

ORDINANCE

AN ORDINANCE OF THE CITY OF MANITOU SPRINGS, COLORADO, AMENDING CERTAIN SECTIONS OF CHAPTER 5.04 OF THE MANITOU SPRINGS MUNICIPAL CODE REGARDING BUSINESS LICENSES

WHEREAS, the City has determined it is appropriate to redefine certain qualifications for City’s business license and clarify the authority and processes to approve, deny, suspend and revoke such licenses; and

WHEREAS, the City Council finds it is in the best interest of the City to amend the City of Manitou Springs Municipal Code (the “Code”) to clarify the licensing of businesses.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MANITOU SPRINGS, COLORADO, THAT:

Section 1: Section 5.04.040 of the Code is hereby amended as follows:

It is unlawful for any person, corporation, partnership, limited liability company, or other legally organized business entity, either directly or indirectly, to conduct a business as defined in this Chapter without first obtaining a business license from the City's Finance Director. Said license must be kept current at all times during which the business is operated.

Section 2: Section 5.04.070 of the Code is hereby repealed and reenacted as follows:

Applicants for a business license pursuant to this Chapter shall meet all of the following qualifications:

- A. Not have had a City business license revoked or suspended within the last twelve months.
- B. Not be in default, indebted or obligated in any manner to the City.
- C. The licensed premises is in compliance with the applicable City regulations including, but not limited to, zoning, building and fire codes, and any other applicable regulations.

Section 3: Section 5.04.100(C) is hereby amended as follows:

- C. If the Finance Director finds that the applicant does meet the qualification of this Chapter, has not completed an application or failed to pay applicable fees, he or she shall deny the application. The Finance Director shall notify the applicant of the denial by serving or causing to be served upon the applicant a copy of such denial and the supporting reasons or by mailing the same to the applicant by registered or certified mail at the business address shown on the

application. Such denial shall be final immediately upon the date of serving, or if mailed, upon the date of mailing. The applicant may appeal denial of the license to the city council within ten days of receipt of the notice of license denial

Section 4: Section 5.04.120(B) of the Code is hereby repealed and reenacted as follows:

B. Revocation and Suspension Procedures

1. Upon a determination to revoke or suspend a license, the City Administrator or Finance Director shall notify the licensee in writing of the decision and the licensee's right to have a hearing before the City Council.
2. The licensee must request in writing a hearing before City Council within ten (10) days of the written notification of revocation or suspension.
 - a. If such a request is received, the City shall schedule a hearing. A licensee may continue to operate its business prior to the hearing.
 - b. If the licensee does not request a hearing before City Council, it must cease business operations within ten (10) days of the date of notification from the City Administrator or Finance Director.
3. The city clerk shall give the licensee notice of the time and place of the hearing. Such notice shall be served personally or by mailing by first class mail to the last address furnished to the Finance Director by the licensee, at least five days, including Saturdays, Sundays and legal holidays prior to the hearing. In lieu of such service, or in addition thereto, a copy of such notice may be affixed to the principal entrance of the licensed premises which shall be deemed to be the principal place of business or main office or may be affixed to some prominent structure on such premises.
4. All evidence shall be recorded stenographically or by electronic recording device.
5. In all such proceedings, the City Attorney shall act on behalf of the city during the hearing.
6. The City Council shall conduct hearings for suspension or revocation of licenses granted pursuant to this section. The City Council shall make findings of fact and conclusions concerning the revocation or suspension of a license within fifteen days after the close of the hearing. The City Clerk shall transmit a copy of the final findings of fact and conclusion to the licensee as provided hereafter.
7. Upon suspension or revocation of any license required by this title, notice of such suspension or revocation shall be given by personally serving the

licensee with the order of suspension or revocation or by mailing such order to such person by certified or registered mail at the business address of the licensee as shown on the license or at the address of the designated agent. In lieu of such service, or in addition thereto, a copy of such order may be affixed to the principal entrance of the licensed premises which shall be deemed to be the principal place of business or main office, or may be affixed to some prominent structure on such premises.

8. The order shall be effective immediately upon service of notice thereof unless the order provides otherwise. Service of such order shall be complete upon mailing or posting.
9. Upon the effective date of suspension or revocation of any license required for a business or activity, the licensee of such licensed business or activity shall cease and desist from further operation or activity.

Section 5: Sections 5.04.120(C), 5.04.120(D), and 5.04.120(E) are hereby deleted.

Section 6: Section 5.04.140 of the Code is hereby repealed and reenacted as follows:

- A. Any decision of the City Council under this Chapter shall be final subject to judicial review.

Section 7: Section 5.04.150 of the Code is hereby deleted.

Section 8: 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 9: This ordinance is deemed necessary for the protection of the health, welfare and safety of the community.

Passed on First Reading and Ordered Published this 1st day of December, 2015.

/s/ Donna Kast
City Clerk

A Public Hearing on this ordinance will be held at the December 15, 2015, City Council meeting. The Council Meeting will be held at 7:00 P.M. at City Hall, 606 Manitou Avenue, Manitou Springs, Colorado.

Ordinance Published: December 3, 2015 (in full)
City's Official Website and City Hall

Passed on Second Reading and Ordered Published this 15th day of December, 2015.

Approved: /s/ Marc A. Snyder
Mayor and City Council

Attest: /s/ Donna Kast
City Clerk

Ordinance Published: December 17, 2015 (in full)
City's Official Website and City Hall