

PROOF OF PUBLICATION

STATE OF COLORADO)
)
COUNTY OF EAGLE)

I, Jenny Rakow, Town Clerk for the Town of Eagle, do solemnly swear and affirm that I published in full a true and correct copy of ORDINANCE NO. 14 (Series of 2021) AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF EAGLE, COLORADO AMENDING CHAPTER 5 OF THE EAGLE MUNICIPAL CODE REGARDING BUSINESS LICENSES AND SOLICITATION PERMITS on the Town of Eagle’s web site, www.townofeagle.org, on the 15th day of December 2021.

Witness my hand and seal this 15th day of December 2021.



Jenny Rakow
Town Clerk



Ordinance Effective Date:
December 26, 2021

TOWN OF EAGLE, COLORADO
ORDINANCE NO. 14
(Series of 2021)

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF EAGLE, COLORADO
AMENDING CHAPTER 5 OF THE EAGLE MUNICIPAL CODE REGARDING BUSINESS
LICENSES AND SOLICITATION PERMITS

WHEREAS; the Town regulates businesses and solicitation activities as permitted by law;

WHEREAS, the Town wishes to create more consistent and concise business licensing and solicitation permitting provisions;

WHEREAS, the Town wishes to ensure the annual licensing fee schedule passed yearly by resolution includes a business marketing fee;

WHEREAS, the business marketing fee is in fact a fee and not a tax; and

WHEREAS, the Business Marketing Fee currently codified in Chapter 5.13 will now be encompassed within the new Chapter 5.02 Business Licenses chapter.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF EAGLE, COLORADO AS FOLLOWS:

Section 1. Chapter 5.02 of the Eagle Municipal Code is hereby repealed in its entirety and reenacted as follows:

CHAPTER 5.02. – BUSINESS LICENSES

Section 5.02.010. – Definitions.

For purposes of this Chapter, the following terms shall have the following meanings:

Business means any occupation, profession, enterprise, establishment, vocation conducted for private profit or benefit, either directly or indirectly, within the Town.

Premises means all lands, structures, places and locations in which a business operates, and the equipment and appurtenances connected or used therein including any personal property affixed or otherwise used in connection to the business.

Section 5.02.020. – Business license required.

It is unlawful for any person to maintain, operate, conduct or engage in any business activity on any premises in the Town without having first obtained a business license pursuant to this Chapter. A business license shall be required for each place of business within the Town, regardless of whether the business conducted therein is a separate business or a branch, division or agency of a licensed business at another location in the Town.

Section 5.02.030. – Application and issuance.

A. Every person conducting a business within the Town, other than any person holding a valid Town contractor's license, shall annually apply for a business license or renewal to the Town Clerk. The application shall include the following:

1. Name and address of the business;
2. Copies of all required certifications and licenses;
3. Disclosure of all information necessary to determine the business's compliance with zoning regulations and other applicable law;
4. If a renewal application, any information concerning the conduct and operation of the applicant's business during the preceding licensing period as is reasonably necessary to determine the applicant's eligibility for renewal; and
5. The application fee established by resolution of the Town Council.

B. If the Town Clerk determines that the application meets all requirements of this Chapter and other applicable law, the Town Clerk shall issue the business license; provided that no license shall be issued to any business in arrears on any tax or other payments due to the Town or the State.

C. Each license issued shall include the name and address of the licensee and the dates of issuance and expiration thereof.

Section 5.02.040. – Duties of licensee.

Every licensee under this Chapter shall:

1. Permit all reasonable inspections of the business and examinations of records as necessary for determining compliance with this Chapter.

2. Comply with all laws and regulations applicable to the licensed business and avoid all practices or conditions that adversely affect the public health, safety or welfare.

3. Post and maintain the license upon the licensed premises in a conspicuous place. If a licensee has no physical premises, the licensee shall carry such license on their person when conducting business.

4. Keep license information up to date. If information changes from that submitted in the license application, including without limitation the licensee's address, the address of the business, the owner of the business or the type of business conducted, the licensee shall notify the Town Clerk in writing no more than fourteen (14) days after such change.

Section 5.02.050. – Business marketing fee.

A. *Amount.* There is hereby levied and assessed for each calendar year, a business marketing fee in the amount established by resolution of the Town Council.

B. *Applicability.* The fee imposed by this Chapter shall apply to any business, trade, occupation, or profession for the purpose of making a profit, whether or not a profit is actually made on a regular basis, within the Town; provided, however, this fee shall not apply to contractors engaged in the building trades. In addition, the fee shall not apply to any business if exempt by virtue of State or Federal law.

C. *Classification.* Each location of a business shall pay a separate business marketing fee, unless such locations are contiguous to each other, communicate directly and openly with each other and are operated as a unit.

Section 5.02.060. – Suspension and revocation.

A. *Compliance order.* If the Town Clerk determines that a business has violated this Chapter or any other applicable law, the Town Clerk shall personally serve the business with a written compliance order apprising the licensee of each violation and ordering the licensee to comply within 30 days. As an alternative to personal service, a copy of the compliance order shall be posted in a conspicuous manner on the premises and mailed first class U.S. mail to the licensee or business owner at their last known address.

C. *Suspension or revocation.* If the licensee fails to comply with the compliance order, the Town Clerk may suspend the license for up to one hundred eighty (180) days or may revoke the license. In determining the length of suspension or revocation, the Town Clerk shall take into consideration the severity

of the licensee's violation(s), the licensee's past performance, any attempt by the licensee to remedy the violation(s) and any verified written complaints received against the business or licensee.

D. *Reapplication.* Any applicant whose license has been revoked may reapply for a new business license after at least one year has elapsed. A new license will only be granted if the sufficiently shows, to the satisfaction of the Town Clerk, that the reason(s) for suspension or revocation of the license have been remedied.

E. *Renewals.* All licenses shall expire on December 31 of each year. Any renewal applications submitted on or after March 1 shall be subject to late fees as established by resolution of the Town Council.

Section 5.02.070. – Violation and penalty.

It is unlawful to violate any provision of this Chapter. Violations of this Chapter shall be punished as provided in Chapter 1.12 of this Code.

Section 2. Chapter 5.04 of the Eagle Municipal Code is hereby repealed in its entirety and reenacted as follows:

CHAPTER 5.04. SOLICITATION

Section 5.04.010. – Purpose.

The purpose of this Chapter is to require the permitting of solicitation conducted in the Town and to regulate solicitation to the maximum extent permitted by law.

Section 5.04.020. – Definitions.

For purposes of this Chapter, the following terms shall have the following meanings:

Crimes or acts of violence against the person means homicide, attempted homicide, rape, attempted rape, sexual assault, assault, battery, and other similar felonies involving moral turpitude.

Crimes or acts of violence against the property of another means theft, burglary, breaking and entering, larceny and other similar felonies involving moral turpitude.

Solicitation means to enter or remain upon any private property in the Town, not having been requested or invited by the occupants thereof for the purpose of contacting said occupants to solicit the immediate or future purchase or sale of goods, services, or any other thing of value, or to solicit a gift or donation of any kind; or to occupy public property for the purpose of contacting passersby to

solicit the immediate or future purchase or sale of goods, services or any other thing of value, or to solicit a gift or donation of any time; provided, however, that solicitation does not include political canvassing, political advocacy, or religious proselytizing.

Section 5.04.030. – Solicitation.

A. *Permit required.* No person may engage in solicitation in the Town without first obtaining a solicitation permit. Each permittee shall carry the solicitation permit and their personal identification at all times while engaging in solicitation and shall present such identification and permit upon request of any person. Permits may not be transferred from person to person.

B. *Application.* Each applicant for a solicitation permit shall file with the Town Clerk an application including the following information, in addition to the application fee established by resolution of the Town Council:

1. The full name, residence address, mailing address, and telephone number of the applicant;
2. A description of the applicant, including height, weight, eye color, and hair color;
3. The number and state of issuance of any state-issued identification card issued to applicant, including a state motor vehicle operator's license or chauffeur's license;
4. A brief explanation of the nature of the merchandise to be sold or other activity requiring a solicitation permit under this Chapter; and
5. An authorization for the Town Clerk to conduct a background check of the applicant.

C. *Grounds for denial.* Unless the Town Clerk finds grounds for denial, the Town Clerk shall issue the solicitation permit within seven (7) days of receipt of a complete application. The Town Clerk may deny the application for the following reasons:

1. Failure to comply with any provision of this Code;
2. Felony convictions for crimes against the person or property of another, or institutionalizations for mental illness which caused acts of violence against the person or property of another; provided, however, that such felony convictions or institutionalizations occurred within five (5) years preceding the date of application; or

3. Convictions of any crime committed while engaged in solicitation in the Town.

D. *Notice and appeal.* If the Town Clerk denies the application, the Town Clerk shall notify the applicant in writing, stating the reasons for the denial, and shall mail such notice by regular United States mail to the address provided on the application. Within seven (7) days of the date of mailing such notice, the applicant may file a written request for an appeal to the Town Manager. The Town Manager shall hear and decide such appeal within thirty (30) days of receipt of the appeal request. At the appeal, the applicant shall be entitled to be heard and present evidence. The Town Manager's decision on the appeal shall be final, subject to judicial review.

E. *Expiration.* Each permit shall expire one (1) year from the date of issuance.

F. *Revocation.* If, after issuance of a permit, the Town Clerk finds that any of the grounds stated in subsection (C) hereof exist, the Town Clerk shall revoke the permit and provide written notice to the licensee of such action. The permittee may appeal the Town Clerk's decision in the manner set forth in subsection (D) hereof.

G. *Permissible times.* Solicitation is prohibited before 8:00 a.m. or after the later of 8:00 p.m. or sunset, as announced and published by the National Weather Service daily.

H. *Signage.* Any person may post a sign on their property indicating that the owners or occupants do not wish to be disturbed by solicitation. Such sign shall state, "No Trespassing," "No Solicitors," or other similar message indicating that door-to-door solicitation is not authorized, and shall not exceed two and one-half (2½) square feet in area. Such sign shall be allowed in addition to the number and types of signs permitted by Chapter 4.08 of this Code. Solicitation at any property at which such a sign is posted is a violation of this Chapter.

I. *Public streets and rights-of-way.* No person shall conduct any solicitation on or in any public street or right-of-way in the Town, provided that this subsection shall not apply to persons selling taxicab or pedicab services or horse drawn conveyance rentals on the streets or rights-of-way in the Town where such vehicles are permitted to operate.

Section 5.04.040. – Door hangers.

No person, other than a Town employee, shall fasten or deposit in any manner any notice, poster, or other advertising or promotional material upon private property, including personal property, without having permission to do so from the owners or occupants of such property. Permission to so fasten or deposit such

materials shall be implied from the presence of an improved walkway, including a driveway, connecting such property directly to a public right-of-way, unless:

1. Access to such walkway is physically restricted by a fence, gate or other permanent structure; or
2. A "No Trespassing" or "No Solicitors" sign or a sign conveying a similar message is posted on the property at a visible location.

Section 5.04.050. – Violation and penalty.

It is unlawful to violate any provision of this Chapter. Violations of this Chapter shall be punished as provided in Chapter 1.12 of this Code.

Section 3. Chapter 5.06 of the Eagle Municipal Code is hereby repealed in its entirety.

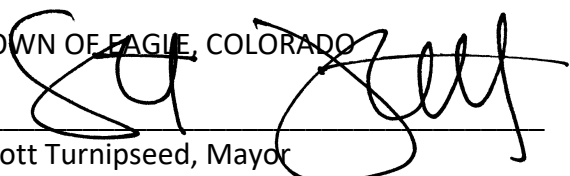
Section 4. Chapter 5.13 of the Eagle Municipal Code is hereby repealed in its entirety.

Section 5. Severability. 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 Town Council hereby declares that it would have passed this Ordinance and each part or parts hereof irrespective of the fact that any one, or part, or parts be declared unconstitutional or invalid.

Section 6. Safety. This Ordinance is deemed necessary for the protection of the public health, safety, and welfare.

Section 7. Effective Date. Pursuant to Section 6.03 of the Eagle Home Rule Charter, this Ordinance shall take effect 10 days after publication following adoption.

INTRODUCED, READ, PASSED, ADOPTED, AND ORDERED PUBLISHED ON DECEMBER 14, 2021.

TOWN OF EAGLE, COLORADO


Scott Turnipseed, Mayor

ATTEST: 

Jenny Rakow, Town Clerk

