

CHAPTER 5

Business Licenses and Regulations

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ARTICLE 1

Business Licenses

Sec. 5-1-10. License required.

It shall be unlawful for any person to engage in the business of selling tangible personal property at retail or the furnishing of any services taxable pursuant to Article 26, Title 39, C.R.S., 1973, without first having obtained a license therefor. Such license shall be granted and issued by the City Manager and shall be in force and effect until the thirty-first day of December of the year in which it was issued, unless sooner revoked. (Prior code 25A-3; Ord. 1110 §1, 2010)

Sec. 5-1-20. Application.

Such licenses shall be granted and renewed only upon application stating the name and address of the person desiring such license, the name of such business and the location and other facts as the City Manager may require. (Prior code 25A-3; Ord. 1110 §1, 2010)

Sec. 5-1-30. Renewal.

It shall be the duty of each licensee on or before January 1 of each year during which this Article remains in effect to obtain a renewal thereof if the licensee remains in the retail business or liable to account for the tax herein provided, but nothing herein contained shall be construed to empower the City Manager to refuse such renewal except for revocation for cause of the licensee's prior license. (Prior code 25A-3; Ord. 1110 §1, 2010)

Sec. 5-1-40. Separate license for each location.

In case business is transacted at one (1) or more separate premises by one (1) person, a separate license for each place of business shall be required. (Prior code 25A-3; Ord. 1110 §1, 2010)

Sec. 5-1-50. Posting of license.

Each license shall be numbered and shall show the name, residence, place and character of business of the license and shall be posted in a conspicuous place in the place of business for which it is issued. No license shall be transferable. (Prior code 25A-3; Ord. 1110 §1, 2010)

Sec. 5-1-60. Exemption.

No license shall be required for any person engaged exclusively in the business of selling commodities which are exempt from taxation pursuant to the provisions of this Article. (Prior code 25A-3; Ord. 1110 §1, 2010)

Sec. 5-1-70. Violation.

Any person engaged in the business of selling tangible personal property at retail in the City, without having secured a license therefor, except as specifically provided herein, shall be guilty of a violation of this Article. (Prior code 25A-3; Ord. 1110 §1, 2010)

ARTICLE 2

Adult Business Licenses

Sec. 5-2-10. Purpose.

The purpose and intent of this Article is to regulate adult businesses, to promote the health, safety, morals and general welfare of the citizens of the City, and to establish reasonable and uniform regulations to prevent the deleterious location and concentration of adult businesses within the City, thereby reducing or eliminating the adverse secondary effects from such adult businesses. The provisions of this Article have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including adult materials. Similarly, it is not the intent nor effect of this Article to restrict or deny access by adults to adult materials protected by the First Amendment or the Colorado Constitution, or to deny access by the distributors and exhibitors of adult entertainment to their intended market. Neither is it the intent nor effect of this Article to condone or legitimize the distribution of obscene material. (Prior code 16-1; Ord. 1110 §1, 2010)

Sec. 5-2-20. Definitions.

As used in this Article, the following words or phrases shall have the following meanings, respectively:

Adult arcade means an establishment where, for any form of consideration, one (1) or more still or motion picture projectors, slide projectors or similar machines, or other image-producing machines, for viewing by five (5) or fewer persons each, are used to show films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

Adult bookstore, adult novelty store or adult video store means a commercial establishment which: 1) devotes a significant or substantial portion of its stock-in-trade or interior floor space to; 2) receives a significant or substantial portion of its revenues from; or 3) devotes a significant or substantial portion of its advertising expenditures to the promotion of: the sale, rental or viewing (for any form of consideration) of books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, slides or other visual representations which are characterized by the depiction or description of specified sexual activities or specified anatomical areas. An establishment may have other principal business purposes that do not involve the offering for sale, rental or viewing of materials depicting or describing specified sexual activities or specified anatomical areas, and still be categorized as an adult bookstore, adult novelty store or adult video store. Such other business purposes will not serve to exempt such establishment from being categorized as an adult bookstore, adult novelty store or adult video store so long as the provisions hereof are otherwise met.

Adult business means an adult arcade, adult bookstore, adult novelty shop, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, sexual encounter establishment or nude model studio. The definition of adult businesses shall not include an establishment where a medical practitioner, psychologist, psychiatrist or similar professional person licensed by the State engages in medically approved and recognized sexual therapy.

Adult cabaret means a club, restaurant, "pop shop" or similar commercial establishment which features: 1) persons who appear nude or in a state of nudity or semi-nude; 2) live performances which are

characterized by the exposure of specified anatomical areas or by specified sexual activities; or 3) films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

Adult motel means a motel, hotel or similar commercial establishment which: 1) offers public accommodations for any form of consideration and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas and which advertises the availability of this adult type of material by means of a sign visible from the public right-of-way, or by means of any off-premises advertising, including but not limited to newspapers, magazines, pamphlets, leaflets, radio or television; 2) offers a sleeping room for rent for a period of time less than ten (10) hours; or 3) allows a tenant or occupant to subrent a sleeping room for a time period of less than ten (10) hours.

Adult motion picture theater means a commercial establishment where films, motion pictures, video cassettes, slides or similar photographic reproductions depicting or describing specified sexual activities or specified anatomical areas are regularly shown for any form of consideration.

Adult theater means a theater, concert hall, auditorium or similar commercial establishment which, for any form or consideration, regularly features persons who appear in a state of nudity or live performances which are characterized by exposure of specified sexual activities or specified anatomical areas.

Employee means a person who works or performs in and/or for an adult business, regardless of whether or not said person is paid a salary, wage or other compensation by the operator of said business.

Establishment, in regard to an adult business, means and includes any of the following:

- a. The opening or commencement of any such business as a new business;
- b. The conversion of an existing business into an adult business;
- c. The addition of an adult business to any other existing adult business; or
- d. The relocation of an adult business.

Licensing officer means the City Manager.

Manager means an operator, other than a licensee, who is employed by an adult business to act as a manager or supervisor of employees or is otherwise responsible for the operation of the business.

Nude model studio means any place where a person, who appears in a state of nudity or displays specified anatomical areas, is provided for money or any form of consideration to be observed, sketched, drawn, painted, sculpted, photographed or similarly depicted by other persons.

Nudity or state of nudity means: 1) the appearance of human bare buttocks, anus, male genitals, female genitals or the areola or nipple of the female breast; or 2) a state of dress which fails to opaquely and fully cover a human buttocks, anus, male or female genitals, pubic region or areola or nipple of the female breast.

Operator includes the owner, permit holder, custodian, manager, operator or person in charge of any permitted or licensed premises.

Peep booth means a viewing room of less than one hundred fifty (150) square feet of floor space.

Permittee and/or *licensee* means a person in whose name a permit and/or license to operate an adult business has been issued, as well as the individual listed as an applicant on the application for a permit and/or license.

Person means an individual, proprietorship, partnership, corporation, limited liability company, association or other legal entity.

Premises or *permitted or licensed premises* means any premises that requires a license and/or permit and that is classified as an adult business.

Principal owner means any person owning, directly or beneficially: 1) ten percent (10%) or more of a corporation's equity securities; 2) ten percent (10%) or more of the membership interests in a limited liability company; or 3) in the case of any other legal entity, ten percent (10%) or more of the ownership interests in the entity.

Private room means a room in an adult motel that is not a peep booth, has a bed and a bath in the room or adjacent room, and is used primarily for lodging.

Seminude means a state of dress in which clothing covers no more than the genitals, pubic region and areola of the female breast, as well as portions of the body covered by supporting straps or devices.

Sexual encounter establishment means a business or commercial establishment that, as one (1) of its primary business purposes, offers, for any form of consideration, a place where two (2) or more persons may congregate, associate or consort for the purpose of specified sexual activities, the exposure of specified anatomical areas or activities when one (1) or more of the persons is in a state of nudity or seminude. An adult motel will not be classified as a sexual encounter establishment by virtue of the fact that it offers private rooms for rent.

Specified anatomical areas means:

- a. Less than completely and opaquely covered human genitals, pubic region, buttocks, anus or female breasts below a point immediately above the top of the areola; or
- b. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified criminal acts means sexual crimes against children, sexual abuse, rape or crimes connected with another adult business, including distribution of obscenity, prostitution or pandering.

Specified sexual activities means:

- a. The fondling or other intentional touching of human genitals, pubic region, buttocks, anus or female breasts;

- b. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation or sodomy;
- c. Masturbation, actual or simulated;
- d. Human genitals in a state of sexual stimulation, arousal or tumescence; or
- e. Excretory functions as part of or in connection with any of the activities set forth in Paragraphs (1) through (4) of this definition.

Transfer of ownership or control of an adult business means and includes any of the following:

- a. The sale, lease or sublease of the business;
- b. The transfer of securities which constitute a controlling interest in the business, whether by sale, exchange or similar means; or
- c. The establishment of a trust, management arrangement, gift or other similar legal devise which transfers ownership or control of the business, except for transfer by bequest or other operation of law upon the death of a person possessing the ownership or control. (Prior code 16-2; Ord. 1110 §1, 2010)

Sec. 5-2-30. Location of adult businesses; amortization.

(a) It shall be unlawful to operate or cause to be operated an adult business in any location in the City except as provided in this Code and the Zoning and Land Use Code.

(b) It shall be unlawful to operate or cause to be operated an adult business within five hundred (500) feet of:

- (1) A church;
- (2) A school or childcare facility; or
- (3) A public park (not including trails).

(c) It shall be unlawful to cause or permit the operation of an adult business within five hundred (500) feet of another adult business. The distance between any such businesses and those businesses specified in Subsection (b) above shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior wall of the structure in which the adult business is located.

(d) It shall be unlawful to cause or permit the operation or maintenance of more than one (1) adult business in the same building, structure or portion thereof.

(e) Any adult business lawfully operating on the effective date of this Article that is in violation of Subsections (b) through (d) above will be permitted to continue for a period of six (6) months from the effective date hereof. However, the City Manager may grant an extension of time during which an adult business in violation of Subsections (b) through (d) above will be permitted to continue upon a showing that the owner of the business has not had a reasonable time to recover the initial financial investment in the business. No such extension of time shall be for a period greater than that reasonably necessary for the

owner of the business to recover his or her initial financial investment in the business. An adult business in violation of Subsections (b) through (d) above may continue during such extended period, unless the business is sooner terminated for any reason or voluntarily discontinued for a period of thirty (30) days or more. Such business shall not be enlarged, extended or altered except that the business may be brought into compliance with this Article. If two (2) or more adult businesses are within five hundred (500) feet of one another and otherwise in a permissible location, the adult business which was first established and continually operating at the particular location will be deemed to be in compliance with Subsections (b) through (d) above, and the later established businesses will be deemed to be in violation of Subsections (b) through (d) above.

(f) An adult business lawfully operating is not rendered a nonconforming use by the subsequent location of a church, school, childcare facility or public park within five hundred (500) feet of the adult business; however, if the adult business ceases operation for a period of one hundred eighty (180) days or more, regardless of any intent to resume operation, it may not recommence operation at that location. (Prior code 16-3; Ord. 1110 §1, 2010)

Sec. 5-2-40. License required; fee.

(a) No person shall conduct an adult business without first having obtained an annual adult business license.

(b) An applicant for an annual adult business license shall pay a license fee of five hundred dollars (\$500.00).

(c) In the event an application for an adult business license is withdrawn or denied, the license fee shall not be refunded to the applicant. (Prior code 16-4; Ord. 1110 §1, 2010)

Sec. 5-2-50. License application.

(a) The applicant for an adult business license shall file an application for such license with the City Manager on forms to be provided by the City Manager. Each principal owner and all managers and employees shall be named in the application form.

(b) The completed application shall contain the following information and shall be accompanied by the following documents:

(1) If the applicant is:

a. An individual, the individual shall state his or her legal name and any aliases and shall submit satisfactory proof that he or she is eighteen (18) years of age;

b. A partnership, the partnership shall state its complete name and the names of all partners, whether the partnership is general or limited, and a copy of the partnership agreement, if any;

c. A corporation, the corporation shall state its complete name, the date of its incorporation, evidence that the corporation is in good standing under the statutes of the State or, in the case of a foreign corporation, evidence that it is currently authorized to do business in the State, the names and

capacity of all officers, directors and principal owners, and the name of the registered corporate agent and the address of the registered office for service of process;

d. A limited liability company, it shall state its complete name, the date of filing of the articles of organization and operating agreement and the names of all managers and members.

(2) Whether the applicant or any other individual listed under Paragraph (1) above had worked under or has had a previous adult business license under this Article or other adult business or adult entertainment ordinance from another state, city or county denied, suspended or revoked, including the name and location of the adult business for which the permit was denied, suspended or revoked, as well as the date of the denial, suspension or revocation.

(3) Whether the applicant or any other individual listed under Paragraph (1) above holds any other licenses under this Article or other similar adult business ordinance from another city, county or state and, if so, the names and locations of such other permitted businesses.

(4) The location of the proposed adult business, including a legal description of the property, street address and telephone number, if any.

(5) Proof of the applicant's right to possession of the premises wherein the adult business is proposed to be conducted.

(6) The applicant's, or any other individual's listed, pursuant to Paragraph (1) above, mailing address and residential address.

(7) A photocopy of the driver's license or other government-issued identification card for the individuals listed in Paragraph (1) above.

(8) A floor plan of the proposed licensed premises which specifies the location and dimensions of any manager's station and demonstrates that there is an unobstructed view from at least one (1) of the manager's stations of every area of the premises to which any patron is permitted access for any purpose, excluding restrooms. The proposed floor plan shall designate those rooms or other areas of the premises where patrons are not permitted and shall also designate the use of each room or other area of the premises. The proposed floor plan need not be professionally prepared, but must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six (6) inches. The diagram shall designate the place where the license will be conspicuously posted and the location of any proposed stage. A floor plan is not required of the licensed premises of an adult motion picture theater.

(9) A current certificate drawing prepared, within thirty (30) days prior to the application, by a land surveyor depicting the property lines and the structures containing any adult business within five hundred (500) feet of the closest exterior wall of the structure in which the applicant's business is proposed to be located, and depicting the property line of any church, school, childcare facility, public park, residential zone district or residential lot within five hundred (500) feet of the closest exterior wall of the structure in which the applicant's business is proposed to be located.

(10) Whether the applicant or any of the other individuals listed pursuant to Paragraph (1) above have been convicted of a specified criminal act within the times set forth in Section 5-2-80 of this Article and, if so, the specified criminal act involved, the date of conviction and the place of conviction.

(11) Photographs (passport size or approximately two [2] inches by two [2] inches) and fingerprints of all principal owners and each manager, general partner and, in the case of a corporate applicant, the president of the corporation.

(c) If the applicant is an individual, he or she must sign the application for a license. If the applicant is a corporation, the application must be signed by the president or vice president and attested to by the secretary or assistant secretary. If the applicant is a general or limited partnership, the application must be signed by a general partner. If the applicant is a limited liability company, it must be signed by the manager.

(d) If an omission or error is discovered by the City Manager, the application will be returned to the applicant for completion or correction without further action by the City Manager. Any application rejected due to an omission or error shall be refiled only when the omission or error has been remedied. For the purposes of this Article, the date the City Manager accepts an application which is complete shall be the date the application is filed with the City Manager.

(e) In the event that the City Manager determines that the applicant has improperly completed the application, he or she shall promptly notify the applicant of such fact and allow the applicant thirty (30) days to properly complete the application. The time period for granting or denying a license shall be stayed during the period in which the applicant is allowed an opportunity to properly complete the application.

(f) The applicant for a license under this Article shall have a continuing duty to promptly supplement application information required by this Section in the event that said information changes in any way from what is stated on the application. The failure to comply with said continuing duty within thirty (30) days from the date of such change, by supplementing the application on file with the City Manager, shall be grounds for the suspension or revocation of an adult business license. (Prior code 16-5; Ord. 1110 §1, 2010)

Sec. 5-2-60. Application fee.

Each applicant for a new license or as specified in Subsection 5-2-120(b) of this Article, whether an individual, partnership or corporation, shall pay an application fee of one hundred fifty dollars (\$150.00) at the time of the filing of an application. Such application fee shall be nonrefundable. (Prior code 16-6; Ord. 1110 §1, 2010)

Sec. 5-2-70. Investigation.

On receipt of a properly completed application and the payment of the application and license fees, the City Manager shall investigate the background of each individual applicant, employee, the partners of a partnership, or the officers, directors and holders of the stock of a corporation. Each applicant shall pay a nonrefundable investigation fee at the time the application is filed in the amount then charged by the Colorado Department of Public Safety for each person who will be investigated. The investigation conducted by the City Manager shall be sufficient to verify the accuracy of all the information required by Section 5-2-50 above. The City Manager shall also transmit a request to the Director of Community Development for a report that the proposed location of such adult business complies with the locational requirements of this Article. The Director of Community Development shall issue such report within five (5)

business days of transmission of the request. If the Director of Community Development fails to issue the report as required, the City Manager shall presume that the proposed location of the adult business complies with this Article. (Prior code 16-7; Ord. 1110 §1, 2010)

Sec. 5-2-80. Approval or denial of license.

(a) The application of any applicant shall be approved or denied by the City Manager within fourteen (14) business days of the date the application is filed with the City Manager. The City Manager shall deny a license if:

- (1) The applicant is under the age of eighteen (18) years;
- (2) The applicant has made a false statement upon the application or has given false information in connection with an application;
- (3) The applicant or any holder of any class of stock, or a director, officer, partner or principal of the applicant has had an adult business license revoked or suspended anywhere within the State within one (1) year prior to the application;
- (4) The applicant has operated an adult business which has been determined to be a public nuisance under state law or this Code within one (1) year prior to the application;
- (5) A corporate applicant is not in good standing or authorized to do business in the State;
- (6) The applicant is overdue in the payment to the City of taxes, fees, fines or penalties assessed against him or her or imposed against him or her in relation to an adult business;
- (7) The applicant has not obtained the required sales tax license; or
- (8) The applicant has been convicted of a specified criminal act within the five-year period prior to the date the application is filed with the City Manager.

(b) In the event that the City Manager denies a license, he or she shall make written findings of fact stating the reasons for the denial, and a copy of such decision shall be sent by first class mail to the address shown in the application. An applicant shall have the right to a hearing before the City Manager as set forth in Subsection 5-2-110(c) of this Article. A written request for such hearing shall be made to the City Manager within ten (10) business days of the date of the denial of the license by the City Manager. This hearing shall be held within fourteen (14) business days from the date a timely request for hearing is received by the City Manager and shall follow all the relevant procedures set forth for a suspension or revocation of a license contained in Subsection 5-2-110(c) of this Article.

(1) At the hearing referred to above, the City Manager shall hear such statements and consider such evidence as the Police Department or other enforcement officers, the applicant or other party in interest, or any other witness shall offer which is relevant to the denial of the license application by the City Manager.

(2) If the City Manager determines that the applicant is ineligible for a license pursuant to Subsection (a) above, he or she shall issue an order sustaining the City Manager's denial of the application, within

five (5) business days after the hearing is concluded, based on findings of fact. A copy of the order shall be mailed to the applicant at the address supplied on the application.

(3) The order of the City Manager made pursuant to Paragraph (2) above shall be a final decision and may be appealed to the District Court pursuant to Rule 106(a)(4) of the Colorado Rules of Civil Procedure. Failure of an applicant to timely follow the limits specified above constitutes a waiver by him or her of any right he or she may otherwise have to contest the denial of his or her license application.

(c) If any City official or department fails to render a timely decision pursuant to the terms of this Section, then said official or department shall be deemed to have approved or consented to the issuance of the requested license. (Prior code 16-8; Ord. 1110 §1, 2010)

Sec. 5-2-90. Term of license.

All licenses granted pursuant to this Article shall be for a term of one (1) year. Said term shall commence on January 1 of each year and terminate upon December 31 of the same year. Applications for a license filed at any other time during the year shall be treated the same as if they were filed on January 1 of that year and shall terminate on December 31 of that same year, and no proration of the license fee shall be permitted. (Prior code 16-9; Ord. 1110 §1, 2010)

Sec. 5-2-100. License renewal.

Renewal of an existing license granted pursuant to this Article may be had by payment of the annual licensing fee and filing of a renewal application with the City Manager not less than forty-five (45) days prior to the date of expiration. The City Manager may waive, for good cause shown, this filing time requirement. (Prior code 16-10; Ord. 1110 §1, 2010)

Sec. 5-2-110. Suspension or revocation of license.

(a) The City Manager may suspend a license granted pursuant to this Article for a period not to exceed six (6) months, or may revoke any license granted pursuant to this Article upon a finding of any of the following facts:

(1) Repeated disturbances of the public peace have occurred within the licensed establishment or upon any parking areas, sidewalks, accessways or grounds within the neighborhood of the licensed establishment involving patrons, employees or the licensee;

(2) The licensee or any employees thereof have offered for sale or knowingly allowed to be consumed or possessed upon the licensed premises, or upon any parking areas, sidewalks, walkways, accessways or grounds immediately adjacent to the licensed premises, narcotics, dangerous drugs or fermented malt, malt, vinous or spirituous beverages;

(3) The licensee or manager is not upon the licensed premises at all times that adult entertainment is being provided;

(4) Adult entertainment was offered at the licensed establishment during hours prohibited by Section 5-2-140 of this Article;

(5) The licensee, manager or employee has allowed patrons to engage in or has done nothing to prevent patrons from engaging in public displays of indecency in violation of state law or has allowed patrons or employees to engage in acts of prostitution or negotiations for acts of prostitution within the licensed establishment or upon any parking areas, sidewalks, accessways or grounds immediately adjacent to the licensed establishment, when the licensee, manager or employee knew or should have known such displays or acts were taking place;

(6) The licensee or manager made a false statement or gave false information in connection with an application for a license or a renewal of a license;

(7) The licensee, manager or employee violated or permitted a violation of any provisions of this Article, including the standards of conduct set forth in Section 5-2-150 of this Article;

(8) The manager or an employee of the licensed establishment is under the age of eighteen (18) years;

(9) The licensee, in the case of a corporation, is not in good standing or authorized to do business in the State;

(10) The licensee or an employee knowingly operated any aspect or facilities of the adult business during a period of time when the adult business license was suspended;

(11) The licensee is delinquent in the payment to the City or State for any taxes or fees past due;

(12) The licensee, manager or employee has knowingly allowed any act of sexual intercourse, sodomy, oral copulation or masturbation to occur within the licensed premises; or

(13) The licensee, manager or employee has been convicted of a specified criminal act.

(b) Nothing in this Article shall prohibit the City from taking any other enforcement action provided for by this Code or the laws of the State or the United States.

(c) A licensee shall be entitled to a hearing before the City Manager if the City seeks to suspend or revoke his or her license based on a violation of this Article.

(1) When there is probable cause to believe that a licensee has violated or permitted a violation of this Article to occur in or near the licensed establishment, the Police Department may file a written complaint with the City Manager setting forth the circumstances of the violation.

(2) The City Manager shall provide a copy of the complaint to the licensee, together with a notice to appear before the City Manager for the purpose of a hearing on a specified date to show cause why the licensee's license should not be suspended or revoked.

(3) In such cases where specified criminal acts are in issue, the provisions of Section 24-5-101, C.R.S., shall control.

(4) At the hearing referred to above, the City Manager shall hear such statements and consider such evidence as the Police Department or other enforcement officers, the owner, occupant, lessee or other party in interest, or any other witness shall offer which is relevant to the violation alleged in the complaint. The City Manager shall make findings of fact from the statements and evidence offered as to

whether the violation occurred in or near the licensed establishment. If the City Manager determines that a violation did occur, he or she shall issue an order suspending or revoking the license, within twenty (20) days after the hearing is concluded, based on the findings of fact. A copy of the order shall be mailed to or served on the licensee at the address on the license.

(5) The order of the City Manager made pursuant to Paragraph (4) above shall be a final decision and may be appealed to the District Court pursuant to Rule 106(a)(4) of the Colorado Rules of Civil Procedure. Failure of a licensee to timely appeal said order constitutes a waiver by him or her of any right he or she may otherwise have to contest the suspension or revocation of his or her license.

(6) The City Manager shall have the power to administer oaths, issue subpoenas and, when necessary, grant continuances. Subpoenas may be issued to require the presence of persons and production of papers, books and records necessary to the determination of any hearing which the City Manager conducts. It is unlawful for any person to fail to comply with any subpoena issued by the City Manager. A subpoena shall be served in the same manner as a subpoena issued by the District Court of the State. Upon failure of any witness to comply with such subpoena, the City Attorney shall:

a. Petition any Judge of the Municipal Court, setting forth that due notice has been given of the time and place of attendance of the witness and the service of the subpoena; requesting that the Court, after hearing evidence in support of or contrary to the petition, enter its order compelling the witness to attend and testify or produce books, records or other evidence, under penalty of punishment for contempt in case of willful failure to comply with such order of Court; or

b. Petition the appropriate District Court, setting forth that due notice has been given of the time and place of attendance of the witness and the service of the subpoena, that the Court, after hearing evidence in support of or contrary to the petition, enter its order as in other civil actions, compelling the witness to attend and testify or produce books, records or other evidence, under penalty of punishment for contempt in case of willful failure to comply with such order of Court.

(d) In the event of suspension, revocation or cessation of business, no portion of the license fee, application fee or investigative fee shall be refunded.

(e) When the City Manager revokes a license, the revocation shall continue for one (1) year, and the licensee shall not be issued an adult business license for one (1) year from the date the revocation became effective. (Prior code 16-11; Ord. 1110 §1, 2010)

Sec. 5-2-120. Display; transfer liability; change of ownership.

(a) Any adult business license issued pursuant to the terms of this Article shall be prominently displayed at all times upon the premises for which the license was issued.

(b) Licenses issued under this Article shall not be transferable except as provided herein. Any transfer of ownership or control by a licensee holding an adult business license shall result in termination of the license unless such licensee, within thirty (30) days prior to any such transfer, files a written notice of such transfer accompanied by the application fee and an investigation fee as required by Sections 5-2-60 and 5-2-70 of this Article. Any such transfer shall be reported on forms provided by the City Manager and shall require the names of all new principal owners and any information as required by Section 5-2-50 of this

Article. Approval or denial by the City Manager of such transfer shall be upon the same terms as provided for in this Article for the approval or denial of an adult business license.

(c) When a license has been issued to a husband and wife or to general or limited partners, the death of a spouse or partner shall not require the surviving spouse or partner to obtain a new license. All rights and privileges granted under the original license shall continue in full force and effect as to such survivors for the balance of the term of the license.

(d) Each license issued under this Article is separate and distinct, and no person shall exercise any of the privileges granted under any license other than that which he or she holds. A separate license shall be issued for each specific adult business and each geographical location. (Prior code 16-12; Ord. 1110 §1, 2010)

Sec. 5-2-130. Manager; change of manager.

(a) A registered manager shall be on the premises of an adult business at all times that adult entertainment is being provided. It shall be unlawful for any person to work as a manager of an adult business without first registering with the City Manager. The registration form shall require the applicant to provide his or her legal name and any aliases, home address, telephone number and satisfactory proof that he or she is twenty-one (21) years of age.

(b) In the event a licensee changes the manager or any employees of an adult business, the licensee shall report such change and register the new manager or any employees on forms provided by the City Manager within ten (10) business days of such change. Any new employee or manager shall pay the investigation fee specified in Section 5-2-70 of this Article and shall be subject to approval or denial in accordance with the provisions of Section 5-2-80 of this Article. (Prior code 16-13; Ord. 1110 §1, 2010)

Sec. 5-2-140. Hours of operation.

It shall be unlawful for any adult business licensed under this Article to be open for business or for the licensee or any employee of a licensee to allow patrons upon the licensed premises from 12:00 midnight until 8:00 a.m. (Prior code 16-14; Ord. 1110 §1, 2010)

Sec. 5-2-150. Standards of conduct.

(a) The following standards of conduct must be adhered to by employees of any adult business which offers, conducts or maintains live adult entertainment:

(1) Clothing: No employee or entertainer mingling with the patrons or serving food or beverages shall be unclothed or in such attire, costume or clothing so as to expose to view any specified anatomical area.

(2) Touching, caressing, fondling: No employee or entertainer shall encourage or knowingly permit any person upon the premises to touch, caress or fondle the breasts, buttocks, anus or genitals of any other person.

(3) Simulation of specified areas: No employee or entertainer shall wear or use any device or covering exposed to view, which simulates the breast, genitals, anus, pubic hair or any portion thereof.

(4) Performance standards:

a. No employee or entertainer shall be unclothed or in such attire, costume or clothing so as to expose any portion of the specified anatomical area except upon a stage at least eighteen (18) inches above the immediate floor level and removed at least six (6) feet from the nearest patron or behind a solid, uninterrupted physical barrier which completely separates the entertainer from any patrons. This barrier must be a minimum of one-fourth (1/4) inch thick and have no openings between the entertainer and any patrons. The stage shall be fixed and immovable.

b. No employee or entertainer shall perform while nude or seminude any obscene acts or obscene acts which simulate specified sexual activities.

(5) Use of inanimate objects: No employee or entertainer shall use artificial devices or inanimate objects to depict any of the prohibited activities described in this Section.

(6) Menu: There shall be posted and conspicuously displayed in every area offering adult entertainment a list of food and beverage prices.

(7) Alcohol and liquor: No adult business licensed under this Article shall be located within any premises which is licensed for the retail sale of three and two-tenths percent (3.2%) beer, malt, vinous or spirituous liquor, as such terms are defined in Title 12, Articles 46 and 47, C.R.S.

(8) Consumption of alcohol: It shall be unlawful to permit the consumption of three and two-tenths percent (3.2%) beer or other alcoholic beverages within the same premises as an adult business located under this Article.

(9) Tips: Any tips for entertainers shall be placed by a patron into a tip box which is permanently affixed in the adult business, and no tip may be handed directly to an entertainer. A licensee that desires to provide for such tips from its patrons shall establish one (1) or more containers to receive tips. Any physical contact between a patron and an entertainer is strictly prohibited.

(10) Tip boxes: An adult business that provides tip boxes shall conspicuously display in the common area of the premises one (1) or more signs in letters at least one (1) inch high to read as follows:

"ADULT ENTERTAINMENT IS REGULATED BY THE CITY OF FORT MORGAN.

Any tips are to be placed in tip box and not handed directly to the entertainer. Any physical contact between the patron and the entertainer is prohibited by law. Violators face maximum penalties of \$1,000 and/or one year in jail."

(11) Outside visibility: No adult entertainment occurring on the premises shall be visible at any time from outside of the premises.

(b) Any licensee who offers, conducts or maintains live adult entertainment, or an adult arcade which exhibits in a peep booth a film, videocassette or other video reproduction, shall comply with the following requirements in addition to those set forth in Subsection (a) above:

(1) It is the duty of the licensee of the premises to ensure that at least one (1) employee is on duty and situated in each manager's station at all times that any patron is present inside the premises.

(2) It is the duty of the licensee and manager of the premises to ensure that any doors to public areas on the premises remain unlocked during business hours.

(3) The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the premises to which any patron is permitted access for any purpose, excluding restrooms. Restrooms may not contain video reproduction equipment or other forms of adult entertainment. If the premises has two (2) or more manager's stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose, excluding restrooms, from at least one (1) of the manager's stations. The view required in this Subsection must be by direct line of sight from the manager's station. A manager's station may not exceed thirty-two (32) square feet of floor area.

(4) No alteration to the configuration or location of an adult business may be made without the prior written approval of City Manager.

(5) It shall be the duty of the licensee, and it shall also be the duty of any agents and employees present in the premises, to ensure that the viewing area remains unobstructed by any doors, curtains, drapes, walls, merchandise, display racks or other materials at all times and to ensure that no patron is permitted access to any area of the premises which has been designated as an area in which patrons will not be permitted in the license application filed pursuant to this Article.

(6) No peep booth may be occupied by more than one (1) person at any one (1) time.

(7) Peep booths must be separated from other peep booths by a solid, uninterrupted physical divider which is a minimum of one-fourth (1/4) inch thick and serves to prevent physical contact between patrons. (Prior code 16-15; Ord. 1110 §1, 2010)

Sec. 5-2-160. Age restrictions.

Admission to adult businesses is restricted to persons of the age of eighteen (18) years or more. (Prior code 16-16)

Sec. 5-2-170. Lighting requirements.

(a) All off-street parking areas and premises entries of adult businesses shall be illuminated from dusk to closing hours of operation with a lighting system which provides an average maintained horizontal illumination of one (1) foot-candle of light on all parking surfaces and/or walkways. This required lighting level is to help ensure the personal safety of patrons and employees and to reduce the incidence of vandalism and other criminal conduct.

(b) The premises of all adult businesses, except adult motion picture theaters, shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access to provide an illumination of not less than two (2) foot-candles of light as measured at the floor level.

(c) Adult motion picture theaters shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access to provide an illumination of not less than one (1) foot-candle of light as measured at the floor level. (Prior code 16-17; Ord. 1110 §1, 2010)

Sec. 5-2-180. Right of entry.

The application for an adult business license shall constitute consent of the licensee and his or her agents or employees to permit the Police Department or any other agent of the City to conduct routine inspections of any licensed adult business during the hours the establishment is conducting business. (Prior code 16-18; Ord. 1110 §1, 2010)

Sec. 5-2-190. Exemptions.

It is an affirmative defense to prosecution under this Article if a person appearing in a state of nudity or seminude did so in a modeling class operated:

(1) By a proprietary school licensed by the State; or a college, junior college or university supported entirely or partly by taxation;

(2) By a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college or university supported entirely or partly by taxation; or

(3) In a structure:

a. Which has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing;

b. Where, in order to participate in a class, a student must enroll at least three (3) days in advance of the class; and

c. Where no more than one (1) nude model is on the premises at any one (1) time. (Prior code 16-19; Ord. 1110 §1, 2010)

Sec. 5-2-200. Effective date.

This Article shall take effect and be in force from and after September 1, 2004. (Prior code 16-20; Ord. 1110 §1, 2010)

ARTICLE 3

Alarm System Permits

Sec. 5-3-10. Permit for installation; fee.

(a) It shall be unlawful to install and thereafter operate and maintain any emergency alarm device or system of any kind without having first obtained a permit therefor for each device or system installed. A permit fee of fifty dollars (\$50.00) shall be paid prior to the installation of any such device or system in any place within the City or under any circumstances covered by the provisions of this Article.

(b) Any such permit shall provide that the particular device or system may be inspected at any time prior to installation or subsequent thereto by the City Council or its duly authorized appointee or representative to

determine the location, quality, sufficiency of workmanship and effectiveness of such device or system. (Prior code 16-62; Ord. 1110 §1, 2010)

Sec. 5-3-20. Installation and maintenance costs.

Any and all costs and recurring charges attributable to the installation and maintenance of systems permitted by this Chapter which terminate directly in the Police Department or Fire Department of the City shall be borne entirely by the licensee or permittee. If the location of either the Police Department or Fire Department shall be changed at any time necessitating changing the location of any alarm systems terminating at such departments, such systems shall be moved at the expense of the licensee or permittee and, except as the City Council may deem appropriate, no part of such costs shall be borne by the City. (Prior code 16-63; Ord. 1110 §1, 2010)

Sec. 5-3-30. Rules and regulations.

City Council may from time to time adopt such reasonable rules and regulations as it may deem necessary to assure the quality, efficiency and effectiveness of any such emergency alarm devices. (Prior code 16-64; Ord. 1110 §1, 2010)

Sec. 5-3-40. False alarms.

False alarms present a risk to emergency personnel responding thereto and to the general public; repeated incidents of false alarms at the same location shall be a basis for imposition of a fine or fines or suspension or revocation of the permit required to operate and maintain any emergency alarm device or system.

(1) False burglar, holdup or police emergency alarms. Except for alarms caused by an act of nature or through faulty telephone communications, a fine of fifty dollars (\$50.00) shall be levied for each false burglar, holdup or police emergency alarm to which the police respond in excess of six (6) in any three-hundred-sixty-five-day period. Repeated false alarms in excess of six (6) alarms in such period for whatever reason shall also be grounds for suspension by the City Manager of the permit for such system as a faulty system. The City Manager shall at all times have the authority to suspend the permit for any such system until such time as suitable personnel practices are instituted or satisfactory repair or replacement is made correcting such faulty system. The City Manager, at any time, may also recommend to the City Council the termination of the permit required to operate and maintain such system for any violation of this Article or for any faulty system which cannot be made reliable against false alarms in keeping with the provisions of this Section. Any alarm system shall be deactivated if the permit therefor is suspended or terminated and shall remain deactivated until the suspension is terminated by reinstatement or a new permit for the system is issued.

(2) False fire alarms. Except for alarms caused by an act of nature or through faulty telephone communications, a fine shall be levied for each false fire or false emergency alarm at the same location to which the Fire Department responds in excess of six (6) in any three-hundred-sixty-five-day period in accordance with the following schedule:

- a. One hundred fifty dollars (\$150.00) per vehicle owned and operated by the Fire Department responding to each false alarm;
- b. Normal response shall consist of two (2) engines, one (1) ladder and one (1) rescue truck.

Repeated false alarms in excess of six (6) alarms in such period for whatever reason shall also be grounds for suspension by the Fire Chief of the permit for such system as a faulty system. The Fire Chief shall at all times have the authority to suspend the permit for any such system until such time as suitable personnel practices are instituted or satisfactory repair or replacement is made correcting such faulty system. The Fire Chief, at any time, may also recommend to the City Council the termination of the permit required to operate and maintain such system for any violation of this Article or for any faulty system which cannot be made reliable against false alarms in keeping with the provisions of this Section. Any alarm system shall be deactivated if the permit therefor is suspended or terminated and shall remain deactivated until the suspension is terminated by reinstatement or a new permit for the system is issued. (Prior code 16-65; Ord. 1110 §1, 2010)

Sec. 5-3-50. Alarm systems outside City limits.

The provisions of this Article shall apply to any and all emergency alarm devices, the signal of which originates outside the corporate limits of the City when such signal terminates directly within or gives an alarm within the Police Department or Fire Department of the City. (Prior code 16-66; Ord. 1110 §1, 2010)

Sec. 5-3-60. Trunk-line facilities.

No alarm system or device which transmits a signal or prerecorded message directly to the Police or Fire Departments shall be connected to or be permitted to use the primary telephone trunk line serving any City governmental facility. (Prior code 16-67; Ord. 1110 §1, 2010)

Sec. 5-3-70. Penalty.

In addition to any other remedies or penalties provided herein, any person violating the provisions hereof shall be punished by a fine in accordance with the provisions of Section 1-4-10 of this Code. (Prior code 16-68; Ord. 1110 §1, 2010)

ARTICLE 4

Alcoholic Beverage Licenses

Division 1

General Provisions

Sec. 5-4-10. Definitions.

As used in this Chapter, the following words or phrases shall have the following meanings, respectively:

Fermented malt beverage or 3.2 beer means any beverages obtained by the fermentation of any infusion or decoction of barely, malt, hops or any similar product or any combination thereof in water containing not more than three and two-tenths percent (3.2%) alcohol by weight.

Malt liquor means beer and any beverage obtained by the alcoholic fermentation of any infusion or decoction of barley, malt, hops or any other similar product or any combination thereof in water containing more than three and two-tenths percent (3.2%) of alcohol by weight.

Medicinal liquor means any alcoholic beverage excepting beer and wine which has been aged in wood for four (4) years, bonded by the United States government and at least one hundred (100) proof.

Operator means a person licensed by law to sell fermented malt beverages, malt, vinous and spirituous liquors, other than medicinal liquors, for beverage purposes at retail and who is engaged at any time during the calendar year in such operation within the City.

Spirituous liquor means any alcoholic beverage obtained by distillation, mixed with water and other substances in solution, and includes, among other things, brandy, rum, whiskey, gin and every liquid or solid, patented or not, containing alcohol and which is fit for use for beverage purposes. Any liquid or solid containing beer or wine in combination with any other liquor except as above provided shall not be construed to be malt or vinous liquor but shall be construed to be spirituous liquor.

Vinous liquor means wine and fortified wines, not exceeding twenty-one percent (21%) of alcohol by volume, and shall be construed to mean alcoholic beverage obtained by the fermentation of the natural sugar contents of fruits or other agricultural produce containing sugar. (Prior code 3-1; Ord. 1110 §1, 2010)

Sec. 5-4-20. Sale or consumption in public or unlicensed premises.

Except for the sale of medicinal liquors as hereinafter provided in Article II of this Chapter, it shall be unlawful for any person to sell, give away or consume any beverage having any alcoholic content whatever upon any street, avenue, alley, park or other public place within the City or at, in or upon the premises of any place of public resort within the City not licensed by the City and State to sell fermented malt beverages, malt, vinous or spirituous liquors. (Prior code 3-2; Ord. 1110 §1, 2010)

Sec. 5-4-30. Licensee and premises defined.

(a) For the purpose of Sections 5-4-40 through 5-4-140 below, the term *licensee* shall include any person duly licensed to sell fermented malt beverages, malt, vinous or spirituous liquors under the provisions of this Chapter or, except as provided in Section 5-4-80, any agent, servant or employee of such licensee.

(b) For the purpose of Sections 5-4-40 through 5-4-140, the term *premises* shall include all or any part of the physical boundaries of any establishment duly licensed for the sale of fermented malt beverages, malt, vinous or spirituous liquors under the provisions of this Chapter. (Prior code 3-3; Ord. 1110 §1, 2010)

Sec. 5-4-40. Disorderly conduct in licensed premises prohibited.

It shall be unlawful for any licensee to permit any disturbance or unlawful or disorderly act or conduct to be committed by any person or group of persons upon the premises. (Prior code 3-4; Ord. 1110 §1, 2010)

Sec. 5-4-50. Encouragement of disorderly conduct prohibited; exception.

It shall be unlawful for a licensee in any manner to encourage or participate in any disturbance or unlawful or disorderly act or conduct upon the premises; provided, however, that such licensee may use such lawful means as may be proper to protect his or her person or property from damage or injury. (Prior code 3-5; Ord. 1110 §1, 2010)

Sec. 5-4-60. Report to police.

Any licensee shall immediately report to the Police Department any unlawful or disorderly act or conduct or any disturbance committed on the premises. (Prior code 3-6; Ord. 1110 §1, 2010)

Sec. 5-4-70. Prosecution for violations.

Prosecution or conviction under this Article shall not prohibit prosecution or conviction under any other applicable law or ordinance, and the penalties provided hereunder shall be cumulative and in addition to all other penalties incurred under such other applicable law or ordinance. (Prior code 3-7; Ord. 1110 §1, 2010)

Sec. 5-4-80. Absence of licensee not defense against prosecution.

It shall not be a defense that the licensee was not personally present on the premises at the time such unlawful or disorderly act, conduct or disturbance took place. However, an agent, servant or employee of the licensee shall not be liable hereunder when absent from the premises while not on duty. (Prior code 3-8; Ord. 1110 §1, 2010)

Sec. 5-4-90. Personal property not to be pledged for credit.

It shall be unlawful for any licensee in the City engaged in the sale and dispensation of malt, vinous or spirituous liquors to, in any manner, accept any personal property as a pledge, pawn or loan for any sum of money advanced by such licensee or for any credit extended by such licensee. (Prior code 3-9; Ord. 1110 §1, 2010)

Sec. 5-4-100. Hours of sale and consumption; malt, vinous or spirituous liquors.

The days and hours during which malt, vinous or spirituous liquors are permitted to be sold, served or distributed shall be those days and hours from time to time specified for such purpose by the state statutes. (Prior code 3-15; Ord. 1110 §1, 2010)

Sec. 5-4-110. Hours of sale and consumption; fermented malt beverages.

The days and hours during which fermented malt beverages are permitted to be sold, served or distributed shall be those days and hours from time to time specified for such purpose by the state statutes. (Prior code 3-16; Ord. 1110 §1, 2010)

Sec. 5-4-120. Inspection of licensed premises.

All premises licensed to sell fermented malt beverages, malt, vinous or spirituous liquors shall be open to inspection by police or the Health Office of the City or of the County or State at all times when the same shall be occupied by the licensee, his or her employees or by members of the public. (Prior code 3-17; Ord. 1110 §1, 2010)

Sec. 5-4-130. Sacramental wines exempt.

The provisions of this Article shall not apply to the sale or distribution of sacramental wines sold and used for religious purposes. (Prior code 3-18; Ord. 1110 §1, 2010)

Sec. 5-4-140. Written prescription required for sale; penalty for violation.

(a) The sale of alcoholic liquor for medicinal purposes shall be only upon the prescription of a physician of good repute, authorized by law to practice medicine in the State and actually residing and practicing medicine in the county. No person shall sell, by virtue of a permit to sell, alcoholic liquor for medicinal purposes unless such prescription shall be in writing and shall designate by name the person for whose use such liquor is prescribed, whether in compound or otherwise, by its ordinary name in the English language.

(b) Any person violating the provisions of this Section shall, upon conviction thereof, be fined in accordance with the provisions of Section 1-4-10 of this Code. (Prior code 3-20; Ord. 1110 §1, 2010)

Sec. 5-4-150. Penalty for violation.

Any person violating any of the provisions of this Article shall, upon conviction thereof, be fined in accordance with the provisions of Section 1-4-10 of this Code. (Prior code 3-19; Ord. 1110 §1, 2010)

Division 2
Occupation Tax on Retail Businesses

Sec. 5-4-210. Declaration of policy.

The City Council of the City hereby finds, determines and declares that, considering the nature of the business of selling at retail 3.2 beer, malt, vinous and spirituous liquors for beverage purposes and the relation of such business to the municipal welfare as well as the relation thereof to the expenditures required of the City and a proper, just and equitable distribution of tax burdens within the City and all other matters proper to be considered a relation thereto, the classification of such business as a separate occupation is reasonable, proper, uniform and nondiscriminatory and that the amount of tax hereby imposed by this Article is reasonable, proper, uniform and nondiscriminatory and necessary for a just and proper distribution of tax burdens within the City. (Prior code 5-21; Ord. 1110 §1, 2010)

Sec. 5-4-220. Classification of retail businesses.

The business of selling at retail any 3.2 beer, malt, vinous or spirituous liquor, other than medicinal liquors, for beverage purposes is hereby defined and separately classified as such occupation for the purposes of this Article as follows:

(1) Class "A" operators. All operators who are licensed to sell beer, wine and spirituous liquors for consumption on the premises either as hotels or restaurants shall be class "A" operators.

(2) Class "B" operators. All operators licensed to sell malt or vinous liquors only by the drink for consumption on the premises are class "B" operators.

(3) Class "C" operators. All operators licensed as retail liquor stores to sell malt, vinous or spirituous liquors in original containers for consumption off the premises are class "D" operators.

(4) Class "D" operators. All operators licensed as drugstores to sell malt, vinous or spirituous liquors in original containers of consumption off the premises are class "D" operators.

(5) Class "E" operators. All operators licensed to sell malt, vinous or spirituous liquors as clubs are class "E" operators.

(6) Class "F" operators. All operators licensed to sell only 3.2 beer either for consumption on the premises or solely in the original package or container for consumption off the premises are class "F" operators. (Prior code 3-22; Ord. 1110 §1, 2010)

Sec. 5-4-230. Levy and amount of tax.

There is hereby levied and assessed an annual occupation tax upon the business of selling 3.2 beer, malt, vinous or spirituous liquors, except medicinal liquors, in the City, as such occupation has been herein classified, as follows: All classes of operators (classes A through F, inclusive), the sum of fifty dollars (\$50.00). (Prior code 3-23; Ord. 1110 §1, 2010)

Sec. 5-4-240. When tax payable; proration; delinquency; revenue receipt.

(a) On June 1, 1965, the tax hereby levied and assessed shall become due and payable to the City Manager and shall be prorated from such date for the remaining portion of such year on those occupations now licensed and in business in the City. Thereafter, such tax shall be due and payable to the City Manager on the first day of January of each year and shall be delinquent on the first day of February of the same year. Prepayment of such tax may be made preceding the due date.

(b) If any operator begins business subsequent to the first day of January of any year hereafter, the tax required shall be prorated on a monthly basis from the first day of the month in which the license is issued for the remaining portion of the year, but no refund shall be made to any person who discontinues such business during the year. All prorated taxes provided for in this Section shall be due and payable on the date specified and shall be delinquent ten (10) days thereafter. Interest shall accrue on all delinquent taxes from the day of delinquency until paid or collected at the rate of one percent (1%) per month.

(c) Upon receipt of such tax, it shall be the duty of the City Manager to execute and deliver to the operator paying the tax a revenue receipt showing the name of the operator paying the tax, the date of payment, the annual period for which such tax is paid and the place at which such operator conducts the business.

(d) The operator shall at all times during the year keep the receipt posted in a conspicuous place in his or her place of business. (Prior code 3-24; Ord. 1110 §1, 2010)

Sec. 5-4-250. Delinquency in payment not grounds for suspension or revocation.

No delinquency in payment of the tax herein provided for shall be grounds for suspension or revocation of any license granted to any such operator by any licensing authority pursuant to the state statutes. In performance of any duties imposed upon the City Council as a licensing authority by such statutes, the City Council shall exclude from consideration any delinquency in payment of the tax herein provided. (Prior code 3-25; Ord. 1110 §1, 2010)

Sec. 5-4-260. Civil remedies.

The City shall have the right to remove all sums due by the terms of this Article by judgment and execution thereon in a civil action in any court of competent jurisdiction. Such remedy shall be cumulative with all other remedies provided therein for the enforcement of this Chapter. (Prior code 3-26; Ord. 1110 §1, 2010)

ARTICLE 5

Bicycle Licenses

Sec. 5-5-10. License required.

No person who resides within this municipality shall ride or propel a bicycle on any street or upon any public path set aside for the exclusive use of bicycles unless such bicycle has been licensed and a license is attached thereto as provided herein. (Prior code 16-69; Ord. 1110 §1, 2010)

Sec. 5-5-20. License application.

Application for a bicycle license shall be made upon a form provided by this municipality and shall be made to the City Manager or other authorized official. A license fee as prescribed by the bicycle licensing authority shall be paid to this municipality before each license is granted. (Prior code 16-70; Ord. 1110 §1, 2010)

Sec. 5-5-30. Issuance of license.

(a) The City Manager, upon receiving proper application therefor, is authorized to issue a bicycle license.

(b) The City Manager shall not issue a license for any bicycle when he or she knows or has reasonable grounds to believe that the applicant is not the owner of or entitled to the possession of such bicycle.

(c) The City Manager shall keep a record of the number of each license, the date issued, the name and address of the person to whom issued, and the number on the frame of the bicycle for which issued, and a record of all bicycle license fees collected by him or her. (Prior code 16-71; Ord. 1110 §1, 2010)

Sec. 5-5-40. Attachment of license.

(a) The City Manager upon issuing a bicycle registration card shall also issue a license bearing the license number assigned to the bicycle and the name of this municipality.

(b) The City Manager shall cause such license to be firmly attached to the frame of the bicycle for which issued in such position as to be plainly visible.

(c) No person shall remove a license from a bicycle during the period for which issued. (Prior code 16-72; Ord. 1110 §1, 2010)

Sec. 5-5-50. Penalty.

Any bicycle not properly licensed pursuant to this Article may be impounded until properly licensed. (Prior code 16-73; Ord. 1110 §1, 2010)

ARTICLE 6

Peddler and Solicitor Licenses

Sec. 5-6-10. License required.

No person shall carry on the business of peddler or huckster within the City without a license therefor, first obtained according to the provisions of this Article. (Prior code 16-58; Ord. 1110 §1, 2010)

Sec. 5-6-20. Fee.

For a license to carry on the business of either a peddler or huckster there shall be paid for each day the business is carried on the sum of ten dollars (\$10.00), such license to be obtained from the City Manager. (Prior code 16-59; Ord. 1110 §1, 2010)

Sec. 5-6-30. Exempt sales.

The hawking or peddling of produce by persons raising or producing the same shall be exempt from the provisions of this Article. (Prior code 16-60; Ord. 1110 §1, 2010)

ARTICLE 7

Mobile Homes and Travel Trailers

*Division 1
Mobile Homes*

Sec. 5-7-10. Definitions.

For the purpose of this Article, the following terms or words shall have the meaning herein ascribed to them unless a different meaning appears from the context:

Factory-built housing means housing which is partially or entirely manufactured in a factory and designed for long-term residential use. It is built in either single or multiple sections and transported on a chassis or trailer to its occupancy site. Factory-built housing must be constructed to the standards of the adopted Building Code or to the standards of the Colorado Division of Housing and bear the department insignia of approval as factory-built housing.

Manufactured home means a single-family dwelling which:

- a. Is partially or entirely manufactured in a factory and designed for long-term residential use and is built in either single or multiple sections that allows it to be transported to its occupancy site;

- b. Is not less than twenty-four (24) feet in width and thirty-six (36) feet in length;
- c. Is installed on an engineered permanent foundation constructed in accordance with applicable building code provisions of the City;
- d. Has appearance of traditional site-built homes by having brick, wood or cosmetically equivalent exterior siding and a pitched roof;
- e. Is certified pursuant to the "National Manufactured Housing Construction and Safety Standards Act of 1974," 42 USC § 5401, et seq., as amended.

Mobile home means a movable or portable single-family dwelling unit suitable for permanent year-round occupancy at least eight (8) feet in width and at least twenty-six (26) feet in length, so constructed to be towed on its own permanent chassis, connected to utilities and designed to be used as a dwelling without a permanent foundation, and having kitchen and sanitary facilities. It may consist of one (1) or more units which can be telescoped when towed and expanded later for additional capacity, or of two (2) or more units separately towable but designed to be joined into one (1) integral unit.

Mobile home park means a tract of land under one (1) ownership, consisting of at least five (5) acres, and licensed as a mobile home park as required by following provisions of this Chapter.

Mobile home space means a plot of ground within a mobile home park designed and designated for the accommodation of one (1) mobile home.

Service building means a service building or buildings which shall provide adequate laundry and drying facilities, toilet and bathing facilities, which meet the State Department of Public Health and Environment requirements. (Prior code 6-1; Ord. 1110 §1, 2010)

Sec. 5-7-20. Mobile homes outside of mobile home parks.

(a) No mobile home, either attached or detached from the vehicle pulling or propelling the same, shall park or be parked upon any real property within the City, except in a licensed and approved mobile home park as contemplated by this Chapter, nor upon Main Street south of Platte Avenue, Kiowa or Beaver Avenues between Ensign and State Streets, or upon any alley or public ground within the City; nor shall the same be parked on any street within the City for a period in excess of one (1) hour during any period of twenty-four (24) hours; provided, however, that this Section shall not be construed to prohibit the parking of uninhabited, unused mobile homes upon private property for the purpose of storage or sale upon compliance with all other applicable provisions of this Code and other ordinances of the City. Further, no mobile home shall be occupied for dwelling purposes unless it is placed in a mobile home space and connected to water sewerage and electrical utilities.

(b) A manufactured home and a factory built house as defined in Section 5-7-10 above may be located or placed in a mobile home park or elsewhere in the City as may be authorized by provisions of the City zoning ordinances or zoning code provisions. (Prior code 6-2; Ord. 1110 §1, 2010)

Sec. 5-7-30. Mobile home park license.

(a) It shall be unlawful for any person to establish, operate, maintain or permit to be established, operated or maintained upon any property owned or controlled by such person, a mobile home park in the City, without having first secured a license from the City to do so. Prior to issuance of the initial license for a mobile home park, the City Council shall receive from the City Manager a copy of a certificate of occupancy indicating that the applicant has complied with the provisions of this Chapter. The certificate of occupancy shall be attached to the license register of said park and a copy shall be maintained on file in the office of the City Manager. All licenses shall expire on April 30th. Application for license renewal shall be made at least thirty (30) days prior to expiration of the original license.

(b) The application for such license, or the renewal thereof, shall be filed with the City Manager and shall be accompanied by an annual fee in such amount as shall be, from time to time, fixed by resolution of the City Council based upon the number of spaces in the existing or proposed mobile home park. The cost of any license secured having less than six (6) months to run before the expiration date, as herein provided, shall be reduced by fifty percent (50%). The application for a license, or a renewal thereof, shall be made on forms furnished by the City Manager and shall include the name, address and signature of the owner in fee of the tract; name, address and signature of the applicant, if other than the owner; and the legal description of the premises upon which the mobile home park is, or will be, located.

(c) No license may be issued for a mobile home park unless detailed plans for such a park anticipated by the provisions of this Chapter have been submitted and have been approved by the City Council.

(d) No license may be issued for a mobile home park unless a certificate is presented that shows that all real estate and personal property taxes and all special assessments have been paid.

(e) No City license issued for a mobile home park shall be transferable or assignable. (Prior code 6-3; Ord. 1110 §1, 2010)

Sec. 5-7-40. Mobile home park standards.

(a) Site area. Site areas for mobile home parks shall be a minimum of five (5) acres in size.

(b) Soil and ground cover requirements. Exposed ground surface in all parts of every mobile home park shall be paved or covered with stone screenings or other solid material or protected with a negative growth that is capable of preventing soil erosion and of eliminating objectionable dust.

(c) Density. The total density of any mobile home park shall not exceed six (6) units per gross acre, and the net density on any particular acre within such park shall not exceed eight (8) units per acre.

(d) Minimum lot size. The minimum area for an individual mobile home space shall be four thousand (4,000) square feet, with a minimum width of forty (40) feet.

(e) Setbacks.

(1) Mobile homes shall set back a minimum of twenty (20) feet from the property line of the mobile home park abutting upon a public thoroughfare, street, road or highway, and at least fifteen (15) feet from other park boundary lines.

(2) The front setback of mobile homes, exclusive of towing hitch, shall be a minimum of fifteen (15) feet from the curb on corner lots fronting upon interior streets or drives. Upon lots other than corner lots, the front setback, exclusive of towing hitch, shall be a minimum of ten (10) feet from the curb on such interior streets or drives.

(3) Side and rear spacing of mobile homes shall provide for a minimum distance of twenty (20) feet between units and additions to such units that are enclosed on three (3) or more sides. Unenclosed decks and carports that are open on at least two (2) sides shall maintain a minimum of ten (10) feet of separation between the deck or carport and any neighboring unit.

(4) There shall be a minimum of eighteen (18) feet of setback from any service or mobile home park permanent building.

(f) Interior mobile home park drives. Interior mobile home park drives shall be improved for a minimum of forty (40) feet from back of curb to back of curb.

(g) Mobile home park drive surfacing. Interior streets or drives shall be paved with asphalt or concrete or equivalent material upon a stabilizing base to concrete curbs and gutters according to then-current specifications of the City pertaining to methods and materials for such base and paving, curb and gutter.

(h) Sidewalks. Interior sidewalks shall be of concrete, four (4) inches thick and four (4) feet wide. Off-street parking or fences shall not obstruct sidewalks.

(i) Minimum off-street parking. Each mobile home space shall have a minimum one (1) space (ten [10] feet by twenty [20] feet) devoted to off-street parking of an automobile or other motor vehicle to be located and constructed as provided in the zoning ordinances of the City.

(j) Drive names and addresses. All mobile home park streets will have identification names so designated on the plan submitted by the owner for approval. Each space unit will also be numerically designated for address and mail purposes.

(k) Tenant storage. Tenant storage facilities shall be provided on or conveniently near each mobile home space for the active storage of outdoor equipment, furniture and tools and for the inactive storage of such other material as is used only seasonally or infrequently by the typical tenant and cannot be conveniently stored in the typical mobile home.

(1) Size. There shall be a minimum of one hundred forty-four (144) cubic feet provided for tenant storage for each mobile home space.

(2) Design and location of storage facilities. Storage facilities shall be provided on the mobile home space or in compounds located not more than one hundred (100) feet from each mobile home stand. Storage facilities shall be no closer to streets or drives than the mobile home itself, shall be designed in a manner that will enhance the appearance of the park and shall be constructed of suitable weather-resistant materials.

(l) Solid waste disposal. The owner of any mobile home park shall be responsible for the promulgation and enforcement of rules and regulations governing solid waste storage and handling that will meet or exceed City requirements and any applicable state or federal governmental regulations.

(1) The owner shall provide containers for the storage of solid wastes awaiting collection. Containers are to be adequate to completely contain all solid wastes that are generated on the premises. Such containers must conform to all applicable City specifications or regulations, including but not limited to size, sanitary condition, physical condition and container covers or other methods of closure.

(2) The owner shall provide an adequate location or locations for such containers which shall facilitate the collection of solid wastes from the premises. Such locations shall be accessible to collection crews and to occupants of the premises. When possible, the collection vehicle should be able to remain on a public street or alley and to stop directly adjacent to the container location. If private drives must be used, they should provide sufficient space around parked vehicles for easy operation of the collection vehicle without backing the vehicle.

(3) The collection points, including the containers located therein, must be kept in a neat and sanitary condition by the owner or his or her agent.

(m) Additions to mobile homes. No additions to increase the floor area of mobile homes within the mobile home park shall be permitted; except that additional mobile home room may be added if the finish and appearance are the same as the mobile home and the construction is equal to or better than that of the mobile home. Application for permits for such additions shall be obtained from the City Manager.

(n) Fire protection. Each mobile home must be located within three hundred (300) feet of a fire hydrant.

(o) Drainage. All areas of mobile home parks shall be adequately drained to the mobile home park drives and to streets, drainage ways or storm sewers.

(p) Mobile home stands. The mobile home stand in the mobile home space shall be improved to provide an adequate foundation for the placement and tie-down of the mobile home, thereby securing the superstructure against uplift, sliding, rotation and overturning.

(1) The mobile home stand shall not heave, shift or settle unevenly under the weight of the mobile home due to frost action, inadequate drainage, vibration or other forces acting on the superstructure.

(2) The mobile home stand shall be provided with anchors and tie-downs, such as cast-in-place concrete "dead men," eyelets imbedded in concrete foundations or runways, screw augers, arrowhead anchors or other devices securing the stability of the mobile home.

(3) Anchors and tie-downs shall be placed at least at each corner of the mobile home stand and each shall be able to sustain a minimum tensile strength of two thousand eight hundred (2,800) pounds. (Prior code 6-4; Ord. 1110 §1, 2010)

Sec. 5-7-50. Mobile home park plans.

The following plans must be submitted by the applicant and approved by the City Council prior to issuance of a mobile home park license:

(1) Site plan. A site plan showing the following:

a. Name, address, fee owner and record owner of the proposed mobile home park.

- b. Legal description of the property upon which the mobile home park is to be located.
- c. Names of all adjacent public streets and roads.
- d. Contour topography lines at one-foot intervals.
- e. Locations and dimensions of all mobile home spaces, utility easements, drives, recreation areas, streets and sidewalks.
- f. Building setback lines from public streets and adjacent property lines.
- g. Scale of plan (no smaller than 1" = 100'), with complete dimensions.
- h. The numbering system for each individual mobile home space.
- i. Density in square feet of mobile home space per gross acre.
- j. Dimensional area of total site.
- k. Areas designated for all fixed waste containers.
- l. Location, mechanical plan and building plan of shower and toilet facilities, if any are to be constructed.
- m. Tenant rules and regulations and plans for operation of mobile home park.

(2) Surface drainage and storm sewer plan. Paving and drainage plans must show the directions and calculated quantities of runoff. Driveway and drainage construction shall be done according to the specifications and directions of the City Manager and City Engineer as to location and grade. Drainage improvements must be sufficient to contain drainage flow. (Prior code 6-5; Ord. 1110 §1, 2010)

Sec. 5-7-60. Submission of plan; filing fee.

(a) A plan of the proposed mobile home park shall be submitted in six (6) copies to the City Clerk. At the time of submitting the copies of the proposed plan to the City Clerk, the person submitting it shall pay the City Clerk a filing fee in the amount of fifty dollars (\$50.00).

(b) Upon compliance by the applicant with the requirements of paragraph (a) of this Section, the City Manager shall examine or cause to be examined the plan and accompanying documents and shall determine whether or not the plan complies with the requirements of Section 5-7-40.

(c) One (1) copy of the final plan, as approved by the City Manager, shall be attached to the application for a mobile home park license.

(d) All the improvements required by this Chapter shall be completed for the area being developed for occupancy by mobile homes in accordance with the requirements of this Chapter prior to issuance of a certificate of occupancy.

(e) In the event, however, a planned mobile home park shall exceed five (5) acres in size, the City Council, at the time of its approval of the mobile home park plans, may authorize "piecemeal" development of the whole park in designated stages calling for full development of not less than five (5) acres at a time, if such "piecemeal" development is in all respects logical and convenient and creates no undesirable conditions or situations. In such event no certificate of occupancy shall be issued until all improvements required by this Chapter are completed for such designated area within the mobile home park.

(f) No mobile home may be placed on an individual mobile home space which does not front on an improved street or drive or does not have all improvements completed for that mobile home space. (Prior code 6-6; Ord. 1110 §1, 2010)

Sec. 5-7-70. Office and register required.

Every mobile home park shall have an office in which a copy of the park license and certificates of occupancy shall be posted, and the park register shall be kept in such office. It shall be the duty of the licensee to keep a register of park occupancy which shall be current at all times and contain the following information:

- (1) Full name and address in the park of the owner of the mobile home or his or her tenant or agent.
- (2) The make, model, serial number, year and dimensions of each mobile home.
- (3) The date of arrival and departure of each mobile home and destination. (Prior code 6-7; Ord. 1110 §1, 2010)

Sec. 5-7-80. Revocation and suspension of licenses.

It shall be the responsibility of the licensee to insure that all requirements of this Chapter are met and maintained. Any mobile home park issued an initial license after adoption of this Chapter that is found to be in violation of any provisions of this Chapter shall be notified by the City Council to cease such violation within a reasonable time period. If, after such time period has elapsed, the violation has not ceased, the City Council, in addition to such penalties as are hereinafter provided in this Chapter, may thereupon revoke such license. (Prior code 6-8; Ord. 1110 §1, 2010)

Sec. 5-7-90. Nonconforming mobile home parks; nonconforming mobile homes and accessory structures.

(a) Any licensed mobile home park in the City on January 1, 2000, that does not comply with all of the applicable provisions of this Chapter as of such date shall be considered legal nonconforming. The lawful use of such licensed mobile home park existing on January 1, 2000, may continue, subject to the following conditions and specifications:

- (1) The mobile home park shall comply with the requirements of Section 5-7-70, Office and register required.
- (2) The acreage of the mobile home park shall not be expanded unless the expansion area is in conformance with all of the provisions of this Chapter and all other applicable zoning, building and fire codes.

(3) The number of dwelling units within the mobile home park shall not be increased unless each such additional dwelling unit is in conformance with all of the provisions of this Chapter and all other applicable zoning, building and fire codes.

(4) Any nonconformance may be maintained and repaired so long as the nonconformance is not increased.

(5) Any such nonconformance within a licensed mobile home park shall not be increased or extended unless such increase or extension receives prior approval in accordance with Section 16 of the Zoning Code entitled "Board of Adjustment."

(b) Any mobile home or accessory structure located within a licensed mobile home park and in existence on January 1, 2000, that does not comply with all of the applicable provisions of this Chapter shall be considered legal nonconforming. The use of a legal nonconforming mobile home or accessory structure may continue, subject to the following conditions and specifications:

(1) A legal nonconforming mobile home or accessory structure may be maintained and repaired so long as the nonconformance of such mobile home or structure is not increased.

(2) Legal nonconforming mobile homes may be replaced, if the nonconformance of such mobile home is not increased. Increased nonconformance may only occur with the prior approval of the City Manager or the City Manager's designee, if the following conditions are met:

a. The replacement mobile home and any additions thereto, exclusive of uncovered stoops and porches, will not be closer than ten (10) feet from any other mobile home and its additions, and at least ten (10) feet from the curb of any street.

b. An unobstructed path at least five (5) feet in width around the entire perimeter of the replacement mobile home is maintained.

c. The replacement mobile home meets all other applicable building code and fire code provisions; approval for a replacement mobile home by the City Manager shall not eliminate any requirements for building, electrical or plumbing permits, if otherwise required.

(3) The replacement of a legal nonconforming mobile home that cannot be approved by the City Manager because the criteria set forth in Subparagraph (2) above cannot be met may only occur upon the approval of the Board of Adjustment in accordance with Section 16 of the Zoning Code. (Prior code 6-9; Ord. 1110 §1, 2010)

*Division 2
Travel Trailers*

Sec. 5-7-210. Definitions.

For the purpose of this Article, the following terms or words shall have the meaning herein ascribed to them unless a different meaning appears from the context:

Trailer park means an area clearly defined and separate from a mobile home park area, with individual parking lots, which may or may not have facilities for temporary connection with electrical and plumbing outlets to travel trailers, campers and motor homes.

Travel trailer means a vehicular portable structure built on a chassis (other than a mobile home as defined in Section 5-7-10 of this Chapter) designed to be used as a temporary dwelling for travel, recreational and vacation use and equipped for the road. It may be a self-propelled motor home or designed to be towed or carried by a separate vehicle, and may be self-contained with bath and toilet facilities or classified as a dependent-type without bath and toilet facilities. Except as otherwise specifically provided, the provisions of this Chapter will also apply to campers mounted on a truck chassis, tents or tent-type trailers, and all such vehicles and equipment shall be considered to fall within the definition of a travel trailer for the purpose of this Chapter. (Prior code 6-10; Ord. 1110 §1, 2010)

Sec. 5-7-220. Parking of travel trailers.

(a) No motor home or travel trailer, either attached or detached from the vehicle pulling or propelling the same, shall park or be parked upon any real property within the City, except in a licensed and approved mobile home park or travel trailer park as contemplated by this Chapter, nor shall the same be parked upon Main Street south of Platte Avenue, or Kiowa or Beaver Avenues between Ensign and State Streets, nor upon any alley or public ground within the City, except in the areas set aside and designated for such purpose in Riverside Park.

(b) The provisions of this Section shall not be construed to regulate or restrict the parking of trucks or pickups with campers carried or mounted thereon beyond those restrictions or regulations generally specified for the truck or pickup itself.

(c) Further, this Section shall not be construed to prohibit the parking of uninhabited, unused travel trailers upon private property for the purpose of storage or sale upon compliance with all other applicable provisions of this code and other ordinances of the City.

(d) No travel trailer of whatever kind shall, however, be occupied as a dwelling unless:

(1) It is placed in a duly licensed mobile home space or travel trailer park; or

(2) It is placed on private property; no closer than ten (10) feet from the nearest dwelling on adjacent property; and temporarily so occupied for a period of not more than four (4) consecutive days pursuant to a nonrenewable permit for that purpose issued by the office of the Chief of Police upon application of an owner or occupant of the property. No more than three (3) such permits shall be granted for any particular parcel of private property in any one (1) year. (Prior code 6-11; Ord. 1110 §1, 2010)

Sec. 5-7-230. General requirements for trailer parks.

(a) Trailer parks, as herein defined, shall each provide:

(1) A service building which shall contain laundry facilities and separate shower facilities. Sanitary facilities shall be provided at the minimum rate of three (3) flush toilets and three (3) lavatories for each sex for each one hundred (100) travel trailer spaces, or fractional part thereof, and be located within two hundred (200) feet of any travel or dependent-type trailer.

(2) The service building shall be of permanent-type construction and shall be properly protected from damage by ordinary uses and by decay, corrosion, termites and other destructive elements. Exterior portions shall be of such materials and be so constructed and protected as to prevent entrance or penetration of moisture and weather.

(3) All rooms containing sanitary or laundry facilities shall:

a. Have sound resistant walls extending to the ceiling between male and female sanitary facilities. Walls and portions around showers, bath tubs, lavatories and other plumbing fixtures shall be constructed of dense, nonabsorbent, waterproof material or covered with moisture-resistant material.

b. Have at least one (1) window which can be easily opened or a mechanical device which will adequately ventilate the room.

(4) Toilets shall be located in separate compartments equipped with self-closing doors. Shower stalls shall be of the individual type. The rooms shall be screened to prevent direct view of the interior when the exterior doors are open.

(5) Electric illumination levels shall be maintained as follows:

a. General seeing task areas shall be illuminated by not less than five (5) foot candles.

b. Laundry room work area shall be illuminated by not less than forty (40) foot candles.

c. Toilet room in front of mirrors shall be illuminated by not less than forty (40) foot candles.

(6) Hot and cold water shall be furnished in every lavatory, sink, bathtub, shower and laundry fixture, and cold water shall be furnished to every water closet and urinal.

(7) No trailer toilet shall be used by any person whomsoever, except it be connected with the City sanitary sewer. No human excrement shall be deposited or allowed to be placed on any land within the City by any person using a trailer or when such person may be using the privileges of trailer camp ground, or by any other person whatsoever. No washing or bathing shall be done in any trailer or on the ground near any trailer by any person using such trailer when the same is within the corporate limits of the City, unless the trailer is connected with the sanitary sewer of the City. No wash water, garbage or trash shall be thrown on the ground by any person using a trailer when such trailer is within the City. All toilets, baths, trailers, wash trays or tubs, garbage and trash containers and grounds of any trailer camp shall be kept in a clean and sanitary condition.

(8) The size of individual spaces for transient parking of travel-type trailers will be determined by the owner of the park. Minimum size of a space shall be twenty (20) feet by sixty (60) feet.

(9) Travel-type trailers, as defined, are transit-type units; therefore, no such unit shall be allowed to occupy a parking site in such a park for more than fifteen (15) days from initial occupancy.

(10) All service buildings and the grounds of the park shall be maintained in a clean, sightly condition and kept free of any condition that will menace the health of any occupant or the public or constitute a nuisance or fire hazard.

(11) One (1) mobile home may be placed in a travel trailer park and occupied as a residence or office by the caretaker or owner of the park. Such mobile home shall comply with provisions of this Chapter.

(12) The owner of any travel trailer park shall be responsible for the promulgation and enforcement of rules and regulations governing solid waste storage and handling that will meet or exceed City requirements and any applicable state or federal governmental regulations.

(b) The owner shall provide containers for the storage of solid wastes awaiting collection. Containers are to be adequate to completely contain all solid wastes that are generated on the premises. Such containers must conform to all applicable City specifications or regulations including, but not limited to, size, sanitary condition, physical condition and container covers or other methods of closure.

(c) The owner shall provide an adequate location or locations for such containers which shall facilitate the collection of solid wastes from the premises. Such locations shall be accessible to collection crews and occupants of the premises. When possible, the collection vehicle should be able to remain on a public street or alley and to stop directly adjacent to the container location. If private drives must be used, they should provide sufficient space around parked vehicles for easy operation of the collection vehicle without backing the vehicle.

(d) The collection points, including the containers located therein, must be kept in a neat and sanitary condition by the owner or his or her agent. (Prior code 6-12; Ord. 1110 §1, 2010)

Sec. 5-7-240. Travel trailer park license.

(a) It shall be unlawful for any person to establish, operate or maintain, or permit to be established, operated or maintained upon any property owned or controlled by such person, a travel trailer park in the City without having first secured a license from the City Council to do so. Prior to issuance of the initial license for a travel trailer park, the City Clerk shall receive from the City Manager a copy of a certificate of occupancy indicating that the park is in compliance with the Zoning Ordinance and shall determine that the applicant has complied with the provisions of this Chapter. The certificate of occupancy shall be attached to the license register of such park and a copy shall be maintained on file in the office of the City Clerk. All licenses shall expire on April 30th. Application for license renewal shall be made at least thirty (30) days prior to expiration of the original license.

(b) The application for such license, or the renewal thereof, shall be filed with the City Clerk and shall be accompanied by an annual fee of fifty dollars (\$50.00) for the first twenty (20) travel trailer spaces, or fraction thereof, and two dollars and fifty cents (\$2.50) for each additional travel trailer space in the existing or proposed travel trailer park. The cost of any license secured having less than six (6) months to run before the expiration date, as herein provided, shall be reduced by fifty percent (50%). The application for a license, or a renewal thereof, shall be made on forms furnished by the City Clerk and shall include the name, address and signature of the owner in fee of the tract; name, address and signature of the applicant, if other than owner; and the legal description of the premises upon which the travel trailer park is or will be located.

(c) No license may be issued for a travel trailer park unless the plans for such a park have been approved according to the requirements of this Chapter.

(d) No license may be issued for a travel trailer park unless a certificate is presented that shows that all real estate and personal property taxes and all special assessments have been paid.

(e) No City license issued for a travel trailer park shall be transferable or assignable.

(f) The owner or operator of a travel trailer park shall be, and at all times remain, responsible for all utilities and buildings thereon. (Prior code 6-13; Ord. 1110 §1, 2010)

Division 3
Miscellaneous Provisions

Sec. 5-7-310. Duties and authority of City Manager, police.

It is hereby made the duty of the City Manager, as well as the Police Department, to enforce all provisions of this Chapter, except as otherwise provided herein. For such purpose, the City Manager or his or her duly authorized representatives, as well as any City police officer, shall have the right and is hereby empowered to enter any premises on which any mobile home or travel trailers are located, or are about to be located, and to inspect the same and all accommodations connected therewith at any reasonable time. (Prior code 6-14; Ord. 1110 §1, 2010)

Sec. 5-7-320. Conflicts with other provisions.

Whenever the requirements of this Chapter are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances, deed restrictions or covenants, the most restrictive or the higher standard shall govern. (Prior code 6-15; Ord. 1110 §1, 2010)

Sec. 5-7-330. Penalties.

Any person who shall violate any provisions of this Chapter and any person continuing to operate a mobile home or travel trailer park under an expired or revoked license shall be guilty of a misdemeanor and, upon conviction, shall be subject to a fine as set forth in Section 1-4-10 of this Code. (Prior code 6-16; Ord. 1110 §1, 2010)