

**TOWN OF MT. CRESTED BUTTE
ORDINANCE NO. 7
SERIES 2023**

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MT. CRESTED BUTTE, COLORADO, MAKING CONFORMING AMENDMENTS TO THE TOWN CODE OF THE TOWN OF MT. CRESTED BUTTE IN CONNECTION WITH ORDINANCE NO. 12, SERIES 2022

WHEREAS, the Town of Mt. Crested Butte, Colorado (“Town”) is a Colorado home-rule municipality having all the powers conferred by Article XX of the Colorado Constitution; and

WHEREAS, the Town Council has authority pursuant to the Home Rule Charter and C.R.S. §31-16-101, et seq. to adopt and enforce all ordinances; and

WHEREAS, the Town has previously adopted Ordinance No. 12, Series 2022, an ordinance repealing business licensing regulations and adopting an occupational fee; and

WHEREAS, the Town Council wishes to remove all references in the Town Code to the eliminated business licensing scheme, and make conforming amendments in connection therewith.

NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF MT. CRESTED BUTTE, COLORADO, ORDAINS THAT:

Section 1. Chapter 11 Licenses and Business Regulations, Article V Commercial Hot Air Balloon Flight Operations, Section 11-69 Business license required, is hereby repealed and designated as “Reserved” as follows:

~~Sec. 11-69 Business license required.~~ RESERVED

~~—All operators of commercial hot air balloon flight businesses operating within the Town of Mt. Crested Butte, shall obtain prior to operations, and maintain at all times during operations being conducted within the town, a valid Town of Mt. Crested Butte business license.~~

Section 2. Chapter 16 Signs and Advertising, Article 1 in General, Section 16-7 Sign business requires valid business license, is hereby repealed and designated as “Reserved” as follows:

~~Sec. 16-7 Sign business requires valid business license.~~ RESERVED

~~—No person may engage in the business of erecting, altering, relocating, constructing or maintaining signs without a valid business license issued by the town.~~

Section 3. Chapter 11 Licenses and Business Regulations, Article I In General, Section 11-1 Definitions, is amended to read as follows:

Business shall mean all kinds of vocations, occupations, professions, enterprises, establishments and all other kinds of activities and matters, together with all devices, machines, vehicles and appurtenances used therein, any of which are conducted for private profit or benefit, either directly or indirectly, on any premises in the town or anywhere else

within its jurisdiction.

~~*Business licensee or licensee shall mean any person holding a valid business and occupational license issued by the town under this article.*~~

Commercial. The term "commercial" relates to or is connected with trade and traffic or commerce in general.

Section 4. Chapter 11 Licenses and Business Regulations, Article IV Solicitors, Peddlers, Itinerant Vendors, Section 11-66 is amended by the deletion of subsection (e) and the relettering of subsections (f)–(j), to read as follows:

~~(e) Other licenses required. All applicants shall obtain all required permits or licenses from all applicable governmental entities before a permit is issued, including, but not limited to, a town business and occupational license, a town sales tax license, and if the vending activity includes any food product, written approval from the Gunnison County Health Department. Copies of current permits shall be supplied to the town, and the vendor shall make such permits available for inspection upon reasonable request.~~

(Ef) Nontransferability. The vending permit is not transferable or assignable.

(Eg) Noninterference. No person engaged in vending activity shall make any unnecessary sounds or noise, or obstruct any sidewalk or other public property, or disturb or impede other persons or otherwise author any public nuisance. The use of radios, stereos, and tape decks in connection with any vending activity is prohibited.

(Eh) Area maintenance. A vendor shall maintain both the permitted area and the cart in a neat, clean, and hazard-free condition. Applicants must show proof of their ability to provide for disposal of trash generated by his or her business.

(Ei) Choice of vendors. When demand for permitted areas exceeds spaces available, the town manager or designee shall consider the following factors when deciding which applicant shall be issued a permit:

- (1) Applicant's prior permitted vending activity and/or applicant's prior business activity within the town;
- (2) Date of application;
- (3) Diversity of offered food, goods, wares, merchandise, or services; and
- (4) Gunnison County residency.

(Ej) Renewal. Vendors who have complied with permit requirements and remain in compliance with the provisions of this chapter shall have the first right to renew for the next year. A vendor wishing to renew must notify the town manager in writing of his or her intent by April 15.

Section 5. Chapter 11 Licenses and Business Regulations, Article V Commercial Hot Air Balloon Flight Operations, Section 11-71 Penalty for violation of regulations, is amended to read as follows:

Violation of the regulations contained herein shall result in enforcement action being taken by the town AGAINST for revocation of the business license of the offending operator pursuant to section 11-53 of the Municipal Code of the Town of Mt. Crested Butte AND

SHALL BE PUNISHED IN ACCORDANCE WITH THE PROVISIONS OF SECTION 1-14 OF THE TOWN CODE.

Section 6. Chapter 19 Taxation, Article II Sales Tax, Division 3 Licensing, Section 19-32 License; application and content, subsection (c) is amended to read as follows:

(c) Licenses shall be in effect for one (1) year and shall be renewed ON JANUARY 1ST OF EACH YEAR ~~upon renewal of the general business license~~ or upon completion of a license renewal request.

Section 7. Chapter 21 Zoning, Article I In General, Section 21-1 Definitions, is amended to read as follows:

Rental, long-term shall mean occupancy of a building or portion thereof for a period of at least thirty (30) consecutive days in return for payment in a fixed amount.

Rental, short-term shall mean occupancy of a furnished room or group of rooms for a period of less than thirty (30) days in return for payment. Short-term rentals are subject to the town's sales tax ordinances, Chapter 19, Article II of this Code. Short-term rentals are also subject to the town's SHORT-TERM RENTAL ~~business~~ license ordinances, Chapter 11, Article II of this Code.

Retail marijuana store means an entity licensed to purchase marijuana from marijuana cultivation facilities and marijuana and marijuana products from marijuana product manufacturing facilities and to sell marijuana and marijuana products to consumers.

Section 8. Should any section, clause, phrase, or provision of this ordinance be ruled invalid or unenforceable by any court of competent jurisdiction, it is hereby declared the intent of the Town Council of the Town of Mt. Crested Butte, Colorado, that the remaining provisions of this ordinance be given full force and effect if it is possible to do so.

INTRODUCED, READ, PASSED AND ORDERED PUBLISHED this 15th day of August, 2023, on first reading, and introduced, read, and adopted on second and final reading this 19th day of September, 2023.

TOWN OF MT. CRESTED BUTTE, COLORADO



Nicholas Kempin, Mayor

ATTEST:


Tiffany O'Connell, Town Clerk

