

**TOWN OF MEAD, COLORADO  
ORDINANCE NO. 781**

**AN ORDINANCE OF THE TOWN OF MEAD, COLORADO, AMENDING  
CHAPTER 6 OF THE MEAD MUNICIPAL CODE WITH REGARD TO  
BUSINESS LICENSES AND REGULATIONS.**

**WHEREAS**, it is a commitment of the Board of Trustees to continually review the Municipal Code and provide appropriate updates to the Code; and

**WHEREAS**, in cooperation with the Board of Trustees, staff and the town attorney, the following changes to the Municipal Code have been recommended for adoption and included in the Code as part of the annual update of codification.

**NOW THEREFORE, BE IT ORDAINED by the Board of Trustees of the Town of Mead, Weld County, Colorado, that:**

**Section 1.** Chapter 6, 6-1-20, of the *Mead Municipal Code* is hereby repealed in its entirety and reenacted to read as follows:

**“Sec. 6-1-20. Applications.**

Applications for all business licenses required shall be made in writing to the Town on forms provided and contain such information as may be needed for issuance of the permit or license. Licenses shall not be issued for incomplete applications. A separate application and license is required for each location of the business, if the business has multiple locations within the Town of Mead. The Town shall keep a register of licenses issued under this Chapter that includes the name and address of the licensee, the purpose of the license, the number of the license, the amount paid therefore, and the license expiration date.

**Section 2.** Chapter 6, 6-1-40, of the Mead Municipal Code is hereby repealed in its entirety and reenacted to read as follows:

**“Sec. 6-1-40. License fee.**

There shall be imposed an annual license fee of thirty dollars (\$30.00) for each license issued. License fees for a partial year shall be prorated in monthly increments to December 31. Administrative penalties of thirty dollars (\$30.00) for each month or portion thereof, will be added to the license fee for failure to renew an existing license or for operating a business without a license.”

**Section 3.** Chapter 6, 6-1-80, of the Mead Municipal Code is hereby repealed in its entirety and reenacted to read as follows:

**“Sec. 6-1-80. Use of public property.**

Except for community wide special events, no licensee under this Chapter engaged in the selling or trading of tangible goods or items of any kind shall display, store or otherwise keep such goods or items on any public property, including but not limited to parks, open spaces, sidewalks, streets and other public rights-of-way, unless otherwise regulated in this Code or under state law.”

**Section 4.** Chapter 6, 6-1-110, of the Mead Municipal Code is hereby repealed in its entirety and reenacted to read as follows:

**“Sec. 6-1-110. Exemptions.**

The licenses herein required shall not apply to newspaper carriers, persons or businesses under contract with the town, volunteer charitable and nonprofit businesses or benefits, suppliers of products for resale by a licensed person, or door-to-door or telephone solicitation sales and services which do not provide the livelihood of the person so engaged, or when annual gross receipts do not exceed three thousand dollars (\$3,000.00).

The license herein required shall not apply to any person, firm, partnership or corporation engaging in the operation or conduct of any business in the town, or in doing business or engaging in activity for profit in the town at a community event sponsored by the town or a nonprofit organization. The town, or the nonprofit organization, acting as the vendor/event coordinator, shall obtain a single or multiple events sales tax license from the Department of Revenue for the community event and remit all taxes collected by the vendors who do not have a license for the event and for vendors who have a license for the event but elect to have the event coordinator remit the tax to the Department of Revenue. The event coordinator is required to provide the Department of Revenue with a list of the names and addresses of the vendors at the event. The event coordinator must also provide the license numbers of all vendors who have obtained their own license for the event and are remitting the tax to the state themselves.”

**Section 5.** Chapter 6, 6-2-10, of the Mead Municipal Code is hereby repealed in its entirety and reenacted to read as follows:

**“Sec. 6-2-10. Business, general.**

A general business is any business activity not otherwise identified herein. The annual fee for a general business license shall be thirty dollars (\$30.00), as provided by Sec. 6-1-40, except as may be provided in Articles III, IV, V, and VI.”

**Section 6.** Chapter 6, 6-2-20. Amusement arcades, of the *Mead Municipal Code* is hereby repealed in its entirety.

**Section 7.** Chapter 6, 6-2-30. Amusements, of the *Mead Municipal Code* is hereby repealed in its entirety.

**Section 8.** Chapter 6, 6-2-40. Auctions and auctioneers, of the *Mead Municipal Code* is hereby repealed in its entirety.

**Section 9.** Chapter 6, 6-2-50. Christmas tree lots, of the *Mead Municipal Code* is hereby repealed in its entirety.

**Section 10.** Chapter 6, 6-2-60. Fireworks stand, of the *Mead Municipal Code* is hereby repealed in its entirety.

**Section 11.** Chapter 6, 6-2-70. Home occupation, of the *Mead Municipal Code* is hereby repealed in its entirety.

**Section 12.** Chapter 6, 6-2-80. Junk and secondhand dealers, of the *Mead Municipal Code* is hereby repealed in its entirety.

**Section 13.** Chapter 6, 6-2-90. Kennel/pet shop, of the *Mead Municipal Code* is hereby repealed in its entirety.

**Section 14.** Chapter 6, 6-2-100. Pawnshops; pawnbrokers, of the *Mead Municipal Code* is hereby repealed in its entirety.

**Section 15.** Chapter 6, 6-2-110, of the *Mead Municipal Code* is hereby repealed in its entirety and reenacted to read as follows:

**“Sec. 6-2-110. Refuse hauler, commercial.**

A commercial refuse hauler is a person who collects, hauls or causes to be collected or hauled, over streets, alleys or other public places, any refuse except such as is accumulated at his or her own residence or place of business. The fee is thirty dollars (\$30.00) per year. The application for a refuse hauler license shall be forwarded to the Board of Trustees for issuance after determination that:

- (1) Vehicles to be used are safe, sanitary and properly equipped so as not to constitute a safety hazard or health hazard, and the GVW does not exceed fifty-five thousand (55,000) pounds.
- (2) Refuse will be transported to and deposited at approved disposal sites.
- (3) The applicant meets all other laws and regulations relating to the collection, hauling and depositing of refuse.”

**Section 16.** Chapter 6, 6-2-120 (e)(2), of the *Mead Municipal Code* is hereby repealed in its entirety and reenacted to read as follows:

“(e) (2) The license fee is thirty dollars (\$30 .00) per year.”

**Section 17.** Chapter 6, 6-2-130 (g), of the *Mead Municipal Code* is hereby repealed in its entirety and reenacted to read as follows:

“(g) Imposition of fees. Every application for a primary caregiver business license or renewal shall be accompanied by a nonrefundable fee of thirty dollars (\$30.00) for the business license and a fee not to exceed two hundred fifty dollars (\$250.00) for a background check.”

**Section 18.** Chapter 6, 6-3-60, of the *Mead Municipal Code* is hereby repealed in its entirety and reenacted to read as follows:

**“Sec. 6-3-60. Presiding officer.**

The Mayor shall preside over all hearings and proceedings of the Authority. In the absence of the Mayor, the Mayor Pro Tem shall preside at meetings of the Authority. In the absence of both Mayor and Mayor Pro Tem, the Board of Trustees shall designate one (1) of its members to serve as temporary

chairman of the Authority, pursuant to Section 2-2-80 of this Code.”

**Section 19.** Chapter 6, 6-3-90, of the *Mead Municipal Code* is hereby repealed in its entirety and reenacted to read as follows:

**“Sec. 6-3-90. Duties of Town Clerk.**

(a) The Town Clerk shall assist the Authority by receiving all applications; coordinating with other Town officers and departments when relevant; scheduling required public hearings; and exercising his or her discretion in forwarding applications for renewals, transfer of ownership, change of manager of a licensee; temporary permits; modifications of premises; and special event licenses.

(b) As set forth below, the Town Clerk is hereby vested with authority to administratively review and approve applications for liquor license renewals, reissued licenses, transfer of ownership, change of manager of a licensee, temporary permits, modifications of premises, and special events licenses. The Town Clerk is also vested with authority to administratively review and approve applications for private parties serving alcoholic beverages at private gatherings on Town property.

(c) The Town Clerk is authorized to act for the Authority for the following Colorado Liquor Code and Colorado Beer Code licensing functions:

1. Processing and issuance of special event permits pursuant to Section 12-48-101, C.R.S., provided that no parties have filed a written objection to said permit.
2. Annual Colorado Liquor Code and Colorado Beer Code license renewals, provided that the Town Clerk is aware of no information that the licensee has violated any provisions of the Colorado Liquor or Beer Codes or associated regulations during the preceding year.
3. The reissuance of an annual license expired more than ninety (90) days but less than one hundred eighty (180) days, in accordance with section 12-47-302.
3. Changes in shareholders, officers, directors or trade names of a licensee, provided that any investigation conducted by the Town does not reveal information that may reasonably form the basis of a determination that the applicant is not qualified to hold the respective license.
4. Changes in registered manager of a licensee, provided that any investigation conducted by the Town does not reveal information that may reasonably form the basis of a determination that the proposed manager is not qualified to hold the position.
5. Modification or alteration of the licensed premises, provided that the modification or alteration is of the interior only and does not involve an increase of more than fifteen percent (15%) of the useable area.
6. The issuance of temporary permits pursuant to and in compliance with the provisions of Section 12-47-303, C.R.S.

(d) The Town Clerk shall refer any licensing decision authorized under this Section to the Authority if the Town Clerk believes an applicant does not qualify for action by the Town Clerk as set forth above, or if the Town Clerk believes, in his or her discretion, that a matter should be presented to the Authority.

(e) The Town Clerk shall regularly report to the Authority in a timely manner all licensing actions taken by the Town Clerk under the provisions of this Section.”

**Section 20.** Chapter 6, 6-3-120 (a), of the *Mead Municipal Code* is hereby repealed in its entirety and reenacted to read as follows:

“(a) the following application fees for sale of fermented malt beverages or alcoholic beverages shall be paid to the Town at the time the application is made to the Licensing Authority.

Transaction	Fee
New license	\$1,000.00
Transfer of location or ownership	\$750.00
Renewal of license	\$100.00
Renewal of expired license	\$500.00 late application fee + \$25.00/day fine for each day beyond ninety days.
Fingerprint analysis and background investigation for corporate applicants and limited liability companies, pursuant to Section 12-47-505 (5), C.R.S., for each new officer, director, stockholder, member or manager, except if the applicant has already undergone a background investigation by and paid a fee to the state licensing authority.	\$100.00/officer, director, stockholder, member or manager.”

**Section 21.** Chapter 6, 6-3-360 (a), of the *Mead Municipal Code* is hereby repealed in its entirety and reenacted to read as follows:

“(a) The following annual license fees shall be paid to the town prior to the issuance of licenses.

License/Permit Type	Town of Mead	Colorado Depart of Revenue
Retail liquor store license	\$22.50	\$127.50
Liquor-licensed drugstore license	\$20.50	\$127.50
Wine and beer license	\$48.75	\$276.25
Hotel and restaurant license	\$75.00	\$425.00

Tavern license	\$75.00	\$425.00
Optional premises license	\$75.00	\$425.00
Brew pub, distillery pub or vintner's restaurant license	\$75.00	\$425.00
Club license	\$42.25	\$233.75
Arts license	\$42.25	\$233.75
Bed-and-breakfast permit	\$3.75	\$21.25"

**Section 22.** Chapter 6, Article III, of the *Mead Municipal Code* is hereby amended by the addition of a new Section 6-3-390, to read as follows:

**“Sec. 6-3-390. Special events license.**

(a) Pursuant to C.R.S. 12-48-107(5)(a), the Board of Trustees of the Town of Mead, acting as the local liquor licensing authority, elects not to notify the state licensing authority to obtain the state licensing authority's approval or disapproval of applications for special event permits.

(b) An applicant shall file a special event permit application at least thirty (30) days prior to the date of the event, unless such requirement is waived by the Town Clerk for good cause shown.

(c) Investigations; findings.

1. Upon receipt of a complete application for a special event permit the Town Clerk shall investigate, through consultation with appropriate town administrative personnel and the state licensing authority, as applicable, and make determinations on the following matters;
  - a. Whether the applicant has timely and properly submitted a complete application for a special event permit and tendered all required fees in accordance with this chapter and the provisions of Article 48 of Title 12, C.R.S.;
  - b. Whether there has been a timely and proper posting of conspicuous public notice of the proposed special event permit and protest procedures at the location for which the permit is sought pursuant to Section 12-48-106(2), C.R.S.;
  - c. Whether the applicant satisfies the eligibility criteria set forth in Article 48 of Title 12, C.R.S.; and
  - d. Whether issuance of a special event permit to the applicant will comply with the special event permit issuance restrictions of Section 12-48-105(3), C.R.S.

(d) Decision by Town Clerk.

1. At the conclusion of the investigation by the Town Clerk, the Town Clerk may enter his or her decision granting the special event permit only upon a finding by the Town Clerk that the application satisfies all the criteria set forth in Sec. 6-3-390 of this chapter.
2. If, in the Town Clerk's opinion, a decision on the application should be made by the Authority, the Town Clerk may withhold a decision and refer the application for a hearing and decision on it by the Authority.
3. If the Town Clerk determines that sufficient grounds appear to exist to deny issuance of a special event permit, the Town Clerk shall refer the application to the Authority for a hearing and decision. Sufficient grounds for denial of a permit may exist if the Town Clerk determines that the issuance of a permit would be injurious to the public welfare because of the nature of the special event, or the applicant's ability to conduct the event in compliance with applicable laws and regulations.
4. The Town Clerk shall not issue any decision on an application, including a decision to refer the application to the Authority, until after the expiration of ten (10) calendar days from the date on which conspicuous public notice was first made pursuant to Section 12-48-106(2). C.R.S. The Town Clerk must issue a decision on an application, including a decision to refer the application to the Authority, before the expiration of fourteen (14) calendar days from the date on which conspicuous public notice was first made.
5. The decision of the Town Clerk to grant a special event permit may be appealed to the Authority for consideration at a public hearing by any person who timely filed a protest to the application and who also timely files a written notice of appeal of the Town Clerk's decision to issue a special event permit. A protest is timely filed if such protest is made before the first date on which the Town Clerk may issue a decision on an application. A notice of appeal is timely filed if such filing is made with the Town Clerk not more than five (5) calendar days after the Town Clerk issues a decision approving a permit.
6. Upon the Town Clerk referring a decision on an application to the board or receipt of a compliant notice of appeal after the Town Clerk has issued decision, the Town Clerk shall schedule the referral or appeal for hearing and decision by the Authority at the Board of Trustees' next regular meeting and provide notice as set forth in subsection (e) of this Sec. 6-3-390. Prior to any hearing, the Town Clerk shall provide the Authority a report of the findings made by the Town Clerk during the course of his or her investigation which states the facts or reasons relied upon by the Town Clerk in making a discretionary referral or approving a permit, or the sufficient grounds that appear to exist for denial of a permit in the case of a mandatory referral.

(e) Public hearings upon referral or appeal of decision by Town Clerk.

1. The Town Clerk shall provide written notice regarding a referral or appeal hearing to the applicant and any person who timely filed a protest to the application. The notice shall provide the time and place of such hearing and shall be mailed by first class U.S. mail. As to referral hearings only, the notice shall contain such facts or reasons relied upon by the Town Clerk in making a discretionary referral, or in the case of a mandatory referral, the sufficient grounds for denial of a permit that appear to exist.
2. All hearings before the Authority regarding a special event permit application shall be public and shall be conducted in accordance with this chapter so as to ascertain facts affecting the substantial rights of the parties to the proceedings. The applicant and any person filing a protest may present evidence and cross-examine witnesses. The Authority, in its discretion, may limit the presentation of evidence and cross examination so as to prevent repetitive and cumulative evidence or examination. The Authority shall consider the information contained in the report of the investigations of the Town Clerk. Evidence and requirements of proof shall conform, to the extent practicable, with those in civil nonjury cases in the district courts; however, evidence not admissible under such rules will be admitted if such evidence possesses significant probative value. All testimony given at a public hearing shall be sworn.
3. An applicant or a protesting party may appear in person or be represented by counsel.
4. At the conclusion of the presentation of all the evidence, the Authority shall enter its decision granting or denying the license in the case of a referral, or upholding or overturning an appeal in the case of an appeal. The Town Clerk shall then withhold or issue a special event permit consistent with Authority's decision.

(f) As required by Section 12-48-107(5)(a), C.R.S., the Town Clerk shall report to the Colorado Liquor Enforcement Division, within 10 days after the town issues any special event permit, the name of the organization to which the permit was issued, the address of the permitted location, and the permitted dates of alcohol beverage service.

(g) Upon receipt of an application for a special event permit, the Town Clerk shall, as required by C.R.S. 12-48-107(5)(c), access information made available on the website of the state licensing authority to determine the statewide permitting activity of the organization applying for the permit. The town shall consider compliance with the provisions of C.R.S. 12-48-105(3), limiting to 15 the number of special event permits issued in any one year to any one organization, before any application is approved.

(h) A special event permit may be issued only upon a satisfactory showing by an organization or a qualified political candidate that:

1. Other existing facilities are not available or are inadequate for the needs of the organization or political candidate; and
2. Existing licensed facilities are inadequate for the purposes of serving members or guests of the organization or political candidate and that additional facilities are



necessary by reason of the nature of the special event being scheduled; or

3. The organization or political candidate is temporarily occupying premises other than the regular premises of such organization or candidate during special events such as civic celebrations or county fairs and that members of the general public will be served during such special events.

(i) Each application for a special event permit shall be accompanied by an application fee in an amount equal to the maximum local licensing fee established by C.R.S. 12-48-104.

(j) the Town Clerk shall report to the Authority no less than quarterly all special event permits issued by the Town Clerk under the provisions of this section for which a hearing has not been held.”

**Section 23.** Chapter 6, Article IV, Sec. 6-4-30 (a), of the *Mead Municipal Code* is hereby repealed in its entirety and reenacted to read as follows:

“(a) The annual license fee shall be five hundred fifty dollars (\$500.00), said license fee to be applied toward the administrative cost of issuance of the license and maintaining records and maps of the fiber-optical cable system.”

**Section 24.** Chapter 6, Article V, Sec. 6-5-40 (c), of the *Mead Municipal Code* is hereby repealed in its entirety and reenacted to read as follows:

“(c) If, as a result of such investigation, the applicant's character and business responsibility are found to be satisfactory, the Town Clerk shall endorse his or her approval upon such application and shall, upon payment of the prescribed registration fees and bond, issue a certificate of registration. Such certificate of registration shall contain the signature and seal of the issuing officer and shall show the name and address of said certificate holder, the type of certificate of registration issued, the kind of goods or services to be sold thereunder, the amount of fee paid, the date of issuance, the length of time the same shall be operative, and a two-inch-by-two-inch photograph of the certificate holder, as well as the license number or other identifying description of any vehicle used in such activity. The Town Clerk shall keep a permanent record of all certificates of registration issued.”

**Section 25.** Chapter 6, Article V, Sec. 6-5-50 (c), of the *Mead Municipal Code* is hereby repealed in its entirety and reenacted to read as follows:

**“Sec. 6-5-50. Registration fees; bond.**

There shall be due and payable for each certificate of registration issued hereunder the following fees and bond, to be submitted with the registration application:

- (a) A registration fee of twenty-five dollars (\$25.00);
- (b) Cash deposited with the Town, or a commercial surety bond, in the amount of \$1,000.

The Town Clerk will return the cash deposited with the Town, without interest, to the Registrant on December 31, of the registration year, unless the Registrant first registers for the following year, in which instance, the cash deposit may be carried forward to the seceding year.

The Board of Trustees may, in its discretion, waive the payment of fees on behalf of any applicant engaged in a civic, religious or charitable undertaking.”

**Section 26.** Chapter 6, Article V, Sec. 6-5-110, of the *Mead Municipal Code* is hereby repealed in its entirety and reenacted to read as follows:

**“Sec. 6-5-110. Enforcement.**

It shall be the duty of the code enforcement officer or any law enforcement officer to require any person seen peddling, canvassing or soliciting, and who is not known by such officer to be duly licensed, to produce a certificate of registration, and to enforce the provisions of this Article against any person found to be violating the same.”

**Section 27.** Chapter 6, Article V, Sec. 6-5-120, of the *Mead Municipal Code* is hereby repealed in its entirety and reenacted to read as follows:

**“Sec. 6-5-120. Violations record.**

The court clerk shall report to the Town Clerk all convictions for violations of this Article. The Town Clerk, in his or her record for each certificate of registration issued, shall record the reports of violations therein.”

**Section 28. Effective Date.** This ordinance shall be published and become effective as provided by law.

**Section 29. Severability.** If any part, section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining sections of the Ordinance. The Board of Trustees hereby declares that it would have passed the ordinance including each part, section, subsection, sentence, clause or phrase thereof, irrespective of the fact that one or more part, section, subsection, sentence, clause or phrase is declared invalid.

**Section 30. Repealer.** All ordinances or resolutions, or parts thereof, in conflict with this ordinance are hereby repealed, provided that such repealer shall not repeal the repealer clauses of such ordinance nor revive any ordinance thereby.

**Section 31. Certification.** The Town Clerk shall certify to the passage of this ordinance and make not less than one copy of the adopted Code available for inspection by the public during regular business hours.

**INTRODUCED, READ, PASSED, AND ADOPTED THIS 28<sup>th</sup> DAY OF September, 2015.**

**ATTEST:**

**TOWN OF MEAD**

By Mary Strutt  
Mary Strutt, Acting Town Clerk

By Gary R. Shields  
Gary R. Shields, Mayor

