

CITY OF WHEAT RIDGE, COLORADO
INTRODUCED BY COUNCIL MEMBER STITES
COUNCIL BILL NO. 21
ORDINANCE NO. 1806
Series 2024

TITLE: AN ORDINANCE AMENDING RELEVANT SECTIONS OF THE WHEAT RIDGE CODE OF LAWS CONCERNING THE CITY'S GENERAL BUSINESS LICENSE REQUIREMENTS

WHEREAS, the City of Wheat Ridge (the "City") is a home rule municipality having all powers conferred by Article XX of the Colorado Constitution; and

WHEREAS, pursuant to its home rule authority and C.R.S. §§ 31-15-501 and 31-23-301, *et seq.*, the City, acting through its City Council (the "Council"), is authorized to adopt ordinances for the protection of the public health, safety, or welfare; and

WHEREAS, pursuant to this authority, the Council previously adopted general business license requirements and regulations, codified as Article II, Chapter 11 of the Wheat Ridge Code of Laws ("Code"); and

WHEREAS, City staff have recommended certain amendments to the City's general business licensing program to remove the licensing requirements for those businesses without a physical presence in the City and those businesses which rely on other City issued licenses for continued operation, transition the business license effectiveness period to two years, establish a licensing inspection fee, provide the City with additional fee establishment powers, and make conforming amendments; and

WHEREAS, the Council finds that these amendments are necessary to ensure the continued effective regulation of certain classes of business operations within the City.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WHEAT RIDGE, COLORADO:

Section 1. Section 11-22 of the Wheat Ridge Code of Laws, concerning violations of business license requirements, is amended by the revision of one existing definition to read as follows:

Sec. 11-22.- Violations.

It shall be a violation of the City Code to conduct business within the city without a valid business license unless specifically exempted from the provisions of this article. BUSINESSES WHICH HAVE AN "ECONOMIC NEXUS" WITHIN THE CITY, AS DEFINED AT CODE SECTION 22-21 ARE EXEMPT FROM THE LICENSING REQUIREMENTS OF THIS ARTICLE BUT MUST MAINTAIN A SALES AND OR USE TAX LICENSE PURSUANT TO CHAPTER 22. A business license shall be considered valid if it is current and complies with the requirements of the City Code. Penalties for violations of this

section shall be as set forth in sections 1-5 and 1-6 of the City Code. Each day that a business is conducted in violation of the City Code shall be a separate offense.

Section 2.

Section 11-24 of the Wheat Ridge Code of Laws, concerning business license applications, is amended to read as follows:

Sec. 11-24. - Applications.

- (a) An application for a license shall be made on forms prescribed by the city treasurer and filed at the offices of the city treasurer, in compliance with the provisions of this article.
- (b) Application shall be made prior to the commencement of business within the city or, in the event of a renewal, prior to January 1 of the calendar year for which the license is sought. A thirty-day grace period after the application deadline shall be permitted.
- (c) A business license shall be required in addition to all other licenses required by the City Code or state statute, except that:
 - (1) contractors subject to licensing pursuant to article IV, division 2 of chapter 5 of the City Code shall not be required to pay for a business license;
 - (2) BUSINESSES WHICH DO NOT HAVE A PHYSICAL PRESENCE IN THE CITY AND WHICH ONLY HAVE ECONOMIC NEXUS PRESENCE WITHIN THE CITY AS DEFINED AT CODE SECTION 22-21 SHALL BE EXEMPT FROM THE REQUIREMENTS OF THIS ARTICLE; AND
 - (3) ANY BUSINESS WHICH HAS BEEN ISSUED A SPECIALITY BUSINESS LICENSE PURSUANT TO ARTICLES VII, X, XIV, OR XVI OF CHAPTER 11 SHALL BE EXEMPT FROM THE REQUIREMENTS OF THIS ARTICLE.

Section 3. Section 11-25 of the Wheat Ridge Code of Laws, concerning the issuance of business licenses, is amended to read as follows:

Sec. 11-25. - Issuance of License.

- (a) No license shall be issued unless the city treasurer finds, after investigation, that:
 - (1) All applicable provisions of the City Code and state statutes have been met by the applicant;
 - (2) The required fees and previously assessed penalties have been paid;
 - (3) The application has been reviewed by the city zoning officials, the use is valid under the city land use ordinances, and all

required inspections have been performed. THE APPLICANT SHALL BE RESPONSIBLE FOR THE PAYMENT OF AN INSPECTION FEE, WHICH SHALL BE DETERMINED BY THE COUNCIL AND SET BY RESOLUTION.

- (b) Any license issued in error may be canceled.
- (c) Upon issuance, the license shall be mailed to the licensee at the address stated in the application.

Section 4. Section 11-27 of the Wheat Ridge Code of Laws, concerning the renewal period for business licenses, is amended to read as follows:

Sec. 11-27.- Expiration of and renewal of license.

- (a) All general business licenses shall expire December 31 EVERY TWO YEARS FOLLOWING THEIR DATE OF ISSUANCE OR RENEWAL. THE CITY MAY CHOOSE TO ISSUE A ONE-YEAR BUSINESS LICENSE TO ANY BUSINESS RENEWING FOR CALENDAR YEAR 2025 OR 2026, AFTER WHICH ALL SUBSEQUENT LICENSES SHALL BE ISSUED FOR A TWO-YEAR PERIOD. All exempt institution licenses ~~are issued for a three-year period.~~ SHALL EXPIRE EVERY THREE YEARS FROM THEIR DATE OF ISSUANCE OR RENEWAL.
- (b) A renewal notice shall be sent to each licensee prior to the expiration of the license. The license may be renewed by filing a new application and paying applicable fees as required by this article.
- (c) Except as otherwise provided by the City Code, the city treasurer may, in THEIR discretion, waive the submission of a renewal application, so long as the application and license fees imposed by this chapter are paid in a timely manner and the vendor is not delinquent in the payment of any tax either collected and due the city, made by or otherwise assessed by the city, or delinquent in filing of required city sales and use tax returns.
- (d) The city treasurer may authorize the renewal of an exempt institution license as long as the organization has not changed the substance of the data on the original application, and so long as the licensee is not in violation of the terms of its previous exempt institution license or any provisions of the City's Code.

Section 5. Section 11-29 of the Wheat Ridge Code of Laws, concerning business license fees, is amended to read as follows:

Sec. 11-29. - Fees.

- (a) ~~The annual~~ License fees shall be DETERMINED BY THE COUNCIL AND SET BY RESOLUTION.

- ~~(b) Fees may be paid in cash or by check, bank draft or money order. Fees paid in any form except cash will be accepted by the city treasurer subject to collection.~~
- (b) Whenever any check, bank draft or other instrument received by the city treasurer for payment of any fee or penalty is returned unpaid or uncollectible, such fee or penalty shall be deemed unpaid. Any license issued while a required fee or penalty assessed pursuant to the City Code remains unpaid shall be canceled.
- (c) In the event that a license is sought for a time period between August 31 and December 31 of a NON-RENEWAL calendar year, the full application fee and one-half the license fee shall be paid.
- ~~(d) A late fee and/or fine shall be assessed, In addition to the regular application and license fees, A LATE FEE AND/OR FINE SHALL BE ASSESSED IN GRADUATED AMOUNTS, BASED UPON THE DEGREE OF UNTIMELINESS AFTER THE COMMENCEMENT OF BUSINESS WITHIN THE CITY OR EXPIRATION OF THE PRIOR LICENSE, DETERMINED BY THE COUNCIL AND SET BY RESOLUTION. as follows:~~
- ~~(e) A ten dollar (\$10.00) fee if applied for or renewed more than thirty (30) but not more than sixty (60) days after the commencement of business within the city or expiration of the prior year's license.~~
- ~~(f) (2) A fifty dollar (\$50.00) fee if applied for or renewed more than sixty (60) days but not more than ninety (90) days after the commencement of business within the city or expiration of the prior year's license.~~
- ~~(g) A one hundred dollar (\$100.00) fee if applied for or renewed more than ninety (90) days after the commencement of business within the city or expiration of the prior year's license.~~
- (e) If a summons to municipal court is required to obtain licensing compliance, the municipal court shall impose a fine under sections 1-5 and 1-6 of this Code of no less than five dollars (\$5.00) per day of operation without a license or with an expired license in addition to the maximum late fee.
- (f) Late fee waivers shall be granted at the discretion of tax division staff only in acknowledgment of proof of timely mailing or in the event of exigent and unavoidable circumstances such as death, catastrophic illness, or disaster.
- (g) The city treasurer may not charge a fee for the reissue of a replacement for a lost or damaged license.
- (h) A BUSINESS LICENSE INSPECTION FEE, IF APPLICABLE, SHALL BE DETERMINED BY THE COUNCIL AND SET BY RESOLUTION.

- (i) All business/tax licensing fees may be reviewed occasionally by city staff. City staff may then forward recommendations concerning amending such fees to the city council; provided, however, the fees may not be increased by more than a percentage equal to the sum of the Denver-Boulder Annual Consumer Price Indices since the last increase, rounded to the nearest dollar.

Section 6. Section 11-171 of the Wheat Ridge Code of Laws, concerning the compliance with the license requirements of pawnbrokers and secondhand dealers shall be amended to read:

Sec. 11-171.- Compliance; license required.

It is unlawful for any person to engage in the business of pawnbroking except as provided in and authorized by this article and without first having obtained ~~an annually renewable and~~ A nontransferable pawnbroker's license issued by the city. It is unlawful for a secondhand dealer to fail to comply with all applicable requirements of this article. A secondhand dealer is not required to obtain a license pursuant to this article.

Section 7. Section 11-234(a) of the Wheat Ridge Code of Laws, concerning the license requirement for massage businesses shall be amended to read:

Sec. 11-234.- Licenses required.

- (a) No person or entity shall be permitted to operate a massage business in the city without a valid massage business license ~~in addition to the business license required by chapter 11, article II.~~ Additionally, no person or entity shall be permitted to operate such massage business without a licensed manager on site at all times, except as provided in (c) below. A massage business may obtain manager's licenses for more than one (1) individual.

Section 8. The introductory paragraph of Section 11-235(a) of the Wheat Ridge Code of Laws, concerning the application for a massage business license shall be amended to read:

Sec. 11-235.- Application.

- (a) In addition to the requirements of this chapter ~~and chapter 11, article II,~~ each application for a massage business license shall contain the following information:

Section 9. Section 11-562(a) of the Wheat Ridge Code of Laws, concerning the requirements to obtain a hotel license shall be amended to read:

Sec. 11-562.- License required; licensee fee; license renewals.

- (a) *Issuance.* No person shall conduct or operate a hotel without first having obtained a hotel license issued by the city as required by this

article. ~~This requirement to obtain a hotel license is in addition to the requirement to obtain a business license pursuant to article II of this chapter.~~ Applicants for a hotel license shall pay the applicable fee.

Section 10. Severability, Conflicting Ordinances Repealed. If any section, subsection or clause of this Ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections and clauses shall not be affected thereby. All other ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

Section 11. Effective Date. This Ordinance shall take effect fifteen (15) days after final publication, as provided by Section 5.11 of the Charter.

INTRODUCED, READ, AND ADOPTED on first reading by a vote of 8 to 0 on this 14th day of October 2024, ordered published by title in full in on the City's website as provided by the Home Rule Charter, and Public Hearing and consideration on final passage set for October 28, 2024, at 6:30 p.m., in the Council Chambers, 7500 West 29th Avenue, Wheat Ridge, Colorado.

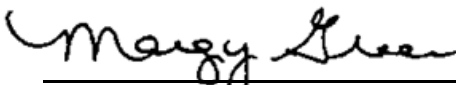
READ, ADOPTED AND ORDERED PUBLISHED on second and final reading by a vote of 6 to 0, this 28th day of October 2024.

SIGNED by the Mayor on this 29th day of October 2024.



Bud Starker, Mayor

ATTEST:



Margy Greer, Senior Deputy City Clerk

Approved as to Form:



Gerald E. Dahl, City Attorney

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