

TITLE 2

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CHAPTER 1
BUSINESS LICENSES

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2-1-1: **LICENSE APPLICATIONS:** The application for every license required by and issued under authority of the Town shall contain:

- (A) The name of the person, firm or corporation desiring such license;
- (B) The residence address of such applicant, or of each of the individual members of such firm, or of each of the directing officers of such corporation, and their respective telephone numbers; and its principal place of business;
- (C) The kind of license desired, stating the business, trade or profession to be performed, practiced or carried on;
- (D) The street address if any, here such business is to be carried on;
- (E) The year for which such license is sought;
- (F) Any other relevant information required by the terms of the provision pertaining to the particular license sought. (1969 Code, sec. 14.1; amd. 1985 Code)

2-1-2: **ISSUANCE OF LICENSE:** Upon the receipt of the application containing the information set forth in the preceding Section, proof that the annual fee therefor has been paid in advance, the execution and delivery of any bond or insurance that may be required, the approval of the application for license where the same is required, and the fulfillment of all other specific requirements relating to the issuance of the particular license, the Town Clerk shall issue and deliver to the applicant the license requested. (1969 Code, sec. 14.2)

2-1-3: **CONTENTS OF LICENSE:** Each license shall show upon its face the name of the person to whom it has been issued, the street address where any business is to be carried on, the kind of license, the amount paid therefor, the year for which such license is issued, and any other information required by this Code to be displayed thereon. (1969 Code, sec. 14.3)

2-1-4: **TERM OF LICENSE:** All licenses shall be issued on a calendar year basis only, and they shall expire with the calendar year for which they are issued. (1969 Code, sec. 14.4)

2-1-5: **PRORATING LICENSE FEES:** The stated license fee shall be for the calendar year in which the license is issued, unless provided otherwise, and there shall be no reduction or proration of fees where the license is applied for after the first of the calendar year. (1969 Code, sec. 14.5)

2-1-6: **RECORDS OF LICENSEES:** The Town Clerk shall keep a record of all licenses issued, setting forth the name of every licensee, the place of business licensed, if any, and the kind of license issued. (1969 Code, sec. 14.6)

2-1-7: **POSTING AND EXHIBITION:** Every license for a business to be conducted at a particular street address shall be posted therein during the period such license is valid. It shall be the duty of each and every person to whom a license has been issued by the Town to exhibit the same upon the request of any law enforcement officer, inspector or other officer of the Town. (1969 Code, sec. 14.7)

2-1-8: **LICENSE TRANSFERS; FEE:** No license may be transferred from one person to another, or from one place to another, except where permitted by State law or the provisions of this Code relating to the particular license, and then only by the Town Clerk after written application therefor and the payment of a fee of five dollars (\$5.00) for the transfer of such license. (1969 Code, sec. 14.8; amd. Ord. 381, 12-15-80, eff. 1-1-81)

2-1-9: **LICENSE RENEWALS:** Any licensee may make application for a new license for the succeeding year and pay the required fee therefor, on or before the expiration date of an license or licenses issued to him for the current year. Whenever any application and license fee payment therefor is not received on or before the expiration date of any license issued for the current year, and the licensee continues to engage in the business or activity for which the license was issued, a penalty of ten percent (10%) of the amount of the license fee shall be imposed and collected and an additional five percent (5%) of the original fee shall be added on the last day of each calendar month after the expiration date. In addition to the above penalty provision, it shall be unlawful for a licensee to continue to engage in any business or activity after his license therefore has expired. (1969 Code, sec. 14.9)

2-1-10: **REVOCATION OF LICENSE:** The Board of Trustees may, upon seven (7) days' written notice to a licensee stating the contemplated action and in general the grounds therefor, and after a reasonable opportunity to be heard, revoke any license issued by the Town if it finds that:

(A) The licensee has failed to pay the annual license fee;

- (B) The licensee has failed to file any reports or furnish any other information that may be required by the provisions relating to the specific license; or
- (C) The licensee has violated any of the terms of the provisions pertaining to his license or any regulation or order lawfully made relating thereto; or
- (D) Any fact or condition exists which, if it has existed or had been known to exist at the time of the application for such license, would have warranted the refusal of the issuance of such license. (1969 Code, sec. 14.10)

2-1-11: **RETURN OF FEES:** Upon refusal of any license, the fee therefor paid in advance shall be returned to the applicant. In the event that any license is revoked, all monies paid therefor shall be and remain the monies of the Town and no refund shall be made to any licensee. (1969 Code, sec. 14.11)

2-1-12: **OTHER BUSINESSES AND TRADES:** The following rules and regulations shall apply to any and all businesses or trades operating within the corporate limits of the Town, not specifically covered by other provisions of this Title. (Ord. 317, 9-7-76, eff. 1-1-77)

- (A) **License Required:** It shall be unlawful for any person to operate any business or trade within the corporate limits of the Town without first obtaining a business or trade license therefor except licensed plumbers or electricians or such other business, trade or profession as may be exempted therefrom by State or Federal law. (Ord. 501, 2-6-89)
- (B) **License Fee:** Each applicant for the operation of a business or trade within the corporate limits of the Town, not otherwise specifically covered in another provision of this Title, shall pay to the Town the sum of twenty five dollars (\$25.00) per calendar year as a license fee for the privilege of operating said business or trade. Said license fee shall be due and payable in the office of the Town Clerk prior to the issuance of any business or trade license. (Ord. 575, 12-19-94)
- (C) **Expiration, Renewal And Transfer Of License:** All licenses issued under this Section shall expire December 31 of the calendar year in which it was issued and shall be renewable upon written application made before said date. No license pursuant to the provisions of this Section shall be transferable. (Ord. 317, 8-7-79, eff. 1-1-77)

CHAPTER 2

ALCOHOLIC BEVERAGES SECTION:

- 2-2-1: Local Licensing Authority**
- 2-2-2: License Fees**
- 2-2-3: Term of License, Renewal**
- 2-2-4: Sale of Liquor on Election Days Unlawful**
- 2-2-5: Suspension and Revocation**
- 2-2-6: Sale of Malt, Vinous, Spirituous Liquors**
- 2-2-7: Payment of Fine in Lieu of Liquor License Suspension**
- 2-2-8: Elimination of Distance Restriction from Schools**
- 2-2-9: Tastings of Alcoholic Beverages**

2-2-1: LOCAL LICENSING AUTHORITY.

- (A) The Board of Trustees shall be the Local Licensing Authority of the Town. The Board of Trustees shall appoint the Lyons Municipal Judge to serve as the Local Licensing Authority on all matters related to violations of the Colorado Liquor/Beer Code and Colorado Department of Revenue Regulations (1 C.C.R. 203-2) relating to fermented malt beverages and alcohol beverages, and any corresponding violations of the Lyons Municipal Code.
- (B) The Local Licensing Authority shall be governed by state law now in effect or subsequently amended, and the rules and regulations of the Executive Director of the Department of Revenue of the State of Colorado, as the State Licensing Authority, which shall apply to the licensing of fermented malt beverages and alcohol beverages within the Town of Lyons. In addition, the Local Licensing Authority shall be governed by provisions of the Lyons Municipal Code which apply to the licensing of fermented malt beverages and alcohol beverages within the Town of Lyons.

(Ord. 713, 09-17-01)

2-2-2: APPLICATION AND LICENSE FEES.

- (A) Before the Local Liquor Authority considers any application, the applicant shall submit all required documentation to the Town Clerk and pay all fees specified and set in an amount pursuant to Articles 46, 47 and 48 of Title 12, C.R.S., as amended.
- (B) Incomplete applications shall not be accepted and shall not be processed or forwarded to the Local Liquor Authority for consideration.

(Ord. 713, 09-17-01)

2-2-3: TERM OF LICENSE, RENEWAL.

- (A) The term of a license issued under this Chapter and the Colorado Beer or Liquor Code is twelve months from the date of issuance.
- (B) All applications for renewal of a license shall be on forms provided by the State Licensing Authority and must be submitted to the Town Clerk's Office no later than forty-five (45) days prior to the license expiration date, together with the required license fees. The Local Liquor Authority may, for good cause shown, waive this time requirement.

(Ord. 713, 09-17-01)

2-2-4: (Ord. 310, 12-15-75; amd. 1985 Code; repealed, Ord. 713, 09-17-01)

2-2-5: SUSPENSION AND REVOCATION.

- (A) The Local Licensing Authority has the power, on its own motion or on complaint, after investigation and a public hearing at which the licensee shall be afforded an opportunity to be heard, to suspend or revoke any license issued by the Local Licensing Authority for any violation by the licensee or by any of the agents, servants, or employees of such licensee of the provisions of the Colorado Liquor or Beer Code, or of any of the rules or regulations authorized pursuant to the Colorado Liquor or Beer Code, or any provision of the Lyons Municipal Code, or of any of the terms, conditions or provisions of the license issued by the Local Licensing Authority.
- (B) Upon commencement of suspension and revocation proceedings, the Local Licensing Authority shall set a time and place for the hearing of the matter. Summary suspensions shall be controlled by C.R.S. § 12-47-601(1), as amended, and Regulation 47-602, Colorado Department of Revenue Regulations (1 C.C.R. 203-2), as amended.
- (C) The Local Licensing Authority shall have the power to administer oaths and issue subpoenas to require the presence of persons and the production of papers, books, and records necessary to the determination of any hearing that the licensing authority is authorized to conduct.
- (D) All hearings before the Local Licensing Authority shall be recorded by a stenographer or electronic recording device.
- (E) The Local Licensing Authority shall determine whether the licensee, or any agent, servant, or employee of such licensee, has violated any provision(s) of the Colorado Liquor or Beer Code, any provision(s) of the Lyons Municipal Code, any the rules or regulations authorized pursuant to the Colorado Liquor or Beer Code, any of the terms, conditions or provisions of the license issued by the Local Licensing Authority, as charged.

- (F) Penalties shall be imposed pursuant to the Penalty Guidelines established by resolution of the Board of Trustees sitting as the Local Licensing Authority.
- (G) The decision of the Local Licensing Authority shall be in writing, setting forth the findings and order of the Authority.
- (H) The decision of the Local Licensing Authority shall be final, subject only to appeal to a court of competent jurisdiction.
- (I) In the event of revocation or suspension, no portion of the license fee shall be refundable.
- (I) In the event the Lyons Municipal Judge sitting as the Local Licensing Authority pursuant to Lyons Municipal Code §2-2-1 is unable to decide the issues of a particular case due to illness, incapacity, scheduling conflicts or a conflict of interest, the Board of Trustees may appoint an interim hearing officer to hear the matter or assume the role of the Local Licensing Authority for such case.

(Ord. 713, 09-17-01)

2-2-6: UNLAWFUL ACTS.

- (A) Except as provided in Section 4-4-4 of the Lyons Municipal Code, it is unlawful for any person:
 - (1) To sell, serve, give away, dispose of, exchange, or deliver or permit the sale, serving, giving, or procuring of any alcohol beverage to or for any person under the age of twenty-one (21) years, to a visibly intoxicated person, or to a known habitual drunkard;
 - (2) To obtain or attempt to obtain any alcohol beverage by misrepresentation of age or by any other method in any place where alcohol beverages are sold when such person is under twenty-one years of age. Any person under the age of twenty-one years who is working directly with and under the supervision of a law enforcement officer in performing compliance checks shall be exempt for this provision.

(Ord. 713, 09-17-01)

2-2-7: PAYMENT OF FINE IN LIEU OF SUSPENSION.

- (A) Whenever a decision of the Local Licensing Authority suspending a license for fourteen (14) days or less becomes final, whether by failure of the licensee to appeal the decision or by exhaustion of all appeals and judicial review, the licensee may, before the operative date of the suspension, petition for permission to pay a fine in lieu of having the licensee suspended for all or part of the suspension period. Upon receipt of the petition, the Liquor Authority may, in its discretion, stay the proposed suspension and cause any investigation to be made which it deems desirable and may, in its sole discretion, grant the petition if it is satisfied:

- (1) That the public welfare and morals would not be impaired by permitting the licensee to operate during the period set for suspension and that the payment of the fine will achieve the desired disciplinary purposes;
- (2) That the books and records of the licensee are kept in such a manner that the loss of sales of alcohol beverages that the licensee would have suffered had the suspension gone into effect can be determined with reasonable accuracy therefrom;
- (3) That the licensee has not had his or her license suspended or revoked, nor had any suspension stayed by payment of a fine, during the two years immediately preceding the date of the motion or complaint which has resulted in a final decision to suspend the license.

(Ord. 713, 09-17-01)

- (B) The fine accepted shall be the equivalent to twenty percent (20%) of the retail licensee's estimated gross revenues from sales of alcoholic beverages during the period of the proposed suspension; except that the fine shall be not less than two hundred dollars (\$200.00) nor more than five thousand dollars (\$5,000.00).
- (C) Payment of any fine pursuant to the provisions of this Section shall be in the form of cash or in the form of a certified check or cashier's check made payable to the Town of Lyons.
- (D) Upon payment of the fine pursuant to this section, the Local Licensing Authority shall enter its further order permanently staying the imposition of the suspension. Fines paid pursuant to this section shall be paid into the general fund of the Town. (Ord. 713, 09-17-01)
- (E) In connection with any petition pursuant to this section, the Local Licensing Authority is limited to the granting of such stays as are necessary for it to complete its investigation and make its findings and, if it makes such findings, to the granting of an order permanently staying the imposition of the entire suspension or that portion of the suspension not otherwise conditionally stayed. (Ord. 713, 09-17-01)
- (F) If the Local Licensing Authority does not make the findings required in paragraph (A) of this section and does not order the suspension permanently stayed, the suspension shall go into effect on the operative date finally set by the Local Licensing Authority. (Ord. 713, 09-17-01)
- (G) The Local Licensing Authority shall report all actions taken to impose fines, suspensions and revocations to the State Licensing Authority in a manner as required by the State Licensing Authority. (Ord. 713, 09-17-01)

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2-2-8: Elimination of Distance Restriction from Schools. Pursuant to C.R.S. Section 12-47-313(d)(III), as amended, the distance restriction imposed by C.R.S. Section 12-47-313(d)(I), as amended, is hereby eliminated for all classes of liquor licenses.
(Ordinance 867, August 9, 2009)

2-2-9: Tastings of Alcoholic Beverages:

(A) The following regulations shall apply to all alcohol beverage tastings at liquor stores and liquor-licensed drug stores in the Town of Lyons:

- (1) Tastings shall be conducted only by a person who has completed a server training program that meets the standards established by the Liquor Enforcement Division in the Colorado Department of Revenue and who is either a retail liquor store licensee, a liquor-licensed drugstore, or an employee of a licensee, and only on a licensee's licensed premises.
- (2) The alcohol used in tastings shall be purchased through a licensed wholesaler, licensed brew pub, or winery licensed pursuant to Section 12-47-403, C.R.S.
- (3) The size of an individual alcohol sample shall not exceed one ounce of malt or vinous liquor or one-half ounce of spirituous liquor. The licensee shall not serve more than four (4) individual samples to a patron during an alcohol beverage tasting.
- (4) Tastings shall not exceed a total of five hours in duration per day, which need not be consecutive.
- (5) Tastings shall only be conducted during the operating hours in which the licensee is permitted to sell alcohol beverages, and in no case earlier than 11 a.m. or later than 7 p.m.
- (6) The licensee shall prohibit patrons from leaving the licensed premises with an unconsumed sample.
- (7) The licensee shall promptly remove or destroy all open and unconsumed alcohol beverage samples immediately following the completion of the tasting.
- (8) The licensee shall not serve a person who is under twenty-one years of age or who is visibly intoxicated.
- (9) Alcohol samples shall be in open containers and shall be provided to a patron free of charge.
- (10) Tastings may occur on no more than four of the six days from a Monday to the following Saturday, not to exceed one hundred four days per year.
- (11) No manufacturer of spirituous or vinous liquors shall induce a licensee through free goods or financial or in-kind assistance to favor the manufacturer's product at a tasting. The licensee shall bear the financial and all other responsibility of a tasting.
- (12) A licensee conducting a tasting shall be subject to the same revocation, suspension, and enforcement provisions as otherwise apply to the licensee.

(Ordinance 876, 02-21-2010)

CHAPTER 3

PEDDLERS, VENDORS AND SOLICITORS

SECTION:

- 2-3-1: Invitation by Owner or Occupant
- 2-3-2: Soliciting Business on Streets
- 2-3-3: Garage, Yard and Rummage Sales

2-3-1: **INVITATION BY OWNER OR OCCUPANT:** It shall be unlawful for any person to go in, to or upon private residences or commercial establishments in the Town without having been requested or invited so to do by the owner or occupant of said private residence or commercial establishment for the purpose of soliciting orders for the sale of goods, wares and merchandise, including books, pictures, magazines or periodicals, or for the purpose of disposing of or peddling or hawking the same. This Section shall not apply to recognized social or nonprofit organizations. (Ord. 310, 12-15-75)

2-3-2: **SOLICITING BUSINESS ON STREETS:** It shall be unlawful for any person to solicit or in any manner try to obtain any business of any kind while upon the streets, alleys, sidewalks or other public ways or places within the corporate limits of the Town. Soliciting herein means trying to obtain tenants or patronage for cottages, hotels, restaurants or other places of business of any kind or nature, and also attempting to sell any article or obtain customers for any business of any kind, except that this Section shall not apply to the use of vehicles with the name written or printed thereon of any hotel or resort, nor to signs attached to licensed vehicles used for transportation, nor signs attached to buildings where said signs may project into the streets or sidewalks but are not in conflict with other sections of this Code. (1969 Code, sec. 15.8)

2-3-3: **GARAGE, YARD AND RUMMAGE SALES:** It shall be unlawful to operate a garage, yard or rummage sale more than twice in any one calendar year, at the same address, unless there has been compliance with Chapter 1 of this Title, Business Licenses. (This Section shall not apply to recognized social, civic or nonprofit organizations.) (1985 Code)

CHAPTER 4
CONTRACTOR REGISTRATION⁵

SECTION:

- 2-4-1: Legislative Purpose
- 2-4-2: Definition of Contractor
- 2-4-3: Contractor License Required
- 2-4-4: Licensing Process
- 2-4-5: Term of License
- 2-4-6: Licensing and Other Fees
- 2-4-7: Changes in Information
- 2-4-8: Denial of Issuance of License
- 2-4-9: Revocation or Suspension of License
- 2-4-10: Denial or Revocation--Reapplication
- 2-4-11: Definitions
- 2-4-12: Penalties
- 2-4-13: Conflicts with Other Provisions

2-4-1: LEGISLATIVE PURPOSE: The purpose of this Chapter is to establish a contractor licensing program which will ensure that the persons responsible for the erection, construction, enlargement, alteration, repair moving, removal, or conversion of buildings and other structures in the Town of Lyons register with the Town and perform building contracting work in a manner that promotes the public health, safety, and welfare.

2-4-2: DEFINITION OF CONTRACTOR:

(A) For the purpose of this Chapter, a "contractor" is any person, firm, partnership, corporation, association, or organization, or any combination thereof, who excavates, builds, constructs, renovates, alters, repairs, adds to, demolishes, or moves any building or structure, or any portion thereof, or performs or supervises any work for which a building permit or other license is required within the Town of Lyons and who performs such work for a fixed sum, price, fee, percentage, trade-in-kind, or other compensation including the cost of materials of labor or any combination thereof.

(B) The following are not contractors within the meaning of this Chapter:

- (1) Employees working for and under the supervision of a contractor or subcontractor licensed with the Town of Lyons as required by this Chapter.
- (2) A person who excavates, builds, constructs, alters, repairs, adds to, or demolishes any building or structure or any portion thereof which is, or which

⁵ Entire Chapter added Ord. 612, 1996.

is intended to be, the person's residence or an accessory structure thereto that is intended for the owner's personal residential use. An building, structure, or accessory structure shall be presumed to be a person's residence or intended for the person's residential use if that person occupies the dwelling a minimum of one year after the certificate of occupancy is issued.

- (3) Employees of public utility companies engaged in the installation, operation, and a maintenance of utility facilities or equipment used for the production, generation, or distribution of the utility, product, or service through the facilities owned or operated by the utility company to the point of customer service.

2-4-3: CONTRACTOR LICENSE REQUIRED:

- (A) No person shall perform any work as a contractor in the Town of Lyons without being licensed with the Town of Lyons. All contractors performing work within the Town of Lyons shall maintain at all times during all periods of such work a current and approved license on file with the Town Clerk.
- (B) No building permit shall be issued for any work to be performed by a contractor who has not licensed with the Town as required by this Chapter.
- (C) No certificate of occupancy shall be issued for work performed by a contractor who was not licensed with the Town as required by this Chapter.

2-4-4: LICENSING PROCESS: To obtain a license as a contractor in the Town of Lyons or to renew a previously approved and current license within the Town of Lyons, a contractor shall:

- (A) Submit a completed license application to the Town Clerk. A completed application form shall contain a fully completed and signed contractor's information form, payment of licensing fees, and a copy of a certificate(s) of insurance as required by paragraph (B)(2) of this section. The contractor's information form shall be provided by the Town Clerk and shall require information sufficient to identify the contractor, the contractor's qualifications, experience, and job references. The licensing fee shall be in an amount adopted by resolution of the Board of Trustees.
- (B) Every contractor licensed under the provisions of this Chapter shall be required to maintain public liability insurance of a minimum of not less than \$150,000 for any one person, and \$600,000 for an accident and combined single limit. Contractors shall be required to provide proof of Workers' Compensation Insurance, when applicable, with the license application.
- (C) Within seven (7) business days following submission of a completed license application, including the payment of all applicable license fees, the Building Inspector or the Inspector's designee shall verify the information contained in the contractor's license application and verify that the contractor's license, if any, is not currently under suspension or revocation. by the Town of Lyons. Following

verification of such information, the Building Inspector shall approve the license or approve the renewal of the license, as the case may be, and a certificate of such license shall be provided to the contractor.

2-4-5: **TERM OF LICENSE:** All contractor licenses shall expire on December 31 of each year. It shall be the responsibility of the contractor to renew the contractor's license prior to its expiration.

2-4-6: **LICENSING AND OTHER FEES:** Fees for contractor licensing, licensing application, and review fees shall be established and from time-to-time revised by resolution of the Board of Trustees. All fees shall be paid by the contractor.

2-4-7: **CHANGES IN INFORMATION:** A change of the contractor's name, business name, or business address shall be reported in writing by the contractor to the Town Clerk within seven (7) business days of such change. The dissolution of a corporation or partnership which has been licensed shall terminate the license and no person may operate under any previously approved license.

2-4-8: **DENIAL OF ISSUANCE OF LICENSE:**

(A) The Town may deny issuance of a license upon a finding of any of the following:

- (1) The applicant has failed to provide all information requested on the application form;
- (2) The applicant has failed to obtain or to provide evidence of the required insurance;
- (3) The applicant has failed to pay any required fees;
- (4) The applicant has previously had a contractor's license revoked or suspended in this or another jurisdiction;
- (5) The applicant has previously failed to comply with the ordinances and regulations of the Town relating to conducting any building or contracting business.
- (6) The applicant's license issued by the Town of Lyons is currently revoked or under suspension.

(B) If the Building Inspector denies a license application, the Inspector shall provide a written notification to the applicant of the specific grounds for the denial.

(C) The applicant may appeal the Building Inspector's denial of a license application by submitting a written request for review to the Town Clerk within ten (10) days of the applicant's receipt of the written denial. Upon receipt of a timely written request for review, the Town Clerk shall schedule such request for review for a hearing at a regular meeting of the Board and shall notify the applicant in writing of the date and time of the review hearing. Such notice shall be provided to the applicant at least five (5) days before the hearing. The Board shall hear the matter

and either ratify the Inspector's decision or reject the Inspector's decision and approve the license application. The decision of the Board of Trustees shall be final and any appeal of the Board's decision shall be made pursuant to Rule 106(a)(4), Colorado Rules of Civil Procedure.

2-4-9: REVOCATION OR SUSPENSION OF LICENSE:

- (A) Upon a written complaint or report of a party contracting for construction services with a licensed contractor, the Building Inspector, or Town Administrator, the Building Inspector shall require any licensed contractor to appear before the Board of Trustees for a hearing on the suspension or revocation of the contractor's license. The contractor shall be given a copy of the complaint and a written notice of the time and place of the hearing before the Board at least twenty (20) days prior to the hearing. The written notice shall be served personally or shall be sent, first class mail postage pre-paid to the mailing address shown on the contractor's license application. At the hearing before the Board, the contractor shall have the right to present the contractor's case by oral and documentary evidence, to submit rebuttal evidence, to conduct such cross-examination as may be required for a full and true disclosure of the facts. The contractor may be assisted by legal counsel at the contractor's expense.
- (B) After review of the evidence presented, the Board of Trustees shall have the power and authority to suspend or revoke the contractor's license if, in the opinion of four (4) or more members of the Board of Trustees, the evidence supports a finding that the contractor committed one or more of the following acts or omissions:
 - (1) Willful departure or deviation from approved building plans or specifications without authority from the Building Inspector;
 - (2) Willfully violating any provisions of the Lyons Municipal Code related to building requirements or business regulations, including any building, fire, or safety codes which are adopted by reference;
 - (3) Failure to comply with one or more lawful orders of the Building Inspector or any other authorized representative of the Town pertaining to the administration of the Town's building, safety, or fire codes;
 - (4) Willful use of a contractor's license to obtain permits required under the applicable building codes for any person, corporation, or legal entity not licensed in accordance with this Chapter;
 - (5) Misrepresentation by a contractor of a material fact when applying for Town licensing;
 - (6) Commitment of any act of gross negligence in the conduct of the contractor's specific trade of business on work done by the contractor which is regulated by the provisions of the Town's building codes;
 - (7) Failure to obtain a proper permit for any work for which a permit is required by virtue of the Lyons Municipal Code.

- (C) A decision of the Board of Trustees to suspend or revoke a license shall be final and any appeal of the Board's decision shall be pursuant to Rule 106(a)(4), Colorado Rules of Civil Procedure.

2-4-10: DENIAL OR REVOCATION--REAPPLICATION: If a license is denied or revoked by the Town as provided in this Chapter, and in the case of an appeal, if the denial or revocation has been affirmed by the Board of Trustees, the applicant may reapply for a license, but not sooner than one hundred eighty (180) days after the denial or revocation, or in the case of an appeal, after the order of the Board of Trustees affirming the denial or revocation. Such re-application period shall be extended an additional one hundred and eighty days for each previous revocation by the Town within the past five (5) years.

2-4-11: DEFINITIONS: For purposes of this Chapter, the following terms shall have the meanings indicated:

- (A) "Gross negligence" is defined as negligence which consists of an affirmative act purposefully committed, or the purposeful failure to an act which the contractor was under a duty to perform, which act or omission the contractor knew was dangerous to another person or property and which he performed or omitted heedlessly without regard to the consequences or of the rights, health, safety, or welfare of another person or property.
- (B) "Willfully" is defined as designed, intentional, not accidental or involuntary, proceeding from a conscious motion of the will. A willful act may be described as one done intentionally, knowingly, and purposely, without justifiable excuse, as distinguished from an act done carelessly, thoughtlessly, heedlessly, or inadvertently.

2-4-12: PENALTIES: Any person, firm, or corporation violating or failing to comply with any of the provisions of this Chapter shall, upon conviction thereof, be punished by a fine not less than \$200.00 and not to exceed \$1000.00 or by imprisonment not to exceed ninety (90) days, or both fine and imprisonment. Each day or portion thereof during which any violation is permitted to continue shall constitute a separate violation of this Chapter.

2-4-13: CONFLICTS WITH OTHER PROVISIONS: Nothing contained herein shall be deemed a waiver of the provision of any other ordinance or regulation applicable to contractors, applicable to any construction business or contractor's operation, or the construction industry. If there is a conflict between this Chapter and any other ordinance or regulation, the more stringent requirement shall apply. (Ord. 612, 1996)

CHAPTER 5
CABLE TELEVISION PERMIT

SECTION:

2-5-1: Regulations Adopted

2-5-1: **REGULATIONS ADOPTED:** As provided in Title 1, Chapter 1, Section 3, this Chapter 5, Sections 1 through 59 entitled "Cable Television Permit" of Title 2, "Business License" is not printed in its entirety. A copy of Chapter 5, Sections 1 through 59, is available at the office of the Town Clerk. (Ord. 438, 1984)

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