

CITY OF WHEAT RIDGE, COLORADO
INTRODUCED BY COUNCIL MEMBER REINHART
Council Bill No. 02
Ordinance No. 1507

Series 2012

TITLE: AN ORDINANCE AMENDING THE WHEAT RIDGE CODE OF LAWS, CHAPTER 11 TO UNIFY THE CONDITIONS FOR THE REVOCATION OR SUSPENSION OF A BUSINESS LICENSE AND TO PROVIDE FOR ADDITIONAL CLARIFICATIONS WITHIN THE CHAPTER

WHEREAS, the City of Wheat Ridge is a home rule municipality having all powers conferred by Article XX of the Colorado Constitution; and

WHEREAS, the Council has exercised these powers by the adoption of Chapter 11, Article II of the Wheat Ridge Code of Laws ("Code") concerning business licenses; and

WHEREAS, Code Sec. 11-31 addresses suspension of a license, Code Sec. 11-32 addresses conditional suspension of a license and Code Sec. 11-33 addresses revocation of a license; and

WHEREAS, for consistency of administration, the Council has determined that the conditions for suspending, conditionally suspending or revoking a license should be the same; and

WHEREAS, contemporaneously with this amendment, the Council has determined that additional sections of Chapter 11 should be amended for the sake of clarification.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WHEAT RIDGE, COLORADO:

Section 1. Code Sec. 11-31 is hereby repealed in its entirety and reenacted to read as follows:

Sec. 11-31. Suspension, conditional suspension or revocation.

A business license may be suspended, conditionally suspended or revoked by the city treasurer pursuant to sec. 11-32:

- (1) When any activity conducted pursuant to such license violates a city ordinance or state statute;
- (2) When it appears the activity conducted pursuant to such license is a public nuisance. When determining whether a public nuisance exists, the city treasurer shall consider whether the activity in

- question is substantially similar to a public nuisance as defined by Chapter 15 of this code, state statute or the common law;
- (3) When it appears the license was obtained by fraud or misrepresentation or false statements within the application for such license;
 - (4) When the business or activity being conducted under the license is a different business or activity than the business or activity for which the license was originally granted or duly amended.
 - (5) Upon any other grounds provided by this Code.

Section 2. Current Code Secs. 11-32 and 11-33 are hereby repealed in their entirety. Sec. 11-34 is hereby renumbered as Sec. 11-32. The remaining Secs. 11-33 and 11-34 are reserved for future enactment.

Section 3. The last sentence of Code Sec. 11-32 (c) is amended as follows:

The City Treasurer or other hearing officer shall determine whether the reasons for the denial, suspension, cancellation or revocation, as provided in sections 11-27, 11-28, and 11-30 through ~~11-33~~ 11-31, in fact exist.

Section 4. Code Sec. 11-32 is hereby amended by the addition of the following subsection (i) to read as follows:

(i) IN THE EVENT THE LICENSEE FAILS TO TAKE ACTION AS PROVIDED IN SUBSECTION (A)(1) OR (B) OF THIS SECTION, AT THE CONCLUSION OF THE TWENTY (20) DAY PERIOD SET FORTH IN SEC. 11-32 (A), THE CITY TREASURER MAY SUMMARILY REVOKE, SUSPEND OR CONDITIONALLY SUSPEND THE LICENSE AND MAIL NOTICE OF SUCH DECISION TO THE LAST KNOWN ADDRESS OF THE LICENSEE, RETURN RECEIPT REQUESTED.

Section 5. Code Sec. 11-226 (d)(2) is amended as follows:

Any nonresident vendor who fails to comply with such order or directive may be issued a summons and complaint pursuant to section ~~22-46(h)~~ 11-22, or may be subject to the impoundment of his property as specified in paragraph (e) of this section.

Section 6. Direction to codifier. The codifier of the City Code is hereby directed to amend any cross-references in the Code which are impacted as a result of the renumbering of City Code sections by this Ordinance.

Section 7. Severability, Conflicting Ordinances Repealed. If any section, subsection or clause of this Ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections and clauses shall


not be affected thereby. All other ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

Section 8. Effective Date. This Ordinance shall take effect fifteen (15) days after final publication, as provided by Section 5.11 of the Charter.

INTRODUCED, READ, AND ADOPTED on first reading by a vote of 8 to 0 on this 13th day of February, 2012, ordered published in full in a newspaper of general circulation in the City of Wheat Ridge, and Public Hearing and consideration on final passage set for February 27, 2012 at 7:00 p.m., in the Council Chambers, 7500 West 29th Avenue, Wheat Ridge, Colorado.

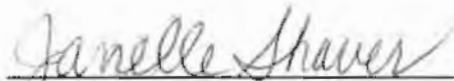
READ, ADOPTED AND ORDERED PUBLISHED on second and final reading by a vote of 8 to 0, this 27th day of February, 2012.

SIGNED by the Mayor on this 27th day of February, 2012.



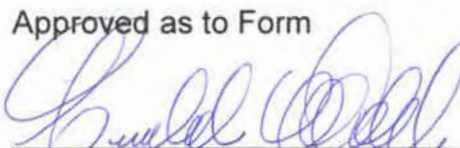
Jerry DiTullio, Mayor

ATTEST:



Janelle Shaver, City Clerk



Approved as to Form


Gerald E. Dahl, City Attorney

First Publication: February 16, 2012
Second Publication: March 1, 2012
Wheat Ridge Transcript
Effective Date: March 16, 2012