

**STATE OF COLORADO
COUNTY OF GILPIN
CITY OF BLACK HAWK**

COUNCIL BILL NUMBER: CB3

ORDINANCE NUMBER: 2023-3

**TITLE: AN ORDINANCE AMENDING ARTICLE IV OF CHAPTER 4 AND
ARTICLE I OF CHAPTER 6 OF THE BLACK HAWK MUNICIPAL CODE
REGARDING BUSINESS LICENSING**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BLACK HAWK,
GILPIN COUNTY:

Section 1. Section 4-68 of the City of Black Hawk Municipal Code is amended to read
as follows:

Sec. 4-68. Purchasing License.

It shall be unlawful for any person with a physical location in the City to engage in the business of selling at retail as the same is defined in this Article, without first having obtained a license therefore, which license shall be granted and issued by the City Clerk and shall be in force and effect until January 1 of each year unless sooner revoked. Such license shall be granted or renewed only upon application stating the name and address of the person desiring such a license, the name of such business, and the location, including the street number of such business, and such other facts as the City Clerk may require.

Section 2. Section 4-69 of the City of Black Hawk Municipal Code is amended to read
as follows:

Sec. 4-69. Renewal of License.

It shall be the duty of each such licensee with a physical location in the City on or before January 1 of each year during which this Article remains in effect, to obtain a renewal thereof if the licensee remains in retail business or is liable to account for the tax herein provided, but nothing herein contained shall be construed to empower the City Clerk to refuse such renewal except the revocation for cause of the licensee's prior license.

Section 3. Section 4-70 of the City of Black Hawk Municipal Code is amended to read as follows:

Sec. 4-70. Costs of License.

For each such license issued to a person with a physical location in the City, such license shall be issued at no cost or fee to the licensee by the City.

Section 4. Sections 6-1 through 6-3 of Article I of Chapter 6 of the Black Hawk Municipal Code are hereby amended to read as follows:

Sec. 6-1. Purpose.

The purpose of this Article is the regulation and registration of businesses operating and physically located within the City for the health, safety and welfare of the citizens of the City and for the proper collection of taxes which supports the City.

Sec. 6-2. License required.

Every person must obtain a license from the City before operating, conducting or carrying on any retail trade, profession or business physically located within the City, except: nonprofit state corporations, federal, state or municipal corporations, are hereby exempt from the license requirements set forth in this Article.

Sec. 6-3. Separate license required for each trade or business.

Any person operating, conducting or carrying on any retail trade, profession or business physically located within the City must obtain a separate license for each location of the business.

Section 5. Section 6-5 of Article I of Chapter 6 of the Black Hawk Municipal Code is hereby amended to read as follows:

Sec. 6-5. License fees.

For each such license issued to a person with a physical location in the City, such license shall be issued at no cost or fee to the licensee by the City.

Section 6. Section 6-6 of Article I of Chapter 6 of the Black Hawk Municipal Code is hereby repealed.

Section 7. Sections 6-7 and 6-8 of Article I of Chapter 6 of the Black Hawk Municipal Code is amended to read as follows:

Sec. 6-7. Issuance.

Upon compliance with Section 6-4, the City Clerk will issue a license as set forth herein.

Sec. 6-8. Carrying or posting license required.

The license for a particular business location shall be posted at all times in a conspicuous place in the place of business. Every licensee shall produce his or her license for examination when requested to do so by any City police officer or by any person representing the City.

Section 8. Safety Clause. The City Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the City of Black Hawk, 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 City Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be attained.

Section 9. Severability. If any clause, sentence, paragraph, or part of this Ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect application to other persons or circumstances.

READ, PASSED AND ORDERED POSTED this 25th day of January, 2023.


David D. Spellman, Mayor

ATTEST:


Melissa A. Greiner, CMC, City Clerk

