

ORDINANCE NO 1320

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE TOWN OF BERTHOUD TO REPEAL LOCAL SALES TAX LICENSE REQUIREMENT AND TO REQUIRE GENERAL LICENSING OF BUSINESSES

WHEREAS, The Town of Berthoud does not currently require businesses to obtain a General Business License, and

WHEREAS, The Town does not self-collect sales tax revenue and requires a separate sales tax license in addition to the State of Colorado Sales Tax License, and

WHEREAS, The Town wishes to repeal the local Sales Tax License code requirement and amend the code to instead require a General Business License; and

WHEREAS, Fees for General Business Licenses will be waived for any licenses issued in the year 2023; and

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF BERTHOUD, COLORADO:

Section 1.

Ordinance 338, Ordinance 507, Section 13.5 of the Berthoud Municipal Code, and all others in conflict are hereby repealed.

Section 2.

Chapter 14.10 is hereby added to the Berthoud Municipal Code as follows:

14.10 General Business Licenses

Sec. 14.10-1. Purpose.

The purpose of this Article is the regulation and registration of businesses operating within the Town of Berthoud.

Sec. 14.10-2. License required.

- (a) Every person must obtain a license from the Town before operating, conducting, or carrying on any retail trade, profession, or business that has more than an incidental presence within the limits of the Town; except that nonprofit state corporations, excluding federal, state, or municipal corporations, are hereby exempt from the license requirements set forth in this Chapter.

- (b) Each license shall be granted and issued by the Town Clerk or their designee and shall be in force and effect until the thirty-first day of December of the year in which it is issued, unless sooner revoked in accordance with this chapter. Such license shall be granted or renewed only upon an application that states the name and address of the person desiring such license, the name of such business and location, and other information that the Town Clerk may require.
- (c) Having been issued a General Business License pursuant to this section shall not preclude any business from obtaining a State of Colorado Sales Tax License and collecting sales tax pursuant to Chapter 23 of this Code.
- (d) The provisions of this Chapter 14.10 shall not apply to businesses that otherwise qualify for and obtain other licensing in accordance with licensing provisions in Chapter 14, Sections 2 through 9.
- (e) Businesses that either do not have a physical presence in the Town or have only incidental physical presence within the town shall be issued a business license at no charge in accordance with CRS 39-26-802.9. The terms "physical presence" and "incidental physical presence" shall have the definitions set forth in CRC 39-26-802.9 or any successor statute, as amended from time to time.

Sec. 14.10-3. License application.

- (a) An application for a business license shall be made to the Town Clerk or their designee on forms provided by the Town. It is unlawful for any person to make any false statement or misrepresentation in connection with any application for a license.

Sec. 14.10-4. License fees.

- (a) Every person required to be licensed by the provisions of the Berthoud Municipal Code shall pay a fee as established by resolution of the Town Board of Trustees as amended from time to time.
- (b) Before granting the license, the fee required for the license must be paid at the office of the Town Clerk.
- (c) Fees shall not be prorated or refundable.

Sec. 14.10-5. Issuance.

- (a) Upon receipt of the required fee and compliance with chapter 23, the Town Clerk or their designee will issue a license that has been paid for the specified year.

Sec. 14.10-6. Posting of License is required.

- (b) Each license shall be numbered and shall show the name and place of business of the licensee and shall be posted in a conspicuous place in the place of business for which it is issued. Every licensee shall produce their license for examination when requested by any

Town official or any person representing the Town.

Sec. 14.10-7. License nontransferable.

No license issued under the provisions of this Chapter shall be transferable. Any business must notify the Town of a change in address within 30 days of such change occurring.

Sec. 14.10-8. Period of license.

All licenses shall expire on December 31 of each calendar year.

Sec. 14.10-9. Renewal.

- (a) An application for renewal of a General Business License shall be considered in the same manner as an original application.
- (b) Licenses may be renewed up to 30 days prior to expiration and no later than 30 days after expiration. Licenses renewed more than 30 days after expiration shall be subject to a new license fee as established in accordance with Chapter 14.10-4.
- (c) The Town shall send a renewal reminder by First Class mail or by email to the mailing or email address on file for each currently licensed business no later than December 15th of each year. Failure to receive such a reminder does not relieve a business from responsibility for complying with the provisions of this Chapter 14.

Sec. 14.10-10. Suspension.

A license may be suspended:

- (1) When any money due the Town has not been paid. This includes failure to pay civil penalties, fines, taxes, impact fees, or any other money owed to the Town.
- (2) When any activity conducted by the licensee or his employee or agent violates any federal, state, or local rule, regulation, or law.
- (3) Upon failure to comply with the terms and conditions of the license.
- (4) Upon any grounds of suspension provided by the Berthoud Municipal Code.

Sec. 14.10-11. Revocation of license.

The Town may revoke a license:

- (1) When it appears that the license was obtained by fraud, misrepresentation, or false statements within the application.
- (2) The activity of the business or its representatives violates the Berthoud Municipal Code, state statute, or any federal regulation or law.
- (3) Upon failure to comply with the terms and conditions of the license.
- (4) Upon any grounds of revocation provided by this the Berthoud Municipal Code.

Sec. 14.10-13. Cease and desist.

If any business is operating without a license, the Town Clerk may issue an order to the business to cease and desist from all further operations until a license is issued for the business. The order shall give the business three (3) days to pay all amounts due to the Town. If payment has not been paid to the Town by the third day, the business shall cease operations until such fees are paid.

Sec. 14.10-14. Penalty.

Any violation of the provisions of this Article shall be subject to the penalties provided for in Section 17.1 of the Berthoud Municipal Code.

Section 3.

Fees for licenses issued in accordance with this chapter shall be waived for the year 2023.

INTRODUCED, READ, ADOPTED, APPROVED, AND ORDERED PUBLISHED IN FULL on this 25th day of July, 2023.

TOWN OF BERTHOUD

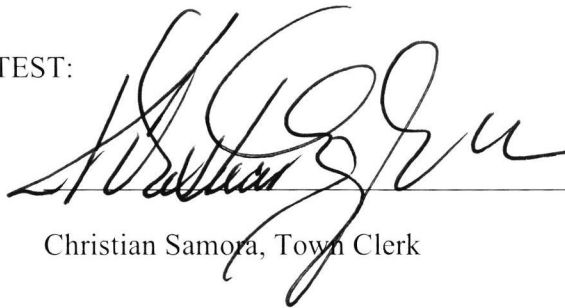
By



William Karspeck, Mayor

ATTEST:

By:



Christian Samora, Town Clerk

