

CITY OF GLENDALE, COLORADO
ORDINANCE NO. 19
SERIES OF 2003

AN ORDINANCE OF THE CITY OF GLENDALE, COLORADO, REGARDING
THE IMPLEMENTATION OF THE ORDINANCE REQUIRING BUSINESS
LICENSES FOR BUSINESSES AND OCCUPATIONS LOCATED WITHIN THE
CITY OF GLENDALE, COLORADO.

WHEREAS, the Glendale City Council believes that it is necessary that each business within the City of Glendale shall obtain an annually renewable business license issued by the City of Glendale; and

WHEREAS, there must be a component of city government to process applications for business licenses within the City of Glendale; and

WHEREAS, the Glendale City Council believes that a component of city government must have guidelines and standards in regulating business licenses issued by the City of Glendale.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Glendale, Colorado:

Section 3.19.010 DEFINITIONS.

When not clearly otherwise indicated by the context, the following terms, words, and phrases, as used in this chapter, shall have the following meaning:

“BUSINESS” means any lawful business, trade, occupation, profession, avocation, or calling of any kind having a fixed or transitory situs within the City of Glendale.

“ENGAGED IN BUSINESS” means performing or providing services, or selling, leasing, renting, delivering, installing or any activity in connection with the selling, leasing, renting, delivering, or installing in the City of Glendale tangible personal property by retail or wholesale sale for use, storage, distribution, or consumption within the City of Glendale. The term “Engaged in Business” does not include:

(1) Any person who owns commercial or residential real property offered for lease or rent in the ordinary course of business that does not employ one or more employees who perform any services or other activities within the City in relation to the lease, rental, operation or maintenance of such property for any period of time in a calendar month.

(2) Any homeowners’ association that does not employ one or more employees

who perform any services or other activities within the City in relation to the operation or maintenance of such association and its property for any period of time in a calendar month.

Section 3.19.020 LICENSE REQUIRED

No person who is engaged in a business within the City of Glendale shall be permitted to operate without a valid business license.

Section 3.19.030 APPLICATION CONTENTS

The business license shall be granted only upon application stating the name, address, and date of birth of the person desiring such license, the name of such business and the character thereof, the applicable Federal Identification number and State of Colorado license number of the business, the physical location of the business, the physical location phone number, and the applicable contact phone number, fax, and email address. Other facts may be required by the Finance Director such as, but not limited to, the date of birth, driver's license number, and social security number of an officer or owner of the business. The application must be signed and dated under penalty of perjury by an owner or officer of the business. A valid digital signature, or the equivalent thereof, on a license application transmitted electronically over the internet or transmitted via other similar means is accepted and held as a written signature. A signature on a license application sent via facsimile is accepted and held as a written signature. Any person doing business as a wholesaler shall obtain a retailer's license if any sales are made at retail as defined herein. Applications for such licenses shall be made to the Director. The City Clerk shall issue and renew such licenses.

Section 3.19.040 RENEWAL

The City Clerk shall not renew a business license if she or he finds that the licensee has failed to obtain or does not possess each additional license, if any, which the licensee is required to possess under the Glendale Code.

Section 3.19.050 EACH ESTABLISHMENT TO BE LICENSED

In case business is transacted at two or more separate places by one person, a separate license for each place of business shall be required. Each owner of a different business located at the same location must obtain a separate license for each business.

Section 3.19.060 LICENSE FORM

Each license shall be numbered and shall show the licensee name, physical location address, mailing address, and the expiration date of the license.

Section 3.19.070 LICENSE CARRYING OR POSTING REQUIRED

No licensee shall fail to carry any license issued in accordance with the provisions of this Chapter upon his or her person at all times when engaged in the operation, conduct, or carrying on of any trade, profession, or business for which the license was granted; except that where such trade or business is operated, conducted, or carried on at a fixed place or establishment, such license shall be

exhibited at all times in some conspicuous place in the place of business. Every licensee shall produce his or her license for examination when requested to do so by any City of Glendale police officer or by any person representing the City of Glendale.

Section 3.19.080 NON-TRANSFERABLE

No license shall be transferable.

Section 3.19.090 LICENSE FEE

Each application for and renewal of a license shall be accompanied by payment of an annual fee in the amount of ten dollars (\$10.00), which fee shall be effective beginning January 1, 2004. An exempt institution shall be exempt from this license fee.

Section 3.19.100 EXPIRATION, RENEWAL AND RENEWAL FEES

All licenses issued shall expire on December 31st of each calendar year. On or before December 31 of each calendar year the holder of a license may apply for a renewal license to the Finance Department for a renewal license for the next ensuing calendar year. A license for a new business or for a transfer of ownership issued on or after November 15th of each calendar year shall be valid for the next complete calendar year subject to the renewal provisions of this Section and subject further to the licensee's compliance with this Title. All applications for renewal license shall be made on forms prescribed and furnished by the City Clerk. Failure to obtain a renewal license by the December 31 expiration date of the original license shall result in payment of an increased renewal fee according to the following schedule:

Renewal after January 1	\$ 5.00 penalty	Total Due \$15.00
Renewal after February 1	\$10.00 penalty	Total Due \$20.00
Renewal after March 1	\$15.00 penalty	Total Due \$25.00

Section 3.19.110 ENGAGED IN BUSINESS WITHOUT LICENSE

Any person engaged in business in the City of Glendale without having secured business license in advance, except as specifically provided herein, shall be guilty of a violation of this Code.

Section 3.19.120 REVOCATION OF LICENSE BY CITY CLERK

A. The City Clerk may on reasonable notice and after full hearing, revoke the license of any person found to have violated any provisions of this Code. The Finance Director shall promptly notify the City Clerk of any violations of the provisions of this Code of which he/she becomes aware.

B. Any findings and order of the City Clerk revoking the license of any person shall be subject to review by the District Court upon application of the aggrieved party, in accordance with Rule 106(a)(4) of the Colorado Rules of Civil Procedure.

Section 3.19.130 EFFECTIVE DATE

The ordinance codified in this Chapter shall take effect January 1, 2004, and shall apply to transactions consummated after that date.

Safety Clause. The Glendale City Council hereby finds, determines, and declares that this ordinance is promulgated under the power of the City of Glendale, that it is promulgated for the health, safety, and welfare of the public, and that this ordinance is necessary for the preservation of health and safety and for the protection and welfare of the public. The Glendale City Council further determines that the ordinance bears a rational relation to the proper legislative object sought to be attained.

Severability. If any clause, sentence, paragraph or part of this ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect application to other persons or circumstances.

Emergency. This ordinance is necessary for the immediate preservation of the City of Glendale's peace, health, and safety in order to ensure the prompt and orderly collection of sales tax and Occupational Privilege Tax. Pursuant to City Charter § 5.4, this ordinance is declared an emergency ordinance. This ordinance shall be effective upon final publication.

INTRODUCED AS AN EMERGENCY ORDINANCE BY COUNCIL MEMBER
HALD, SECONDED BY COUNCIL MEMBER VAN WINKLE, ADOPTED BY
A VOTE OF 3 IN FAVOR AND 0 AGAINST BY THE CITY COUNCIL OF THE CITY OF
GLENDALE, COLORADO, THIS 18TH DAY OF NOVEMBER, 2003, AND ORDERED
PUBLISHED.

Mark Smiley, Mayor

ATTEST:

APPROVED AS TO FORM:

Anna S. Fine, City Clerk

Jeffrey Springer, City Attorney