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**ARTICLE I.  
IN GENERAL\***

**Secs. 15-1—15-15. Reserved.**

**ARTICLE II.  
ALARM SYSTEMS**

DIVISION 1. GENERALLY

**Sec. 15-16. Definitions.**

The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this Section:

*Alarm business* shall mean the business by any individual, partnership, corporation or other entity engaged in selling, leasing, renting, maintaining, servicing, repairing, testing, altering, replacing, moving or installing any alarm system in the City or causing any alarm or alarm system to be sold, leased, maintained, serviced, repaired, altered, replaced, moved or installed in or on any building, structure or facility in the City or any business acting as a receiver of such alarm or alarm system.

*Alarm system* shall mean any mechanical or electrical (AC/DC) device or system which is designed or used for the detection of an unauthorized entry into a building, structure or facility or for the detection of fire or other hazard to life or property or used for mechanically or electronically alerting others by an externally audible or visual signal to the commission of an unlawful act, whether installed inside or outside a building. Devices which are exclusively audible or visible in the interior of a building, premises, structure or area are not included within this definition or within this Article.

*Appellant* shall mean a person who takes and perfects an appeal to the City Council of any decision under this Article made by any part of the City administration.

*Applicant* shall mean a person who files an application for a new or renewal permit or license as provided in this Article.

*Audible alarm* shall mean a device which generates an audible sound on the premises when it is actuated.

*Central station protective system* shall mean a system or group of systems operated for its customers by a person in which the operation of electrical protection circuits and devices are transmitted, recorded on, maintained and supervised from a central location, having trained operators and guards in attendance at all times that have the duty to take appropriate action upon receipt of a signal or message including the immediate relaying of messages by direct line to the communication center of Fire Services or Police Services and meeting the requirements of, and listed by, Underwriters' Laboratories, Inc., or any other recognized testing laboratory.

*Day* shall mean a calendar day.

*Direct line* shall mean a telephone-company-supplied leased circuit or ring-down circuit leading directly to the communications center of Fire Services, Police Services, central station, modified central station or answering service that is for the use only to report emergency messages and signals on a person-to-person basis.

*False alarm* shall mean an alarm signal necessitating response by Police Services or Fire Services where an emergency situation does not exist.

*Licensed answering service* shall mean a telephone answering service which has obtained a license from the City by meeting certain standards and paying the required fee to operate a telephone answering service that includes the service whereby trained employees in attendance at all times receive prerecorded voice messages from automatic protection devices reporting an emergency at a stated location and who have the duty to relay immediately by live

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\* **Cross-references**—Fire Services, § 2-515; Police Services, § 2-504; fire prevention and protection, Ch. 9.

voice any such emergency message over a special trunk line to the communications center of Fire Services or Police Services.

*Maintenance contract* shall mean an agreement in writing with a licensed alarm business to perform servicing, repairing, altering, moving, installation or maintaining of an alarm system for a certain contractual period of time.

*Modified central station* shall mean a central station operated for its customers by a person with a license obtained from the City by meeting certain standards and paying the required fee as herein specified which provides at all times monitoring and relay services for customers in connection with automatic protection devices, but which does not provide all the services of a central station protection system.

*Notice* shall mean written notice given by personal service upon the addressee or given by United States Mail, postage prepaid, addressed to the person to be notified at his or her last known address. Service of such notice shall be effective upon the completion of personal service or upon the placing of the same in the custody of the United States Postal Service.

*Permittee* shall mean any person, firm, partnership, association or corporation who or which shall be granted a permit or license as provided herein, and the permittee's agents and representatives.

*Subscriber* shall mean any person who purchases, leases, contracts for or otherwise obtains an alarm system or obtains a contract for the servicing or maintenance of an alarm system from an alarm business.

(Code 1972, § 32-2; Ord. No. 130, 2002, §§ 6, 7, 9-17-02)

**Cross-reference**—Definitions and rules of construction generally, § 1-2.

#### **Sec. 15-17. Title; purpose.**

(a) *Short title.* This Article shall be known and may be cited as the alarm permit ordinance.

(b) *Purpose.* The purpose of this Article is to establish standards and controls concerning intrusion, robbery, fire and other alarm systems for businesses and agents within the City, to require permits, to establish fees and to establish and maintain effective and professional relations and communications between alarm companies, customers, appropriate City departments and related individuals and firms.

(Code 1972, § 32-1)

#### **Sec. 15-18. Alarm committee.**

The City administration is authorized to form an alarm committee composed of representatives of Fire Services, Police Services, the Department of Building and Zoning and licensed alarm businesses, answering services and telephone company representatives which shall act as an advisory body to the City Council to assist in determining policy concerning alarms. All such alarm systems shall be subject to all rules, regulations, fees and requirements set forth in this Article, except the provisions of this Article are not applicable to audible alarms affixed to motor vehicles or trailers, other than mobile homes, or to devices designed or used to register audible or visible alarms on the interior only of protected buildings, structures or areas.

(Code 1972, §§ 32-3, 32-5(E); Ord. No. 130, 2002, §§ 6, 7, 12, 9-17-02)

#### **Sec. 15-19. Direct connections prohibited.**

The City will not service such alarm systems through direct connection and the connection with the City departments shall be terminated.

(Code 1972, § 32-11)

#### **Secs. 15-20—15-30. Reserved.**

## DIVISION 2. PERMIT, LICENSE, CERTIFICATE OF COMPLIANCE

### **Sec. 15-31. Required.**

(a) No person shall conduct, operate or carry on an alarm business without first applying for and receiving an alarm business permit in accordance with provisions of this Article.

(b) No person shall engage in the business of repairing, servicing, altering, replacing, removing, designing, maintaining, testing or installing alarm systems on or in any building, structure or facility without first applying for and receiving a special contractor alarm license in accordance with the provisions of this Article.

(c) No person shall install an alarm or alarm system, as defined in this Article, without first applying for and receiving a building permit as required by this Article.

(d) Certificate of compliance for alarm systems:

(1) No person shall use an alarm or alarm system, as defined in this Article, unless the alarm or alarm system has been inspected by the Director of Building and Zoning and a certificate of compliance for the alarm system has been issued.

(2) No person shall receive a certificate of compliance for the alarm system or renewal of such certificate without a written maintenance contract with a licensed alarm business who shall be responsible for maintenance of the alarm or alarm system for the specified duration of the contract. The certificate of compliance for the alarm system is considered valid only when a maintenance contract and all other provisions listed herein exist. The certificate of compliance shall be kept on the premises where the alarm system is located.

(Code 1972, § 32-5(A)-(D); Ord. No. 130, 2002, § 11, 9-17-02)

### **Sec. 15-32. Issuance of permits and licenses.**

The issuing and approving authority for any license or permit issued hereunder shall be the Department of Building and Zoning.

(Code 1972, § 32-6(A); Ord. No. 130, 2002, § 12, 9-17-02)

### **Sec. 15-33. Permit and license application.**

Applications for all permits and licenses required in this Article shall be filed with the Department of Building and Zoning and shall be accompanied by the requisite fees. The fees are established and shall cover the following costs:

(1) Fifty dollars (\$50.) to cover the cost of processing the applications and permits;

(2) A cashier's check or money order made payable to the State Bureau of Investigation in an amount sufficient to cover such costs as are necessary to conduct the investigations required pursuant to this Article.

(Code 1972, § 32-6(C); Ord. No. 130, 2002, § 12, 9-17-02)

### **Sec. 15-34. Permit and license investigation.**

(a) Every application for an alarm business or special contractor alarm license shall require fingerprints and a photograph of the applicant or agent applying for the applicant if the applicant is not a natural person. The Police Chief shall conduct an appropriate investigation of the applicant to determine whether the permit or license shall be issued. The Police Chief may require additional information of the applicants which is necessary to conduct the investigation with the exception of companies' blueprints or diagrams. Alarm blueprints and diagrams shall be deemed to be the property of the agency with whom the business has a contract.

(b) The permit or license, whether it is a new application or a renewal, shall be denied by the Police Chief, if:

(1) The character or reputation of the applicant is determined to be inimical to the safety or general welfare of the community;

- (2) The applicant for the alarm business permit or special contractor alarm license does not comply with the standards and regulations adopted pursuant to § 15-56 et seq.;
  - (3) The applicant, his or her employee or agent, has knowingly made any false, misleading or fraudulent statement of a material fact in the application for a permit or license or in any report or record required to be filed with any City agency;
  - (4) The applicant has had a similar-type permit or license previously revoked for good cause within the past year unless the applicant can show a material change in circumstances since the date of revocation;
  - (5) The applicant or any employee has demonstrated an inability to effectively install service alarms or alarm systems in a manner ensuring their reliability and lack of false alarms.
- (Code 1972, § 32-6(D))

**Sec. 15-35. Certificate of compliance for alarm systems.**

A certificate of compliance for alarm systems shall be issued upon approval of the Department of Building and Zoning. Such approval shall signify compliance with the standards and regulations adopted and requirements set forth in §§ 15-56—15-71. Said certificate shall be issued to the person using or possessing the alarm system. Alarm businesses shall procure and process applications for their subscribers. The subscribers shall forward the completed application to the alarm business servicing the system. The permit fee shall be collected from the subscriber by the alarm business and transmitted forthwith to the Financial Administration Unit together with the application.

(Code 1972, § 32-6(E); Ord. No. 130, 2002, § 12, 9-17-02)

**Sec. 15-36. Appeal procedure.**

The procedure for any appeal of a decision by the City shall be to the City Council.

(Code 1972, § 32-7)

**Cross-reference**—Procedure for appeals to the City Council, § 2-46 et seq.

**Sec. 15-37. Fees for renewal of permits.**

The renewal fee for an alarm business permit shall be twenty-five dollars (\$25.) per year. Such fee shall be tendered upon application for renewal of the permit. The alarm business permit shall expire July 1 of each year and must be renewed prior to its expiration date. No portion of the permit fee shall be prorated because of any partial year.

(Code 1972, § 32-8(A))

**Sec. 15-38. Fees for renewal of licenses.**

The renewal fee for a special contractor alarm license shall be fifty dollars (\$50.) per year. Such fee shall be tendered at the time of application for a license. All such licenses shall expire on July 1 of each year and must be renewed within thirty (30) days of their expiration date. No portion of such license fee shall be prorated because of any partial year.

(Code 1972, § 32-8(B))

**Sec. 15-39. Fee for certificate of compliance.**

The fee for a certificate of compliance for the alarm system shall be ten dollars (\$10.) which shall be due and payable within ten (10) days of the installation of an operable alarm system by any person possessing or using an alarm system, proprietary alarm, fire alarm or other emergency alarm within the City. Each such certificate shall be considered valid until such time that the system is declared unreliable under the provisions of this Article. Each time a system is declared unreliable, the system will need to be repaired, reinspected and have a new certificate of compliance issued. No portion of any certificate fee shall be refundable or applicable to the new certificate fee.

(Code 1972, § 32-8(C))

**Sec. 15-40. Grounds for suspension or revocation.**

The following shall constitute grounds for suspension or revocation of any license, permit or certificate issued under this Article:

- (1) The violation of any of the provisions of this Article;
- (2) The failure to comply with requirements set forth or standards or regulations adopted by this Article;
- (3) When any alarm business permittee or special contractor is convicted of any crime involving larceny, burglary, fraud or other crime which would cause the honesty of the same to be suspect;
- (4) When an alarm system actuates excessive false alarms and constitutes a public nuisance;
- (5) When the applicant or permittee, his or her employee or agent, has knowingly made any false, misleading or fraudulent statement of a material fact in the application for a permit or license or in any report or record required to be filed with the City;
- (6) When the applicant or permittee has had a similar-type permit or license previously revoked for good cause within the past year unless the applicant can show a material change in circumstances since the date of revocation.

(Code 1972, § 32-9(A)(1))

**Sec. 15-41. Procedure for suspension or revocation.**

(a) Determinations for suspension or revocation of any license, permit or certificate issued hereunder shall be made by the Building Review Board in the same manner as set forth in § 15-158 for suspension or revocation of contractors' licenses.

(b) The determination of the Building Review Board with regard to matters of suspension or revocation shall be appealable to the City Council, provided that a notice of appeal is filed with the City Clerk within ten (10) days after the action of the Board. The City Clerk shall transmit such appeal to the City Council at the next meeting of the City Council held not less than two (2) days after filing of the notice of appeal. Upon receipt of the appeal, the City Council shall set a time for hearing of the appeal and shall give notice to the person making the appeal of the time and place of the hearing. Appeals shall be heard and decided as determined by the City Council.

(c) Any order of suspension or revocation made by the Building Review Board shall be effective upon delivery of the order personally to the person holding the license, permit certificate or forty-eight (48) hours after deposit of the order in the mail.

(d) All revocations or suspensions shall remain effective pending determination of any appeal to the City Council. All appeals shall be heard by the City Council within thirty-one (31) days after the date of the City Council meeting at which the appeal was presented.

(Code 1972, § 32-9(A)(2), (B))

**Cross-references**—Procedure for appeals to the City Council, § 2-46, et seq.; Building Review Board, § 2-117, et seq.

**Sec. 15-42. Violations.**

The conviction of any person for a violation of any provision of this Article shall not relieve such person from paying any permit or license fee required by this Article. Each day that any violation of this Article continues shall be a separate offense punishable as such.

(Code 1972, § 32-10)

**Cross-reference**—General penalty, § 1-15.

**Secs. 15-43—15-55. Reserved.**

## DIVISION 3. STANDARDS\*

### **Sec. 15-56. Promulgation of standards and regulations.**

Any alarm system installed within the City and all devices and agencies acting under this Article shall conform to the requirements of the standards adopted in this Division. The Director of Building and Zoning shall inspect and approve all alarm systems installed within the City and shall issue a permit authorizing such systems under this Article. Any system which does not meet the requirements of this Article shall not be approved and shall not be put in service until any deficiencies have been corrected and such correction approved by the Administrator.  
(Code 1972, § 32-4(A); Ord. No. 130, 2002, § 11, 9-17-02)

### **Sec. 15-57. Residential construction standards.**

All intrusion detection alarm systems and components used in residential applications shall meet or exceed the requirements of UL Standard No. 639 entitled "Standard for Safety, Intrusion-Detection Units," promulgated by Underwriters' Laboratories, Inc., and the requirements of UL Standard No. 1023 entitled "Standard for Safety, Household Burglar-Alarm System Units," promulgated by Underwriters' Laboratories, Inc. Additionally, all such systems shall include a standby power source as specified in said UL Standard No. 1023, Section 19. All fire alarm systems used in residential applications shall meet or exceed Standard No. 43 of the Uniform Building Code.  
(Code 1972, § 32-4(B))

### **Sec. 15-58. Mercantile commercial construction standards.**

(a) All intrusion detection alarm systems and components used in mercantile or commercial building applications shall meet or exceed the requirements of the following standards promulgated by Underwriters' Laboratories, Inc.: UL Standard No. 365 entitled "Standard for Safety, Police Station Connected Burglar Alarm Units and Systems," Standard No. 609 entitled "Standard for Safety, Local Burglar Alarm Units and Systems," UL Standard No. 634 entitled "Standard for Safety, Connectors and Switches for Use with Burglar Alarm Systems" and UL Standard No. 639 entitled "Standard for Safety, Intrusion-Detection Units," as such standards are applicable to the particular application. All such systems shall include a standby power source as specified in said UL Standard No. 609, Section 61.

(b) All robbery (holdup) alarm units and systems used in mercantile or commercial building applications shall meet or exceed the requirements of UL Standard No. 636 entitled "Standard for Safety, Holdup Alarm Units and Systems" promulgated by Underwriters' Laboratories, Inc. All such systems utilizing manually operated switches to initiate an alarm, such as push buttons, shall use only switches that are protected from being accidentally engaged and which once engaged cannot be reset without a key or other control device. All such systems shall include a standby power source as specified in said UL Standard No. 636, Section 35.

(c) All fire and/or smoke detection alarm systems and components used in mercantile or commercial building applications shall meet or exceed the requirements of Standard No. 43 of the Uniform Building Code.  
(Code 1972, § 32-4(C))

### **Sec. 15-59. Installation standards.**

(a) All installation of alarm systems and components shall be in accordance with the provisions and requirements of the International Building Code, the National Electrical Code and the Uniform Fire Code, as all of such codes are in effect in the City, and the installation specifications set forth in the applicable standards set forth in §§ 15-57 and 15-58.

(b) All installations of protective wiring and devices connected to intrusion detection systems or mercantile or commercial premises and on mercantile, commercial or bank safes and vaults shall meet or exceed the requirements of UL Standard No. 681 entitled "Standard for Safety, Installation and Classification of Mercantile and Bank Burglar-Alarm Systems" promulgated by Underwriters' Laboratories, Inc.  
(Code 1972, § 32-4(D); Ord. No. 049, 2008, § 2, 5-20-08)

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\* Cross-reference—**Buildings and building regulations, Ch. 5.**

**Sec. 15-60. Performance standards.**

(a) All alarm systems shall be afforded a thirty-day adjustment period commencing with the date of activation in order that the system may be brought to maximum efficiency. During that period of time, no false alarms shall be charged against the system. However, emergency response by appropriate public agencies of the City may be restricted or curtailed if, in the determination of the head of that agency, the number of false alarms becomes excessive.

(b) After the adjustment ends, the criteria for determining the reliability of an alarm system shall be its performance. Any alarm system may be deemed unreliable if it signals more than:

- (1) Two (2) false alarms in any thirty-day period;
- (2) Four (4) false alarms in any ninety-day period;
- (3) Six (6) false alarms in any one-hundred-eighty-day period;
- (4) Eight (8) false alarms in any three-hundred-sixty-day period.

(c) If any alarm system is deemed unreliable pursuant to this Article, Fire Services or Police Services may declare the system unreliable and restrict or curtail the response of the office to the alarm system until such time as the subscriber or alarm business can show a material change in employee training, can show written proof that the system has been repaired, can show written proof that the system has been reinspected by the Director of Building and Zoning and can show proof of issuance of a new certificate of compliance for the alarm system.

(d) If the alarm system deficiencies have not been corrected within thirty (30) days from the date the system was declared unreliable, the City may suspend the system's certificate of compliance in accordance with the provisions of § 15-40, et seq.

(Code 1972, § 32-4(E); Ord. No. 130, 2002, §§ 6, 7, 11, 9-17-02)

**Sec. 15-61. Maintenance standards.**

(a) The maintenance contract required for each alarm system shall be in writing and shall be for the duration of the certificate of compliance for the alarm system, usually one (1) year or fraction thereof.

(b) The maintenance contract shall provide for the following minimum services:

- (1) Repairs which may be necessary from time to time to maintain reliability and efficiency of the system, such as replacement of worn components, deteriorated batteries, etc.;
- (2) Repairs which may be necessary due to an attack on the system or an initiation of the system which results in damage to system components;
- (3) Operational testing of all system components at least once every six (6) months, with a complete report being maintained on file by the alarm business maintaining the system. The report shall be made available for inspection upon the request of any police officer, firefighter, building inspector or the system subscriber.

(c) Trouble calls regarding an alarm system for which an alarm business has a maintenance contract shall be responded to on the same day if the call is received before 12:00 noon. Trouble calls received by the alarm business after 12:00 noon shall be responded to as soon as possible and in no case later than the business day following receipt of the call (UL-365, paragraph 43.5).

(d) All operational testing of alarm systems and/or components shall be undertaken only after the monitoring agency has been notified of the impending test. If the alarm system is unmonitored and of the type that registers an alarm on the protected premises or transmits a prerecorded message, no operational testing shall take place unless Police Services has been notified of the impending test.

(Code 1972, § 32-4(F); Ord. No. 130, 2002, § 7, 9-17-02)

**Sec. 15-62. Central station standards.**

A central station shall meet all the requirements and shall be listed by Underwriters' Laboratories, Inc. or other recognized testing laboratory as a central station with appropriate inspection and certification by such laboratory. A central station shall carry liability insurance related to alarm monitoring and covering acts, errors and omissions on the part of the station's employees in a minimum amount of three hundred thousand dollars (\$300,000.).  
(Code 1972, § 32-4(G))

**Sec. 15-63. Modified central station standards.**

(a) A modified central station shall meet the requirements of Sections 48, 49, 51, 52, 53, 54, 55, 56 and 57 of UL Standard No. 611 entitled "Standard for Safety, Central Station Burglar Alarm Units and Systems."

(b) All persons employed by a modified central station shall be properly selected and their backgrounds investigated prior to employment. They shall be trained, equipped and disciplined to ensure reliable performance of their duties.

(c) A modified central station shall carry liability insurance related to alarm monitoring and covering acts, errors and omissions on the part of the station's employees in a minimum amount of three hundred thousand dollars (\$300,000.).  
(Code 1972, § 32-4(H))

**Sec. 15-64. Licensed answering service standards.**

(a) A licensed answering service shall meet the requirements of Sections 48, 49, 51, 52, 55.4 and 56 of said UL Standard No. 611.

(b) All persons employed by a licensed answering service shall be properly selected and their backgrounds investigated prior to employment. They shall be trained, equipped and disciplined to ensure reliable performance of their duties.

(c) A licensed answering service shall carry liability insurance related to alarm monitoring and covering acts, errors and omissions on the part of the service's employees in a minimum amount of one hundred thousand dollars (\$100,000.).  
(Code 1972, § 32-4(I))

**Sec. 15-65. Change of location.**

If the location of the police or fire communication facilities should be changed at any time, all permittees shall be required to make the necessary changes at their expense to comply with the requirements of this Article. The City shall not be responsible for any resulting cost of moving alarm systems, direct line communications, parts or any other such expense.  
(Code 1972, § 32-4(J))

**Sec. 15-66. Public primary trunk lines.**

No emergency device shall be used which transmits a prerecorded message or other signal directly to the police, fire or City communications centers. All such devices shall terminate at other facilities.  
(Code 1972, § 32-4(K))

**Sec. 15-67. Removal of devices.**

In addition to any other remedy provided by law, the Police Chief or Fire Chief may whenever they shall have knowledge of the use of any cabinet, device or attachment or telephone terminal not operated or maintained in accordance with the provisions of this Article or contrary to these regulations order the removal of the same from the police, fire or City communications facilities. It shall be unlawful to disobey such order.

(Code 1972, § 32-4(L))

**Sec. 15-68. Audible alarms.**

Every person utilizing an audible alarm shall notify Police Services or Fire Services of the names and telephone numbers of the persons to be notified to render repairs or service and secure the premises during the hours of the day or night that the alarm may be actuated. Such notice shall be provided before the system is activated, and all such information shall be kept current.

(Code 1972, § 32-4(M); Ord. No. 130, 2002, §§ 6, 7, 9-17-02)

**Sec. 15-69. Display of license.**

Every person engaged in the business of repairing, servicing, altering, replacing, removing, designing, leasing, maintaining, testing or installing alarm systems shall carry on his or her person at all times while so engaged a valid City special contractor (alarm) license or telephone employee identification and shall display such permit to any police officer, firefighter or subscriber upon request.

(Code 1972, § 32-4(N))

**Sec. 15-70. Notification.**

Any central receiving station, modified central station or licensed answering service, upon receipt of an alarm signal indicating that an illegal act, fire or other emergency situation has taken place, shall immediately notify Police Services or Fire Services.

(Code 1972, § 32-4(O); Ord. No. 130, 2002, §§ 6, 7, 9-17-02)

**Sec. 15-71. Certain standards adopted.**

The following standards promulgated by Underwriters' Laboratories, Inc., as set forth in this Article, are hereby adopted by reference. Such standards do not contain any separate penalty provision. All of such standards are promulgated by Underwriters' Laboratories, Inc., 207 East Ohio Street, Chicago, Illinois, 60611.

- (1) The edition, impression date and other pertinent information relating to the standard adopted is as follows:

<i>Standard No.</i>	<i>Edition</i>	<i>Impression Date</i>	<i>Other</i>
UL 634	3rd	June 29, 1973	
UL 365	1st	March 25, 1975	As revised by transmittal dated March 3, 1976
UL 609	7th	January 1972	
UL 611	10th	June 1972	
UL 681	8th	June 1972	
UL 639	3rd	December 1971	As revised by errata sheet dated April 16, 1973
UL 1023	1st	Second (as revised to September 12, 1972) November 1972	
UL 636	6th	July 27, 1973	

- (2) At least one (1) copy of each standard herein adopted shall be kept on file in the office of the City Clerk, available for public inspection. One (1) copy of each such standard shall be kept in the office of the Director of Building and Zoning. One (1) copy shall be kept in the office of the Fire Chief. One (1) copy shall be kept in the office of the Police Chief.

(Code 1972, § 32-4(P); Ord. No. 130, 2002, § 11, 9-17-02; Ord. 036, 2009, § 3, 5-5-09)

**Secs. 15-72—15-85. Reserved.**

**ARTICLE III.**  
**AMUSEMENT DEVICES AND PLACES\***

**Sec. 15-86. License required.**

All persons are hereby prohibited from keeping for gain or hire any billiard or pool table, any bowling alley, whirlyball arena or similar facility, roller skating rink, any ball and pin machine, striking machine, shooting gallery, ring game, ball and puppet game, cane rack, knife board, electronic game machines or any other like game or device within the City unless the person shall have obtained a license as provided in this Article. This licensing requirement shall not apply to the City.

(Code 1972, § 73-41; Ord. No. 36, 1994, § 1, 3-15-94; Ord. No. 130, 2002, § 24, 9-17-02)

**Sec. 15-87. Applications for licenses.**

(a) A license to keep for gain or hire any of the tables, bowling alleys, whirlyball arenas or similar facilities, machines, galleries or games mentioned in § 15-86 may be granted in the discretion of the Financial Officer to any person who shall make application in writing to the Financial Officer, stating the room or place where such tables, alleys, machines, galleries, whirlyball arenas or similar facilities, skating rinks or games are to be kept or held and the number proposed to be kept.

(b) The application shall be accompanied by the amount of money required in § 15-89 for the license.

(Code 1972, § 73-42(A))

**Sec. 15-88. Issuance of license.**

(a) Upon compliance with the requirements in this Article, a license may in the discretion of the Financial Officer be granted to the person applying, authorizing and permitting the keeping for gain or hire any of the tables, bowling alleys, whirlyball arenas or similar facilities, skating rinks, machines, galleries or games mentioned in this Article. The Financial Officer may refuse to grant any such license where in the opinion of the Financial Officer the applicant is not a person of good moral character or for other good cause shown.

(b) All licenses issued under this Article shall be signed by the Financial Officer. No license issued shall be transferable from the licensee except by and with the consent and at the discretion of the Financial Officer. No licensee shall be permitted to operate under the license in any place other than that mentioned in the application and license without the consent of the Financial Officer.

(Code 1972, § 73-42(B), (C))

**Sec. 15-89. License fees and term.**

All licenses issued or granted under the provisions of § 15-87 shall be paid for at the following rates:

- (1) For each pinball machine, the sum of fifty-three dollars (\$53.) every six (6) months;
- (2) For each of the tables named in § 15-86, the sum of eight dollars (\$8.) every six (6) months;
- (3) For each bowling alley, whirlyball arena or similar facility, or roller skating rink the sum of fifty-five dollars (\$55.) per year;
- (4) For each shooting gallery, the sum of eighty dollars (\$80.) per year;
- (5) For all other machines, electronic game machines, devices or other games described in this Article and for which no specific license fee is fixed, the sum of thirty-seven dollars and fifty cents (\$37.50) every six (6) months.

(Code 1972, § 73-45)

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\* **Cross-reference**—Places of entertainment, § 15-291 et seq.

**Sec. 15-90. Regulations for licensees.**

(a) It shall be unlawful for any person who shall have been granted a license under the provisions of this Article or any clerk, agent or employee to permit any games for money or other valuable thing to be played upon the tables, machines, electronic game machines, alleys, whirlyball arenas or similar facilities, skating rinks or galleries mentioned in this Article or to permit any gaming by means of cards, dice or device for playing of games of chance or skill and chance within or about the establishment where such tables, machines or alleys are kept.

(b) It shall be unlawful for any person licensed to maintain billiard or pool tables, electronic game machines or any other game or device required to be licensed, but not including bowling alleys, whirlyball arenas, roller skating rinks or similar facilities, to permit any person except employees to enter the room or place where such table or games are kept between the hours of 12:00 midnight and 5:00 a.m. of any day or to permit any playing upon or with the tables or devices between such hours, provided that the hours for playing such games in establishments licensed to serve alcoholic beverages shall be extended from 12:00 midnight to 2:00 a.m.

(Code 1972, § 73-43)

**Sec. 15-91. Revocation of licenses authorized.**

Any license issued or granted under the provisions of this Article may be revoked by the City Council whenever it shall be made to appear to the City Council that the person(s) to whom such license was issued or any agent or employee has directly or indirectly violated any of the provisions of this Article or the Code relating to the sale of intoxicating liquors.

(Code 1972, § 73-44)

**Cross-reference**—Alcoholic beverages, Ch. 3.

**Secs. 15-92—15-105. Reserved.**

**ARTICLE IV.  
AUCTIONS, SPECIAL SALES AND SOLICITATIONS\***

**DIVISION 1. DOOR-TO-DOOR SOLICITATION**

**Sec. 15-106. Title; purpose.**

(a) This Division shall be known and cited as the "Fort Collins Door-to-Door Solicitation Ordinance."

(b) The provisions of this Division are intended to balance the First Amendment rights of residential solicitors in the City with the privacy, safety, health and welfare, of the City residents by:

- (1) Requiring all commercial solicitors to conduct any door-to-door residential solicitation within the City pursuant to a permit and identification badge issued by the City;
- (2) Reasonably limiting the hours of door-to-door solicitation activities; and
- (3) Prohibiting solicitations at residences where the owner or occupant has prohibited solicitation in a manner consistent with the provisions of this Division.

(Ord. No. 060, 2011, § 1, 5-17-11)

**Sec. 15-107. Definitions.**

The following words, terms and phrases, when used in this Division, shall have the meanings ascribed to them in this Section:

*Applicant* means any person or entity who has submitted an application for a permit.

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\* **Cross-references**—Secondhand dealers, § 15-316 et seq.; outdoor vendors, § 15-381 et seq.

*Commercial solicitor* means any person, whether as volunteer, owner, agent, consignee or employee, who engages in door-to-door commercial solicitation.

*Door-to-door commercial solicitation* means attempting to make personal contact with a resident at his or her residence, without prior specific invitation by or appointment with the resident, for the primary purpose of:

- (1) Attempting to sell, for present or future delivery, any goods, wares or merchandise, other than newspaper or magazine subscriptions, or any services to be performed immediately or in the future, whether or not the person has, carries or exposes a sample of such goods, wares or merchandise, and whether or not he or she is collecting advance payments for such sales; or
- (2) Personally delivering to the resident a handbill or flyer advertising a commercial event, activity, good or service that is offered to the resident for purchase at a location away from the residence or at a future time.

*Door-to-door noncommercial solicitation* means attempting to make personal contact with a resident at his or her residence, without prior specific invitation by or appointment with the resident, for the primary purpose of:

- (1) Seeking or asking for a gift or donation for a public entity or nonprofit organization exempt from federal income tax under 26 U.S.C. 501 (c)(3);
- (2) Soliciting the sale of goods, wares or merchandise for present or future delivery, or the sale of services to be performed immediately or in the future, with the entire proceeds of such sale to be paid directly to, or used exclusively for the benefit of, a public entity or nonprofit organization exempt from federal income tax under 26 U.S.C. 501(c)(3);
- (3) Personally delivering to the resident a handbill or flyer advertising a future, not-for-profit event, activity, good or service;
- (4) Proselytizing on behalf of a religious organization;
- (5) Soliciting support for a political candidate or organization, or ballot measure or ideology; or
- (6) Soliciting the sale of newspaper or magazine subscriptions.

*Employer* means any person, company, corporation, business, partnership, organization or any other entity on behalf of whom a person is acting.

*Noncommercial solicitor* means any person, whether as volunteer, owner, agent, consignee or employee, who engages in door-to-door noncommercial solicitation.

*No-solicitation list* means a list of the addresses of City residents who have requested that their residences be placed on a list maintained and published by the City for the purpose of informing the general public and prospective solicitors that all door-to-door solicitation at such addresses is prohibited.

*Permit* means a document issued by the Financial Officer authorizing a commercial solicitor to engage in door-to-door commercial solicitation.

*Permit holder* means any person to whom a permit has been issued under the provisions of this Division.

*Person* means a natural person or business entity, such as, without limitation, a corporation, association, firm, joint venture, estate, trust, business trust, syndicate, fiduciary, partnership or any group or combination thereof.

*Public entity* means the state, county, city and county, municipality, school district, special improvement district, and every other kind of district, agency, instrumentality, or political subdivision thereof organized pursuant to law and any separate entity created by intergovernmental contract or cooperation only between or among the state, county, city and county, municipality, school district, special improvement district, and every other kind of district, agency, instrumentality, or political subdivision thereof.

*Residence* means a private residence in the City, including but not limited to, condominium units and apartments, including the yards, grounds or hallways thereof.  
(Ord. No. 060, 2011, § 1, 5-17-11)

**Sec. 15-108. All solicitation prohibited by posting of "No Solicitation" or "No Trespassing" sign.**

(a) No solicitor, whether commercial or non-commercial, shall enter or remain upon any public or private premises in the City if a "No Solicitation" or "No Trespassing" sign is posted at or near the entrance(s) to such premises; and

(b) This provision shall apply to all solicitation including, without limitation, all activities that are religious, charitable or political in nature and all solicitation of newspaper or magazine subscriptions.  
(Ord. No. 060, 2011, § 1, 5-17-11)

**Sec. 15-109. No-solicitation list for commercial solicitations.**

(a) Any owner or lawful occupant of any residence within the City who wishes to prohibit door-to-door commercial solicitation at his or her residence may register the address of such residence with the City by completing a form prepared by the Financial Officer, which form may be submitted to the City either in person, by mail, or on the City's website. Such registration shall take effect thirty (30) calendar days after the date of the City's receipt of the registration form.

(b) The City Manager shall maintain and publish on the City's website a no-solicitation list consisting of all residential addresses that have been registered under Subsection (a) above and that have not been deleted by the City under Subsection (d) below or by the owner or lawful occupant of the registered property. Each permit holder shall be responsible for obtaining and reviewing a copy of such list immediately upon issuance of a permit under this Article and at such intervals thereafter as may be reasonably necessary to ensure compliance with the requirements of Subsection (c) below.

(c) As of the effective date of the registration of a residential address under Subsection (a) above, all door-to-door commercial solicitation at such address shall be prohibited until such time, if at all, that the address has been deleted from the no-solicitation list.

(d) Each residential address appearing on the City's no-solicitation list will remain on the list for two (2) years from the date it was submitted to the City, at which time it shall be deleted from the list unless a new form requesting no solicitation at such residence has been submitted by the owner or lawful occupant thereof. No less than sixty (60) calendar days prior to the deletion of any address from the no-solicitation list, the City Manager shall provide written notice to the property owner or occupant who registered the address with the City, which notice shall be sent to the registered address or to such other address as may have been provided to the City at the time of registration.

(e) Prior to the expiration of the two-year period referenced in Subsection (d) above, the owner or lawful occupant of any residence appearing on the no-solicitation list may cause such residence to be removed from the list by submitting a written request for removal of the same to the Financial Officer.

(f) Neither the City nor any of its officers, employees, agents or authorized volunteers shall be liable to any person for any injuries, damages or liabilities of any kind arising from or relating to any errors or omissions that may occur in compiling or maintaining the no-solicitation list.  
(Ord. No. 060, 2011, § 1, 5-17-11)

**Sec. 15-110. Permit and identification badge required for all commercial solicitors.**

(a) Any person seeking to engage in commercial door-to-door solicitation must obtain a permit from the Financial Officer and pay the permit fee as provided in this Division before commencing any such solicitation.

(b) All permits shall be issued in the name of the applicant. Upon issuance of each permit, the Financial Officer shall create and maintain a list of all persons authorized to engage in door-to-door commercial solicitation under the permit. It shall be the sole responsibility of the permit holder to:

- (1) Provide a copy of the permit to each person authorized to engage in solicitation under the permit;
- (2) Ensure that each person authorized to solicit under the permit complies with the terms and conditions of the permit and with the provisions of this Division;
- (3) Notify the Financial Officer in writing of any persons to be added to or deleted from the list of authorized solicitors; and
- (4) Submit to the Financial Officer, for each person to be added to such list, the information required under Subparagraph 15-111(a)(4), together with payment of the identification badge fee required under Subsection 15-111(c).

(c) The Financial Officer shall, within ten (10) business days of the City's receipt, via mail or in person, of a complete application for a permit under this Division, issue such permit, together with identification badges for all persons authorized to engage in door-to-door commercial solicitation under the permit, unless the Financial Officer determines that the permit application is denied under the criteria stated in Section 15-115.

(d) Subsequent to the issuance of any permit, and upon receipt of the information and fee required under Section 15-115 below, the Financial Officer shall, within five (5) business days, issue an identification badge to any new or additional person to be authorized to solicit under the permit as long as such person is not prohibited under Section 15-114. The Financial Officer shall also, within five (5) business days, issue a replacement identification badge to any solicitor who, by affidavit, notifies the Financial Officer that his or her identification badge has been lost or stolen, and who pays an additional identification badge fee as established under Subsection 15-111(c).

(e) If an employer applies for and is granted a permit under this Division, the employer shall be entitled to obtain identification badges from the Financial Officer for each employee or agent authorized to solicit under the permit. The identification badges shall contain a photograph of the solicitor, bear the words "Permitted Solicitor," include the names of the employer and solicitor, and the expiration date of the permit.  
(Ord. No. 060, 2011, § 1, 5-17-11)

**Sec. 15-111. Application contents; fees.**

(a) Each person applying for a door-to-door commercial solicitation permit shall file with the Financial Officer an affidavit on a form supplied by the Financial Officer stating:

- (1) The full name, business address and business telephone number of the applicant;
- (2) Information regarding the business as required by the Financial Officer, including, without limitation, its legal status and proof of registration with, or a certificate of good standing from, the Colorado Secretary of State;
- (3) A complete list of all persons to be authorized to solicit under the permit;
- (4) For each person authorized to solicit under a permit, the following information:
  - a. Names, address, telephone number and date of birth;
  - b. A current copy of the persons' criminal background check, as maintained by the Colorado Bureau of Investigation, dated no more than sixty (60) days prior to the date of the application;
  - c. A description of the individual including height, weight, color of eyes and color of hair; and
  - d. The number and state of issuance of the individual's motor vehicle operator's license or chauffeur's license, if any, or other state-issued photo identification.
- (5) A brief explanation of the nature of the solicitation activity that requires a permit under this Division;
- (6) If the applicant is a foreign corporation or an employee of such corporation, the name, address and telephone number of an agent for process residing in the state;
- (7) Proof that the applicant has obtained a valid City sales and use tax license;

- (8) Proof that the applicant has deposited the sales tax deposit or has received a valid waiver of such sales tax deposit; and
- (9) Any other information determined to be relevant by the Financial Officer.

(b) At the time of application, the applicant shall also submit a photograph of each person to be authorized to solicit under the permit, taken no more than six (6) months prior to the date of application, which photograph fairly depicts the appearance of the proposed solicitor as of the date of application and which, in the judgment of the Financial Officer, is suitable for reproduction on the identification badge to be issued by the City.

(c) At the time of application, each applicant shall pay a fee in an amount determined by the Financial Officer to be sufficient to defray the costs incurred by the City in processing the application, plus an additional fee to defray the costs of preparing and issuing an identification badge for each person to be authorized to solicit under the permit, including the applicant. Said fees shall be nonrefundable.

(Ord. No. 060, 2011, § 1, 5-17-11)

**Sec. 15-112. Duration of permit; renewal.**

(a) Each permit shall be valid for two (2) years, effective from the date of issuance.

(b) Any permittee wishing to renew a permit issued under this Division must apply for the renewal of the permit no less than thirty (30) days prior to the expiration of its term. Said application shall be accompanied by a criminal background check as required under § 15-111(a)(4)b for each person who is to be authorized to solicit under the permit during the renewal term of the permit. If a permittee fails to apply for such renewal within said thirty-day period of time, the permit will expire. The renewal fee for each permittee shall be determined by the Financial Officer in an amount sufficient to defray the costs incurred by the City in processing the renewal application. Said fee shall be nonrefundable.

(Ord. No. 060, 2011, § 1, 5-17-11)

**Sec. 15-113. Sales tax deposit.**

(a) If at the time of filing the application the applicant has not maintained a City sales tax license for at least the previous twenty-four (24) months, the applicant shall deposit with the Financial Officer a sales tax deposit in the sum of two hundred fifty dollars (\$250.). The Financial Officer may waive the sales tax deposit upon a showing that the applicant has maintained a City sales tax license for at least the previous twenty-four (24) months and has a record of promptly paying any sales tax due.

(b) Upon issuance of the solicitation permit and subsequent verification by the City that the permittee has paid the sales tax due the City, the balance of the deposit required under Subsection (a) of this Section, if any, shall be returned to the permittee. If the permittee fails to pay the City's sales tax and does not seek return of the sales tax deposit within ninety (90) days from the expiration of the permit, the City Manager may declare the deposit forfeited and notify the permittee thereof at the address shown on the permit. Forfeiture of the sales tax deposit, however, shall not release the permittee from the obligation to remit the correct amount of sales tax due.

(Ord. No. 060, 2011, § 1, 5-17-11)

**Sec. 15-114. Persons prohibited.**

A person shall not be eligible for issuance of a permit or identification badge under this Division if:

- (1) Such person has been convicted of a felony or Class 1 misdemeanor under the laws of the State of Colorado or an equivalent offense under any federal, state, county or municipal law; or
- (2) A permit or an identification badge previously issued to such person by the Financial Officer under § 15-110 has been revoked by the Financial Officer under §§ 15-120 or 15-121 below.

(Ord. No. 060, 2011, § 1, 5-17-11)

**Sec. 15-115. Denial of permit.**

The Financial Officer shall deny an application for a permit or any renewal of a permit under this Division if the Financial Officer determines that the applicant has:

- (1) Made any material misrepresentation or false statement in the application for the permit; or
  - (2) Failed to obtain a sales and use tax license as required by the City or to remit any sales tax due the City; or
  - (3) Been convicted of a felony or Class 1 misdemeanor under the laws of the State of Colorado or an equivalent offense under any federal, state, county or municipal law.
- (Ord. No. 060, 2011, § 1, 5-17-11)

**Sec. 15-116. False or deceptive representation prohibited.**

No person shall attempt to obtain, by telephone or otherwise, an invitation to visit any private residence for the purpose of soliciting the purchase or sale of goods, services or any other thing of value, by knowingly making a false or deceptive representation or statement.

(Ord. No. 060, 2011, § 1, 5-17-11)

**Sec. 15-117. Duty to display identification badge and to exhibit permit.**

(a) Any commercial solicitor engaging in door-to-door commercial solicitation under a permit issued pursuant to this Division shall conspicuously display his or her identification badge.

(b) Whenever requested by any police officer or by any customer or prospective customer, any commercial solicitor engaged in door-to-door commercial solicitation under a permit issued pursuant to this Division shall exhibit his or her identification badge and permit.

(Ord. No. 060, 2011, § 1, 5-17-11)

**Sec. 15-118. Permissible times.**

All door-to-door commercial solicitation and all door-to-door noncommercial solicitation shall be undertaken and completed between the hours of 9:00 a.m. and sunset as announced and published by the National Weather Service daily.

(Ord. No. 060, 2011, § 1, 5-17-11)

**Sec. 15-119. Transfer of permits prohibited.**

No permit issued pursuant to this Division shall be transferred to any person.

(Ord. No. 060, 2011, § 1, 5-17-11)

**Sec. 15-120. Revocation of identification badge.**

The Financial Officer may suspend or revoke the identification badge of any solicitor that has engaged in any unlawful solicitation or any solicitation conducted in such a manner as to constitute a menace to the health, safety or general welfare of the public.

(Ord. No. 060, 2011, § 1, 5-17-11)

**Sec. 15-121. Nonrenewal or revocation of permit.**

The Financial Officer shall revoke and shall not renew any permit issued pursuant to this Division if the Financial Officer determines that any of the following have occurred:

- (1) Fraud, misrepresentation or false statement in the application for the permit or any renewal application, including, without limitation, representations made as to the criminal history of any person to be authorized to solicit under the permit;

- (2) Failure to obtain a sales and use tax license as required by the City or to remit any sales tax due the City;
  - (3) Failure to supervise solicitation conducted under the permit so as to reasonably ensure that such solicitation is in compliance with the terms of the permit and with the provisions of this Division; or
  - (4) Authorizing, condoning or knowingly tolerating any unlawful solicitation or any solicitation conducted in such a manner as to constitute a menace to the health, safety or general welfare of the public.
- (Ord. No. 060, 2011, § 1, 5-17-11)

**Sec. 15-122. Records.**

The Financial Officer shall maintain records showing each permit issued and the alleged violations of this Division.

(Ord. No. 060, 2011, § 1, 5-17-11)

**Sec. 15-123. Appeal.**

An applicant may appeal any decision relating to his or her permit by the Financial Officer or hearing officer to the City Manager in accordance with Chapter 2, Article VI of the City Code. The City Manager's decision shall be final.

(Ord. No. 060, 2011, § 1, 5-17-11)

**Sec. 15-124. Administrative Regulations.**

The Financial Officer is authorized to promulgate rules and regulations as are necessary to effectuate the implementation, administration and enforcement of this Division.

(Ord. No. 060, 2011, § 1, 5-17-11)

**Sec. 15-125. Violations and penalties.**

In addition to the revocation, suspension or denial of a permit or identification badge issued under this Division, any applicant, permittee or solicitor who violates any of the provisions of this Division, and any person who violates §§ 15-108, 15-109, 15-115 or 15-117, shall be guilty of a misdemeanor punishable in accordance with § 1-15.

(Ord. No. 060, 2011, § 1, 5-17-11)

**Secs. 15-126—15-128. Reserved.**

DIVISION 2. AUCTIONS

**Sec. 15-129. License required for public auctions.**

It shall be unlawful for any persons to engage in the business of selling any property at public auction in the City without first having obtained a license as provided in this Division. Sales made under and by virtue of legal processes or under and by virtue of any power contained in mortgages, trust deeds or similar instruments are hereby excepted from the provisions of this Division.

(Code 1972, § 73-28; Ord. No. 060, 2011, §2, 5-17-11)

**Sec. 15-130. License fees and term.**

- (a) The fee for an auctioneer's license shall be twenty-five dollars (\$25.) per year, payable in advance.
  - (b) All annual licenses issued hereunder shall terminate on December 31 of each year. The fee for a renewal license shall be due and payable on January 1 of each year. Whenever an applicant who did not hold a license for a previous year applies after January 1 for a license, the Financial Officer shall prorate the license fee and charge only that part applicable to the remaining part of the whole year. In making such proration, the month shall be considered as the smallest subdivision of the year. Quarterly licenses may be issued for any consecutive three-month period but shall run from the first day of the month in which the license is issued, and there shall be no proration on account of any partial month.
- (Code 1972, § 73-30; Ord. No. 060, 2011, §2, 5-17-11)

**Sec. 15-131. Issuance of licenses; transfer prohibited.**

The licenses provided for in this Division shall only be issued upon application to the Financial Officer and upon the payment in advance of the fee. Such license shall be valid only in the hands of the person to whom it is issued and it shall not be transferable.

(Code 1972, § 73-31; Ord. No. 060, 2011, §2, 5-17-11)

**Secs. 15-132—15-135. Reserved.**

**DIVISION 3. SPECIAL SALES\***

**Sec. 15-136. License required; exceptions.**

Every person engaged in the City in the business of selling goods, wares and merchandise known or advertised in any way to be goods, wares or merchandise bought at fire sales, auction sales or the stock of insolvents or advertised in any way for the purpose of inducing customers to believe that they will be sold for prices at or below actual cost from the wholesaler or manufacturer, shall be required to pay to the City in advance a license or occupation tax of two hundred fifty dollars (\$250.) for each six (6) months or part thereof engaged in such business. This Division shall not apply to merchants regularly and permanently engaged in the City in business in which the selling of damaged, bankrupt and fire sales is only a feature of the business and who have paid and expect to pay annual City taxes assessed upon their stock of merchandise.

(Code 1972, § 73-19)

**Sec. 15-137. Violations and penalties.**

Any person, partnership or corporation engaged in the business described in § 15-136, excepting such as come within the terms of that Section, who shall see or expose for sale goods, wares and merchandise bought at fire sales or auction sales or damaged stock, bankrupt stock or the stock of insolvents known or advertised as such or advertised in any way for the purpose of inducing customers to believe that such goods will be sold for prices at or below cost from the wholesaler or manufacturer without being duly licensed as required by § 15-136 shall be guilty of a misdemeanor, and any person acting as agent or manager and in control of such stock or a part thereof shall be guilty of a misdemeanor.

(Code 1972, § 73-20)

**Cross-reference**—General penalty, § 1-15.

**Secs. 15-138—15-150. Reserved.**

**ARTICLE V.  
CONTRACTORS\*\***

**Sec. 15-151. Intent.**

The intent and purpose of this Article is to establish minimum qualification, liability insurance and conduct standards for persons engaged in construction, alteration or repair of buildings or portions thereof and for persons performing specialized trades as regulated under this Article on such buildings, through the issuance of contractor licenses and supervisor certificates as provided hereunder.

(Ord. No. 36, 2001, 3-6-01)

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\* **Cross-reference**—Going-out-of-business sales, § 15-181 et seq.

\*\* **Cross-references**—Building Review Board, § 2-117 et seq.; buildings and building regulations, Ch. 5; building construction standards, § 5-26 et seq.; electrical standards, § 5-80 et seq.; mechanical standards, § 5-106 et seq.; plumbing standards, § 5-125 et seq.; licensing of plumbers and contractors, plumbers licensing and registration required, plumbing contractor's licensing and registration required, § 15-306; sidewalk, driveway, curb and gutter contractors, § 15-361 et seq.; contractors responsible for construction waste on public streets and sidewalks, § 20-64.

**Sec. 15-152. General.**

The Building Official shall administer the provisions of this Article and shall adopt reasonable rules and procedures for such purposes.

(Ord. No. 36, 2001, 3-6-01)

**Sec. 15-153. Definitions.**

For the purpose of this Article, the following terms shall have the meanings indicated:

*Board* shall mean the Building Review Board of the City of Fort Collins.

*Building code* shall mean the building code adopted by the City as specified in Chapter 5, Article II, Division 2 of the Code.

*Building Official* shall mean the duly appointed City official as specified in the building code adopted by the City.

*Construction* shall mean the erection, alteration, repair or remodeling of any building or structure or portion thereof as regulated by Chapter 5, Article II, Division 2 of the Code; and work regulated under the City mechanical code as adopted in Chapter 5, Article IV of the Code.

*Construction value* shall mean the total replacement costs, as defined in the building code, for a particular construction project.

*Contractor*, unless specifically exempted in the Article, shall mean any person, firm, partnership, corporation, association, other organization or any combination thereof, that undertakes with or for another on any property within the City any construction, demolition, or specialized trade for which a license as named in this Article is required and for which said construction or demolition a fixed fee, trade-in-kind or other compensation is made.

*Employee* shall mean a person who is eligible for Colorado Workers' Compensation insurance and unemployment insurance benefits, is employed by a contractor to perform construction work, to which person a wage or salary is directly paid as an individual. For purposes of this Article, any worker who qualifies as an *independent contractor* under state law is not considered an employee of a contractor.

*Exempt specialized trade subcontractor* shall mean any person, firm, partnership, corporation, association, other organization or any combination thereof, which subcontractor is not an employee as defined in this Section, and which subcontractor is paid or otherwise compensated to perform construction or a trade for which a specialized trade contractor license as specified in this Article is required, except that any such subcontractor may perform such work without obtaining a license when such work is exclusively performed pursuant to a direct subcontract with a licensed specialized trade contractor. No subcontractor shall be exempt from the licensing requirements of this Article as an *exempt specialized trade subcontractor* when such subcontractor works pursuant to a direct subcontract with any of the Classes A, B, C-1, C-2, D-1, D-2 or E general contractors to perform construction regulated under this Article.

*Significant structural alteration* shall mean the structural modification of any building or portion thereof which entails the construction, alteration, replacement or repair of load-bearing elements including, without limitation, the foundation system, the bearing walls, the structural frame (as defined in the building code), the roof framing members or the floor framing members. Notching and boring of holes in such members for the passage of piping and wiring as permitted in the building code does not constitute *significant structural alteration*.

*Supervisor* shall mean a person who holds a supervisor certificate as specified in this Article and who is actively working exclusively for a licensed contractor expressly to provide direct, personal and ongoing on-site construction supervision of a construction project undertaken by the contractor. Such person must be an employee, an owner, or other person having substantial ownership interest in the contracting firm of said licensed contractor.

(Ord. No. 75, 1987, § 1, 5-5-87; Ord. No. 108, 1992, § 2, 11-3-92; Ord. No. 120, 1995, 10-3-95; Ord. No. 36, 2001, 3-6-01)

**Editor's note**—Definitions and rules of construction generally, § 1-2.

**Sec. 15-154. License required.**

(a) Except as otherwise permitted in this Article, no person may perform construction work or trade as a contractor named in this Article within the City without first obtaining a license and designating an approved supervisor as specified in this Article. No building permits shall be issued to any contractor who has not obtained a license, does not have valid insurance as set forth herein, is delinquent in the payment of the biennial license fee or whose license is expired or has been suspended or revoked.

(b) For any construction requiring a licensed contractor, permits shall be issued only to the property owner, to a licensed contractor or to an authorized representative of such owner or contractor. Should a contractor be released from or abandon such construction project, said contractor shall immediately notify the Building Official, in writing, of such action. No further work shall be done on such project until the Building Official is notified in writing of such intended resumption of work by a licensed contractor.

(Ord. No. 75, 1987, § 1, 5-5-87; Ord. No. 108, 1992, § 5, 11-3-92; Ord. No. 120, 1995, 10-3-95; Ord. No. 36, 2001, 3-6-01)

**Sec. 15-155. Exemptions.**

The parties and conditions described herein shall be exempt from the general requirements specified in this Article:

- (1) A building owner and any unpaid volunteers or paid workers employed by said owner who perform only minor alterations and repairs to such building, provided that all such work is under the continuous personal supervision of said owner. For the purposes of this Section, *minor alterations and repairs* shall not include:
  - a. Significant structural alterations (except for the repair and replacement of existing windows and doors, provided that such repair or replacement does not create larger openings or greater spans for headers);
  - b. Alterations to fire-resistive assemblies as defined in the building code;
  - c. Alterations to or the installation of electrical, plumbing or mechanical systems, except for fixture replacement and emergency repairs, and except as otherwise permitted in this Article;
  - d. Replacement of more than a total of one (1) square of roofing; or
  - e. Any nonstructural construction, alterations or repairs to a building or buildings performed by the building owner(s) and which alterations or repairs are otherwise exempted pursuant to this Section and which involve such elements as concrete slab-on-grade floors, masonry walls that are seventy-two (72) inches or less in height, wood or steel frame systems, and wallboard; when the total construction value of all work (including the related work done on the project by licensed specialized trade contractors), within any twelve-month period exceeds five thousand dollars (\$5,000.) for any one (1) such building or collectively exceeds ten thousand dollars (\$10,000.) for all such buildings combined.
- (2) An owner of a detached single-family dwelling and associated accessory buildings or any unpaid volunteer under the continuous personal supervision of the owner of such buildings who personally performs any construction on the owner's personal residence and associated accessory buildings, provided that the owner commences construction of no more than one (1) such dwelling within any twenty-four-month period. In the event such dwelling is destroyed or damaged, reconstruction thereof shall be exempt from the foregoing time period. Prior to performing any such construction, the owner must demonstrate sufficient knowledge and proficiency required to perform said construction as determined by the Building Official.
- (3) An owner or any unpaid volunteer under the continuous personal supervision of the owner of such building who personally demolishes any detached building housing an R-3 occupancy, as defined in the building code, or any building no larger than one thousand (1,000) square feet.
- (4) An employee of a contractor who is not otherwise regulated under this Article.
- (5) A partner, owner, or other company official of a licensed contractor who performs on-site construction under the direction of a qualified supervisor.

- (6) An exempt specialized trade subcontractor as defined in this Article.
  - (7) Any person, firm, partnership, corporation, association, other organization or any combination thereof performing specialized construction related to a particular trade which is not otherwise regulated by this Article, including any such trade engaged in one (1) of the following types of construction or installations: plumbing and electrical work regulated elsewhere in this Code; wallboard; masonry; nonstructural wood frame systems; finish and trim carpentry; nonstructural concrete floors, sidewalks, stairs, landings, and drives; structural and nonstructural steel systems; siding; ceramic and synthetic tile; counter surfaces and cabinets; flooring and carpet; wall and ceiling finishes; insulation; glazing; windows and doors and associated hardware; rain gutters; fences; swimming pools and spas; entertainment, data, and communication systems within any building including related wiring supplying not more than fifty (50) volts and which does not require a state electrical license; excavation and grading; landscaping; irrigation systems excluding back-flow prevention devices; sewer lines downstream of any building drain as defined in the Colorado Plumbing Code; elevators and escalators; and radon piping systems.
  - (8) Any person who is, without pay or compensation of any kind, performing construction or a specialized trade regulated under this Article and who is supervised directly by a licensed contractor and supervisor as specified in this Article to ensure that such work conforms to the applicable code(s).
- (Ord. No. 75, 1987, § 1, 5-5-87; Ord. No. 108, 1992, § 3, 11-3-92; Ord. No. 120, 1995, 10-3-95; Ord. No. 36, 2001, 3-6-01)

**Sec. 15-156. Duties of Building Review Board.**

The Building Review Board shall have the duties and perform the functions as set forth in § 2-119 of the Code, which duties and functions include, without limitation, hearing all matters related to the suspension or revocation of any supervisor certificate or license or registration of any plumber or electrician as provided in the Code. The Building Review Board is authorized, upon appeal in specific cases, to grant variances from the terms of this Article, where the strict application of any provision of this Article would result in peculiar or exceptional practical difficulties to or exceptional or undue hardship upon the person or applicant regulated; or, when such applicant can demonstrate to the satisfaction of the Board that the applicant possesses other qualifications not specifically listed in this Article, such as specialized training, education or additional experience, which the Board has determined qualifies the applicant to perform in a competent manner any construction authorized under the license or certificate sought, and provided that such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purposes of this Article.

(Ord. No. 75, 1987, § 1, 5-5-87; Ord. No. 108, 1992, § 4, 11-3-92; Ord. No. 120, 1995, 10-3-95; Ord. No. 36, 2001, 3-6-01)

**Sec. 15-157. Supervisor certificate; fees; examinations; renewals.**

(a) No contractor as defined in this Article shall perform construction that requires a permit without designating a supervisor to supervise such construction pursuant to this Article.

(b) Prior to issuance of a building permit to the holder of any contractor license specified in this Article, the holder of said license shall possess a supervisor certificate or shall have employed at least one (1) supervisor who has obtained a certificate for the specific class or specialized trade specified in this Article required to perform the scope of construction described on said permit. A supervisor certificate is valid for a period of two (2) years from the date of issuance and the biennial fee for such certificate is twenty-five dollars (\$25.). Supervisors shall observe reasonable standards of attendance on construction sites as necessary to perform adequate supervision of such construction as further specified in § 15-161 of this Article.

(c) Prior to obtaining a supervisor certificate, except as provided otherwise in this Article, an applicant for such certificate shall have passed a written examination administered by the City or the equivalent of such examination as specified herein. Every applicant who undergoes a written examination administered by the City shall pay a non-refundable examination fee of seventy-five dollars (\$75.) prior to such examination. Any applicant who fails to achieve a minimum score of seventy-five (75) percent shall be entitled to another examination covering the same license class

or specialized trade, provided that the applicant shall not be permitted more than two (2) such examinations within any six-month period unless otherwise approved by the Board. Alternatively, an applicant may be granted a third such examination within any six-month period upon the applicant demonstrating to the satisfaction of the Building Official adequate preparation for the examination by successfully completing a class or coursework covering the building code or other code as applicable, or the equivalent thereof as approved by the Building Official. The applicant shall pay a nonrefundable re-examination fee of fifty dollars (\$50.) for each subsequent examination covering the same license class or specialized trade. Examinations shall be given at a time and place designated by the Building Official. The written examination for a supervisor certificate may be waived by the Building Official provided that the applicant can prove that he or she has passed a satisfactory written examination equivalent in scope to that administered by the City.

(d) A supervisor certificate may be renewed provided that the biennial fee is paid and renewal occurs within sixty (60) days following the anniversary date such certificate was issued, and further provided that the adopted building code or other applicable code over which an examination was administered remains in effect at the time of renewal. When such adopted code over which the renewing certificate holder passed an examination has been substantially revised prior to the time of such renewal, the certificate holder must either pass a renewal examination administered by the Building Official for which no fee shall be assessed for such examination, or provide proof of having successfully completed training covering the current adopted applicable code or the equivalent thereof as approved by the Building Official. The holder of an expired certificate may be reissued such certificate by submitting a new application and paying all applicable fees as set forth in § 15-158. Such applicant shall not be required to pass an examination as prescribed in Subsection (c) above, provided that the adopted building code or other applicable code over which such applicant passed an examination remains in effect at the time the renewed certificate is obtained.

(e) The Building Official may grant a temporary supervisor certificate valid for thirty (30) days without an examination based upon individual extraordinary circumstances and upon finding that any petitioner for such certificate is otherwise qualified. Any person seeking such temporary certificate must submit a written request describing in detail the justification for such certificate and a completed application for a supervisor certificate, including all necessary fees as provided in § 15-158.

(Ord. No. 75, 1987, § 1, 5-5-87; Ord. No. 108, 1992, § 6, 11-3-92; Ord. No. 120, 1995, 10-3-95; Ord. No. 36, 2001, 3-6-01)

**Sec. 15-158. Applications; review; issuance.**

(a) Prior to being issued any license or certificate specified in this Article, all applicants for such license or certificate shall complete and submit to the Building Official an application containing the following information:

- (1) The individual applicant's name, the contractor's business name under which license the applicant is associated or will be working, a current mailing address and telephone number, and one (1) form of photographic identification of the applicant;
- (2) A written summary documenting the applicant's relevant experience with at least three (3) separate construction projects and identifying an owner, general contractor, architect, professional engineer or other person involved in each particular construction project who has personal knowledge of the applicant's responsibilities on said projects;
- (3) The applicant's disclosure of any disciplinary action (whether by the City or any other contractor licensing agency or jurisdiction) taken against any contractor licenses currently or previously held by the applicant; and
- (4) A signed statement by the applicant acknowledging the obligations associated with such license or certificate.

(b) All such applications shall be accompanied by a nonrefundable processing fee of seventy-five dollars (\$75.) for each such application.

(c) Subject to the qualification requirements of § 15-159 and subject to any applicable variances which may have been granted by the Board pursuant to § 15-156 and provided further that the applicant has not committed any acts

described in § 15-162 of this Article without the Board having first conducted a hearing and having made a determination regarding the applicant's fitness to be granted a license or supervisor certificate, the Building Official shall issue to the applicant the license or supervisor certificate applied for upon receipt of all of the following:

- (1) Evidence of a passing score on the applicable written examination or equivalent as specified in this Article;
  - (2) Payment of the applicable fee;
  - (3) Written proof of general liability and workers' compensation insurance as required in this Article; and
  - (4) Documents verifying that the applicant has acted in the principal role of contractor, project supervisor or other primary supervisory role on no less than three (3) separate completed building construction or specialized trade projects. A person other than the applicant must sign such documents. Said signatory shall be a project owner, a contractor, an architect, a professional engineer or other person directly involved in the construction of said project, and said person shall have worked directly with the applicant. Additionally, said documents shall contain the following information where applicable to the license or contractor certificate sought:
    - a. The total floor area and number of stories (as defined in the building code) of each building in the project;
    - b. The building construction type as defined in the building code;
    - c. The building occupancy classification as defined in the building code;
    - d. The date the project was completed;
    - e. The address, contractor of record, and permit number (when applicable) for the project;
    - f. A description of the project which the applicant directly supervised or for which the applicant was the contractor of record, whichever is applicable, in sufficient detail to fully describe the extent of the construction or alteration or specialized trade work. Such description must describe all relevant work, such as that involving the foundation, the exterior structural elements, the interior bearing walls, the nonbearing walls and elements, the electrical systems, the plumbing systems, the mechanical systems, roofing, and any other specialized trade work that may be applicable to the license or certificate sought;
    - g. A complete description of the applicant's position and responsibilities on the project; and
    - h. The signatory's role in the project.
- (Ord. No. 75, 1987, § 1, 5-5-87; Ord. No. 108, 1992, § 7, 11-3-92; Ord. No. 120, 1995, 10-3-95; Ord. No. 36, 2001, 3-6-01)

**Sec. 15-159. Minimum experience qualifications.**

(a) Minimum experience requirements for Classes A, B, C-1, C-2, D-1, D-2 and E general contractor licenses, specialized trade contractor licenses, and associated supervisor certificates as described in § 15-160 are as hereafter provided in this Section. In order to qualify for such minimum experience, all construction and specialized trade installation projects are subject to the Building Official's review and approval for sufficient variety and complexity. All such projects shall have been constructed or installed primarily by the applicant or under the applicant's direct control. The particular license type and respective required minimum documented experience are described as follows:

- (1) To qualify for a Class A license or supervisor certificate, the applicant must have constructed or acted principally in the role of supervisor for the construction of two (2) entire buildings for which a minimum of a Class A license or contractor supervisor certificate is required, and not less than one (1) entire building for which a minimum of a Class A or a Class B license or contractor supervisor certificate is required.
- (2) To qualify for a Class B license or supervisor certificate, the applicant must have constructed or acted principally in the role of supervisor for the construction of three (3) entire buildings for which a minimum of a Class A or Class B license or supervisor certificate is required. At least one (1) such building described herein shall be classified under the building code as Type I, Type II, or Type III construction.
- (3) To qualify for a Class C-1 license or supervisor certificate, the applicant must have constructed or acted principally in the role of supervisor for the construction of three (3) entire buildings for which a minimum of a Class A, Class B or Class C-1 license or supervisor certificate is required. At least one (1) such building described herein shall be classified under the building code as Type I, Type II or Type III construction.

- (4) To qualify for a Class C-2 license or supervisor certificate, the applicant must have constructed or acted principally in the role of supervisor for the construction of three (3) entire buildings for which a minimum of a Class A, Class B, Class C-1, or Class C-2 license or supervisor certificate is required. At least one (1) such building described herein shall not be less than three (3) stories in height as defined in the building code, or at least one (1) such building shall contain not less than sixteen (16) dwelling units.
- (5) To qualify for a Class D-1 license or supervisor certificate, the applicant must have constructed or acted principally in the role of supervisor for the construction of three (3) completed new single-family homes or the equivalent thereof as determined by the Building Official.
- (6) To qualify for a Class D-2 license or supervisor certificate, the applicant must have constructed or acted principally in the role of supervisor for the construction of three (3) completed projects, each with a construction value of not less than fifteen thousand dollars (\$15,000.) and each of which entails the significant structural alteration of or the addition to a single-family home or equivalent structure as determined by the Building Official.
- (7) To qualify for a Class E license or supervisor certificate, the applicant must have constructed or acted principally in the role of supervisor for the construction of three (3) entire projects, each of which shall entail, at a minimum, the nonstructural alteration of a building classified by the building code as other than a "Group R or Group U occupancy." Each such project shall exceed twenty thousand dollars (\$20,000.) in total construction value and at least one (1) such project shall exceed fifty thousand dollars (\$50,000.) in total construction value.
- (8) To qualify for any of the specialized trade contractor licenses or certificates regulated under this Article, the applicant must submit to the Building Official written verification describing experience in such specialized trade as prescribed hereunder:
  - a. An applicant must submit written verification to the Building Official describing not less than five (5) completed projects which demonstrate that the applicant possesses at least three (3) years of supervisor experience in the specialized trade applicable to the particular license or contractor supervisor certificate sought for the following specialized trade contractor licenses or certificates: roofing, HVAC, refrigeration, fire-sprinkler systems, special fire extinguishing, flammable fuel facilities, alarm systems, wood frame construction and cast-in-place concrete.
  - b. An applicant must submit written verification to the Building Official describing not less than five (5) completed projects which demonstrate that the applicant possesses at least one (1) year of supervisor experience in the specialized trade applicable to the particular license or contractor supervisor certificate sought for the following specialized trade contractor licenses or certificates: demolition, solar energy, gas piping, signs, WTS, awnings, miscellaneous and minor structures and fireplace appliances.

(Ord. No. 75, 1987, § 1, 5-5-87; Ord. No. 108, 1992, § 7, 11-3-92; Ord. No. 120, 1995, 10-3-95; Ord. No. 36, 2001, 3-6-01)

**Sec. 15-160. License classifications; fees; renewals.**

(a) The particular contractor license required and corresponding maximum scope of construction authorized under each license is described hereunder. All licenses are valid for a period of two (2) years from the date of issuance and the fee for each license is two hundred dollars (\$200.). A license may be renewed provided said biennial fee is paid within sixty (60) days following the anniversary date such license was issued. When the license fee is not paid within such sixty-day period, the license shall expire and is not eligible for renewal. The holder of an expired license may be reissued such license by submitting a new application and paying all applicable fees as set forth in § 15-158. The Class A, B, C-1, C-2, D-1, D-2 and E general contractor licenses described in this Section do not authorize the holders thereof to perform the following specialized construction trades: electric, plumbing, HVAC, refrigeration, solar energy, alarms, fire-sprinkler systems, special fire extinguishing, gas piping, WTS, and flammable fuel facilities.

- (1) A Class A general contractor license holder shall be authorized to construct or demolish any building or structure in the City that is regulated under the building code except as otherwise limited by this Article, including

the installation of sidewalk, driveway, curb and gutter, provided that for said work in the public right-of-way, other requirements prescribed in this Code are met.

- (2) A Class B general contractor license holder shall be authorized to construct or demolish any building or structure in the City regulated under the building code up to and including five (5) stories in height. A Class B license holder is authorized to perform alterations on buildings over five (5) stories in height, provided that such alterations do not involve the structural frame as defined in the building code.
- (3) A Class C-1 general contractor license holder shall be authorized to construct or demolish any building or structure in the City that is regulated under the building code and which does not exceed two (2) stories in height nor more than ten thousand five hundred (10,500) square feet in total floor area. When any such building is classified by the building code as Type VN construction, the maximum allowable area may be that which is specified by the building code. A Class C-1 license holder is authorized to perform alterations on buildings over two (2) stories in height, when such alterations do not involve the structural frame as defined in the building code.
- (4) A Class C-2 general contractor license holder shall be authorized to construct or demolish any building or structure in the City classified by the building code as Type V construction and a Group R or a Group U, Division 1 occupancy. A Class C-2 license holder is authorized to perform any work allowed under a miscellaneous and minor structure specialized trade contractor license and to construct other ancillary Type V buildings or structures not exceeding five thousand (5,000) square feet in total floor area that are associated with a particular multiple-unit housing project to be constructed by the license holder, provided that such other buildings are limited to functions such as management offices, community and recreation buildings, maintenance buildings and similar uses.
- (5) A Class D-1 general contractor license holder shall be authorized to construct, alter, repair or demolish any building or structure in the City classified by the building code as a Group R, Division 3 occupancy housing not more than two (2) dwelling units, or a Group U, Division 1 occupancy. A Class D-1 general contractor license holder is authorized to perform any work allowed under a miscellaneous and minor structure specialized trade contractor license and to perform alterations and/or repairs to any building or structure in the City classified by the building code as a Group R, Division 1 occupancy and Type V construction, provided that any such work does not alter the structural frame as defined in the building code.
- (6) A Class D-2 general contractor license holder shall be authorized to construct residential garages not exceeding one thousand (1,000) square feet in total floor area; to construct additions which do not exceed one thousand (1,000) square feet of floor area; and to perform any structural alterations, demolitions and/or repairs, to any building or structure in the City classified by the building code as a Group R, Division 3 occupancy housing not more than two (2) dwelling units, or a Group U, Division 1 occupancy. A Class D-2 general contractor license holder shall be authorized to perform any work allowed under a miscellaneous and minor structure specialized trade contractor license and to perform alterations and/or repairs to any building or structure in the City classified by the building code as a Group R, Division 1 occupancy and Type V construction, provided that any such work does not alter the structural frame as defined in the building code.
- (7) A Class E general contractor license holder shall be authorized to perform any work allowed under a miscellaneous and minor structure specialized trade contractor license and to perform alterations to any building or structure in the City, when such alterations do not include modifications to the structural frame as defined in the building code.
  - (b) A specialized trade contractor license and a specialized trade contractor supervisor certificate shall be required for any contractor performing any specialized trade listed herein. Prior to any specialized trade supervisor being issued a supervisor certificate, the applicant for such certificate shall successfully complete a written examination as provided in § 15-157, or the applicant shall provide proof of equivalent technical qualification as determined by the Building Official. Applicants for a specialized trade contractor license or a specialized trade contractor supervisor certificate shall submit an application and documents as set forth under § 15-158 of this Article. Each specialized

trade contractor license regulated under this Article is listed and described hereunder with respect to the scope of work authorized by each such license as follows:

- (1) *Roofing* authorizes the application of nonstructural roof covering and materials as regulated by the building code, including the replacement or repair of sheathing on existing roofs.
- (2) *Demolition* authorizes the dismantling or razing of entire buildings and other structures regulated by the building code, excluding such work as partial or interior demolition work associated with alterations.
- (3) *HVAC* authorizes the installation of environmental nonportable heating, ventilation, air conditioning systems and the related piping, ducts, venting, appliances, controls and electrical wiring (supplying not more than fifty [50] volts) therefor as regulated under the mechanical code adopted by the City, excluding all other electrical and plumbing work requiring a state license.
- (4) *Refrigeration* authorizes the installation of nonportable evaporative, absorption and mechanically operated refrigeration equipment, including piping, vessels, controls and electrical wiring (supplying not more than fifty [50] volts) therefor as regulated under the mechanical code adopted by the City, excluding all other electrical and plumbing work requiring a state license.
- (5) *Solar energy* authorizes the installation of solar heat and photovoltaic collectors, storage tanks and related piping, related electrical wiring supplying not more than fifty (50) volts and nonpotable water piping, excluding all other electrical and plumbing work requiring a state license.
- (6) *Gas piping* authorizes the installation of piping and fittings for supplying fuel-gas, and the replacement of water heaters as regulated under the mechanical code adopted by the City, when such water heater replacement does not involve alteration of water supply piping or appliance venting.
- (7) *Signs* authorizes the installation and erection of permanent signs requiring a sign permit from the City, excluding electrical work regulated by the City electrical code requiring a state license.
- (8) *Fire sprinkler system* authorizes the installation of automatic fire suppression systems, including standpipes that use pressurized water as the primary extinguishing agent, and which are designed to protect entire buildings, rooms or areas and processes, other than residential fire sprinkler systems regulated under the City fire code.
- (9) *Special fire extinguishing* authorizes the installation of fire suppression systems for the protection of specialized hazards such as commercial kitchen equipment, paint booths, flammable liquid facilities and other special applications.
- (10) *Flammable fuel facilities* authorizes the installation, alteration or removal of tanks, piping and dispensing equipment for petroleum fuels or other fuels as regulated by the City fire code, including related electrical wiring supplying not more than fifty (50) volts.
- (11) *Alarm systems* authorizes the installation, testing, maintenance, and servicing of fire and security alarms as specified in the applicable provisions of the National Fire Alarm Code, NFPA 72 and the National Electrical Code, NFPA 70; including related wiring supplying not more than fifty (50) volts that does not require a state electrical license.
- (12) *Wood frame construction (framing)* authorizes the construction of Type IV and Type V structural framing systems as regulated under the building code, including the application of sheathing and siding.
- (13) *WTS* authorizes the installation of outdoor wireless telecommunication systems, including related equipment, towers, antennas and the construction of unoccupied minor related buildings housing only equipment, and associated cables and electrical wiring supplying not more than fifty (50) volts that does not require a state electrical license.

- (14) *Awnings* authorizes the erection and attachment of awnings to buildings as regulated under the building code, including such awnings incorporating signage or graphics requiring a sign permit from the City.
  - (15) *Miscellaneous and minor structures* authorizes the construction, repair or demolition of (a) detached structures such as shelters, storage sheds, playhouses, greenhouses, and gazebos; and (b) unenclosed structures such as open carports, patio covers, open porches, and decks. Any such work is further limited to one-story buildings or structures not exceeding two hundred (200) square feet in floor area and which contain occupancies limited to those classified by the building code as Group R, Division 3; Group S, Divisions 1 and 2; and Group U other than private garages.
  - (16) *Fireplace appliances* authorizes the installation of nonportable listed manufactured fuel-burning fireplace appliances and associated chimneys or vents as regulated under the mechanical code adopted by the City, excluding equipment for industrial processes or for providing primary space heating, ventilation, cooling or water heating; and excluding any building modifications, alterations or additions.
  - (17) *Cast-in-place concrete* authorizes the on-site forming and placement of structural, permanently cast-in-place concrete and reinforcement therein.
- (Ord. No. 75, 1987, § 1, 5-5-87; Ord. No. 108, 1992, § 8, 11-3-92; Ord. No. 120, 1995, 10-3-95; Ord. No. 36, 2001, 3-6-01)

**Sec. 15-161. Responsibilities of contractor; supervisor.**

(a) The contractor of record as authorized by a building permit shall be responsible for all work performed under said permit without substantial departure from the drawings and specifications filed and approved by the City as specified on the permit issued for said construction, unless changes are approved by the City, and shall observe the following standards:

- (1) The contractor of record shall obey any order or notice issued pursuant to this Article.
- (2) The contractor of record shall observe generally accepted safety standards.
- (3) The contractor of record shall employ an approved on-site supervisor as specified in this Article.
- (4) The contractor of record shall maintain liability insurance and workers' compensation insurance as specified in this Article and provide proof of such insurance to the Building Official.
- (5) The contractor of record shall provide proof of employment for employees who are performing construction work that is regulated under this Article by providing to the Building Official a copy of the signed Internal Revenue Service "Employee's Withholding Allowance Certificate (Form W-4)" for each such employee.
- (6) The contractor of record shall identify all exempt specialized trade subcontractors under the contractor's supervision when so requested by the Building Official.
- (7) When the contractor of record is a specialized trade contractor that directly subcontracts work to an exempt specialized trade subcontractor, the specialized trade contractor shall employ a supervisor who, in addition to any other on-site attendance requirements of this Article, shall be readily available and present full-time on the project site where such subcontracted work is being performed to ensure that when completed such work fully conforms to the applicable code(s).
- (8) The contractor of record shall maintain a current mailing address and a telephone number with the Building Official.
- (9) The contractor of record may proceed with work only after all required permits have been obtained and shall obtain required inspections and authorization to proceed with the work authorized under the permit.

(b) All supervisors shall be responsible for the supervision of construction in accordance with the requirements of this Article, and shall observe the following standards:

- (1) All supervisors shall be on-site and in person on a regular basis throughout the entire construction or installation process to supervise the construction or installation work under the responsibility of a licensed contractor without substantial departure from the drawings and specifications filed and approved by the City as specified on the permit issued for said construction, unless changes are approved by the City. Additionally, when the contractor of record is a specialized trade contractor that directly subcontracts work to an exempt specialized trade subcontractor, a supervisor employed by such specialized trade contractor shall be readily available and present full-time on the project site where such subcontracted work is being performed to ensure that when completed such work fully conforms to the applicable code(s).
- (2) All supervisors shall obey any order or notice issued pursuant to this Article.
- (3) All supervisors shall observe generally accepted safety standards.
- (4) All supervisors shall present the supervisor certificate, or proof thereof, during the supervision of a project for which said certificate is required when so requested by the Building Official.
- (5) All supervisors shall maintain a current mailing address and a telephone number with the Building Official. (Ord. No. 75, 1987, § 1, 5-5-87; Ord. No. 108, 1992, § 9, 11-3-92; Ord. No. 120, 1995, 10-3-95; Ord. No. 36, 2001, 3-6-01)

**Sec. 15-162. Disciplinary procedures; violations and penalties.**

(a) When the Building Official determines that a license holder or supervisor described in this Article has committed any of the acts outlined in Subsection (d) herein, or when a supervisor fails to provide adequate personal supervision on the work site, the Building Official may order a suspension of all privileges granted under such license or certificate pending a hearing by the Board. Such suspension shall not exceed a period of fifteen (15) days following the first commission of any such act and shall become effective immediately or when otherwise determined by the Building Official. Such fifteen-day suspension limitation shall not apply to any subsequent commission of any such act. Notification of said suspension shall be in writing and shall be promptly delivered to the certificate holder or an authorized person listed on such license application by certified mail to the last known address or by personal delivery. The notification shall state in reasonable detail the essential facts and reasons for said action and shall advise the affected license holder or supervisor of the right to appeal the decision of the Building Official to the Board. A copy of any such suspension shall be placed in the public record of the affected license holder or supervisor. Failure of any such person to receive such notification of suspension shall not invalidate any suspension imposed hereunder.

(b) The Building Official shall, upon the verified complaint in writing of any person alleging any of the acts outlined in Subsection (d), convene the Board for the purpose of determining the verity of such complaint and taking appropriate action thereon. Notification shall be served to the affected license or certificate holder as prescribed in Subsection (a) above.

(c) In the absence of a personal appearance on behalf of the licensee or certificate holder, or the licensee's or certificate holder's representative, the Board may take action on the matter based on the record. Any member of the City staff or any other party in interest may appear at such meeting and present evidence to the Board.

(d) The Board shall have the power to suspend or revoke (or take other disciplinary action on) any license or certificate when the Board determines that a holder thereof has committed any of the following:

- (1) Knowing or deliberate disregard of the building code or any other code adopted by the City related to a specific construction project under the responsibility of the supervisor or license holder set forth in this Article;
- (2) Failure to comply with any provision of the Code related to a specific construction project under the responsibility of the supervisor certificate holder or license holder as set forth in this Article;
- (3) Failure to comply with any lawful order of the Building Official;
- (4) Misrepresentation of a material fact in obtaining a building permit, license or supervisor certificate;

- (5) The authorized holder of a license or supervisor certificate lending of or consenting to the use of such credential by persons other than the holder thereof;
- (6) Failure to obtain any required permit for the work performed or to be performed;
- (7) Commitment of any act of negligence, incompetence or misconduct in the performance of the contractor's specific trade which results in posing a threat to public health and safety;
- (8) Performance of work for which a license or supervisor certificate is required without a valid, current license or supervisor certificate;
- (9) The act of employing compensated workers who are performing construction or who are working in a trade for which a license or certificate is otherwise required under this Article when such workers are neither employees nor exempt specialized trade subcontractors as defined under this Article; or
- (10) The act of requesting of repeated inspections by a license holder or supervisor when such inspections are related to construction or trade regulated under this Article and which reveal that the work performed or supervised by said license holder or certificate holder failed to comply with the building code or other applicable code; and such repeated noncompliance occurs in a manner or to an extent that demonstrates that the license holder or supervisor is either negligent, is not providing adequate supervision or is not qualified to perform or supervise the work.

(e) When a license or supervisor certificate is revoked, the holder thereof shall not be granted another license or supervisor certificate under this Article without approval of the Board. In deciding whether to approve a new such license or supervisor certificate, the Board shall determine whether the applicant has demonstrated that any disciplinary actions that have been taken against any contractor license or supervisor certificate currently or previously held by the applicant (whether with the City or any other contractor licensing agency or jurisdiction) have resulted in the rehabilitation of the applicant to good and disciplined character for lawful conduct as a licensed contractor or certified supervisor (as applicable). When the Board suspends a license or supervisor certificate, the Board shall state the period and conditions of the suspension.

(f) In addition to the suspension or revocation of a license or supervisor certificate by the Board as provided herein, any person, firm or corporation violating any of the provisions of this Article or any lawful rule or regulation of the Board, or any lawful order of the Building Official, shall be deemed guilty of a misdemeanor and subject to the penalties set forth in § 1-15 of the Code.

(g) Any person, firm, partnership, corporation, association, other organization or any combination thereof shall pay an investigation fee to the Building Official when such party performs or causes to be performed construction or a trade for which a contractor license as specified in this Article is required without first obtaining the required license. Such fee shall be equal and in addition to the license fee and shall be paid before the applicable license may be issued.

(Ord. No. 75, 1987, § 1, 5-5-87; Ord. No. 108, 1992, § 10, 11-3-92; Ord. No. 120, 1995, 10-3-95; Ord. No. 36, 2001, 3-6-01)

**Cross-reference**—General penalty, § 1-15.

**Sec. 15-163. Safety and insurance requirements.**

All laws relating to safety of employees and the public shall be observed at all times by any contractor or exempt specialized trade subcontractor. Every such contractor or exempt specialized trade subcontractor shall maintain workers' compensation insurance as required by state law, and public liability insurance in the minimum amounts as follows: three hundred thousand dollars (\$300,000.) per person, five hundred thousand dollars (\$500,000.) per accident and five hundred thousand dollars (\$500,000.) per accident involving public property.

(Ord. No. 75, 1987, § 1, 5-5-87; Ord. No. 120, 1995, 10-3-95; Ord. No. 36, 2001, 3-6-01)

**Sec. 15-164. Transition provisions.**

(a) Any holder of a valid contractor license or supervisor certificate prior to the effective date of this Article shall be eligible to maintain the same such license or certificate without additional application fees or examination provided that such license or certificate remains valid throughout the current annual term of such license or certificate. Thereafter, any such contractor license or supervisor certificate shall be subject to renewal provisions as prescribed in this Article.

(b) Any person holding a valid specialized trade contractor license prior to the effective date of this Article shall be eligible for the applicable specialized trade supervisor certificate without additional application fees or further written examination, provided that such person is performing the duties of a supervisor and is verified as having passed a written examination or the equivalent as approved by the Building Official. Failure of the license holder by July 1, 2001, to obtain either such supervisor certificate or employ a person who holds such supervisor certificate authorizing the performance of such specialized trades in the City, shall be grounds for imposing the penalties as prescribed under this Article.

(c) Any person, firm, partnership, or other organization that holds a current valid home improvement license prior to the effective date of this Article shall be eligible for a miscellaneous and minor structures license and supervisor certificate without additional application fees or written examination throughout the current annual term of such home improvement license. Thereafter, all such licenses and supervisor certificates shall be issued as prescribed in this Article.

(d) Any person, firm, partnership, or other organization that is performing one (1) of the specialized trades described under this Article as cast-in-place concrete, fireplace appliances, or awnings in the City shall obtain such applicable license and supervisor certificate by July 1, 2001, or be subject to the penalties prescribed under this Article.

(Ord. No. 36, 2001, 3-6-01)

**Secs. 15-165—15-170. Reserved.**

**ARTICLE VI.  
ELECTRICAL CONTRACTORS**

**Sec. 15-171. Definition of electrical contractors.**

For the purposes of this Article, *electrical contractor* means any person, firm, partnership, corporation, association or combination thereof who undertakes or offers to undertake for another the planning, laying out, supervising and installing or the making of additions, alterations and repairs and the installation of wiring apparatus and equipment for electric light, heat and power. A registered professional engineer who plans or designs electrical installations shall not be considered an *electrical contractor*.

(Code 1972, § 47-10(A); Ord. No. 22, 1987, § 3(47-10(A)), 2-17-87)

**Sec. 15-172. License and registration required; suspension; revocation.**

(a) No person shall engage in the business of contracting for the installation of electrical work in the City without registering as an electrical contractor with the Department of Building and Zoning. In order to register as required herein, the person must perform the following:

- (1) Be licensed as a master electrician by the State Electrical Board or have an employee so licensed. The registration required herein shall be valid only as long as the registrant is licensed or employs a person so licensed;
- (2) Observe all laws relating to safety of employees and the public at all times. Every such contractor shall maintain workers' compensation insurance as required by state law, and public liability insurance in the minimum amounts as follows: One hundred fifty thousand dollars (\$150,000.) per person, four hundred thousand dollars (\$400,000.) per accident, and four hundred thousand dollars (\$400,000.) per accident involving public property.

- (3) Pay a registration fee of fifty dollars (\$50.) to the City, valid for a period of one (1) year from the date of payment;
- (4) Provide supervision and maintain licenses as required by the State Electrical Board for all apprentice and journeyman electricians.

(b) The Building Review Board, as established in § 2-117, shall conduct any hearings relating to suspension or revocation of any electrical contractor registration for just cause under the procedures as set forth therein. The Board may, on its own motion or shall at the request of the appellant, augment its membership by two (2) master electricians to conduct any hearing involving suspension or revocation of an electrician's registration.  
 (Code 1972, § 47-10(B), (C); Ord. No. 22, 1987, § 3(47-10(B), (C), 2-17-87; Ord. No. 130, 2002, § 12, 9-17-02)

**Secs. 15-173—15-180. Reserved.**

## ARTICLE VII. GOING-OUT-OF-BUSINESS SALES\*

### Sec. 15-181. Definitions.

The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this Section:

*Going-out-of-business sale* shall mean a sale advertised or conducted in such a manner as to reasonably cause the public to believe that upon the disposal of the stock of goods on hand, the business will be discontinued and terminated. *Going-out-of-business sales* include but are not limited to sales advertised as being attributable to the following: adjustors, adjustment, alteration, assignees, bankrupt, benefit of administrators, benefit of creditors, benefit of trustees, building coming down, closing, creditors committee, creditors, end, executors, final days, forced out, forced out of business, insolvent, last days, lease expires, liquidation, loss of lease, mortgage sales, receivers, trustees, quitting business.

*Goods* shall mean any goods, wares, merchandise or other property capable of being the object of a sale regulated hereunder.  
 (Ord. No. 147, 1994, 10-18-94)

### Sec. 15-182. Requirements of sale.

Any person advertising or conducting a going-out-of-business sale:

- (1) Shall be the owner of the business for at least six (6) months prior to the date of the proposed sale;
- (2) Shall not have conducted a going-out-of-business sale within one (1) year prior to the date of the proposed sale at the location for the proposed sale;
- (3) Shall limit the sale to goods on hand and goods ordered at least thirty (30) days prior to the first day of the sale and pursuant to a valid written purchase order;
- (4) Shall not knowingly use any untrue, deceptive or misleading advertising or representations to promote the sale;
- (5) Shall conduct the sale in strict conformity with all advertisements and representations made by such person about the sale;
- (6) Shall keep all goods that are not included in the sale separate from the goods included in the sale and shall clearly mark such goods as not being included in the sale; and

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\* **Cross-references**—Special sales, § 15-136 et seq.; sales and use tax, § 25-71 et seq.

(7) Shall limit the sale to seventy-five (75) consecutive days or less.  
(Ord. No. 147, 1994, 10-18-94)

**Sec. 15-183. Exceptions.**

The provisions of this Article shall not apply to or affect the following persons:

- (1) Persons acting pursuant to an order or process of a court of competent jurisdiction;
  - (2) Persons acting in accordance with their powers and duties as public officials; or
  - (3) Duly licensed professional liquidators or auctioneers selling at auction.
- (Ord. No. 147, 1994, 10-18-94)

**Sec. 15-184. Violations and penalties.**

Any violation of this Article shall be considered a misdemeanor and shall be punishable upon conviction as provided in § 1-15 of this Code.  
(Ord. No. 147, 1994, 10-18-94)

**Secs. 15-185—15-260. Reserved.**

**ARTICLE VIII.  
PAWNBROKERS\***

**Sec. 15-261. Definitions.**

The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this Section:

*Contract for purchase* shall mean a contract entered into between a pawnbroker and a customer pursuant to which money is advanced to the customer by the pawnbroker on the delivery of tangible personal property by the customer, for a fixed price within a fixed period of time, with the understanding that the customer has the option to cancel the contract.

*Customer* shall mean a person who delivers personal property into the possession of a pawnbroker for the purpose of entering into a contract for purchase or a purchase transaction.

*Fixed period of time* shall mean that period of time, to be no less than thirty (30) days, set forth in a contract for purchase within which the customer has the option to cancel the contract.

*Fixed price* shall mean the amount agreed upon to cancel a contract for purchase during the option period.

*Manager* shall mean a person employed by a pawnbroker who is designated as manager or whose duties entail the exercise of discretion and independent judgment in the administration of the affairs of a pawnbroker's business and the supervision of other employees, as well as the making of loans, the execution of any documents required to be prepared pursuant to this Article and/or the purchasing of goods or property on behalf of the business.

*Pawnbroker* shall mean a person regularly engaged in the business of making contracts for purchase and purchase transactions in the course of said business. *Pawnbroker* shall include, without limitation, all owners, managers or employees of a pawnbroker business required to be licensed by the City whose regular duties include making contracts for purchase, purchase transactions or executing any documents required to be prepared pursuant to this Article.

*Peace officer* shall mean any undersheriff, or deputy sheriff (other than one appointed with authority only to receive and serve summons and civil process), police officer, state patrol officer, town marshal, or investigator for a

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\* **Cross-references**—Secondhand dealers, § 15-316 et seq.; sales and use tax, § 25-71 et seq.

district attorney or the Attorney General, who is engaged in full-time employment by the State or a city, county, town or judicial district within this State.

*Purchase transaction* shall mean 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 previously been sold at retail, when such purchase does not constitute a contract for purchase.

*Tangible personal property* shall mean all personal property other than choses in action, securities or printed evidence of indebtedness, which property is deposited with or otherwise actually delivered into the possession of a pawnbroker, in the course of business, in connection with a contract for purchase or purchase transaction.

(Code 1972, § 73-67; Ord. No. 91, 2000, 8-15-00; Ord. No. 111, 2004, § 1, 7-20-04)

**Cross-reference**—Definitions and rules of construction generally, § 1-2.

#### **Sec. 15-262. License required.**

It shall be unlawful for any person to engage in the business of pawnbroking except as provided in and authorized by this Article and without first having obtained a license from the Financial Officer. Such license shall be kept current at all times, and the failure to maintain a current license shall constitute a violation of this Section.

(Code 1972, § 73-68; Ord. No. 91, 2000, 8-15-00)

#### **Sec. 15-263. Annual license fee.**

The annual license fee for carrying on the business of pawnbroking shall be three hundred dollars (\$300.), which shall be submitted together with an application for such license to the Financial Officer. Said license fee is nonrefundable, unless the application is denied.

(Code 1972, § 73-69; Ord. No. 91, 2000, 8-15-00)

#### **Sec. 15-264. Surety bond required.**

The licensee or applicant shall furnish the Financial Officer with a good and sufficient bond, with a surety to be approved by the Financial Officer, in the sum of two thousand five hundred dollars (\$2,500.), which bond shall be conditioned upon the pawnbroker's compliance with all provisions of this Article, including, without limitation, the payment of all surcharges and fees.

(Code 1972, § 73-70; Ord. No. 91, 2000, 8-15-00)

#### **Sec. 15-265. Investigation and approval of licensees and managers required.**

(a) No license shall be issued by the Financial Officer until the application for a license has been investigated by the Chief of Police. Each applicant shall pay a nonrefundable investigation and/or fingerprint and photograph fee at the time the application is filed in an amount not to exceed that charged by the Colorado Bureau of Investigation. Further, each applicant shall furnish a birth certificate, alien registration card or other reasonable identification card to prove the applicant's name, date of birth and residency, and shall provide any other information which is requested on the application.

(b) No licensee shall employ a person as a manager, nor shall any person accept such employment, unless such person has been investigated and been granted a manager's certificate by the Chief of Police pursuant to the following:

- (1) Prior to becoming employed by a licensee, an applicant for a manager's certificate, or for the renewal of such certificate, shall be fingerprinted and photographed by Police Services. Each applicant for a certificate, or renewal of a certificate, shall furnish a birth certificate, alien registration card or other reasonable identification card to prove the applicant's name, date of birth and residency, and shall provide any other information which is requested on the application.
- (2) An applicant for a manager's certificate shall pay a nonrefundable fingerprint and investigation fee in an amount not to exceed that charged by the Colorado Bureau of Investigation. If, however, the applicant can provide proof of a criminal history investigation completed by the Colorado Bureau of Investigation within the

year immediately preceding the application, such person need only submit a fingerprint card and photograph and pay the associated fee.

- (3) Each manager's certificate shall have clearly imprinted thereon a statement that it is valid only for the period of time specified thereon, and only in the pawn industry. A provisional certificate shall be issued by the Chief of Police upon filing of the application, which provisional certificate shall remain in effect during the pendency of an applicant's background investigation. Each provisional or regular manager's certificate shall be stamped with the name of the pawnbroker and business location(s) for which it is valid. A regular certificate issued shall be for a maximum period of three (3) years; and such certificate shall automatically expire: (i) upon a change of employment by the certificate holder, unless renewed within ten (10) days thereafter, or (ii) if the holder is not employed in the pawn industry within the City for a period of ninety (90) days or more. A manager's certificate which has expired may be renewed by the application process described above.
- (4) A manager's certificate may, in the discretion of the Chief of Police, be revoked when the holder has been determined by the Chief to be in violation of any of the provisions of this Article.
- (5) Any applicant who has made a false statement upon the application for a pawnbroker license and/or application for a manager's certificate, in addition to being subject to revocation of said license and/or certificate, commits a misdemeanor punishable under § 1-15.

(c) No pawnbroker license or manager's certificate shall be renewed or issued to the following persons under the provisions of this Article:

- (1) Subject to the provisions contained in Section 24-5-101, C.R.S., a person who has been convicted of: any felony or any crime which under the laws of this State would be a felony; any crime of which fraud or intent to defraud was an element, whether in this State or elsewhere; any crime of embezzlement or larceny against an employer or business; or any criminal conviction or civil violation related to any law or ordinance pertaining to the pawn industry;
- (2) Any person under the age of eighteen (18);
- (3) Any person who has made a false, misleading or fraudulent statement on his or her application for license or a manager's certificate.

(d) No employee under eighteen (18) years of age shall make loans, purchase any goods or property on behalf of the business or execute any document required to be prepared pursuant to this Article, unless such employee is under the direct supervision of a manager who is physically present on the licensed premises.

(e) Within forty-five (45) days of receipt of an application for a new license or to renew a license, the Financial Officer shall issue or renew such license, provided that the Chief of Police after investigation has determined that the applicant will or has operated the business in such a manner as to fully comply with the requirements and purposes of this Article. A decision regarding said determination shall also be made by the Chief of Police within forty-five (45) days of receipt of an application for license or renewal.

(f) Licenses shall be limited to use at the premises specified in the application. Such license shall not be transferable.

(g) The revocation, suspension or denial of the issuance or renewal of a license or manager's certificate may be appealed to the City Manager pursuant to the appeals procedure set forth in Article VI of Chapter 2 of this Code. (Code 1972, § 73-71; Ord. No. 91, 2000, 8-15-00; Ord. No. 129, 2002, § 8, 9-17-02; Ord. No. 130, 2002, § 7, 9-17-02)

**Sec. 15-266. Required books and records.**

(a) Every pawnbroker shall keep books and records sufficient to identify each pledge, contract for purchase or purchase transaction, and each forfeiture of property pursuant to the terms of a contract for purchase. Every customer shall provide to the pawnbroker the following information for such books and/or records:

- (1) The customer's name and date of birth;
- (2) The current street address, city, state and zip code of the customer's residence;
- (3) The customer's identification from:
  - a. An identification card issued in accordance with Section 42-2-302, C.R.S.;
  - b. A valid state driver's license;
  - c. A valid driver's license containing a picture issued by another state;
  - d. A military identification card;
  - e. A valid passport;
  - f. An alien registration card; or
  - g. A nonpicture identification document issued by a state or federal government entity, if in addition to the document, the pawnbroker also obtains a clear imprint of the consignor's, seller's or trader's right index finger (or in the event the right index finger is missing, then the customer's left index finger); and
- (4) A clear imprint of the person's right index finger. In the event that the right index finger is missing, the customer's left index finger shall be imprinted or, if the left index finger is missing, then any other of the customer's fingers or thumbs may be imprinted. If all fingers and thumbs are missing, this fingerprint requirement shall not apply.

(b) All transactions shall be kept in a numerical register in the order in which they occur, which register shall show the printed name and signature of the pawnbroker or agent, the purchase price or other monetary amount of the transaction, the date, time and place of the transaction, and an accurate and detailed account and description of each item of tangible personal property involved, including but not limited to any and all trademarks, identification numbers, serial numbers, model numbers, owner-applied numbers, brand names or other identifying marks on such property. The books and records of the licensee shall also reveal the date on which each extension of credit under a contract for purchase was terminated and whether and by whom the pawned personal property of the customer was redeemed, renewed or forfeited upon the expiration of the contract for purchase.

(c) If the pawned personal property is redeemed by a person other than the original customer, the person redeeming the property shall provide to the pawnbroker, and the pawnbroker shall record, the following information:

- (1) The person's name and date of birth;
- (2) The current street address, city, state and zip code of the person's residence;
- (3) The person's driver's license number or other identification number from any other form of identification which is allowed under Paragraph (a)(3) above; and
- (4) A clear imprint of the person's right index finger. In the event that the right index finger is missing, the customer's left index finger shall be imprinted or, if the left index finger is missing, then any other of the customer's fingers or thumbs may be imprinted. If all fingers and thumbs are missing, this fingerprint requirement shall not apply.

(Code 1972, § 73-72(A); Ord. No. 91, 2000, 8-15-00)

**Sec. 15-267. Declaration of ownership.**

(a) The pawnbroker shall at the time of making the loan contract for purchase or purchase transaction obtain a written declaration of ownership from the customer stating:

- (1) Whether the property that is the subject of the transaction is solely owned by the customer and, if not solely owned by the customer, the customer shall attach a power of attorney from all co-owners of the property authorizing the customer to sell or otherwise dispose of the property;
- (2) How long the customer has owned the property;
- (3) Whether the customer or someone else found the property; and
- (4) If the property was found, the details of the finding.

(b) The pawnbroker shall require the customer to sign his or her name, in the presence of the pawnbroker, on the declaration of ownership and in the register to be kept under this Article. Each such declaration shall also be signed by the pawnbroker at the time of the transaction. The customer shall be given a copy of the contract for purchase or a receipt for the purchase transaction.

(Code 1972, § 73-72(B); Ord. No. 91, 2000, 8-15-00)

**Sec. 15-268. Requirements for records.**

(a) All records required to be kept under this Article must be kept in the English language, in a legible manner and shall be preserved and made accessible for inspection for a period of three (3) years after the date of redemption or forfeiture and sale of the property. Information from records and fingerprints inspected by Police Services pursuant to this Article shall be used for regulatory and law enforcement purposes only.

(b) A copy of any record required to be kept under this Article, together with a copy of the record of each contract for purchase or a receipt of the purchase transaction, shall be made available to Police Services each day so that said Service may maintain a complete record of all business transactions of the pawnbroker. It shall be the responsibility of Police Services to pick up the copies from the pawnbroker.

(Code 1972, § 73-72(C); Ord. No. 91, 2000, 8-15-00; Ord. No. 130, 2002, § 7, 9-17-02; Ord. No. 111, 2004, § 2, 7-20-04)

**Sec. 15-269. Minimum fixed period of time; maximum fixed price.**

(a) No contract for purchase shall be for a fixed period of time of less than thirty (30) days.

(b) No pawnbroker shall ask, demand or receive any fixed price that exceeds one-fifth ( $1/5$ ) of the original purchase price for each month plus the amount of the original purchase price.

(Code 1972, § 73-73; Ord. No. 91, 2000, 8-15-00; Ord. No. 111, 2004, § 3, 7-20-04)

**Sec. 15-270. Intermediate payments upon loans.**

Pawnbrokers shall accept any intermediate payment offered by a customer upon a loan made under a contract for purchase which has not matured, so long as such payment is equal to or greater than ten (10) percent of the fixed price as defined in § 15-261, together with accrued charges. The acceptance of payments in lesser amounts shall be discretionary with the pawnbroker. A receipt showing the date of the payment and the amount shall be given to the customer for all monies received on account of or in payment of loans made under a contract for purchase.

(Code 1972, § 73-74; Ord. No. 91, 2000, 8-15-00)

**Sec. 15-271. Holding period and sale of tangible personal property.**

(a) 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 and shall not be changed in form or altered in any other way.

(b) A pawnbroker shall hold all goods received through a contract for purchase within his or her jurisdiction for a period of ten (10) days following the maturity date of the contract for purchase, during which time such goods shall be held separate and apart from any other tangible personal property and shall not be changed in form or packaged or altered in any way. If the customer has failed or neglected to redeem such property on or before the maturity date of

the contract by repayment of the balance of the principal and payment of all accrued interest charges, the pawnbroker shall, immediately upon maturity of the contract, mail with sufficient postage a notice of the impending sale of the property delivered under the contract. Such notice shall be mailed to the customer at the address shown on the contract pertaining to the transaction. Ten (10) days shall be allowed from the date of mailing of the notification for the customer to appear and reclaim the property or make satisfactory payments upon it. The pawnbroker shall not sell or otherwise dispose of the property prior to the expiration of the ten-day period.

(Code 1972, § 73-75; Ord. No. 91, 2000, 8-15-00)

**Sec. 15-272. Hold orders; surrender of property; inspection of records and premises.**

(a) Any peace officer may order a pawnbroker to hold any tangible personal property deposited with or in custody of any pawnbroker, if the officer has reasonable suspicion to believe that such property is connected with criminal activity, for purposes of further investigation. No sale or other disposition may be made of such property held by any pawnbroker while the hold order remains outstanding. Any such hold order shall be effective for ninety (90) days only, unless a criminal prosecution is undertaken with regard to any such property within such ninety-day period, in which event the hold order shall remain in effect until the prosecuting agency has notified the pawnbroker that the prosecution has been completed or dismissed.

(b) Unless a warrant is required by law or consent is given, if any peace officer determines, after investigation, that any article of personal property held by a pawnbroker is stolen or illegally obtained property, such officer may take such property into evidence after giving the pawnbroker a receipt for it which sets forth Police Services' case number as well as the reason for the confiscation.

(c) The physical premises of any licensed pawnbroker business, including any area in which tangible personal property is located, shall be subject to inspection by Police Services during all business hours and other times of apparent activity, for the purpose of investigation and inspection of books, records and inventory. Where any part of the licensed premises consists of a locked area, such area shall be made available for inspection, without delay, upon the request of any member of Police Services. For the purposes of this provision, the term *licensed premises* shall not include any private residence adjacent to the licensed premises except such portion of said residence, if any, that is used in the operation of the business of the pawnbroker. Except for items in plain view, if any inspection is conducted hereunder, the peace officer conducting such inspection shall document the same on a form approved by Police Services and shall, within twenty-four (24) hours of conducting such inspection, provide a copy thereof to the pawnbroker.

(Code 1972, § 73-76; Ord. No. 91, 2000, 8-15-00; Ord. No. 130, 2002, § 7, 9-17-02)

**Sec. 15-273. Prohibited transactions.**

(a) It shall be unlawful for any pawnbroker to accept any tangible personal property under a contract for purchase or purchase transaction from the following:

- (1) Any person under eighteen (18) years of age;
- (2) Any person under the influence of alcohol or any narcotic drug or stimulant;
- (3) Any person known to such pawnbroker to have been convicted of larceny, theft or burglary without first notifying Police Services.

(b) With respect to a contract for purchase, no pawnbroker may permit any customer to be obligated on the same day in any way under more than one (1) contract for purchase agreement with the pawnbroker which would result in the pawnbroker's obtaining a greater amount of money than would be permitted if the pawnbroker and customer had entered into only one (1) contract for purchase covering the same tangible personal property.

(c) No pawnbroker shall violate the terms of a contract for purchase.

(Code 1972, § 73-77; Ord. No. 91, 2000, 8-15-00; Ord. No. 130, 2002, § 7, 9-17-02)

**Sec. 15-274. Business limited to one location.**

A pawnbroker shall conduct his or her pawnshop business from only one (1) business location, which shall be the location listed on the pawnbroker's license. This provision shall not prohibit a pawnbroker from using warehouses or other storage locations away from the licensed place of business, but such other location shall be used only if the pawnbroker first submits notice to the Financial Officer in writing of such off-site locations. Such off-site locations shall be open to any peace officer for inspection as provided for in Subsection 15-272(c).  
(Code 1972, § 73-78; Ord. No. 91, 2000, 8-15-00)

**Sec. 15-275. Violations and penalties.**

In addition to the revocation, suspension or denial of a license or manager's permit issued, any person, including but not limited to any customer or pawnbroker, who violates any of the provisions of this Article, shall be guilty of a misdemeanor punishable in accordance with § 1-15.  
(Code 1972, § 73-79; Ord. No. 91, 2000, 8-15-00)

**Sec. 15-276. Notice of penalties required.**

Every pawnbroker shall conspicuously post a notice, provided by Police Services, in a place clearly visible to all customers which sets forth the penalties of this Article and of Section 12-56-104(5), C.R.S., concerning false information to a pawnbroker and Section 18-4-410, C.R.S., concerning theft by receiving. Such notification shall include information to the effect that stolen property may be confiscated by any peace officer and returned to the rightful owner without compensation to the buyer; and may also include any information regarding any reimbursement policy of the pawnbroker regarding confiscation.  
(Ord. No. 91, 2000, 8-15-00; Ord. No. 130, 2002, § 7, 9-17-02)

**Secs. 15-277—15-290. Reserved.**

**ARTICLE IX.  
PLACES OF ENTERTAINMENT\***

**Sec. 15-291. License required.**

It shall be unlawful for any person to produce, conduct or carry on any public exhibition, show, circus, menagerie, carnival, public dance or other form of public amusement wherein an admission fee is charged without first having procured a license from the Financial Officer in the manner provided in § 15-292. This Article shall not apply to any governmental entity or to any person producing, conducting or carrying on such public amusement under the sponsorship of a governmental entity and in or upon any property owned by a governmental entity.  
(Code 1972, § 73-36; Ord. No. 36, 1994, § 2, 3-15-94)

**Sec. 15-292. License application.**

(a) Applications for licenses required by § 15-291 shall be made through the Financial Officer, and the Financial Officer shall issue licenses upon approval of the application by the City Manager.

(b) Any person desiring a license shall file with the Financial Officer an application on forms to be provided by the City setting out such information as may be required by the City Manager, including the following:

- (1) The full name of the applicant;
- (2) The name and business address of the show operator if different from the applicant;
- (3) The kind of show or public entertainment to be conducted;
- (4) The place where it is to be given;

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\* **Cross-reference**—Amusement devices and places, § 15-86 et seq.

(5) The time for which the license is sought; and

(6) In the case of carnivals or similar forms of public amusement, the number of attractions to be presented.

(c) Such application shall be submitted at least ten (10) days before the place of amusement will be open to the public and shall be accompanied by the appropriate license fee required.

(d) The City Manager shall investigate the character of the applicant and the show operator, if different from the applicant, and shall order the license to be issued if he or she determines that such parties are of good moral character and financially responsible and that the other requirements of this Article have been met.

(Code 1972, § 73-37)

**Sec. 15-293. License fees; term.**

(a) License applications shall be accompanied by the appropriate license fees, which shall be as follows:

(1) For all theaters, opera houses, motion picture shows and other similar facilities where shows are to be produced for the public, the fee shall be in the amount of one hundred ten dollars (\$110.) per annum.

(2) For drive-in theaters, the fee shall be eighty dollars (\$80.) per annum.

(3) For all circuses, menageries and carnivals, the fee shall be eighty dollars (\$80.) for each day that such entertainment is presented in the City, provided that for carnivals, if more than forty (40) attractions are presented, an additional fee of two dollars and fifty cents (\$2.50) per day for each attraction over forty (40) shall be paid.

(4) For public dance halls, the fee for the license shall be eighty dollars (\$80.) per annum.

(b) In case of any attraction for which an annual fee is provided, the license shall be issued for the period January 1 through December 31. In case of an application for license after January 1 of any year, the license fee shall not be prorated and the full fee shall be charged for a partial year.

(Code 1972, § 73-38)

**Sec. 15-294. Conditions of license for certain shows.**

(a) The license for any circus, menagerie or carnival shall be issued subject to the following additional requirements:

(1) A representative of Fire Services and/or the Department of Building and Zoning shall make an inspection of the area and the equipment in order to determine that adequate fire lanes are provided, that adequate fire hydrants or other means of extinguishing fires are available, that electrical connections are made in a safe manner and that electrical equipment appears to be in good working order.

(2) A representative of Police Services shall inspect the area in order to verify that no unreasonable noise or light condition will adversely affect any adjoining residential areas.

(3) A representative of the City Engineer shall inspect the area in order to verify that adequate arrangements have been made in order to prevent trash and litter blowing onto adjoining premises or to collect any trash or litter which does blow onto adjoining premises and to verify that adequate rest room facilities are available for the public at any time the attraction is open to the public.

(b) All of such inspections shall be completed after the attraction is set up but before the same is opened to the public. The City representative making the inspection shall have the power to require reasonable corrections to be made in order to protect the public and adjoining premises.

(c) The application shall be accompanied by a corporate surety bond in the amount of five thousand dollars (\$5,000.), to secure the applicant's compliance with all requirements of this Article and any conditions imposed upon the issuance of the license pursuant to this Article.

(d) The application shall be accompanied by proof that the applicant has a commercial general liability insurance policy with at least five hundred thousand dollars (\$500,000.) combined single limits. If the applicant intends to sell prepared or processed food, the application must also be accompanied by proof the applicant has products liability insurance with at least five hundred thousand dollars (\$500,000.) combined single limits.  
(Code 1972, § 73-39(A)(1), (2); Ord. No. 36, 1994, §§ 3, 4, 3-15-94; Ord. 222, 1998, § 3, 12-15-98; Ord. No. 130, 2002, §§ 6, 7, 12, 9-17-02)

**Sec. 15-295. Deposit for sales tax.**

(a) In addition to the foregoing requirements, any applicant for a circus, menagerie or carnival license shall deposit with the Financial Officer at the time of making the license application an amount equal to fifty dollars (\$50.) for each day the attraction will be available to the public. The deposit shall be to cover anticipated sales tax from the attraction.

(b) Within twenty (20) days after the expiration of the license, the licensee shall file the necessary sales tax return with the Financial Officer and pay any additional sales tax owing or receive a refund from the deposit if the deposit is more than the sales tax. If no sales tax return is filed within such time, the amount deposited shall be deemed to be the amount of the sales tax and no refund will be available.

(Code 1972, § 73-39(A)(3); Ord. No. 36, 1994, § 5, 3-15-94)

**Cross-reference**—Sales and use tax, § 25-71 et seq.

**Sec. 15-296. Public dance hall license requirements.**

Any public dance hall shall be operated in compliance with all requirements of the Code relating to occupancy limits, required rest room facilities and other requirements pertaining to customer facilities.

(Code 1972, § 73-39(B))

**Sec. 15-297. Special conditions.**

In authorizing the issuance of a license, the City Manager may specify special conditions including hours of operation or manner of operation which are intended to ensure that the place of amusement will not be unduly annoying to any residential areas in the vicinity. In the case of circuses, menageries and carnivals, the City Manager may deny the application if he or she determines that such attraction in the location requested will unreasonably disrupt the peace and quiet of any residential neighborhood in the City.

(Code 1972, § 73-39(C))

**Sec. 15-298. Appeal to City Council.**

(a) If any applicant for a license is denied such an application by the City Manager or if the City Manager will issue the license only upon conditions which are not acceptable to the applicant, the applicant may appeal the decision of the City Manager to the City Council. Notice of such appeal must be filed at least five (5) days before the meeting of the City Council at which the applicant requests that the appeal be heard.

(b) At the time of hearing the appeal, the applicant may submit to the City Council any material evidence relating to the application. The City Council shall consider the evidence together with the report of the City Manager and make a final determination upon the application.

(Code 1972, § 73-40)

**Cross-reference**—Procedure for appeals to the City Council, § 2-46 et seq.

**Secs. 15-299—15-304. Reserved.**

**ARTICLE X.**  
**PLUMBING CONTRACTORS\***

**Sec. 15-305. Definitions of plumbers and contractors.**

As used in this Article, the terms *journeyman plumber*, *master plumber* and *plumber's apprentice* shall have meanings given to them by the state law providing for the licensing of plumbers.

(Code 1972, § 86-5(A); Ord. No. 21, 1987, § 3(86-5(A), 2-17-87))

**Cross-reference**—Definitions and rules of construction generally, § 1-2.

**Sec. 15-306. General provisions, licensing and registration.**

(a) No person shall engage in the trade, business or calling of a plumber or plumbing in the City until he or she shall register with the Department of Building and Zoning as a plumber. For the purpose of this Section, *plumbing contractor* means any person, firm, partnership, corporation, association or combination thereof who undertakes or offers to undertake for another the planning, laying out, supervising and installing or the making of additions, alterations and repairs to potable water supply and distribution pipes and piping, plumbing fixtures, drainage and vent pipes and building drains, including their respective joints and connections, devices, receptacles and appurtenances. A registered professional engineer who plans or designs plumbing installations shall not be classified as a *plumbing contractor*.

(b) No person shall engage in the business of a plumbing contractor in the City without registering as a plumbing contractor with the Department of Building and Zoning. In order to register as a plumbing contractor, the person desiring to engage in such business must do the following:

- (1) Be licensed as a master plumber by the State Examining Board of Plumbers or have an employee so licensed and registered. The registration as a plumbing contractor shall be valid only so long as the person registered is so licensed and registered or employs a person so licensed and registered;
- (2) Observe all laws relating to safety of employees and the public at all times. Every such contractor shall maintain workers' compensation insurance as required by state law and public liability insurance in the minimum amounts as follows: One hundred fifty thousand dollars (\$150,000.) per person, four hundred thousand dollars (\$400,000.) per accident, and four hundred thousand dollars (\$400,000.) per accident involving public property;
- (3) Pay a registration fee of fifty dollars (\$50.) to the City, valid for a period of one (1) year from the date of payment;
- (4) Provide supervision and maintain licenses as required by the State Examining Board of Plumbers for all apprentice and journeyman plumbers.

(c) The Building Review Board established by § 2-117 shall conduct hearings for suspension or revocation of a plumbing contractor's registration as set forth therein. The Board may, on its own motion or if requested by the applicant, augment its membership by not more than two (2) additional registered plumbers to conduct any hearing involving suspensions or revocation of a plumber's registration.

(Code 1972, § 86-5(B); Ord. No. 21, 1987, § 3(86-5(B), 2-17-87; Ord. No. 130, 2002, § 12, 9-17-02)

**Secs. 15-307—15-315. Reserved.**

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\* **Cross-reference**—Contractor licensing, § 15-154 et seq.

**ARTICLE XI.**  
**SECONDHAND DEALERS\***

**Sec. 15-316. Definitions.**

The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this Section:

*Conditional sale or consignment* shall mean a transaction wherein: (a) secondhand property is delivered to a dealer for sale by the property owner, and (b) the secondhand dealer is required to either sell the goods for the person making the delivery and remit the price or, if the goods are not sold, return the goods to the person making delivery.

*Flea market* shall mean a temporary or permanent market place, indoors or outdoors, wherein a booth or other space is provided by an owner or operator for a fee or compensation, to a vendor to exhibit and offer secondhand goods for sale or trade to the general public.

*Peace officer* shall mean any undersheriff or deputy sheriff (other than one appointed with authority only to receive and serve summons and civil process), police officer, state patrol officer, town marshal or investigator for a District Attorney or the Attorney General, who is engaged in full-time employment by the State or a city, county, town or judicial district within this State.

*Secondhand dealer* shall mean any person who accepts on consignment, sells or trades any secondhand property; and any owner or operator of a flea market; provided, however, that this definition and the terms of this Article shall not apply to the following:

- (1) A person who accepts on consignment, trades or sells no more than twelve (12) items of secondhand property per year from a permanent storefront location, and none of the items consigned, traded or sold carries a manufacturer or serial number;
- (2) A person or organization selling or trading secondhand property at an exhibition or show which is intended to display and advertise a particular commodity or class of product, including, but not limited to, antique exhibitions, firearm exhibitions, home and garden shows and recreational vehicle shows;
- (3) A person or organization which is charitable, nonprofit, recreational, fraternal or political in nature or which is exempt from taxation pursuant to Section 501(c)(3) of the Internal Revenue Code of 1986;
- (4) A person selling or trading firewood, Christmas trees, plants, food products, agricultural products, fungible goods, pets, livestock or arts and crafts, excluding jewelry and items crafted of gold or silver, if sold or traded by the artist or craftsman, his or her immediate family or regular employees;
- (5) A person accepting on consignment, selling or trading secondhand property which was not originally purchased by such person for resale, so long as such person does not accept on consignment, sell or trade secondhand property more than five (5) weekend periods in one (1) calendar year as verified by a declaration to be prepared by the seller. For purposes of this Subsection, *weekend period* means Friday through the immediately following Monday;
- (6) An individual vendor renting a booth or space in a flea market, except that each individual vendor shall be subject to the requirements in § 15-327.

*Secondhand property* shall mean the following items of tangible personal property consigned, sold or traded by a secondhand dealer:

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\* **Cross-references**—Auctions, special sales and solicitations, § 15-106 et seq.; pawnbrokers, § 15-261 et seq.; outdoor vendors, § 15-381 et seq.; sales and use tax, § 25-71 et seq.

- (1) Camera equipment, including, but not limited to: cameras, camera lenses, slide or movie projectors, projector screens, flashguns, light meters, enlargers, tripods, binoculars, telescopes, microscopes and video recording cameras and their components;
- (2) Entertainment equipment, including, but not limited to: televisions, phonographs, tape recorders, video recorders/players, radios, tuners, speakers, turntables, amplifiers, musical instruments, record changers, citizens' band broadcasting units and receivers, video game systems and compact disc players;
- (3) Sporting goods and jewelry, including, but not limited to: skis, ski poles, ski boots, ski bindings, in-line skates, snowboards, skateboards, golf clubs, guns, jewelry, coins, luggage, boots and furs;
- (4) Home/office equipment, including, but not limited to: typewriters, adding machines, calculators, computers and any other computer components, portable air conditioners, cash registers, copying machines, dictating machines, automatic telephone answering machines, sewing machines, fax machines, cellular or mobile telephones and pagers;
- (5) Bicycles, including but not limited to: bicycle frames, bicycle derailleur assemblies, bicycle hand brake assemblies and other bicycle components; and
- (6) Any item of tangible personal property which is marked with a serial or identification number and the selling price of which is thirty dollars (\$30.) or more, except motor vehicles, ranges, stoves, dishwashers, refrigerators, garbage disposals, boats, airplanes, clothes washers, clothes dryers, freezers, mobile homes and nonprecious scrap metal.

(Code 1972, § 73-2; Ord. 92, 2000, 8-15-00; Ord. No. 142, 2006, §§ 1, 2, 10-03-06)

Cross-reference—**Definitions and rules of construction generally, § 1-2.Sec. 15-317. License required; annual fee.**

(a) It shall be unlawful for any person, owner or operator of a flea market to engage in the business of secondhand dealing except as provided in and authorized by this Article and without first having obtained a license from the Financial Officer. Such license shall be kept current at all times, and failure to maintain a current license shall constitute a violation of this Section.

(b) The annual license fee for carrying on the business of secondhand dealing shall be one hundred dollars (\$100.), which shall be submitted together with an application to the Financial Officer. Said license fee is nonrefundable, unless the application is denied.

(Code 1972, § 73-3(A), (B); Ord. 92, 2000, 8-15-00; Ord. No. 142, 2006, § 3, 10-03-06)

**Sec. 15-318. Application for secondhand dealer license; renewal; limitation on use; appeals.**

(a) No license shall be issued by the Financial Officer until the application for a license has been filed with the City and investigated by the Chief of Police. Each applicant shall pay a nonrefundable investigation and fingerprint fee at the time the application is filed in an amount not to exceed that charged by the Colorado Bureau of Investigation. Further, each applicant shall furnish a birth certificate, alien registration card or other reasonable identification card to prove the applicant's name, date of birth and residency, and shall provide any other information which is requested on the application.

(b) No license shall be renewed or issued to the following persons under the provisions of this Article:

- (1) Subject to the provisions contained in Section 24-5-101, C.R.S., a person who has been convicted of: any felony or any crime which under the laws of this State would be a felony; any crime of which fraud or intent to defraud was an element, whether in this State or elsewhere; any crime of embezzlement or larceny against an employer or business; or any criminal conviction or civil violation related to any law or ordinance pertaining to the secondhand dealer or pawn industry;
- (2) Any person under the age of eighteen (18); and

- (3) Any person who has made a false, misleading or fraudulent statement on his or her application for the secondhand dealer license.

(c) Within forty-five (45) days of receipt of an application for a new license or to renew a license, the Financial Officer shall issue or renew such license, provided that the Chief of Police, after investigation, has determined that the applicant has operated the business in such a manner as to fully comply with the requirements of this Article.

(d) Licenses shall be limited to use at the premises specified in the application. No such license shall be transferable.

(e) The revocation, suspension or denial of the issuance or renewal of a license may be appealed to the City Manager pursuant to the appeals procedure set forth in Article VI of Chapter 2 of this Code.

(f) With respect to flea markets, an owner or operator licensed under this Article shall provide, with each application for a new or renewal license, a list of all persons renting a booth or space in the flea market, along with such person's date of birth, address and driver's license or other identifying number. With each application for a renewal license, an owner or operator shall provide a list of all persons who have rented a booth or space in the flea market at any time since the owner or operator last applied for a license, together with such person's date of birth, address and driver's license or other identifying number and the dates such person rented space at the flea market. In addition, the flea market owner or operator shall keep a list upon the licensed premises, open and available for inspection by the City during business hours, of all persons currently renting a booth or space in the flea market, along with such person's date of birth, address and driver's license or other identifying number, and the dates such person rented space at the flea market.

(Code 1972, § 73-3(C); Ord. 92, 2000, 8-15-00; Ord. No. 129, 2002, § 9, 9-17-02; Ord. No. 142, 2006, § 4, 10-03-06)

#### **Sec. 15-319. Sales tax license required.**

In addition to the secondhand dealer license, every secondhand dealer shall also obtain a sales tax license as provided in Section 39-26-103, C.R.S., except that persons renting a booth or space in a flea market or similar facility shall not be required to obtain a sales tax license, but shall be required to collect the sales tax and to remit the proceeds of said tax to the operator of the flea market or similar facility as provided by this Article. The operator shall obtain a sales tax license which is applicable to all sales occurring at the flea market or similar facility, shall collect the sales tax from each person operating therein who does not have his or her own sales tax license and shall remit such proceeds as provided by law for the remittance of sales tax.

(Code 1972, § 73-3(D); Ord. 92, 2000, 8-15-00; Ord. No. 142, 2006, § 5, 10-03-06)

~~Cross-reference~~—Sales and use tax, § 25-71 et seq.

#### **Sec. 15-320. Keeping of records required.**

Every dealer licensed under this Article shall keep at his or her place of business an accurate, detailed record of every article of secondhand property acquired by purchase, consignment or trade. Such record shall include, and the seller, consignor or trader must provide at the time of the sale, consignment or trade, the following:

- (1) The name and date of birth of the consignor, seller or trader;
- (2) The current street address of the consignor's, seller's or trader's residence;
- (3) The date, time and place of the consignment, sale or trade, and the purchase price or other monetary amount of the transaction;
- (4) An accurate and detailed account and description of the item consigned, sold or traded, including, but not limited to, any and all trademarks, identification numbers, serial numbers, owner-applied numbers, model numbers, brand names or other identifying marks on such item;
- (5) The identification number from any of the following forms of identification of the consignor, seller or trader:
  - a. An identification card issued in accordance with Section 42-2-302, C.R.S.;

- b. A valid state driver's license;
  - c. A valid driver's license containing a picture issued by another state;
  - d. A military identification card;
  - e. A valid passport;
  - f. An alien registration card; or
  - g. A nonpicture identification document issued by a state or federal government entity, if in addition to the document, the secondhand dealer also obtains a clear imprint of the consignor's, seller's or trader's right index finger (or in the event the right index finger is missing, then the customer's left index finger).
- (6) A written declaration of ownership obtained from and signed by the seller, consignor or trader in the presence of the secondhand dealer stating:
- a. Whether such property that is the subject of the transaction is solely owned by the consignor, seller or trader and if not solely owned, attaching a power of attorney from all co-owners of the property authorizing the seller, consignor or trader to sell or otherwise dispose of such property;
  - b. How long the seller, consignor or trader has owned the property;
  - c. Whether the consignor, seller or trader or someone else found the property; and
  - d. If the property was found, a detailed description of the circumstances under which the property was found.
- (7) A declaration by the secondhand dealer that the secondhand dealer is the rightful owner of the secondhand property and a description of how the secondhand dealer obtained the property, including the serial number of such property, if available, or a copy of the bill of sale of such property; and
- (8) A declaration by the secondhand dealer that the secondhand dealer has knowledge of the requirement that a record of the sale or trade must be mailed or delivered to the local law enforcement agency, as required by § 15-321 and by Section 18-13-114(1), C.R.S.
- (Code 1972, § 73-4(A); Ord. 92, 2000, 8-15-00)

**Sec. 15-321. Forms to be sent to police and open to inspection.**

(a) Every secondhand dealer shall make such record as required by § 15-320 upon forms to be delivered to such dealer by Police Services. A secondhand dealer shall mail or deliver the record of the consignment, sale or trade to Police Services within three (3) days of the date of such consignment, sale or trade and shall keep a copy of such record for at least three (3) years after the date of the consignment, sale or trade.

(b) Upon request during ordinary business hours, the secondhand dealer shall submit and exhibit the records required to the inspection of any regular peace officer and permit any officer to make a copy. The dealer shall, upon request, exhibit for the inspection of any of the officers any personal property or merchandise that may be received by the dealer.

(Code 1972, § 73-4(B); Ord. 92, 2000, 8-15-00; Ord. No. 130, 2002, § 7, 9-17-02)

**Sec. 15-322. Records for sales tax collection for flea market sales.**

(a) Every secondhand dealer or any person who is a dealer of new goods who is a retailer and sells such goods at a flea market or similar facility or any nonpermanent location shall keep and preserve suitable records of consignments, trades or sales made and such other books or accounts as may be necessary to determine the amount of tax for the collection of which the dealer is liable under Title 39, Article 26, Part 1, C.R.S.

(b) It is the duty of every such person to keep and preserve for a period of three (3) years all invoices of goods and merchandise purchased for resale. All such books, invoices and other records shall be open for examination at any time by the Executive Director of the State Department of Revenue, said Director's duly authorized agents or any peace officer.

(c) In the case of flea markets and similar facilities in which secondhand property is offered for sale, on consignment or trade, the operator thereof shall inform each secondhand dealer of the requirements of this Article and shall provide the form for recording the information required by § 15-320.

(d) In the case of flea markets and similar facilities in which secondhand property is offered for sale, consignment or trade, the operator thereof shall record the name and address of each secondhand dealer offering secondhand property for sale, consignment or trade at the flea market or similar facility, and the identification number of such dealer as obtained from any of the forms of identification enumerated in Paragraph 15-320(5). Such record shall be mailed or delivered by the operator to Police Services within three (3) days of the date the secondhand dealer offered secondhand property for sale, consignment or trade at the flea market or similar facility. A copy of such record shall be retained by each secondhand dealer offering secondhand property for sale, consignment or trade at the flea market or similar facility.

(Code 1972, § 73-4(C)—(E); Ord. 92, 2000, 8-15-00; Ord. No. 130, 2002, § 7, 9-17-02)

**Cross-reference**—Sales and use tax, § 25-71 et seq.

#### **Sec. 15-323. Notice; penalties.**

Except in the case of flea markets and similar facilities as provided in this Article, every secondhand dealer shall conspicuously post a notice to be provided by Police Services in a place clearly visible to all buyers and traders which sets forth the provisions of this Article and of Sections 18-13-114 through 18-13-116, C.R.S., and which sets forth the penalties for violating such sections and for violating Section 18-4-410, C.R.S., concerning theft by receiving. Such notification shall include information to the effect that stolen property may be confiscated by any peace officer and returned to the rightful owner without compensation to the buyer. Said notice may also include information regarding any reimbursement policy of the dealer. In the case of flea markets and similar facilities, the operator shall post the notice required by this Section in such a manner as to be obvious to all persons who enter the flea market or similar facility.

(Code 1972, § 73-5; Ord. 92, 2000, 8-15-00; Ord. No. 130, 2002, § 7, 9-17-02)

#### **Sec. 15-324. Certain property to be held and inspection of premises.**

(a) Every secondhand dealer shall keep all secondhand property acquired by purchase or trade for a period of thirty (30) days before it is sold and, during such period of time, such property shall not be changed in form or packaging or altered in any other way; provided, however, that serialized property, and stamped and assayed gold and silver bullion and gold coins, may be sold or transferred after ten (10) days, so long as the secondhand dealer records:

- (1) The identity and residential address of any person to whom the secondhand dealer sells or transfers such property by any means provided for in Paragraph 15-320(6), and
- (2) The date, time and place of such sale or transfer.

(b) Any peace officer may order a secondhand dealer to hold any tangible personal property deposited with, or in the custody of, said secondhand dealer, if the officer has reasonable suspicion to believe that such property is connected with criminal activity, for purposes of further investigation. No sale or other disposition may be made of such property held by any secondhand dealer while the hold order remains in effect; provided, however, that no such hold order shall be effective for more than ninety (90) days unless a criminal prosecution has been undertaken with regard to the property that is the subject of the hold order, in which event the hold order shall remain in effect until the prosecuting agency has notified the secondhand dealer that the prosecution has been completed or dismissed.

(c) The physical premises of any licensed secondhand dealer business, including any area in which tangible personal property is located, shall be subject to inspection by Police Services during all business hours and other times of apparent activity, for the purpose of investigation and inspection of records and inventory. Where any part of the licensed premises consists of a locked area, such area shall be made available for inspection, without delay, upon the request of any member of Police Services. For the purposes of this provision, the term *licensed premises* shall not include any private residence adjacent to the licensed premises except such portion of said residence, if any, that is used in the operation of the business of the secondhand dealer.

(Code 1972, § 73-6; Ord. 92, 2000, 8-15-00; Ord. No. 130, 2002, § 7, 9-17-02)

**Sec. 15-325. Purchase from minors prohibited.**

No secondhand dealer shall acquire by purchase or trade any secondhand personal property from any person under the age of eighteen (18) without the written consent of their parent or legal guardian.  
(Code 1972, § 73-7; Ord. 92, 2000, 8-15-00)

**Sec. 15-326. Goods stolen or illegally obtained to be returned or surrendered.**

(a) Any secondhand dealer who has obtained property or merchandise, either new or secondhand, from any person, not knowing it to have been stolen or illegally obtained, shall deliver said property into the hands of the lawful owner when said owner has made a reasonably accurate and certain identification of said property by means of number, description or otherwise.

(b) Unless a warrant is required by law or consent is given, any peace officer who determines after investigation that any article of personal property held by a secondhand dealer is stolen or illegally obtained may take such property into evidence after giving the secondhand dealer a receipt for the property which sets forth Police Services' case number as well as the reason(s) for the confiscation.  
(Code 1972, § 73-8; Ord. 92, 2000, 8-15-00)

**Sec. 15-327. Information required/false information.**

It shall be unlawful for a vendor renting or using a space or booth in a flea market to fail to provide his or her name, address, date of birth, driver's license number and other identifying number to a flea market operator who requests such information pursuant to Subsection 15-318(f) or to provide false identifying information to such operator.  
(Ord. No. 142, 2006 § 6, 10-03-06; Ord. No. 193, 2006 § 1, 12-19-06)

**Sec. 15-328. Violations and penalties.**

In addition to the revocation, denial or suspension of any license issued, any person who shall violate any of the provisions of this Article, and any person who trades with a secondhand dealer or any secondhand dealer who knowingly gives false information with respect to the information required by § 15-320 shall be guilty of a misdemeanor, punishable in accordance with § 1-15.  
(Code 1972, § 73-9; Ord. 92, 2000, 8-15-00; Ord. No. 142, 2006 § 6, 10-03-06)  
Cross-reference—General penalty, § 1-15.

**Secs. 15-329—15-340. Reserved.**

**ARTICLE XII.  
RESERVED\***

**Secs. 15-341—15-360. Reserved.**

**ARTICLE XIII.  
RIGHT-OF-WAY CONTRACTORS\*\***

**Sec. 15-361. License required.**

It shall be unlawful for any person, company, corporation, partnership, joint venture, limited liability company or other association (hereinafter referred to as *person*) (1) to perform or contract to perform work of any kind in the public right-of-way without first obtaining a license to perform such work, or (2) to perform work in any category described in § 15-365 without first obtaining an endorsement as provided therein for the specific category of work sought to be performed. It shall be unlawful for any person to perform or contract to perform work on any utility which is or will be owned or maintained by the City or which will connect to and become a part of a City-owned or -

\* **Editor's note**—Section 3 of Ord. No. 75, 1987, adopted May 5, 1987, repealed Ch. 62 of the 1972 Code, which had been included as Art. XII, §§ 15-341—15-344 of this Chapter. The provisions regulated sheet metal workers engaged in heating and air conditioning trades.

\*\* **Cross-references**—Buildings and building regulations, Ch. 5; contractor licensing, § 15-154 et seq.; sidewalks, curbs, gutters, § 24-36 et seq.; curb cuts and driveways, § 24-66 et seq.

maintained utility, whether located in the public right-of-way or in an easement, without first obtaining a license and endorsement to perform such work.

(Code 1972, § 73-127; Ord. No. 180, 1998, § 1, 10-20-98)

**Cross-reference**—Contractor licensing, § 15-154 et seq.

**Sec. 15-362. Application and fee for license and endorsement.**

Applications for a right-of-way contractor's license and endorsement (as provided in § 15-365) shall be made to the City Engineer. The City Engineer is hereby authorized to establish forms for the application and to require any such information and documentation from applicants as may be reasonably necessary to accomplish the purposes of this Article. An application fee shall be established as authorized in Chapter 7.5, Article I of this Code, which fee shall be paid prior to or concurrently with submittal of the application.

(Code 1972, § 73-128; Ord. No. 180, 1998, § 1, 10-20-98)

**Sec. 15-363. Bond required.**

All license applications shall be accompanied by a license and permit bond executed by a reliable surety company with a rating of "A-" or better. The bond certificate provided to the City shall be an original (not a copy). The bond shall be in the amount of twenty thousand dollars (\$20,000.) with an additional and separate bond in the amount of ten thousand dollars (\$10,000.) for each license endorsement as provided in § 15-365. All bonds shall be continuous, with a minimum cancellation notice of sixty (60) days. In the event a bond is canceled, the license will be immediately revoked and no further work will be allowed to occur; however the bond, even though canceled, must remain effective through the warranty period associated with all previously completed work items.

(Ord. No. 180, 1998, § 1, 10-20-98)

**Sec. 15-364. Insurance required.**

All license applications shall be accompanied by an original certificate of commercial general liability insurance insuring the contractor and naming the City as an additional insured against any liability arising out of ownership, use, occupancy or construction of the work and all areas appurtenant thereto with a combined single limit of one million dollars (\$1,000,000.). The limits of said insurance shall not, however, be a limit to the liability of the licensee hereunder. Insurance required shall be with companies qualified to do business in the State with a general policy holder's financial rating of not less than "B++" as set forth in the most current edition of "Bests Insurance Reports" and may provide for deductible amounts as the contractor may deem to be reasonable, but in no event greater than one thousand dollars (\$1,000.). No such policies shall be cancelable or subject to reduction in coverage limits or other modification except after thirty (30) days prior written notice to the City. However, where cancellation of coverage is due to nonpayment of the premium a ten-day written notice to the City is required. The contractor shall not do or permit to be done anything which will invalidate the insurance policies referred to in this Section. Policies described above shall be for the mutual and joint benefit and protection of the contractor and the City. Such policies shall contain a provision that the City, although named as an additional insured, shall nevertheless be entitled to recovery under said policies for any loss occasioned to it, its servants, agents, citizens and employees by reason of negligence of the contractor. Such policies shall be written as primary policies not contributing to and not in excess of coverage which the City may carry.

(Ord. No. 180, 1998, § 1, 10-20-98)

**Sec. 15-365. Licenses and endorsements.**

Any person wishing to perform work, regardless of the nature of the work, shall be required to obtain a right-of-way contractor's license prior to performing the work as provided in § 15-361. Additionally, any person wishing to perform work in one (1) of the following categories shall first qualify for, and obtain a license endorsement to perform such work as follows:

<i>Endorsements:</i>	
Asphalt:	Required in order to perform asphalt paving, asphalt patching, slurry seal, chip seal, crack seal and other similar asphalt related work.
Utility:	Required in order to perform work on any utility which is or will be owned, operated or maintained by the City or any utility which will connect to and become a part of any City-owned utility.
Nonstructural Concrete:	Required in order to construct curbs, gutters, sidewalks, cross-pans, trickle pans and perform other similar nonstructural concrete work.
Structural Concrete:	Required in order to construct concrete box culverts, inlets, concrete underwalk culverts, bridges, concrete drainage structures, and perform other similar structural concrete work.

The City Engineer shall be authorized (1) to determine whether the applicants are qualified to perform the kind of work included under the endorsement(s) being requested, and (2) to issue the license and appropriate endorsement(s) to qualified applicants who fully comply with this Article.  
(Ord. No. 180, 1998, § 1, 10-20-98)

**Sec. 15-366. Issuance of license and fee.**

Upon approval of qualifications by the City Engineer, receipt by the City of an original bond certificate and insurance certificate, purchase of the current edition of all applicable City standards and specifications and payment of the license fee, the applicant will be issued a license and endorsement(s) as applicable. A license fee shall be established as authorized in Chapter 7.5, Article I of this Code, which fee shall be paid prior to or concurrently with issuance of the license.  
(Ord. No. 180, 1998, § 1, 10-20-98)

**Sec. 15-367. Guarantee of work.**

Any person licensed to perform work in the public right-of-way shall guarantee the work for a period of two (2) years or as required in the applicable City standards and specifications which apply to the work performed, whichever is longer. This guaranty shall include all repairs required due to defects in materials or workmanship. This guaranty shall also include defects consisting of settling of trenches or other fills or excavations. The determination of the necessity for such repairs shall be made by the City Engineer, which determination shall be final. If, at any time within the period of the guaranty, the licensee shall fail or refuse to make repairs required by the guaranty, then the City may proceed to cause the repairs to be made and to recover the cost by action against the bond of the licensee.  
(Code 1972, § 73-129; Ord. No. 180, 1998, § 1, 10-20-98)

**Sec. 15-368. Suspension or revocation of license or endorsements.**

The City Engineer may suspend or revoke any license or endorsement issued under this Article upon determining that the licensee:

- (1) Has failed to abide by the requirements of this Code, including this Article, relating to work done under the license and/or endorsement.
- (2) Is unqualified to perform the work for which the license or endorsement was issued.
- (3) Has demonstrated a careless, dangerous or destructive approach to the work being performed.
- (4) Has violated provisions of the applicable construction or repair standards or specifications.

Upon taking action to suspend or revoke a license, the City Engineer shall give written notice to the licensee of such action. Such license shall not be in effect again until duly reinstated by the City Engineer, nor shall any refund of the license fee be made for any length of time for which the license has been suspended or revoked. The licensee may appeal the decision of the City Engineer to the City Manager pursuant to the appeals procedure set forth in Article VI of Chapter 2 of this Code.  
(Code 1972, § 73-131; Ord. No. 180, 1998, § 1, 10-20-98; Ord. No. 129, 2002, § 10, 9-17-02)

**Sec. 15-369. Exceptions.**

The requirements of this Article shall not apply to:

- (1) City crews performing work in the public right-of-way;
  - (2) Any party contracting with the City to perform work in the public right-of-way;
  - (3) Utility companies performing work in the public right-of-way using utility company crews (not including contractors for such utility companies); or
  - (4) Individual residential property owners who are working within the public right-of-way abutting such residential property.
- (Ord. No. 180, 1998, § 1, 10-20-98)

**Secs. 15-370—15-380. Reserved.**

**ARTICLE XIV.  
OUTDOOR VENDORS\***

**Sec. 15-381. Outdoor vendor defined; exemptions.**

(a) As used in this Article, the term *outdoor vendor* shall mean any person whether as owner, agent, consignee or employee, who sells or attempts to sell services, goods, wares or merchandise including food or beverage from any outdoor location and who in furtherance of such purpose:

- (1) Sells or attempts to sell directly to passersby within any public right-of-way; or
- (2) Hires, leases, uses or occupies any vehicle, pushcart, kiosk, table, box, container or other readily movable structure or display device.

(b) The following shall be excluded from the definition of outdoor vendor and shall be exempt from the provisions of this Article:

- (1) Persons selling from outdoor locations upon private premises who also sell on a regular basis from indoor locations on such premises;
- (2) Persons selling from a public sidewalk immediately adjacent to private premises, who also sell on a regular basis from indoor locations on such premises;
- (3) Persons selling directly and exclusively to manufacturers, wholesalers or retailers for the purpose of resale;
- (4) The City of Fort Collins;
- (5) Any person selling from property owned by the City and pursuant to a concession agreement with the City;
- (6) Any person, whether as owner, agent, consignee or employee, selling from and within the Old Town Plaza and under the sponsorship of the Downtown Development Authority; and
- (7) Yard sales or garage sales in a residential area lasting no longer than three (3) consecutive days and occurring no more than five (5) times annually at the same location.

(c) Outdoor vendor licenses will not be issued for locations within the Downtown Plan Area. Instead, City concession agreements shall be awarded to outdoor vendors within the Downtown Plan Area pursuant to a Request for Proposals process for a limited number of locations within said area.

(Ord. No. 182, 1986, § 3(73-155), 11-18-86; Ord. No. 36, 1994, § 7, 3-15-94; Ord. No. 29, 2005, 3-15-05)

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\* **Cross-references**—Certain vendors prohibited from going upon premises without invitation, § 15-106; soliciting prohibited where signs posted, § 15-107; secondhand dealers, § 15-316 et seq.; sales and use tax, § 25-71 et seq.

**Sec. 15-382. License required.**

(a) It shall be unlawful for any outdoor vendor to engage in such business upon any private or public property within the City without first obtaining a license in compliance with the provisions of this Article.

(b) Outdoor vendors selling upon private property or at any bazaar, street fair, exhibition, show or other event involving two (2) or more outdoor vendors, shall be required to obtain individual licenses under this Article unless the owner of the property or the person or organization sponsoring any such event obtains a license and agrees in writing to be responsible for monitoring the compliance of outdoor vendors with the provisions of § 15-388 and all other applicable ordinances, laws and regulations.

(c) The fee to be paid to the City for the issuance or renewal of such license shall be as provided in § 15-383. (Ord. No. 182, 1986, § 3(73-154), 11-18-86; Ord. No. 36, 1994, §§ 8, 9, 3-15-94)

**Sec. 15-383. Application for license; fee.**

(a) An application for a license under this Article shall be submitted to the Financial Officer no less than five (5) working days prior to the first day of proposed operation. The application shall be accompanied by a nonrefundable fee which shall be in the amount of ten dollars (\$10.) for each month the license is to be in effect.

(b) Payment of the applicable fee and approval of the license shall entitle the licensee to operate at the proposed location for the number of months for which the license is issued, not to exceed twelve (12) consecutive months within any calendar year.

(c) In the case of outdoor vendors selling upon private property pursuant to a multi-year written lease agreement, the fee established under this Section shall be imposed only for the first year of the term of the original multi-year lease.

(Ord. No. 182, 1986, § 3(73-156), 11-18-86; Ord. No. 36, 1994, §§ 10—12, 3-15-94)

**Sec. 15-384. Contents of application.**

The application shall contain the following information:

- (1) Name, address and telephone number of the applicant and, if other than the applicant, name, address and telephone number of the person managing or supervising the applicant's business during the proposed period of operation; and, if a corporation, the state under which it is incorporated;
- (2) Type of operation to be conducted, including the particular type of service, goods, wares or merchandise to be sold;
- (3) A description of the design of any vehicle, cart, kiosk, table, chair, stand, box, container or other structure or display device to be used in the operation by the applicant, including the size and color, together with any logo, printing or sign which will be utilized by the applicant;
- (4) The proposed period of operation;
- (5) The proposed hours and days of operation;
- (6) The location for which the application is made, which shall not include more than one (1) site;
- (7) Written consent of the property owner if the location for which the application is made is on private property;
- (8) Proof of liability insurance as required by Subsection 15-388(c); and
- (9) A plan of the location for which the application is made which shows the location of existing and proposed structures, access, equipment and parking.

(Ord. No. 182, 1986, § 3(73-156), 11-18-86; Ord. No. 36, 1994, §§ 13, 14, 3-15-94)

**Sec. 15-385. Review and approval.**

(a) Applications shall be considered individually and in chronological order as established by the date of receipt of a properly completed application. However, no application will be accepted for review more than sixty (60) days prior to the proposed period of operation. Within five (5) working days of the filing of an application under § 15-384, the Financial Officer shall review such application and shall make a determination as to whether the application contains the required information and, if so, whether the issuance of a license is compatible with the public interest. In making such determination, the Financial Officer shall consider the following factors and may consider other factors the Financial Officer considers necessary to protect the health, safety and welfare of the public:

- (1) The degree of congestion of any public right-of-way which may result from the proposed use, design and location, including the probable impact of the proposed use on the safe flow of vehicular and pedestrian traffic. Factors considered shall include but not be limited to the width of streets and sidewalks, the volume of traffic, and the availability of off-street parking;
- (2) The proximity, size, design and location of existing street fixtures and furniture at or near the proposed location, including but not limited to sign posts, lampposts, bus stops, benches, telephone booths, planters and newspaper vending devices;
- (3) The probable impact of the proposed use on the maintenance, care and security of the proposed location; and
- (4) The recommendations of the Planning Development and Transportation Director and the Director of Cultural, Library and Recreation Services, insofar as the proposed location may affect the operation of those service areas, based upon the factors recited herein.

(b) The Financial Officer shall also obtain the determination of the Zoning Administrator as to whether the proposed use conforms to the requirements of the Land Use Code as applied to the subject location. If the Zoning Administrator determines the proposed use is not in compliance with the requirements of the Land Use Code, the application shall not be approved.

(c) If the proposed location is on property owned or controlled by the City, the applicant must have obtained the City's written acknowledgement that said location has not been reserved by the City for use by the City, for use by concessionaires or for nonuse by outdoor vendors. The City's determination to reserve property owned or controlled by the City for nonuse or for use by concessionaires shall be made in accordance with rules and regulations promulgated by the City Financial Officer. If the proposed location is on privately owned property, the applicant must have obtained written consent of the property owner. Evidence of such acknowledgement or consent must be presented with the application.

(Ord. No. 182, 1986, § 3(73-157), 11-18-86; Ord. No. 36, 1994, § 15, 3-15-94; Ord. No. 51, 1997, § 10, 3-18-97; Ord. No. 130, 2002, §§ 5, 25, 9-17-02, Ord. No. 082, 2007, 8-21-07)

**Sec. 15-386. Bond required.**

(a) Upon approval of an application for a license but prior to the issuance of the license, the applicant shall file with the Financial Officer a bond issued by a surety authorized to do business in the State or other equivalent security approved by the Financial Officer payable to the City in the sum of two hundred fifty dollars (\$250.), conditioned upon the applicant's compliance with the provisions of the Code, including but not limited to any ordinances pertaining to the collection and remittance of retail sales taxes.

(b) This bond requirement shall not apply to the following:

- (1) Applicants owning real property within the City who agree in writing to subject such property to the lien provisions of § 25-71 et seq., pertaining to unpaid sales taxes;
- (2) Applicants previously licensed under the provisions of this Article or licensed by the City for this activity prior to November 28, 1986, under the provisions of chapter 73 or chapter 95 of the 1972 Code, as amended, pro-

vided that such applicants have complied with the requirements of all relevant City ordinances during such previous license period.

(Ord. No. 182, 1986, § 3(73-158), 11-18-86)

**Cross-reference**—Sales and use tax, § 25-71 et seq.

**Sec. 15-387. Requirements for issuance.**

(a) Each license shall be valid for not more than one (1) location, a description of which shall appear on the face of the license.

(b) In addition to the licensee's name, address and telephone number, the license shall contain the following:

(1) The type of operation;

(2) The period of time for which the license was issued;

(3) The hours and days of operation;

(4) The designated location;

(5) A brief description of any vehicle, cart, kiosk, table, chair, stand, box, container or other structure or display device to be utilized by the licensee;

(6) Any special terms and conditions of issuance;

(7) A statement that the license is personal and is not transferable in any manner;

(8) A statement that the license is valid only when used at the location designated on the license;

(9) A statement that the license is subject to the provisions of this Article.

(Ord. No. 182, 1986, § 3(73-159), 11-18-86)

**Sec. 15-388. Restrictions and operation.**

(a) No licensee may use, for the purpose of on-site storage, display or sale, any vehicle, cart, kiosk, table, chair, stand, box, container or other structure or display device not described on the face of the license.

(b) Except as otherwise specifically authorized by law, no such vehicle, structure or device referred to in (a) above shall be located:

(1) Within any portion of a street, alley, roadway or highway designed or ordinarily used for vehicular traffic, except for the purpose of transporting the licensee's goods, wares or merchandise to, from or within the designated location;

(2) Upon a public sidewalk within the extended boundaries of a crosswalk;

(3) Within ten (10) feet of the extension of any building entranceway, doorway or driveway;

(4) In any location so as to impede or interfere with or visually obstruct the safe movement of vehicular and pedestrian traffic.

(c) All licensees who during the course of their licensed activities operate within or enter upon a public right-of-way or publicly owned property shall maintain liability insurance in an amount to be determined by the Financial Officer according to administrative regulation with proof of the same to be presented at the time of submission of the application. Any licensee who fails to provide proof of such insurance shall be prohibited from operating within or entering upon such property.

(d) The licensee shall pick up and dispose of any paper, cardboard, wood or plastic container, wrappers or any litter which is deposited within twenty-five (25) feet of the designated location or within twenty-five (25) feet of the

point of any sale or transaction made by the licensee if the radius of the designated location exceeds twenty-five (25) feet. The licensee shall carry a suitable container for the placement of such litter by customers or other persons.

(e) Each licensee shall maintain in safe condition any vehicle, structure or device as described in (a) above, so as not to create an unreasonable risk of harm to the person or property of others.

(f) The licensee shall not leave unattended any such vehicle, structure or device on a public right-of-way or at the designated location.

(g) The licensee shall comply with the provisions of all applicable ordinances of the City as well as the requirements of all state and federal laws.

(Ord. No. 182, 1986, § 3(73-160), 11-18-86)

**Sec. 15-389. Renewal.**

Renewal of a license shall be treated as a new application under the provisions of this Article. Any violation by the licensee of the provisions of § 15-388 shall be an additional factor to be considered in the review and approval procedure described in § 15-385.

(Ord. No. 182, 1986, § 3(73-161), 11-18-86)

**Sec. 15-390. Transfer of license or location.**

If the licensee requests the transfer of a license to a new licensee or to a new location, such request shall be treated as a new application.

(Ord. No. 182, 1986, § 3(73-162), 11-18-86)

**Sec. 15-391. Suspension.**

If the operation of the licensee at any designated location becomes unsafe due to construction activity or other temporary condition, the license to operate at such location shall be temporarily suspended by the Financial Officer upon written notice to the licensee and shall not be reinstated until such time, if at all, as the operation may be safely resumed in the judgment of the City Engineer. Any such suspension shall not extend the term of the license.

(Ord. No. 182, 1986, § 3(73-163), 11-18-86; Ord. No. 222, 1998, § 3, 12-15-98)

**Sec. 15-392. Violations and penalties.**

In addition to the cancellation of any license issued hereunder, any person who violates the provisions of this Article may be punished by a fine or imprisonment or both, in accordance with § 1-15.

(Ord. No. 182, 1986, § 3(73-164), 11-18-86)

**Cross-reference**—General penalty, § 1-15.

**Sec. 15-393. Administration.**

The Financial Officer shall administer the provisions of this Article and is authorized to promulgate reasonable rules and regulations for its administration and implementation. Such rules and regulations shall include a process for obtaining input from interested parties concerning the granting of outdoor vendor licenses and the selection of concessionaires.

(Ord. No. 36, 1994, § 16, 3-15-94)

**Secs. 15-394—15-410. Reserved.**

**ARTICLE XV.  
SOLID WASTE COLLECTION AND RECYCLING SERVICES\***

**Sec. 15-411. Definitions.**

The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this Section:

*Collector* shall mean the person or entity providing collection service.

*Commercial customers* shall mean any premises utilizing collection service where a commercial, industrial or institutional enterprise is carried on, including, without limitation, retail establishments, restaurants, hospitals, schools, day care centers, office buildings, nursing homes, clubs, churches and public facilities.

*Communal system for the collection of waste* shall mean an arrangement for the collection of waste from multiple properties or residences using collection containers shared by those properties or residences.

*Curbside* shall mean at or near the perimeter of the premises, whether or not there is a curb, but does not mean or permit placement on the sidewalk or in the street. If the curb and any sidewalk are of unitary construction, the term means behind the sidewalk.

*Curbside collection* shall mean the collection of solid waste or recyclables placed at a curbside location or within a dumpster site.

*Electronic equipment* shall mean any electronic device or electronic component as those terms are defined in the Colorado Hazardous Waste Regulations, 6 Code of Colorado Regulations 1007-3, Section 260.10.

*Group account* shall mean a customer account for solid waste collection services that provides for collection of waste from multiple residential customers, regardless of the method by which such services are contracted or arranged. An account for service arranged by a single property owner for collection of solid waste from multiple locations owned by that property owner shall not constitute a *group account* for the purposes of this Article.

*Household recycling container* shall mean bags, bin-type containers, carts or bulk-volume dumpsters and plastic receptacles used for storing and setting out recyclable materials.

*Multi-family customers* shall mean residential properties for which there is a communal system for the collection of solid waste.

*Poly-cart* shall mean a durable, plastic, wheeled container with a hinged lid, manufactured and used for the collection of recyclable materials or for the collection of refuse.

*Qualified recycling facility* shall mean a facility that arranges for or causes the recovery of useful materials from one (1) or more specified recyclable materials including items for reuse, and shall be deemed to include only a facility that meets any federal or state standards that may be established to regulate or designate such recycling facilities.

*Recyclable materials* shall mean materials which have been separated from solid waste and can be recovered as useful materials and are properly prepared for the purpose of recycling, provided that such materials have been designated by the City Manager as recyclable.

*Recycling* shall mean the process of recovering useful materials from solid waste, including items for reuse.

*Refuse* shall mean solid waste.

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\* **Editor's note**—Prior to its repeal and reenactment by Ord. No. 116, 1990, adopted Oct. 16, 1990, Art. XV was entitled "Refuse Haulers"; consisted of §§ 15-411—15-415; and was derived from Code 1972, §§ 54-7—54-9, 54-12, 54-13, and Ord. No. 183, 1986, § 1(54-26)—(54-30), adopted Nov. 18, 1986.

**Cross-reference**—Garbage and refuse, § 12-16 et seq.

*Residential customers* shall mean residential properties for which a communal system for the collection of waste is not employed.

*Service* shall mean collecting, transporting or disposing of solid waste or recyclable materials.

*Solid waste* shall mean all putrescible and nonputrescible waste, excluding discarded or abandoned vehicles or parts thereof, sewage, sludge, septic tank and cesspool pumpings or other sludge, discarded home or industrial appliances, hazardous wastes, materials used as fertilizers or for other productive purposes and recyclable materials which have been source separated for collection.

*Solid waste collector* shall mean the person who provides solid waste collection service on a regular, recurring schedule.

*Source separation* shall mean to separate recyclable materials from solid waste at the waste source. (Ord. No. 116, 1990, 10-16-90; Ord. No. 58, 1995, § 1, 6-6-95; Ord. No. 025, 2004, § 1, 4-20-04; Ord. No. 024, 2007 § 4, 2-20-07; Ord. 052, 2009, § 2, 5-19-09)

### **Sec. 15-412. License requirement.**

(a) *License required.* No person shall operate as a solid waste collector within the corporate limits of the City without first obtaining a collection license for such activity.

(b) *Exemptions.* The following persons or entities are not required to obtain a solid waste collection license:

- (1) A civic, community, benevolent or charitable nonprofit organization that collects, transports and markets materials for resource recovery solely for the purpose of raising funds for a charitable, civic or benevolent activity;
- (2) A person who transports solid waste or recyclable materials produced by such person;
- (3) A property owner or agent thereof who transports solid waste or recyclable materials left by a tenant upon such owner's property, so long as such property owner does not provide solid waste collection service for compensation for tenants on a regular or continuing basis;
- (4) A demolition or construction contractor or landscaper who produces and transports solid waste in the course of such occupation, where the solid waste produced is merely incidental to the particular demolition or construction work being performed by such person.

(c) *Volume-based rates.*

- (1) Any person licensed to operate as a solid waste collector within the City shall charge all residential customers, including but not limited to residential customers provided service through a group account, on the basis of the volume capacity (or volume capacity category) of the containers of solid waste placed for collection by each residential customer. The amount to be charged for such containers shall be determined by each solid waste collector; provided, however, that no volume capacity category shall exceed a range of variation in volume capacity of more than thirty-two (32) gallons. Collectors shall determine a rate for the thirty-two-gallon service, and that rate shall be used to determine the rates for all other service levels. Said charges shall be based upon the container size, rather than the volume of solid waste actually deposited within such containers by the residential customers. The charge for additional containers of the same volume capacity (or volume capacity category) shall be no less than the charge for the first such container. The charge for prepaid bags or labels or for solid waste volumes in excess of a customer service subscription level shall be by volume capacity and shall be proportional by volume to the collector's standard rate for a thirty-two-gallon container.
- (2) In order to further ensure that the charge for the collection of solid waste is based upon volume as required above, any person licensed as a solid waste collector shall provide to each residential customer disposable bags, or labels to be attached to nondisposable containers, showing the volume capacity (or volume capacity category) of such containers, or shall establish another system for accomplishing the same purpose which is

acceptable to the City. A solid waste collector shall arrange for provision of service to each group account in a manner that results in an individual selection by each individual residential customer of a level of service from the full range of container sizes and levels of service offered by the hauler.

- (3) In offering or arranging for services, a solid waste collector shall provide reasonable notice of the full range of bag or container sizes or levels of service offered by the hauler, and shall provide to each residential customer that customer's requested container size or level of service.
- (4) It shall be unlawful for any person to knowingly attach any such label to a container exceeding in volume the volume capacity (or volume capacity category) shown on, or represented by, such label, and to place said container for collection.
- (5) No solid waste collector shall collect or transport solid waste which has not been placed for collection through such system or in bags or containers upon which such labels have been attached. Upon emptying any such containers, the collector shall remove or otherwise void all such labels.
- (6) The provisions of this Subsection shall not be construed as prohibiting any collector from also establishing rules and regulations regarding the maximum weight of containers of solid waste and/or recyclable materials.
- (7) A collector shall not collect any overloaded container unless the collector accounts for and bills the customer the appropriate fee or charge for the collection of such excess solid waste. Loading of a container so as to prevent the lid of the container from closing securely shall be deemed to constitute overloading of the container for the purposes of this provision. The determination of overloading and charges therefor shall be made on an individual pick-up date basis, and there shall be no "averaging" of pick-up volumes to allow for overloading at one (1) time offset by a low volume at another time.

(d) *Fixed fees.*

- (1) In addition to the volume-based rates required pursuant to Subsection (c) above, solid waste collectors may, but are not required to, charge a fixed fee only for solid waste collection services where bags or tags are used by their customers rather than reusable containers for the purpose of covering the fixed operational costs of routing service trucks for such collections. Surcharges for fuel or other special surcharges or fees shall be deemed to constitute a fixed fee and shall be permitted and charged only as set forth in this Subsection.
  - (2) If a solid waste collector elects to charge such fixed fee, said fee shall not exceed thirty-five (35) percent of the monthly volume-based rate charged for one (1) thirty-two-gallon container per week.
  - (3) In the event that a solid waste collector elects to establish a fixed fee, all bills for services provided by such collector to residential customers shall clearly show both the fixed fee and the volume-based rate.
- (Ord. No. 116, 1990, 10-16-90; Ord. No. 58, 1995, § 2, 6-6-95; Ord. No. 165, 1995, §§ 1, 2, 1-2-96; Ord. No. 5, 1996, § 1, 2-20-96; Ord. No. 025, 2004, § 2, 4-20-04; Ord. 052, 2009, §§ 3, 8, 5-19-09)

**Sec. 15-413. Recycling requirement.**

(a) *Curbside/on-site collection.*

- (1) Each solid waste collector licensed by the City shall make available to its multi-family and commercial customers, and other customers receiving solid waste collection services through a communal system of waste collection, at the customer's option, curbside collection of recyclable materials as said materials are designated from time to time by the City Manager as provided in § 15-414 of this Article. Notwithstanding the foregoing, the collection of recyclable materials from customers pursuant to this Subsection shall not be required if the collector provides documentation satisfactory to the City verifying that there is not sufficient space available to allow the placement of recycling containers without encroaching on needed parking areas or on the sidewalk or street, or without impairing or impeding bicycle, pedestrian or vehicular traffic.

- (2) Each solid waste collector licensed by the City shall provide to each residential customer in the City, as a part of any solid waste collection services provided by such solid waste collector, the collection at curbside of both solid waste and recyclable materials, as said materials are designated from time to time by the City Manager as provided in § 15-414 of this Article. No such collector shall be permitted to divide or diminish the provision of said basic service at the request of such customer or for any other reason.

(b) *Collection of recyclable materials; rights and duties of collectors.* All licensed collectors of recyclable materials and solid waste operating within the City shall have the following duties and rights:

- (1) Except for materials which customers have not properly prepared for recycling, collectors may not commingle designated recycle materials with refuse, nor dispose of recyclable materials set out by recycling customers by any means other than at a qualified recycling facility. Recyclable materials shall include all those materials designated by the City Manager as materials which collectors must offer to collect for recycling.
- (2) On or before January 1, 2010, collectors must provide to each solid waste customer who utilizes curbside recycling services within the City a poly-cart container for storing and setting out recyclable materials meeting the requirements of this Subsection, clearly marked as a recyclables container with words or symbols or both. Collectors must annually offer each residential recycling customer, in writing, a choice of at least two (2) sizes of poly-cart containers at least sixty-four (64) gallons in capacity, one (1) of which must be at least ninety-six (96) gallons in capacity. The collector must provide the requested poly-cart without additional charge to such customer, except that the collector may require the payment of a refundable damage or loss deposit or a charge for lost or damaged poly-carts, not to exceed the actual cost of the container. The collector must provide a poly-cart for recycling to all residential recycling customers except those customers who expressly decline a poly-cart, and must provide a poly-cart to any customer at any time upon request within one (1) billing period after the request is made.
- (3) The collector may establish such reasonable and industry-accepted requirements for the preparation of materials for recycling as are necessary to provide for the orderly collection of recyclable materials, including requirements regarding the preparation of materials for collection, the collection of recyclable materials and requirements for source separation.
- (4) In the event that a collector elects to perform collection of solid waste or recyclable materials through subcontractors or agents, such agency relationship shall not relieve the collector of responsibility for compliance with the provisions of this Code and the rules promulgated hereunder.
- (5) All recyclable materials placed for collection shall be owned by and be the responsibility of the customer until the materials are collected by the collector. The material then shall become the property and the responsibility of the collector. No person other than the customer or the collector of recyclable materials shall take physical possession of any recyclable materials placed for collection.
- (6) Any vehicle used for the collection of recyclables must be clearly and unambiguously marked as a recycling truck, whether by permanent decals or markings, or by signage or placards displayed at all times during such use.

(c) *Frequency of collection.*

- (1) All collectors providing solid waste collection services to residential customers shall provide curbside recycling collection services to all customers who desire such services. Recycling collection services shall include collection from poly-cart recycling containers for all customers except those who expressly opt to forego receipt of a poly-cart. Such curbside recycling collection services shall be provided on at least a once-weekly basis and on the same day of the week as the day of collection of solid waste from the customer; provided, however, that collection of recyclable materials need not be accomplished on the same day as the collection of solid waste for multi-family dwelling units and dwelling units located within mobile home parks. After January 1, 2010, or after a collector has offered and made available to its customers poly-cart recycling containers, whichever first occurs, said collector may modify its recycling collection schedule as long as curbside recy-

cling collection services are provided on the same day of the week as the day of collection of solid waste from the customer and no less frequently than two (2) times per month.

- (2) Collectors providing collection services to multi-family and/or commercial customers shall provide services for the collection of recyclable materials from such customers who desire such services with such frequency as is necessary to prevent overflow of the recycling containers.

(d) *Customer notification.*

- (1) Upon the initial provision of solid waste collection services to new customers, and on or before December 31 of each year with respect to existing customers, collectors shall notify in writing such customers of the availability of the collection of recyclable materials, the range of poly-cart recycling containers available, the materials designated for recycling collection pursuant to § 15-414 and such rules and regulations as have been established by the collector for the orderly collection of recyclable materials as authorized pursuant to Paragraph 15-413(b)(2). Such notice shall further include notification of the variable-rate solid waste collection service options offered by the solid waste collector and the related volume-based rates and fixed charges.

- (2) The form of notice shall be submitted to the City for review for consistency with the requirements of this Article, and to ensure that the notice is sufficient to fully inform customers of the availability of recycling and level of service options

- (3) For group accounts, the notices required hereunder may be sent to the group representative for said account, provided that such notice shall further notify said representative of its obligation to notify all individual residential customers within the group of the availability of recycling services and the terms of variable-rate service options, pursuant to Subsection 12-19(b).

- (4) All verbal and written communications with customers by or on behalf of a collector, whether in person, by telephone, in written form or through any other means, must be consistent with and clearly and accurately describe all components of the system employed by the collector to provide and charge for variable-rate solid waste collection and recycling services.

- (5) The collector shall deliver to the City's Natural Resources Director a true and correct copy of each form of such notification sent on or before December 31 of each year.

(e) *Recycling only of electronic equipment.*

- (1) No collector shall collect for disposal any electronic equipment, regardless of whether such electronic equipment has been placed or set out for disposal.

- (2) Collection of electronic equipment for recycling shall be at each collector's option; provided, however, that no collector providing collection services for electronic equipment may dispose of any such electronic equipment. Instead, each such collector must deliver any collected electronic equipment for recycling at a qualified recycling facility for electronic equipment.

(Ord. No. 116, 1990, 10-16-90; Ord. No. 58, 1995, § 3, 6-6-95; Ord. No. 025, 2004, § 3, 4-20-04; Ord. No. 024, 2007 §§ 6, 7, 2-20-07; Ord. 052, 2009, § 4, 5-19-09)

**Sec. 15-414. Designation of recyclable materials.**

(a) The City Manager shall, on or before the 30th day of November of each year, after consultation with the Larimer County Board of Commissioners, the Natural Resources Advisory Board and representatives of the licensed solid waste collectors operating within the City, determine which items shall be designated for recycling collection based upon the following criteria:

- (1) Local, state and federal laws and regulations, including but not limited to the requirements of this Article;
- (2) Potential for waste stream reduction;

- (3) Availability of markets;
- (4) Market price;
- (5) Safety factors and risks of transportation; and
- (6) Risks of commingling of liquid wastes.

(b) All collectors shall be responsible for notifying their customers of the items identified to be recycled.

(c) The City Manager is authorized to promulgate such rules and regulations as are necessary to effectuate the implementation and enforcement of this Article.

(Ord. No. 116, 1990, 10-16-90; Ord. No. 024, 2007, § 8, 2-20-07)

**Sec. 15-415. Application for license.**

(a) Any person desiring to obtain a license to engage in the business of solid waste collection shall make written application to the Financial Officer on forms provided by the City. All applications for renewal of a license by a licensed collector must be submitted no later than November 30 in advance of the new license year. The application shall include, without limitation, the following information:

- (1) The name and address of the applicant;
- (2) The principal place of business for the business to be conducted;
- (3) A list of vehicles owned and/or operated by the applicant directly in the collection of solid waste and/or recyclables, or operated or located at any time in the City during the current or pending license year, including vehicle make, color, year, U.S. Department of Transportation safety inspection identification number, cubic yard capacity, Colorado license plate number and empty tare weight.
- (4) A description of the system to be used to account for and charge volume-based rates, as required under Subsection 15-412(c), and a plan describing the structure and operation of the recycling collection services to be offered to each customer class. The description of the system shall include a detailed description of the means by which residential customers are notified of and offered the full range of sizes of bags or containers provided for solid waste collection and those provided for curbside recycling. In addition, the description shall provide sufficient detail to allow the Financial Officer to determine the means by which volume-based rates are applied to residential customers receiving waste-hauling services through any group account, such as the formula used to set volume-based rates for any group accounts, and the methods used to offer and account for the volume-based charges.
- (5) All information required pursuant to Subsection 15-418(a) for the preceding twelve-month period.

(b) The Financial Officer shall determine whether an application meets the requirements of this Article, and whether all taxes, fees, penalties, interest or other financial obligations to the City of the applicant or any predecessor in interest of the applicant have been met, and whether the applicant is in current compliance with the requirements of this Article. The Financial Officer may request such additional information as he or she deems relevant to a determination of whether the requirements of this Article will be met by the applicant. The Financial Officer may deny any application if the Financial Officer reasonably determines that any requirements of this Article will not be met by the operation proposed by the applicant, or if the applicant is ineligible for a license under the terms of a revocation determination by the City Manager pursuant to § 15-426.

(c) Upon a determination by the Financial Officer of whether a license shall issue under this Section, the Financial Officer shall give written notice to the applicant of his or her decision thereon. An applicant whose application has been denied may, within twenty (20) days after such decision is mailed, petition the City Manager for a hearing on the denial. The City Manager shall notify the applicant in writing of the time and place of the hearing. After such hearing, the City Manager shall make such order in the matter as he or she deems just and proper and shall furnish a copy of such final order to the applicant.

(Ord. No. 116, 1990, 10-16-90; Ord. No. 22, 2000, § 3, 3-7-00; Ord. No. 025, 2004, § 4, 4-20-04; Ord. 052, 2009, § 5, 5-19-09)

**Sec. 15-416. License requirements; fees and insurance.**

Upon approval of a license application, but prior to issuance, the collector shall furnish to the Financial Officer the following:

- (1) A license fee in the sum of one hundred dollars (\$100.) for each vehicle required to be identified under Subsection 15-415(a); and
- (2) Proof that the collector has obtained a general comprehensive liability/automobile insurance policy protecting the collector from all claims for damage to property or for bodily injury, including death, which may arise from operations under or in connection with this license and providing limits of coverage of not less than five hundred thousand dollars (\$500,000.) for bodily injury and property damage per occurrence or in the aggregate.
- (3) Proof that each vehicle required to be identified under Subsection 15-415(a) has been registered with the U.S. Department of Transportation.

(Ord. No. 116, 1990, 10-16-90; Ord. No. 58, 1995, § 4, 6-6-95; Ord. 052, 2009, § 6, 5-19-09)

**Sec. 15-417. Term of license.**

All licenses issued pursuant to this Article shall run from the date of issuance until the 31st day of December of the year in which such license is issued. All licenses shall expire on December 31 of each year. Licenses are not transferable.

(Ord. No. 116, 1990, 10-16-90)

**Sec. 15-418. Plans, recordkeeping and reports.**

(a) Each collector must accurately and completely account for and record, and report to the City using a form provided by the City, the following:

- (1) The specific manner in which trash collection and recycling services have been delivered in compliance with this Article, including, but not limited to, a complete list of all rate schedules used to charge for such services, including those offered to individual customers and those offered to group accounts, as well as the frequency of collection of trash collection and recycling services;
- (2) A description of any system used to impose and verify charges for trash volumes in excess of customer subscription levels;
- (3) The number of individual residential, multi-family and commercial customers who received solid waste collection services from the collector, by category, together with the number of group accounts within each category and the number of any such customer category that received services through a group account; and
- (4) The number of customers within each category that subscribe to each level of solid waste and recycling services, as well as the number of customers that utilize prepaid bag or tag services, and the number of recycling poly-carts provided to customers, by size of poly-cart.

(b) In addition, prior to implementation of any change to operational systems, plans or structures of any licensee which are required to be reported for issuance of a license or annually hereunder, the collector must submit such changes to the City for review.

(c) All information submitted to the City pursuant to this Section shall constitute public information, except as otherwise provided in the Colorado Open Records Act. Any such information constituting confidential customer records or financial proprietary information and identified as such by the licensee shall be maintained as confidential by the City, unless otherwise required by court order or as agreed by the relevant party-in-interest. If the City receives a

request for public inspection or a request for release of any collector customer records or collector financial information to a third party, the City shall provide timely notice of such request to the licensee.

(d) Each collector licensed pursuant to this Article shall maintain accurate and complete records of the service provided to each residential customer, the charges to such customer and payments received, the form and recipients of any notice required pursuant to this Article, and any underlying records, including any books, accounts, contracts for services, written records of individual level of service requests, invoices, route sheets or other records necessary to verify the accuracy and completeness of such records. It shall be the duty of each collector to keep and preserve all such documents and records, including any electronic information, for a period of three (3) years from the end of the calendar year of such records, except for paper records of route sheets, which may be discarded one (1) year after the end of the calendar year of such route sheets.

(e) Promptly upon a request by the City Manager in connection with an audit or other investigation he or she has initiated, a licensee shall make records retained pursuant to Subsection 15-418(d) available, at its place of business or in such other reasonably convenient location as the licensee shall specify, for review by the City Manager, the Financial Officer or his or her designee, or an officer of the City charged with the investigation of potential violations of the Code, for the purpose of enforcing the requirements of this Article.

(f) A licensee shall make available for review by the City such records in its possession as may be relevant to the investigation of any complaint regarding such licensee that has been submitted to the City or is under investigation by the City.

(g) All collectors shall accurately and completely report to the City the following information, which shall be deemed to constitute public information:

- (1) Number of tons of solid waste collected in the City from all residential, multi-family and commercial customers, and any other customer category, reported by category of customer. The weight of solid waste collected shall be documented and verified based on actual load weight measurements of a representative solid waste load no less frequently than on a calendar quarter basis, using a scale certified by the State, which actual weight information shall also be described and reported.
- (2) Number of tons of each type (as determined by the City Manager pursuant to § 15-414) of recyclables collected through the commercial and multi-family recyclables collection program.
- (3) Number of tons of each type (as determined by the City Manager pursuant to § 15-414) of household recyclables collected through the curbside recyclables collection program.
- (4) Number of tons of each type (as determined by the City Manager pursuant to § 15-414) of household recyclables collected by drop-off system.

Such reports shall be made on forms to be provided by the City and shall be made for each full half-year of curbside collection performed by the collector. A half-year shall mean January 1 through June 30 or July 1 through December 31. All such reports shall be submitted to the City Manager no later than thirty (30) days following the close of each half-year.

(Ord. No. 116, 1990, 10-16-90; Ord. No. 58, 1995, § 5, 6-6-95; Ord. No. 22, 2000, § 4, 3-7-00; Ord. No. 025, 2004, § 5, 4-20-04; Ord. 052, 2009, § 7, 5-19-09)

#### **Sec. 15-419. Disposal of solid waste.**

All persons holding licenses pursuant to this Article and engaged in the business of collection of solid waste shall dispose of all such refuse and solid waste at the Larimer County Landfill or at any other disposal site which is approved by any state. No solid waste shall be disposed of at any other location either inside or outside of the City.

(Ord. No. 116, 1990, 10-16-90; Ord. No. 58, 1995, § 6, 6-6-95; Ord. No. 22, 2000, § 5, 3-7-00)

**Sec. 15-420. Identification of vehicles.**

Each vehicle used in the solid waste collection business shall bear an identification sticker issued by the Financial Officer in a conspicuous place upon the vehicle, which identification sticker shall be issued by the Financial Officer at the time the license is granted.

(Ord. No. 116, 1990, 10-16-90)

**Sec. 15-421. Hours of operation.**

No collector shall operate any vehicle for the purpose of collection of solid waste or recyclable materials on any street designated by the City as "local residential" or "residential collector" between the hours of 7:00 p.m. and 7:00 a.m. (the "Nighttime Hours").

(Ord. No. 58, 1995, § 7, 6-6-95)

**Sec. 15-422. Investigation of reports, records and other items relating to compliance with this Article.**

For the purpose of ascertaining the correctness of any reports, plans or other documents submitted or required to be prepared and maintained by a licensed collector pursuant to this Article, or for the purpose of determining compliance with any requirements of this Article of any person, whether or not the same is licensed under this Article, the City Manager may hold investigations, including audits, and hearings concerning any matters covered by this Article, and may examine any relevant books, papers, records or memoranda of any such person and may require the attendance of such person, or any officer or employee of such person, or of any person having knowledge of transactions involved, and may take testimony and proof of the information. The City Manager shall have the power to administer oaths to such persons. Except for routine or random audits, any such investigation shall be based upon reasonable suspicion of a violation as determined by the City Manager. The City Manager shall provide advance notice to the affected solid waste collector of his or her intent to conduct an investigation under this Section, unless the City Manager determines that provision of such notice may compromise the purpose of the investigation.

(Ord. No. 22, 2000, § 6, 3-7-00; Ord. No. 025, 2004, § 6, 4-20-04)

**Sec. 15-423. Subpoenas and witness fees.**

All subpoenas issued under the terms of this Article may be served by any person over the age of eighteen (18) years. The fees of witnesses for attendance in response to a subpoena shall be the same as the fees of witnesses before the District Court, such fees to be paid when the witness is excused from further attendance. When the witness is subpoenaed at the instance of the City Manager, such fees shall be paid by the City, but when a witness is subpoenaed at the instance of any other party to such proceeding, the City Manager may require that the cost of service of the subpoena and the fee of the witness be borne by the party at whose instance the witness is summoned. In such case, the City Manager, in his or her discretion, may require a deposit to cover the cost of such service and witness fees prior to issuing such subpoenas. A subpoena issued as aforesaid shall be served in the same manner as a subpoena issued through a court of record.

(Ord. No. 22, 2000, § 6, 3-7-00)

**Sec. 15-424. Attendance of witnesses and production of evidence to be compelled by Municipal or District Judge.**

Any Judge of the Municipal Court or the District Court, upon the application of the City Manager, may compel the attendance of witnesses, the production of books, papers, records or memoranda and the giving of testimony before the City Manager, by an action for contempt or otherwise in the same manner as the production of evidence may be compelled before such court.

(Ord. No. 22, 2000, § 6, 3-7-00)

**Sec. 15-425. Depositions.**

The City Manager, or any party to an investigation or hearing before the City Manager, may cause the deposition of witnesses residing within or without the State to be taken in the manner prescribed by law for depositions in civil

actions in courts of this State and to that end compel the attendance of witnesses and the production of books, papers, records or memoranda.  
(Ord. No. 22, 2000, § 6, 3-7-00)

**Sec. 15-426. Suspension or revocation of license.**

The City Manager may, after written notice of no less than ten (10) days and an opportunity for a hearing if requested by the licensee within twenty (20) days of such notice, suspend or revoke any license issued under this Article as he or she determines reasonably appropriate upon a finding that the licensee has failed to comply with any provision of this Article or has violated other applicable laws intended to protect public health, safety or the environment. No period of suspension shall exceed six (6) months in duration. In the event of a revocation of a license, the City Manager may further declare such licensee ineligible for licensure under this Article for a period of up to one (1) year from the date of revocation, if he or she reasonably determines that the circumstances so warrant. In lieu of suspension or revocation of a license under this Section, or as a condition of future eligibility for licensure, if a licensee is declared ineligible for the same, the City Manager may establish reasonable terms and conditions for continuation of a license or such future eligibility. A license shall be subject to immediate suspension in the event of violation of any such terms and conditions for continuation of a license.  
(Ord. No. 22, 2000, § 6, 3-7-00)

**Sec. 15-427. Notices.**

All written notices required to be mailed, served or given to any person under the provisions of this Article shall be hand delivered or mailed, postage prepaid, addressed to such person at the last known address of such person on file with the City and shall be deemed to have been received by such person when so mailed or delivered.  
(Ord. No. 22, 2000, § 6, 3-7-00)

**Sec. 15-428. Review of decisions of the City Manager.**

The licensed collector or other person subject to final action of the City Manager under this Article may apply for review of such action in the Larimer County District Court in accordance with Rule 106 of the Colorado Rules of Civil Procedure. The review must be sought no later than thirty (30) days after the date of the decision to be reviewed.  
(Ord. No. 22, 2000, § 6, 3-7-00)

**Sec. 15-429. Violations.**

It shall be unlawful for any person to:

- (1) Fail or refuse to make or file any record, report, application or other document required to be made or filed by this Article or to make any false or fraudulent record or report or any false or fraudulent statement in any such document;
- (2) Operate as a solid waste collector within the corporate limits of the City without the license required by this Article or to continue to do business during a period of suspension of such license or after such license is revoked; or
- (3) Aid or abet another in any attempt to evade any requirements imposed by this Article.

(Ord. No. 22, 2000, § 6, 3-7-00)

**Sec. 15-430. Other remedies unaffected.**

Nothing in this Article shall be construed to limit or forbid the City or any other person from pursuing any other remedies available at law or in equity to enforce the provisions of this Article, including, without limitation, the prosecution of violations of this Article pursuant to § 1-15 of this Code.  
(Ord. No. 22, 2000, § 6, 3-7-00)

**Secs. 15-431—15-449. Reserved.**

**ARTICLE XVI.**  
**MEDICAL MARIJUANA**  
**DIVISION I. IN GENERAL**

**Sec. 15-450. Purpose.**

(a) The purpose of this Article is to implement the provisions of Article 43.3 of Title 12, C.R.S., known as the Colorado Medical Marijuana Code, which authorizes the licensing and regulation of medical marijuana businesses, and affords local government the option to determine whether or not to allow certain medical marijuana businesses within their respective jurisdictions and to adopt licensing requirements that are supplemental to or more restrictive than the requirements set forth in state law.

(b) By adoption of this Article, the City Council does not intend to authorize or make legal any act that is not permitted under federal or state law.  
(Ord. No. 025, 2010, § 2, 3-16-10; Ord. No. 019, 2011, 3-15-11)

**Sec. 15-451. Incorporation of state law.**

The provisions of the Colorado Medical Marijuana Code, and any rules and regulations promulgated thereunder, are incorporated herein by reference except to the extent that more restrictive or additional regulations are set forth in this Article.  
(Ord. No. 019, 2011, 3-15-11)

**Sec. 15-452. Definitions.**

(a) The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this Section:

*Applicant* shall mean any person or entity who has submitted an application for a license or renewal of a license issued pursuant to this Article. If the applicant is an entity and not a natural person, *applicant* shall include all persons who are the members, managers, officers, directors and shareholders of such entity.

*Building Official* shall mean the Building Code Official as defined in Chapter 5 of this Code.

*Colorado Medical Marijuana Code* shall mean Title 12, Article 43.3 of the Colorado Revised Statutes and any rules or regulations promulgated thereunder.

*Cultivation or cultivate* shall mean the process by which a person grows a marijuana plant.

*Financial interest* shall mean any ownership interest, including, without limitation, a membership, directorship or officership; or any creditor interest, whether or not such interest is evidenced by any written document.

*License* shall mean a document issued by the City officially authorizing an applicant to operate a medical marijuana business pursuant to this Article.

*Licensee* shall mean the person to whom a license has been issued pursuant to this Article.

*Medical marijuana business or business* shall mean a medical marijuana center, optional premises cultivation operation, or medical marijuana-infused products manufacturer as defined in the Colorado Medical Marijuana Code.

*Medical marijuana paraphernalia or paraphernalia* shall mean devices, contrivances, instruments and paraphernalia for inhaling or otherwise consuming medical marijuana, including, but not limited to, rolling papers, related tools, water pipes and vaporizers.

*Minor patient* shall mean a patient less than eighteen (18) years of age.

*Patient* shall mean a person who has a debilitating medical condition as defined in Article XVIII, Section 14 of the Colorado Constitution.

*Place of worship or religious assembly* shall mean a building containing a hall, auditorium or other suitable room used for the purpose of conducting religious services or meetings of the occupants of such structure.

*State* shall mean the State of Colorado.

(b) In addition to the definitions contained in Subsection (a) of this Section, other terms used in this Article shall have the meaning ascribed to them in Article XVIII, Section 14 of the Colorado Constitution or the Colorado Medical Marijuana Code, and such definitions are hereby incorporated into this Article by this reference. (Ord. No. 025, 2010, § 2, 3-16-10; Ord. No. 095, 2010, § 1, 9-7-10; Ord. No. 019, 2011, 3-15-11)

**Secs. 15-453—15-460. Reserved.**

DIVISION 2. MEDICAL MARIJUANA LICENSING AUTHORITY

**Sec. 15-461. Creation.**

There shall be and is hereby created a Medical Marijuana Licensing Authority, hereafter referred to in this Article as the "Authority". (Ord. No. 019, 2011, 3-15-11)

**Sec. 15-462. Composition.**

The Authority shall be a person appointed by the City Manager. (Ord. No. 019, 2011, 3-15-11)

**Sec. 15-463. Functions.**

(a) The Authority shall have the duty and authority pursuant to the Colorado Medical Marijuana Code and this Article to grant or refuse licenses, and levy penalties against licensees in the manner provided by law.

(b) The Authority shall have all the powers of a Local Licensing Authority as set forth in the Colorado Medical Marijuana Code.

(c) The Authority shall have the power to promulgate rules and regulations concerning the procedures for hearings before the Authority.

(d) The Authority shall have the power to require any applicant or licensee to furnish any relevant information required by the Authority.

(e) The Authority shall have the power to administer oaths and issue subpoenas to require the presence of persons and the production of papers, books and records at any hearing which the Authority is authorized to conduct. Any such subpoena shall be served in the same manner as a subpoena issued by the District Court of the State. (Ord. No. 025, 2010, § 2, 3-16-10; Ord. No. 095, 2010, § 3, 9-7-10; Ord. No. 019, 2011, 3-15-11)

**Sec. 15-464—15-470. Reserved.**

DIVISION 3. LICENSES, FEES, REGULATIONS AND PROCEDURES

**Sec. 15-471. License required.**

It shall be unlawful for any person to establish or operate a medical marijuana business in the City without first having obtained from the City and the State a license for each facility to be operated in connection with such business. Such license shall be kept current at all times, and the failure to maintain a current license shall constitute a violation of this Section. (Ord. No. 025, 2010, § 2, 3-16-10; Ord. No. 046, 2010, § 1, 5-4-10; Ord. 019, 2011, 3-15-11)

**Sec. 15-472. Requirements of application for license; payment of application fee; denial of license.**

(a) A person seeking a license pursuant to the Colorado Medical Marijuana Code and the provisions of this Article shall submit an application to the City on forms provided by the State and City. At the time of application, each applicant shall pay a nonrefundable application fee to defray the costs incurred by the City for background investigations and inspection of the proposed premises, as well as any other costs associated with the processing of the application. In addition, the applicant shall present for recording one (1) of the following forms of identification:

- (1) an identification card issued in accordance with Section 42-2-302, C.R.S.;
- (2) a valid state driver's license;
- (3) a valid driver's license containing a picture issued by another state;
- (4) a military identification card;
- (5) a valid passport; or
- (6) an alien registration card.

The applicant shall also provide the following information on a form approved by, or acceptable to, the City, which information shall be required for the applicant, the proposed manager of the medical marijuana business, and all persons having a financial interest in the medical marijuana business that is the subject of the application or, if the applicant is an entity, having a financial interest in the entity:

- (1) name, address, date of birth;
- (2) an acknowledgment and consent that the City may conduct a background investigation, including a criminal history check and that the City will be entitled to full and complete disclosure of all financial records of the medical marijuana business, including records of deposit, withdrawals, balances and loans;
- (3) if the applicant is a business entity, information regarding the entity, including, without limitation, the name and address of the entity, its legal status, and proof of registration with, or a certificate of good standing from, the Colorado Secretary of State, as applicable;
- (4) if the applicant is not the owner of the proposed licensed premises, a notarized statement from the owner of such property authorizing the use of the property for a medical marijuana business;
- (5) a copy of any deed reflecting the applicant's ownership of, or lease reflecting the right of the applicant to possess, the proposed licensed premises;
- (6) evidence of a valid City and state sales tax license for the business;
- (7) a "to scale" diagram of the proposed licensed premises, no larger than 11" x 17", showing, without limitation, building layout, all entry ways and exits to the proposed licensed premises, loading zones and all areas in which medical marijuana will be stored, grown, manufactured or dispensed;
- (8) a "to scale" site plan for the location of the proposed licensed premises, no larger than 11" x 17", showing, without limitation, lot lines and lot line dimensions, building locations on the lot and building footprints, parking stalls, driveway and/or curb cut locations and dimensions, sidewalks, trash enclosures and loading zones;
- (9) a comprehensive business operation plan for the medical marijuana business which shall contain, at a minimum, the following:
  - a. a security plan meeting the requirements of § 15-479 of this Article,
  - b. a description of all products to be sold,
  - c. a plan for exterior signage that is in compliance with all applicable requirements of this Code and the Land Use Code, including photographs and/or illustrations of proposed signage; and

(10) any additional information that the City Manager reasonably determines to be necessary in connection with the investigation and review of the application.

(b) A license issued pursuant to this Article does not eliminate the need for the licensee to obtain other required permits of licenses related to the operation of the medical marijuana business, including, without limitation, any development approvals or building permits required by this Code and the Land Use Code.

(c) Upon receipt of a completed application, the City Manager shall circulate the application to all affected service areas and departments of the City to determine whether the application is in full compliance with all applicable laws, rules and regulations.

(d) The City shall, prior to issuance of the license, perform an inspection of the proposed licensed premises to determine compliance with any applicable requirements of this Article or other provisions of this Code or the Land Use Code.

(Ord. No. 025, 2010, § 2, 3-16-10; Ord. No. 046, 2010, § 2, 5-4-10; Ord. No. 019, 2011, 3-15-11)

**Sec. 15-473. Denial of application.**

The Authority shall deny any application that does not meet the requirements of the Colorado Medical Marijuana Code or this Article. The Authority shall also deny any application that contains any false, misleading or incomplete information. Denial of an application for a license shall not be subject to administrative review but only to review by a court of competent jurisdiction.

(Ord. No. 025, 2010, § 2, 3-16-10; Ord. No. 046, 2010, § 2, 5-4-10; Ord. No. 019, 2011, 3-15-11)

**Sec. 15-474. Persons prohibited as licensees.**

No license shall be issued to, held by, or renewed by any of the following:

- (1) any natural person who has been released within the ten (10) years immediately preceding the application from any form of incarceration or court-ordered supervision, including a deferred sentence, resulting from a conviction of any felony or any crime which under the laws of the State would be a felony; or any crime of which fraud or intent to defraud was an element, whether in the State or elsewhere;
- (2) any entity whose directors, shareholders, partners or other persons having a financial interest in said entity have been convicted of any of the offenses set forth in Paragraph (1) above;
- (3) any applicant who has made a false, misleading or fraudulent statement, or who has omitted pertinent information, on his or her application for a license;
- (4) any applicant whose license for a medical marijuana business in this State or any other state has been revoked;
- (5) any applicant who already holds two (2) medical marijuana center licenses in the City.
- (6) any applicant for an optional premises cultivation operation license unless the applicant is simultaneously applying for, or currently holds, a license for a medical marijuana center or a medical marijuana-infused products manufacturing facility in the City;
- (7) any applicant for a medical marijuana-infused products manufacturer license unless the applicant is also applying for, or currently holds, a license for a medical marijuana center in the City.

(Ord. No. 025, 2010, § 2, 3-16-10; Ord. 019, 2011, 3-15-11)

**Sec. 15-475. Location criteria.**

(a) No medical marijuana center shall be issued a license if, at the time of application for such license, the proposed location is:

- (1) within one thousand (1,000) feet of another medical marijuana center;

- (2) within one thousand (1,000) feet of any private or public preschool, elementary, secondary, vocational or trade school;
- (3) within five hundred (500) feet of:
  - a. any college or university,
  - b. any child care center,
  - c. any place of worship or religious assembly,
  - d. any public or private park, pool, playground or recreation facility,
  - e. any juvenile or adult halfway house, correctional facility or substance abuse rehabilitation or treatment center, or
  - f. the boundary of any R-U-L, U-E, R-F, R-L, L-M-N, M-M-N, N-C-L, N-C-M, N-C-B or H-M-N residential zone district;
- (4) located upon any City property; or
- (5) in a residential unit, except as permitted under Section 3.8.3 of the Land Use Code.

(b) The location criteria contained in subsection (a) of this Section shall apply to all proposed changes in the location of an existing license.

(c) The distances described in Subsection (a) above shall be computed by direct measurement in a straight line from the nearest property line of the land used for the purposes stated in Paragraphs (a)(1), (a)(2) and (a)(3) above to the nearest portion of the building or unit in which the medical marijuana center is located.

(Ord. 019, 2011, 3-15-11)

**Sec. 15-476. Inspection fee.**

(a) Upon issuance of a license, and upon renewal thereafter, the licensee shall pay to the City a fee in an amount determined by the City Manager to be sufficient to cover the cost of inspections conducted pursuant to § 15-487 of this Article by Police Services, or such other departments of the City as may be designated by the City Manager, for the purpose of determining compliance with the provisions of this Article and any other applicable state or local laws or regulations.

(b) The inspection fee required under Subsection (a) of this Section shall be due and payable prior to or upon issuance of each license and upon the renewal of any such license and shall not be refundable.

(Ord. No. 025, 2010, § 2, 3-16-10; Ord. No. 019, 2011, 3-15-11)

**Sec. 15-477. Signage and advertising.**

All signage and advertising for a medical marijuana center shall comply with all applicable provisions of this Code and the Land Use Code. In addition, no signage or advertising shall use the word "marijuana" or "cannabis" or any other word, phrase or symbol commonly understood to refer to marijuana unless such word, phrase or symbol is immediately preceded by the word "medical" in type and font that is at least as readily discernible as all other words, phrases or symbols. Such signage and advertising must clearly indicate that the products and services are offered only for medical marijuana patients and primary caregivers.

(Ord. No. 025, 2010, § 2, 3-16-10; Ord. No. 019, 2011, 3-15-11)

**Sec. 15-478. Warning signs.**

There shall be posted in a conspicuous location in each medical marijuana center a legible sign containing warnings that:

- (1) the possession, use or distribution of marijuana is a violation of federal law;
- (2) the possession, use or distribution of marijuana for nonmedical purposes is a violation of state law;

- (3) it is illegal under state law to drive a motor vehicle or to operate machinery when under the influence of, or impaired by, marijuana; and
- (4) no one under the age of eighteen (18) years is permitted on the premises except minor patients accompanied by a parent or legal guardian in possession of a state registry card for such minor patient.

(Ord. No. 019, 2011, 3-15-11)

**Sec. 15-479. Security requirements.**

Security measures at all licensed premises shall comply with the requirements of the Colorado Medical Marijuana Code and all applicable rules and regulations promulgated thereunder, and shall include at a minimum the following:

- (1) security surveillance cameras installed and properly maintained to monitor all entrances, along with the interior and exterior of the premises, to discourage and facilitate the reporting of criminal acts and nuisance activities occurring at the premises;
- (2) robbery and burglary alarm systems which are professionally monitored and maintained in good working condition;
- (3) a locking safe permanently affixed to the premises that is suitable for storage of all medical marijuana and cash stored overnight on the licensed premises;
- (4) exterior lighting that illuminates the exterior walls of the licensed premises and complies with applicable provisions of this Code and the Land Use Code; and
- (5) locking systems for exterior doors that are designed and installed in such fashion as to deter unlawful entry and provide safe emergency egress.

(Ord. No. 025, 2010, § 2, 3-16-10; Ord. No. 095, 2010, § 3, 9-7-10; Ord. No. 019, 2011, 3-15-11)

**Sec. 15-480. Report of disturbances and unlawful activity.**

(a) All licensees and any agent, manager or employee thereof, shall immediately report to Police Services any disorderly act, conduct or disturbance and any unlawful activity committed in or on the licensed premises, including, but not limited to, any unlawful resale of medical marijuana, and shall also immediately report any such activity in the immediate vicinity of the business.

(b) Each licensee shall post and keep at all times visible to the public in a conspicuous place on the premises, a sign with a minimum height of fourteen (14) inches and a minimum width of eleven (11) inches with each letter to be a minimum of one-half (½) inch in height, which shall read as follows:

**WARNING:**

Fort Collins Police Services must be notified of all disorderly acts, conduct or disturbances and all unlawful activities which occur on or within the premises of this licensed establishment.

(c) It shall not be a defense to a prosecution of a licensee under this Section that the licensee was not personally present on the premises at the time such unlawful activity, disorderly act, conduct or disturbance was committed; however, no agent, servant or employee of the licensee shall be personally responsible for failing to report any disorderly act, conduct or disturbance and any unlawful activity hereunder if such agent, servant or employee was absent from the premises at the time such activity was committed.

(d) Failure to comply with the requirements of this Section shall be considered by the Authority in any action relating to the issuance, revocation, suspension or nonrenewal of a license.

(Ord. No. 019, 2011, 3-15-11)

**Sec. 15-481. Cultivation, growing, processing and sale of plants by licensees.**

(a) No marijuana plant, clone or seedling kept or sold at a medical marijuana center shall exceed eight (8) inches in height as measured from the top of the growing medium to the tip of the cutting.

(b) The cultivation, growing, processing, display or storage of marijuana plants by an optional premises cultivation operation licensee shall be conducted only at the licensed premises.  
(Ord. No. 025, 2010, § 2, 3-16-10; Ord. No. 046, 2010, § 3, 5-4-10; Ord. No. 019, 2011, 3-15-11)

**Sec. 15-482. Labeling.**

All medical marijuana sold or otherwise distributed by the licensee shall be labeled in a manner that advises the purchaser that the marijuana is intended for use solely by the patient to whom it is sold and that any resale or redistribution of the marijuana to any person other than a patient or primary caregiver is a criminal violation.  
(Ord. No. 025, 2010, § 2, 3-16-10; Ord. No. 019, 2011, 3-15-11)

**Sec. 15-483. Prohibited acts.**

(a) It shall be unlawful for any licensee to permit the consumption of alcohol beverages, as defined in the Colorado Liquor Code, on the licensed premises.

(b) It shall be unlawful for any licensee holding a medical marijuana center licensed, or for any agent, manager or employee thereof, to:

- (1) sell, give, dispense or otherwise distribute medical marijuana or medical marijuana paraphernalia from any outdoor location;
- (2) sell, give, dispense or otherwise distribute to any patient or primary caregiver who is not a licensee more than two (2) ounces of any usable form of medical marijuana (excluding medical marijuana-infused products) within any seven-day period of time;
- (3) sell, give, dispense or otherwise distribute to another licensed center more than eight (8) ounces of medical marijuana in any usable form within any seven-day period of time;
- (4) permit on the licensed premises any person other than:
  - a. the licensee, the licensee's manager, employees and financial interest holders,
  - b. a patient in possession of a registry identification card or its functional equivalent under Article XVIII, Section 14(3)(d) of the Colorado Constitution,
  - c. a minor patient accompanied by a parent or lawful guardian in possession of the minor patient's registry identification card,
  - d. a minor accompanied by a parent or legal guardian who is a patient,
  - e. a primary caregiver in possession of his or her patient's registry identification card or its functional equivalent under Article XVIII, Section 14(3)(d) of the Colorado Constitution and the patient's written designation of said person as the patient's primary caregiver, as submitted to the Colorado Department of Public Health and Environment,
  - f. a person whose physical presence and assistance are necessary to assist a patient, or
  - g. a person who is actively engaged in the maintenance, repair or improvement of the licensed premises or in the provision of accounting or other professional services directly related to the conduct of the licensee's medical marijuana business.

(c) It shall be unlawful for any optional premises cultivation operation to:

- (1) post or allow to be posted signs or other advertising materials identifying the premises as being associated with the cultivation or use of medical marijuana.
- (2) operate in the City, unless it operates as an optional premises to a medical marijuana center or a medical marijuana-infused products manufacturer located in the City that is under the same ownership as the optional premises cultivation operation; or

(3) sell, give, dispense or otherwise distribute medical marijuana except to a medical marijuana center or medical marijuana-infused products manufacturer located in the City that is under the same ownership as the optional premises cultivation operation.

(d) It shall be unlawful for any medical marijuana-infused products manufacturer to:

(1) post or allow to be posted signs or other advertising materials identifying the premises as being associated with the production or use of medical marijuana;

(2) operate in the City unless it also holds a medical marijuana center license in the City;

(3) operate more than one (1) additional medical marijuana-infused products manufacturing facility in the City; or

(4) sell, give, dispense, or otherwise distribute any of the products it manufactures except to a medical marijuana center located in the City that is under the same ownership as the medical marijuana infused-products manufacturer.

(Ord. No. 025, 2010, § 2, 3-16-10; Ord. No. 046, 2010, § 4, 5-4-10; Ord. No. 095, 2010, § 4, 9-7-10; Ord. No. 019, 2011, 3-15-11)

**Sec. 15-484. Visibility of activities; control of emissions.**

(a) All activities of medical marijuana businesses, including, without limitation, cultivating, growing, processing, displaying, manufacturing, selling and storage, shall be conducted indoors.

(b) No medical marijuana or paraphernalia shall be displayed or kept in a business so as to be visible from outside the licensed premises.

(c) Sufficient measures and means of preventing smoke, odors, debris, dust, fluids and other substances from exiting a medical marijuana business must be provided at all times. In the event that any odors, debris, dust, fluids or other substances exit a medical marijuana business, the owner of the subject premises and the licensee shall be jointly and severally liable for such conditions and shall be responsible for immediate, full clean-up and correction of such condition. The licensee shall properly dispose of all such materials, items and other substances in a safe, sanitary and secure manner and in accordance with all applicable federal, state and local laws and regulations.

(Ord. No. 025, 2010, § 2, 3-16-10; Ord. No. 019, 2011, 3-15-11)

**Sec. 15-485. Sales tax.**

Each medical marijuana business shall collect and remit City sales and use tax on all medical marijuana, paraphernalia and other tangible personal property used or sold at the licensed premises.

(Ord. No. 025, 2010, § 2, 3-16-10; Ord. No. 019, 2011, 3-15-11)

**Sec. 15-486. Required books and records.**

(a) In addition to any requirements under the Colorado Medical Marijuana Code, and any rules or regulations promulgated thereunder requiring licensees to maintain books and records, every medical marijuana center shall maintain an accurate and complete record of all medical marijuana purchased, sold or dispensed by the center in any usable form. Such record shall include the following:

(1) the identity of the seller and purchaser involved in each transaction;

(2) the total quantity of, and amount paid for, the medical marijuana; and

(3) the date, time and location of each transaction.

(b) Every patient or primary caregiver shall provide to the licensee, and the licensee shall record, the following information for such books and records:

- (1) the patient or primary caregiver's name, date of birth, and current street address, including city, state and zip code;
- (2) the form of identification that was presented by the patient or primary caregiver, which may include any of the following, and the identifying number, if any, from such form:
  - a. an identification card issued in accordance with Section 42-2-302, C.R.S.,
  - b. a valid state driver's license,
  - c. a valid driver's license containing a picture issued by another state,
  - d. a military identification card,
  - e. a valid passport, or
  - f. an alien registration card;
- (3) a registry identification card or its functional equivalent under Section 14(3)(d) of Article XVIII, Section 14 of the Colorado Constitution and, in the case of a primary caregiver, the date the primary caregiver was designated by the patient for whom the medical marijuana was purchased.

(c) Information provided to the licensee by a patient or primary caregiver under the provisions of this Section need not include any information regarding the patient's physician or medical condition.

(d) All transactions shall be kept in a numerical register in the order in which they occur.

(e) All records required to be kept under this Article must be kept in the English language in a legible manner and must be preserved and made available for inspection for a period of three (3) years after the date of the transaction. Information inspected by Police Services or other City departments pursuant to this Article shall be used for regulatory and law enforcement purposes only and shall not be a matter of public record.

(Ord. No. 025, 2010, § 2, 3-16-10; Ord. No. 019, 2011, 3-15-11)

**Sec. 15-487. Inspection of licensed premises.**

During all business hours and other times of apparent activity, all licensed premises shall be subject to inspection by Police Services and all other City departments designated by the City Manager for the purpose of investigating and determining compliance with the provisions of this Article and any other applicable state and local laws or regulations. Said inspection may include, but need not be limited to, the inspection of books, records and inventory. Where any part of the licensed premises consists of a locked area, such area shall be made available for inspection, without delay, upon request.

(Ord. No. 025, 2010, § 2, 3-16-10; Ord. No. 019, 2011, 3-15-11)

**Sec. 15-488. Nonrenewal, suspension or revocation of license.**

(a) The Authority may, after notice and hearing, suspend, revoke or refuse to renew a license for any of the following reasons:

- (1) the applicant or licensee, or his or her agent, manager or employee, has violated, does not meet, or has failed to comply with, any of the terms, requirements, conditions or provisions of this Article or with any applicable State or local law or regulation;
- (2) the applicant or licensee, or his or her agent, manager or employee, have failed to comply with any special terms or conditions of its license pursuant to an order of the State or local licensing authority, including those terms and conditions that were established at the time of issuance of the license and those imposed as a result of any disciplinary proceedings held subsequent to the date of issuance of the license; or
- (3) the medical marijuana business has been operated in a manner that adversely affects the public health, safety or welfare.

(b) Evidence to support a finding under Subsection (a) of this Section may include, without limitation, a continuing pattern of disorderly conduct, a continuing pattern of drug-related criminal conduct within the premises of the

medical marijuana business or in the immediate area surrounding such business, a continuing pattern of criminal conduct directly related to or arising from the operation of the medical marijuana business, or an ongoing nuisance condition emanating from or caused by the medical marijuana business.

(Ord. No. 025, 2010, § 2, 3-16-10; Ord. 019, 2011, 3-15-11)

**Sec. 15-489. Violations and penalties.**

In addition to the possible denial, suspension, revocation or nonrenewal of a license under the provisions of this Article, any person, including, but not limited to, any licensee, manager or employee of a medical marijuana business, or any customer of such business, who violates any of the provisions of this Article, shall be guilty of a misdemeanor punishable in accordance with § 1-15 of this Code.

(Ord. No. 025, 2010, § 2, 3-16-10; Ord. No. 019, 2011, 3-15-11)

**Sec. 15-490. No City liability; indemnification.**

(a) By accepting a license issued pursuant to this Article, the licensee waives and releases the City, its officers, elected officials, employees, attorneys and agents from any liability for injuries, damages or liabilities of any kind that result from any arrest or prosecution of business owners, operators, employees, clients or customers for a violation of State or federal laws, rules or regulations.

(b) By accepting a license issued pursuant to this Article, all licensees, jointly and severally if more than one (1), agree to indemnify, defend and hold harmless the City, its officers, elected officials, employees, attorneys, agents, insurers and self-insurance pool against all liability, claims and demands on account of any injury, loss or damage, including, without limitation, claims arising from bodily injury, personal injury, sickness, disease, death, property loss or damage, or any other loss of any kind whatsoever arising out of or in any manner connected with the operation of the medical marijuana business that is the subject of the license.

(Ord. No. 025, 2010, § 2, 3-16-10; Ord. No. 019, 2011, 3-15-11)

**Sec. 15-491. Other laws remain applicable.**

(a) To the extent the State adopts in the future any additional or stricter law or regulation governing the sale or distribution of medical marijuana, the additional or stricter regulation shall control the establishment or operation of any medical marijuana business in the City. Compliance with any applicable state law or regulation shall be deemed an additional requirement for issuance or denial of any license under this Article, and noncompliance with any applicable state law or regulation shall be grounds for revocation or suspension of any license issued hereunder.

(b) Any licensee may be required to demonstrate, upon demand by the City Manager or by law enforcement officers, that the source and quantity of any marijuana found upon the licensed premises are in full compliance with any applicable state law or regulation.

(c) If the State prohibits the sale or other distribution of marijuana through medical marijuana dispensaries, any license issued hereunder shall be deemed immediately revoked by operation of law, with no ground for appeal or other redress on behalf of the licensee.

(d) The issuance of any license pursuant to this Article shall not be deemed to create an exception, defense or immunity to any person in regard to any potential criminal liability the person may have under federal law for the cultivation, possession, sale, distribution or use of marijuana.

(Ord. No. 025, 2010, § 2, 3-16-10; Ord. No. 019, 2011, 3-15-11)

**Sec. 15-492. Severability.**

If any section, sentence, clause, phrase, word or other provision of this Article is for any reason held to be unconstitutional or otherwise invalid, such holding shall not affect the validity of the remaining sections, sentences, clauses, phrases, words or other provisions of this Article or the validity of this Article as an entirety, it being the legislative intent that this Article shall stand, notwithstanding the invalidity of any section, sentence, clause, phrase, word or other provision.

(Ord. No. 025, 2010, § 2, 3-16-10; Ord. No. 019, 2011, 3-11-15)

**Sec. 15-493. Administrative regulations.**

The City Manager is authorized to promulgate such rules and regulations as are necessary to effectuate the implementation, administration and enforcement of this Article.

(Ord. No. 095, 2010, § 5, 9-7-10; Ord. No. 019, 2011, 3-15-11)

**Secs. 15-494—15-499. Reserved.**

**ARTICLE XVII.**

**MEDICAL MARIJUANA PATIENTS AND PRIMARY CAREGIVERS**

**Sec. 15-500. Definitions.**

The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this Section:

*Patient* shall mean a person who has a debilitating medical condition as defined in Article XVIII, Section 14 of the Colorado Constitution.

*Primary caregiver* shall mean a person, other than the patient and the patient's physician, who is eighteen (18) years of age or older and has significant responsibility for managing the well-being of a patient who has a debilitating medical condition.

(Ord. No. 019, 2011, 3-15-11)

**Sec. 15-501. Limitations.**

Primary caregivers who cultivate, possess or dispense medical marijuana for use by patients, and patients who cultivate or possess medical marijuana for their own medical use, shall be subject to the following limitations:

- (1) All cultivation of medical marijuana shall be conducted entirely within a building or other fully enclosed structure.
- (2) Not more than twelve (12) marijuana plants, including no more than six (6) mature plants, may be cultivated or kept within, or on the same legal parcel as, any single-family dwelling.
- (3) In no event shall a patient or primary caregiver keep, cultivate, grow or process more medical marijuana than such person is entitled to possess under Article XVIII, Section 14 of the Colorado Constitution.

(Ord. No. 019, 2011, 3-15-11)