

TOWN OF NUCLA, STATE OF COLORADO

ORDINANCE NO. 246

AN ORDINANCE OF THE TOWN OF NUCLA, COLORADO, PROVIDING FOR THE LICENSING OF BUSINESSES, BUSINESS OPERATIONS AND THE ESTABLISHMENT OF A BUSINESS REGISTRY WITHIN THE TOWN OF NUCLA, COLORADO, ESTABLISHING PENALTIES FOR THE VIOLATION HEREOF, AND REPEALING ORDINANCES 23 AND 27 APPEARING IN THE NUCLA TOWN CODE 4-28 TO 4-32 AND ALL ORDINANCES OR PARTS THEREOF IN CONFLICT HEREWITH.

The Board of Trustees of the Town of Nucla, Colorado has determined that it is necessary and advisable to establish business licensing for registration of business operations within the Town of Nucla, Colorado for the purpose of protecting the health, welfare and safety of the citizens of the Town of Nucla.

SECTION 1 Definition of terms for the purposes of this Ordinance

A. Business shall include all kinds of trades, vocations, occupations, professions, enterprises, establishments and all other kinds of activities and matters which are conducted within the Town of Nucla for private profit or benefit, either directly or indirectly, on any premises in the Town of Nucla.

B. A Casual Sale shall refer to an individual, single, or incidental transaction which in itself does not constitute carrying on of a business.

C. An Itinerant Business is 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. The type of merchandise being offered for sale will have no bearing on the designation of a business as an itinerant business.

D. A "Business Registry" shall be a list of all registered businesses within the Town of Nucla which shall be maintained by the Town Clerk.

SECTION 2 Regulations for Business Licensing

A. Businesses shall register with the Town of Nucla, pay an annual fee of \$30.00 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 therefore as provided in this Ordinance. No person shall engage in business as an itinerant merchant unless he shall first have made application, paid an annual fee of \$30.00 and received a license to do so from the Town Clerk. Thereafter, any business license issued and any business license renewed pursuant to the provision of this Ordinance shall be effective to and including the 31st day of March in the year for which the license or renewal is issued.

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 of Nucla by the person who is the holder of the business license. The application for renewal shall be accompanied with a renewal fee of \$30.00 as set by this ordinance by the Board of Trustees and on file at the office of the Town Clerk.

E. A person engaged in two (2) or more businesses at the same location shall be required to obtain separate licenses for conducting each of the businesses.

SECTION 3 Application shall contain the following information;

- A. Name and address of applicant.
- B. Name of proposed business, place of business, type and typical activities of the business, hours of operation, contact person, and telephone number.
- C. General email address or email address of applicant and business web site address.
- D. Colorado Sales Tax License Number (if applicable).
- E. Emergency Contact form for businesses physically located within the Town of Nucla.

SECTION 4 Exemptions from Business Licenses

A. A license shall not be required of a casual sale or a person or business for delivery in the Town of Nucla of property or goods purchased or acquired in good faith from such person at his/her regular place of business outside of the Town of Nucla where no intent by such person is shown to exist to evade the provisions of this ordinance.

B. Business, profession or occupation operating during a Town of Nucla scheduled special event within the specified boundary or location and recognized as a participant by registration, application or sponsorship.

C. Daycare centers, schools, non-profit organizations and non-retail home occupations.

SECTION 5 Penalties and Fines

A. The Town of Nucla will apply the penalties for offense as declared thusly: Any person who violates this Ordinance shall be given a warning violation for the first offense and shall be fined one hundred dollars (\$100.00) for the second offense, two hundred dollars (\$200.00) for the third offense and such fine shall be increased by one hundred dollars (\$100.00) for each subsequent violation not to exceed five hundred dollars (\$500.00) for each subsequent offense. Municipal court costs will be assessed in addition to the above violation amounts. The carrying on of any business without having first obtained a license from the Town of Nucla as required by this ordinance for each and every day that such business is carried on and any person convicted of a violation shall be punished in accordance with the laws of the Town of Nucla. 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 of Nucla which may be recovered by an action in the name of the Town of Nucla in any Court of competent jurisdiction for the collection of such fees. The Town Clerk has the ability to cite the business into municipal court for violations of this ordinance.

B. The Town of Nucla may revoke the license, after giving written notice to the owner of any business, profession, occupation or accommodation who has failed to comply with any of the terms declared in this ordinance;

THE BOARD OF TRUSTEES OF NUCLA, COLORADO FURTHER ORDAINS: All businesses in the Town of Nucla as of the date of this ordinance shall be required to submit an application for license within thirty (30) days of the effective date of this ordinance and shall be renewed annually during the month of April.

ADOPTED THIS 26th DAY OF January, 2011.

Attest:

Elizabeth Smith

Launa Morris
Mayor, Town of Nucla