

**TOWN OF LOCHBUIE
COUNTIES OF WELD AND ADAMS, COLORADO**

ORDINANCE NO. 2021-669

**AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF
LOCHBUIE AMENDING SECTION 6-1-150 BY ELIMINATING THE
BUSINESS LICENSE EXEMPTION FOR HOME OCCUPATIONS AND
EMPLOYEES**

WHEREAS, the Town of Lochbuie (the “Town”) is a statutory municipality, governed by its elected Mayor and Board of Trustees; and

WHEREAS, the Town is authorized pursuant to Section 31-15-501, C.R.S., to regulate and license lawful businesses operating within the Town; and

WHEREAS, the Board of Trustees adopted comprehensive zoning and development regulations codified in Chapter 19 of the Lochbuie Municipal Code which regulations are known as the Town’s Land Development Code (“LDC”); and

WHEREAS, Section 19-7-510 of the LDC defines a “home occupation” as “a lawfully established commercial or business operation for which a home occupation license has been properly issued by the Town to the residential homeowner or lessee in accordance with Chapter 6 of this Code” and Section 19-7-215 sets forth supplemental regulations specific to the operations of home occupations; and

WHEREAS, Section 6-1-150 currently exempts home occupations from the requirement of obtaining a business license, although the Town has historically required all home occupation businesses to obtain such licenses; and

WHEREAS, Section 6-1-150 currently exempts employees from the requirement of obtaining a business license, although the status of a person’s relationship to a business should not affect the requirement as to whether a business license is required; and

WHEREAS, the Town Board of Trustees desires to amend Section 6-1-150 to eliminate the business licensing requirement exemption for home occupations and employees.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF LOCHBUIE, WELD AND ADAMS COUNTIES, COLORADO, AS FOLLOWS:

Section 1. Amendment of Section 6-1-150. - Exemptions. Section 6-1-150 of the Lochbuie Municipal Code is hereby amended by deleting the following language as shown below in strike-throughs:

Except as otherwise noted, the licenses herein required shall not apply to newsboys and newsgirls, ~~employees, home occupations,~~ food truck permittees as provided in Section 19-7-280, suppliers of products for resale by a licensed person; nor when a business, trade, occupation or profession does not provide the livelihood of the person so engaged and annual gross receipts do not exceed six hundred dollars (\$600.00); nor in any case where a business or activity is otherwise assessed by the Town a franchise fee or application, license or permit fee or is under contract with the Town.

Section 2. Severability. If any provision of this Ordinance, or the application of such provision to any person or circumstance, is for any reason held to be invalid, such invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable. The Board of Trustees hereby declares that it would have passed this Ordinance and each provision thereof, even though any one of the provisions might be declared unconstitutional or invalid. As used in this Section, the term “provision” means and includes any part, division, subdivision, section, subsection, sentence, clause or phrase; the term “application” means and includes an application of an ordinance or any part thereof, whether considered or construed alone or together with another ordinance or ordinances, or part thereof, of the Town.

Section 3. Safety Clause. The Board of Trustees hereby finds, determines and declares that this Ordinance is promulgated under the general police power of the Town of Lochbuie, 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 Board of Trustees further determines that the Ordinance bears a rational relationship to the proper legislative object sought to be obtained.

Section 4. Repealer. All ordinances or resolutions, or parts thereof, in conflict with this Ordinance are hereby repealed, provided that such repealer shall not repeal the repealer clauses of such ordinance nor revive any ordinance thereby.

Section 5. Effective Date. This Ordinance shall take effect thirty (30) days after publication, as provided by C.R.S. § 31-16-105 and Sections 1-3-60 and 2-2-110 of the Lochbuie Municipal Code.

ADOPTED by a vote of 4 in favor, 1 against and 0 abstaining, AND ORDERED PUBLISHED by title only following public hearing, this 1st day of June, 2021.

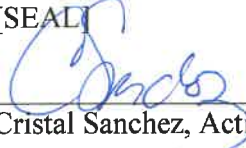
TOWN OF LOCHBUIE, COLORADO



Michael Mahoney, Mayor

I hereby certify that the above Ordinance was adopted by the Board of Trustees of the Town of Lochbuie at its meeting of June 1, 2021 and ordered published by title only one time by *The Brighton Blade* newspaper on June 9, 2021.

[SEAL]



Cristal Sanchez, Acting Town Clerk

