

TOWN OF MOFFAT, COLORADO ORDINANCE 2024-01

AN ORDINANCE OF THE TOWN OF MOFFAT, COLORADO REPEALING AND REPLACING ORDINANCE NO. 3-2009; PROVIDING FOR REGULATION OF BUSINESSES; PROVIDING FOR PROCEDURES; PROVIDING FOR A PENALTY NOT TO EXCEED ONE-HUNDRED DOLLARS PER DAY; PROVIDING FOR REPEAL, SAVINGS, AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of Trustees of the Town of Moffat, Colorado has the authority pursuant to C.R.S. § 31-15-501 to regulate business within the Town of Moffat; and

WHEREAS, the Board of Trustees desires to update its existing ordinance related to non-marijuana regulated business licenses.

NOW THEREFORE, Be It Ordained by the Board of Trustees of the Town of Moffat, Colorado:

1) Procedure for Issuance

Every person or entity conducting or desiring to conduct a non-marijuana regulated business within Moffat shall annually submit an application for a business license or renewal of the License to the Town Clerk. The following businesses shall be required to obtain a business license:

- a) All individuals or entities operating a retail or wholesale business located in Moffat.
- i) Regulated marijuana business licenses are excluded from this Ordinance and are subject to the licensing procedures in Ordinance 2023-01, as amended therein.
- b) All individuals or entities furnishing services in Moffat, where the principal office address is also located in Moffat.

Upon receiving a complete application and a determination, to the best of the town clerk or local licensing authority's knowledge, that the business is currently in compliance with all applicable Town Ordinances and other State laws, the Town Clerk shall be authorized to issue the business license.

2) License Fee and Period of Validity

Each applicant shall pay a \$50.00 annual fee for the business license application. The fee may be amended in the future by resolution of the Board of Trustees. The license period shall be for one (1) year from the date of issuance.

3) Suspension or Revocation

Upon substantiation of a complaint of any violation of any Town Ordinance, the Town Board shall have the power to suspend or revoke any business license if the Town Board of Trustees finds, in its sole discretion, that the Licensee has committed any of the following acts or omissions:

- a) Failure to comply with any zoning, land use or building permit requirements.
- b) Willfully and/or deliberately disregard any Town Ordinances.
- c) Misrepresented a material fact in order to obtain the License.
- f) Failed to obtain any other relevant licenses required by the Federal or State government.
- g) Violated any laws or regulations applicable to such business.

4) Procedures for Complaints

- a) Complaints pursuant to Section 3 shall be made in writing to the Town Clerk.
- b) The Town Clerk will notify the Mayor upon receipt of the Complaint.
- c) The Mayor will direct Town Staff to investigate the claim and to complete the investigation within five (5) business days.
- d) Upon completion of the investigation, the Town Staff shall report the findings to the Mayor. If substantiated, a notice of violation will be sent by the Clerk and the matter shall be set for a public evidentiary hearing.
- e) The decision to fine a licensee or to suspend or revoke a license will be made by a majority vote of the Board present and announced at the conclusion of the evidentiary hearing.
- f) The Board of Trustees shall not issue a fine, revocation, or suspension without providing the licensee an opportunity to be heard and to present evidence.

5) Fines and Penalties

The Board of Trustees may impose a fine of up to \$100.00 per day for violations of this Ordinance, and shall also have the authority to revoke or suspend the business license.

6) Repeal and Savings

Any and all existing Ordinances or parts of Ordinances of the Town of Moffat inconsistent with the provisions of this Ordinance are hereby repealed; provided, however, that such repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any Ordinance hereby repealed prior to the taking effect of this Ordinance. All other Ordinances or parts of Ordinances of the Town of Moffat not in conflict with the provisions of this Ordinance shall remain in full force and effect.

7) Severability

If any section, subsection, sentence, clause or phrase of this Ordinance adopted herein is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Town of Moffat hereby declares that it would have adopted this Ordinance, and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases thereof be declared invalid or unconstitutional.

8) Effective Date

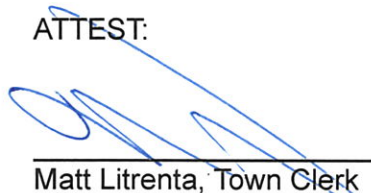
This Ordinance shall become effective from and after its passage and approval and after publication as may be required by law. The Clerk is directed to make said publication.

INTRODUCED AND APPROVED this 18th day of June 2024
SIGNED this 18th day of June 2024.



Jon Lopez, Mayor


ATTEST:



Matt Litrenta, Town Clerk

CERTIFICATION

I hereby certify that the above Ordinance was introduced and approved at the regular meeting of the Board of Trustees of the Town of Moffat, Colorado on June 18th 2024 and published in the Saguache Crescent on July 2024 becoming effective 30 days from the date of said publication. 4th



Matt Litrenta, Town Clerk