="mailto:gillm@cityofouray.com">gillm@cityofouray.com</a>

For further information, contact:

City Clerk/Treasurer	Debra Overton	970-325-7066	<a href="mailto:overtond@cityofouray.com">overtond@cityofouray.com</a>
----------------------	---------------	--------------	--

The mayor of the town may revoke the license of any licensee hereunder for violating, failing or refusing to comply with any provisions of this chapter.

(Ord. 1-1956 § 9, 1956)

### **5.12.100 Violation--Penalty.**

Any person, firm, or corporation violating any of the provisions of this chapter shall be fined in the sum of not more than three hundred dollars (\$300.00) nor less than twenty-five dollars (\$25.00) or imprisoned for a period not to exceed ninety (90) days nor less than ten days.

(Ord. 1-1956 § 10, 1956)

## **Chapter 5.14**

### **LICENSING OF BUSINESSES**

Sections:

- 5.14.010 Definitions.
- 5.14.020 License required, regulations.
- 5.14.030 Application for license.
- 5.14.040 Contents of application.
- 5.14.050 Application procedure.
- 5.14.060 Revocation of license.
- 5.14.070 Duties of the licensee.
- 5.14.080 Chapter exemptions.
- 5.14.090 Penalties for offenses.
- 5.14.110 Annual renewal.
- 5.14.120 License fees.
- 5.14.139 Effective date.

#### **5.14.010 Definitions.**

The following terms shall have the meaning specified herein below for the purposes of this chapter:

**Business** means and includes all kinds of trades, vocations, occupations, professions, enterprises, establishments and all other kinds of activities and matters which are conducted within the town of Cedaredge for private profit, non-profit or benefit, either directly or indirectly, on any premises in the town of Cedaredge.

**Business registry** means a list of all registered businesses within the town of Cedaredge which shall be maintained by the Town and available for public inspection.

**Casual sale** refers to an individual, single, or incidental transaction which in itself does not constitute carrying on of a business.

**Itinerant business** means any retail or wholesale business conducted in a building, tent, from a truck, van or trailer, on a parking lot or vacant parcel of land, with property owner permission, for a temporary period of time.

**License** a document provided to a Business that has registered with the Town.

**Person** means any natural person or non-natural entity, including but not limited to a corporation, partnership, unincorporated association or joint venture.

**Special event** means a promotional event conducted and promoted in whole or in part by the town of Cedaredge for the purpose of promoting the health, safety, welfare, culture and economy of the town. Special events include, without limitation, carnival, fairs, concerts and any that promote tourism in the town.

**Town** means employees or contractors or **Town official** means an employee or contractor of the Town of Cedaredge, typically the Town Administrator, Town Clerk or Deputy Clerk, Police Chief or Officer, Code Enforcement Official or Building Inspector.

(Ord. 2010-10, 4-15-2010) (Ord. No. 2009-07, 7-16-2009)

#### **5.14.020 License required, regulations.**

- A. Businesses shall register with the Town and be issued a license.
- B. No person shall open, keep, maintain, own, operate or carry on any business unless such person shall have first registered therefor as provided in this chapter. No person shall engage in business as an itinerant merchant unless he/she shall first have made application and received a license to do so from a Town official. Thereafter, any business license issued and any business license renewed pursuant to the provision of this chapter shall be effective to and including the 31st day of December in the year for which the license or renewal is issued. All registered businesses in a previous year are given a 30-day grace period in January to re-register.
- C. The business license shall be posted in a conspicuous place upon the premises for which the license is issued.
- D. An application for renewal of a business license shall be made to the Town official by the person who is the holder of the business license. The application for renewal shall be in the form and shall require such information as the board of trustees may specify, and shall be accompanied with a renewal fee as set forth from time to time by resolution of the board of trustees and on file in the office of the Town.
- E. The agent or other representative of nonresidents who are doing business in the town of Cedaredge shall be personally responsible for the compliance with this chapter of their principals and of the businesses they represent.

- F. Joint License. A person engaged in two or more businesses at the same location is allowed to conduct each of the businesses with one license. At the time of application all businesses at that same location shall be disclosed, indicating one primary business from all secondary businesses.
- G. Nonprofit (Charitable or Religious). The Town may issue a Business Registration License, without payment of any fee to any organization for the operation of a nonprofit enterprise.
- H. Businesses paying a liquor license. The Town may issue a Business Registration License, without payment of any fee to any organization for the operation of a licensed liquor vendor or liquor special event, however all other non-liquor operations that consist of 20% or more of the liquor vendor's floor space at that location are required to register separately and pay one registration fee.
- I. A person owning more than one business with different locations shall complete a different application for each business, and pay one registration fee for each application.

(Ord. 2010-10, 4-15-2010) (Ord. No. 2009-07, 7-16-2009)

**5.14.030 Application for license.**

An application for such license shall be made to the Town. Such application shall be written and in the form provided by this chapter accompanied by appropriate fee.

(Ord. 2010-10, 4-15-2010) (Ord. No. 2009-07, 7-16-2009)

**5.14.040 Contents of application.**

A. The written application for such license shall contain the following information:

- 1. Name, address of applicant, age, if applicable;

NOTE: If business is incorporated or is a partnership, LLC or PC the application should contain date of the origin of the business.

- 2. Name of the proposed business, place of business, type and typical activities of the business, hours of operation, contact person, and telephone number;
- 3. General email address or email address of applicant and business web site address;
- 4. List of compliance certificates and/or licenses if business is subject to any federal, state or other local agency registration and/or licensing requirements;
- 5. Colorado Sales Tax License Number, if applicable;
- 6. Copy of nonprofit status if applicable;
- 7. If the business is physically located within Cedaredge provide zoning district code.

- 8. Provide all NAICS (North American Industry Classification System) codes.
- B. The application shall also contain such other information as Town officials, or the board of trustees may from time to time deem proper to fill the purpose of this chapter.
- C. Informational materials, such as: chamber information, welcome package, maps, local aids or tips can be provided with the application, but must clearly differentiate required material from voluntary information.

(Ord. 2010-10, 4-15-2010) (Ord. No. 2009-07, 7-16-2009)

**5.14.050 Application procedure.**

Upon receipt of a complete application for business license, the Town official will issue a license within fifteen (15) working days of receipt thereof and post to the business registry.

(Ord. 2010-10, 4-15-2010) (Ord. No. 2009-07, 7-16-2009)

**5.14.060 Revocation of license.**

The town may revoke the license, after giving written notice to the owner of any business, profession, occupation or accommodation who has, failed to pay the fee in accordance with this chapter. Upon revocation of the license, the owner’s right and privilege to conduct the business, profession, occupation or accommodation within the town is terminated. The town, after giving written notice can suspend license concerning violation of town code or federal, state or county regulations.

(Ord. 2010-10, 4-15-2010) (Ord. No. 2009-07, 7-16-2009)

**5.14.070 Duties of the licensee.**

Every person or organization to whom a license is issued pursuant to this chapter shall:

- A. Comply with the terms and conditions of this chapter.
- B. Ascertain and at all times comply will all laws and regulations applicable to such licensed business.
- C. Operate business in a location zoned or permitted for the business operations.
- D. Avoid all forbidden, improper, illegal and unnecessary practices or conditions which could or may affect the public good, welfare, health, safety or morals.

(Ord. 2010-10, 4-15-2010) (Ord. No. 2009-07, 7-16-2009)

**5.14.080 Chapter exemptions.**

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



- A. A license shall not be required of a casual sale or a person or business for delivery in the town of Cedaredge of property or goods purchased or acquired in good faith from such person at his regular place of business outside the town of Cedaredge where no intent by such person is shown to exist to evade the provisions of this chapter.
- B. Business, profession or occupation operating during a town scheduled special event within the specified boundary or location and recognized as a participant by registration, application or sponsorship. Within this chapter, the Town recognizes Chamber events as town scheduled.
- C. Individuals nineteen (19) years of age and under.
- D. Sub-contractors of a registered General Contractor that has complied with all Building Permit requirements and has indicated by building permit number the sub-contractor. (Contractors that work independent of the General Contractor building permit are not considered sub-contractors.)
- E. A single personal property rental by a homeowner, when not associated with a “property management” business.

(Ord. 2010-10, 4-15-2010) (Ord. No. 2009-07, 7-16-2009)

**5.14.090 Penalties for offenses.**

The carrying on of any business without having first obtained a license from the Town as required by this chapter for each and every day that such business is carried on, and any person convicted of a violation of this chapter shall be punished in accordance with Section 1.16.020 of the code of the town of Cedaredge. Any person found transacting any business without a license shall not excuse or exempt such person from the payment of a license fee which is due and unpaid at the time of such conviction of said license fee or fees shall constitute an indebtedness to the town which may be recovered by an action in the name of the town in any court of competent jurisdiction for the collection of such fees.

The Town official has the ability to cite the business into municipal court for violations of this chapter.

(Ord. 2010-10, 4-15-2010) (Ord. No. 2009-07, 7-16-2009)

**5.14.110 Annual renewal.**

Business licenses shall be renewed annually during the month of January.

(Ord. 2010-10, 4-15-2010) (Ord. No. 2009-07, 7-16-2009)

**5.14.120 Registration fees.**

The board of trustees shall, by resolution, establish appropriate fees for the original license and any renewals and from time to time change such fees.

(Ord. 2010-10, 4-15-2010) (Ord. No. 2009-07, 7-16-2009)

**5.14.139 Effective date.**

The provisions of this chapter shall take effect on June 1, 2010. All previous provisions of this chapter and registration under those provisions remain lawful until the expiration of such registration.

(Ord. 2010-10, 4-15-2010) (Ord. No. 2009-07, 7-16-2009)

(Ord. 2009-07)

**Chapter 5.40**

**PROHIBITION OF OPERATION OF MARIJUANA CULTIVATION FACILITIES, MARIJUANA PRODUCT MANUFACTURING FACILITIES, MARIJUANA TESTING FACILITIES AND RETAIL MARIJUANA STORES**

**Sections:**

**5.40.010: Medical Facilities and Stores Findings and Legislative Intent.**

**5.40.030: Definitions**

**5.40.050: Marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities, and retail marijuana stores' licenses prohibited.**

**5.40.050: Penalty**

**5.40.060: Effective date**

**5.40.070 Severability**

**5.40.010 Medical Facilities and Stores Findings and legislative intent.**

The Board of Trustees makes the following legislative findings:

- A. The Board of Trustees finds and determines that Article XVIII, Section 16, of the Colorado Constitution specifically authorizes in part that the governing body of a municipality may enact an ordinance to prohibit the operation of marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities, and retail marijuana stores.
- B. The Board of Trustees finds and determines after an August 8, 2013 Public Hearing and careful consideration of the provisions of Article XVIII, Section 16, of the Colorado Constitution, and after evaluating, inter alia, the potential secondary impacts associated with the operation of marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities, and retail marijuana stores, that such uses have an adverse effect on the health, safety and welfare of the Town and the inhabitants thereof.
- C. The Board of Trustees therefore finds and determines that as a matter of the Town's business license regulations and zoning authority as a home rule municipality pursuant to the provisions of Article XX, Section 6 of the Colorado Constitution, and consistent with the authorization provided by the Article XVIII, Section 16, of the Colorado Constitution,

## ARTICLE I - Business Licenses

## Sec. 6-1. - Purpose.

It is the express intent and purpose of the business license fee to cover the cost of processing such license. The express purpose of the requirement for obtaining a business license is for the Town to have an accurate record of all business activity being performed within the Town limits.

(Prior code 60-9a)

## Sec. 6-2. - License required.

It shall be unlawful for any person, firm, association, partnership or corporation either as a principal, agent, clerk, employee or otherwise to commence or carry on any kind of business, profession or occupation without first having procured a license from the Town to do so as hereinafter provided.

(Prior code 60-9b)

## Sec. 6-3. - Application for license.

Any person, firm, association, partnership or corporation now engaged in any business, profession or occupation within the corporate limits of the Town shall on or before January 31, 1986, and annually thereafter, so long as such person, firm, association, partnership or corporation comes within the purview of this Article , apply to the Town Clerk for a license therefor, which application shall be in writing stating the name of the applicant, the business address, the kind or type of occupation, business, vocation or profession and such other information as may be required by the Town Clerk.

(Prior code 60-9c)

## Sec. 6-4. - License fee.

The license fee to be paid hereunder by each such person, firm, association, partnership, corporation or other entity shall be in an amount approved by the Town Council pursuant to Section 2-381 et seq., payable at the time of filing said application with the Town Clerk. Such license shall be granted and issued by the Town Clerk and shall be in force and effect until January 30 of the year following its issuance, unless sooner revoked. No rebate or credit shall be given for licenses used or issued for fractions or portions of a year; nor shall such license be assignable or transferable as to person, but it may be transferred as to place at the discretion of the Town Clerk. A separate license shall be required for each separated establishment or place of business. Furthermore, any retail business license pursuant to Chapter 4, Article IV of this Code shall receive a credit towards payment of the business license fee in an amount equal to the fee paid pursuant to Section 4-63, as said Section may be amended.

(Prior code 60-9d; Ord. 12 §B12, 2003)

Sec. 6-5. - Application for renewal not required.

All licenses issued hereunder shall be signed by the Town Clerk on behalf of the Town, and no new application need be filed for any renewal or reissue except at the discretion of the Town Clerk; provided, however, that the license to be so reissued is for the same person, firm, association, partnership or corporation to whom the original license was issued.

(Prior code 60-9e)

Sec. 6-6. - Exemptions.

All businesses located or performed within the Town shall be subject to this business license fee as levied under this Article, except as follows:

- (1) Day care centers are hereby exempted from the terms of this Article.
- (2) Schools are hereby exempted from the terms of this Article.
- (3) Occupations carried on in a person's permanent place of residence are hereby exempted from the terms of this Article.
- (4) Licensed contractors are hereby exempted from the terms of this Article.
- (5) Nonprofit Colorado corporations are hereby exempted from the terms of this Article.

(Prior code 60-9f; Ord. 12 §B13, 2003)

S 92. - Multiple locations.

In cases where a business is operated as separate units in different locations, under the same owner, even though similar in nature, each such separate unit shall be subject to a separate and full license fee under this Article.

(Prior code 60-9g)

Sec. 6-8. - Term of license.

All licenses shall cover a period of one (1) year beginning January 1 and ending December 31 of that year, inclusive.

(Prior code 60-9h)

Sec. 6-9. - Notification for renewal.

The Town Clerk shall be charged with the administration and collection of all license fees authorized under this Article. It shall be his or her duty to notify every known business, trade, occupation and professional enterprise in operation within the Town of the fact that such license fee is due prior to January 31 of each year. Said notification shall include full instructions as to procedures for remittance of the license fee due, and penalties provided. Lack of receipt of such notification in any year shall not relieve any person engaging in business within the Town from the liability of paying such license fee and complying with all other requirements of this Article.

(Prior code 60-9i)

Sec. 6-10. - Delinquent charges.

Any person failing to pay any license fee levied under this Article by January 31 shall thereafter be deemed delinquent and the license deemed expired. To renew the license, the licensee shall be subject to a delinquent fee in an amount to be approved by the Town Council pursuant to Section 2-381 et seq., for each full month for which said fee is delinquent, assessed on the first day of the month, in addition to any other penalty which may be imposed for the violation of this Code.

(Prior code 60-9j; Ord. 22 §1, 1991; Ord. 12 §B14, 2003)

Sec. 6-11. - Issuance of license certificate.

Upon receipt of a license fee payment due under this Article, the Town Clerk shall issue a certificate which shall indicate that said license fee has been paid for the specified year.

(Prior code 60-9k)

#### Sec. 6-12. - Display of license certificate.

Each license certificate issued under this Article shall at all times while in force be displayed in a conspicuous place in the place of business and shall be removed after expiration thereof.

(Prior code 60-9l)

#### Sec. 6-13. - Temporary vendors.

- (a) Temporary vendors are persons who sell goods or products within the Town but do not have a permanent, physical building from which they conduct regular business. A temporary vendor may travel from place to place within the Town utilizing the public streets and rights-of-way as a point from which to sell items from a cart, trailer or vehicle.
- (b) Temporary vendors may obtain a business license upon approval by the Town Manager. The Town Manager may authorize the issuance of a business and sales tax license to an applicant upon the following findings:
  - (1) The proposed business and location will not interfere with the intended use of the public space or right-of-way or adjacent uses;
  - (2) The merchandise is not offensive or harmful to the community or general public.
  - (3) The Town Manager deems the business and location will not interfere with, or create an extensive financial burden on, the conduct of an existing permanent local business; and
  - (4) The Town Manager determines the application and appropriate fees have been paid.
- (c) Temporary vendors who conduct business only during River Days, who obtain a Basalt sales tax license, are exempt from the business license requirements of this Section.
- (d) The Town Manager may require a deposit for the use of the public property or right-of-way if he or she determines that the placement of a tent, trailer, cart, vehicle or other structure could damage the public property or right-of-way.
- (e) With appropriate approvals from the Town (see Section 6-14), a temporary vendor may be authorized to utilize a specific fixed

location within the Town, such as a street corner or other public right-of-way, from which they may conduct their sales.

(Ord. 07 §B, 2004)

Sec. 6-14. - Temporary vendor use of public property and rights-of-way.

- (a) The user of public property or public rights-of-way for the sale of goods must apply to the Town for a Town business license and sales tax license.
- (b) Temporary vendors using public property or public rights-of-way shall be limited to use up to twelve (12) days per year. Exceptions from the above limitation may be granted by the Town Council upon approval of a resolution.
- (c) The vendor must provide a copy of his or her Colorado sales tax license, and obtain a Town business license and sales tax license. If the vendor is selling prepared or ready-to-eat foods, a health department certificate is required.
- (d) A temporary vendor utilizing public property must provide proof of liability insurance to the Town, indemnifying the Town of liability with the Town named as an additional insured.
- (e) Temporary vendor licenses will be issued by the Town Clerk's office after approval by the Town Manager in accordance with policies and rules as may be adopted and/or amended from time to time by the Town Manager. The policies and rules may include, but shall not be limited to:
  - (1) Dates and hours of operation.
  - (2) Location and/or placement of structures for display or sale of merchandise.
  - (3) Proximity to permanent and/or like businesses.
  - (4) Safety requirements for mitigation.
  - (5) Signage.
  - (6) Fees.
- (f) Temporary vendors may utilize private property, that is zoned commercial and allows for retail sales, with written permission of the owner and proper licensing including, but not limited to, a Basalt business license, Basalt sales tax license and Colorado sales tax license. If the vendor is selling prepared or ready-to-eat foods, a health department certificate is required.

(Ord. 07 §B2, 2004; Ord. 12 §1(Exh. A), 2014)





**BUSINESS LICENSE PROGRAM ORDINANCE  
TOWN OF MOUNTAIN VILLAGE, COLORADO  
ORDINANCE NO. 2010-01**

**AN ORDINANCE REPEALING AND REPLACING ORDINANCE NO. 1996-27 PROVIDING FOR THE LEVY OF AN ANNUAL BUSINESS LICENSE FEE ON ALL PERSONS DOING BUSINESS WITHIN THE TOWN OF MOUNTAIN VILLAGE, COLORADO.**

**WHEREAS**, The Town Council of the Town of Mountain Village, State of Colorado (the "Town"), has determined that the levy of an annual business license fee on all persons doing business in the Town will promote and protect the health, safety, and general welfare of the Mountain Village community;

**WHEREAS**, The Town desires to repeal Ordinance No. 1996-27 and replace it with the following Ordinance all to be effective thirty (30) days after passage by the Town Council;

**BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MOUNTAIN VILLAGE the following:**

**SECTION 1: DEFINITIONS**

(1) "Accommodation unit" means any separately owned property with one (1) or more sleeping units which is not defined as a lodging establishment pursuant to subsection four (4) of this section and which is rented for periods of less than one (1) month increments.

(2) "Business" includes all activities engaged in or caused to be engaged in with the object of gain, benefit, advantage or profit, direct or indirect.

(3) "Employee" means an individual or combination of two (2) individuals who work for compensation for a business licensee within the Town at any time during the current calendar year, subject to the following: an individual who works twenty (20) hours per week or less shall be designated a part-time or "half" employee; thus, two (2) part-time employees shall be considered one (1) employee. An individual who works more than twenty (20) hours per week shall be considered one (1) employee. An owner who works for and draws a salary from his or her business shall be designated as an employee or part-time employee, depending on the number of hours worked per week.

(4) "License" shall mean a license to conduct Business in the Town issued pursuant to this Ordinance.

(5) "Licensee" shall mean any individual, firm partnership, joint venture, corporation, estate or trust, or any group or combination acting as a unit, who has received a license under the provision off this Ordinance.

(6) "Lodging establishment" means any separately owned hotel, hotel efficiency unit, efficiency hotel unit, hotel unit, lodge unit, or lodge as defined by sections 2.9, 2.10 and 2.13 of the Telluride Mountain Village General Declaration and any other property managed by a licensed property management company.

(7) "Person" includes any individual, firm, partnership, joint venture, corporation, estate or trust, or any group or combination acting as a unit, in the plural as well as the singular number.

(8) "Place of Business" means a premises for which a License has been issued pursuant to this Ordinance.

(6) "Sleeping room" means any sleeping area with a bed surrounded by a minimum of one (1) wall.

**SECTION 2: LEVY**

(1) An annual business license fee is levied on all persons doing Business in the Town according to a fee schedule to be established from time to time by resolution of the Town Council.

**SECTION THREE: USE OF PROCEEDS**

(1) It is the intent of this Ordinance that the proceeds derived from the business license fee shall be used first for reasonable costs incurred in connection with the administration of this Ordinance, six percent (6%); of the remaining balance, eighty percent (80%) shall be devoted to and specifically earmarked for Marketing Telluride Inc., or its successor; and twenty percent (20%) shall be devoted to and specifically earmarked for marketing expenses incurred in connection with the Town.

#### **SECTION FOUR: GENERAL PROVISIONS**

(1) It is unlawful for any person to do business, or cause to be placed any advertisement, including but not limited to print advertisements, web-based advertisements, direct solicitations, or mass email solicitations and advertisements for any Accommodation Unit or Lodging Establishment, within the Town without first having obtained a business license from the office of the Town Finance Director. A separate license for each Place of Business is required. The annual business license fee must be paid either on or before January 1<sup>st</sup>, or in two (2) installments due on or before January 1<sup>st</sup> and July 1<sup>st</sup>. Any licensee electing to pay in semiannual installments shall be assessed a late charge of ten percent (10%) of the amount of the total license fee. A business which begins operating after September 30<sup>th</sup> of any year shall only pay one-half (1/2) of the annual license fee. It is the duty of each person conducting business in the Town to post his or her business license in a prominent place on the licensed premises at all times. The location of any licensed business may be changed, provided that ten (10) days' notice thereof is given to the Town Finance Director.

(2) Accommodation Units and Lodging Establishments shall include the business license number for the subject property in any and all advertisements for use and/or rental of the property, including but not limited to print advertisements, web-based advertisements, direct solicitations, television, radio or mass email solicitations or advertisements.

(3) Persons exempt from the provisions of this Ordinance are the employees of a licensee, minors, churches or established religious organizations, nonprofit organizations, charitable organizations, hospitals, governments and any persons exempt under federal or state law.

(4) The power to administer this Ordinance shall be vested in the Town Finance Director, who is authorized to do the following:

- (a) collect license fees and issue receipts therefor;
- (b) adopt all forms for applications, exemptions and licenses, and prescribe the information to be provided on such forms;
- (c) investigate and determine the eligibility of each applicant for an annual business license;
- (d) promulgate and enforce all reasonable rules and regulations necessary to the operation and enforcement of this Ordinance; and
- (e) Send a written request for information to any property owner within the Town regarding use of their property. All property owners shall comply with the request for information within thirty (30) days of the date of the Town Finance Director's request, including signing an affidavit to be supplied by the Town Finance Director certifying under penalty of perjury that all information provided to the Town is complete and accurate. Failure of any property owner to comply with this section shall constitute a violation of this Ordinance and subject the property owner to the penalties set forth herein. If after a review of the information obtained under this subsection, the Town Finance Director determines that the property owner is required to obtain a business license pursuant to this Ordinance, such homeowner shall apply for a business license and pay the penalty assessment from the date a business license should have been obtained through the date of application as set forth in Section Four (7) (a) of this Ordinance.

(5) Each licensee shall be required to:

- (a) ascertain and at all times comply with all laws and regulations applicable to such licensed business;
- (b) avoid all illegal or unlawful practices or conditions which do or may affect the public health, safety, morals or welfare;
- (c) refrain from operating the licensed business or premises after expiration of his or her license and during the period his or her license is revoked or suspended.

(6) The Town Council, after reasonable notice and a fair hearing, may revoke any license, based upon a violation of this Ordinance.

(7) Violation of this Ordinance shall result in the following penalties:

(a) the penalty assessment for failure to comply with any provision of this Ordinance shall be a fine of two percent (2%) per day of the business license fee of the non-complying business, as determined by this Ordinance, for each day of noncompliance from the date the fee is determined to have been due through the date of payment;

(b) the Town may issue a summons and complaint sixty (60) days after the business license fee is due charging a person with failure to comply with this Ordinance. In addition to the penalty assessment, a violation of any part of this Ordinance is punishable for each day of violation by a minimum fine of five hundred dollars (\$500.00) up to a maximum fine of one thousand dollars (\$1000.00), ninety (90) days in jail, or both. The penalty assessment against the non-complying business shall not be suspended by the court. Each day of violation is a separate offense;

(c) the Town may also seek an injunction to restrain any person from engaging in business within the Town who does not obtain an annual business license, or has his or her license revoked or suspended;

(d) the foregoing remedies shall be in addition to all other remedies and penalties provided for by local ordinance or available by law.

#### **SECTION FIVE: SPECIAL CONDITIONS OF LICENSEE; ACCOMMODATION UNIT**

(1) In addition to the other requirements of this Ordinance, the Owner of an Accommodation Unit licensed pursuant to this Ordinance shall, as a condition of such license be subject to the following requirements:

(a) Shall list in the business license application all means and locations, including but not limited to print advertisement publications and website advertisements, of advertisements for the Accommodation Unit and shall update their application within thirty (30) days of utilizing a new advertisement mean or location.

(b) Shall include in the business license application the name, address, telephone number of the property owner and the name, address, telephone number and email address of a local contact person who is authorized by the licensee to receive communications from the Town concerning the Accommodation Unit. The local contact person may be anyone engaged or employed by the licensee to manage rent or supervise the Accommodation Unit. The local contact person shall maintain a residence or place of business within thirty (30) miles of the Town. The designated local contact person may be changed by the licensee from time to time throughout the term of the license. To effect such change, the licensee shall notify the Town Finance Director of the change in writing and at the same time, shall provide the Town Finance Director with the name, address, telephone number and email address of the replacement contact person, who shall meet the requirements of this subsection.

(c) Shall post a copy of the business license for the Accommodation Unit in a conspicuous place in the Accommodation Unit.

(d) Shall file an annual report with the Town Finance Director by January 31<sup>st</sup> of the year following the licensed year end, on a form to be provided by the Town Finance Director, detailing all non family uses of the home including compensation received for the use of the home. All statements made as required by this subsection shall be done under penalty of perjury.

(e) Shall provide to the Town Finance Director with the initial business license application and the form or forms of rental agreements used for the Accommodation Unit.

(2) The licensee and owner of the Accommodation Unit shall be liable for compliance with the requirements set forth in Section Five of this Ordinance and shall be subject to a minimum fine of five hundred dollars (\$500.00) up to a maximum fine of one thousand dollars (\$1000.00) for each day of a violation of this subsection, after failing to correct such violation within fifteen (15) days of written notification of a violation of this subsection.

(3) Any property owner who does not otherwise meet any of the requirements of this Ordinance requiring the property owner to obtain a business license, but does allow the use and occupancy of his or her property by persons related to him or her, through blood or marital relationships, subject to minimal cost reimbursements of less than \$100 per night of occupancy and does not advertise his or her property for use and occupancy, shall be exempt from obtaining a Business License under this Ordinance or from paying lodging tax imposed by Ordinance Nos. 1998-08 and 2003-04. Any person who utilizes this section to intentionally avoid obtaining a business license as required by this Ordinance or to avoid paying the lodging tax imposed by Ordinance Nos. 1998-08 and 2003-04 of the Town of Mountain Village shall be subject to the penalties as set forth in Section Five (2) of this Ordinance in addition to any

and all fines and penalties associated with obtaining a business license as set forth herein and failure to pay the lodging tax imposed by Ordinance Nos. 1998-08 and 2003-04 of the Town of Mountain Village.

**SECTION SIX: GENERAL CONTRACTORS**

(1) All general contractors shall be responsible for ensuring that all subcontractors working on building or construction sites have valid business licenses pursuant to this Ordinance. General contractors shall obtain a copy of all subcontractors' business licenses and post such licenses along with the general contractors' business license with the building permit on all building or construction sites. Failure to comply with this subsection shall subject general contractors to the penalties as set forth in Section Four (7) (b) of this Ordinance.

**SECTION SEVEN: CERTIFICATION**

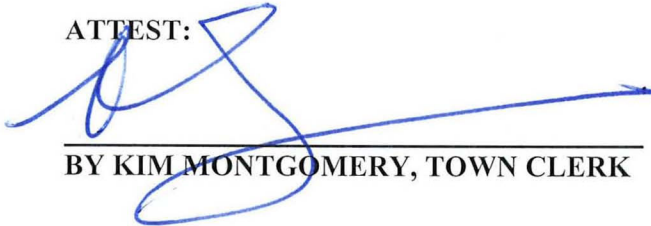
**THE TOWN FINANCE DIRECTOR SHALL PUBLISH NOTICE OF THIS ORDINANCE IN COMPLIANCE WITH THE HOME RULE CHARTER FOR THE TOWN OF MOUNTAIN VILLAGE.**

**PASSED BY THE TOWN COUNCIL AFTER PUBLIC HEARING AND SIGNED THIS 20<sup>th</sup> DAY OF April, 2010.**



\_\_\_\_\_  
**ROBERT DELVES, MAYOR**

ATTEST:



\_\_\_\_\_  
**BY KIM MONTGOMERY, TOWN CLERK**

## CHAPTER 6 - Business Licenses and Regulations

## ARTICLE 1 - Licensing Provisions

## Sec. 6-1-10. - Scope.

It is not intended by this Chapter to repeal, abrogate, annul or in any way impair or interfere with existing provisions of other laws or ordinances, except those specifically repealed by this Chapter. Where this Chapter imposes a greater restriction upon persons, premises or personal property than is imposed or required by such existing provisions of law, ordinance, contract or deed, the provisions of this Chapter shall control.

(Prior code 5-1-2)

## Sec. 6-1-20. - Definitions.

For the purposes of this Chapter, the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word *shall* is always mandatory and not merely directory.

*Business* means all kinds of vocations, occupations, professions, enterprises, establishments and all other kinds of activities and matters, together with all devices, machines, vehicles and appurtenances used therein, any of which are conducted for private profit or benefit, either directly or indirectly, on any premises in this Town, or anywhere else within its jurisdiction.

*Insignia* means any tag, plate, badge, emblem, sticker or any other kind of device which may be required for any use in connection with any license.

*License* or *licensee*, as used generally herein, includes respectively the words *permit* or *permittee*, or the holder for any use or period of time of any similar privilege, wherever relevant to any provision of this Chapter or other law or ordinance.

*License Officer* means the Town Clerk.

*Premises* means all lands, structures and places; the equipment and appurtenances connected or used therewith in any business; and any personal property which is either affixed to, or is otherwise used in connection with any such business conducted on such premises.

(Prior code 5-1-3; Ord. 4 §1, 2009)

## Sec. 6-1-30. - Application of Code licensing provisions.

101

(a) Compliance required. It shall be unlawful for any person, either directly or indirectly, to conduct any business or to use in connection therewith any

vehicle, premises, machine or device, in whole or in part, for which a license is required by any law or ordinance of this Town, without a license therefor being first procured and kept in effect at all such times as required by this Chapter or other law or ordinance of this Town.

- (b) One act doing business. For the purpose of this Article, any person shall be deemed to be in business, and thus subject to the requirements of Subsection (a) above, when he or she does at least one (1) act of:
  - (1) Selling any goods or service.
  - (2) Soliciting business or offering goods or services for sale or hire.
  - (3) Acquiring or using any vehicle or any premises in the Town for business purposes.
- (c) Agents responsible for obtaining license. The agents or other representatives of nonresidents who are doing business in this Town shall be personally responsible for the compliance of their principals and of the businesses they represent with this Chapter.
- (d) Separate license for branch establishments.
  - (1) A license shall be obtained in the manner prescribed herein for each branch establishment or location of the business engaged in, as if each such branch establishment or location were a separate business; provided that warehouses and distributing plants used in connection with and incidental to a business licensed under the provisions of this Chapter shall not be deemed to be separate places of business or branch establishments.
  - (2) Each rental real property shall be deemed a branch establishment or separate place of business for the purposes of this Chapter when there is a representative of the owner or the owner's agent on the premises who is authorized to transact business for such owner or owner's agent, or there is a regular employee of the owner or of the owner's agent working on the premises.
- (e) Joint license. A person engaged in two (2) or more businesses at the same location shall not be required to obtain separate licenses for conducting each of such businesses but, when eligible, shall be issued one (1) license which shall specify on its face all such businesses.
- (f) No license shall be required of any person for any mere delivery in the Town of any property purchased or acquired in good faith from such person at his regular place of business outside the Town where intent by such person is shown to exist to evade the provisions of this Article.

(Prior code 5-1-4; Ord. 21 §§1—3, 2007; Ord. 4 §1, 2009)

#### Sec. 6-1-40. - License Officer.

Issue licenses. The License Officer shall collect all license fees and shall issue licenses in the name of the Town to all persons qualified under the provisions of this Article and shall:

- (1) Promulgate and enforce all reasonable rules and regulations necessary to the operation and enforcement of this Article.
- (2) Adopt all forms and prescribe the information to be given therein as to character and other relevant matter for all necessary papers.
- (3) Require all applicants to submit all certifications of fact necessary to the administration of this Article.
- (4) Submit all applications, in a proper case, to interested Town officials for their endorsements thereon as to compliance by the applicant with all

Town regulations which they have the duty of enforcing.

- (5) Investigate and determine the eligibility of any applicant for a license as prescribed herein.
- (6) Examine the books and records of any applicant or licensee when reasonably necessary to the administration and enforcement of this Article.
- (7) Notify any applicant of the acceptance or rejection of his or her application and, upon his or her refusal of any license or permit, at the applicant's request, state in writing the reasons therefor and deliver them to the applicant.

(Prior code 5-1-5; Ord. 7 §1, 1998; Ord. 4 §1, 2009)

Sec. 6-1-50. - Qualifications of applicants.

General standards to be applied. The general standards herein set out relative to the qualifications of every applicant for a license shall be considered and applied by the License Officer. The applicant shall:

- (1) Not be in default under the provisions of this Article or indebted or obligated in any manner to the Town except for current taxes.
- (2) Upon request of the Licensing Officer, present a certificate of occupancy furnished by the Building Inspector to the effect that the proposed use of any premises is not a violation of Chapter 16 of this Code.

(Prior code 5-1-6; Ord. 4 §1, 2009)

Sec. 6-1-60. - Procedure for issuance of license.

- (a) Formal application required. Every person required to procure a license under the provisions of any ordinance or law of the Town shall submit an application for such license to the License Officer. The application shall:
  - (1) Require the disclosure of all information necessary for compliance with Section 6-1-50 above and of any other information which the License Officer shall find to be reasonably necessary to the fair administration of this Article.
  - (2) Be accompanied by the full amount of the fees chargeable for such license.
- (b) Issuance of receipts. Whenever a license cannot be issued at the time the application for the same is made, the License Officer shall issue a receipt to the applicant for the money paid in advance, subject to the following conditions: Such receipt shall not be construed as the approval of the License Officer for the issuance of a license; nor shall it entitle or authorize the applicant to open or maintain any business contrary to the provisions of this Article.
- (c) Renewal license procedure. The applicant for the renewal of a license shall submit an application for such license to the License Officer. The application shall Require the disclosure of such information concerning the applicant's demeanor and the conduct and operation of the applicant's business during the preceding licensing period as is reasonably necessary to the determination by the License Officer of the applicant's eligibility for a renewal license and to a possible adjustment of license fee.
- (d) Duplicate license procedure. A duplicate license or special permit shall be issued by the License Officer to replace any license previously issued, which

has been lost, stolen, defaced or destroyed, without any willful conduct on the part of the licensee, upon the filing by the licensee of an affidavit sworn to before a notary public of this State attesting to such fact, upon and the payment to the License Officer of a fee as established by resolution of the Town Council.

- (e) Supplemental license procedure. When a licensee places himself or herself in a new status as provided in Paragraph 6-1-70(2) below, the License Officer shall issue a supplemental license and such additional insignia as may be required.
- (f) Nonapproval of license. The License Officer shall, upon disapproving any application submitted under the provisions of this Article, refund all fees paid in advance to the applicant, provided that the applicant is not otherwise indebted to the Town.
- (g) Compliance pending legal action. When the issuance of a license is denied and any action *is* instituted by the applicant to compel its issuance, such applicant shall not engage in the business for which the license was refused unless a license is issued to him or her pursuant to a judgment ordering the same.

(Prior code 5-1-7; Ord. 4 §1, 2009)

#### Sec. 6-1-70. - Determination of license fee.

Fee established. License fees shall be in the amounts established in the this Article, and as further determined under this Section.

- (1) The following rules shall apply to a person who, on the effective date of the initial ordinance codified herein, holds a valid unexpired license from the Town for any business required to be licensed hereunder:
  - a. Credit less than fee: In the event that the amount of the prorata of the license fee previously paid, based upon the unexpired portion of the period for which such previous license was issued, is less than the amount of fee imposed hereunder, the applicant shall receive credit on the new fee to the extent of such prorated amount.
  - b. Credit exceeds fee: In the event that prorated credit as computed in Subparagraph a. above is greater than the amount of fee imposed hereunder, the amount of license fee imposed by this Article shall be the amount of such prorated credit.
  - c. Where applicant indebted. In no case where an applicant is indebted in any manner to the Town shall he or she be entitled to a credit or rebate.
- (2) The License Officer shall adjust the fee as follows:
  - a. Change in license status. Require the payment of an additional or higher license fee, to be prorated for the balance of the license period, when a licensee places himself or herself in such status under this Article by making any other lawful and material change of any kind in his or her business.
  - b. Prorated fee for new business. Any applicant obtaining a license for a business or other licensed activity commenced with less than three (3) months remaining in the applicable license period shall pay a license fee equal to one-third (?) of the applicable yearly licensed fee.
- (3) Rebate of fee.



- a. General prohibition. Except as herein provided, no rebate or refund of any license fee or part thereof shall be made by reason of the nonuse or reason of a change of location or business rendering the use of such license ineffective.
- b. Special cases. The License Officer shall have the authority to refund a license fee or prorated portion thereof where:
  1. The license fee was collected through an error;
  2. The licensee has been prevented from enjoying the full license privilege due to his or her death or incapacity to engage in such business;
  3. The licensee has entered the armed services of the United States through induction or enlistment and is thereby rendered unable to conduct such business;
  4. The licensed business is forced to close before the expiration of the license period by reason of the taking over of the business or licensed premises by the United States government, the State or the Town; or
  5. The licensed business was destroyed by fire or other casualty through no fault of the licensee.
- c. Basis of rebate. A rebate or refund as provided herein shall be based upon the number of days in the license period remaining after the occurrence of the event relied upon for rebate.

(Prior code 5-1-8; Ord. 7 §1, 1998; Ord. 4 §1, 2009)

#### Sec. 6-1-80. - Contents of license.

Each license issued hereunder shall state upon its face the following:

- (1) The name of the licensee and any other name under which such business is to be conducted;
- (2) The kind and address of each business so licensed;
- (3) The amount of the license fee therefor;
- (4) The dates of issuance and expiration thereof; and
- (5) Such other information as the License Officer shall determine.

(Prior code 5-1-9; Ord. 4 §1, 2009)

#### Sec. 6-1-90. - Forms of licenses.

All license certificates shall be issued by the Town Clerk under the seal of the Town, signed by the Town Clerk.

(Prior code 5-1-10; Ord. 4 §1, 2009)

#### S 105 00. - Duties of licensee.

- (a) General standards of conduct. Every licensee under this Chapter shall:
- (1) Permit all reasonable inspections of his or her business and examination of his or her books by public authorities so authorized by law.
  - (2) Ascertain and at all times comply with all laws and regulations applicable to such licensed business.
  - (3) Avoid all forbidden, improper or unnecessary practices or conditions which affect or may affect the public health, morals or welfare.
  - (4) Refrain from operating the licensed businesses on premises after expiration of his or her license and during the period his or her license is revoked or suspended.
- (b) Display of license. Every licensee under this Chapter shall post and maintain such license upon the licensed premises in a place where it may be seen at all times.
- (1) Where the licensed premises donor have a window facing a public way at street level or a glass door opening upon the public way, such insignia shall be affixed to the glass in the door, window or other prominent place in the nearest proximity to the principal public entrance to such establishment and shall be placed and maintained so as to be plainly visible from such public entrance.
  - (2) Vehicles.
    - a. Any general or special license fees, required for any kind of vehicle for the privilege of being operated upon the public highways by any statute or ordinance, shall not abrogate, limit or affect any further requirements of this Chapter, or of other ordinances or laws, for additional and separate licenses, permits and insignia and fees for such vehicles or other uses, for and relating to the privilege of using the same in the business so licensed.
    - b. The licensee shall affix any insignia delivered for use in connection with a licensed motor vehicle on the inside of the windshield of the vehicle or as may be otherwise prescribed by the License Officer or by law.
    - c. The licensee shall affix any metal or other durable type of insignia delivered for use in connection with a wagon or other vehicle not operated by motor power securely on the outside of such vehicle.
  - (3) The licensee shall carry such license on his or her person when he or she has no licensed business premises.
  - (4) The licensee shall affix any insignia delivered for use in connection therewith upon the outside of any coin, vending or other business machine or device, so that it may be seen at all times.
  - (5) The licensee shall not allow any license, special permit or insignia to remain posted, displayed, or used after the period for which it was issued has expired; when it has been suspended or revoked, or for any other reason becomes ineffective. The licensee shall promptly return such inoperative license, special permit or insignia to the License Officer.
  - (6) The licensee shall not loan, sell, give or assign to any other person or allow any other person to use or display, to destroy, damage or remove, or to have in his or her possession, except as authorized by the License Officer or by law, any license or insignia which has been issued to said licensee.
- (c) New location desired. A licensee shall have the right to change the location of the licensed business, provided that he or she shall:

- (1) Obtain written permission from the License Officer for such change of location.
- (2) Pay a relocation fee in an amount established by resolution of the Town Council.

(Prior code 5-1-11; Ord. 7 §2, 1998; Ord. 4 §1, 2009)

Sec. 6-1-110. - Transfer of license.

- (a) When authorized. A licensee hereunder shall have the right to transfer his or her license to another person, provided that he or she shall:
  - (1) Obtain written permission from the License Officer for such transfer.
  - (2) Execute the transfer in the form and under the conditions required by law and as prescribed by the License Officer.
  - (3) Promptly report the completed act of transfer to the License Officer.
  - (4) Promptly surrender any license certificate and, when required by the License Officer, all licensing insignia.
- (b) New license issued. Upon the completion of a transfer of license in compliance with Subsection (a) above, the License Officer shall issue a new license and insignia to the transferee for the unexpired term of the old license.
  - (1) The new license issued hereunder shall authorize the transferee to engage in the same business at the same location or at such other place as shall be approved by the License Officer and named in the new license.
  - (2) The License Officer shall collect a transfer fee in an amount established by resolution of the Town Council from the transferee prior to the issuance of the new license.

(Prior code 5-1-12; Ord. 7 §3, 1998; Ord. 4 §1, 2009)

Sec. 6-1-120. - Inspections; enforcement.

- (a) Persons authorized. The following persons are authorized to conduct inspections in the manner prescribed herein:
  - (1) The License Officer shall make all investigations reasonably necessary to the enforcement of this Chapter.
  - (2) The License Officer shall have the authority to order the inspection of licensees, their businesses and premises, by all Town officials having duties to perform with reference to such licensees or businesses.
  - (3) All police officers shall inspect and examine businesses to enforce compliance with this Chapter.
- (b) Authority of inspectors. All persons authorized herein to inspect licensees and businesses shall have the authority to enter, with or without search warrant, at all reasonable times, the following premises:
  - (1) Those premises for which a license is required.
  - (2) Those premises for which a license was issued and which, at the time of inspection, are operating under such license.
  - (3) Those premises for which the license has been revoked or suspended.

(c) Reports by inspectors. Persons inspecting licensees, their businesses or premises as herein authorized shall report all violations of this Chapter or of other ordinances to the License Officer, and shall submit such other reports as the License Officer shall order.

(Prior code 5-1-13; Ord. 7 §4, 1998; Ord. 4 §1, 2009)

#### Sec. 6-1-130. - Penalties.

The violation of any provision of this Chapter shall be a misdemeanor and, upon conviction thereof, the violator shall be punished in accordance with the provisions of Section 1-4-20 of this Code.

(Prior code 5-1-14; Ord. 7 §5, 1998; Ord. 4 §1, 2009)

### ARTICLE 2 - Business Occupation Licenses

#### Sec. 6-2-10. - Purpose.

The purpose of this Article shall be to require the licensing and regulation of business activities, occupations and enterprises conducted within the Town and provide the Town with necessary information relating to businesses and professions operating within the Town, in order to protect the health, welfare and safety of its inhabitants, to generate and raise additional revenues for the Town for the purpose of marketing the Town and its environs as a year-round resort, and to promote and market activities and events beneficial to the business community.

(Prior code 5-2-1)

#### Sec. 6-2-20. - Definitions.

For purposes of this Article, the following definitions shall apply:

*Accommodation space* means that space located within a lodge, including a bed, available for overnight occupancy by a person, otherwise commonly referred to in the ski industry as a pillow.

*Employee* means any person receiving compensation from a business subject to the provisions of this Article, subject only to the following: any person who works in excess of twenty (20) hours per week is considered a full-time employee. Any combination of persons who together work twenty (20) hours or more per week are counted as one (1) full-time employee for each increment of twenty (20) hours per week or fraction thereof worked. An *employee* includes an owner, manager, partner, associate or proprietor who works for and receives compensation from his or her business; and, further, includes commissioned agents or independent contractors performing services for the business on more than a temporary basis.

*Lodge* means any property or establishment which holds itself out to the public to rent rooms or accommodations for private profit or benefit, either directly or indirectly, on any premises in this Town for periods of less than thirty (30) days per rental period. Included within this definition are hotels, boarding houses, condominiums and short-term rental houses.

(Prior code 5-2-2; Ord. 4 §1, 2009)

Sec. 6-2-30. - Prohibition.

It is unlawful for any person to conduct business within the Town without having first obtained an occupational business license from the Licensing Officer. Any such license issued shall be for the calendar year for which it is issued, unless sooner revoked.

(Prior code 5-2-3; Ord. 4 §1, 2009)

Sec. 6-2-40. - License tax.

A business occupation licensing tax is hereby levied and there shall be collected and paid on any person doing business in the Town of Crested Butte, Colorado, in the amount as set forth in Appendix A to this Code, in the calendar and fiscal year 2018.

(Prior code 5-2-4; Ord. 27, 2003; Ord. 22, 2004; Ord. 16, 2005; Ord. 17, 2006; Ord. 31, 2007; Ord. 25, 2008; Ord. 4 §1, 2009; Ord. 20 §1, 2009; Ord. 36 §1, 2010; Ord. 24 §1, 2011; Ord. 15 §1, 2012; Ord. No. 22, § 1, 2013; Ord. No. 15, § 1, 2014; Ord. 17 §1, 2016; Ord. No. 24, § 1, 10-2-2017)

Sec. 6-2-50. - Use of proceeds.

It is hereby declared that the proceeds from the fee imposed pursuant to this Article shall be used for marketing and promotion of the Town's principal industry, for tourism and for payment of expenses related to promotion and marketing of events beneficial to the business community, including payment of reasonable costs incurred in connection with the administration of this Article.

(Prior code 5-2-5)

Sec. 6-2-60. - Administration.

- (a) Except for those provisions of this Article concerning licensing specifically referring to the Licensing Officer, the administration of this Article is hereby vested in and shall be exercised by the Finance Director, who may prescribe forms and make reasonable rules and regulations in conformity with this Article for the making of returns, the ascertainment, assessment and collection of the fee imposed hereunder, and for the proper administration and enforcement thereof.

- (b) An application for a license pursuant to this Article, renewals thereof and the general administration of business occupation licenses shall be

conducted in accordance with the Town's general licensing procedures under Article 1 of this Chapter.

- (c) Applicants must pay their license fees on or before January 31 of any year fees are owed.
- (d) An applicant shall state, by certification as to truthfulness prepared by the Licensing Officer, at the time of application hereunder, the total number of full-time and part-time employees the applicant had for the subject business for the immediately prior year, and the number of such employees the applicant intends to have for the upcoming year. The fees payable under this Subsection shall be based upon the number of employees set forth for the upcoming year in such certification. The certification shall be based on the average number of employees employed during the months of operation.

(Prior code 5-2-6; Ord. 27 §3, 1990; Ord. 7 §6, 1998)

#### Sec. 6-2-70. - Licensee duties.

It shall be the duty of each person subject to compliance with this Article to do the following:

- (1) Obtain a renewal of the license annually, if the licensee remains in business or is otherwise liable to account for the fee herein provided.
- (2) Ascertain and continuously comply with all laws and regulations applicable to such licensed business, including compliance with the duties of a licensee set forth at Section 6-1-100 of this Chapter.

(Prior code 5-2-7; Ord. 4 §1, 2009)

#### Sec. 6-2-80. - Enforcement; penalties.

In addition to the general licensing provisions for enforcement and penalties contained in Article 1 of this Chapter, the following shall apply: Pursuant to Section 31-20-101, et seq., C.R.S., the Town may cause any delinquent charges or fees, including but not limited to attorney's fees and costs associated with enforcing this Article made or levied hereunder, to be certified to the County Treasurer, to be collected and paid over by the County Treasurer in the same manner as real or personal property taxes, including the provisions for the creation of a lien upon the subject property.

(Prior code 5-2-8)

### ARTICLE 3 - Liquor Licenses

#### Sec. 6-3-10. - General provisions.

- (a) The provisions of the Colorado Liquor Code, Article 47 of Title 12, C.R.S., and the provisions of the Colorado Beer Code, Article 46 of Title 12, C.R.S., together with regulations of the Colorado Department of Revenue, Liquor Enforcement Division, which are applicable to local liquor license authorities and local liquor license applications, are hereby adopted as part of this Article and are incorporated herein by reference, except to the

extent of any inconsistency with the other provisions of this Article. Nothing herein shall be construed to alter or amend powers to condition, suspend or revoke a license.

- (b) The Town Council shall constitute the Local Liquor Licensing Authority.
- (c) The Town Clerk shall function as Clerk to the Town Council as the Local Liquor Licensing Authority, and the Town Attorney shall function as its legal counsel. The Town Marshal shall perform investigative functions on behalf of the Local Liquor Licensing Authority.
- (d) The prohibition in state law against allowing liquor licensed premises within five hundred (500) feet of a school is eliminated pursuant to Section 12-47-138(1)(d)(IV), C.R.S., only as the same may be applied to hotel and restaurant liquor licenses within five hundred (500) feet of the Crested Butte Community School and the Crested Butte Academy.

(Prior code 5-6-1; Ord. 9 §1, 1988; Ord. 11 §1, 1988; Ord. 2 §1, 1995; Ord. 3 §2, 1996)

#### Sec. 6-3-20. - Renewal applications.

- (a) The Town Clerk is hereby authorized to process and approve liquor license renewal applications on behalf of the Town Council, subject to the following conditions:
  - (1) No Colorado Liquor or Beer Code violations by the licensee or employees have occurred during the previous year;
  - (2) No modification of the licensed premises has taken place without prior written consent of the Town Council and State Licensing authority; and
  - (3) No written complaints concerning conduct of the licensee or his or her employees, or alleging violation of the Colorado Liquor or Beer Codes, have been received by the Town Clerk or Marshal's Department. The Town Clerk shall, within ninety (90) days prior to the date that any renewal is required, publish one (1) notice in the official Town newspaper which contains the following information:
    - a. The name and location of the licensed establishment subject to renewal;
    - b. That complaints concerning the conduct of the licensee or employees of the same should be directed, in writing, to the Town Clerk; and
    - c. The date, not sooner than ten (10) days after such publication, by which any such complaints should be submitted.
- (b) In the event that a violation has occurred as provided in Paragraph (a)(1) above, a premises modification has taken place as provided in Paragraph (a)(2) above or a written complaint has been received as provided in Paragraph (a)(3) above, the application shall be brought to the Town Council for a public hearing.

(Prior code 5-6-2; Ord. 9 §1, 1988; Ord. 4 §1, 2009)

#### Sec. 6-3-30. - Fines in lieu of suspension.

The optional provisions of Sections 12-47-110(3)—(6) and 12-46-107(5)—(8), C.R.S., pertaining to payment of fines in lieu of suspension of a retail license, are hereby adopted.

## Sec. 6-3-40. - Alcoholic beverage tastings.

- (a) Tastings allowed. Tastings may be conducted by retail liquor store or liquor-licensed drugstore licensees in accordance with this Section and pursuant to Section 12-47-301, C.R.S., as the term *tastings* is therein defined. It is unlawful for any person or licensee to conduct tastings within the Town unless authorized in accordance with this Section.
- (b) Alcoholic beverage tastings license required. A retail liquor store or liquor-licensed drugstore licensee may conduct tastings only pursuant to a valid alcoholic beverage tastings license.
- (c) Application. A retail liquor store or liquor-licensed drugstore licensee who wishes to conduct tastings shall submit an application to the Local Liquor Licensing Authority on forms supplied by the Local Liquor Licensing Authority. Such application shall be accompanied by a nonrefundable annual fee as established by resolution of the Town Council.
- (d) Approval or denial of application. If the applicant demonstrates that he or she is able to conduct tastings without violating the provisions of this Section or Section 12-47-301(10)(a), C.R.S., and without creating a public safety risk to the neighborhood, the application shall be approved and the alcoholic beverage tastings license issued. Otherwise, the application shall be denied. The Town Clerk is hereby authorized to process and approve alcoholic beverage tastings licenses.
- (e) Annual license. An alcoholic beverage tastings license shall be valid for one (1) year, and shall run concurrently with the retail liquor store or liquor-licensed drugstore license of the holder of the alcoholic beverage tastings license; provided, however, that the first alcoholic beverage tastings license issued to a retail liquor store or liquor-licensed drugstore licensee shall be valid only until the expiration of the then-current retail liquor store or liquor-licensed drugstore license.
- (f) Limitations on tastings. Tastings conducted by the holder of an alcoholic beverage tastings license shall be subject to the limitations and requirements set forth in Section 12-47-301(10)(c), C.R.S., and limitations set forth in this Article. Compliance with the limitations and requirements set forth in Section 12-47-301(10)(c), C.R.S., and this Article shall be a term and condition of any alcoholic beverage tastings license, whether or not expressly set forth in the alcoholic beverage tastings license.
- (g) Limitations on authorization. Tastings once authorized shall be subject to the following limitations:
  - (1) Tastings shall be conducted only by a person who has completed a server training program that meets the standards established by the Liquor Enforcement Division in the Colorado Department of Revenue and who is either a retail liquor store licensee, a liquor-licensed drugstore licensee or an employee of a licensee, and only on a licensee's licensed premises.
  - (2) The alcohol used in tastings shall be purchased through a licensed wholesaler, licensed brew pub or winery licensed pursuant to Section 12-47-403, C.R.S., at a cost that is not less than the laid-in cost of such alcohol.
  - (3) The size of an individual alcohol sample shall not exceed one (1) ounce of malt or vinous liquor or one-half (½) ounce of spirituous liquor.
  - (4) Tastings shall not exceed a total of five (5) hours in duration per day, which need not be consecutive.
  - (5) Tastings shall be conducted only during the operating hours in which the licensee on whose premises the tastings occur is permitted to sell



alcoholic beverages; and, in no case earlier than 11:00 a.m. or later than 7:00 p.m.

- (6) The licensee shall prohibit patrons from leaving the licensed premises with an unconsumed sample.
  - (7) The licensee shall promptly remove all open and unconsumed alcohol beverage samples from the licensed premises or shall destroy the samples immediately following the completion of the tasting.
  - (8) The licensee shall not serve a person who is under twenty-one (21) years of age or who is visibly intoxicated.
  - (9) The licensee shall not serve more than four (4) individual samples to a patron during a tasting.
  - (10) Alcohol samples shall be in open containers and shall be provided to a patron free of charge.
  - (11) Tastings may occur on no more than four (4) of the six (6) days from a Monday to the following Saturday, not to exceed one hundred four (104) days per year.
  - (12) No manufacturer of spirituous vinous liquors shall induce a licensee through free goods or financial or in-kind assistance to favor the manufacturer's products being sampled at a tasting. The licensee shall bear the financial and all other responsibility for a tasting.
  - (13) A violation of this Section or of Section 12-47-801, C.R.S., by a retail liquor store or liquor-licensed drugstore licensee, whether by his or her employees, agents or otherwise, shall be the responsibility of the retail liquor store or liquor-licensed drugstore licensee who is conducting the tasting.
  - (14) A retail liquor store or liquor-licensed drugstore licensee conducting a tasting shall be subject to the same revocation, suspension and enforcement provisions as otherwise apply to the licensee.
  - (15) Nothing in this Section shall affect the ability of a Colorado winery licensed pursuant to Section 12-47-402 or 12-47-403, C.R.S., to conduct a tasting pursuant to the authority of Section 12-47-402(2) or 12-47-403(2)(e), C.R.S.
- (h) Written notice to Marshal's Department required. A written notice to the Marshal's Department must be provided at least seventy-two (72) hours before a licensee is allowed to conduct a tasting. The notice shall include the name of the liquor-licensed premises, the person who is submitting the notice and the date and time the tasting is to take place.
- (i) Proof of qualifications of persons conducting tastings. Upon the request of any peace officer, the holder of an alcoholic beverage tastings license shall provide proof that tastings are to be conducted only by a person who has completed a server training program that meets the standards established by the Liquor Enforcement Division in the Colorado Department of Revenue, and who is either the retail liquor store licensee, a liquor-licensed drugstore licensee or an employee of such licensee.

(Prior code 5-6-4; Ord. 18 §1, 2004; Ord. 4 §1, 2009)

Sec. 6-3-50. - Educational requirements.

Every hotel and restaurant licensee, registered manager and licensee's employee is encouraged to obtain a certificate of completion from an educational program of training for intervention procedures for servers of alcohol. Those registered managers obtaining a certificate of completion may file a copy of the certificate of completion with the Authority with an application of renewal of a liquor license.

(Ord. 4 §1, 2009)

#### ARTICLE 4 - Vending Licenses and Special Events

##### Sec. 6-4-10. - Definitions.

For purposes of this Article, the following definitions shall apply:

*Booth* means a temporary structure that is readily movable and is used for vending food that is no more than thirty-six (36) square feet in area, within a six (6) feet by six (6) feet footprint, and nine and half (9.5) feet in height, including umbrellas and other similar devices, that is removed from its vending location every night.

*Farmers' market vendor* means vendor of food products or produce who vends exclusively on the public property area established for the farmers' market.

*Food cart* means handcart or booth from which food such as hot dogs, tacos, ice cream, candy, nonalcoholic beverages and other traditional, hand-carried ready-to-eat food and drink are sold. A *food cart vendor* is one who sells food and drink using a food cart and who meets the definition of *vendor* found in this Article. *Food cart vending* is the act of selling food and drink using a food cart by one who meets the definition of *vendor* found in this Article.

*Food supplier vendor* means person who vends food products strictly to private places of business, does not vend on public property and does not use a handcart.

*Handcart* means structure with at least two (2) operational wheels, that is mobile and is used for vending food or merchandise and that's no more than twenty-four (24) square feet in size and seven (7) feet in height, excluding umbrellas and other similar devices.

*Late-night food truck* means a licensed motor vehicle no greater than eight (8) feet wide by twenty (20) feet long that is mobile and is used for vending food.

*Merchandise truck* means a licensed motor vehicle no greater than eight (8) feet wide by twenty (20) feet long that is mobile and is used for vending merchandise.

*Peddler* means one who sells merchandise or services or solicits orders for the sale and future delivery of merchandise or services on a door-to-door basis in or upon private residences in the Town, without prior invitation to do so by the owner or occupant of such private residence.

*Special event* means any performance, activity, parade, festival, athletic event or other public gathering held on Town property and sponsored by a nonprofit enterprise or for-profit organization.

*Street entertainer or musician* means person engaged in free and public temporary, short-term musical performances, or other sorts of free, personalized entertainment.

*Vendor* means a business not having a fixed, physical location for its operation within the Town at any time during the calendar year, but which otherwise does business within the Town.

(Prior code 5-5-1, 5-7-1; Ord. 27 §1, 1990; Ord. 7 §§2—8, 2003; Ord. 21 §4, 2007; Ord. 4 §1, 2009; Ord. 17 §1, 2010; Ord. 3 §1, 2012; Ord. 10 §1, 2013; Ord. No. 20, § 1, 8-8-2017; Ord. No. 19, § 1, 6-18-2018)

Sec. 6-4-20. - License required.

It is unlawful for a vendor to do business or a street entertainer or musician to engage in entertainment without a business occupation license and an outdoor vending license, or to otherwise engage in activity in noncompliance with the provisions of this Chapter.

(Prior code 5-7-2; Ord. 7 §9, 2003; Ord. 4 §1, 2009)

Sec. 6-4-30. - Outdoor vending license requirements.

All outdoor vending activities shall occur from a handcart, merchandise cart or late-night food truck, unless otherwise specified in this Section. Outdoor vending activities shall be subject to each of the regulations set forth herein.

- (1) Each applicant for a license shall obtain all required health, sales tax or other required permits or licenses from all applicable government departments. The vendor shall publicly display all such permits including, without limitation, a Town business occupation license.
- (2) License applications shall be made on the form provided by the Town Manager for the license sought, and shall contain all the information required by the form, including any required attachments or exhibits. The Town Manager may reject incomplete applications.
- (3) The holder of a license which authorizes the licensee to go upon public property shall indemnify and hold harmless the Town, its officers, employees and agents against any and all claims arising from any occurrence occasioned by the licensed use, and shall maintain, during the period of the license, comprehensive general public liability and property damage insurance, naming the Town, its officers, employees and agents as insureds; providing that the insurance is primary insurance, and no other insurance maintained by the Town will be called upon to contribute a loss covered by the Town; and providing for thirty (30) days' notice of cancellation or material change to the Town.
- (4) A license issued under the provisions of this Section may be transferred or assigned as part of the sale of the assets of the business to which the license has been issued. Such license shall be subject to all other rules and regulations regarding licenses.

- (5) A license is valid for a one-year period, beginning January 1 and ending December 31. A license is automatically renewable unless the license is revoked. A license holder who wishes to continue operating after the expiration of the license shall follow the application procedures required of a new applicant.
- (6) Licenses shall be issued on a first-come, first-served basis. If applications are received simultaneously, the Town Manager shall determine priority by lot.
- (7) A vendor shall vend no less than eighty (80) days per license year. In the event that a vendor vends less than eighty (80) days per license year, his or her license shall not be renewed for the following year.
- (8) No more than a single vending license may be held by any person or by any one (1) entity or association.
- (9) No more than seven (7) vendors total shall be allowed on public property at any given time at Sixth Street and Elk Avenue.

(Prior code 5-7-3; Ord. 7 §10, 2003; Ord. 4 §1, 2009; Ord. 3 §2, 2012; Ord. No. 24, § 1, 2013)

#### Sec. 6-4-40. - Peddling prohibited.

It is unlawful for solicitors, peddlers, hawkers or itinerant merchants to peddle in or upon private residences in the Town without prior invitation to do so by the owner or occupant of such residence. This prohibition shall not be applicable to persons representing charitable, religious or civic enterprises, who possess proof of such status. Peddling is prohibited as a nuisance pursuant to Section 7-2-190 of this Code.

(Prior code 5-7-4; Ord. 7 §11, 2003)

#### Sec. 6-4-50. - Maintaining cart and late-night food truck vending areas.

A cart or late-night food truck vendor is responsible for maintaining the area within and in proximity to the cart or truck, display apparatus or permitted vending location area in a neat, clean and hazard-free condition, including, without limitation, the disposal of all trash and the storage of all carts, trucks and display apparatus off public rights-of-way when not in operation. Vendors shall provide for the disposal of trash by customers.

(Ord. 3 §3, 2012)

#### Sec. 6-4-60. - Food cart regulations.

Food carts, food cart vendors and food cart vending are subject to each of the following regulations:

- (1) Food cart vendors may only operate at the farmers' market, the Town parking lot at 1st Street and Elk Avenue, or other areas as the Town Manager may designate.
- (2) Food cart vendors are permitted at Town-owned recreational facilities during Town-sponsored or Town-managed activities.
- (3) Any food cart operating on public property or private property may be required to move at the request of Town officials for health, sanitation and safety reasons or for failure to comply with the requirements of this Code.

- (4) All food vendors operating on public property must provide proof of liability insurance to the Town, and may be required to provide such information and complete such applications in connection with a license to vend as the Town may determine is necessary.
- (5) A food cart operating on private property must have written permission from the property owner to vend on the site, operate from a stationary position and maintain high standards of site cleanliness.
- (6) Food cart vendors may not attract attention by noise-making devices, voice calls, flags, banners, balloons or other such devices.
- (7) Signs must be limited to the cart itself and may not extend beyond the cart (except for the area of the umbrella).
- (8) Advertising is limited to the product sold, the name of the business and a price list.
- (9) No more than a single cart (whether a food cart or a merchandise cart) may operate on any individual Town lot. In the event a property has a legal description describing it in terms as other than a lot, in order to determine what is a lot for purposes of this Section, reference shall be made to the official plat of the Town. Where property is depicted thereon as a lot, such property shall be considered a lot.
- (10) A food cart may not be stored on public property or rights-of-way when not in operation. The area in which a food cart is stored must be kept in a neat, clean and hazard-free condition; food must be properly stored or disposed of; and all items must be secured in a manner so as to not attract animals or vermin.
- (11) Nonfood merchandise may not be sold from a food cart, except where such nonfood merchandise is specific to the subject food cart business.
- (12) No food cart may operate between the hours of 2:30 a.m. and 6:00 a.m.
- (13) No more than four (4) licenses for food carts may be issued in any one (1) calendar year.

(Prior code 5-7-4; Ord. 7 §11, 2003; Ord. 4 §1, 2009; Ord. 17 §2, 2010; Ord. 3 §§4, 5, 2012; Ord. 24, § 2, 2013)

#### Sec. 6-4-70. - Merchandise cart and truck regulations.

Merchandise carts and trucks, merchandise cart and truck vendors, and merchandise cart and truck vending are subject to the following regulations:

- (1) Merchandise carts and merchandise trucks may not occur on public streets, sidewalks, alleys or other public rights-of-way except as specified in subsection (3) below. Merchandise trucks and carts on private property shall be located at least ten (10) feet away from any sidewalk adjacent to the property.
- (2) A merchandise cart may only operate on private property, must have written permission from the property owner to vend on the site, must operate from a stationary position and must maintain high standards of site cleanliness.
- (3) A merchandise truck may operate on private property, must have written permission from the property owner to vend on the site, must operate from a stationary position and must maintain high standards of site cleanliness. A merchandise truck may also operate in the designated zone at the four-way intersection at 6th and Elk Avenue, or at the Big Mine Ice Arena. A merchandise truck may only operate starting on the Friday of Memorial Day weekend until September 30 of a calendar year.
- (4) A merchandise cart or merchandise truck may be required to move at the request of Town officials for health, sanitation and safety reasons,

upon verifiable complaint from the public related to unfair or improper business practices, or for failure to comply with the requirements of this Chapter.

- (5) Merchandise cart or merchandise truck vendors may not attract attention by noise-making devices, voice calls, flags, banners, balloons or other such devices.
- (6) Signs must be limited to the cart or truck itself and may not extend beyond the cart or truck (except for the area of the umbrella)
- (7) Advertising is limited to the product sold, the name of the business and a price list.
- (8) No more than a single cart or truck (whether a food cart or merchandise cart) may operate on any individual Town lot. In the event a property has a legal description describing it in terms as other than a lot, in order to determine what is a lot for purposes of this Section, reference shall be made to the official plat of the Town. Where property is depicted thereon as a lot, such property shall be considered a lot.
- (9) No more than two (2) licenses for either merchandise carts or merchandise trucks may be issued in any one (1) calendar year.

(Prior code 5-7-4; Ord. 7 §11, 2003; Ord. 4 §1, 2009; Ord. 17 §3, 2010; Ord. No. 24, § 2, 2013; Ord. No. 19, § 2, 6-18-2018)

#### Sec. 6-4-80. - Late-night food truck regulations.

Late-night food trucks are subject to each of the following regulations:

- (1) Late-night food truck vendors may only operate in the "B-1" Business Zone District.
- (2) Late-night food truck vendors may only operate between the hours of 10:00 p.m. and 2:30 a.m.
- (3) Any late-night food truck operating on public property shall be required to move at the request of Town officials for health, sanitation and safety reasons or for failure to comply with the requirements of this Code.
- (4) All late-night food truck vendors operating on public property must provide proof of liability insurance to the Town and shall be required to provide such information and complete such applications in connection with a license to vend as the Town may determine necessary.
- (5) Late-night food truck vendors may not attract attention by noise-making devices, music, voice calls, flags, banners, balloons or other such devices.
- (6) All signage shall be limited to the late-night food truck itself and shall comply with Paragraph ~~16-18-20~~(23) of this Code. Only the food products for sale, the name of the business and a price list shall be listed on any late-night food truck signage.
- (7) When the late-night food truck is not in operation, all foodstuff must be properly stored or disposed of and all items must be secured in a manner so as not to attract animals or other pests.
- (8) No seating or tables shall be set up upon or in the vicinity of the late-night food truck.
- (9) Nonfood items may not be sold from a late-night food truck.
- (10) No more than two (2) licenses for late-night food trucks may be issued in any calendar year. The annual fee for a license for a late-night food truck shall be set by resolution of the Town Council.

(Ord. 3 §6, 2012)

Sec. 6-4-90. - Street musician and entertainer regulations.

Street musicians and entertainers are subject to each of the following regulations:

- (1) They may operate only on designated areas of public property, including the farmers' market area at 6th Street and Elk Avenue, the Town parking lot at 1st Street and Elk Ave, a designated spot at 3rd Street and Elk Avenue or any other place on public property, provided that no complaints are being lodged by nearby business proprietors.
- (2) They may work for tips, but may not overtly solicit tips, beg, barter or otherwise engage passersby for money.
- (3) They may not employ mechanically enhanced or electronically amplified sound, and may not otherwise interfere with the normal peace and tranquility of the area.
- (4) They may not be representatives of any licensed for-profit business, nor may they advertise products, events, concerts or businesses other than themselves.
- (5) They may not block the public right-of-way or impede public access to any street, alley, sidewalk or private business entrance or exit.
- (6) They may not reach out to, touch or physically contact passersby in any manner, without first obtaining permission from the person to be contacted.
- (7) They may operate from 11:00 a.m. to 10:00 p.m. daily.
- (8) They shall be required to pay a license fee as set by resolution of the Town Council.

(Prior code 5-7-4; Ord. 7 §11, 2003; Ord. 4 §1, 2009; Ord. 3 §6, 2012)

Sec. 6-4-100. - Farmers' market vendor regulations.

Those vendors meeting the definition of a farmers' market vendor may vend at the public property at the corner of Elk Avenue and 6th Street. Farmers' market vendors may vend other than from a handcart.

(Prior code 5-7-4; Ord. 7 §11, 2003; Ord. 3 §6, 2012)

Sec. 6-4-110. - Food supplier regulations.

Those vendors meeting the definition of a *food supplier vendor* may vend on private property, other than in the residential zones of the Town. Food supplier vendors may vend other than from a handcart.

119 (Prior code 5-7-4; Ord. 7 §11, 2003; Ord. 3 §6, 2012)

Sec. 6-4-120. - Special event permit required.

It shall be unlawful for any person to organize, maintain, operate or otherwise sponsor a special event without receiving prior approval from the Town. Events sponsored by the Town are exempt from the requirement for a special event permit.

(Prior code 5-5-2; Ord. 27 §1, 1990; Ord. 21 §5, 2007; Ord. 4 §1, 2008; Ord. 3 §6, 2012)

Sec. 6-4-130. - Denial of licenses.

(a) The Town Manager may deny an application for a license under this Section upon determination that:

- (1) The applicant has failed to supply any of the information required on the application;
- (2) The applicant has failed to obtain required insurance;
- (3) The applicant has failed to pay the required license fee;
- (4) The applicant is not qualified by experience, training or education to engage in the activity authorized by the license; or
- (5) The applicant has been finally convicted of an offense and would create danger to the public health, safety or welfare if the applicant were to engage in such offensive conduct after the license were issued.

(b) If the Town Manager denies a license application under this Section, the Town Manager shall notify the applicant in writing stating the specific grounds for the denial. The applicant may thereafter appeal the denial of the application to the Town Manager under the procedures otherwise set forth in this Code.

(Prior code 5-7-5; Ord. 7 §12, 2003; Ord. 3 §6, 2012)

Sec. 6-4-140. - Revocation of licenses.

(a) In addition to any other provisions of this Code or other ordinances of the Town, the Town Manager may suspend or revoke a license issued under this Article if:

- (1) The licensee fails to meet the qualifications required of an applicant;
- (2) The licensee violates any provision of this Code or other ordinance of the Town governing the activities permitted by the license;
- (3) The licensee obtained the license by fraud or misrepresentation; or
- (4) The licensee is convicted of an offense and would create a danger to the public health, safety and welfare if the licensee were to engage in such conduct after the license was issued.

(b) If the Town Manager finds one (1) of the grounds in Subsection (a) above or any other ground for suspension or revocation in this Code, the Town Manager shall determine whether to revoke the license for the remainder of its term or suspend it for any shorter period according to the severity of the disqualification, its effect on public health, safety and welfare, and the time during which the disqualification can be remedied, if at all.



- (c) Before the hearing required by Subsection (d) below, the Town Manager may suspend a license for up to thirty (30) days, if the Town Manager determines suspension is in the interest of public health, safety and welfare. The Town Manager may include in the temporary suspension reasonable orders or conditions with which the licensee shall comply to protect any work in progress and the public health and safety. Any breach of such conditions or orders is an independent ground for suspension or revocation of the license.
- (d) Except for such emergency suspension authorized by Subsection (c) above, no such suspension or revocation is final until the licensee has been given the opportunity for a hearing to contest the suspension or revocation under the hearing procedures otherwise set forth in this Code.
- (e) If, after a hearing, the suspension or revocation is upheld, the Town Manager may include reasonable orders or conditions with which the person whose license has been suspended or revoked shall comply to protect any work in progress and the public health, safety and welfare.
- (f) No person whose license is revoked under this Section may receive a refund of any part of the license fee paid for the license.
- (g) No person who has had a license suspended or revoked under this Section is entitled to obtain the same or any similar license under this Chapter during the period of suspension or revocation, either in the person's own name or as a principal in another business that applies for a license.
- (h) Nothing in this Section shall be deemed to prohibit the Town Manager from imposing other penalties authorized by this Code or other ordinance of the Town, including filing a complaint in the Municipal Court for a violation of this Code or other ordinance of the Town.

(Prior code 5-7-5; Ord. 7 §12, 2003; Ord. 4 §1, 2009; Ord. 3 §6, 2012)

Sec. 6-4-150. - Vending activities allowed without a license.

The following vending activities are allowed without an outdoor vending license, provided that the activity or use does not constitute a hazard to public health, safety or welfare or property or does not violate any other law of the Town.

- (1) Free distribution of information, flyers, pamphlets, brochures or petitions and sale of raffle tickets for the benefit of nonprofit or charitable organizations without the use of a booth, structure, cart or other equipment; provided, however, that a table and chair may be used for this purpose in a location to be designated by the Town Manager from time to time and without obstructing pedestrian passage.
- (2) Sale or free distribution of newspapers or other similar printed materials from unattended vending machines no larger than two (2) feet in width, three (3) feet in length and four (4) feet in height in locations designated by the Town Manager and without obstructing pedestrian passage.
- (3) Yard sales, meaning sale of personal goods and effects on private property, excluding any sale of new merchandise or any sales constituting an ongoing commercial enterprise.
- (4) Vendors fourteen (14) years of age or under may utilize a temporary booth for no longer than three (3) consecutive days.

(Prior code 5-7-6; Ord. 27 §1, 1990; Ord. 7 §12, 2003; Ord. 4 §1, 2009; Ord. 3 §6, 2012)

Sec. 6-5-10. - Purpose.

The purpose of this Article is to implement the provisions of Title 12, Article 43.3, C.R.S., known as the Colorado Medical Marijuana Code, and Title 12, Article 43.4, C.R.S., known as the Colorado Retail Marijuana Code, as amended, which authorize the licensing and regulation of marijuana establishments, afford local government the option to determine whether or not to allow certain medical and retail marijuana businesses within their jurisdictions and to adopt licensing requirements that are supplemental to or more restrictive than the requirements set forth in state law. By adoption of this Article, the Town Council does not intend to authorize or make legal any act that is not permitted under federal or state law.

(Ord. 19 §7, 2013)

Sec. 6-5-20. - Effective date; applicability.

This Article shall be effective October 1, 2013, and shall govern all applications submitted to the Local Licensing Authority for the licensing of marijuana establishments in the Town under the Colorado Retail Marijuana Code and the Colorado Medical Marijuana Code, as applicable.

(Ord. 19 §7, 2013)

Sec. 6-5-30. - Incorporation of state law.

The provisions of the Colorado Medical Marijuana Code and the Colorado Retail Marijuana Code, and any rules and regulations promulgated thereunder, as amended, are incorporated herein by reference, except to the extent that more restrictive or additional regulations are set forth in this Article.

(Ord. 19 §7, 2013)

Sec. 6-5-40. - Definitions.

For purposes of this Article, the following definitions shall apply:

*Adjacent or adjoining* means adjacent to or contiguous with the proposed location of a marijuana establishment. Adjacency shall not be deemed to exist where a platted or dedicated public street or alley exists between the proposed marijuana establishment and another property. For purposes of medical marijuana centers, retail marijuana stores and retail marijuana testing facilities, adjacency shall also not be deemed to exist where such marijuana establishments share a common ceiling or floor with another premises and where the marijuana establishment and the other property are not otherwise adjacent within the meaning of this definition. For purposes of medical marijuana-infused product manufacturers and retail marijuana products manufacturers, adjacency shall be deemed to exist where such marijuana establishments share a common ceiling or floor with another premises.

*Alcoholic beverage* shall have the meaning ascribed to such term in Section 10-7-10 of this Code.

*Applicant* means any person who has submitted an application for a license or a renewal thereof pursuant to this Article. An applicant must be twenty-one (21) years of age or older. If an applicant is an entity, the term *applicant*, as applied in this Article, shall include all those persons who have a financial or management interest in the entity, including, without limitation, the shareholders, members, directors, officers and managers of such entity.

*Application* means an application for a license submitted pursuant to this Article.

*Board* means the Board of Zoning and Architectural Review.

*Building Official* means the Town Building Official as defined and referred to elsewhere in this Code.

*Cultivation* means the process by which a person promotes the germination and growth of a seed to a marijuana plant.

*Good cause* shall have the meaning ascribed to such term in the Colorado Medical Marijuana Code or the Colorado Retail Marijuana Code, as applicable.

*License* means a license to operate a marijuana establishment issued by the Town pursuant to this Article.

*Licensee* means the applicant or its permitted transferee or assignee to which a license has been issued, transferred or assigned pursuant to this Article.

*Local Licensing Authority* shall have the meaning ascribed to such term in Section 6-5-50 below.

*Marijuana establishment* shall include each and all of the following businesses: medical marijuana center, medical marijuana-infused product manufacturer, retail marijuana store, retail marijuana products manufacturer and retail marijuana testing facility.

*Marijuana paraphernalia* or *paraphernalia* means devices, contrivances, instruments and paraphernalia for inhaling or otherwise consuming medical marijuana, including but not limited to rolling papers and related tools, water pipes and vaporizers.

*Medical marijuana* shall have the meaning ascribed to such term in the Colorado Medical Marijuana Code.

*Medical marijuana center* shall have the meaning ascribed to such term in the Colorado Medical Marijuana Code.

*Medical marijuana-infused product* shall have the meaning ascribed to such term in the Colorado Medical Marijuana Code.

*Medical marijuana-infused product manufacturer* shall have the meaning ascribed to such term in the Colorado Medical Marijuana Code.

*Optional premises* shall have the meaning ascribed to such term in the Colorado Medical Marijuana Code.

*Optional premises cultivation operation* shall have the meaning ascribed to such term in the Colorado Medical Marijuana Code.

*Person* means a natural person, partnership, association, company, corporation, limited liability company or other organization, or a manager, agent, owner, director, servant, officer or employee thereof.

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

*Retail marijuana* shall have the meaning ascribed to such term in the Colorado Retail Marijuana Code.

*Retail marijuana cultivation facility* shall have the meaning ascribed to such term in the Colorado Retail Marijuana Code.

*Retail marijuana products* shall have the meaning ascribed to such term in the Colorado Retail Marijuana Code.

*Retail marijuana products manufacturer* shall have the meaning ascribed to such term in the Colorado Retail Marijuana Code.

*Retail marijuana store* shall have the meaning ascribed to such term in the Colorado Retail Marijuana Code.

*Retail marijuana testing facility* shall have the meaning ascribed to such term in the Colorado Retail Marijuana Code.

*State Licensing Authority* shall have the meaning ascribed to such term in the Colorado Medical Marijuana Code or the Colorado Retail Marijuana Code, as applicable.

(Ord. 19 §7, 2013)

#### Sec. 6-5-50. - Local Licensing Authority.

There shall be and is hereby created a local licensing authority for marijuana establishments. The Town Council shall constitute the Local Licensing Authority. The Town Clerk shall serve as clerk to the Local Licensing Authority and the Town Attorney shall serve as its legal counsel.

(Ord. 19 §7, 2013)

#### Sec. 6-5-60. - Functions and powers of Local Licensing Authority.

- (a) The Local Licensing Authority shall have all the powers of the Local Licensing Authority as set forth in the Colorado Medical Marijuana Code, the Colorado Retail Marijuana Code and this Article. Such powers shall include, without limitation, the power to require any applicant or licensee to furnish any relevant information in connection with the application or license for a marijuana establishment, the power to promulgate rules and regulations concerning the procedures for hearings before the Local Licensing Authority and the power to administer oaths and issue subpoenas to require the presence of persons and the production of papers, books and records at any hearing which the Local Licensing Authority is authorized to conduct. Any such subpoenas shall be served in the same manner as a subpoena issued by the District Court for the State.
- (b) The Local Licensing Authority shall have the power and authority to issue licenses for marijuana establishments pursuant to this Article.

(Ord. 19 §7, 2013)

Sec. 6-5-70. - Optional premises cultivation operations and retail marijuana cultivation facilities prohibited.

Optional premises cultivation operations and retail marijuana cultivation facilities are strictly prohibited in the Town, and the Local Licensing Authority shall not have the power and authority to license such businesses.

(Ord. 19 §7, 2013)

Sec. 6-5-80. - Town and state licenses required.

It shall be unlawful for any person to establish or operate a marijuana establishment in the Town without first having obtained from the Local Licensing Authority and the State Licensing Authority a license for such marijuana establishment. Such license shall be kept current at all times, and the failure to maintain a current license from both the Town and the State shall constitute a violation of this Section.

(Ord. 19 §7, 2013)

Sec. 6-5-90. - Classes of licenses authorized.

The Local Licensing Authority may issue and grant to an applicant a license from any of the following classes, and the Town hereby authorizes the issuance of licenses of the following classes by the State Licensing Authority in locations in the Town allowed under this Code, subject to the requirements of this Article:

- (1) Medical marijuana centers;
- (2) Medical marijuana-infused product manufacturers;
- (3) Retail marijuana stores;
- (4) Retail marijuana products manufacturers; and
- (5) Retail marijuana testing facilities.

The Local Licensing Authority may issue dual licenses for:

- (1) Medical marijuana centers and retail marijuana stores; and
- (2) Medical marijuana-infused product manufacturers and retail marijuana product manufacturers.

The requirements of this Code shall apply equally to each, including, without limitation, the requirement to pay all application and other fees.

125 §7, 2013)

## Sec. 6-5-100. - Requirements for application; ongoing requirements.

- (a) A person seeking to obtain or renew a license or gain a transfer of a license shall file an application with the clerk for the Local Licensing Authority on forms provided by the clerk.
- (b) An application for a license under this Article shall contain, at a minimum, the following information and submittals:
  - (1) Application fee.
  - (2) The applicant's personal and identification information.
  - (3) The street address of the proposed marijuana establishment.
  - (4) If the applicant is not the sole owner of the proposed location of the marijuana establishment, a notarized statement from the owner or co-owners of such property authorizing the submission of the application.
  - (5) Evidence of a right to possess (e.g., vesting deed, lease, option to lease) the property that is the subject of the marijuana establishment.
  - (6) A statement of the applicant's personal, financial and business backgrounds.
  - (7) A complete set of the applicant's fingerprints as taken by the Marshal's Department.
  - (8) A sworn statement, to be acknowledged by the applicant and the owner of the premises, that the applicant, owner and all the employees of the marijuana establishment may be subject to prosecution under state, federal and local controlled substance laws.
  - (9) An acknowledged waiver by the applicant and the owner of the premises that the applicant, owner and all employees of the marijuana establishment waive any and all claims against the Town in connection with the approval and subsequent operation of the marijuana establishment.
  - (10) An acknowledgement and consent that the Town will conduct a background investigation, including, without limitation, criminal history check, and the Town will be entitled to full and complete disclosure of all financial records of the marijuana establishment, including, without limitation, records of deposit, withdrawals, balances and loans.
  - (11) Drawings to scale of the premises and all entryways and exits thereto as required by the Building Official.
  - (12) Proof of State of Colorado residency.
  - (13) All of those items required in the application form.
  - (14) Any additional information and submittals that the Local Licensing Authority reasonably determines to be necessary and appropriate in connection with the investigation and review of the application.
- (c) For the purposes of Paragraphs (b)(2), (6), (8), (10), (12) and (14) above, the proposed manager of the marijuana establishment, all persons having a financial interest in the marijuana establishment and, if the applicant is an entity, all persons having a financial interest or other interest in the entity shall be expected to comply with said application requirements.
- (d) Marijuana establishments shall submit the following at the time of submittal of the application:
  - (1) An operations plan for the marijuana establishment that shall contain, without limitation: (i) a security plan that complies with this Article, the

Colorado Medical Marijuana Code or Colorado Retail Marijuana Code, and the rules and regulations promulgated thereunder; (ii) hours of operation; (iii) number of employees; (iv) a description of all products to be sold; (v) a description of all products to be manufactured; and (vi) the application and all submittals and supporting documentation submitted to the State Licensing Authority.

- (2) If the applicant is an entity, information regarding the entity, including, without limitation, the name and address of the entity, its legal status and proof of registration (e.g., articles of incorporation, articles of organization) with or certificate of good standing from the Colorado Secretary of State, as applicable, and organizational documents (e.g., operating agreement, stockholders agreement, partnership agreement, stock, membership and partnership interest ledgers).
  - (3) A complete lighting plan that is in compliance with the applicable requirements contained in this Code.
  - (4) A complete signage plan that is in compliance with the applicable requirements contained in this Code.
  - (5) Any additional supporting documentation that the Local Licensing Authority determines to be necessary and appropriate in evaluating the application.
- (e) Following receipt of a license for a marijuana establishment from the Town and a conditional use permit from the Board, the licensee shall apply for and obtain a Town sales tax license and a Town business license before commencing operations.
  - (f) The licensee shall at all times maintain an active, up-to-date and valid state sales tax license, Town sales tax license and Town business license.
  - (g) The licensee shall make no physical change, modification or alteration to the licensed premises without the prior approval of the Local Licensing Authority, and the Board where required. For purposes hereof, a physical change, modification or alteration of premises shall be as described in the Colorado Medical Marijuana Code and the Colorado Retail Marijuana Code, and the regulations thereunder, including Sections 16.115 and R-305, respectively.
  - (h) The licensee shall at all times keep and maintain the application and all associated submittals and supporting documentation up to date and current during the license term and any renewal.
  - (i) A license issued pursuant to this Article does not eliminate the need for the licensee to obtain any other required Town permits related to the operation of the approved marijuana establishment, including but not limited to any additional required conditional use permits, development approvals and building permits required by this Code.

(Ord. 19 §7, 2013)

#### Sec. 6-5-110. - Duration of license.

Each license shall be valid for one (1) year from the date of issuance and may be renewed only as permitted in this Article. All renewals of a license shall be for no more than one (1) year.

(Ord. 19 §7, 2013)

Sec. 6-5-120. - Number of licenses; first-come, first-served.

- (a) Only five (5) licenses total for the following marijuana establishments shall be allowed at any given time:
- (1) Medical marijuana centers, retail marijuana stores and dual medical marijuana centers and retail marijuana stores; and
  - (2) Medical marijuana-infused product manufacturers and retail marijuana product manufacturers.

Only two (2) licenses for retail marijuana testing facilities shall be allowed at any given time. Dual licenses for (i) medical marijuana centers and retail marijuana stores, and (ii) medical marijuana-infused product manufacturers and retail marijuana product manufacturers shall be allowed under one (1) license.

- (b) Applications shall be received by the clerk for the Local Licensing Authority on a first-come, first-served basis. The clerk for the Local Licensing Authority may not accept an application for a license until such time as the State Licensing Authority has approved the application subject only to Local Licensing Authority approval.

(Ord. 19 §7, 2013)

Sec. 6-5-130. - Processing of new applications; public hearing, notice, posting and publication.

Applications for licenses shall be processed by the Local Licensing Authority pursuant to the requirements and procedures of the Colorado Medical Marijuana Code and the Colorado Retail Marijuana Code, inclusive of, without limitation, the notice and hearing requirements contained in Sections 12-43.3-302 and 12-43.4-302, C.R.S., as applicable, and the rules and regulations promulgated thereunder. Applications for new licenses shall only be approved after a hearing held by the Local Licensing Authority in accordance with the Colorado Medical Marijuana Code and the Colorado Retail Marijuana Code, as applicable, and the rules and regulations promulgated thereunder. No hearing of the Local Licensing Authority shall occur until after the Board has granted a conditional use permit for the marijuana establishment.

(Ord. 19 §7, 2013)

Sec. 6-5-140. - Processing of renewal applications; license renewal requirements.

All license renewal applications shall be applied for by the licensee thereof, and processed by the Local Licensing Authority pursuant to the Colorado Medical Marijuana Code and the Colorado Retail Marijuana Code, inclusive of, without limitation, the provisions contained in Sections 12-43.3-311 and 12-43.4-310, C.R.S., as applicable, and the rules and regulations promulgated thereunder. Except where the Local Licensing Authority holds a hearing on account of complaints filed against the subject license or licensee, the license or licensee has a history of violations, or the licensee is not in compliance with this Code, including, without limitation, the requirement to pay sales tax, the Colorado Medical Marijuana Code and the Colorado Retail Marijuana Code, and the rules and regulations promulgated thereunder or there are allegations against the license or licensee that would constitute good cause, the clerk shall process such renewal application administratively pursuant to Article, the Colorado Medical Marijuana Code and the Colorado Retail Marijuana Code, and the rules and regulations promulgated thereunder and issue the license without a hearing of the Local Licensing Authority.



(Ord. 19 §7, 2013)

Sec. 6-5-150. - Initial application and renewal fees.

- (a) An applicant shall pay the Town a nonrefundable application fee when the application is filed and then annually thereafter as part of any renewal. The purpose of the fee is to cover the administrative costs of processing the application and renewal and to defray the costs and expenses incurred by the Town in regulating marijuana establishments and enforcing the requirements of this Article. Application and renewal fees shall be set by resolution of the Town Council and may be amended from time to time.
- (b) If the Board denies the issuance of a conditional use permit for the premises of the marijuana establishment, the application fee shall nevertheless be deemed liquidated.

(Ord. 19 §7, 2013)

Sec. 6-5-160. - Denial of issuance of license or renewal.

The Local Licensing Authority shall deny any application, whether for an initial application or any renewal, that does not meet the requirements of this Code, the Colorado Medical Marijuana Code and the Colorado Retail Marijuana Code, and the rules and regulations promulgated thereunder. The Local Licensing Authority may also deny any application that contains any false, misleading or incomplete information and for good cause shown. Denial of an application for a license shall be reviewed only by a court of competent jurisdiction.

(Ord. 19 §7, 2013)

Sec. 6-5-170. - Suspension and revocation of license.

A license may be suspended and/or revoked in accordance with the requirements and procedures of this Code, the Colorado Medical Marijuana Code and the Colorado Retail Marijuana Code, including, without limitation, the provisions contained in Sections 12-43.3-601 and 12-43.4-601, C.R.S., as applicable, and the rules and regulations promulgated thereunder.

(Ord. 19 §7, 2013)

Sec. 6-5-180. - Authority to impose conditions on license.

The Local Licensing Authority shall have the authority to impose any and all such reasonable terms and conditions on a license and any renewal thereof as may be necessary to protect public health, safety and welfare and to obtain compliance with the requirements of this Code, the Colorado Medical Marijuana Code and the Colorado Retail Marijuana Code, and the rules and regulations promulgated thereunder, and other applicable law.

129 §7, 2013)

Sec. 6-5-190. - License conditional upon granting of conditional use by Board.

Notwithstanding anything contained in this Article, the issuance of a license for a marijuana establishment shall be only after and conditioned upon the Board granting a conditional use permit for the marijuana establishment. Should a license expire, be terminated or not renewed, the conditional use for the marijuana establishment shall automatically expire or be terminated without further action by the Board or Town Council.

(Ord. 19 §7, 2013)

Sec. 6-5-200. - Contents of license.

A license shall contain, without limitation, the following information:

- (1) The name of the licensee;
- (2) The effective date of the license;
- (3) The address of the premises connected with the license to operate the medical marijuana establishment or retail marijuana establishment;
- (4) Any conditions of approval imposed upon the license by the Local Licensing Authority pursuant to Section 6-5-180 of this Article;
- (5) The date of the expiration of the license;
- (6) Reference to this Article;
- (7) Reference to the conditional use permit given by the Board inclusive of any conditions contained therein; and
- (8) Signature of the Town Clerk.

(Ord. 19 §7, 2013)

Sec. 6-5-210. - Inspection of premises.

Prior to the issuance of a conditional use permit, the premises at which the marijuana establishment will be operated shall be inspected by the Building Official to determine compliance with the Town's building and technical codes. No conditional use permit shall be issued if the premises at which the marijuana establishment will be operated fails to comply at the time of issuance of the permit with the Town's building and technical codes and this Article. Throughout the term of the license, the Building Official may inspect the premises at which the marijuana establishment is operated to determine continuing compliance with the Town's building and technical codes and this Article. Access to such premises may be obtained by the Building Official in accordance with the applicable provisions of this Code.

(Ord. 19 §7, 2013)

S 130 20. - License in gross; license transferrable.

The license shall be deemed to be a license in gross and shall not be a property right. The license is transferable and assignable; provided that the requirements of this Article, the Colorado Medical Marijuana Code and the Colorado Retail Marijuana Code, and the rules and regulations promulgated thereunder, are at all times satisfied by the transferee or assignee.

(Ord. 19 §7, 2013)

Sec. 6-5-230. - Duties of licensee.

It is the duty and obligation of each licensee to:

- (1) Comply with all of the terms and conditions of the license and any special conditions on the license imposed by the Local Licensing Authority pursuant to Section 6-5-180 of this Article;
- (2) Comply with all of the requirements of this Article;
- (3) Comply with all other applicable provisions of this Code, Town ordinances and other Town requirements;
- (4) Comply with the conditional use permit given by the Board;
- (5) Comply with all state laws and administrative regulations pertaining to marijuana establishments, including but not limited to Sections 14 and 16 of Article XVIII of the Colorado Constitution, Title 18, Article 18, C.R.S., the Colorado Medical Marijuana Code and the Colorado Retail Marijuana Code, and the rules and regulations promulgated thereunder; and
- (6) If the Local Licensing Authority has a reasonable suspicion that the licensee is violating or has violated the terms and conditions of the license, the licensee shall allow inspection of its records, building or structure and operations by the Town for the purpose of determining the licensee's compliance with the terms and conditions of the license. Nothing in this Section shall abrogate or affect (i) any applicable confidentiality provision of state or federal law, or (ii) any applicable statutory or constitutional prohibition against unreasonable searches and seizures of property. In the event of any conflict between this Section and any applicable state or federal law, the applicable provision of state or federal law shall in all cases prevail and control.

(Ord. 19 §7, 2013)

Sec. 6-5-240. - Posting of license.

The license shall be continuously posted in a conspicuous location at the marijuana establishment.

(Ord. 19 §7, 2013)

Sec. 6-5-250. - Limitation on sale of paraphernalia.

Devices, contrivances, instruments and paraphernalia for inhaling or otherwise consuming marijuana, including but not limited to rolling papers and related tools, water pipes and vaporizers, may lawfully be sold at a medical marijuana center or retail marijuana store; provided that, in the case of medical marijuana and medical marijuana-infused products, such items may only be sold or provided to patients or primary caregivers and as are reasonably necessary for the consumption of medical marijuana in accordance with state law, and, in the case of retail marijuana and retail marijuana products, such items may only be sold to persons in accordance with Section 16 of Article XVIII of the Colorado Constitution, the Colorado Retail Marijuana Code and the rules and regulations promulgated thereunder.

(Ord. 19 §7, 2013)

Sec. 6-5-260. - Restrictions on sale of foodstuffs.

No marijuana establishment may be colocated with food cooking and preparation facilities that prepare, produce or assemble foodstuffs, whether for medical or nonmedical purposes. The preparation of all medical marijuana and retail marijuana products shall be in accordance with applicable law, including the Colorado Medical Marijuana Code and the Colorado Retail Marijuana Code, and the rules and regulations promulgated thereunder, as well as any Town requirements.

(Ord. 19 §7, 2013)

Sec. 6-5-270. - Hours of operation.

Medical marijuana centers and retail marijuana stores may be open for the sale of medical marijuana, medical marijuana-infused products and retail marijuana products, as applicable, during the hours of 9:00 a.m. to 9:00 p.m. only, seven (7) days per week. There shall be no restriction on the hours of operation of other marijuana establishments.

(Ord. 19 §7, 2013; Ord. No. 19, § 1, 7-24-2017)

Sec. 6-5-280. - Signage.

- (a) All signage for medical marijuana centers and retail marijuana stores shall comply with the requirements of Chapter 16, Article 18 of this Code.
- (b) No marijuana establishment shall use any advertising material that is misleading, deceptive or false, or that, as evidenced either by the content of the advertising material or by the medium or the manner in which the advertising is disseminated, is designed to appeal to minors, including, without limitation, the depiction of a marijuana leaf or plant, medical marijuana-infused products and retail marijuana products such as, for example, lollipops, candies, cookies and brownies.
- (c) It shall be unlawful for any marijuana establishment to advertise anywhere in the Town where the advertisement is visible to members of the public from any street, sidewalk, public right-of-way, park or public place, including advertising utilizing any of the following media: any billboard or other outdoor general advertising device, any sign mounted on a vehicle, any hand-held or portable sign; or any handbill, leaflet or flier directly handed to

any person in a public place, left upon a motor vehicle or posted upon any public or private property without the consent of the property owner. The following prohibition shall not apply to:

- (1) Any sign located on the premises which exists solely for the purpose of identifying the location of the marijuana establishment and which otherwise complies with this Code;
- (2) Any advertisement contained within a newspaper, magazine or other publication of general circulation within the Town; or
- (3) Advertising which is purely incidental to sponsorship or a charitable event by a marijuana establishment.

For purpose hereof, *advertise*, *advertising* and *advertisement* shall mean the act of drawing the public's attention to a marijuana establishment in order to promote the business of the same.

(Ord. 19 §7, 2013)

Sec. 6-5-290. - Required warnings to be posted.

There shall be posted in a conspicuous location in each medical marijuana center and retail marijuana store a legible sign containing warnings that:

- (1) The use of marijuana may impair a person's ability to drive a motor vehicle or operate machinery, and it is illegal under state law to drive a motor vehicle or to operate machinery when under the influence of or impaired by marijuana;
- (2) Loitering in or around a medical marijuana center or retail marijuana store is prohibited by state and Town laws; and
- (3) Possession and distribution of marijuana is a violation of federal law.

All signage shall comply with this Code, the Colorado Medical Marijuana Code and the Colorado Retail Marijuana Code, and the rules promulgated thereunder.

(Ord. 19 §7, 2013)

Sec. 6-5-300. - On-site consumption of marijuana and marijuana products.

The consumption, ingestion or inhalation of marijuana, medical marijuana-infused products and retail marijuana products on or within the premises of a marijuana establishment is strictly prohibited.

(Ord. 19 §7, 2013)

Sec. 6-5-310. - On-site consumption of alcohol.

133 The sale, ingestion or consumption of any alcoholic beverage within a marijuana establishment is prohibited.

(Ord. 19 §7, 2013)

Sec. 6-5-320. - Restrictions on cultivation, growing and manufacturing of marijuana and marijuana products; storage.

- (a) The growing and cultivation of any kind on or within the premises of a marijuana establishment is strictly prohibited.
- (b) The manufacturing of medical marijuana-infused products and retail marijuana products on or within the premises of a medical marijuana center, any retail marijuana store or any retail marijuana testing facility is strictly prohibited.
- (c) All marijuana establishment product and paraphernalia storage, dispensing, sale and distribution activities shall be conducted only on the premises licensed in connection with such product and paraphernalia, indoors and shall be strictly prohibited from delivery to any person at any other location.
- (d) Sufficient measures and means of preventing smoke, odors, debris, dust, fluids and other substances from exiting the marijuana establishment must be undertaken and maintained at all times. In the event that any odors, debris, items, dust, fluids or other substances shall exit the marijuana establishment, the owner of the subject premises and the licensee shall be jointly and severally responsible for such conditions and shall be responsible for full cleanup, cessation and/or mitigation of this condition immediately. Marijuana establishments shall properly dispose of all such materials, items and other substances in a safe, sanitary and secure manner in accordance with this Code, the Colorado Medical Marijuana Code and the Colorado Retail Marijuana Code, and any rules and regulations promulgated thereunder.

(Ord. 19 §7, 2013)

Sec. 6-5-330. - Display; deliveries.

- (a) No marijuana, medical marijuana-infused products, retail marijuana products and paraphernalia shall be displayed so as to be visible through glass, windows or doors by a person of normal visual acuity standing at the outside perimeter of the marijuana establishment. No marijuana, medical marijuana-infused products, retail marijuana products and paraphernalia shall be visible from a public sidewalk or right-of-way.
- (b) All deliveries of marijuana, medical marijuana-infused products, retail marijuana products and paraphernalia shall be conducted discreetly and out of plain sight of all other persons not associated with the marijuana establishment and shall comply with the Colorado Medical Marijuana Code and the Colorado Retail Marijuana Code, and the rules and regulations promulgated thereunder.

(Ord. 19 §7, 2013)

Sec. 6-5-340. - Security requirements.

The licensee shall provide security as provided in, and the premises shall at all times comply with, the security requirements set forth in the Colorado Medical Marijuana Code and the Colorado Retail Marijuana Code, and the rules and regulations promulgated thereunder.

(Ord. 19 §7, 2013)

Sec. 6-5-350. - Disposal.

The disposal of, without limitation, unwanted marijuana, medical marijuana-infused products, retail marijuana products and paraphernalia shall be undertaken in accordance with the provisions of the Colorado Medical Marijuana Code and the Colorado Retail Marijuana Code, and the rules and regulations promulgated thereunder.

(Ord. 19 §7, 2013)

Sec. 6-5-360. - Sales tax.

Each licensee shall collect and remit Town sales tax on all marijuana establishment products and paraphernalia and other tangible personal property sold by the licensee at a medical marijuana center or retail marijuana store in accordance with this Code. Failure to timely remit Town sales tax in accordance with this Code shall be grounds for the suspension, revocation or nonrenewal of any license.

(Ord. 19 §7, 2013)

Sec. 6-5-370. - Recordkeeping.

- (a) Each licensee shall maintain an accurate, complete and up-to-date record at all times of all marijuana, medical marijuana-infused products, retail marijuana products and paraphernalia and other tangible personal property produced, distributed and sold by the marijuana establishment and the amounts paid therefor. Such information shall be available for Town review upon request.
- (b) The licensee's records described in Subsection (a) above shall be available for inspection by the Marshal's Department pursuant to Rule 41, C.R.C.P., or Rule 241 of the Colorado Municipal Court Rules of Procedure.
- (c) Nothing in this Section shall abrogate or affect: (1) any applicable confidentiality provision of state or federal law; or (2) any applicable statutory or constitutional prohibition against unreasonable searches and seizure of property. In the event of any conflict between this Section and any applicable state or federal law, the applicable provision of state or federal law shall control.

(Ord. 19 §7, 2013)

Sec. 6-5-380. - Violation and penalty; remedies cumulative.

Any person who violates any of the provisions of this Article shall be subject to the violation and penalty provisions set forth in Chapter 1, Article 4 of this Code. All remedies contemplated in this Section shall be deemed cumulative and concurrent.

(Ord. 19 §7, 2013)

In adopting this Article, the Town Council is relying on, and does not waive or intend to waive by any provision of this Article, the monetary limitations (presently three hundred fifty thousand dollars [\$350,000.00] per person and nine hundred ninety thousand dollars [\$990,000.00] per occurrence) or any other rights, immunities and protections provided by the Colorado Governmental Immunity Act, Section 24-10-101, et seq., C.R.S., or any other limitation, right, immunity or protection otherwise available to the Town, its officers, its employees, insurance, insurance pools, agents and attorneys, whether at law and/or in equity.

(Ord. 19 §7, 2013)

Sec. 6-5-400. - No Town liability.

By accepting a license issued pursuant to this Article, the licensee, jointly and severally if more than one (1), waives and releases the Town, its officers, elected officials, employees, attorneys, insurers, insurance pools and agents from any liability for injuries, damages or liabilities of any kind that result from any arrest or prosecution of the owners, operators, employees, clients or customers of any marijuana establishment for a violation of state or federal laws, rules or regulations.

(Ord. 19 §7, 2013)

Sec. 6-5-410. - Indemnification of Town.

By accepting a license issued pursuant to this Article, the licensee, jointly and severally if more than one (1), shall indemnify, defend and hold harmless the Town, its officers, elected officials, employees, attorneys, agents, insurers and insurance pool against all liability, claims, damages and demands on account of injury, loss or damage, including, without limitation, claims arising from bodily injury, personal injury, sickness, disease, death, property loss or damage or any other loss, claim, damage or demand of any kind whatsoever, which arise out of or are in any manner connected with the operation of any marijuana establishment that is the subject of a license. The licensee further agrees to investigate, handle, respond to and provide defense for and defend against any such liability, claims, losses, damages or demands at its expense and to bear all other costs and expenses related thereto, including court costs and attorneys' fees.

(Ord. 19 §7, 2013)

Sec. 6-5-420. - Other laws remain applicable.

The provisions of this Article do not, and are not intended to, protect licensees, operators, employees, customers, property owners and clients of a permitted marijuana establishment from prosecution pursuant to any laws that may prohibit the growing, cultivation, sale, use, distribution or possession of controlled substances. In addition, as of the date of the adoption of this Article, the growing, cultivation, sale, possession, distribution and use of marijuana remains a crime in violation of federal controlled substances laws, and this Article affords no protection against prosecution under such federal laws. Licensee, operators, employees, customers, property owners and clients of the permitted marijuana establishment assume any and all risk and any and all liability arising or resulting from the operation of the marijuana establishment. Further, to the greatest extent permitted by law, any actions taken under the provisions of this Article by any public officer or elected or appointed officials, employees, attorneys and agents of the Town shall not become a personal liability of such person or of the Town.



(Ord. 19 §7, 2013)

## ARTICLE 6 - Vacation Rental Licenses

### Sec. 6-6-10. - Purpose.

The purpose of this Article shall be to require the licensing of vacation rentals. Such licensing shall provide the Town with necessary information relating to the operation of vacation rentals in order to protect the health, safety and welfare of the residents and visitors of Crested Butte.

( Ord. 12 §1, 2016)

### Sec. 6-6-20. - Effective date.

This Article shall be effective commencing on January 1, 2018, and shall govern all applications submitted to the Licensing Official for the licensing of vacation rentals. Prior to such date, the owner of an existing vacation rental must make application for a vacation rental license as described herein. Any property operated as a vacation rental after such date without a vacation rental license shall be in violation of this Article.

( Ord. 12 §1, 2016)

### Sec. 6-6-30. - Definitions.

[The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:]

*Licensing Official* means the Town Building Official or such other officers as designated by the Town Manager.

( Ord. 12 §1, 2016)

### Sec. 6-6-40. - Vacation rentals allowed.

- (a) Vacation rentals are allowed only as prescribed in Section 16-14-90. For vacation rentals of individual sleeping units, the owner of the property, or its duly authorized representative must be present on the subject premises during use as a vacation rental.
- (b) The use of any property as a vacation rental shall not frustrate any limitation on the use of the property pursuant to a deed restriction, covenant or other Town restriction or requirement regarding occupancy.

Sec. 6-6-50. - License required; compliance.

- (a) It shall be unlawful and a violation of this Article for any person to use any property as a vacation rental without first having obtained a vacation rental license from the Licensing Official. All vacation rentals shall strictly comply with the requirements of the Code.
- (b) The owner of any property found to be operating a vacation rental without a license after January 1, 2018, shall be ordered to cease such activity on the property. Any property that is being operated in violation of these regulations shall be ineligible for a vacation rental license for a period of two (2) years from the discovery of the violation.

( Ord. 12 §1, 2016)

Sec. 6-6-60. - Application.

- (a) Application, whether initial or for any renewal, for a vacation rental license shall be made on a form provided by the Town. At the least, the application shall include the vested title property owner's name and address, address of the vacation rental, maximum occupancy of lease or rental guests, owner representative and contact information, parking plan for guests, acknowledgement of payment of all taxes and the required application fee.
- (b) The vested title property owner shall be the licensee for the vacation rental. Application fees shall be set by annual resolutions of the Town Council.
- (c) Vacation rental licenses shall have a term of two (2) years. Subject to the requirements of this Article, a license may be renewed annually, extending the term for one (1) additional year from the expiration of the current license.

( Ord. 12 §1, 2016)

Sec. 6-6-70. - Issuance; renewal.

- (a) Vacation rental licenses shall be issued on a first come first serve basis. If needed a waiting list of applications shall be maintained and reviewed as licenses become available.
- (b) Except for a violation of Section 6-6-50, applicant may appeal the Licensing Official's decision to issue, issue with conditions, renew, renew with conditions, suspend, revoke or deny a vacation rental license. Such appeal shall be filed with the Town Clerk in writing within fifteen (15) days of the Licensing Official's decision being appealed and shall be heard by the Town Manager within thirty (30) days of receipt of applicant's appeal. The appeal shall be noticed at the Town's posting places. The Town Manager shall render a decision on the issues appealed within fifteen (15) days of the hearing of the appeal. The decision of the Licensing Official (if not appealed), or of the Town Manager (if appealed), shall be the final decision of the Town for purposes of judicial review.
- (c) The Licensing Official shall deny any application, whether initial or for any renewal, where the application and supporting documentation do not establish the vacation rental's conformity with the requirements of Code. The Licensing Official may also deny any application that contains false, misleading or incomplete information, or for good cause shown.

- (d) At least fourteen (14) days prior to issuing or renewing a vacation rental license, the Town shall, in a format provided by the Town, notify all owners of

real property within one hundred (100) feet of the property that is the subject of the vacation rental license of their opportunity to make comment on the neighborhood impacts of the use of the property as a vacation rental.

( Ord. 12 §1, 2016; Ord. No. 6, § 3, 6-5-2017)

Sec. 6-6-80. - Suspension; revocation.

A vacation rental license may be suspended or revoked by the Licensing Official for failure to comply with this Article. The applicant of such vacation rental license may appeal the Licensing Official's decision to suspend or revoke the vacation rental license. Such appeal shall follow the process outline in Section 6-6-70 hereof. The suspension or revocation of the vacation rental license shall not be deemed a prerequisite to the institution of enforcement proceedings, the imposition of fines and the Town's pursuit of any remedies as described elsewhere in the Code. The proper and timely filing of an appeal with the Town Manager shall temporarily stay the suspension or revocation of the vacation rental license pending the outcome of the appeal before the Town Manager unless the Licensing Official verifies in writing to the Town Manager that a stay will pose an immediate threat to the safety of persons or property or defeat the purpose of the suspension or revocation in the first instance, in which event a stay shall not enter.

( Ord. 12 §1, 2016)

Sec. 6-6-90. - No transfer.

A vacation rental license attaches only to the property for which it is issued and is non-transferrable upon sale or other transfer of ownership of the property. Upon such transfer of ownership, the new owner of the property shall apply for a vacation rental license if it wishes to continue the use of the property as a vacation rental.

( Ord. 12 §1, 2016)

Sec. 6-6-100. - Sales tax and vacation rental excise tax.

The owner of a vacation rental shall cause sales tax and vacation rental excise tax to be collected and remitted to the Town as required under the Code.

( Ord. No. 35, § 2, 12-4-2017)

**Editor's note**— Ord. No. 35, § 2, adopted December 4, 2017, repealed the former § 6-6-100, and enacted a new § 6-6-100 as set out herein. The former § 6-6-100 pertained to lodging and sales tax and derived from Ord. 12, §1, 2016.

Sec. 6-6-110. - Business occupation license.

The owner of a vacation rental property must possess a current Town business license. The business license must be renewed annually where the owner desires to use the property as a vacation rental. A vacation rental license may be denied or revoked if the owner of the vacation rental property does not have a current business license.

( Ord. 12 §1, 2016)

Sec. 6-6-120. - Bi-annual inspection.

All vacation rental properties are subject to inspection every other year, or for cause. Vacation rental licenses may be limited, suspended, revoked or not renewed by the Licensing Official if all conditions and requirements of the vacation rental license and the Code are not satisfied.

( Ord. 12 §1, 2016)

Sec. 6-6-130. - Administration.

- (a) The Licensing Official shall prescribe forms and make reasonable rules and requirements in accordance with the Code for, without limitation, application requirements, the inspection of all vacation rental properties, the verification of the capacity and safety of such vacation rental properties and administration and enforcement of the requirements of this Article and the Code.
- (b) Applicants must pay their license fee at the time of application, whether initial or for any renewal.

( Ord. 12 §1, 2016)

Sec. 6-6-140. - Licensee duties.

It shall be the duty of the fee title owner of the vacation rental to ensure the following:

- (1) Obtain a renewal of the vacation rental license annually, if the property remains a vacation rental.
- (2) Cause the vacation rental to comply with the Code continuously and without interruption.
- (3) Promptly notify the Licensing Official upon any change of local contact.

( Ord. 12 §1, 2016)

Sec. 6-6-150. - Local contact.

All vacation rental licenses shall include a local responsible contact person capable of physically responding to issues that may arise at the vacation rental property within one (1) hour of the initial attempt to contact the vacation rental property owner. The local contact must have physical access to the vacation rental property and shall be authorized to make decisions regarding the vacation rental property on behalf of the owner.

( Ord. 12 §1, 2016)

Sec. 6-6-160. - License number display.

Every vacation rental license shall be issued a unique number. The vacation rental license number shall be displayed in all advertisements for the vacation rental property. Advertisements for the vacation rental property shall include any act, regardless of medium, of drawing the public's attention to the vacation rental property in order to promote the availability of the vacation rental property.

( Ord. 12 §1, 2016)

Sec. 6-6-170. - Parking required.

All vacation rental properties must keep and maintain all off street parking approved in conjunction with any Town land use approval for the vacation rental property and made available for year-round use by vacation rental tenants.

( Ord. 12 §1, 2016)

Sec. 6-6-180. - Maximum occupancy.

The maximum occupancy of any vacation rental property is ten (10) people. Occupancy may be adjusted following physical inspection of the vacation rental property. The basis for the occupancy determination shall be an allowance of two (2) occupants per legitimate bedroom plus two (2) additional occupants. Any increase above ten (10) people in a vacation rental property shall include an on-site parking space for each four (4) additional occupants (or part thereof) in addition to any parking required by this Article. Such parking requirements shall be in addition to any other parking requirements that must be satisfied under the Code.

( Ord. 12 §1, 2016)

Sec. 6-6-190. - Renter requirements.

Each vacation rental property shall prominently display on site and available to all renters the rules and regulations of the Town that apply to the occupancy of the vacation rental property. Such information shall include information pertinent to the neighborhood where the vacation rental property is located, including, but not limited to, parking restrictions, restrictions on noise and amplified sound, trash disposal, storage and collection schedule, relevant water restrictions and any other information as required by the Licensing Official.

( Ord. 12 §1, 2016)

S 141 00. - Violation.

- (a) Violations of this Article shall be enforced pursuant to Chapter 1, Article 4 of the Code.
- (b) A violation of Section 16-14-90 of the Code shall also be punishable by denial of a license for a vacation rental for the property that has offended such limitation for a period of two (2) years from Town's discovery of the unlawful lease or rental.
- (c) All amounts due and owing the Town in connection with any violation of this Article shall constitute a first priority lien on the vacation rental property and may be collected by any means including by way of those matters addressed in Section 4-8-10 of the Code.

( Ord. 12 §1, 2016)

## ARTICLE 7 - Entertainment District

### Sec. 6-7-10. - Definitions.

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

*Common consumption area* means a pedestrian area located wholly within the Entertainment District and approved by the Local Licensing Authority that uses physical barriers to close the area to motor vehicle traffic and limit pedestrian access.

*Common Consumption Area Law* means Sections 12-47-301(11), 12-47-908, 12-47-909 of the Colorado Revised Statutes, as amended.

*Entertainment District* means the Town of Crested Butte Elk Avenue Entertainment District with a size no more than one hundred (100) acres and containing at least twenty thousand (20,000) square feet of premises licensed as a tavern, hotel and restaurant, brew pub or vintner's restaurant at the time said District is created.

*Licensee* means a person to whom a license is granted by the Local Licensing Authority to manufacture or sell alcoholic beverages as provided under the Colorado Liquor Code.

*Local Licensing Authority* means the Town Council of the Town of Crested Butte.

*Promotional Association* means an association that is incorporated within the State of Colorado that organizes and promotes entertainment activities within a common consumption area, is organized or authorized by two (2) or more persons who own or lease property within the Entertainment District and is certified by the Local Licensing Authority.

In addition to the definitions provided above, the other defined terms in C.R.S. Section 12-47-103 are incorporated into this Article by reference.

( Ord. No. 10, § 1, 2014 )

- (a) In order to exercise the Town's local option to allow common consumption areas in the Town and to effectuate the purposes and intent of C.R.S. Section 12-47-301(11), there is hereby designated the "Town of Crested Butte Elk Avenue Entertainment District" whose boundaries include:  
From the northwest corner of Lot 17 of Block 29, continuing north along the east side of the First Street right-of-way to the southwest corner of Lot 16 of Block 20, thence east along the north side of the alleys of Blocks 20, 21, and 22 and the Second Street and Third Street rights-of-way to the southeast corner of Lot 1, Block 22, thence south along the west side of the Fourth Street right-of-way to the northeast corner of Lot 32, Block 27, thence west along the south side of the alleys of Blocks 27, 28, and 29 and the Third Street and Second Street rights-of-way to the point of beginning. Inclusive of Block 21, Lot 5 and the adjacent Third Street right-of-way and Block 28, East 100 feet of Lots 28-29 and the adjacent west 28 feet of the Third Street right-of-way.

Such Entertainment District has been established by Resolution No. 10, Series 2014.

- (b) Properties may be included or excluded from the Entertainment District by resolutions of the Town Council. By establishing the Entertainment District, the Town authorizes the licensing of designated common consumption areas in which alcoholic beverages may be sold and consumed subject to the requirements of this Article, the Code and the Common Consumption Area Law.
- (c) The Local Licensing Authority has the following powers with respect to common consumption areas and promotional associations:
- (1) Designate one (1) or more common consumption areas;
  - (2) Certify or decertify a promotional association;
  - (3) Authorize, de-authorize or refuse to authorize or reauthorize a licensee's attachment of licensed establishment to a common consumption area;
  - (4) Impose reasonable conditions of approval on the licensing of common consumption areas, certification of promotional associations or the attachment of licensed establishments to common consumption area; and
  - (5) Exercise all powers necessary to effectuate the purposes of the Common Consumption Area Law.
- (d) The standards for common consumption area licenses issued to promotional associations shall be in addition to all other standards applicable under this Article, the Code and the Colorado Liquor Code.
- (e) Decisions on applications for common consumption areas, promotional associations and inclusions and exclusions from the common consumption area shall be made by the Local Licensing Authority within thirty (30) days of receipt of a complete application therefor. A decision to deny any such application by the Local Licensing Authority shall be in writing and shall be provided to the applicant within five (5) business days of the decision having been rendered.

( Ord. No. 10, § 1, 2014 )

Sec. 6-7-30. - Common consumption areas.

- (a) Within the Entertainment District, common consumption areas may be licensed by the Local Licensing Authority upon application by a promotional association in conformance with the requirements of this Article and the Colorado Liquor Code.

- (b) Promotional association may submit an application for the designation of a common consumption area on forms provided by the Town Clerk and approved by the Town Attorney in accordance with the following minimum information:
- (1) Application and license fees;
  - (2) Name, address and list of all officers of promotional association;
  - (3) Documentation of how the application addresses the reasonable requirements of the neighborhood or desires of the adult inhabitants;
  - (4) The size in terms of acreage or square footage of the common consumption area;
  - (5) Proposed hours, dates and days of operation of the common consumption area;
  - (6) A site plan detailing the proposed common consumption area including, without limitation, the following information: boundaries of the area, location and description of physical barriers, location of all entrances and exits, location of all attached licensed premises and location of signs to be posted notifying customers of the hours of operation and restrictions associated with the common consumption area;
  - (7) A security plan detailing security arrangements for the common consumption area including but not limited to the following information: evidence of completed liquor training of all serving personnel approved by the Town Clerk and number and location of security personnel during the days and hours of operation of the common consumption area;
  - (8) Signed statement that the common consumption area and all licensed establishments therein can be operated in compliance with this Article, all applicable provisions of this Code and the Colorado Liquor Code;
  - (9) Lease, license or other right evidencing legal authorization for use of the common consumption area; and
  - (10) Proof of insurance of general liability and liquor liability naming the Town of Crested Butte, its elected, officers, employees, agents, attorneys and insurers as additional insureds in a minimum amount of one million dollars (\$1,000,000.00).
- (c) An application for establishment of a common consumption area shall be considered at a duly noticed public hearing of the Liquor Licensing Authority based on the following criteria of approval:
- (1) There must be at least two (2) licensed establishments attached to a common consumption area;
  - (2) Use of the common consumption area is compatible with the reasonable requirements of the neighborhood or the desires of the adult inhabitants; and
  - (3) Evidence that the common consumption area is clearly delineated maintained using physical barriers to prohibit motor vehicle traffic (except emergency vehicles) and to limit pedestrian access.
- (d) A tavern, hotel and restaurant, brew pub, retail gaming tavern or vintner's restaurant licensee may request attachment to the licensed common consumption area by submitting an application to the Local Licensing Authority with the following information:
- (1) Written request and approval from the promotional association to allow the licensee to be attached to a common consumption area.
  - (2) Confirmation that the licensee's licensed premises is located within or on the perimeter of the Entertainment District and attached to a common consumption area.



- (e) The Local Licensing Authority may reject a licensee's attachment to a common consumption area if the licensed premises is not within or on the perimeter common consumption area and if the licensee:
- (1) Fails to obtain consent from the promotional association to be attached to a common consumption area;
  - (2) Fails to establish that the licensed premises and common consumption area can be operated without violating this Article or the Common Consumption [Area] Law;
  - (3) Creates a public safety risk to the neighborhood in terms of law enforcement call-outs, breaches in securing the perimeter of the common consumption area, unauthorized liquor consumption outside of the common consumption area, noise or nuisance complaints generated from activities within the common consumption area, or similar, documented public safety risks; or
  - (4) Violates Section 12-47-909 of the Colorado Liquor Code.
- (f) All renewal applications for common consumption areas shall be submitted to the City Clerk no later than forty-five (45) days prior to the date on which the license expires. If there is evidence that the license should not be renewed, the Town Clerk shall set the application for hearing with the Local Licensing Authority.

( Ord. No. 10, § 1, 2014 )

Sec. 6-7-40. - Promotional associations.

- (a) For certification and re-certification as a promotional association, the following information is required to be submitted to the Town Clerk in conjunction with or prior to application for establishment of a common consumption area:
- (1) Application fee;
  - (2) Copy of articles of incorporation and bylaws;
  - (3) List of names of all directors and officers of the promotional association;
  - (4) List of licensed establishments attached to a common consumption area; and
  - (5) Certificates of general liability and liquor liability insurance are provided in the amounts required under this Article.
- (b) The Local Licensing Authority may certify a promotional association if the following criteria of approval are met:
- (1) The annual reporting requirements have been or will be met;
  - (2) Evidence establishes that the common consumption area can be and is operated without violating the Colorado Liquor Code, this Article or other applicable provision of this Code;
  - (3) There are at least two (2) licensed premises attached to a common consumption area; and
  - (4) The required insurance as set forth in this Article is provided and will be continuously maintained.
- (c) A promotional association shall apply for annual recertification by March 1 of each year on forms prepared and approved by the Town Clerk.
- (d) The Local Licensing Authority may decertify a promotional association subject to the process as provided in Section 12-47-601 of the Colorado Liquor

Code.

(e) Operational requirements of promotional associations.

- (1) The size of the licensed common consumption area shall not be modified except with the approval of the Local Licensing Authority.
- (2) The promotional association shall provide adequate security in terms of personnel, physical barriers, training and similar means, to ensure compliance with the Colorado Liquor Code and to prevent a public safety risk to the neighborhood.
- (3) The promotional association shall post signs at the entrances and exits of the common consumption [area] notifying customers of the hours of operation and restrictions associated with the common consumption area.
- (4) No one shall leave the common consumption area with an unconsumed alcohol beverage.
- (5) All serving personnel must complete a liquor training program approved by the Town Clerk prior to staffing the common consumption area.

( Ord. No. 10, § 1, 2014 )

**Editor's note**— Ord. No. 10, § 1, adopted Aug. 8, 2014, supplied provisions to be added to this Code as §§ 6-7-30—6-7-50. In order to maintain the numbering style of the Code, at the discretion of the editor, said provisions have been redesignated as §§ 6-7-40—6-7-60.

Sec. 6-7-50. - Violations.

Noncompliance with any provision of this Article or the Common Consumption Law shall be deemed a violation of this Code. Violations of this Article shall be cause for suspension or revocation of the licensed premises, the common consumption area license or decertification of the promotional association, as applicable and may be subject to other enforcement provisions set forth in the Code and the Common Consumption Law.

( Ord. No. 10, § 1, 2014 )

**Editor's note**— See editor's note following § 6-7-40.

Sec. 6-7-60. - Fees.

Application, renewal and licensing fees shall be established and amended by resolutions of the Town Council.

( Ord. No. 10, § 1, 2014 )

**Editor's note**— See editor's note following § 6-7-40.

AGENDA SUMMARY FORM



Special Review – Ruppert/Hunter – Home Occupation Application

Summary:  
 Planning Commission Packet and rough draft minutes included.

Notes:

Possible Motions:

Motion by: \_\_\_\_\_ 2<sup>nd</sup>: \_\_\_\_\_ vote: \_\_\_\_\_

Vote:	Trustee Bachran:	Trustee Bear:	Trustee Bookout:
Trustee Budinger:	Trustee Hart:	Trustee Knutson:	Mayor Stewart:

**Minutes**  
**Planning Commission Regular Meeting**  
**Town of Paonia, Colorado**  
**May 30, 2019**

**RECORD OF PROCEEDINGS**

The Regular Meeting of the Planning Commission held Thursday, May 30, 2019, was called to order at 6:00 PM by Chairperson Barbara Heck, followed by the Pledge of Allegiance.

**Roll Call:**

Commission members present were as follows:

Chairperson Barbara Heck  
Commissioner Lucy Hunter  
Commissioner Monica Foguth  
Mayor Charles Stewart  
Trustee William Bear

Town Staff present were as follows:

Deputy Clerk Amanda Mojarro

Absent Staff members were as follows:

Administrator Ken Knight

A quorum was present, and Chairperson Barb Heck proceeded with the meeting.

**Approval of Agenda**

Motion made by Trustee Bear, Supported by Commissioner Hunter to approve the agenda.  
Motion carried unanimously

**Unfinished Business**

**Minutes – April 10, 2019**

Motion made by Mayor Stewart, Seconded by Commissioner Hunter to approve minutes. Motion carried unanimously.

**Public Hearing: 337 Main Ave - Home Occupancy**

Chairperson Barbara Heck opened the meeting to discuss, Mr. Jeff Ruppert and Ms. Lucy Hunter's home occupation permit for their business Odisea, LLC.

Commissioner Hunter recused herself from the hearing by reason of personal conflict of interest.

Mayor Stewart recused himself from the hearing by reason of conflict of interest.

Mr. Ruppert stated they work from a building located in there back yard. Ms. Hunter stated that they have (1) one employee and will have client meetings (2) twice a month.

Discussion ensued by Trustee Bear about changes to the building. Ms. Hunter communicated that there will be no changes to the building.

Discussion points:

- Parking issues
- Additional off-street parking
- Instructing to park behind Town Hall's public parking area.
- Traffic flow

**Public Comment:**

Richard Schmidt owner of 3 properties on Main Ave, moved his fence line over (4) four feet is concerned with cars being parked on his side of the street onto his property. Chairperson Heck suggested to put signs up signifying that it is private property.

Motion by Trustee Bear Supported by Commissioner Foguth to recommend to the Board of Trustees approval of Mr. Ruppert and Ms. Hunter's special use permit with a caveat of no additional traffic being generated other than the normal, with permission to have offsite parking. Motion carried unanimously.

**Adjournment**

Motion by Chairperson Heck supported by Trustee Bear to adjourn the meeting. Motion carried unanimously.

The meeting was adjourned by Ms. Heck at 6:13 pm

\_\_\_\_\_  
Amanda Mojarro, Deputy Clerk

\_\_\_\_\_  
Barbara Heck, Chairperson



**TOWN OF PAONIA**  
**THURSDAY, MAY 30, 2019**  
**PLANNING COMMISSION MEETING AGENDA**  
**6:00 PM**

**Call to Order**

**Roll Call**

1. Roll Call

**Approval of Agenda**

2. Approval of Agenda

**Unfinished Business**

3. Minutes -April 10, 2019


**New Business**

4. 337 Main Avenue – Home Occupation Permit


**Adjournment**

5. Adjournment

AGENDA SUMMARY FORM

<p>Agenda Item</p> 	<p>Roll Call</p>		
<p>Summary: Meeting opening -</p>			
Empty space for meeting summary			
<p>Vote:</p>	<p>Barb Heck:</p>	<p>Bill Bear:</p>	<p>Monica Foguth:</p>
<p>Lucy Hunter:</p>	<p>Charles Stewart:</p>		
Empty space for additional notes			

AGENDA SUMMARY FORM

<p>Agenda Item</p> 	<p>Approval of Agenda</p>		
<p>Summary:</p>			
Vote:	Barb Heck:	Bill Bear:	Monica Foguth:
Lucy Hunter:	Charles Stewart:		



AGENDA SUMMARY FORM

Agenda Item # CALL

Minutes -April 10, 2019



Summary:

Summary content area (empty)

Vote:	Barb Heck:	Bill Bear:	Monica Foguth:
Lucy Hunter:	Charles Stewart:		

Final summary line (empty)

**Minutes**  
**Planning Commission Regular Meeting**  
**Town of Paonia, Colorado**  
**April 10, 2019**

**RECORD OF PROCEEDINGS**

The Regular Meeting of the Planning Commission held Wednesday, April 10, 2019, was called to order at 5:58 PM by Chairperson Barbara Heck, followed by the Pledge of Allegiance.

**Roll Call:**

Commission members present were as follows:

Chair Barbara Heck  
Commissioner Lucy Hunter  
Commissioner Monica Foguth  
Mayor Charles Stewart  
Trustee William Bear

Town Staff present were as follows:

Administrator Ken Knight  
Deputy Clerk Amanda Mojarro

A quorum was present, and Chairperson Barb Heck proceeded with the meeting.

**Approval of Agenda**

Motion made by Mayor Stewart, Supported by Commissioner Hunter to approve the agenda.

**Unfinished Business**

**Minutes – March 06, 2019**

Motion made by Mayor Stewart, Seconded by Trustee Bear to approve minutes with corrections.  
Motion carried unanimously.

**Public Hearing: 120 North Fork Avenue – Non-Conforming Lot**

Chairperson Barbara Heck opened the meeting to discuss, Mr. Mike Gruenefeldt's variance of a non-conforming lot.

Administrator Knight read off the staff notes. Mr. Gruenefeldt did not meet the (12) twelve-month time frame to replace the mobilome he removed.

Mr. Gruenefeldt stated the he bought the lot with a 1982 (14) fourteen feet wide and (70) seventy feet long mobile home in June of 2015.

Administrator Knight read municipal code sec 16-13-10 objectives of non-conforming lot to the planning committee.

Points Informed to Committee:

- Lot is too small to build.
- 12 Month time frame to replace mobile home was not met.

Discussion ensued that the new build would be on the envelope of the old building.

Mr. Gruenefeldt communicated the new build he is considering building at 120 North Fork Ave would be (1) one story with a loft structure that would be (650) six hundred fifty square feet.

Discussion ensued regarding the Union Pacific Railroad right away. Mr. Gruenefeldt communicated that (50) fifty feet from the center of the railroad tracks is considered railroad right-of-away.

Discussion ensued on plan B be used only if plan A didn't get approved by the planning board.

Mr. Gruenefeldt communicated that plan B would be to merge both of his lots 116 North Fork Ave and 120 North Fork Ave.

Discussion points regarding combining both parcels:

- Requires a variance to merge lots
- Requires to Re – Zone to R-3

Motion by Mr. Stewart supported by Ms. Hunter to recommend to the Board of Trustees approval of Mr. Gruenefeldt's variance application. Motion carried unanimously

### **Public Hearing: 332 Onarga Avenue – Non-Conforming Fence**

Administrator Knight read staff notes regarding Jeff Skeels non-conforming (8) eight-foot fence along with municipal code sec 18-19-20 Swimming pools, hot tubs and Jacuzzis.

Discussion ensued about the definition of the art wall as a fence inside of the perimeter, adjacent to the fence.

Discussion point:

- Art wall is in line with the house, has ability to have a taller structure
- Code is conflicting with the height of the art wall
- Moving art wall back, is it legal and appropriate with the code

Motion by Ms. Hunter supported by Mr. Stewart to recommend to the Board of Trustees approval of Mr. Skeels variance application. Motion carried unanimously

### **Public Hearing: 511 Box Elder Avenue – Home Occupancy**

Administrator Knight read staff notes, with no issues to report.

Concerns regarding traffic and signage, Ms. Bachran communicated only the normal traffic flow and no signage will be placed out side of residence.

Motion by Mr. Bear supported by Mr. Stewart to recommend to the Board of Trustees approval of Ms. Bachrans special use permit application. Motion carried unanimously

### **Adjournment**

Motion by Mr. Stewart supported by Mr. Bear to adjourn the meeting. Motion carried unanimously.

The meeting was adjourned by Ms. Heck at 6:55 pm


---

Amanda Mojarro, Deputy Clerk

---

Barbara Heck, Chairperson

AGENDA SUMMARY FORM

Agenda Item # CALL 	337 Main Avenue – Home Occupation Permit
---	--

Summary:  
 Mr. Jeff Ruppert and Ms. Lucy Hunter request a Home Occupation permit be granted at 337 Main Avenue for the business known as Odisea, LLC.

Documents included in packet. All publication deadlines have been met. Final invoice for certified mailing generated and out for remittance.

Vote:	Barb Heck:	Bill Bear:	Monica Foguth:
Lucy Hunter:	Charles Stewart:		

# NOTICE OF PUBLIC HEARING

**In compliance with the Municipal Code of the Town of Paonia, Colorado, the Planning Commission will hold a public meeting on Thursday May 30, 2019 at or after 6:00PM at Paonia Town Hall Community Center Room, 214 Grand Avenue, Paonia, Colorado to consider a request for:**

**Home Occupation Application for Jeff Ruppert & Lucy  
Hunter: dba Odisea, LLC  
337 Main Avenue, Paonia CO 81428**

**In compliance with the Municipal Code of the Town of Paonia, Colorado, the Board of Trustees will hold a public meeting on Tuesday, June 11, 2019 at or after 6:30PM at Paonia Town Hall Community Center Room, 214 Grand Avenue, Paonia, Colorado to consider the Planning Commission recommendation for the above requests.**

If you are unable to attend but wish to comment, submit written comment to Paonia Town Hall: 214 Grand Avenue, PO Box 460, Paonia, CO 81428, or [paonia@townofpaonia.com](mailto:paonia@townofpaonia.com) until May 22, 2019.

DELTA COUNTY  
**INDEPENDENT**

P.O. Box 809  
401 Meeker St.  
Delta, CO 81416  
(970) 874-4421

**INVOICE**

Paonia, Town of  
PO Box 460  
Paonia, CO 81428

**AD CAPTION: Planning Commission Ruppert & Hunter**

<b>DATE</b>	<b>LINES</b>	<b>RATE</b>	<b>COST</b>
May 15, 2019			
May 22, 2019	32	.608	19.46

This amount will appear on your next monthly statement.

Thank you!



**COLORADO**  
**PRESS**  
ASSOCIATION

**Affidavit is enclosed.**

DELTA COUNTY  
**INDEPENDENT**

401 Meeker St.  
P.O. Box 809  
Delta, CO 81416

**AFFIDAVIT OF PUBLICATION**

STATE OF COLORADO }  
COUNTY OF DELTA } ss.

I, Roxanne McCormick, do solemnly swear that I am advertising director of the *Delta County Independent*; that the same is a weekly newspaper printed, in whole or in part, and published in the County of Delta, State of Colorado, continuously and uninterruptedly in said County of Delta for a period of more than fifty-two consecutive weeks prior to the first publication of the annexed legal notice or advertisement; that said newspaper has been admitted to the United States mails as second-class matter under the provisions of the Act of March 3, 1879, and all amendments thereof, and that said newspaper is a weekly newspaper duly qualified for publishing legal notices and advertisements within the meaning of the laws of the State of Colorado; that the annexed legal notice or advertisement was published in the regular and entire issue two consecutive insertions; that the first publication of said notice was in the issue of said newspaper dated May 15th, A.D., 2019, and that the last publication of said notice was in the issue of said newspaper dated May 22nd, A.D., 2019.

In witness whereof I have hereunto set my hand this 22nd day of May, A.D., 2019.

*Roxanne McCormick*

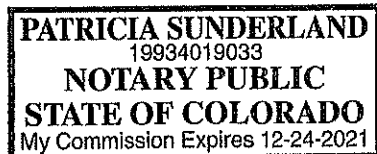
Advertising director of said *Delta County Independent*

Subscribed and sworn before me, a Notary Public in and for the County of Delta, State of Colorado, this 22nd day of May, A.D., 2019.

*Patricia Sunderland*

Notary Public

My commission expires 12/24/2021  
900 Cypress Wood Lane  
Delta, CO 81416



**NOTICE OF PUBLIC HEARING**  
In compliance with the Municipal Code of the Town of Paonia, Colorado, the Planning Commission will hold a public meeting on Thursday May 30, 2019 at or after 6:00PM at Paonia Town Hall Community Center Room, 214 Grand Avenue, Paonia, Colorado to consider a request for: **Home Occupation Application for Jeff Ruppert & Lucy Hunter: dba Odisea, LLC**  
337 Main Avenue, Paonia CO 81428  
In compliance with the Municipal Code of the Town of Paonia, Colorado, the Board of Trustees will hold a public meeting on Tuesday, June 11, 2019 at or after 6:30PM at Paonia Town Hall Community Center Room, 214 Grand Avenue, Paonia, Colorado to consider the Planning Commission recommendation for the above requests.  
If you are unable to attend but wish to comment, submit written comment to Paonia Town Hall: 214 Grand Avenue, PO Box 480, Paonia, CO 81428, or paonia@townofpaonia.com until May 22, 2019.  
Published in the Delta County Independent May 15 and 22, 2019.

TOWN OF PAONIA, COLORADO  
**Home Occupation Permit Application**

Date: 4/11/19 Name: JEFF RUPPERT & Lucy Hunter  
dba Odisea, LLC  
Physical Address: 337 MAIN AVE Email: jeff@odiseanet.com  
Telephone: [REDACTED] Email: Lucy@odiseanet.com  
Type of Business/Home Occupation Requested:  
ENGINEERING / CONSULTING

A home occupation shall be permitted as an accessory use provided a Home Occupation Permit is granted by the Town and the criteria for home occupations are met at all times the accessory use continues.

Home Occupation Permits are issued to the individual for a specific property and use. Permits are not transferable should the property be sold or rented to other persons.

**Please review carefully before submitting this application the attached "Criteria for Home Occupations".**

Applications for a Home Occupation Permit shall be filed no less than thirty (30) days in advance of the meeting at which they are to be considered by the Town of Paonia Planning Commission.

The permit application must be completed and accompanied by a check for the required fee of \$150.00 when applying for a Home Occupation Permit from the Town of Paonia. The \$150.00 fee is non-refundable as it covers the expenses for correspondence and publication (related to the required public hearing) that will be incurred by the Town of Paonia.

All property owners within 200 feet of the applicant's property being considered for the Home Occupation Permit will be notified by certified mail of a public hearing whereby the Town of Paonia Planning Commission will consider this permit application.

**Project Summary:**

Please provide a brief summary statement of your requested Home Occupation:  
Office & client meetings

What is the property's current zoning? R-2

If signage is requested, size of sign cannot exceed two (2) square feet. Is this acceptable? YES

What additions or changes to existing buildings or structures will be made? NONE

What new buildings or structures will be constructed? NONE

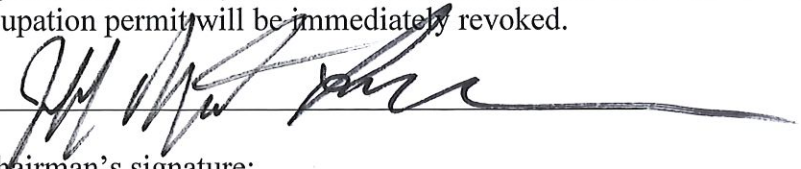
What additions or changes in utilities will be necessary? NONE

160 is the anticipated increased traffic volume due to this use? NO / INCREASE  
currently 1 additional car / day  
+2 max for meetings once/month at most



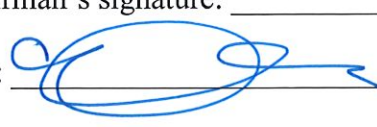
**Please read the attached criteria.** If your Home Occupation does not meet any of these criteria please attach an explanation to this application. If at any time the criteria not addressed through this process cannot be met, I understand the home occupation permit will be immediately revoked.

Applicant's signature: \_\_\_\_\_



Planning Commission Chairman's signature: \_\_\_\_\_

Town <sup>clerk</sup> Manager's signature: \_\_\_\_\_



**CRITERIA FOR HOME OCCUPATIONS — a home occupation shall be allowed as a permitted accessory use provided the following conditions are met:**

1. The use must be conducted entirely within a dwelling or accessory structure and carried on by the occupants of the dwelling and no more than one non-occupant employee.
2. The use must be clearly incidental and secondary to the use of the dwelling for dwelling purposes and must not change the residential character thereof
3. The total area used for such purposes may not exceed 25% of the first floor area of the user's dwelling unit.
4. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation, including advertising signs or displays, or advertising that solicits or directs persons to the address. A wall-mounted identification sign of not more than two square feet shall be permitted.
5. There shall not be conducted on the premises the business of selling stocks, supplies or products, provided that incidental retail sales may be made in connection with other permitted home occupations.
6. There must be no exterior storage on the premises of material or equipment used as a part of the home occupation.
7. No equipment or process shall be used in such home occupation which creates any glare, fumes, odors, or other objectionable condition detectable to the normal senses off the lot, if the occupation is conducted in a single-family dwelling, or outside the dwelling unit if conducted in other than a single-family dwelling.
8. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of the home occupation shall be met with additional off-street parking spaces that are not located in a required yard adjacent to a street.
9. Under no circumstances shall any of the following be considered a home occupation: antique shop; barber shop; beauty parlor (with more than one chair); clinic; mortuary; nursing home; restaurant; veterinary clinic; or dance studio.



# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)  
4/10/2019

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

**IMPORTANT:** If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

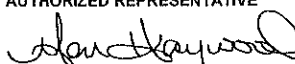
<b>PRODUCER</b> Neil-Garing Insurance an affiliate of Mountain West Insurance & Financial Services, LLC PO Box 1576 Glenwood Springs, CO 81602	<b>CONTACT NAME:</b> PHONE (A/C, No, Ext): (970) 945-9111	FAX (A/C, No): (970) 945-2350	
	<b>E-MAIL ADDRESS:</b>		
<b>INSURED</b>  Odisea, LLC PO Box 1809 Paonia, CO 81428	<b>INSURER(S) AFFORDING COVERAGE</b>		<b>NAIC #</b>
	<b>INSURER A:</b> Travelers Property Casualty Company of America		25674
	<b>INSURER B:</b> Pinnacol Assurance		41190
	<b>INSURER C:</b> Continental Casualty Company		20443
	<b>INSURER D:</b>		
	<b>INSURER E:</b>		
<b>INSURER F:</b>			

**COVERAGES**                      **CERTIFICATE NUMBER: 1**                      **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR  GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input checked="" type="checkbox"/> PRO-JECT <input checked="" type="checkbox"/> LOC OTHER:	X		6800J45012419	4/15/2019	4/15/2020	EACH OCCURRENCE	\$ 2,000,000
							DAMAGE TO RENTED PREMISES (Ea occurrence)	\$ 300,000
							MED EXP (Any one person)	\$ 5,000
	AUTOMOBILE LIABILITY  <input type="checkbox"/> ANY AUTO OWNED AUTOS ONLY <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> NON-OWNED AUTOS ONLY						COMBINED SINGLE LIMIT (Ea accident)	\$
							BODILY INJURY (Per person)	\$
							BODILY INJURY (Per accident)	\$
							PROPERTY DAMAGE (Per accident)	\$
								\$
	UMBRELLA LIAB <input type="checkbox"/> OCCUR EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE  DED <input type="checkbox"/> RETENTION \$						EACH OCCURRENCE	\$
							AGGREGATE	\$
								\$
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY  <input type="checkbox"/> ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N Y	N/A	4191855	4/1/2019	4/1/2020	<input checked="" type="checkbox"/> PER STATUTE <input checked="" type="checkbox"/> OTH-ER	
							E.L. EACH ACCIDENT	\$ 500,000
							E.L. DISEASE - EA EMPLOYEE	\$ 500,000
							E.L. DISEASE - POLICY LIMIT	\$ 500,000
C	Professional Liab			SFH591857294	4/15/2019	4/15/2020	Aggregate	1,000,000
C	Professional Liab			SFH591857294	4/15/2019	4/15/2020	Claim	1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)  
Holder is included as Additional Insured under General Liability only and only in respect to Ongoing Operations. 30 Day Notice of Cancellation for other than Non-Payment of Premium applies to General Liability and Workers Compensation only.

<b>CERTIFICATE HOLDER</b>  Town of Paonia ISAOA/ATIMA 214 Grand Ave Paonia, CO 81428	<b>CANCELLATION</b>  SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.  AUTHORIZED REPRESENTATIVE 
--	--

162

13

# NOTICE OF PUBLIC HEARING

In compliance with the Municipal Code of the Town of Paonia, Colorado, the Planning Commission will hold a public meeting on Thursday May 30, 2019 at or after 6:00PM at Paonia Town Hall Community Center Room, 214 Grand Avenue, Paonia, Colorado to consider a request for:

Home Occupation Application for Jeff Ruppert & Lucy  
Hunter: dba Odisea, LLC  
337 Main Avenue, Paonia CO 81428

In compliance with the Municipal Code of the Town of Paonia, Colorado, the Board of Trustees will hold a public meeting on Tuesday, June 11, 2019 at or after 6:30PM at Paonia Town Hall Community Center Room, 214 Grand Avenue, Paonia, Colorado to consider the Planning Commission recommendation for the above requests.

If you are unable to attend but wish to comment, submit written comment to Paonia Town Hall: 214 Grand Avenue, PO Box 460, Paonia, CO 81428, or paonia@townofpaonia.com until May 22, 2019.

*Edgar Pierce ok*  
*05/09/2019*

# NOTICE OF PUBLIC HEARING

In compliance with the Municipal Code of the Town of Paonia, Colorado, the Planning Commission will hold a public meeting on Thursday May 30, 2019 at or after 6:00PM at Paonia Town Hall Community Center Room, 214 Grand Avenue, Paonia, Colorado to consider a request for:


Home Occupation Application for Jeff Ruppert & Lucy  
Hunter: dba Odisea, LLC  
337 Main Avenue, Paonia CO 81428

In compliance with the Municipal Code of the Town of Paonia, Colorado, the Board of Trustees will hold a public meeting on Tuesday, June 11, 2019 at or after 6:30PM at Paonia Town Hall Community Center Room, 214 Grand Avenue, Paonia, Colorado to consider the Planning Commission recommendation for the above requests.

If you are unable to attend but wish to comment, submit written comment to Paonia Town Hall: 214 Grand Avenue, PO Box 460, Paonia, CO 81428, or [paonia@townofpaonia.com](mailto:paonia@townofpaonia.com) until May 22, 2019.

*Jim okay with it*

AGENDA SUMMARY FORM

Agenda Item # CALL 	Adjournment		
Summary:			
Vote:	Barb Heck:	Bill Bear:	Monica Foguth:
Lucy Hunter:	Charles Stewart:		

AGENDA SUMMARY FORM



Green Belt Addition - Acceptance of Annexation Petition

Summary:

Board acceptance of the petition annexation provided by Charris and Dulcie Ford for the Green Belt Addition.

Notes:

Possible Motions:

Motion by: \_\_\_\_\_ 2<sup>nd</sup>: \_\_\_\_\_ vote: \_\_\_\_\_

Vote:	Trustee Bachran:	Trustee Bear:	Trustee Bookout:
Trustee Budinger:	Trustee Hart:	Trustee Knutson:	Mayor Stewart:

**PETITION FOR ANNEXATION**

**TOWN OF PAONIA, COLORADO**

**TO: BOARD OF TRUSTEES, TOWN OF PAONIA, COLORADO**

The undersigned, in compliance with the "Municipal Annexation Act" as set forth in Article 12, Chapter 31, of the Colorado Revised Statutes, hereby petition the Board of Trustees of the Town of Paonia, Colorado, for annexation to the Town of Paonia, Colorado, the following described unincorporated territory located in the County of Delta, State of Colorado, to wit:

AS PER EXHIBIT "A" ATTACHED

1. It is desirable and necessary that the above-described territory be annexed to the Town of Paonia, Colorado;
2. Not less than one-sixth (1/6) of the perimeter of the area proposed to be annexed is contiguous with the Town of Paonia, Colorado;
3. A community of interest exists between the territory proposed to be annexed and the Town of Paonia, Colorado;
4. The territory proposed to be annexed is urban or will be urbanized in the near future;
5. The territory proposed to be annexed is integrated or is capable of being integrated with the Town of Paonia, Colorado;
6. The undersigned are the owners of 100 (%) percent of the real property included in the territory to be annexed, exclusive of streets and alleys; and hereby consent to the establishment of the boundaries of this territory as shown on the annexation plat herewith;
7. The territory proposed for annexation is not presently a part of any incorporated city, city and county, or town, nor have annexation proceedings been commenced for the annexation of part or all of such territory to another municipality;
8. Annexation of the above-described territory will not result in the detachment of territory from any school district.

Petition for  
Annexation

**WHEREFORE**, the undersigned request the Town of Paonia, Colorado, approve the annexation of the territory proposed to be annexed.

Signed this 29 day of May, 2019.

Dulcie Ford  
Charri's Ford

Dulcie Ford  
CHARRIS FORD

STATE OF COLORADO )  
  ) §  
County of ~~Delta~~ )  
                                  San Miguel

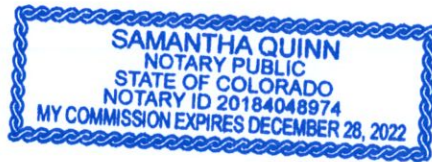
The foregoing Petition for Annexation was subscribed and sworn to before me this 29 day of May, 2019, by Dulcie, Charris Ford.

Witness my hand and official seal.

My Commission Expires: 12/28/22.

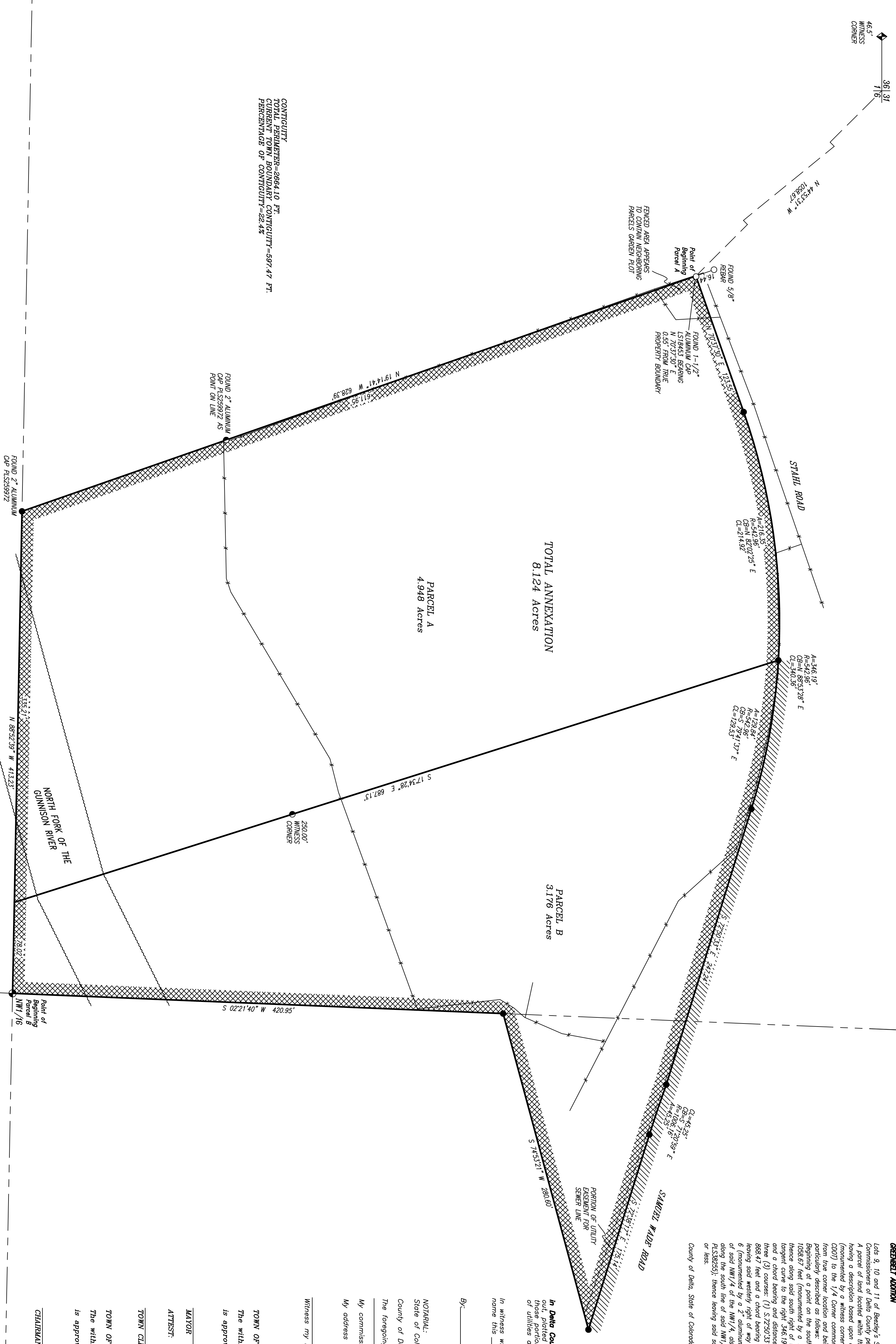
Notary Public: Samantha Quinn

Address: Alpine Bank  
120 S. Pine  
Telluride, CO 81435

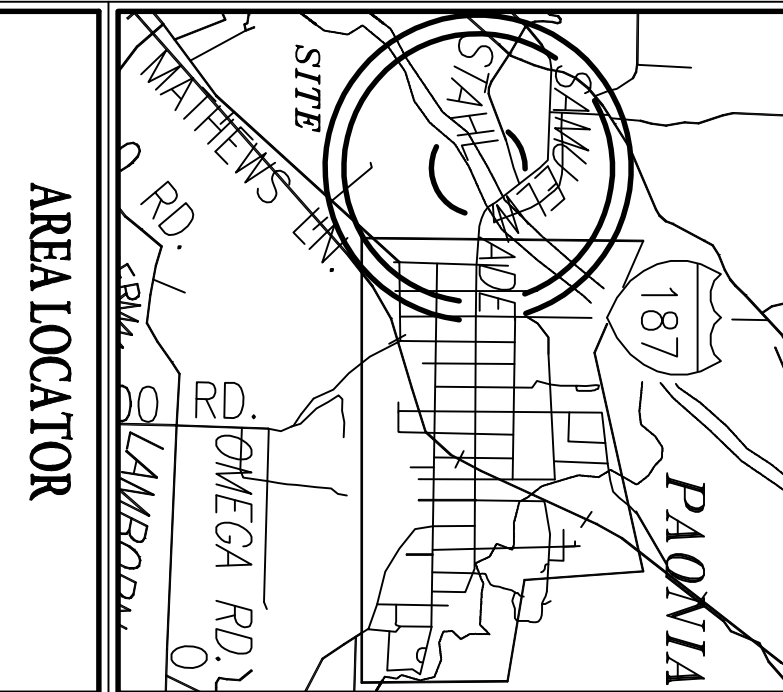
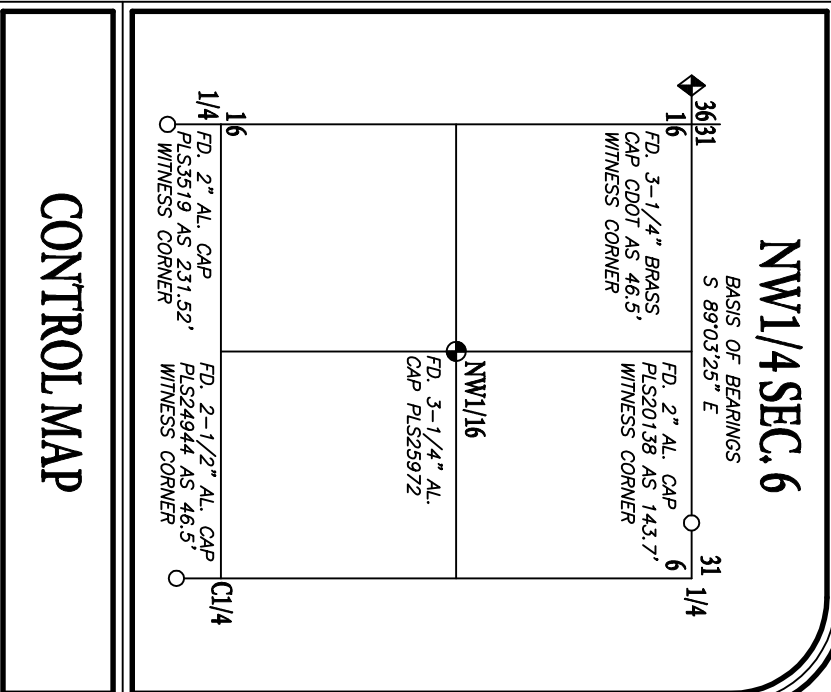




**MAP OF THE  
GREENBELT ADDITION TO THE TOWN OF PAONIA  
WITHIN THE N/2 NW/1/4 OF SEC. 6, T.14S, R.91W, 6TH P.M.  
DELTA COUNTY, COLORADO**



CONTINGUITY  
TOTAL PERIMETER-8684.10 FT.  
TOTAL AREA-8124 ACRES  
PERCENTAGE OF CONTINGUITY-28.4%



**TYPICAL LEGEND**

- Set Nail in Asphalt
- Found 5/8" rebar 30" long with 2" aluminum cap PLS38255 or as noted
- Found 5/8" rebar with 2" aluminum cap as witness corner or linepin PLS38255 or as noted
- Found 3/4" rebar 30" long with 3-1/4" aluminum cap PLS25972
- Found 5/8" rebar with 1 1/2" aluminum cap PLS 15453 or as noted
- CDOT Right of Way monument

**AREALOCATOR**

**CONTROL MAP**

**AREA LOCATOR**

**TYPICAL LEGEND**

- Fencelines
- Electric (overhead)
- UE— Electric (underground)
- W— Water line
- Easement
- ..... Previous Parcel Boundary
- ▨ Town of Paonia Limits
- ▨ Limits of Charris Ford Addition

**BASIS OF BEARINGS:**  
S 89°03'25" E FROM THE SEC. COR. COMMON TO SEC. 31, 36, 1 & 6 TO THE 1/4 COR. COMMON TO SEC. 31 & 6 COORDINATE SYSTEM

**SCALE 1"=50 U.S. SURVEY FEET**

**SURVEYOR'S CERTIFICATION**  
I, Kris Crawford do hereby certify that the above described parcel has been surveyed by me and under my direct supervision and that such survey is accurately represented hereon, and is based upon my knowledge, information and belief, and is in accordance with applicable standards of practice and is not a guaranty or warranty, either expressed or implied.

Date: \_\_\_\_\_ Signed: \_\_\_\_\_  
COLORADO PROFESSIONAL LAND SURVEYOR #39235

**GREENBELT ADDITION**  
Lots 9, 10 and 11 of Beatty's Subdivision, EXCEPTING therefrom that parcel of land conveyed to the Board of County Commissioners of Delta County, per Book 506 of Page 653, recorded August 24, 1964, being further described as follows: "A certain lot or parcel of land situated in the NW 1/4 of Section 31, T.14S, R.91W, 6TH P.M., Delta County, Colorado, having a description based upon a bearing of S 89°03'25" E, 46.5 feet from the section corner common to Sections 31, 36, 1 and 6 (monumented by a witness corner bearing N 89°03'25" W, 46.5 feet from the corner position and being a 3-1/4" brass cap, CDO1) to the 1/4 Corner common to Sections 31 and 6 (monumented by a witness corner bearing N 89°03'25" W, 143.7 feet from the corner position and being a 2" aluminum cap (SS0108)), with all other bearings, relative thereto and being more fully described as follows: Beginning at a point on the south right of way line of Stahl Road from witness said Section Corner bears N 44°53'17" W, 1038.67 feet (monumented by a 1-1/2" aluminum cap PLS18453 bearing N 70°37'30" E, 0.55 feet from true corner position); thence along said south right of way line the following two (2) courses: (1) N 07°32'02" E, 123.58 feet; (2) thence along a curved bearing and distance of N 88°53'28" E, 40.35 feet; thence along said south right of way line the following three (3) courses: (1) S 72°50'33" E, 247.24 feet; (2) thence along a tangent curve to the right 45.25 feet, with a radius of 888.47 feet and a chord bearing and distance of S 71°20'39" E, 42.25 feet; (3) thence S 72°58'17" E, 178.14 feet; thence along the north right of way line the following two (2) courses: (1) S 72°50'33" E, 202.80 feet to the steel cap SS07314W, 420.55 feet from the corner position and being a 2" aluminum cap (SS0108)); (2) S 88°23'29" W, 413.21 feet to the steel cap PLS25972; thence along the south line of said NW 1/4 of the NW 1/4 N 88°23'29" W, 413.21 feet (monumented by a 2" aluminum cap PLS38255); thence bearing and south line N 19°14'41" W, 611.25 feet to the Point of Beginning, containing 8.124 acres, more or less.

County of Delta, State of Colorado

In Delta County, Colorado, under the name of the GREENBELT ADDITION, have this day, \_\_\_\_\_, 2019, subscribed their names the following persons as witnesses to the foregoing instrument and as easements for the installation and maintenance of utilities as shown hereon.

In witness whereof Charris Ford & Dulcie Ford have subscribed their names this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 2019.

By: \_\_\_\_\_ Charris Ford By: \_\_\_\_\_ Dulcie Ford

NOTARIAL:  
State of Colorado )  
County of Delta ) ss.  
The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 2019, by Charris Ford & Dulcie Ford  
My commission expires: \_\_\_\_\_  
My address is: \_\_\_\_\_  
Witness my hand and official seal.

**TOWN OF PAONIA, COLORADO APPROVAL:**  
The within plat for the Annexation of the Greenbelt Addition is approved this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

**MAYOR** \_\_\_\_\_  
**ATTORNEY** \_\_\_\_\_  
**TOWN CLERK** \_\_\_\_\_ (Seal)  
**CHAIRMAN** \_\_\_\_\_

**TOWN OF PAONIA PLANNING COMMISSION APPROVAL:**  
The within plat for the Annexation of the Greenbelt Addition is approved this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

**WILMORE & COMPANY**  
PROFESSIONAL LAND SURVEYING, INC.  
408 Grand Avenue  
P.O. Box 1692  
Paonia, Colorado 81428  
www.wilmorelandsurveying.com  
EMAIL: wilmorelandcompany@dsnet

**FIELD CREW**  
KC  
DRAFTER  
KC  
CHECKED BY:  
RAW

**GREENBELT ADDITION TO THE TOWN OF PAONIA  
WITHIN THE N/2 NW/1/4 OF SEC. 6, T.14S, R.91W, 6TH P.M.,  
DELTA COUNTY, COLORADO**

J19125 5 JUNE 2019

NOTE: According to Colorado law, legal actions based upon a defect in this plat, whether or not the same is caused by the negligence of the surveyor, shall be commenced within two years from the date shown on the certification hereon.

AGENDA SUMMARY FORM



Resolution 2019-10 Initiating Annexation Proceedings

Summary:

Colorado Revised Statutes and Paonia Municipal Code require the Board of Trustees to adopt a resolution to initiate the annexation proceedings and set the special review hearing.

Notes:

Possible Motions:

Motion by: \_\_\_\_\_ 2<sup>nd</sup>: \_\_\_\_\_ vote: \_\_\_\_\_

Vote:	Trustee Bachran:	Trustee Bear:	Trustee Bookout:
Trustee Budinger:	Trustee Hart:	Trustee Knutson:	Mayor Stewart:

**TOWN OF PAONIA, COLORADO**

**RESOLUTION NO. 2019-10**

**A RESOLUTION OF THE TOWN OF PAONIA, COLORADO, PURSUANT TO C.R.S. 31-12-108, FINDING THE PETITION FOR ANNEXATION OF THE GREEN BELT ADDITION SUBSTANTIALLY COMPLIES WITH STATUTORY REQUIREMENTS AND SETTING THE PETITION FOR PUBLIC HEARING**

**WHEREAS**, a Petition for Annexation was filed the 22<sup>nd</sup> of May 2019 with the Town of Paonia, Colorado, by the property owners, Charris and Dulcie Ford; and

**WHEREAS**, the Town Administrator and Town Clerk reviewed the documentation with the Owners; and

**WHEREAS**, C.R.S. 31-12-108, as amended, requires a public hearing and notice thereof.

**NOW, THEREFORE**, be it resolved by the Board of Trustees for the Town of Paonia, Colorado, as follows:

1. The Annexation Petition filed herein substantially complies with the requirements of C.R.S. 31-12-107 and 31-12-108.
2. The Petition is scheduled for a public hearing on the 23<sup>rd</sup> of July 2019 at 6:30 PM.
3. Notice of the public hearing shall be published as required by C.R.S. 31-12-108, with necessary documents to be sent to the Delta County Board of Commissioners, Delta County Attorney, any special district and school district having territory within the area proposed to be annexed, pursuant to C.R.S. 31-12-108(2).

**Adopted** by the members of the Town Board of Trustees of the Town of Paonia, Colorado this 11<sup>th</sup> day of June 2019.

**TOWN OF PAONIA, COLORADO**

\_\_\_\_\_  
Charles Stewart, Mayor

**ATTEST:**

\_\_\_\_\_  
J. Corinne Ferguson Town Clerk



Home Occupation Application Process - Discussion

Summary:

Requested discussion from Mayor Stewart. Included is Paonia Municipal Code section 16-11-20. – Home Occupations

Notes:

Possible Motions:

Motion by: \_\_\_\_\_ 2<sup>nd</sup>: \_\_\_\_\_ vote: \_\_\_\_\_

Vote:	Trustee Bachran:	Trustee Bear:	Trustee Bookout:
Trustee Budinger:	Trustee Hart:	Trustee Knutson:	Mayor Stewart:

Sec. 16-11-20. - Home occupations.

A home occupation shall be permitted as an accessory use, provided that a home occupation permit is granted by the Town and the criteria for home occupations are met.

- (1) *Permit required.* A person desiring to establish a home occupation within the Town shall apply as follows:
  - a. Notify the Town Clerk who shall notify the property owners within two hundred (200) feet of the applicant's property by certified mail at the applicant's expense. The notification will include the nature of the application, a copy of this Article and the time and place of a public hearing.
  - b. A date of public hearing before the Planning Commission will be set that will allow time for publication and notification of adjoining property holders.
- (2) *Revoke the permit.* A home occupation permit may be revoked by the Town Administrator if at any time the home occupation fails to meet the criteria listed below.
- (3) *Nontransferability.* Home occupation permits are issued to an individual for a specific property and use. Permits are not transferable should the property be sold or rented to other persons.
- (4) *Criteria for home occupations.* A home occupation shall be allowed as a permitted accessory use, provided that the following conditions are met:
  - a. The use must be conducted entirely within a dwelling or accessory structure and carried on by the occupants of the dwelling and no more than one (1) non-occupant employee.
  - b. The use must be clearly incidental and secondary to the use of the dwelling for dwelling purposes and must not change the residential character thereof.
  - c. The total area used for such purposes may not exceed twenty-five percent (25%) of the first floor area of the user's dwelling unit.
  - d. There shall be no change in the outside appearance of the building or premises or other visible evidence of the conduct of such home occupation, including advertising signs or displays or advertising that solicits or directs persons to the address. A wall-mounted identification sign of not more than two (2) square feet shall be permitted.
  - e. There shall not be conducted on the premises the business of selling inventory, supplies or products, provided that incidental retail sales may be made in connection with other permitted home occupation.
  - f. There must be no exterior storage on the premises of material or equipment used as a part of the home occupation.
  - g. No equipment or process shall be used in such home occupation, which creates any glare, fumes, odors or other objectionable conditions detectable to the normal senses off the lot if the occupation is conducted in a single-family dwelling or outside the dwelling unit if conducted in other than a single-family dwelling.
  - h. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of the home occupation shall be met with additional off-street parking spaces that are not located in a required yard adjacent to a street.
  - i. Under no circumstances shall any of the following be considered a home occupation: antique shop, barber shop, a beauty parlor (with more than one [1] chair), clinic, mortuary, nursing home, restaurant, veterinarian's clinic or dance studio.

(Ord. No. 83-116, Art. XVIII, 1983; Ord. No. 2000-02, Art. XVIII, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

AGENDA SUMMARY FORM



Finance & Personnel

Summary:

Notes:

Possible Motions:

Motion by: \_\_\_\_\_ 2<sup>nd</sup>: \_\_\_\_\_ vote: \_\_\_\_\_

Vote:	Trustee Bachran:	Trustee Bear:	Trustee Bookout:
Trustee Budinger:	Trustee Hart:	Trustee Knutson:	Mayor Stewart:

AGENDA SUMMARY FORM



Public Works/Utilities/Facilities

Summary:

Notes:

Possible Motions:

Motion by: \_\_\_\_\_ 2<sup>nd</sup>: \_\_\_\_\_ vote: \_\_\_\_\_

Vote:	Trustee Bachran:	Trustee Bear:	Trustee Bookout:
Trustee Budinger:	Trustee Hart:	Trustee Knutson:	Mayor Stewart:

AGENDA SUMMARY FORM



Governmental Affairs/Public Safety

Summary:

Notes:

Possible Motions:

Motion by: \_\_\_\_\_ 2<sup>nd</sup>: \_\_\_\_\_ vote: \_\_\_\_\_

Vote:	Trustee Bachran:	Trustee Bear:	Trustee Bookout:
Trustee Budinger:	Trustee Hart:	Trustee Knutson:	Mayor Stewart:



AGENDA SUMMARY FORM



Space to Create

Summary:

Notes:

Possible Motions:

Motion by: \_\_\_\_\_ 2<sup>nd</sup>: \_\_\_\_\_ vote: \_\_\_\_\_

Vote:	Trustee Bachran:	Trustee Bear:	Trustee Bookout:
Trustee Budinger:	Trustee Hart:	Trustee Knutson:	Mayor Stewart:

AGENDA SUMMARY FORM



Tree Board

Summary:

Notes:

Possible Motions:

Motion by: \_\_\_\_\_ 2<sup>nd</sup>: \_\_\_\_\_ vote: \_\_\_\_\_

Vote:	Trustee Bachran:	Trustee Bear:	Trustee Bookout:
Trustee Budinger:	Trustee Hart:	Trustee Knutson:	Mayor Stewart:

AGENDA SUMMARY FORM



Adjournment

Summary:

Notes:

Possible Motions:

Motion by: \_\_\_\_\_ 2<sup>nd</sup>: \_\_\_\_\_ vote: \_\_\_\_\_

Vote:	Trustee Bachran:	Trustee Bear:	Trustee Bookout:
Trustee Budinger:	Trustee Hart:	Trustee Knutson:	Mayor Stewart: