

**TOWN OF PONCHA SPRINGS
ORDINANCE #2012-1**

**AN ORDINANCE AMENDING THE PONCHA SPRINGS LAND USE CODE
CONCERNING BUSINESS LICENSES**

WHEREAS, Colorado municipalities are empowered by Section 31-15-501, C.R.S., to license, regulate and tax, subject to state law, any lawful occupation, business place, amusement, or place of amusement and to fix the amount, terms and manner of issuing and revoking licenses issued, therefore; and

WHEREAS, The Town of Poncha Springs Board of Trustees finds, determines, and declares, that the establishment of a business license is necessary, reasonable and proper, and

NOW THEREFORE, BE IT ORDAINED BY THE PONCHA SPRINGS, COLORADO, BOARD OF TRUSTEES: that the following addition be made to the Town of Poncha Springs Land Use Code.

Section 4.5

Section 1 4.5.4 Business Licenses

A nonrefundable annual business license is required for all new and existing businesses located within the Town of Poncha Springs town limits commencing June 1, of 2012. Annual Business licenses shall be granted and issued by the Town Clerk upon payment to the clerk of a \$25.00 nonrefundable fee for all new businesses established in the town on or after June 1, 2012. The \$25.00 annual business license fee will be prorated for new businesses established after March of each year. All businesses existing within Town prior to June 1, 2012 are required to apply for a business license for the 2012 year; however, they are exempt from the \$25.00 annual business license fee for the 2012 year. All existing businesses will be required to update their business application, and pay the required business license fee beginning January 2013 and each subsequent year they exist as a business within the Town as of January 1, of each year.

The annual business license shall be in force and effect until the last day of the year it is issued, unless sooner revoked.

- (a) It is unlawful for any business owner to engage in any such business within the town without first obtaining a business license in compliance with the provisions of this section.
- (b) The terms of this section do not include the following exempt uses: newspaper deliveries, the acts of merchants or their employees in delivering goods in the regular course of business, persons acting in political activity, nor fundraisers associated with non-profit, religious or charitable organizations.
- (c) Applicants for license under this section shall file with the Town Clerk an application in writing on a business license form to be furnished by the Town Clerk.
- (d) Licensees are required to exhibit their certificate of license at their place of business.
- (e) An application for a license for new businesses shall be submitted to the Town Clerk no less than five (5) working days prior to the first day of operation. The application shall be accompanied by the non-refundable license fee. Payment of such fee shall entitle the licensee, upon approval of the license, to a period of operation as specified on the license. The Town reserves the right to revoke any license if licensee is found in breach of this section or other town codes and shall not refund the fee.
- (f) Each license shall be valid for not more than one location, a description of which shall appear on the face of the license.
- (g) The licensee shall be responsible for submitting all sales tax information to the Town of Poncha Springs for each sales transaction.
- (h) The licensee shall comply with the provisions of all applicable ordinances of the town, county, state and federal laws, except the Town's ordinance shall control where it conflicts with the County's.


- (i) Renewal of a license shall be treated as a new application under the provisions of this section. Any violations by the licensee of the provisions contained herein shall be an additional factor for consideration in the renewal process.
- (j) The Town reserves the right to revoke the license at any time for violation of this ordinance or any other Town ordinance. If the license is revoked for any reason, the licensee shall be entitled to remain open for business pending the outcome of a hearing scheduled before the Board of Trustees.

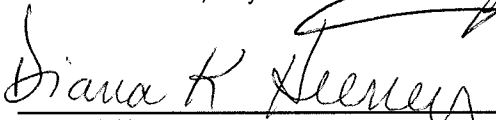
Section 2 Remaining provisions. Except as specifically amended hereby, all other provisions of Chapter 4.5, of the Poncha Springs Land Use Code shall continue in full force and effect.

Section 3 Severability. Should any one or more sections or provisions of this ordinance or enacted hereby be judicially determined invalid or unenforceable, such judgment shall not affect, impair or invalidate the remaining provisions of this Ordinance, the intention being that the various sections and provisions are severable.

Section 4 Effective Date. This Ordinance shall take effect and be in full force thirty (30) days following final adoption and publication pursuant to Section 31-16-105, C.R.S.

PASSED AND APPROVED THIS 26TH DAY OF March, 2012, BY THE BOARD OF TRUSTEES OF THE TOWN OF PONCHA SPRINGS, COLORADO


Mark F. Thonhoff, Mayor


Diana K. Heeney
Clerk/Treasurer

