

CHAPTER 6

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ARTICLE 1

Business Licenses

Division 1 General Provisions

Sec. 6-1-10. Title.

This Chapter shall be known and may be cited as the "General Licensing Code of the City of Cripple Creek, Colorado" (hereinafter "this Chapter"), and shall be liberally construed in order that the true meaning and intent of this Chapter may be carried out. (Ord. 1986-9 §1-1-101)

Sec. 6-1-20. Purpose.

The purpose of this Chapter is to provide a uniform procedure for the issuance, suspension and revocation of regulatory and other business licenses issued by the City. This Chapter's provisions shall only apply to licenses issued pursuant to this Chapter. (Ord. 1986-9 §1-1-102)

Sec. 6-1-30. Definitions.

The following terms, as used in this Chapter, shall have the meanings hereinafter designated, unless the context specifically indicates otherwise or unless such meaning is excluded by express provision.

Business means all kinds of enterprises, establishments, professions, occupations and all other kinds of activities, together with all devices, machines and vehicles used therein, any of which are connected for private profit or benefit, either directly or indirectly, on any premises in the City or anywhere else within its jurisdiction.

License means the word *permit*, whether relevant to any provision of this Chapter or other law or ordinance.

Person means all individuals, groups, corporations and organizations.

Premises means all lands, structures, equipment, appurtenances and personal property connected with or used in a business. (Ord. 1986-9 §1-1-103; Ord. 2007-04 §1)

Division 2 Licensing Body

Sec. 6-1-110. Powers of licensing body.

The City Council shall have exclusive power to grant, renew, suspend during investigation and revoke all licenses provided for in this Chapter. (Ord. 1986-9 §1-1-201)

Sec. 6-1-120. Duties and functions.

The City Council shall collect all license fees and shall issue licenses in the name of the City to all persons qualified under the provisions of this Chapter, and shall make rules, adopt forms, require affidavits, obtain endorsements and investigate and examine records. (Ord. 1986-9 §1-1-202)

Sec. 6-1-130. Records required.

The City Clerk shall keep a record of all licenses issued, setting forth the name of every licensee, the place of business licensed, if any, the residence of the licensee, the residence of each of the individual members of the licensee firm, or of each of the directing officers of the licensee corporation, the kind and grade of license issued, and any other information deemed pertinent by the City Clerk. (Ord. 1986-9 §1-1-203)

Division 3
License Applications

Sec. 6-1-210. General prohibition.

No business shall operate within the City unless it is licensed by the City Council, as provide by this Chapter. (Ord. 1986-9 §1-1-301)

Sec. 6-1-220. Engaging in business.

Any person shall be deemed to be engaged in a business when he or she performs one (1) act within the City limits of:

- (1) Selling any goods or services;
- (2) Soliciting business or offering goods or services for sale or hire;
- (3) Acquiring or using any vehicles or any premises in the City for purposes for which a license is required; or
- (4) Performing any activity for which a license is required. (Ord. 1986-9 §1-1-302)

Sec. 6-1-230. Bond requirements.

Whenever the terms of a particular license require the posting of a bond, no license shall be issued until the applicant provides a bond with surety, to be approved by the City Attorney, in the prescribed sum, conditioned upon the faithful observance of the terms pertaining to the business so licensed. (Ord. 1986-9 §1-1-303)

Sec. 6-1-240. Qualifications of applicant.

Each applicant shall be of good moral character, shall have no outstanding financial or legal obligations owed to the City and shall be in compliance with all City ordinances and regulations. In the event the applicant has any past-due financial obligations to the City, including but not limited to charges owed for water and sewer services, fines, penalties or other like charges or obligations, as

those obligations are described and defined in Paragraphs 6-1-510(5) and (6) of this Article, the applicant's application for a business license, including an application for renewal of an existing business license, shall be denied by the City until such time as the financial obligation owed to the City has been paid or a payment agreement has been reached between the applicant and the City Council. (Ord. 1986-9 §1-1-401; Ord. 1989-5 §I; Ord. 2007-04 §1)

Sec. 6-1-250. Application for license.

An application for licenses required by this Chapter shall be made in writing to the City Clerk. Each application shall state the applicant's name; the name of the applicant's agent; the location of the applicant's proposed business; the type of business to be conducted; the class of license desired; the description and license plate numbers of any vehicles to be used in the business; and any additional information required by the City Council in the issuance of such license. (Ord. 1986-9 §1-1-402)

Sec. 6-1-260. Forms.

Forms for all applications and licenses shall be prepared and kept on file by the City Clerk. (Ord. 1986-9 §1-1-403)

Sec. 6-1-270. General license fee.

Unless otherwise provided for by the specific provisions of this Chapter, the license fee for each business which operates within the City shall be one hundred fifty dollars (\$150.00) for the first year of operation, seventy-five dollars (\$75.00) for the second year of operation and twenty-five dollars (\$25.00) for the third year and all consecutive years of operation thereafter. For new businesses, the initial license fee for the first year of operation shall be prorated as follows:

- (1) One hundred fifty dollars (\$150.00) for licenses issued during the first quarter of a calendar year (January 1 through March 31);
- (2) One hundred dollars (\$100.00) for licenses issued during the second quarter (April 1 through June 30);
- (3) Seventy-five dollars (\$75.00) for licenses issued during the third quarter (July 1 through September 30); and
- (4) Fifty dollars for licenses issued during the fourth quarter (October 1 through December 31). (Ord. 1986-9 §1-1-501; Ord. 2008-01)

Sec. 6-1-280. General license term.

Unless otherwise provided for by specific provisions of this Chapter, the term of each license granted shall be for one (1) year and shall run from January 1 through December 31 of each year. (Ord. 1986-9 §1-1-502)

Division 4
License Regulations

Sec. 6-1-310. Issuance or denial.

(a) The City Council shall issue a license to an applicant if it finds, after investigation, that all conditions imposed upon the applicant as prerequisites to the issuance of said license by the terms pertaining to the particular license sought have been met, including but not limited to:

- (1) The qualifications of the applicant's standards set forth in Division 3 above have been met;
- (2) The required license fee has been paid;
- (3) The required bond has been posted;

(4) The use to which the premises are proposed to be put conforms to the requirements of applicable building, fire, safety and zoning regulations; and

(5) All other specific requirements of the terms and provisions relating to the application for the particular license required for use at the premises specified in the application have been met.

(b) If the City Council finds that the applicant fails to meet any of the conditions, it may deny such application and notify the applicant in person or by mail. Such denial shall be final immediately upon the date of serving, if personally served, or, if mailed, upon the date of mailing. (Ord. 1986-9 §1-1-601; Ord. 2007-04 §1)

Sec. 6-1-320. Posting and display of license.

(a) Every license issued by the City for a business or activity to be conducted at a particular street address shall be posted during the period such license is valid. Such license shall be posted in a conspicuous place and shall be visible upon reasonable inspection. When such license expires, it shall be removed. No license not in full force and effect shall remain posted.

(b) It shall be the duty of each and every person to whom a license has been issued to exhibit the same upon the request of any police officer, City official or the City Council. (Ord. 1986-9 §1-1-602)

Sec. 6-1-330. Special licenses.

(a) Exemptions. The City Council may issue special licenses and exempt from the payment of any license fee or other charges any person conducting or operating a nonprofit enterprise, either regularly or temporarily, when the City Council finds that the applicant operates without private profit for public, charitable, educational or religious purposes. This provision shall apply only to actual operation by the applicant for a special license and shall not apply to activities merely sponsored by such applicant in return for a fee or a portion of the receipts obtained by reason of such licensed activity.

(b) Compliance. Any person or organization operating under a special license shall operate the enterprise in compliance with this Chapter and all other applicable rules and regulations. (Ord. 1986-9 §1-1-603; Ord. 2007-04 §1)

Sec. 6-1-340. Transfer of license.

(a) No license may be transferred from one (1) person to another. Any change of ownership of a licensed business or activity shall require a new application and license with payment of fees according to the provisions pertaining to that particular kind of license.

(b) Licenses may be transferred from one (1) location to another without an additional fee or a new application, provided that no change in ownership of the licensed business occurs, and provided further that the licensee fully abandons his or her original business at its original location. (Ord. 1986-9 §1-1-604)

Sec. 6-1-350. Renewal of license.

(a) At any time within thirty (30) days prior to the expiration of its current license, a licensee shall make application for a license renewal for the succeeding year and pay the required fee. Unless otherwise provided for by this Chapter, if application is so made and no action or proceeding is pending against the licensee for suspension or revocation of his or her current license, he or she may continue in his or her business or activity for the succeeding period unless or until his or her application for license renewal is denied.

(b) The applicant shall have a thirty-day grace period subsequent to the expiration of the previous year's term to make application for the renewal license. No penalties for nonrenewal shall attach until expiration of the grace period.

(c) In the event a suspension or revocation proceeding is pending when a license renewal is applied for, the business or activity may continue in operation during the pendency of such suspension or revocation proceeding; however, the application for a license renewal shall not be acted upon until the suspension or revocation proceeding has been completed.

(d) Whenever a license fee payment is not received on or before the expiration date of any license issued to a licensee for a current license term, all applicable grace periods have expired and the licensee continues to engage in the business for which the license is issued, a penalty of fifty dollars (\$50.00) shall be imposed and collected. The City Council shall be authorized to waive or adjust any and all of such penalty and additional fee when, in its judgment, delinquency is not the fault of the licensee and to collect or require the payment thereof would be an injustice.

(e) The processing and approval of renewing a business license shall be at the discretion of the City Clerk. The City Clerk shall have the ability to issue the renewal of a business license, provided that the application for renewal and scope of the renewal does not exceed or substantially change the type and scope of the existing business license. The City Clerk shall, in his or her sole discretion, be entitled to submit any request for a renewal to the City Council for specific action. (Ord. 1986-9 §1-1-605; Ord. 1990-5; Ord. 2007-04 §1)

Sec. 6-1-360. Surrender of license.

(a) A licensee may surrender his or her license by delivering it to the City Council or City Clerk with or without a written statement of its surrender.

(b) Surrender or abandonment of a license shall not affect the civil or criminal liability of the licensee for acts committed prior to surrender or abandonment, nor entitle the licensee to a refund of the license fee for the remaining portion of a licensing period. (Ord. 1986-9 §1-1-606)

Division 5
Multiple Businesses

Sec. 6-1-410. Purpose.

The City Council recognizes that persons doing business within the City may own or operate more than one (1) business enterprise. It is the intent of this Division to establish exemptions for individuals owning and operating multiple businesses within a single business location, as defined herein, to be required to purchase only one (1) business license for the operation of the multiple businesses within the single business location. (Ord. 1986-9 §1-5-101)

Sec. 6-1-420. Definitions.

The following terms, as used in this Division, shall have the meanings hereinafter designated, unless the context specifically indicates otherwise or unless such meaning is expressly excluded:

Multiple businesses by single owner means a single individual who owns, operates or maintains more than one (1) separate business enterprise within the City.

Multiple businesses by single owner within single business location means an individual who owns or operates more than one (1) business within a single business location; for example, two (2) separate retail stores within the same building, a restaurant or a hotel with an attached gift shop, or gasoline service station with an attached convenience store. (Ord. 1986-9 §1-5-102)

Single business location means a single business building or structure which contains one (1) or more business enterprises; for example, one (1) single building containing more than one (1) retail store.

Sec. 6-1-430. Prohibition.

A single owner who operates multiple businesses within a single business location shall be required to purchase one (1) business license for the operation of his or her multiple businesses. The license fee and term shall be as set forth in Sections 6-1-270 and 6-1-280 of this Article. All other individuals operating more than one (1) business within the City and not falling within the definition of a single owner of multiple businesses within a single business location shall be required to purchase separate business licenses for each location. The license fee and term shall be as set forth in Sections 6-1-270 and 6-1-280 of this Article. (Ord. 1986-9 §1-5-103)

Division 6
Suspension, Revocation and Violation

Sec. 6-1-510. Grounds for suspension or revocation.

The City Council may suspend or revoke any license if it finds that:

- (1) The licensee has failed to pay the annual license fee.
- (2) The licensee has failed to file required reports or to furnish such other information as may be reasonably required by the terms relating to the specific license.
- (3) The licensee or any agent or employee of the licensee has violated any provision of this Chapter pertaining to the license or any regulation or order lawfully made under and within the authority of this Chapter relating to the license.
- (4) The licensee or any agent or employee of the licensee has violated any law of the United States, the State or the City when such violation occurred on the licensed premises, or relates to conduct or activity of any business required to be licensed by this Chapter.
- (5) The licensee has failed to pay when due any obligation, debt or charge owed to the City, including but not limited to bills owed for water and sewer services provided, fines, penalties and other like charges or obligations when such charge, obligation or debt is related to the business activity for which a license is required by this Chapter.
- (6) The licensee owes or has failed to pay when due any obligation, debt or charge owed to the City, including but not limited to water and sewer service charges, fines, penalties and other like debts or obligations. This provision shall apply when the licensee is the person who is responsible for the past-due debt or charge, including past-due water and sewer service charges for providing water and sewer services to real property or improvements owned by the licensee or jointly owned by the licensee. (Ord. 1986-9 §1-1-701; Ord. 1989-5 §II; Ord. 2007-04 §1)

Sec. 6-1-520. Hearing procedure.

- (a) Upon commencement of suspension or revocation proceedings, the City Clerk shall set a time and place for a hearing on the matter.
- (b) The City 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 City Attorney shall act on behalf of the City during the hearing. (Ord. 1986-9 §1-1-702)

Sec. 6-1-530. Hearings.

The City Council shall conduct hearings for suspension or revocation of the license granted. (Ord. 1986-9 §1-1-703; Ord. 2007-04 §1)

Sec. 6-1-540. Notification of suspension or revocation.

Upon suspension or revocation of any license required by this Chapter, notice of such suspension or revocation shall be given by personally serving the licensee with the order of suspension or revocation or by mailing such order to such person by certified mail to the business address of the licensee as shown on the license or to the address of the designated agent; or a copy of such order may be affixed to the principal entrance of the licensed premises, which shall be deemed to be the principal place of business. (Ord. 1986-9 §1-1-704; Ord. 2007-04 §1)

Sec. 6-1-550. Effect of suspension or revocation.

Upon the effective date of suspension or revocation of any license required for a business or activity, the licensee of such licensed business or activity shall cease and desist from further operation or activity. (Ord. 1986-9 §1-1-705)

Sec. 6-1-560. Unlicensed business or activity.

(a) When a license is required for a business or activity and such business or activity is being conducted without a current license, the City Clerk shall give notice to the owner, manager or operator of such business or activity that a license must be obtained and that the application for such license must be made within forty-eight (48) hours of oral or written notice.

(b) In the event a license is not applied for after such notice and within the prescribed time limits, an order shall be issued by the City Clerk to the person conducting such business or activity, demanding that he or she immediately cease and desist such operations. If the person does not comply with the cease and desist order, then and in addition to all other remedies, the City Clerk may call upon the City Attorney to seek an injunction in the District Court to cause any business or activity for which a license is required to cease and desist operation. The licensee shall be responsible for payment of all attorneys' fees and costs incurred by the City in enforcing any of the provisions of this Chapter.

(c) Remedies contained within this Section shall not be exclusive but are cumulative and in addition to all other remedies provide for in this Chapter. (Ord. 1986-9 §1-1-801; Ord. 2007-04 §1)

Sec. 6-1-570. Late application for new business.

(a) If any person engages in any business or activity for which a license is required, without having first made application therefor, the license fee shall be deemed due upon the day the person actually commenced such business. Upon subsequent application for such license, the City Clerk shall impose and collect a penalty of fifty dollars (\$50.00) in addition to the license fee.

(b) No license shall be issued for any current period until the amount of the original license fee and all accrued penalties have been paid; provided that the City Clerk shall be authorized to waive or adjust any and all such penalties whenever, in his or her judgment, the delinquency is not the fault of the applicant and to collect or require the payment thereof would be an injustice. (Ord. 1986-9 §1-1-802; Ord. 2007-04 §1)

Sec. 6-1-580. Penalties in general.

Unless otherwise provided for by the specific provisions of this Chapter, any person violating any part of this Chapter shall be punished in accordance with the provisions of Section 1-4-20 of this Code. Each twenty-four (24) hours such violation continues shall constitute a new and separate offense, provided that the City Council shall be authorized to waive or adjust any and all of such penalty whenever, in its judgment, to collect the fine would be an injustice. (Ord. 1986-9 §1-1-803; Ord. 2007-04 §1)

ARTICLE 2

Amusement Licenses

Division 1

Circuses, Carnivals and Menageries

Sec. 6-2-10. Definitions.

The following terms, as used in this Article, shall have the meanings hereinafter designated, unless the context specifically indicates otherwise or unless such meaning is excluded by express provision.

Carnival means any traveling enterprise offering entertainment to the public in the form of amusement rides or games of skill or chance.

Circus means any traveling show or performance occurring in any arena or tent or in the open, including acts or displays of physical skills or daring or any display or performance of animals.

Menagerie means any circus, carnival, exhibit or show in which animals perform or are displayed to entertain the public. (Ord. 1986-9 §1-2-101; Ord. 2007-04 §1)

Sec. 6-2-20. Prohibition.

It is unlawful for any person to conduct, operate or permit to be conducted or operated any circus, carnival or menagerie in the City without first having obtained a license. (Ord. 1986-9 §1-2-102)

Sec. 6-2-30. License fee; term.

The fee to operate any circus, carnival or menagerie shall be fifty dollars (\$50.00) per week or lesser part thereof. (Ord. 1986-9 §1-2-103)

Sec. 6-2-40. Number of licenses required.

When a single operation combines a circus, carnival or menagerie under one (1) ownership at one (1) location, only one (1) license is required. (Ord. 1986-9 §1-2-104)

Sec. 6-2-50. Insurance and bond requirements.

(a) No license to operate a circus, carnival or menagerie shall issue until the applicant furnishes evidence of current public liability and property damage insurance policies in the following amounts:

- (1) Bodily injury:
 - a. Each person, three hundred thousand dollars (\$300,000.00).
 - b. Each accident, six hundred thousand dollars (\$600,000.00).
- (2) Property damage:
 - a. Each accident, one hundred thousand dollars (\$100,000.00).
 - b. Aggregate, three hundred thousand dollars (\$300,000.00).

(b) All policies shall be kept in force for the entire license period. The licensee shall be responsible for payment of all attorneys' fees and costs incurred by the City. (Ord. 1986-9 §1-2-105)

Sec. 6-2-60. Exhibitions prohibited.

It is unlawful for any person to exhibit any freak of nature within the City. (Ord. 1986-9 §1-2-106)

Sec. 6-2-70. Consent of neighbors required.

Each application for a license to operate a circus, carnival or menagerie must be accompanied by a signed statement from each resident or property owner within a one-thousand-foot radius of the site where the circus, carnival or menagerie is to be operated, which indicates whether the signor is agreeable or opposed to the proposed operation. (Ord. 1986-9 §1-2-107)

*Division 2
Amusement Rides*

Sec. 6-2-110. Definition.

The term *amusement ride* includes, but is not limited to, such devices as a merry-go-round, Ferris wheel or other ride designed to carry children or which is constructed for use by adults, and includes such devices as horse-drawn vehicles and pony rides. (Ord. 1986-9 §1-2-201)

Sec. 6-2-120. Prohibition.

It is unlawful for any person to operate an amusement ride or similar device within the City without first obtaining a license. (Ord. 1986-9 §1-2-202)

Sec. 6-2-130. License fee; term.

The license fee for each license to operate each amusement ride shall be twenty-five dollars (\$25.00) per week or lesser part thereof. (Ord. 1986-9 §1-2-203)

Sec. 6-2-140. Insurance and bond requirements.

(a) No license to operate an amusement ride shall issue until the applicant furnishes evidence of current liability and property damage insurance policies in the following amounts:

(1) Bodily injury:

- a. Each person, three hundred thousand dollars (\$300,000.00).
- b. Each accident, six hundred thousand dollars (\$600,000.00).

(2) Property damage:

- a. Each accident, one hundred thousand dollars (\$100,000.00).
- b. Aggregate, three hundred thousand dollars (\$300,000.00).

(b) All policies shall be kept in force for the entire license period. The licensee shall be responsible for payment of all attorneys' fees and costs incurred by the City. (Ord. 1986-9 §1-2-204)

Sec. 6-2-150. Consent of neighbors required.

Each application for a license to operate an amusement ride must be accompanied by a signed statement from a majority of the residents or property owners within a one-thousand-foot radius of the site from where the amusement ride is to be operated, which indicates whether the signor is agreeable or opposed to the proposed operation. (Ord. 1986-9 §1-2-205)

ARTICLE 3

Sales of Services

Division 1

Real Estate Brokers and Salespersons

Sec. 6-3-10. Definitions.

The following terms, as used in this Division, shall have the meanings hereinafter designated, unless the context specifically indicates otherwise or unless such meaning is expressly excluded:

Real estate broker or broker means any person licensed as a real estate broker by the State who buys, sells or offers to buy or sell any real property, commercial, residential or otherwise, or who closes or offers to close such real estate transactions.

Real estate salesperson or salesperson means any person licensed as a real estate agent by the State who buys, sells or offers to buy or sell any real property, or who closes or offers to close such real estate transactions. (Ord. 1986-9 §1-3-601; Ord. 2007-04 §1)

Sec. 6-3-20. Prohibition.

It is unlawful for any person to operate as a real estate broker within the City without first having obtained a license. (Ord. 1986-9 §1-3-602)

Sec. 6-3-30. License fee; term.

The license fee and term shall be as set forth in Sections 6-1-270 and 6-1-280 of this Chapter. (Ord. 1986-9 §1-3-603)

Sec. 6-3-40. Unlawful acts.

It is unlawful for any real estate salesperson to knowingly employ himself or herself within the City with a broker who is not in possession of a valid license. (Ord. 1986-9 §1-3-604)

Sec. 6-3-50. Exceptions.

No real estate salesperson shall be required to obtain a license while employed by a real estate broker licensed by the City. (Ord. 1986-9 §1-3-605)

*Division 2
Private Security Services*

Sec. 6-3-110. Definitions.

The following terms, as used in this Division, shall have the meanings hereinafter designated, unless the context specifically indicates otherwise or unless such meaning is expressly excluded:

Contract security agency means any person who, for a fee or other consideration, agrees to furnish or furnishes a private security officer on a contractual basis to another person.

Principal means, with respect to a contract security agency, an individual who is actively engaged in the management or operation of such agency.

Private security officer means an individual who is principally employed as a security guard, an armored car service guard, an armed alarm response runner or an armed courier; an individual who is principally employed to protect any person or property from crimes or wrongs, done or threatened, against such person or property, and whose duties include but are not limited to the prevention of burglary, robbery, theft, criminal mischief, arson, assault or trespass; an individual who is principally employed to control, regulate or direct the flow or movements of persons on private property, whether by vehicle, by foot or otherwise; and an individual who is principally employed to provide street patrol service or merchant patrol service.

Proprietary security organization means a person who has a security department which has, as its general purpose, the protection and security of its own property and personnel and who does not offer or provide security services to any other person. (Ord. 1986-9 §1-3-401)

Sec. 6-3-120. Prohibition.

It is unlawful to operate a contract security agency or act as a private security officer of a contract security agency or a proprietary security organization without first have obtained a license. (Ord. 1986-9 §1-3-402)

Sec. 6-3-130. License fee; term.

The license fee and term for this license shall be as follows:

(1) Contract security agency. The annual license fee for a contract security agency shall as set forth in Sections 6-1-270 and 6-1-280 of this Chapter.

(2) Private security officer. The annual license fee for a private security officer shall be seventy-five dollars (\$75.00). (Ord. 1986-9 §1-3-403)

Sec. 6-3-140. Exemptions.

(a) The provisions of this Division shall not apply to the following persons while engaged in the performance of their duties:

(1) Sheriffs, undersheriffs, deputy sheriffs, police officers, Colorado State Patrol officers, marshals, deputy marshals, district attorney investigators, investigative agents employed by the Colorado Bureau of Investigations, or federal law enforcement officers who are employed full-time in such capacity, including any time that such full-time enforcement officers are employed as private security officers with approval of their departmental superiors.

(2) Any reserve police officer who performs duties for a local unit of government which granted a reserve commission to him or her while within the jurisdiction of that unit of government.

(b) No private security officer shall be required to obtain a license while he or she is employed with a licensed contract security agency. (Ord. 1986-9 §1-3-404; Ord. 2007-04 §1)

Sec. 6-3-150. Qualifications for license.

Every applicant for a license provided for this Division and, in the case of an applicant for a contract security agency's license, every principal of the applicant, shall be at least eighteen (18) years of age and shall meet all other requirements specified in this part for the license for which the applicant is applying; except that any applicant who intends to carry a firearm shall be at least twenty-one (21) years of age. (Ord. 1986-9 §1-3-405)

Sec. 6-3-160. Application requirements for contract security agency's license.

Every application for a license to operate as a contract security agency shall contain the following:

(1) The full name and any other names under which each principal is or has been known; address and telephone number; date of birth; social security number; and a full description of each principal and registered agent for the applicant.

(2) The full name and any other names under which the local managing principal is or has been known; residence address; residence telephone number; date of birth; and social security number.

(3) The name under which the applicant intends to do business and the address of the local principal place of business.

(4) A description of the specific types of services to be rendered.

(5) Two (2) recent passport-size color photographs of each local principal and two (2) classifiable sets of fingerprints of each local principal.

(6) A statement of each local principal's experience and qualifications.

(7) A list of the residence address of each local principal for the ten (10) years prior to the date of application.

(8) A statement containing the date and place of any criminal conviction of any principal of the applicant.

(9) A statement containing information relating to the denial, suspension or revocation of any license to provide security services held by any principal of the applicant, whether in this State or in any other state.

(10) A release statement signed by the applicant, allowing the City to check all public and private employment records of the applicant. (Ord. 1986-9 §1-3-406)

Sec. 6-3-170. Insurance required.

(a) No license shall be issued to a contract security agency without evidence of current public liability and property damage insurance policies in the name of the licensee, with the City also named as the insured, in the following amounts:

(1) Bodily injury:

a. Each person, four hundred thousand dollars (\$400,000.00).

b. Each accident, six hundred thousand dollars (\$600,000.00).

(2) Property damage:

a. Each accident, three hundred thousand dollars (\$300,000.00).

b. Aggregate, four hundred thousand dollars (\$400,000.00).

(b) Each policy of insurance shall contain an endorsement to the effect that the insurance carrier shall notify the City Clerk at least thirty (30) days in advance of the effective date of any reduction, cancellation or changes of the policy. Cancellation or reduction of insurance is cause for automatic suspension of the license until the coverage is reinstated. All policies shall be kept in force for the period of the license.

(c) The licensee is responsible for any and all damage to property or injury to persons arising out of the exercise of the license, and the licensee shall indemnify and save harmless the City and its officers, agents and employees from all suits, action or claims of injuries received or sustained by any person or person's property on account of any act or omission of the licensee, its agents or employees, or on account of the failure of the licensee to observe the provisions of this part; and, further, to faithfully perform and honestly conduct all activities undertaken by the contract security agency and each private security officer employed thereunder. (Ord. 1986-9 §1-3-407)

Sec. 6-3-180. Application requirement for private security officers.

Every application for an original or renewal private security officer's license shall contain the following:

(1) The applicant's full name and any other names under which the applicant is or has been known; date of birth; social security number; current residence address; and a telephone number where the applicant may be contacted.

(2) Two (2) recent passport-size color photographs of the applicant and two (2) sets of classifiable fingerprints of the applicant.

(3) A list of the residence addresses of the applicant for the ten (10) years prior to the date of application.

(4) A statement of the work history of the applicant for the ten (10) years prior to the date of application.

(5) A statement containing the date and place of any criminal conviction of the applicant.

(6) A statement containing information relating to the denial, suspension or revocation of any private security officer's license held by the applicant, whether in this State or any other state.

(7) A statement of the applicant's medical history.

(8) A release statement signed by the applicant allowing both the City and employer to check all public and private records of the applicant. (Ord. 1986-9 §1-3-408)

Sec. 6-3-190. Denial, suspension or revocation of license.

A private security officer's license or a contract security agency's license may be denied, suspended or revoked if the applicant or the principal of the applicant:

(1) Has been convicted of a felony in this State or any other state or of a crime in any other state which, if committed in this State, would be a felony.

- (2) Has made a willful misrepresentation in applying for and obtaining a license.
- (3) Has been previously denied a license under this Division or has had a license which was issued under this Division suspended or revoked, unless the City Council reinstated such license.
- (4) Was a principal of a contract security agency whose license was revoked, unless the City Council determines that he or she was not responsible for the revocation.
- (5) Has been convicted of operating without a license under this Division or performing any act for which a license is required under this Division. (Ord. 1986-9 §1-3-409)

Sec. 6-3-200. Unlawful acts.

- (a) No person shall operate the contract security agency or act as a private security officer unless licensed pursuant to the provisions of this Division.
- (b) No person shall knowingly employ any individual to perform the duties of a private security officer who is not licensed pursuant to the provisions of this Division or whose license has been suspended or revoked by the City Council.
- (c) No person shall make a willful misrepresentation in applying for or obtaining a license pursuant to the provisions of this Division.
- (d) Each licensee shall immediately turn over any person arrested to the Police Department or public law enforcement agency. Nothing contained herein shall be construed as authorizing any licensee to make an arrest not authorized under state law to be made by a private citizen.
- (e) No person, while performing the duties of a private security officer, shall knowingly wear or display any badge, insignia, shield, patch or pattern, or utilize any vehicle or equipment displaying the word *police*, the words *law enforcement officer* or the words *public safety*, or display any sign, shield, marking, accessory or insignia that indicates or is intended to indicate to the public that he or she is a sworn police officer. (Ord. 1986-9 §1-3-410; Ord. 2007-04 §1)

Division 3
Contractors, Subcontractors and Laborers

Sec. 6-3-310. Definitions.

The following terms, as used in this Division, shall have the meanings hereinafter designated, unless the context specifically indicates otherwise or unless such meaning is expressly excluded:

Contractor means any person who, for profit or gain, contracts, subcontracts or hires laborers to perform services or furnish goods for the purpose of altering, building, constructing, replacing, repairing or refurbishing any real property, building, structure or part thereof. This definition includes, but is not limited to, all building, plumbing, heating, landscaping, grading, paving, roofing or other trade commonly associated with the building or construction industry. This definition includes all subcontractors.

Laborer or day laborer means any person who is primarily self-employed and who, for profit or gain, provides his or her services on a full-time, part-time, hourly or contract basis to any contractor, subcontractor or other person, including but not limited to owners of motor vehicles or owners, renters or occupants of homes, businesses or land, for the purposes of altering, building, cleaning, constructing, gardening, landscaping, maintaining, replacing, repairing, refurbishing or any like activity on any real or personal property within the City.

Subcontractor means any person who, for profit or gain, hires laborers for the purpose of altering, building, constructing, replacing, repairing or refurbishing any real property, building, structure or part thereof and includes all contractors as defined in this Section. (Ord. 1986-9 §1-3-501; Ord. 2007-04 §1)

Sec. 6-3-320. Prohibition.

It is unlawful for any person to operate as a contractor, subcontractor or day laborer within the City without first having obtained a license. (Ord. 1986-9 §1-3-502)

Sec. 6-3-330. License fee; term.

(a) The license term for contractors, subcontractors and/or laborers shall be as set forth in Sections 6-1-270 and 6-1-280 of this Chapter.

(b) The license fee for contractors, as set forth in Section 18-3-50 of this Code, subcontractors and/or laborers shall be as follows:

(1) Building Contractor A (General): three hundred dollars (\$300.00). This license shall entitle the holder to a contract for the construction, alteration or repair of any type or size of construction permitted by the building code as adopted by the City in Chapter 18 of this Code.

(2) Building Contractor B (General Limited): two hundred dollars (\$200.00). This license shall entitle the holder to contract for the construction, alteration or repair of any type of building, with the exception of any building which requires Type I or Type II fire-resistive construction and also any A, E or I Occupancies as specified in the building code as adopted by the City in Chapter 18 of this Code.

(3) Building Contractor C (Homebuilder): two hundred dollars (\$200.00). This license shall entitle the holder to contract for the construction, alteration or repair of any residence located in an R-1, R-2 or R-3 Zone as defined in Chapter 16 of this Code.

(4) Building Contractor D (Specialty): one hundred fifty dollars (\$150.00). This license shall be issued to those engaged in contracting to provide labor, or services or materials involving only one (1) trade other than a Building Contractor A, B or C, as set forth above (i.e., masonry contractors, plastering contractors, etc.).

(c) Notwithstanding anything in this Article to the contrary, the renewal fee shall be the same as the initial year fee, and there shall be no reduction of fee for renewals for the categories set forth above.

(d) The fee charged for business licenses for contractors, subcontractors and/or laborers in accordance with the provisions of this Division are in lieu of, and not in addition to, any other license fee charged pursuant to this Chapter. (Ord. 1986-9 §1-3-503; Ord. 1991-4 §1; Ord. 2007-04 §1)

Sec. 6-3-340. Exemptions.

The provisions of this Division shall not apply to the following persons:

(1) Any person who provides services which would be included in the definition of *laborer* or *day laborer* as defined in Section 6-3-410 below and who is a full-time employee of a contractor or subcontractor who operates and is licensed to operate within the City.

(2) Any laborer or day laborer who is hired by a member of his or her immediate family to provide incidental maintenance services to that family member's real or personal property located at or upon that family member's place of residence.

(3) Any person who hires a member of his or her immediate family to provide services as a laborer or day laborer when such labor is to be performed on real or personal property at or upon the place of residence of the person hiring.

(4) Any laborer or day laborer under the age of eighteen (18) years. (Ord. 1986-9 §1-3-504)

Sec. 6-3-350. Minimum requirements.

(a) Any applicant requesting the issuance of a Building Contractor A, B or C license as set forth above shall provide evidence to the Building Inspector, prior to application for a building license, of a current license held by said applicant in Teller County, El Paso County, Fremont County and/or the Pikes Peak Regional Building Department, which license would include the work to be performed under the license for which application is made.

(b) In the event that the applicant is unable to provide evidence of a license issued by one (1) of the above-mentioned entities, then the applicant shall be required to take and pass a test given by the Building Inspection Department. The test shall be written, open-book, and shall include questions concerning the provisions of Chapter 16 of this Code and all international, national and uniform codes adopted by reference in Chapter 18 of this Code.

(c) The Building Inspector shall, prior to submission of the application to the City Council, approve the application by either reviewing the applicant's current Teller County, El Paso County, Fremont County and/or Pikes Peak Regional Building Department contractor's license or by administering the test set forth above and noting that the contractor passed the test. No application for a business license under any of the above-stated categories shall be submitted to the City Council without the Building Inspector's approval noted on the face of the application. (Ord. 1991-4 §1; Ord. 2007-04 §1)

*Division 4
Refuse Haulers*

Sec. 6-3-410. Definition.

For the purposes of this Division, the term *refuse* includes ashes, refuse, trash, rubbish, garbage and other waste-like materials. (Ord. 1986-9 §1-3-301; Ord. 2007-04 §1)

Sec. 6-3-420. Prohibition.

It is unlawful for any person to haul, carry, collect or transport, or cause to be hauled, carried, collected or transported any over any of the streets, alleys or avenues of the City for hire without first having obtained a license. (Ord. 1986-9 §1-3-302; Ord. 2007-04 §1)

Sec. 6-3-430. License fee; term.

The license fee and term shall be as set forth in Sections 6-1-270 and 6-1-280 of this Chapter. (Ord. 1986-9 §1-3-303)

Sec. 6-3-440. Location of dumping.

No person shall dump or deposit any at any place within the City, except at a duly authorized and licensed solid waste disposal site or disposal facility, or outside the City, except in such places as may be duly authorized or designated. (Ord. 1986-9 §1-3-304)

*Division 5
Commercial Hauling*

Sec. 6-3-510. Definitions.

The following terms, as used in this Division, shall have the meanings hereinafter designated, unless the context specifically indicates otherwise or unless such meaning is expressly excluded:

Commercial carrier means any person who, for profit or other compensation, hauls, carries or transports any product of a farm or industry by means of any automobile, bus, railroad, airplane or other vehicle.

Common carrier means any person who, for profit or other compensation, hauls, carries or transports any person by means of an automobile, bus, railroad, airplane or other vehicle. (Ord. 1986-9 §1-3-701; Ord. 2007-04 §1)

Sec. 6-3-520. Prohibition.

It is unlawful for any person to operate as a common carrier within the City without first having obtained a license. (Ord. 1986-9 §1-3-702)

Sec. 6-3-530. License fee; term.

The license fee and term shall be as set forth in Sections 6-1-270 and 6-1-280 of this Chapter. (Ord. 1986-9 §1-3-703)

Sec. 6-3-540. Exemptions.

The provisions of this Division shall not apply to the following:

- (1) Any common carrier which derives less than fifty percent (50%) of its total passenger revenue from sales to passengers whose final place of arrival or departure is within the City.
- (2) Any commercial carrier. (Ord. 1986-9 §1-3-704)

*Division 6
Fumigators and Exterminators*

Sec. 6-3-610. Prohibition.

It is unlawful for any person to engage in the business of fumigation or pest extermination, for profit or otherwise, without first having secured a license. (Ord. 1986-9 §1-3-201)

Sec. 6-3-620. License fee; term.

The license fee and term shall be as set forth in Sections 6-1-270 and 6-1-280 of this Chapter. (Ord. 1986-9 §1-3-202)

Sec. 6-3-630. Insurance required.

(a) No license for the business of fumigation or pest extermination shall issue until the applicant has furnished evidence of current public liability and property damage insurance policies. The following insurance coverage is required in the name of the licensee, with the City also named as insured:

- (1) Bodily injury:
 - a. Each person, fifty thousand dollars (\$50,000.00).
 - b. Each accident, three hundred thousand dollars (\$300,000.00).
- (2) Property damage:
 - a. Each accident, fifty thousand dollars (\$50,000.00).
 - b. Aggregate, three hundred thousand dollars (\$300,000.00).

(b) Each such policy of insurance shall contain an endorsement to the effect that the insurance carrier will notify the City Clerk at least thirty (30) days in advance of the effective date of any

reduction or cancellation of the policy. The cancellation or reduction of insurance is cause for automatic suspension of the license until coverage is reinstated. All policies shall be kept in force for the period of the license. (Ord. 1986-9 §1-3-203)

Sec. 6-3-640. Public health, safety and welfare.

It is unlawful for any licensee or employee or agent of such licensee, regulated herein, to operate or conduct a fumigation or pest extermination business in such a manner as to endanger the public health, safety and welfare. (Ord. 1986-9 §1-3-204)

ARTICLE 4

Sales of Goods

Division 1
Auctioneers

Sec. 6-4-10. Definition.

The term *auctioneer* means a person who sells or offers to sell by public outcry any goods, wares, merchandise, produce, livestock, vehicles of any description or other personal property, or any real estate or interest therein, at any store, stand or other place in the City, for his or her own gain or profit; who advertises or in any other way holds himself or herself out as an auctioneer for public patronage; or who receives fees as a commission for such service. (Ord. 1986-9 §1-4-101; Ord. 2007-04 §1)

Sec. 6-4-20. Prohibition.

It is unlawful for any person to conduct or carry on a business of auctioneer without first having obtained a license. (Ord. 1986-9 §1-4-102)

Sec. 6-4-30. License fee; term.

The license fee for an auctioneer shall be twenty dollars (\$20.00) per auction. (Ord. 1986-9 §1-4-103)

Sec. 6-4-40. Records required.

Each licensed auctioneer shall keep a full, true and complete record of each sale made by him or her, which record shall contain the description of the article sold and the price for which it was sold. Such record shall be subject to examination by the City Council. (Ord. 1986-9 §1-4-104)

Sec. 6-4-50. Offenses and violations.

(a) Misrepresentation. It is unlawful for any person licensed under this Division to misrepresent the value or character of any property offered for sales by him or her.

(b) False advertising. It is unlawful for the auctioneer or any person making or aiding in the carrying out of such sale to falsely advertise or falsely state any material fact relating to such sale or the goods to be sold at such sale.

(c) False bidding, downhill selling:

(1) It is unlawful for any person to act as a buyer or bidder for what is commonly known as a "capper" or a "booster" at any such auction or to offer or to make any false bid or to pretend to buy any article sold or offered for sale at such auction without in good faith intending to purchase and pay for the same.

(2) It is unlawful for any person to engage in or permit at any such auction "downhill" selling or offering any article at the high price and then offering the same for sale at excessively lower prices. (Ord. 1986-9 §1-4-105)

Sec. 6-4-60. Exceptions.

This Division does not apply to any officer of court, tax collector or other person conducting a sale under and by virtue of a court process, mortgage or provision of law. (Ord. 1986-9 §1-4-106)

Division 2 Pawnbrokers

Sec. 6-4-110. Purpose.

In the interest of safeguarding the public health, safety and welfare, it is the intent of the City, by enacting this Division, to aid law enforcement officers in the discovery and identification of sellers of stolen, tangible personal property, which is the subject of a contract for purchase by a pawnbroker, by requiring the licensing of persons engaged in the business of pawnbrokering, by providing a mandatory recordkeeping and reporting system by such businesses, and by providing a retention period during which such tangible personal property may not be altered or disposed of. (Ord. 1986-9 §1-4-201)

Sec. 6-4-120. Definitions.

The following terms, as used in this Division, shall have the meanings hereinafter designated, unless the context specifically indicates otherwise or unless such meaning is expressly excluded:

Contract for purchase means a contract entered into between a pawnbroker and a customer pursuant to which money is paid to the customer by the pawnbroker on the delivery of tangible personal property by the customer to the pawnbroker, on the condition that the customer, for a fixed price and within a fixed period of time not to exceed ninety (90) days, has the option to cancel the contract. (This is not the same as a *purchase transaction* as defined below.)

Declaration of ownership means a document which shall contain a detailed description of the item subject of a contract for purchase or purchase transaction, a statement that the item is totally owned by the customer, how long the customer has owned said item, whether the customer or a

third person found the item and, if so, the details of the finding, which document is signed by the customer.

Identification number means a serial or motor number placed by the manufacturer upon tangible personal property as a permanent, individual identifying mark.

Obscure means to deliberately destroy, remove, alter, conceal or deface so as to render illegible by ordinary means of inspection.

Owner's identification number means a number, letter or other distinguishing symbol, placed by the owner of the tangible personal property on the tangible personal property for purposes of identification.

Pawnbroker means a person regularly engaged in the business of making contracts for purchase or purchase transactions in the course of his or her business.

Purchase transaction means the purchase by a pawnbroker in the course of his or her business of tangible personal property for resale, other than newly manufactured tangible personal property which has not been previously sold at retail, when such purchase does not constitute a contract for purchase, as defined above.

Totally owned means held free and clear from all economic or financial encumbrance; and not subject to lien, security interest or mortgage. (Ord. 1986-9 §1-4-202; Ord. 2007-04 §1)

Sec. 6-4-130. Prohibition.

It is unlawful for any person to do business as a pawnbroker within the limits of the City without first having obtained a license. (Ord. 1986-9 §1-4-203)

Sec. 6-4-140. License fee; term.

The license fee and term shall be as set forth in Sections 6-1-270 and 6-1-280 of this Chapter. (Ord. 1986-9 §1-4-204)

Sec. 6-4-150. Required acts of pawnbrokers.

(a) A pawnbroker shall keep a numerical register in which he or she shall record the following information: the name, address and date of birth of the customer; his or her driver's license number or other identification number from any other form of identification which is allowed for sale of valuable articles pursuant to Section 18-16-103, C.R.S., or for the sale of secondhand property, pursuant to Section 18-13-114, C.R.S.; the date, time and place of contract for purchase or purchase transaction; and an accurate and detailed account and description of each item of tangible personal property, including but not limited to any and all trademarks, identification numbers, serial numbers, model numbers, brand names, owner's identification numbers and other identifying names, owner's identification number and other identifying marks on such property. The pawnbroker shall also obtain a written declaration of the customer's ownership which will state whether the tangible personal property is totally owned by the customer, how long the customer has owned the property,

whether the customer or someone else found the property and, if the property was found, the details of the finding.

(b) If the contract for purchase or the purchase transaction involved more than one (1) item, each item shall be recorded on the pawnbrokers register and on the customer's declaration of ownership.

(c) The customer shall sign his or her name on such register and on the declaration of ownership and shall receive a copy of the contract for purchase or a receipt of the purchase transaction.

(d) Such register shall be made available to any police officer or City Council member for inspection upon request at any time.

(e) The pawnbroker shall keep each register for at least three (3) years after the date of the last transaction entered in the register.

(f) A pawnbroker shall hold all property purchased by him or her through a purchase transaction for thirty (30) days following the date of purchase, during which time such property shall be held separate and apart from any other tangible personal property, shall not be displayed to the public and shall not be changed in form or altered in any way. (Ord. 1986-9 §1-4-205)

Sec. 6-4-160. Identification acceptable.

As provided for in Sections 18-16-103 and 18-13-114, C.R.S., no licensee pursuant to this Division or any principal, employee, agent or servant of such licensee, shall engage in a purchase transaction or enter into a contract for purchase with any customer without securing one (1) of the following kinds of current and valid identification:

(1) Colorado driver's license;

(2) Identification card issued in accordance with Section 42-2-402, C.R.S., which is an identification card issued by the State;

(3) A driver's license containing a picture issued by another state;

(4) An identification card containing a picture issued by another state;

(5) A military identification card;

(6) A passport;

(7) An alien registration card; or

(8) A nonpicture identification document issued by a state or federal government entity, if the purchaser also obtains a clear imprint of the seller's right index finger or photo of the seller at the time of the transaction. (Ord. 1986-9 §1-4-206)

Sec. 6-4-170. Prohibited acts.

(a) No pawnbroker, employee or agent of the pawnbroker shall enter into a contract for purchase or purchase transaction with any individual under the age of eighteen (18) years of age or with any person under the influence of alcohol.

(b) No pawnbroker, employee or agent of the pawnbroker shall enter into a contract for purchase or purchase transaction for any tangible personal property when the identification number, serial number, model number, brand name, owner's identification number or other identifying mark on such property has been totally or partially obscured. (Ord. 1986-9 §1-4-207; Ord. 2007-04 §1)

Sec. 6-4-180. Penalty.

Any person violating any provision of this Division shall be punished in accordance with the provisions of Section 1-4-20 of this Code. (Ord. 1986-9 §1-4-208; Ord. 2007-04 §1)

*Division 3
Hucksters and Peddlers*

Sec. 6-4-210. Definitions.

The following terms, as used in this Division, shall have the meanings hereinafter designated, unless the context specifically indicates otherwise or unless such meaning is expressly excluded:

Farmers' market means any temporary, open-air market planned, organized, coordinated and operated by the holder of a City farmers' market license in cooperation with the Parks and Recreation Department that is designed primarily to permit the sale by local, individual farmers to the public of fresh produce, which shall be limited to fruits and vegetables in their fresh or preserved states, ciders, honey, homemade cheeses and the like. While nonproduce items may be sold at a farmers' market, such items shall not constitute more than forty percent (40%) of the items offered for sale, or occupy more than twenty percent (20%) of the total square footage of the farmers' market.

Food stuffs means fruits, vegetables, meats, fish, eggs, fowl or any article which may be used for food purposes, except milk, cream and buttermilk. Except that, for the limited purposes of a City-licensed farmers' market only, the term *food stuffs* may include homemade cheeses that are safely and properly prepared, handled, stored and sold.

Peddler means any person who goes from house to house or from place to place in the City selling or taking orders for, or offering to sell or take orders for, food stuffs, goods, wares or merchandise, or any person selling such merchandise from a nonpermanent business structure, store or building.

Peddling of food stuffs means the selling or offering for sale of food stuffs from house to house or on public ways or places, whether by crying wares, hawking, soliciting orders or otherwise, and includes the selling or offering for sale from a cart, tent, tray, wagon or other vehicle or from baskets or containers taken from place to place within the City, other than delivery from regularly

established business houses or permanent buildings or structures. (Ord. 1989-4 §1-4-301; Ord. 2005-09 §3; Ord. 2007-04 §1)

Sec. 6-4-220. Prohibitions.

Except as provided in Section 6-4-230 below, it is unlawful for any person to peddle or offer for sale any goods, foodstuffs, wares or merchandise within the Business (B-1) District, the Commercial One (C-1) District or the Commercial Two (C-2) District, as those areas are defined in Chapter 16 of this Code. This prohibition is specifically designed to prohibit peddlers who do not maintain a fixed business location within a permanent structure, store or other permanent building within the B-1, C-1 or C-2 District. It is expressly prohibited to sell food, foodstuffs or other goods, wares or merchandise from carts, trays, stands, tents or other impermanent structures upon any sidewalk or vacant lot or within any part of the B-1, C-1 or C-2 District. (Ord. 1989-4 §1-4-302; Ord. 2007-04 §1)

Sec. 6-4-230. Exceptions.

The above prohibitions shall not apply to the following:

(1) Door-to-door salespersons or solicitors or other salespersons who conduct their sales activities door to door and not from a fixed or semi-permanent place of business in the residential zones of the City;

(2) Commercial salespersons, delivery persons or sales agents selling their goods or merchandise on a wholesale basis in the usual course of business to the merchants, store owners or operators of businesses within the City;

(3) Nonprofit, tax-exempt, charitable or other like institutions or organizations who conduct bazaars or sales of goods, food or other merchandise for fund-raising-type purposes; provided, however, that said entity or organization first must obtain a permit from the City, which permit shall be issued without charge and shall be subject to any reasonable conditions or limitations which the City Council may impose upon said organization as part of the permit process, including but not limited to conditions regulating location, hours of operation, length of stay and types of goods which may be sold.

(4) Persons who are selling their products by appointment only will not be required to have a peddler's license.

(5) Participants in a City-licensed farmers' market, as that term is defined above, who have satisfied and are in compliance with the farmers' market license holder's requirements and the City's requirements for participation in the event. No participant in any farmers' market shall locate or operate in such a manner as to impede the flow of pedestrian or vehicular traffic. (Ord. 1989-4 §1-4-303; Ord. 2005-09 §4; Ord. 2007-04 §1)

Sec. 6-4-240. License fee; term.

(a) Except as provided in Paragraphs 6-4-230(3) and (4) above, it is unlawful for any person, firm or entity to peddle goods, wares, merchandise or foodstuffs within the City without first having obtained a valid peddler's license or farmers' market license, whichever is applicable, from the City.

(b) The annual license fee to obtain a peddler's license shall be seventy-five dollars (\$75.00) for the first year, and the fee for the second year and years thereafter will be thirty-five dollars (\$35.00), provided that a license is purchased every year.

(c) The annual license fee to obtain a farmers' market license that permits an entity to plan, organize, coordinate and operate a farmers' market within the boundaries of the City in cooperation with the Parks and Recreation Department, but does not otherwise permit engaging in any peddling in the City, shall be twenty-five dollars (\$25.00). Before being eligible to purchase a farmers' market license from the City, the entity must present the City with a certificate of insurance in a form acceptable to the City with policy limits equal to or exceeding the liability limits contained in the Colorado Governmental Immunity Act, Section 24-10-101 et seq., C.R.S. Further, by the purchase thereof, the licensee agrees to abide by and enforce reasonable City guidelines for the event, including limits on the location and time of sales and limits on the types of products to be sold. (Ord. 1989-4 §1-4-304; Ord. 2005-09 §1; Ord. 2007-04 §1)

*Division 4
Junk Dealers*

Sec. 6-4-310. Definition.

For the purposes of this Division, the term *junk* means old iron, lead, brass, steel, copper or other metal, old parts of machinery, rags or bagging, rope, rubber, bones, bottles and similar old materials, dismantled or wrecked motor vehicles or other vehicles, the parts of such vehicles, those vehicles being wrecked or dismantled, and those vehicles held for the purpose of wrecking or dismantling. (Ord. 1986-9 §1-4-401; Ord. 2007-04 §1)

Sec. 6-4-320. Prohibition.

It is unlawful for any person to carry on the business of a junk dealer, shipper or storer of junk or junk collector or peddler within the City without first having obtained a license. (Ord. 1986-9 §1-4-402; Ord. 2007-04 §1)

Sec. 6-4-330. License fee; term.

The annual license fee to operate as a junk dealer shall be one hundred dollars (\$100.00). (Ord. 1986-9 §1-4-403)

Sec. 6-4-340. Sanitary requirements.

The junk in the premises upon which the junk is stored shall be kept in a sanitary condition and open at all times to a health inspection authorized by the City Council. (Ord. 1986-9 §1-4-404)

Sec. 6-4-350. Prohibited transactions.

It is unlawful for any junk dealer or his or her employee to purchase or receive any junk from any minor without the written consent of the minor's parent or guardian, from any person who is under the influence of drugs or alcohol, or from any person under circumstances where a reasonable person would have reason to suspect that such goods were stolen. (Ord. 1986-9 §1-4-405; Ord. 2007-04 §1)

Sec. 6-4-360. Retention of goods.

No junk dealer or employee thereof shall sell or remove from the location where he or she is selling junk any article of junk purchased by him or her until the junk has been in his or her possession at least seventy-two (72) hours. (Ord. 1986-9 §1-4-406)

*Division 5
Secondhand and Antique Dealers*

Sec. 6-4-410. Prohibition.

It is unlawful to engage in the business of keeping a secondhand store, antique store or place of buying or selling secondhand goods without first having obtained a license. (Ord. 1986-9 §1-4-501)

Sec. 6-4-420. License fee; term.

The license fee and term shall be as set forth in Sections 6-1-270 and 6-1-280 of this Chapter. (Ord. 1986-9 §1-4-502)

Sec. 6-4-430. Exceptions.

The provisions of this Division do not apply to trade-in property, if the principal business is not the sale of secondhand or antique goods. (Ord. 1986-9 §1-4-503)

Sec. 6-4-440. Prohibited transactions.

It is unlawful for any secondhand or antique dealer or his or her employees to purchase any secondhand or antique goods from any minor without the written consent of the minor's parent or guardian, from any person who is under the influence of drugs or alcohol, or from any person under circumstances where a reasonable person would have reason to believe that such goods were stolen. (Ord. 1986-9 §1-4-504; Ord. 2007-04 §1)

Sec. 6-4-450. Retention of goods.

It is unlawful for any secondhand or antique dealer to sell or remove from the premises or place of business any such secondhand or antique goods until those goods have been in the dealer's possession at least ten (10) days, provided that this does not apply to furniture or household goods. (Ord. 1986-9 §1-4-505)

*Division 6
Flea Markets*

Sec. 6-4-510. Prohibition.

It is unlawful to engage in the business of operating or maintaining a flea market within the City without the owner or operator first having obtained a license. All persons purchasing or renting space from the owner or operator of a flea market and selling goods or services at said flea market shall be required to purchase a license as provided for herein. (Ord. 1986-9 §1-4-601)

Sec. 6-4-520. License fee; term.

The license fee and term shall be as set forth in Sections 6-1-270 and 6-1-280 of this Chapter. (Ord. 1986-9 §1-4-602)

*Division 7
Fresh Produce*

Sec. 6-4-610. Prohibition.

It is unlawful to engage in the business of selling fresh produce within the City without first having obtained a license therefor. (Ord. 2007-04 §1)

Sec. 6-4-620. Application for license.

The applicant for a business license to sell fresh produce shall apply for the business license, which application shall include the indication of the number of days, the hours which the fresh produce will be offered for sale, and the nature of the fresh produce that will be offered for sale. (Ord. 1994-9 §2; Ord. 2007-04 §1)

Sec. 6-4-630. License fee; term.

The license fee and term shall be as set forth in Sections 6-1-270 and 6-1-280 of this Chapter. (Ord. 2007-04 §1)

Sec. 6-4-640. Limitations.

The City Council shall review the license application, which will be approved on a case-by-case basis. The City Council will establish the area in which the sale of the fresh produce will be allowed and the times at which the fresh produce may be offered for sale, and shall restrict the items offered for sale to only fresh produce, honey or apple cider. (Ord. 1994-9 §2; Ord. 2007-04 §1)

Sec. 6-4-650. Applicability of provisions.

The terms and conditions of Article 1 of this Chapter shall be complied with, but only within areas and at times designated by the City Council as provided in this Division. (Ord. 1994-9 §1; Ord. 2007-04 §1)

ARTICLE 5

Alcoholic Beverages

Sec. 6-5-10. Definitions.

(a) As used in this Article, unless the context otherwise requires:

Retail license means a grant to a licensee to sell fermented malt beverages pursuant to the Colorado Beer Code (Article 46 of Title 12, C.R.S.) or a grant to a licensee to sell malt, vinous or spirituous liquors pursuant to the Colorado Liquor Code (Article 47 of Title 12, C.R.S.).

Retail licensee or *licensee* means the holder of a license to sell fermented malt beverages pursuant to the Colorado Beer Code (Article 46 of Title 12, C.R.S.) or the holder of a license to sell malt, vinous or spirituous liquors pursuant to the Colorado Liquor Code (Article 47 of Title 12, C.R.S.).

(b) All other terms shall be defined as set forth in the provisions of the Colorado Beer Code, the Colorado Liquor Code and Special Event Permits, as the definitions presently exist or may hereafter be amended. (Ord. 2007-04 §1)

Sec. 6-5-20. Application of state statutes.

Pursuant to declaration by the General Assembly, the Colorado Beer Code, Section 12-46-101 et seq., C.R.S., the Colorado Liquor Code, Section 12-47-101 et seq., C.R.S., and Special Event Permits, Section 12-48-101 et seq., C.R.S., as they presently exist or may hereafter be amended, shall apply to the sale of fermented malt beverages, alcoholic beverages, special malt liquors, spirituous liquors and vinous liquors in the City. (Ord. 2007-04 §1)

Sec. 6-5-30. Power and purpose.

The City Council finds and determines that it is empowered by Section 12-47-505, C.R.S., to fix and collect certain fees in connection with the application for issuance, transfer and renewal of certain types of beer, wine and liquor licenses. The City Council further finds that the fees established in this Article are reasonable and are in amounts sufficient to cover actual and necessary expenses incurred by the City in connection with the handling of such licenses and applications therefor. (Ord. 2007-04 §1)

Sec. 6-5-40. Licensing fee.

The following fees shall be paid to the City Clerk by the applicant at the time of the filing of the application or request:

- (1) For a new license, the sum of three hundred fifty dollars (\$350.00);
- (2) For a transfer of location or ownership, the sum of one hundred fifty dollars (\$150.00);
- (3) For renewal of a license, the sum of fifty dollars (\$50.00); and

(4) For a temporary liquor license, the sum of two hundred fifty dollars (\$250.00). (Ord. 2007-04 §1)

Sec. 6-5-50. Administrative approval of applications.

If there have been no violations of the Colorado Liquor Code or Beer Code, as applicable, during the preceding year, and if there is no derogatory information regarding the licensee, its partners, officers, directors, managers or shareholders, the City Clerk may grant the issuance of a special events permit, the renewal of a liquor license, transfer of ownership, change of corporate status or manager registration on behalf of the City. If, however, the City Clerk's investigation discloses any proven or alleged violations of the Liquor and Beer Codes or derogatory information as described above, the City Clerk shall schedule action on the application before the City Council acting as the Local Liquor Licensing Authority. (Ord. 2004-04; Ord. 2007-04 §1, Ord, 2008-04)

Sec. 6-5-60. Suspension or revocation; fine.

(a) Whenever a decision of the City 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 City Clerk and shall be deposited in the general fund of the City.

(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. (Ord. 2007-04 §1)

Sec. 6-5-70. Optional premises.

(a) Optional premises license and optional premises for a hotel and restaurant license may be issued by the Authority.

(b) The following standards shall be applicable to the issuance of a license under this Section, in addition to all other applicable standards set forth in the Colorado Liquor Code for optional premises license and optional premises for a hotel and restaurant license.

(1) Eligible facilities. Outdoor sports and recreational facilities as defined in Section 12-47-103(13.5), C.R.S., are eligible for licensing as an optional premises or an optional premises for a hotel and restaurant.

(2) Number of optional premises. There are no restrictions on the number of optional premises which any one (1) licensee may have on an outdoor sports or recreational facility.

(3) Minimum size of facility. There is no restriction on the minimum size of an outdoor sports or recreational facility which would be eligible for issuance of an optional premises license or optional premises for a hotel and restaurant license.

(c) The application for an optional premises license or optional premises for a hotel or restaurant license shall be accompanied by the following:

(1) A map or other drawing illustrating the outdoor sports or recreational facility boundaries and the approximate location of each optional premises requested;

(2) A description of the method which shall be used to identify the boundaries of the optional premises when it is in use; and

(3) A description of the provisions which have been made for storing malt, vinous and spirituous liquors in a secured area on or off the optional premises for the future use on the optional premises. (Ord. 2007-04 §1)

Sec. 6-5-80. Alcohol beverage tastings authorized.

(a) Pursuant to Section 12-47-302(10)(a), C.R.S., the City hereby authorizes alcohol beverage tastings for licensed retail liquor stores and liquor-licensed drug stores within the City.

(b) The City shall not require a further application prior to allowing retail liquor licensees or liquor-licensed drug stores to conduct alcohol beverage tastings, upon forty-eight (48) hours' written notice to the City Clerk. (Ord. 2007-02; Ord. 2007-04 §1)

Sec. 6-5-90. Educational requirements.

Every hotel and restaurant licensee, registered manager and licensee's employee is encouraged to obtain a certificate of completion from an educational program of training for intervention procedures for servers of alcohol. Those registered managers obtaining a certificate of completion may file a copy of the certificate of completion with the Authority with an application of renewal of a liquor license. (Ord. 2007-04 §1)

ARTICLE 6

Sexually Oriented Businesses

Sec. 6-6-10. Purpose.

The purpose of this Article is to promote and protect the public health, safety and welfare by regulating sexually oriented businesses through the establishment of reasonable and uniform regulations to reduce the adverse secondary effects of sexually oriented businesses within the City. This Article is not intended to limit or restrict the content of any communicative materials, including sexually oriented materials. This Article is not intended to restrict or deny access by adults to sexually oriented materials protected by the First Amendment of the United States Constitution or Article II, Section 10 of the Colorado Constitution, or to deny access of distributors or exhibitors of sexually oriented entertainment to their intended market. Finally, this Article is not intended to condone or legitimize the distribution of obscene material. (Ord. 2005-05 §1)

Sec. 6-6-20. Definitions.

For purposes of this Article, the following terms shall have the following meanings, unless the context indicates otherwise:

Adult arcade means any commercial establishment in which the public is permitted or invited where, for any form of consideration, one (1) or more motion picture projectors, slide projectors, image or virtual reality-producing machines or similar machines, for viewing by five (5) or fewer persons per machine at any one (1) time, are used regularly to show films, motion pictures, video cassettes, slides, digital images, electronic reproductions or photographs describing, simulating or depicting specified sexual activities or specified anatomical areas.

Adult cabaret means a nightclub, bar, restaurant or similar commercial establishment which, for any form of consideration, regularly features live performances which are characterized by the exposure of specified anatomical areas or by the exhibition of specified sexual activities.

Adult motion picture theater means a commercial establishment which is characterized by the showing, for any form of consideration, of films, motion pictures, video cassettes, slides, digital

images or other visual representations that have an emphasis on depicting or describing specified sexual activities or specified anatomical areas.

Adult store means any commercial establishment which, as one (1) of its principal business purposes, offers for sale or rent for any form of consideration one (1) or more of the following:

a. Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, slides, compact discs, digital video discs (DVDs), digital images or other visual representations which are characterized by their emphasis on the depiction or description of specified sexual activities or specified anatomical areas.

b. Instruments, devices or paraphernalia designed for use in connection with specified sexual activities.

Adult theater means a theater, auditorium or similar commercial establishment which, for any form of consideration, regularly features live performances which are characterized by an emphasis on exposure of specified anatomical areas or specified sexual activities.

Convicted means having been found guilty by a judge or jury or entering a guilty plea or a plea of nolo contendere, and includes deferred judgments, deferred sentences, deferred adjudications and plea bargains, whether or not an appeal of such conviction is pending; excluding any conviction overturned or vacated by appeal or other force of law.

Employee means a person who works or performs work or service in or for a sexually oriented business on a full-time, part-time or contract basis, with or without compensation, regardless of whether such person is designated as an employee, independent contractor, agent, volunteer or any other status; excluding any person on the premises for repair or maintenance of the premises or for delivering or removing tangible personal property to or from the premises.

Licensed premises means the building or structure in which a licensed sexually oriented business is operating.

Sexually oriented business means an adult arcade, adult store, adult cabaret, adult motion picture theater or adult theater, except an establishment where a medical practitioner, psychologist, psychiatrist or similar professional licensed by the State engages in approved and recognized sexual therapy.

Specified anatomical areas means any of the following:

a. Human genitals, pubic region, buttocks, anus or female breasts below a point immediately above the top of the areola, which are not completely and opaquely covered.

b. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified crime means and includes the following crimes committed under the penal or criminal code of any municipality, county, state or country: sex crimes against children; sexual abuse; sexual assault; possession or distribution of child pornography; distribution of an illegal

controlled substance; prostitution, promotion of prostitution or pandering; and organized crime if such organized crime is committed within the premises of a sexually oriented business in the City or elsewhere.

Specified sexual activities means any of the following:

- a. Fondling or other intentional touching of human genitals, pubic region, buttocks, anus or female breasts.
- b. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation and sodomy.
- c. Masturbation, actual or simulated.
- d. Human genitals in a state of sexual stimulation or arousal.
- e. Human excretory functions as part of or in connection with any of the activities set forth in this definition. (Ord. 2005-05 §2; Ord. 2007-04 §1)

Sec. 6-6-30. License required.

All sexually oriented businesses in the City shall be licensed as set forth in this Article, and it shall be unlawful for any person to operate a sexually oriented business in the City without a valid license issued pursuant to this Article. (Ord. 2005-05 §1)

Sec. 6-6-40. License application.

(a) An applicant for a sexually oriented business license shall submit a written application to the City Clerk which includes the following:

- (1) The name, address, telephone number and date of birth of the applicant and, if applicable, each of its officers, partners, directors and registered agents.
- (2) The trade name of the applicant and copies of all documents recording the trade name, including the trade name affidavit.
- (3) The name of any other sexually oriented business in which any officer, director or partner has a financial interest.
- (4) The address of the premises to be licensed.
- (5) If the applicant is a corporation, copies of the articles of incorporation, bylaws and last annual report.
- (6) Copies of documents demonstrating that the applicant has a legal right to possession of the premises to be licensed.
- (7) A sketch, drawing or diagram drawn to scale and showing the configuration of the premises, including total floor area to be occupied by the sexually oriented business.

(8) The type or types of the sexually oriented business proposed, such as an adult store, adult cabaret, adult theater and/or adult motion picture theater.

(b) Each application shall be verified and acknowledged to be true by the applicant or the managing partner, president or other officer having the authority to sign for the applicant.

(c) Each application shall be accompanied by a nonrefundable application fee in an amount to be set by resolution of the City Council, which application fee shall be in addition to any other applicable license fees imposed by this Article. (Ord. 2005-05 §1)

Sec. 6-6-50. Background investigation.

(a) Upon receipt of a completed application, the City Clerk shall perform a background investigation of the applicant, its officers, directors and partners, and the information contained in the application.

(b) The City Clerk is authorized to investigate any fact related to any of the criteria set forth in this Article that may be relevant to determine the eligibility of the applicant for a sexually oriented business license.

(c) The City Clerk may seek and obtain the assistance of law enforcement agencies in conducting the background investigation.

(d) The background investigation shall be completed within forty-five (45) days of receipt of the completed application. (Ord. 2005-05 §1)

Sec. 6-6-60. Issuance or denial of license.

(a) Within ten (10) days of the completion of the background investigation, the City Clerk shall either issue the sexually oriented business license or issue a written statement of denial. The license and/or statement of denial shall be sent via United States mail, postage prepaid, to the applicant at the address provided on the application. The City Clerk shall issue the license unless one (1) or more of the following is true:

(1) The applicant has not paid all required fees under this Article;

(2) The applicant or any of its officers, directors or partners is under eighteen (18) years of age;

(3) The applicant is not qualified to conduct business under applicable state or federal law or City ordinances;

(4) The applicant has knowingly provided false information to the City on an application for a sexually oriented business license or on any other application submitted to the City or any other governmental entity;

(5) The location of the proposed sexually oriented business does not comply with the location requirements set forth in Chapter 16 of this Code;

(6) The premises in which the sexually oriented business is proposed to be located does not comply with applicable City ordinances, such as the building code, electrical code or fire code;

(7) The applicant is delinquent in the payment of any taxes owed to the City; or

(8) The applicant or any of its directors, officers or partners has been convicted of a specified crime in the two (2) years preceding the date of the application.

(b) Within ten (10) days of the date of a written statement of denial, the applicant may submit to the City Clerk a written request that the City Clerk schedule a public hearing before the City Council on the application. The hearing shall be held at the next regularly scheduled City Council meeting occurring at least ten (10) days after receipt by the City Clerk of the written request.

(c) At the hearing, the applicant may present additional evidence, either documentary or through witness testimony, which is relevant to the applicant's eligibility for a sexually oriented business license.

(d) At the conclusion of the hearing or within ten (10) days thereafter, the City Council shall either order that the City Clerk issue the sexually oriented business license, or issue a written order denying the application for the sexually oriented business license.

(e) If the City Council denies the application for a sexually oriented business license, the City Council's decision shall be final, subject to judicial review pursuant to Rule 106(a)(4) of the Colorado Rules of Civil Procedure. (Ord. 2005-05 §1; Ord. 2007-04 §1)

Sec. 6-6-70. Annual license fee.

The annual fee for a sexually oriented business license shall be set by the City Council. (Ord. 2005-05 §1)

Sec. 6-6-80. Term of license; renewal.

(a) All sexually oriented business licenses issued under this Article shall be valid until the end of the calendar year in which it is issued, unless revoked or suspended as provided in this Article. In no event shall the annual fee for such license be prorated, abated or refunded.

(b) Written application for renewal of a sexually oriented business license shall be filed with the City Clerk at least sixty (60) days prior to the expiration of the current license, together with the applicable annual license fee. If no application for renewal is timely filed, the licensee has waived his or her option to renew the license and must reapply for a new license.

(c) Applications for renewal shall include the same information as an original application, except as the City Clerk deems redundant.

(d) The procedures for renewal license applications shall be the same as the procedures for new license applications.

(e) Each application for a renewal license shall be accompanied by a nonrefundable application fee in an amount to be set by resolution of the City Council, which application fee shall be in addition to any other applicable license fee imposed by this Article. (Ord. 2005-05 §1)

Sec. 6-6-90. License nontransferable.

A sexually oriented business license issued under this Article is nontransferable. By way of example but not limitation, a new sexually oriented business license shall be required upon: the sale, lease or sublease of the sexually oriented business or the licensed premises; the transfer by sale, exchange or similar means of a controlling interest in the sexually oriented business; or the establishment of a trust, gift or similar legal device which transfers ownership or control of the sexually oriented business or the licensed premises, other than transfer by bequest or other operation of law upon the death of the person possessing ownership or control. (Ord. 2005-05 §1)

Sec. 6-6-100. Suspension and revocation.

(a) The City Clerk may suspend or revoke any sexually oriented business license issued under this Article if the City Clerk receives reliable information to establish that:

- (1) A nuisance is being maintained on the licensed premises;
- (2) The licensed premises are unsanitary as certified by the County or any other agency with jurisdiction;
- (3) The licensed premises are unsafe as certified by the Building Official, Fire Marshal or Fire Chief;
- (4) The licensee has knowingly permitted on the licensed premises: the possession, sale or use of illegal controlled substances; any specified sexual activity; or prostitution;
- (5) The licensee or any of its officers, directors, partners or employees has been convicted of a specified crime during the term of the license; or
- (6) The licensee knowingly provided false information on an application for a sexually oriented business license or renewal of such a license.

(b) At least twenty (20) days before the City Clerk suspends or revokes any sexually oriented business license, the City Clerk shall provide written notice to the licensee, via United States mail, postage prepaid, to the address provided on the most recent application, of the allegations supporting the suspension or revocation.

(c) During the twenty-day period, the licensee may file with the City Clerk a written request for a stay of the suspension or revocation pending a public hearing before the City Council on the allegations to support the suspension or revocation.

(d) The public hearing shall be held at the next regularly scheduled City Council meeting at least ten (10) days after receipt of the request by the City Clerk.

(e) At the hearing, the applicant may present additional evidence, either documentary or through witness testimony, which is relevant to the suspension or revocation.

(f) At the conclusion of the hearing or within ten (10) days thereafter, the City Council shall order that the sexually oriented business license be suspended for a period of time not to exceed one hundred eighty (180) days, that the license be revoked or that no action be taken with respect to the license.

(g) If the City Council orders suspension or revocation, the City Council's decision shall be final, subject to judicial review pursuant to Rule 106(a)(4) of the Colorado Rules of Civil Procedure. (Ord. 2005-05 §10; Ord. 2007-04 §1)

Sec. 6-6-110. General regulations.

(a) All licensed premises shall comply with all applicable City regulations and ordinances, including but not limited to the building code, fire code, electrical code and zoning regulations.

(b) Every sexually oriented business license issued under this Article shall be displayed in a conspicuous place on the licensed premises in a clear cover or frame, and shall be available for inspection at all times by the public.

(c) All licensed premises shall be maintained in a clean and sanitary condition and shall be cleaned at least once daily, and more frequently when necessary.

(d) Trash and garbage shall not be permitted to accumulate in any licensed premises or on the property outside any licensed premises.

(e) All materials, devices and novelties offered by a sexually oriented business which depict specified sexual activities or specified anatomical areas shall be displayed so that they cannot be seen by anyone other than customers who have entered the licensed premises. (Ord. 2005-05 §11)

Sec. 6-6-120. Dance and entertainment requirements.

(a) An adult cabaret or adult theater at which employees dance shall have one (1) or more stages or similar structures specially designed for dancing, which shall be constructed in accordance with applicable building code regulations, and located inside the licensed premises. Employees shall dance only upon such stage or structure.

(b) When an employee dances on a structure which is designed to hold not more than two (2) persons, the structure shall be level, of sturdy construction and securely fastened to the floor or wall during dance performances. Steps and handrails shall be required on all such stages and structures where the platform on which the employee dances is more than eight (8) inches above the surface upon which the structure rests.

(c) Any adult cabaret or adult theater shall have one (1) or more separate areas designated in the diagram submitted as part of the application as a stage for the licensee or employees to perform as entertainers. Entertainers shall perform only upon the stage, and the stage shall be fixed and immovable.

(d) No seating for the audience shall be permitted within three (3) feet of the edge of any stage, and no members of the audience shall be permitted upon any stage or within three (3) feet of the edge of any stage. (Ord. 2005-05 §12)

Sec. 6-6-130. Lighting requirements.

(a) When the occupant capacity of any licensed premises, as determined by the Fire Department, is at least fifty (50) persons, such licensed premises shall have electric, battery-operated emergency lights using reliable storage batteries which are properly maintained and charged.

(b) The interior portion of a licensed premises to which patrons are permitted access shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place at an illumination of not less than two (2) foot-candles as measured at the floor level. It shall be the duty of the licensee and employees present on the premises to ensure that the illumination described above is maintained at all times that any patron is present on the premises. (Ord. 2005-05 §13)

Sec. 6-6-140. Hours of operation.

It is unlawful for a sexually oriented business to be open for business or for the licensee or any employee of the licensee to allow patrons upon the licensed premises on any Monday through Saturday between 2:00 a.m. and 7:00 a.m.; and on any Sunday between 2:00 a.m. and 8:00 a.m. (Ord. 2005-05 §14; Ord. 2007-04 §1)

Sec. 6-6-150. Age restrictions.

(a) It is unlawful for a licensee to admit or permit the admission of any person under eighteen (18) years of age into any sexually oriented business.

(b) It is unlawful for any person to sell, barter, give or offer for sale, barter or gift to any person under eighteen (18) years of age any service, material, device or thing sold or offered for sale by any adult store or adult motion picture theater.

(c) Employees of any sexually oriented business shall be at least eighteen (18) years of age. (Ord. 2005-05 §15)

Sec. 6-6-160. Conduct in sexually oriented businesses.

(a) No licensee or employee shall encourage or knowingly permit any person on or within the licensed premises to touch, caress or fondle the genitals, pubic region, buttocks, anus or breasts of any person.

(b) No licensee or employee shall knowingly fail to immediately report to the Police Department any criminal conduct or violation of any City ordinance or state or federal law, rule or regulation that occurs on or within the licensed premises.

(c) No person shall engage in specified sexual activities on or within the licensed premises.

(d) No licensee or employee mingling with patrons or serving food or drinks shall be unclothed or in such attire, costume or clothing so as to expose to view any specified anatomical area.

(e) No employee shall receive tips from patrons except as provided herein. A licensee that desires to provide for tips from its patrons shall establish one (1) or more boxes or other containers to receive tips. All tips for employees shall be placed by patrons into the tip box. The licensee shall post one (1) or more signs to be conspicuously visible to patrons in letters at least one (1) inch high, to read as follows:

"All tips are to be placed in tip box and not handed directly to the entertainer. Any physical contact between the patron and the entertainer is strictly prohibited."

(Ord. 2005-05 §16)

Sec. 6-6-170. Inspection.

Every licensee shall permit law enforcement officers and any other federal, state, county or City agency in the performance of any function connected with the enforcement of this Article, and normally and regularly conducted by such agency, to inspect the licensed premises for the purpose of ensuring compliance with this Article, at any time the licensed premises are occupied or open for business. (Ord. 2005-05 §17)

Sec. 6-6-180. Employee identification.

Each licensee shall provide to the City Clerk, in writing, the full name, any aliases, date of birth and current address and telephone number of every employee within five (5) days of employment. (Ord. 2005-05 §18)

Sec. 6-6-190. Exemptions.

Notwithstanding anything to the contrary in this Article, the following businesses and activities shall be exempt from the requirements of this Article:

(1) Any adult store which derives less than ten percent (10%) of its gross income from the sale of materials depicting specified sexual activities or specified anatomical areas, if such materials are located in a separate room or booth containing those materials only.

(2) Any college, junior college or university supported, in whole or in part, by tax revenue and offering educational programs which, for educational purposes, may include the depiction of specified sexual activities or specified anatomical areas. (Ord. 2005-05 §19)

Sec. 6-6-200. Regulations not exclusive.

Nothing contained in this Article shall limit the effectiveness and/or applicability of Chapter 16 of this Code to any sexually oriented business. (Ord. 2005-05 §20; Ord. 2007-04 §1)

Sec. 6-6-210. Penalties.

(a) It is unlawful for any person to violate any provision of this Article, and any such violation shall be in accordance with the provisions of Section 1-4-20 of this Code.

(b) In the event of violation of any of the terms and regulations set forth herein, the City may obtain equitable relief, including injunctive relief, to require compliance with the provisions hereof. In the event the City is successful in obtaining injunctive or other equitable relief, the costs and attorneys' fees incurred by the City in such action shall be awarded to the City in addition to any other relief.

(c) Nothing contained herein shall preclude the City from enforcing the suspension and revocation provisions of this Article in addition to simultaneously and/or subsequently prosecuting alleged violations of this Article under this Section. (Ord. 2005-05 §21; Ord. 2007-04 §1)

ARTICLE 7

Miscellaneous Licenses and Permits

Division 1 Special Events Permits

Sec. 6-7-10. Permit established.

There is hereby created a permit, to be known as a "special events permit." (Ord. 1995-21 §2)

Sec. 6-7-20. Permit required.

The special events permit will be required at any time that any business or organization plans an event that is anticipated to draw more than ten (10) people to the event, and such event takes place outside of an existing permanent building or structure, regardless of whether public facilities such as streets, alleys and/or sidewalks are used. (Ord. 1995-21 §1)

Sec. 6-7-30. Permit fee.

The special events permit fee shall be fifty dollars (\$50.00). (Ord. 1995-21 §1)

Sec. 6-7-40. Application procedure.

The procedure for obtaining a special events permit shall be as follows:

(1) At least three (3) weeks prior to the planned special event, the applicant shall complete the special events permit application form as provided by the Community Development Department. The application shall include a complete plan of the special event, including all details of the special event being set forth in writing and including pictorial detail of all promotions, activities, advertisements and action associated with the special event. The plan shall include a program for police, medical and fire contingencies and such other and further additional information as may be deemed necessary by the Community Development Director (hereafter referred to as the "Director").

(2) The special event permit fee must accompany the submission of the special event application.

(3) Upon receipt of the application, completed to the Director's satisfaction, the Director shall make an initial determination as to which City departments shall review the application. Recommendations shall be received from those departments to whom the Director refers the application, together with their estimate of costs, if any, of providing any additional emergency medical, fire, police protection or other City services on account of the event. The Director shall have the option of referring the application immediately to the Planning Commission for advice and direction.

(4) In addition, if, after review of the application, the Director determines, in his or her sole and subjective discretion, that the planned special event will have an adverse impact on any property owners in the vicinity of the special event, the Director may require the applicant to notify such property owners as the Director deems necessary. Such notice shall provide a statement of the time, date, location and general nature of the special event, and provide an invitation to give comments, objections and/or other feedback to the Director concerning the special event. The Director may take into account any comments received and may require the applicant to take additional measures in mitigation of the effect of the special event.

(5) Upon receipt of the comments from the City staff and/or City Council, the Director shall either issue the special events permit, deny the permit or have the option of referring the request to the Planning Commission for consideration at its next available meeting. The Director shall, as part of the consideration, set an amount of a cash bond which may be required to defray any expenses which the City incurs for trash cleanup, police protection, fire protection, emergency medical services or any other matter not specifically handled by the special event permit holder and representing a cost impact upon the City. The standard bond shall be set at a minimum of five hundred dollars (\$500.00), and shall be provided at the time of application. After review of the application, the Director shall have the discretion to increase the amount of the bond, depending upon the anticipated cost of the event upon the City. (Ord. 1995-21 §1; Ord. 2007-04 §1)

Sec. 6-7-50. Bond provisions.

The cash bond will be used to cover the expenses of the City in providing extra police or fire protection, emergency medical services and/or trash cleanup, together with any other extraordinary expenses. If a portion of the cash bond is not so used, said amount shall be refunded to the applicant within forty-five (45) days after the event. If the City incurs additional expenses because of the special events permit holder's failure to comply with the special events plan, because of expenses incurred which were not contemplated by the plan, or because projected expenses were exceeded, the shortfall shall be made up by the applicant. Any shortfall shall be made up by the applicant within ten (10) business days of being billed by the City. If the applicant fails to timely make up any such shortfall, the applicant's business license may be suspended or terminated until such time as the shortfall is made up. (Ord. 1995-21 §1; Ord. 2007-04 §1)

Sec. 6-7-60. Conduct of event.

The special events permit holder shall conduct the special event in strict conformance with the plans. The special events permit must be displayed on the premises where the event is to occur so as to be visible from the street. The approved plans must also be available during the special event for the Code Enforcement Officer to review for compliance. Any deviation from the detailed plans submitted shall cause the special events permit to be revoked; future requests for special events

permits shall be denied for a period of sixty (60) days; and the cash bond shall be forfeited. In addition, the City expressly reserves the right to seek any and all remedies, both at law and in equity, to recover damages, or any other legal remedy from or against the special events permit holder, his or her agents, contractors and/or employees, for any failure to strictly comply with the plans set forth in the application for special events permit, including but not limited to suspension and/or termination of any underlying business license the applicant may have with the City. By making application for a special events permit, the applicant agrees to pay the City's costs in bringing any such action, including but not limited to the City's attorney fees and costs of bringing suit. (Ord. 1995-21 §1)

Sec. 6-7-70. Appeal of decision.

If the Director denies a request for a special events permit, the applicant or any other aggrieved party shall have the right of appeal to the Planning Commission. This appeal shall be filed within seven (7) days of the denial and at least seven (7) days prior the Planning Commission meeting at which the appeal is to be considered. The decision of the Planning Commission may be appealed to the City Council and shall be filed within seven (7) days of the Planning Commission decision, and shall be submitted at least seven (7) days prior to the City Council meeting at which the appeal is to be considered. (Ord. 1995-21 §1; Ord. 2007-04 §1)

Sec. 6-7-80. Temporary structures.

Any and all temporary structures to be used during the course of the special event shall be previously reviewed and approved by the Building Department. This will include, but shall not be limited to, temporary buildings, tents, stages, podiums or any other temporary structure. (Ord. 1995-21 §1)

Sec. 6-7-90. Exemptions.

Nonprofit organizations shall be exempt from the fee provisions of this Division, but are required to comply with the balance of this Division, including but not limited to applying for and obtaining a special events permit prior to beginning any activity which qualifies as a special event. (Ord. 1995-21 §10)

Sec. 6-7-100. Banners.

Placing banners outside of any structure shall be deemed to be a special event. Any such banners shall be approved by the Director and shall be erected for no more than ten (10) consecutive days. Provided that the placing of banners is the only activity associated with the special event, there shall be a fee of twenty-five dollars (\$25.00). (Ord. 1995-21 §11)

Sec. 6-7-110. Public rights-of-way.

The use of public rights-of-way (streets and sidewalks) for special events, while not prohibited, is discouraged. In order to maintain access for emergency service personnel and emergency vehicles, the following criteria shall be complied with for any special event proposing to use public rights-of-way:

(1) A traffic control plan shall be submitted along with the application. This plan shall graphically illustrate how traffic will be diverted, showing alternate routes and the location of all barricades. In order to safely and adequately direct traffic, the City requires that any special event proposing to block, divert or impede the flow of traffic in the public right-of-way shall provide manned barricades. Those persons manning the barricades and/or directing traffic shall be certified "flaggers," certified by the Colorado Department of Transportation, or members of the Police Department. All barricades must be of a make and design approved by the *Manual on Uniform Traffic Control Devices* and/or the Public Works Department.

(2) Only one (1) special event shall be allowed to use Bennett Avenue at any one (1) time. (Ord. 1995-21 §12)

Sec. 6-7-120. Indebtedness to City.

If the applicant for a special events permit is in violation of this Code or any ordinance, or has outstanding monies due the City, the application shall not be approved until this Code and all such ordinances are complied with, and/or all monies due the City have been paid in full. (Ord. 1995-21 §13)

Sec. 6-7-130. Filing of grievance.

Any resident and/or business owner who is adversely impacted by any special event may file a grievance with the Director, either during the special event or within ten (10) days following the special event. Such grievance shall state, with particularity, the nature of the adverse impact and shall provide the name, address and telephone number of the complaining party. The Director may take into account any grievance received in making decisions in granting, denying or revoking a special event permit for the applicant and/or for special events of a similar nature. (Ord. 1995-21 §14)

Division 2
Special Events Business Licenses

Sec. 6-7-210. License fee.

A special events business license for vendors is hereby established for special events taking place in the City. The fee for a vendor will be calculated based upon the number of events the vendor wishes to participate in during any calendar year. The fee shall be twenty-five dollars (\$25.00) for each event. If a vendor participates in four (4) or more events in a calendar year, the maximum fee for the vendor shall be one hundred dollars (\$100.00), after which the vendor shall not be charged for any additional special events during the balance of that calendar year. (Ord. 2000-4 §2; Ord. 2007-04 §1)

Sec. 6-7-220. Duration of license.

The special events business license shall be valid for the length of each specific event held by the City, the Chamber of Commerce and/or a business licensed and located within the City. (Ord. 2000-4 §1)

Sec. 6-7-230. Contents of application.

The applicant for the special events business license shall, as part of the application process, submit the appropriate fee for either single or multiple events, along with a description of the special event and the type of merchandise that will be sold. The location of the booth or activity will be determined by the Marketing Department. (Ord. 2000-4 §1)

Sec. 6-7-240. Exemptions.

Individuals and/or businesses which are an integral part of the special event and who participate in the special event shall not be considered "vendors" and will not be required to pay the special events business license. (Ord. 2000-4 §1)

Sec. 6-7-250. Waiver of fee.

The City Council reserves the right to waive the fee if, in the determination of the City Clerk and City Administrator, the waiver of the fee would be in the best interests of the City. (Ord. 2000-4 §1)

Sec. 6-7-260. Deadline for application.

All applications for special events business licenses shall be completed and submitted to the City no later than two (2) weeks prior to the special event. (Ord. 2000-4 §1)

*Division 3
Wrecking or Salvaging Buildings*

Sec. 6-7-310. Permit required.

No person shall begin or continue the wrecking, demolishing, salvaging or removing of any house, building or other structure, or the building material thereof, within the corporate limits of the City without first having applied for and obtained a permit from the City so to do. (Prior code 15.12.010)

Sec. 6-7-320. Performance standards.

Any person who, after first having obtained a permit, wrecks, demolishes, salvages or removes any house, building or other structure or the building material thereof, within the corporate limits of the City, will be required to maintain the premises during such operations in a safe condition, and upon completion of any such wrecking, demolishing, salvaging or removing, leave the premises in a safe, sanitary and sightly condition. (Prior code 15.12.020)

Sec. 6-7-330. Permit fee; bond.

(a) Permits shall be issued by the City Clerk, upon the approval of the City Council first being obtained, for wrecking, demolishing, removing houses or other structures of frame construction, or the building material thereof, upon the payment of the following fees for the same as follows:

- (1) For all structures of frame construction, the sum of ten dollars (\$10.00), plus two percent (2%) of the assessed valuation of the property, provided that only one (1) valuation is given by the

County Treasurer to the City Clerk. If two (2) valuations are given, then the two (2) valuations shall be added together and then divided in half. This amount shall be the valuation of the property.

(2) For any and all brick buildings within the corporate limits of the City, the sum of twenty-five dollars (\$25.00) plus two percent (2%) of the valuation of the property, arrived at by the same computation as for other buildings, as set forth in Paragraph (1) above.

(b) Any and all persons desiring to obtain a permit to wreck, demolish, salvage or remove a house, building or structure, or remove the building material thereof, shall, before a permit is issued, be required to deposit with the City Clerk the following bond:

(1) A cash bond in the sum of one hundred dollars (\$100.00), together with the license permit fee provided in this Section, when the structure to be wrecked, demolished or salvaged is a building of frame construction.

(2) A cash bond or surety bond issued by a company licensed to do business in the State, in the amount of one thousand dollars (\$1,000.00), together with the permit fee provided in this Section, when the structure to be wrecked, demolished or salvaged is a building of brick construction.

(c) The conditions of the bonds shall be that the wrecker or wrecking company shall, before starting the wrecking of any building, erect a good uniform fence eight (8) feet high around the lots upon which said building being wrecked is situated; pull all walls down to the foundation; promptly repair all damages to the City property which may be occasioned; remove all old building material, debris and waste from the premises; refill to the street level with surface soil; and leave the premises in a safe, sanitary condition. If all the conditions of this Division have been complied with in every particular, then, and only then, upon the report of the Chief of Police to the City Clerk, will the above bonds be returned to the wrecker or wrecking company. (Prior code 15.12.030; Ord. 2007-04 §1)

Sec. 6-7-340. Penalty for violation.

Each person violating any of the terms, conditions, provisions or sections of this Division shall, upon conviction, be punished in accordance with the provisions of Section 1-4-20 of this Code. (Prior code 15.12.040; Ord. 2007-04 §1)