

Title 5

BUSINESS LICENSES AND REGULATIONS

Chapters:

5.04 Alcoholic Beverages

5.12 Junk Dealers

5.14 Licensing of Businesses

5.40 Prohibition of Operation of Marijuana Cultivation Facilities,
Marijuana Product Manufacturing Facilities, Marijuana Testing Facilities and Retail Marijuana Stores.

Chapter 5.04

ALCOHOLIC BEVERAGES*

Sections:

5.04.010 Definitions.

5.04.020 Consumption of alcoholic beverages or fermented malt beverages in public.

5.04.030 Possession of unsealed or open containers of alcoholic beverages or fermented malt beverages in public.

5.04.040 Entry of persons under the age of twenty-one upon premises where alcoholic beverages or fermented malt beverages are sold.

5.04.050 Consumption of fermented malt beverages and possession of unsealed or open containers of fermented malt beverages on municipal golf course.

5.04.060 Violations--Penalties--Prima facie evidence.

* Prior ordinance history: Ords. 3-1979, 4-1981, 7-1995, 4-1996 and 2002-4.

5.04.010 Definitions.

The following definitions shall apply to the terms of this chapter:

Alcoholic beverages mean malt, vinous or spirituous liquors.

Fermented malt beverage means any beverage obtained by fermentation of any infusion or decoction of barley, malt, hops or any similar product or any combination thereof, in water containing not more than 3.2 percent alcohol by weight or four percent alcohol by volume.

Public place means any place open to the public within the town, including, without limitation, restaurants, retail liquor stores, pool halls, dance halls, business premises, school premises, recreation halls, public buildings and places of public gathering for amusement or entertainment unless rented for a bona fide private function from which members of the general public are excluded, public parks, parking areas surrounding premises of any of said places, and in or upon the public streets, alleys, sidewalks, vacant lots, or publicly owned property within said town, or inside vehicles while upon the public streets, alleys, roads or highways within the town.

(Ord. 2005-5 (part), 2005)

5.04.015 Sales Near Schools

In accordance with Colorado Liquor Code 12-47-313(1)(d)(III), the Town of Cedaredge has set the minimum distance restriction from the Hotel and Restaurant License serving alcoholic beverages to any public or parochial school at sixty (60) ft.

(Ord. 2016-04)

5.04.020 Consumption of alcoholic beverages or fermented malt beverages in public.

It is unlawful for any person to consume any alcoholic beverage in or at any public place within the town provided, however, that this provision shall not apply to such consumption upon any premises licensed for on-premises consumption of such beverages, pursuant to law.

(Ord. 2005-5 (part), 2005)

5.04.030 Possession of unsealed or open containers of alcoholic beverages or fermented malt beverages in public.

It is unlawful for any person to possess an unsealed or opened container containing any alcoholic beverage in any public place within the town; provided, however, that this provision shall not apply to the possession of such containers upon any premises licensed for on-premises consumption of such beverages, pursuant to law.

(Ord. 2005-5 (part), 2005)

5.04.040 Entry of persons under the age of twenty-one upon premises where alcoholic beverages or fermented malt beverages are sold.

It is unlawful for any person under the age of twenty-one (21) to enter into and remain upon premises where alcoholic beverages or fermented malt beverages are sold, unless accompanied and under the supervision of a parent or guardian; provided, however, that this provision shall not prohibit persons under the age of twenty-one (21) from entering or remaining upon any portion of such premises separated by a partition not less than three feet high and used for a game or amusement room in which no alcoholic beverages or fermented malt beverages are sold or served; or upon any portion of such premises used primarily for the service of food; or upon any portion of a municipally-owned golf course within the town. Nor shall this provision prohibit the employment of any person under the age of twenty-one (21) in or upon such premises as long as said person is so employed under the direct supervision and control of a person over the age of twenty-one (21); provided, however, that nothing herein shall be construed to permit any person under the age of twenty-one (21) to serve any alcoholic beverage or fermented malt beverage to any person in violation of any state statute or ordinance of the town.

5.04.050 Consumption of fermented malt beverages and possession of unsealed or open

containers of fermented malt beverages on municipal golf course.

Nothing in this chapter shall prohibit the consumption of alcoholic beverages or fermented malt beverages or the possession of an unsealed or open container of such beverages upon any part of any municipally owned golf course within the town, provided, however, that the following conditions are met:

- A. That such beverage was purchased from a concessionaire duly licensed to sell such beverage at the clubhouse premises or upon the golf course premises; and
- B. Such beverages are served only in aluminum cans.

(Ord. 2005-5 (part), 2005)

5.04.060 Violations--Penalties--Prima facie evidence.

Any person convicted of a violation of any provision of this chapter shall be punished by a fine of not more than one thousand dollars (\$1,000.00) or a term of imprisonment of not to exceed one year or both such fine and imprisonment, provided, however, that no person under the age of eighteen (18) shall be sentenced to any term of imprisonment and shall be subject only to fine for such violation. It shall be prima facie evidence that any beverage or liquid is an alcoholic beverage, or fermented malt beverage, if it is or was contained within a container labeled as an alcoholic beverage or fermented malt beverage of any sort and if it either looks like, smells like, or tastes like an alcoholic beverage, it shall not be necessary in order to prove a violation of any provision of this chapter to distinguish between beverages having more or less than 3.2 percent alcohol by weight, or to offer proof as to the alcoholic content of the beverage involved.

The municipal judge may, from time to time, establish a schedule of penalty assessments for violations of this chapter, which may be collected by the town clerk upon entry of a guilty plea made in writing by any person charged with a violation of this chapter. All summons and complaints issued by any officer of the town for a violation of this chapter shall specify the appropriate penalty for the alleged offense.

(Ord. 2005-5 (part), 2005)

Chapter 5.12

JUNK DEALERS

Sections:

- 5.12.010 License--Application.
- 5.12.020 Junk defined.
- 5.12.030 License--Fee--Expiration.
- 5.12.040 Application--Consent required--Surety bond.
- 5.12.050 Junkyard--Physical requirements.
- 5.12.060 Sanitary conditions required.
- 5.12.070 Prohibited purchases.
- 5.12.080 Minimum possession time period.

5.12.090 License revocation.

5.12.100 Violation--Penalty.

5.12.010 License--Application.

No person, firm, association, partnership or corporation shall engage in the business of either buying, selling, or storing junk within the town without first having obtained a license and by filing an application to do so as provided in this chapter.

(Ord. 1-1956 § 1, 1956)

5.12.020 Junk defined.

Junk is defined to be any old, used or secondhand materials of any kind, including cloth, rags, clothing, paper, rubbish, bottles, rubber, iron, brass, copper, or other metal, furniture, used motor vehicles or the parts thereof, or other article which from its worn condition renders it practically useless for the purpose for which it was made and which is commonly classed as junk.

(Ord. 1-1956 § 2, 1956)

5.12.030 License--Fee--Expiration.

All licenses issued under this chapter unless sooner revoked, shall expire on December 31st of each year and shall be issued on payment of a fee of fifty dollars (\$50.00) for each year or fraction of the year for which said license is issued, payable in advance with the filing of the application for license.

(Ord. 1-1956 § 3, 1956)

5.12.040 Application--Consent required--Surety bond.

Any person desiring a junk dealers license shall make application therefor to the town clerk. Such application shall be in writing and shall set forth the full name of the applicant, his address of residence and of place of business, together with such information as shall be required by the town, and if applicant shall maintain a junk yard in connection with his junk dealers license, he shall file a written consent to maintain a junk yard at the address given, signed by eighty (80) percent of the property owners within five hundred (500) feet of the proposed site of the junk yard. Provided that when permission from adjacent property owners has once been secured, no further consent need be secured for subsequent application for license so long as location, area and ownership of said junk yard is not changed. Each application shall contain the agreement that applicant accepts the license if granted upon the condition that it may be suspended by the town council for cause. Applicant shall file with the clerk a surety bond in the penal sum of five hundred dollars (\$500.00) conditioned that the principal therein shall observe all provisions of this chapter and regulations made pursuant thereto. Such application and bond shall be submitted to the town council and in case such application is approved by said council, the town clerk shall issue said license.

(Ord. 1-1956 § 4, 1956)

5.12.050 Junkyard--Physical requirements.

The minimum physical requirements at all times for each junk yard shall be as follows:

- A. The premises where the junk yard is located shall not have more than two entrances thereto and two exits therefrom, each of which shall not exceed fifteen (15) feet in width at the perimeter of the premises.
- B. The premises where the junk yard is located shall be enclosed on its perimeter with a solid nontransparent, vertical wall or fence of a minimum height of seven feet measured from the ground level, excepting for the entrances and exits permitted by subsection (A) of this section.
- C. The public streets and alleys adjacent to the junk yard shall not have junk thereon.

(Ord. 1-1956 § 5, 1956) (Ord 2012-7)

5.12.060 Sanitary conditions required.

The place where such junk is kept or stored together with the junk therein shall at all times be kept or stored in a sanitary condition and open at all times to inspection of any member of the town council or any police officer.

(Ord. 1-1956 § 6, 1956)

5.12.070 Prohibited purchases.

No licensee hereunder shall purchase or receive any article whatsoever from any minors without the written consent of their parents or guardians, or from any person who is at the time intoxicated, or from any habitual drunkard, or from any person known by him to be a thief or associate of thieves or a receiver of stolen property.

(Ord. 1-1956 § 7, 1956)

5.12.080 Minimum possession time period.

No licensee or person shall sell or remove from such location or from any car or vehicle in which he is storing junk, any article purchased by him until the same shall have been in his possession at least seventy-two (72) hours.

(Ord. 1-1956 § 8, 1956)

5.12.090 License revocation.

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,

that prohibiting the operation of marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities, and retail marijuana stores' licenses is in the best interest health, safety and welfare of the public within the corporate limits of the Town of Cedaredge.

5.40.030 Definitions.

For purposes of this Chapter, the following terms shall have the following meanings:

Marijuana means all parts of the plant of the genus cannabis whether growing or not, the seeds thereof, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or its resin, including marijuana concentrate. "*Marijuana*" does not include industrial hemp, nor does it include fiber produced from the stalks, oil, or cake made from the seeds of the plant, sterilized seed of the plant which is incapable of germination, or the weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink, or other product.

Marijuana accessories means any equipment, products, or materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, composting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, vaporizing, or containing marijuana, or for ingesting, inhaling, or otherwise introducing marijuana into the human body.

Marijuana cultivation facility means an entity licensed to cultivate, prepare, and package marijuana and sell marijuana to retail marijuana stores, to marijuana product manufacturing facilities, and to other marijuana cultivation facilities, but not to consumers.

Marijuana establishment means a marijuana cultivation facility, a marijuana testing facility, a marijuana product manufacturing facility, or a retail marijuana store.

Marijuana product manufacturing facility means an entity licensed to purchase marijuana; manufacture, prepare, and package marijuana products; and sell marijuana and marijuana products to other marijuana product manufacturing facilities and to retail marijuana stores, but not to consumers.

Marijuana products means concentrated marijuana products and marijuana products that are comprised of marijuana and other ingredients and are intended for use or consumption, such as, but not limited to, edible products, ointments, and tinctures.

Marijuana testing facility means an entity licensed to analyze and certify the safety and potency of marijuana.

Retail marijuana store means an entity licensed to purchase marijuana from marijuana cultivation facilities and marijuana and marijuana products from marijuana product manufacturing facilities and to sell marijuana and marijuana products to consumers. *Person* means a natural person, partnership, association, company, corporation, limited liability company, or organization, or a manager, agent, owner, director, servant, officer, or employee thereof.

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

It is unlawful for any person to operate, cause to be operated, or permit to be operated, any marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities, and retail marijuana stores within the Town, and all such uses are hereby prohibited in any location within the Town, or within any area hereinafter annexed to the Town.

5.40.050 Penalty.

As per Municipal Code 1.16.020.

5.40.060 Effective date.

In order that the Town may prohibit the Operation of Marijuana Cultivation Facilities, Marijuana Product Manufacturing Facilities, Marijuana Testing Facilities and Retail Marijuana Stores on or before October 1, 2013 the Board hereby finds and declares that an emergency exists, that this Ordinance is immediately necessary for the preservation of public peace, health and safety of the residents of the Town, and that this Ordinance should take effect immediately upon passage.

5.40.070 Severability

If any clause, sentence, paragraph or part of this Ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect application to other persons or circumstances.

(Ord. 2013-2, 20130221), (Emergency Ord. 2013-9, 09/19/2013)