

PUBLIC NOTICE
ORDINANCE NO 563
SERIES 2023
AN ORDINANCE AMENDING TITLE 5 OF THE DOLORES MUNICIPAL CODE
PERTAINING TO BUSINESS LICENSES

WHEREAS, Colorado Revised Statutes, § 31-15-401 grants general police powers to the Board of Trustees to promulgate ordinances for the health, safety, and welfare of the public, including regulation of lands owned by the Town within its corporate boundaries.

WHEREAS, the Colorado General Assembly passed Senate Bill 22-032 which took effect in 2023 and which changes the Town's authority to charge a business license fee for certain types of businesses.

WHEREAS the Board of Trustees wishes to revised its Municipal Code to bring it into compliance with recent changes in the law and make certain revisions to make the issuance of business licenses more efficient and business friendly.

WHEREAS Title 5 of the Dolores Municipal Code pertains to the Town's authority to issue business licenses.

NOW THEREFORE, BE IT ORDAINED BY TOWN OF DOLORES BOARD OF TRUSTEES THAT Title 5 of the Dolores Municipal Code is amended as follows:

Section 1. The following definitions are added to the Section 5.04.020:

Incidental Physical Presence shall have the same meaning as that term is defined in CRS Section 39-36-802.9 as amended.

Physical Presence shall have the same shall have the same meaning as that term is defined in CRS Section 39-36-802.9 as amended.

Section 2. Section 5.04.10 is repealed and amended as follows:

A. It shall be unlawful for any person or entity to conduct, engage in or establish a business or place of business in the town, including a home occupation, without having first obtained a business license. Additionally, certain businesses or business activities defined in this Article shall be subject to special supplemental licensing requirements. A separate business license shall be

required for each place of business and, unless otherwise specifically provided on the license, a business license shall expire one calendar year from the date issued, unless sooner revoked.

B. The Town of Dolores Board of Trustees has adopted a fee schedule for business licenses, which may be amended from time to time by resolution. No fee will be charged to any business license applicant who attests under oath and represents to the satisfaction of the Town Clerk that it does not have a physical presence or only an incidental physical presence in the Town of Dolores as defined by CRS Section 39-36-802.9.

C. A business license is required to operate a short-term rental in the Town of Dolores as further defined in and regulated by the applicable provisions for short-term rental regulations set forth in the Dolores Land Use Code as amended from time to time.

D. The Town Clerk may in their discretion waive the requirement for apply for a business license for any person or entity that entirely lacks any physical presence in the Town of Dolores as defined by CRS Section 39-36-802.9 and which is not otherwise subject to regulation by the Dolores Municipal Code.

E. A violation of this section shall be punished as set forth in section 1.12.010.

Section 3. The Town Trustees hereby finds, determine, and declare that this Ordinance is promulgated under the general police power of the Town of Dolores, 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 of public convenience and welfare. The Trustees further determine that the ordinance bears a rational relation to the proper legislative object sought to be attained.

Section 4. If any section, paragraph, clause or provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of any such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance.

Section 5. This Ordinance shall take effect March 13th, 2023, or thirty (30) days after final publication whichever is later.

PUBLIC HEARING. This ordinance shall be considered for second or final reading on the 13th day of March 2023, in the Town Board Chambers in Town Hall, Dolores, Colorado, at which time and place all persons may appear and be heard concerning the same.

Passed adopted and approved on the first reading this 13th day of February 2023.

DOLORS BOARD OF TRUSTEES: