

**AN EMERGENCY ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF  
MOUNTAIN VILLAGE, COLORADO, AMENDING CHAPTER 5.01 – BUSINESS  
LICENSING AND REGULATION OF THE TOWN OF MOUNTAIN VILLAGE  
MUNICIPAL CODE**

**ORDINANCE NO. 2020-17**

**WHEREAS**, Section 5.01.010 of the Town of Mountain Village (“Town”) Municipal Code (the “Code”) requires all persons and business to obtain a license from the Town prior to doing business in the Town; and

**WHEREAS**, pursuant to Section 5.01.070 of the Code, the Town Council, after reasonable notice and a fair public hearing, may revoke any license, based upon a violation of Chapter 5.01; and

**WHEREAS**, Town Council finds it is incumbent upon all licensees to comply with all laws and regulations applicable to licensed businesses; and

**WHEREAS**, Town Council finds all licensees must refrain from all illegal or unlawful practices or conditions which do or may affect the public health safety and morals or welfare; and

**WHEREAS**, Town Council finds all licensees must refrain from operating a business under a business license after expiration of a license and during the period a license is revoked or suspended; and

**WHEREAS**, Section 5.8 of the Town’s Home Rule Charter provides Ordinances which are immediately necessary for the preservation of the public peace, health, safety, or welfare may be enacted at a regular or an emergency meeting of the Town Council. The proposed ordinance shall be approved by a majority vote of the members of the Town Council present at the meeting. Neither a second reading nor a public notice and hearing shall be required prior to the time it goes into effect; and

**WHEREAS**, Town Council finds amendments to the Code will more effectively provide for enforcement of business license violations and will promote the health, safety and general welfare of the Mountain Village community.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MOUNTAIN VILLAGE, COLORADO AS FOLLOWS:**

**Section 1. Recitals.** The foregoing recitals are incorporated by reference as findings and determinations of the Town Council.

**Section 2. Amendment to Chapter 5.01.** Chapter 5.01 of the Code is hereby amended by the addition of a new Section 5.01.060 to read as follows with ~~strikeout~~ indicated language to be deleted and underline indicated language to be adopted:

5.01.060

Each Licensee shall be required to:

- A. Ascertain and at all times comply with all laws and regulations applicable to any License issued to a Licensee.
- B. Refrain from all illegal or unlawful practices or conditions which do or may affect the public health, safety, morals or welfare.
- C. Refrain from operating any Business, Lodging Establishment or Place of Business expiration of the applicable License or during the period the applicable License is revoked or suspended.

**Section 3. Public Hearing.** A public hearing on this Emergency Ordinance was held on the 3rd day of December 2020.

**Section 4. Severability.** If any provision of this Emergency 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 Emergency Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Emergency Ordinance are declared to be severable. The Mountain Village Town Council hereby declares that it would have passed this Emergency 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 5. Effective Date.** This Emergency Ordinance shall take effect immediately upon adoption in accordance with Section 5.8(a) of the Charter.

**Section 6. Codification of Amendments.** The codifier of the Town’s Municipal Code is hereby authorized to make such numerical and formatting changes as may be necessary to incorporate the provisions of this Emergency Ordinance within the Mountain Village Municipal Code. The Town Clerk is authorized to correct, or approve the correction by the codifier, of any typographical error in the enacted regulations, provided that such correction shall not substantively change any provision of the regulations adopted in this Emergency Ordinance. Such corrections may include spelling, reference, citation, enumeration, and grammatical errors.

**Section 7. Publication.** The Town Clerk is ordered to publish this Emergency Ordinance in accordance with Chapter 5.8(c) of the Mountain Village Municipal Code.

**INTRODUCED AND ADOPTED ON FIRST AND FINAL READING** on the 3rd day of December 2020.

**TOWN OF MOUNTAIN VILLAGE**

**TOWN OF MOUNTAIN VILLAGE,  
COLORADO, A HOME-RULE  
MUNICIPALITY**

By:   
Laila Benitez, Mayor

ATTEST:

  
Susan Johnston, Town Clerk

Approved as To Form:

  
Paul Wisor, Town Attorney

I, Susan Johnston, the duly qualified and acting Town Clerk of the Town of Mountain Village, Colorado ("Town") do hereby certify that:

1. The attached copy of Emergency Ordinance No. 2020-17 ("Ordinance") is a true, correct and complete copy thereof.
2. The Emergency Ordinance was introduced, read by title, approved on first and final reading with minor amendments by the Town Council the Town ("Council") at a special meeting held at Town Hall, 455 Mountain Village Blvd., Mountain Village, Colorado, on December 3, 2020, by the affirmative vote of a quorum of the Town Council as follows:

Council Member Name	"Yes"	"No"	Absent	Abstain
Laila Benitez, Mayor	X			
Dan Caton, Mayor Pro-Tem	X			
Martinique Davis Prohaska	X			
Peter Duprey	X			
Patrick Berry	X			
Natalie Binder			X	
Jack Gilbride	X			

5. The Emergency Ordinance has been signed by the Mayor, sealed with the Town seal, attested by me as Town Clerk, and duly numbered and recorded in the official records of the Town.

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the seal of the Town this 3rd day of December 2020.

  
Susan Johnston, Town Clerk

(SEAL)

