

**TOWN OF SEVERANCE, COLORADO  
ORDINANCE NO. 2025-11**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF SEVERANCE,  
COLORADO, AMENDING VARIOUS SECTIONS OF CHAPTER 6, OF THE  
SEVERANCE MUNICIPAL CODE REGARDING BUSINESS LICENSES AND  
REGULATIONS**

**WHEREAS**, the Town of Severance, Colorado (the “Town”) is duly organized and validly exists as a Home Rule Town under Article XX, Section 6 of the Colorado Constitution and the Town’s Home Rule Charter; and

**WHEREAS**, from time to time, it becomes necessary to modify policies and procedures to better reflect the practices of the Town or to provide the Town with greater flexibility; and

**WHEREAS**, through an evaluation of staff duties it has become necessary to provide more flexibility within the code for business licensing; and

**WHEREAS**, the Town Council finds it necessary for the health, safety, and wellbeing of the community to amend Chapter 6 of the Severance Town Code.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SEVERANCE, COLORADO:**

**Section 1.** Section 6-1-20 of the Severance Municipal Code is hereby amended to read as follows:

**Sec. 6-1-20. – License required.**

- (a) It is unlawful for any person to engage in the business of selling tangible personal property at retail, or to furnish certain services as herein specified, without first having obtained a license therefor, which license shall be granted and issued by the Town Manager or their Designee ~~Town Clerk~~, and shall be in force and effect until December 31 of the year in which the license is issued, unless sooner revoked. Such license shall be granted or renewed only upon application stating the name and address of the person desiring the license, the name and location of the business and such other information as the Town Manager or their Designee ~~Town Clerk~~ may require.
- (b) Every applicant shall state under oath or affirmation such facts as may be required for the granting of a license. It is unlawful for any person to make any false statement or misrepresentation in connection with any application for a license.
- (c) It shall be the duty of each licensee, on or before January 1 of each year to obtain a renewal of the license if the license remains in a retail business or liable to account for the tax herein provided; but nothing herein contained shall be construed to empower the Town Manager or their Designee ~~Town Clerk~~ to refuse such renewal, except revocation for cause of the licensee's prior license.

- (d) No license shall be required for any person engaged exclusively in the business of selling commodities which are exempt from taxation under this Article. Nonprofit state corporations, excluding federal, state or municipal corporations, are hereby exempt from the license requirements set forth in this Article.

**Section 2.** Section 6-1-40 of the Severance Municipal Code is hereby amended to read as follows:

**Sec. 6-1-40. – License application.**

The applicant shall, on a form provided by the Town Manager or their Designee Town Clerk, provide the following information:

- (1) The name and address of the business;
- (2) The type of business carried on at the location;
- (3) Other business locations, if any; and
- (4) The name of the owner, manger or other person who is responsible for conducting the operations of the business and his or her address and phone number.

**Section 3.** Section 6-1-60 of the Severance Municipal Code is hereby amended to read as follows:

**Sec. 6-1-60. – Issuance.**

The license issued by the Town Manager or their Designee Town Clerk shall contain the following:

- (1) Amount of the license fee;
- (2) Expiration date of the license; and
- (3) Address of the license and the person or corporation to whom the license is issued.

**Section 4.** Section 6-1-110 of the Severance Municipal Code is hereby amended to read as follows:

**Sec. 6-1-110. – Notice and hearing prior to suspension or revocation.**

- (a) Upon commencement of suspension or revocation proceedings, the Town Manager or their Designee Town Clerk shall set a time and place for a hearing on the matter.
- (b) The Town Manager or their Designee Town Clerk shall give the licensee timely notice of the time and place of the hearing and the violations asserted.

- (c) In all such proceedings, the Town Attorney shall act on behalf of the Town during the hearing.
- (d) All hearings to suspend or revoke a license shall be before the Town Council.
- (e) The suspension or revocation of any license shall not release or discharge anyone from his or her civil liability for the payment of the taxes, penalty and interest or from the prosecution of the offense.

**Section 5.** Section 6-1-120 of the Severance Municipal Code is hereby amended to read as follows:

**Sec. 6-1-120 – Cease and desist.**

If any business is operating without a license, the Mayor may issue an order to the business to cease and desist all further operation until a license is issued for the business. The order shall give the business three (3) days to pay all amounts due the Town; or to post a bond in the amount owing the Town and to request in writing a hearing with the Town Manager or their Designee ~~Town Clerk~~. If the business does nothing, it shall cease operations on the third day. The hearing will be before the Town Council. The proceedings shall not relieve or discharge anyone from the civil liability for the payment of the taxes, penalty and interest or from the prosecution of the offense.

**Section 6.** Section 6-2-40 of the Severance Municipal Code is hereby amended to read as follows:

**Sec. 6-2-40. – Licensing fees.**

The fees established in the current fee schedule to this Code shall be paid to the Town Manager or their Designee ~~Town Clerk~~ by the applicant at the time of filing the application request.

**Section 7.** Section 6-2-50 of the Severance Municipal Code is hereby amended to read as follows:

**Sec. 6-2-50. – Suspension or revocation; fine.**

- (a) Whenever a decision of the Town Council, acting as the Local Licensing Authority (hereinafter "Authority"), suspending a retail license for fourteen (14) days or less becomes final, whether by failure of the retail licensee to appeal the decision or by exhaustion of all appeals and judicial review, the retail licensee may, before the operative date of the suspension, petition the Authority for permission to pay a fine in lieu of having his or her retail license suspended for all or part of the suspension period. Upon the receipt of the petition, the Authority may, in its sole 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 retail 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 retail licensee are kept in such a manner that the loss of sales of alcoholic beverages which the retail licensee would have suffered had the suspension gone into effect can be determined with reasonable accuracy therefrom; and
  - (3) That the retail licensee has not had his or her license suspended or revoked, nor had any suspension stayed by payment of a fine, during the two (2) years immediately preceding the date of the motion or complaint which has resulted in a final decision to suspend the retail license.
- (b) The fine accepted shall be 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, certified check or cashier's check made payable to the Town Manager or their Designee ~~Town Clerk~~ and shall be deposited in the general fund of the Town.
  - (d) Upon payment of the fine pursuant to this Section, the Authority shall enter its further order permanently staying the imposition of the suspension.
  - (e) In connection with any petition pursuant to this Section, the authority of the 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.
  - (f) If the Authority does not make the findings required in Subsection (a) above and does not order the suspension permanently stayed, the suspension shall go into effect on the operative date finally set by the Authority.

**Section 8.** Severability. The provisions of this Ordinance are severable and the invalidity of any section, phrase, clause, or portion of the Ordinance as determined by a court of competent jurisdiction shall not affect the validity or effectiveness of the remainder of the ordinance.

**Section 9.** All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

**Section 10.** This ordinance is deemed necessary for the immediate protection of the health, welfare and safety of the community.

