

ORDINANCE #447
AN ORDINANCE AMENDING SECTION 5, ARTICLE II OCCUPATIONAL LICENSE
AND RENAMING SECTION 5, ARTICLE II

WHEREAS, the Board of Trustees have determined that it is necessary to amend the Municipal Occupational Code regarding occupational licenses; and

WHEREAS, the amendment is an entire replacement of Section 5, Article II.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF BAYFIELD, COLORADO, THE TOWN CODE SHALL BE AMENDED AS FOLLOWS:

Section 5, Article II: Business License

Section 5-16. Definitions.

Whenever in this article the words defined or construed in this section are used, they shall, unless the context requires other uses, be deemed to have the following meanings:

ADU Accessory Dwelling Unit

Business means and includes all kinds of trades, vocations, occupations, professions, enterprises, establishments, vacation rentals and all other kinds of activities and matters which are conducted within the town of Bayfield for private profit, non-profit or benefit, either directly or indirectly, on any premises in the town of Bayfield.

Business License is a document provided by the Town of Bayfield that verifies the business is properly registered.

Business Registry means a list of all registered businesses within the town of Bayfield which shall be maintained by the Town and available for public inspection.

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

Employee means a person working under the control and direction of an employer.

Engaged in business means a performance or provision of any activity related to the operation of a business providing any service, sales of goods, leasing, renting, delivery or installation of tangible personal property for storage, use or consumption within the town. Engaged in business shall include, the following activities: (1) Directly or indirectly operating or maintaining a building, store, office, salesroom, warehouse or other place of business within the town or (2) Sending one or more employees, agents or sales persons into the town to solicit business or to install, assemble, repair, service or otherwise assist any person in the use of products.

Entrepreneur means a person who organizes and operates a business.

Itinerant Business means any business conducted in a building, tent, from a truck, van or trailer, on a parking lot or vacant parcel of land, or a sanctioned Town event with property owner permission, for a temporary period of time. Includes, food truck/trailer, parking lot sales, garage/yards. Under one business license, the business operation has the option to designate no more than three temporary locations.

Market Coordinator means one individual or organization (including a non-profit) that organizes a market. Cottage Food Act eligible participants participate at market coordinator invitation.

Occupational Profit or Non-profit Business means a business that is operating within a permanent structure, fence enclosure, property, etc.

Person means any natural person or non-natural entity, including but not limited to a corporation, partnership, unincorporated association or joint venture.

Residential Accommodation means a room, home, ADU or any unit that supports living quarters.

Special Event means a promotional event conducted and promoted in whole or in part by the town of Bayfield for the purpose of promoting the health, safety, welfare, culture and economy of the town. Special events include, without limitation, carnival, fairs, concerts and any that promote tourism in the town.

Street Vendor/Booth Business Cottage Food eligible participants that are not represented by a Market Coordinator, retail sales, product display, political, informational pamphlets, fee based mini carnival type activities and other organizations that are associated with a Special Event activities.

Town means employees or contractors of the Town of Bayfield, typically the Town Manager, Town Clerk, Marshal or Deputy, Code Enforcement Official or Building Inspector.

Traveling Trade Business means a business operation that does not have a permanent location in Bayfield and is typically traveling from place to place, such as; general contractor, construction developer, door to door sales, roving snack wagons, realtor, property management firm, professional carpenter trade business, equipment operation, etc.

Section 5-17. Exemptions.

Provisions of this Ordinance Exempt the following:

- (1) An employee,
- (2) Making delivery of goods or services to any entity or person located within the town,
- (3) Age 18 and under entrepreneurs,
- (4) Private landowners that engage in five days or less garage sales or yard sales per license year,
- (5) A casual sale or a person or business for delivery in the town of Bayfield of property or goods purchased or acquired in good faith from such person at his regular place of business outside the town of Bayfield where no intent by such person is shown to exist to evade the provisions of this chapter,
- (6) Sub-contractors of a registered General Contractor who possesses a current Traveling Trade Business License and has complied with all Building Permit regulations. (Contractors that work independent of the General Contractor building permit are not considered sub-contractors.)
- (7) A single personal property residential accommodation rental that exceeds 30 days, when not associated with a "property management" business,
- (8) Federal, State of Colorado, Colorado Counties, Colorado Special Districts agencies, entities that have a current franchise agreement with the Town, and
- (9) Business activities that cannot be matched to any one category and are exempted in writing by the Town Manager within justified criteria.

Section 5-18. Required when doing business.

- (1) It shall be unlawful for any person or agent to engage in or carry on a business in the town without first obtaining a business license or renewing a business license within 60 days of expiration.
- (2) All Business Licenses expire December 31.
- (3) The business license shall be available upon request or posted in a conspicuous place upon the premises for which the license is issued.

Section 5-19. Business License Classifications

- (1) Occupational Profit and Non-Profit
- (2) Traveling Trade
- (3) Itinerant limited to six month term can be extended to December 31 with eligible fees as adopted. Includes, food truck/trailer, parking lot sales, garage/yards sales that exceed five days per license year, etc. Under one business license, the itinerant business operation has the option to designate no more than three temporary locations. (See Land Use Code Section 7-22 for additional temporary or food truck/trailer requirements)
- (4) Market Coordinator, events not to exceed ten days per license year one individual or organization (including a non-profit) that organizes a market. Cottage Food Act eligible participants participate at market coordinator invitation. Non-cottage food eligible participants must apply as a street vendor.
- (5) Street Vendor/Booth, community events not to exceed ten days per license year. Cottage Food eligible participants that are not represented by a Market Coordinator, retail, product display, political, informational pamphlets, fee based carnival type activities not to exceed typical booth space, etc.

Section 5-20. Application

- (1) An application for a business license or business license renewal shall be made to the Town by the person who is the holder of the business license. The application for renewal shall be in the form provided by the Town and shall be accompanied with the fee as set forth from time to time by resolution of the board of trustees and on file in the office of the Town.
- (2) The agent or other representative of nonresidents who are doing business in the town of Bayfield shall be personally responsible for the compliance with this chapter of their principals and of the businesses they represent.
- (3) Joint License. A person engaged in two or more businesses at the same location is allowed to conduct each of the businesses with one license. At the time of application all businesses at that same location shall be disclosed, indicating one primary business from all secondary businesses.
- (4) A person owning more than one occupational business with different locations shall complete a different application for each business, and pay one registration fee for each application.
- (5) The written application for such license shall contain the following information:
 - a. Name, mailing address of applicant and site address if applicable;
 - b. Type of business (LLC, Partnership, Etc.)
 - c. Name of the proposed business, place of business, type and typical activities of the business, hours of operation, contact person, and telephone number;

- d. General email address or email address of applicant and business web site address;
 - e. List of compliance certificates and/or licenses if business is subject to any federal, state or other local agency registration and/or licensing requirements;
 - f. Colorado Sales Tax License Number, if applicable;
 - g. Copy of nonprofit status if applicable;
 - h. If the business is physically located within Bayfield provide zoning district code;
 - i. Provide all NAICS (North American Industry Classification System) codes.
- (6) The application shall also contain such other information as Town officials, or the board of trustees may from time to time deem proper to fulfill the purpose of this chapter.
- (7) The Business License remains valid as approved via the application describing the business, term of the effective fee and the agents representing the business operations are generally with good moral character, honest and respectable whom follow the rules and regulations of Bayfield, the state and federal law.

Section 5-21. Delinquencies.

- (1) Annual Business License renewals are due prior to forty-five (45) days after the previous Business License expires. A delinquent fee of \$30 will be charged from the 45th day and prior to sixty days of delinquency.

Section 5-22. Penalties for offenses.

- (1) The carrying on of any business upon revocation or without having first obtained a license from the Town as required by this chapter is a violation of this chapter.
- (2) The carrying on of any business upon sixty days after the expiration without renewal from the Town as required by this chapter is a violation of this chapter.
- (3) Any person, firm, corporation, whether as principal, agent, employee, or otherwise, violating any of the provisions of this chapter or causing the violation of any of the provisions of the Town Code may be cited by a Town official to municipal court and be subject to penalty in accordance with Section 1-5 of the Bayfield Municipal Code in addition to any specific penalties outlined in this chapter or any other penalties otherwise authorized by the Municipal Code for violations.

Section 5-23. Registration fees.


The board of trustees shall, by resolution, establish appropriate fees for the original license and any renewals and from time to time change such fees.

Section 5-24. Effective date.

The provisions of this chapter shall take effect 30-days after publication. All previous provisions of this chapter and registration under those provisions remain lawful until the expiration of such registration.

Passed and adopted this 17th day of November, 2020.

Attest:


Kathleen S. Cathcart, Town Clerk

Mayor:


Ashleigh Tarkington