

ORDINANCE NO. 880

**AN ORDINANCE AMENDING CHAPTER 6, ARTICLE 1 OF THE
DACONO MUNICIPAL CODE REGARDING BUSINESS LICENSES**

WHEREAS, the City is authorized and empowered to regulate businesses operating within the City, including to prohibit within the City any offensive or unwholesome business or establishment or the carrying on of any business or establishment in an offensive and unwholesome manner; and

WHEREAS, Chapter 6, Article 1 of the Dacono Municipal Code makes it unlawful for any person to establish, engage or be engaged in the operation, conduct or carrying of any trade, profession, business, privilege, occupation or calling of any kind within the City without having first obtained a general business license and such additional licenses as required by the Dacono Municipal Code; and

WHEREAS, the Dacono Municipal Code further provides grounds and procedures for the suspension, revocation, and nonrenewal of a general business license for, among other reasons, the doing or omitting by the licensee of any act, or permitting by the licensee of any condition prohibited by Chapter 6 of the Dacono Municipal Code; and

WHEREAS, the City Council finds it necessary and desirable for the health, safety, and welfare of the City and its residences that all business premises within the City are occupied and maintained in accordance with established standards to preserve the aesthetics, safety, and property values within the community; and

WHEREAS, the City Council further finds it to be necessary and desirable for the health, safety and welfare of the City and its residents that all businesses operating within the City be conducted in a decent, orderly, and respectable manner as set forth herein; and

WHEREAS, when hearings are to be held in connection with a proposed suspension, revocation, or nonrenewal of a business license, the City Council finds that such hearings should be conducted by the City Clerk or some other person who may be designated by the City Clerk; and

WHEREAS, the City Council finds and declares it has the power and authority to adopt this ordinance pursuant to C.R.S. § 31-15-501, *et seq.* (Regulation of Businesses), C.R.S. § 31-15-401, *et seq.* (Police Regulations), Article XX of the Colorado Constitution (concerning municipal home rule), and the City of Dacono Home Rule Charter.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE
CITY OF DACONO, COLORADO:**

Section 1. Chapter 6, Article 1 of the Dacono Municipal Code is hereby amended by the addition of a new Section 6-5.5 to read as follows:

Sec. 6-5.5. Business occupancy inspection.

(a) A business occupancy inspection shall be required in connection with all business licenses applications filed, and may be conducted in connection with all business licenses issued, pursuant to this Article. No business license shall be issued until all of the following requirements have been met:

(1) The property has been inspected by the City Clerk or the Building Official, or the City Clerk's or Building Official's designee, and found to be in full compliance with the Dacono Municipal Code, International Property Maintenance Code, and any other applicable codes adopted by the City.

(2) To the extent practicable, the Building Official has made all appropriate inspections of the premises and determined that all work is in compliance with applicable codes.

(3) The Fire Marshal has made all appropriate inspections of the premises and determined it is in compliance with applicable codes.

(b) Inspections required by this Section shall be required before a new business license is issued, when there is any change in the ownership of an existing business, and when there is any change in ownership of the premises at which the business is operated. No person shall open or conduct business on property within the City without obtaining a business occupancy inspection from the City Clerk or the Clerk's designee; no person who acquires or purchases a business or property within the City shall operate a business therein without obtaining a business occupancy inspection; and no person shall change the use of a business, change the use of a non-business property to a business, or add a different business use upon any property within the City without obtaining a business occupancy inspection.

(c) The City Clerk or the Clerk's designee is authorized upon reasonable notice to conduct business occupancy inspections and is further authorized to inspect any premises being used to operate a business within the City:

(1) to verify that an application for renewal of an existing business license is consistent with the actual use of the property;

(2) following any summons being issued for any violations of this Code, to ensure that such code violations have been corrected;

(3) as a condition of suspension of a business license, to ensure the premises will be conducted following the suspension in a manner that complies with all requirements of this Code and any conditions of approval of the business license or conditions of the suspension; and

(4) in the City Clerk's discretion, in connection with any application for renewal of a business license.

(d) Failure to allow reasonable inspection of the premises as required by this Section may be cause for denial, suspension, revocation, or nonrenewal of a business license.

(e) Fees for business occupancy inspections and re-inspections shall be as set forth by resolution adopted by the City Council. Failure to pay a business occupancy inspection fee when due may be cause for denial, suspension, revocation, or nonrenewal of a business license.

Section 2. Chapter 6, Article 1 of the Dacono Municipal Code is hereby amended by the addition of a new Section 6-10.5 to read as follows:

Sec. 6-10.5. Conduct of establishment.

Each person licensed under this Chapter, and any employee or agent of such licensee, shall conduct the licensed premises in a decent, orderly, and respectable manner, shall not permit any person who displays any visible signs of intoxication to remain on the licensed premises without an acceptable purpose, shall not knowingly permit any activity or acts of disorderly conduct as defined by Section 10-80 of this Code, nor shall a licensee permit rowdiness, undue noise, or other disturbances or activity offensive to the senses of the average citizen, or to the residents of the neighborhood in which the licensed establishment is located.

Section 3. Section 6-11(a) of the Dacono Municipal Code is hereby amended to read as follows (words to be deleted ~~stricken~~; words to be added underlined):

Sec. 6-11. Suspension, revocation and nonrenewal.

(a) Except as otherwise provided, the City Clerk or his or her designee may, upon seven (7) days' written notice to a licensee stating the contemplated action and in general the grounds therefor, and after a reasonable opportunity to be heard, suspend, revoke, or deny renewal of any license issued by the City pursuant to this Article, if he or she finds:

Section 4. Any person charged with a violation of this ordinance, upon conviction thereof, shall be subject to the General Penalty in Section 1-70 of the Dacono Municipal Code, which provides for incarceration for a period not to three hundred sixty-four (364) days, a fine not to exceed one thousand dollars (\$1,000.00), or both such fine and imprisonment. As provided in Section 1-70(b), each and every day during any portion of which any violation is committed, continued or permitted shall be a separate violation, and the violator shall be punished accordingly.

Section 5. If any article, section, paragraph, sentence, clause, or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

Section 6. The repeal or modification of any provision of any prior ordinance by this ordinance shall not release, extinguish, alter, modify, or change in whole or in part any penalty, forfeiture or liability, either civil or criminal, which shall have been incurred under such provision, and each provision shall be treated and held as still remaining in force for the purpose of sustaining any judgment, decree, or order which can or may be rendered, entered, or made in such actions, suits, proceedings, or prosecutions.

Section 7. All other ordinances or portions thereof inconsistent or conflicting with this ordinance, or any portion hereof, are hereby repealed to the extent of such inconsistency or conflict.

INTRODUCED, READ, ADOPTED ON FIRST READING, AND ORDERED PUBLISHED AND POSTED BY TITLE this 28th day of October, 2019.

PUBLIC HEARING AND SECOND READING WILL BE THE 11th day of November, 2019, AT 6:00 P.M. AT DACONO CITY HALL, 512 CHERRY STREET, DACONO, CO.

READ, ADOPTED ON SECOND READING, APPROVED, SIGNED, AND ORDERED PUBLISHED BY TITLE this ____ day of _____, 20__.

CITY OF DACONO, COLORADO

Joe Baker, Mayor

ATTEST:

Valerie Taylor, City Clerk

Summary of Ordinance No. 880, **“AN ORDINANCE AMENDING CHAPTER 6, ARTICLE 1 OF THE DACONO MUNICIPAL CODE REGARDING BUSINESS LICENSES”**

Requires business occupancy inspections in connection with issuance of a business license, requires all businesses located within the City to be conducted in a decent, orderly, and respectable manner, and authorized hearings for suspension, revocation, or nonrenewal of a business license to be conducted by a person designated by the City Clerk.