Chapter 1 - MUNICIPAL FINANCES

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5-1-1: - Definitions.

For the purpose of this Title and Code in all matters relating to the licensing of any business, the following terms, phrases, words, and their derivations shall have the meanings given herein:

Business/Business Use: The employment of one or more persons for the purpose of earning a livelihood, activities of persons to improve their economic conditions and desires, and generally related to commercial and industrial engagements.

Charitable Organization: An organization listed as exempt under the United States Internal Revenue Code or which provides proof of a valid exemption certificate from the State of Colorado Department of Revenue.

City Licensing Officer or *Licensing Officer:* The City Manager of the City of Englewood, Colorado, or designee.

Computation of Time: In computing any period of time prescribed by this Title, the day of the act or event from which the designated period of days begins to run shall not be included and the last day shall be included. Saturday, Sunday and legal holidays shall be included, in the time for any act to be done. If the last day of any period is a Saturday, Sunday or legal holiday the period is extended to include the next day which is not a Saturday, Sunday or legal holiday.

Engage in Business: To carry on or take part in the operation of a business. Agents, employees in their capacity as agents, or other representatives of any entity doing business in this City shall be personally responsible for compliance with this Title. A license need not be obtained for each branch of an establishment, if the business and branches are operated legally as one business except as required by any other Chapter in this Title.

License: Written permission to pursue or carry on a business subject to this Title.

License Holder: A person who has the authority to engage in a business is required to be licensed by this Title.

Manager: An individual who manages, directs, supervises, oversees and administers the acts and transactions of the agents or servants of any establishment governed by this Article or who, through his or her own actions, directs, oversees and administers the affairs of any such establishment.

Minor: Any person under the age of eighteen (18) years.

Moral Turpitude: Act or behavior that gravely violates moral sentiment or accepted moral standards of the community and includes behavior which is inimicable to the welfare, safety or morals of children or the public.

Premises: A lot, parcel, or plot of land together with the structures, equipment and appurtenances, and personal property.

(Code 1985, § 5-1-1; Ord. 99-17)

5-1-2: - License Required.

It shall be unlawful for any corporation, company, partnership or individual to engage in any business without a license as required by this Title.

(Code 1985, § 5-1-2; Ord. 99-17)

5-1-3: - Duties of City Licensing Officer.

A.

The Licensing Officer shall collect all applicable fees, and issue licenses in the City's name to persons qualified under the provisions of this Title and shall:

1.

Promulgate and enforce all reasonable rules and regulations necessary for the administration and enforcement of this Title.

2.

Prepare and provide forms necessary to issue licenses.

3.

Require applicants to submit all affidavits and oaths necessary to administer this Title.

4.

Notify applicant of acceptance or denial of application and state in writing the reason(s) for denial.

(Code 1985, § 5-1-3; Ord. 99-17)

5-1-4: - Application for License.

A.

Each applicant required to procure a license under the provisions of this Title shall submit an application for such license to the Licensing Officer. The application shall:

1.

Be in writing, using forms provided by the Licensing Officer. The form shall include a signed affidavit by the applicant including:

i.

The name of the license holder, and the name(s) under which the business is conducted.

ii.

The address and the specific activity to be conducted.

iii.

Any information required by another chapter or section of this Title or any other Title of this Code.

2.

Include other information which the Licensing Officer shall find reasonably necessary for the administration of this Title.

B.

The applicant shall submit all applicable fees to the Licensing Officer prior to a review of the application.

C.

Renewal: Applications for renewal must be submitted by December 31 of each year. A renewal application not received or postmarked by December 31 shall be subject to a late fee as determined by City Council Resolution. If a renewal application is not received before the expiration of the current license, it may be treated as a new application and an application fee may be assessed as required in this Title.

D.

The Licensing Officer has the authority to deny any applications or renewal of an existing license or to suspend or revoke an existing license under the following conditions:

1.

The license was obtained by fraud, misrepresentation, or false statements.

2.

The licensed activity is a public nuisance as defined by ordinance or statute.

3.

The license was issued in error.

4.

Upon grounds provided by any other city application requirement, ordinance, State Statute, Federal Law, or regulation of the City, State, or Federal government.

5.

The applicant is in default of any indebtedness or other obligation due the City.

6.

The proposed use of any premises for which the license is sought is not authorized by the Unified Development Code, building, housing or other regulations.

7.

Failure of the license holder to submit a new application before the expiration of a current license.

8.

The granting of a license does not give the license holder an automatic right for a renewal. An application for a renewal will be denied if any condition exists which would result in the denial of an application for a new license.

E.

An applicant, when denied a license, shall not engage in the business for which a license is required.

F.

If the Licensing Officer finds that the licensee's activities fall under the provisions of more than one (1) license, the License Officer may require the licensee to obtain a license for each activity.

(Code 1985, § 5-1-4; Ord. 99-17; Ord. 04-6; Ord. 07-22)

5-1-5: - Exemptions.

The Licensing Officer may waive fees and licenses to charitable organizations. A letter of application for exemption must be filed with, and approved by, the Licensing Officer prior to engaging in business.

(Ord. 99-17)

5-1-6: - Determination of License Fees and Term of License.

A.

The City Council shall determine and set by resolution all fees required under this Title.

B.

Unless otherwise specifically provided, a license shall be issued for a period not to exceed one year and shall expire on December 31 following its issuance. The Licensing Officer shall promulgate a policy regarding proration of license fees.

C.

No refund of an application fee shall be made.

(Code 1985, § 5-1-5; Ord. 99-17)

5-1-7: - Transfers and Change of Location for Licenses.

A.

Unless otherwise specifically provided, a license holder does not have the right to transfer the license to another person or location.

(Code 1985, § 5-1-6; Ord. 99-17)

5-1-8: - License Available for Inspection.

The license holder shall make the license immediately available to any person for inspection at all times that the licensed premises or activity is in operation.

(Code 1985, § 5-1-7; Ord. 99-17)

5-1-9: - Hearings, Orders, and Appeals.

A.

When a City official reports a violation of this Title, Code, law, statute, or ordinance, the Licensing Officer shall issue a provisional order to comply.

1.

The provisional order, and all other notices issued in compliance with this Title, shall be in writing, shall be served as provided in the Englewood Municipal Code, and shall notify the license holder of the specific violation(s). If the license holder can not be served in this manner, the premises may be posted.

2.

Before the period of compliance expires, as noted in the provisional order, the license holder or the City may submit a written application for hearing. The Licensing Officer shall order a hearing after reviewing the application.

3.

The Licensing Officer shall order a hearing within fourteen (14) days of the receipt of the application for a hearing.

4.

The Licensing Officer shall make a final decision in writing, within thirty (30) days after the conclusion of the hearing.

B.

The Licensing Officer shall have the authority to revoke or suspend licenses, to extend the time for compliance, to grant a new hearing, and to change, modify or rescind any recommendation or order.

C.

When the conduct of any license holder, agent, or employee is so hazardous to the public health, safety and general welfare as to constitute a danger to health, safety, and welfare of the public or give rise to an emergency, the Licensing Officer shall have the authority to summarily order the cessation of business and close the premises or to suspend or revoke the license unless waived in writing, within ten (10) days after the issuance of the summary order, the Licensing Officer shall conduct a hearing. The Licensing Officer shall make a final decision in writing, within thirty (30) days after the conclusion of the hearing.

D.

Any license holder aggrieved by a final decision of the Licensing Officer shall have the right to appeal to an independent hearing officer appointed by the City. A written appeal must be filed with the City Manager within ten (10) days of the final decision by the Licensing Officer.

1.

The appeal shall include a copy of the order or decision of the Licensing Officer and a statement by the license holder setting forth the basis of the appeal.

2.

The City Manager shall fix a time and place for hearing the appeal and shall give notice to the appellant and Licensing Officer.

3.

The independent hearing officer shall be limited to a determination as to whether the Licensing Officer's finding was arbitrary and capricious.

4.

The findings of the independent hearing officer shall be given the appellant and the Licensing Officer.

5.

If the independent hearing officer makes a determination that the Licensing Officer's finding was arbitrary or capricious, the Licensing Officer shall follow the procedures and have the powers set forth under paragraphs, A, B, and C, of this section to make corrections and issue a new final decision.

E.

No civil or administrative action shall bar or prevent prosecution in Municipal Court for any violation of this Code.

(Code 1985, § 5-1-8; Ord. 99-17)