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ARTICLE I

Liquor-Licensed Establishments

Division 1 *General Provisions*

Sec. 6-1-10. Definitions.

As used in this Article, the following words and phrases shall have the following meanings, unless otherwise clearly indicated by the context:

Alcohol beverages means malt, vinous or spirituous liquors, as defined in the Colorado Liquor Code, or fermented malt beverages as defined in the Colorado Beer Code.

Authority means the City Local Liquor Licensing Authority as composed of two (2) divisions; the New License Division and the Compliance Division.

Code means the Colorado Liquor Code, the Colorado Beer Code and the Special Events Permits.

Compliance Division means the division of the Authority comprised of the Hearing Officer responsible for all public hearings, other than for new license applications.

Hearing Officer means an individual appointed by the City Council who is licensed to practice law in the State and who is familiar with judicial process, has the requisite expertise to make determinations regarding compliance or noncompliance with laws and regulations and to impose sanctions and penalties for violations.

Licensee means a person licensed under the Colorado Liquor Code, the Colorado Beer Code or the Special Events Code, or agents or servants of such person.

Manager means the City Manager or his or her designee.

New License Division means the division of the Authority, comprised of the members of the City Council, responsible for the approval or disapproval of new liquor and beer license applications.

Patron means any person who gains admission to enter or is knowingly allowed to remain inside of a licensed premises, regardless of whether the person paid any fee or exchanged anything of value to enter or remain inside, or purchased any product or service.

Principal campus of a college, university or seminary means a separate state institution with a constitutionally established principal campus.

Specified anatomical areas means any of the following, to the extent not completely and opaquely covered:

- a. The female breast below the top of the areola;

b. Male or female genitals and surrounding pubic region;

c. The anus or the cleft or cleavage of the buttocks; and the male genitals in a discernibly turgid state even if completely and opaquely covered;

d. All other terms shall be defined as set forth in the provisions of the Colorado Beer Code, the Colorado Liquor Code and Special Events Permits, as the definitions presently exist or may hereafter be amended. (Ord. 99-05 Art. III; Ord. 04-09 Art. 4; Ord. 04-17 §1; Ord. 07-13 Art. 3)

Sec. 6-1-20. Application of state statutes.

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

(b) The restrictions imposed by Section 12-47-313(1)(d)(I), C.R.S., as relate to the principal campus of any college, university or seminary, are hereby eliminated. All remaining restrictions set forth in Section 12-47-313(1)(d)(I), C.R.S., including but not limited to those relating to public or parochial schools, shall remain in full force and effect. (Ord. 99-05 Art. IV; Ord. 04-17 §1; Ord. 07-13 Art. 3)

*Division 2
Authority*

Sec. 6-1-110. Establishment of Local Liquor Licensing Authority.

The Local Liquor Licensing Authority for the City is hereby established and shall consist of two (2) divisions: a New License Division, comprised of the members of the City Council; and a Compliance Division, comprised of a hearing officer. (Ord. 07-13 Art. 3)

Sec. 6-1-120. Hearing Officer; qualifications and appointment.

The Hearing Officer shall be licensed to practice law in the State, be familiar with judicial process and have the requisite expertise to make determinations regarding compliance or noncompliance with laws and regulations and to impose sanctions and penalties for violations. The Hearing Officer shall be appointed by resolution of the City Council. (Ord. 07-13 Art. 3)

Sec. 6-1-130. Functions.

(a) The Authority shall have all the powers of a local licensing authority as set forth in Title 12, Articles 46, 47 and 48, C.R.S.

(b) The Authority shall have the power to promulgate rules and regulations concerning the procedures for hearings before it and the presentation of evidence at hearings.

(c) The Authority shall have the power to require any applicant for a license to furnish any relevant information required by the Authority.

(d) The Authority shall have the power to administer oaths and issue subpoenas to require the presence of persons and the production of papers, books and records necessary to the determination of any hearing which the Authority is authorized to conduct. It shall constitute a violation of this Code for any person to fail to comply with any subpoena issued by the Authority in the proper conduct of its hearings. A subpoena shall be served in the same manner as a subpoena issued by the District Court of the State.

(e) The New License Division of the Authority shall have the duty and authority to grant or deny applications for new licenses for the possession, sale and offering for sale of malt, special malt, vinous or spirituous liquors and fermented malt beverages as provided by law, and to cause investigations to be made as are required by law.

(f) The Compliance Division of the Authority shall have the duty and authority to conduct public hearings, renew or refuse to renew licenses, approve or deny the transfer of license ownership or change of license location, suspend and revoke licenses for the possession, sale and offering for sale of malt, special malt, vinous or spirituous liquors and fermented malt beverages as provided by law, to cause investigations to be made as are required by law and to levy sanctions and penalties against licensees in the manner provided by law. (Ord. 07-13 Art. 3)

Sec. 6-1-140. Referrals by Manager to Compliance Division.

Any referral by the Manager regarding the renewal of a current license, the transfer of license ownership or the change of license location shall be brought before the Compliance Division for a public hearing. The Authority may consider any violation of this Code as good cause for nonrenewal of a current license, denial of transfer of license ownership or denial of the change of license location. (Ord. 07-13 Art. 3)

Sec. 6-1-150. Inspection of premises prerequisite to issuance or renewal.

(a) Before issuing or renewing any license for which application has been made, the Manager shall visit and inspect the premises where the applicant proposes to operate, or where a license is operating.

(b) Every licensee and any manager, agent or employee shall permit inspection of the premises at all reasonable times by either a police officer or firefighter of or for the City, or any representative of the Manager. Such officer or representative shall have the authority to enter the premises at all reasonable times with or without a search warrant. (Ord. 07-13 Art. 3)

Sec. 6-1-160. Show cause hearings.

(a) Whenever a written complaint is brought to the attention of the Authority which, if substantiated, constitutes a violation of this Article or of Title 12, Articles 46, 47 or 48, C.R.S., or the rules and regulations relating thereto, the Authority shall promptly notify the licensee, in writing, by mail or personal delivery, of the date and time established for a show cause hearing before the Compliance Division, at which time the licensee shall be required to show cause why its license

should not be suspended or revoked. Such notice shall contain a brief description of the grounds for conducting the hearing. The hearing shall be held no sooner than thirty (30) days after notice has been mailed or delivered to the licensee.

(b) At the hearing, the City shall present matters into evidence, and the licensee shall have an opportunity to present evidence on the licensee's behalf and to comment upon the evidence. The licensee shall be entitled to be represented by counsel. The Authority shall furnish the licensee its decision in writing within thirty (30) days following the hearing. In the event of suspension or revocation of the license, no portion of any licensing fees paid shall be refunded.

(c) In all cases where a violation of the applicable state or local law is found at a show cause hearing, the Authority shall consider evidence and statements in mitigation and in aggravation of the violation prior to determining the appropriate penalty. Such evidence and statements may relate to and include, but not be limited to, the following factors:

(1) Seriousness of the violation;

(2) Corrective action taken by the licensee after the violation;

(3) Prior violations at the licensed premises by the licensee or the licensee's employees and the effectiveness of prior corrective action;

(4) Prior violations at the licensed premises by a prior licensee or the prior licensee's employees, and the sanctions imposed for such violations, if the current licensee or any of the current licensee's owners, partners, shareholders, directors, officers or managers held an ownership interest of five percent (5%) or more in the entity holding such prior license;

(5) Whether the violation is part of a repeated course of conduct or is an isolated occurrence;

(6) Likelihood of recurrence;

(7) All circumstances surrounding the violation;

(8) Willfulness of the violation;

(9) Length of time the license has been held by the licensee;

(10) Previous sanctions imposed against the licensee; and

(11) Other factors making the situation with respect to the licensee or the licensed premises unique.

(d) If the evidence presented at the hearing does not support the charges stated in the notice and order served upon the licensee, but standing alone establishes the liability of the licensee of a violation of some other law, rule or regulation, the licensee shall be permitted to give evidence and statements in defense, explanation and mitigation if then prepared to do so. If such evidence is not then available but can be obtained by the licensee, the licensee shall state the substance thereof and, upon his or her request, the hearing may be recessed for not more than ten (10) days and shall then continue under the same procedure as though no recess had occurred. (Ord. 07-13 Art. 3)

Sec. 6-1-170. Posting of notices of violation.

(a) Every licensee whose license has been suspended by the Authority shall, in addition to the two (2) notices required under the Colorado Code of Regulations, 1 C.C.R. 203-2, 47-600F, post two (2) additional notices containing the specific violation in conspicuous places, one (1) on the exterior and one (1) on the interior of its premises, for the duration of the suspension. The notices shall be two (2) feet in length and fourteen (14) inches in width, containing lettering not less than one-half (½) inch in height, and shall be in the following form:

NOTICE OF SUSPENSION
ALCOHOL BEVERAGE LICENSES ISSUED
For These Premises Have Been Suspended by Order of the
CITY OF LONE TREE LICENSING AUTHORITY
For Violation of the
COLORADO LIQUOR/BEER CODE

(Specific violation as ordered by the
Hearing Officer for additional two [2] notices)

(b) Advertising or posting signs to the effect that the premises have been closed or business suspended for any reason other than by order of the Authority or the department suspending the alcohol beverage license shall be deemed a violation of this Article. (Ord. 07-13 Art. 3)

Sec. 6-1-180. Temporary or summary suspension.

(a) Where the Authority has reasonable grounds to believe and finds that a licensee is liable of a deliberate and willful violation of any applicable law or regulation or that the public health, safety or welfare imperatively requires emergency action and incorporates such findings in its order, it may temporarily or summarily suspend the license pending proceedings for suspension or revocation which shall be promptly instituted and determined.

(b) The temporary suspension of a license without notice pending any prosecution, investigation or public hearing shall be for a period not to exceed fifteen (15) days. (Ord. 07-13 Art. 3)

Sec. 6-1-190. Appeal from decisions.

An appeal from any decision of the Authority shall be directed to the District Court of Douglas County pursuant to Colorado Rules of Civil Procedure Rule 106(a)(4), as amended, or by other applicable procedure. No appeal from any decision of the Authority shall be made to the City Council. (Ord. 07-13 Art. 3)

*Division 3
Manager Responsibilities*

Sec. 6-1-210. Delegation of powers; Manager.

The Manager shall have the following powers to act on behalf of the Authority for all Code administrative responsibilities not requiring a public hearing, including but not limited to:

- (1) Process and approve routine applications for renewal of liquor and beer licenses, transfer of license ownership and change of license location;
- (2) Process all name changes on liquor licenses;
- (3) Approve modification of premises;
- (4) Issue temporary and special event licenses;
- (5) Refer any matter to the Compliance Division; and
- (6) Set, from time to time, local license fees, in accordance with Section 12-47-505(4)(a), C.R.S. (Ord. 07-13 Art. 3)

Sec. 6-1-220. Rules and regulations.

The Manager may make such reasonable rules and regulations as may be necessary for the purpose of administering and enforcing the provisions of this Article. (Ord. 07-13 Art. 3)

Sec. 6-1-230. Minutes; annual report.

The Compliance Division shall take and preserve minutes of all hearings before it. On or before January 31 of each year, the Compliance Division shall file a report with the Manager setting forth the number of applications for licenses acted upon, the number of licenses granted and the number denied and any other actions taken by the Compliance Division during the preceding year. (Ord. 07-13 Art. 3)

Sec. 6-1-240. Computation of time.

In computing any period of time prescribed by this Article, the day of the act, event or default from which the designated period of time begins to run shall not be included. Saturdays, Sundays and legal holidays shall be counted as any other day. (Ord. 07-13 Art. 3)

Division 4
Licensee Responsibilities

Sec. 6-1-310. Disorderly behavior; report by licensee.

(a) Each licensee shall conduct his or her establishment in a decent, orderly and respectable manner. No licensee, manager, agent or employee of a licensee shall encourage, provoke or permit within or upon the licensed premises, either by its agents or employees or by a patron, the violation of any section of this Article or associated regulations; the loitering of intoxicated persons or persons under the influence of alcohol, narcotic drugs, stimulants or depressants; lewd or obscene displays or activities; displays of specified anatomical areas; disturbances, disorderly conduct or undue noise; any unlawful act; nor other activity offensive to the residents of the neighborhood in which the establishment is located.

(b) Any licensee, and any manager, agent or employee of a licensee, shall immediately report to the Police Department any unlawful or disorderly act or conduct committed on the licensed premises or observed in the vicinity of the licensed premises. (Ord. 07-13 Art. 3)

Sec. 6-1-320. Food, drink and alcohol beverage prices.

Menus shall be provided to patrons on request and shall legibly set forth the price of food, drink or alcohol beverages available, together with any minimum purchase requirement or charge for admission and any applicable admissions tax collected. No greater charge shall be made than that shown on such menu. (Ord. 07-13 Art. 3)

Sec. 6-1-330. Records to be kept.

Each licensee shall keep a complete set of books of account, invoices, copies of orders, shipping instructions, bills of lading, weigh bills, correspondence and all other records necessary to show fully the business transactions of such licensee, all of which shall be open at all times during business hours for the inspection and examination of the City or its duly authorized representatives. The City may require any licensee to furnish such information as it considers necessary for the proper administration of this Article, and may require an audit to be made of such books of account and records on such occasions as it may be considered necessary by an auditor to be selected by the Authority, who shall likewise have access to all books and records of such licensee; and the expense thereof shall be paid by the licensee. (Ord. 07-13 Art. 3)

Sec. 6-1-340. Interference with officers.

No licensee or other person shall by force or threat of force, including any letter, telephone or other communication threatening such force, endeavor to intimidate, obstruct or impede any police officer, the Manager or any inspectors. (Ord. 07-13 Art. 3)

*Division 5
Optional Premises*

Sec. 6-1-410. Optional premises.

(a) *Optional premises* means premises specified in an application for a hotel and restaurant license under Article 47, Title 12 of C.R.S., with related outdoor sports and recreational facilities for the convenience of its guests or the general public located on or adjacent to the hotel and restaurant, within which such licensee is authorized to serve alcoholic beverages in accordance with the provisions of this Article and at the discretion of the State and local licensing authorities.

(b) The standards for optional premises shall be in addition to all other standards applicable to the issuance of hotel and restaurant liquor licenses.

(c) Optional premises may only be approved for:

- (1) Golf courses and driving ranges; and
- (2) Outdoor tennis facilities and related areas.

(d) There are no restrictions on the minimum size of the optional premises.

(e) The Authority, in its discretion, may restrict the number of optional premises which any one (1) licensee may have.

(f) An applicant for a hotel and restaurant license desiring to sell or serve alcoholic beverages on optional premises shall:

(1) Provide a map or other drawing illustrating the outdoor sports or recreational facilities showing the boundaries of the area to be licensed;

(2) Show on the map or other drawing the location at which alcoholic beverages are to be dispensed, as well as significant land and architectural factors;

(3) Submit a statement by the owner, agent or manager of the facility showing the need, convenience or desirability of inclusion of the optional premises;

(4) Demonstrate that the optional premises will not adversely affect the neighborhood in which it is located;

(5) Describe the methods which shall be used to identify the boundaries and control of the optional premises when in use, including signs, fencing, notices, barriers or other methods to control the optional premises; and

(6) Provide a description of the provisions which have been made for storing alcoholic beverages in a secured area, on or off the optional premises, for the future use of the optional premises.

(g) No alcohol beverages may be served on the optional premises without the licensee having provided written notice to the State and the Authority forty-eight (48) hours prior to serving alcohol beverages on the optional premises. Such notice shall contain the specific days and hours on which the optional premises are to be used. (Ord. 09-02 Art. 3)

ARTICLE II

Solicitation

Sec. 6-2-10. Definitions.

As used in this Article, the following words have the meaning indicated.

Canvasser is a person who attempts to make personal contact with a resident at his or her residence without prior specific invitation or appointment from the resident, for the primary purpose of:

a. Attempting to enlist support for or against a particular religion, philosophy, ideology, political party, issue or candidate, even if incidental to such purpose the canvasser accepts the donation of money for or against such cause; or

b. Distributing a noncommercial flyer.

Commercial flyer is any printed or written material, any sample or device, circular, leaflet, pamphlet, newspaper, magazine, publication, booklet, handbill or other printed or otherwise reproduced original or copy of any manner of literature or paper containing a written or pictorial message that is predominantly and essentially an advertisement and is distributed or circulated for advertising purposes, or for the direct or indirect private financial gain of any person or entity so engaged as advertiser or distributor, except that a telephone directory or a newspaper of general circulation in the City published primarily for the purpose of disseminating news shall not be considered a *commercial flyer*.

Hawker or *peddler* is a person who attempts to make personal contact with a resident at his or her residence without prior specific invitation or appointment from the resident, for the primary purpose of attempting to sell a good or service. A *peddler* does not include a person who distributes handbills or flyers for a commercial purpose, advertising an event, activity, good or service that is offered to the resident for purchase at a location away from the residence or at a time different from the time of visit. Such a person is a *solicitor*.

Noncommercial flyer is any printed or written material, any sample or device, circular, leaflet, pamphlet, newspaper, magazine, booklet, handbill or any other printed or otherwise reproduced original or copy of any manner of literature or paper containing a written or pictorial message that is distributed or circulated solely for nonprofit purposes.

Solicitor is a person who attempts to make personal contact with a resident at his or her residence without prior specific invitation or appointment from the resident, for the primary purpose of:

a. Attempting to obtain a donation to a particular patriotic, philanthropic, social service, welfare, benevolent, educational, civic, fraternal, charitable, political or religious purpose, even if incidental to such purpose there is the sale of some good or service; or

b. Distributing a commercial flyer. (Ord. 05-09 Art. 3; Ord 07-08 Art. 3)

Sec. 6-2-20. Registration and permit required.

No person shall act as a hawker, peddler or solicitor within the City without first registering with and obtaining a solicitation permit from the City Manager. Each person operating under a solicitation permit shall carry the permit on his or her person at all times while engaged as a hawker, peddler or solicitor, and shall produce such permit upon request of an officer, agent or resident of the City. A canvasser is not required to register or obtain a permit, but any canvasser may do so for the purpose of reassuring City residents of the canvasser's good faith. (Ord. 11-01 Art. 4)

Sec. 6-2-30. Fees.

The following fees shall apply:

(1) For a peddler acting on behalf of a merchant otherwise licensed to do business within the City: no fee.

(2) For a peddler acting on behalf of a merchant not otherwise licensed to do business within the City: a one-day fee of two dollars (\$2.00); for one (1) month, twelve dollars and fifty cents (\$12.50); for one (1) year, thirty-five dollars (\$35.00).

(3) For a solicitor (including a commercial solicitor advertising an event, activity, good or service for purchase at a location away from the residence): no fee.

(4) For a canvasser: no fee. (Ord. 05-09 Art. 3)

Sec. 6-2-40. Contents of registration.

Any person or organization required to register under this Article shall provide the following information:

(1) The name, physical description and photograph of each person required to register. In lieu of this information, a driver's license, state identification card, passport, or other government-issued identification card (issued by a government within the United States) containing this information may be provided, and a photocopy taken.

(2) The permanent and (if any) local address of the organization or business to be represented by a hawker, peddler, solicitor or canvasser.

(3) The permanent and (if any) local address of each person acting as a hawker, peddler, solicitor or canvasser.

(4) A brief description of the proposed activity related to this registration. (Copies of literature to be distributed may be substituted for this description at the option of the applicant).

(5) The motor vehicle make, model, year, color, vehicle identification number and state license plate number of any vehicle which will be used by each person.

(6) If registering as a hawker or peddler:

a. The name and permanent address of the business offering the event, activity, good or service (i.e., the peddler's principal).

b. A copy of the principal's sales tax license as issued by the State and or the City.

(7) The web address for this organization, person or group (or other address) where residents having subsequent questions can go for more information. (Ord. 05-09 Art. 3)

Sec. 6-2-50. "No visit" list.

The City Clerk shall maintain a list of persons within the City who restrict visits to their residential property (including their leasehold, in the case of a tenant) by hawkers, peddlers and solicitors. A copy of said 'no visit' list shall be provided to each hawker, peddler or solicitor. (Ord. 05-09 Art. 3)

Sec. 6-2-60. Distribution of handbills and commercial flyers.

In addition to the other regulations contained herein, a person attempting to distribute commercial or noncommercial flyers within the City shall observe the following regulations:

- (1) No commercial or noncommercial flyer shall be left at or attached to any sign, utility pole, transit shelter or other structure within the public right-of-way.
- (2) No commercial or noncommercial flyer shall be left at or attached to any privately owned property in a manner that causes damage to such privately owned property.
- (3) No commercial flyer shall be thrown, deposited, distributed or otherwise placed or affixed on or about privately owned property.
- (4) Any hawker, peddler or solicitor observed distributing commercial or noncommercial flyers shall be required to identify himself or herself to the police and verify registration pursuant to Section 6-2-20 above. (Ord. 05-09 Art. 3; Ord. 07-08 Art. 3)

Sec. 6-2-70. General prohibitions.

(a) No peddler, hawker or solicitor shall:

- (1) Enter upon any private property where the property has been clearly posted by a sign visible from the right-of-way (public or private) indicating "No Trespassing," "No Solicitors" or any prohibition against peddling, hawking, posting or soliciting. Such sign shall be clearly visible to a reasonable person.
- (2) Remain upon any private property where a notice in the form of a sign or sticker is placed upon any portion of the property, building, door or entrance way leading into the residence or dwelling at which guests would normally enter indicating "No Trespassing," "No Solicitors" or any prohibition against peddling, hawking, posting or soliciting. Such sign shall be clearly visible to a reasonable person.
- (3) Return to any property for the purpose of peddling, hawking or soliciting, or to make contact with any person on or within said property, more than once in any twenty-four-hour period, unless the person returning has been specifically and personally invited to return to such property by the owner or occupant of such property.
- (4) Remain upon, or in any manner fail or refuse to leave immediately, any privately owned or maintained property after being asked to leave the same by the owner or occupant of the property.
- (5) Enter upon any private property where the current occupant has posted the property on the City's "no visit" list (except where the posting form indicates the occupant has given permission for this type of visit), regardless of whether a sign is posted.
- (6) Use or attempt to use any entrance other than the front or main entrance to the dwelling, or step from the sidewalk or indicated walkway (where one exists) leading from the right-of-way to the front or main entrance, except by express invitation of the owner or occupant of the property.

(7) Remove any sign indicating "No Trespassing," "No Solicitors" or any prohibition against peddling, hawking, posting or soliciting.

(b) Any act otherwise permitted under this Article shall be prohibited before 9:00 a.m. and after 7:00 p.m.

(c) It shall be an affirmative defense to any violation of this Section that the peddler, hawker, canvasser or solicitor has an express invitation from the owner or occupant of a property allowing entrance upon such property. (Ord. 11-01 Art. 4)

Sec. 6-2-80. Exceptions.

This Chapter shall not apply to a federal, state or local government employee or a public utility employee in the performance of his or her duty for his or her employer. (Ord. 05-09 Art. 3)

Sec. 6-2-90. Violations and penalties.

A violation of any provision of this Article shall be punishable by a fine of not more than three hundred dollars (\$300.00), plus court and administrative costs, as applicable. Each violation shall be deemed a separate offense for purposes of assessing a fine. (Ord. 11-01 Art. 4)

ARTICLE III

Business Licenses

Sec. 6-3-10. Definitions.

For the purposes of this Article only, the following words and phrases shall mean:

Charitable organization means any entity organized and operated exclusively for religious, charitable, scientific, testing for public safety, literary or educational purposes, to foster national or international amateur sports competition (but only if no part of its activities involve the provision of athletic facilities or equipment) or for the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private shareholder or individual, no substantial part of the activities of which is carrying on propaganda or otherwise attempting to influence legislation, and which does not participate in or intervene in (including the publishing or distributing of statements) any political campaign on behalf of any candidate for public office, or any veterans' organization registered under Section 501(c)(19) of the Internal Revenue Code of 1986, as amended, for the purpose of sponsoring a special event, meeting or other function in the State so long as the event, meeting or function is not part of such organization's regular activities in the State.

Engaged in business in the City means selling, leasing, hiring for use or delivering in the City, or any activity in connection with selling, leasing, hiring for use or delivering in the City, tangible personal property and taxable services by a retail sale for use, storage, distribution or consumption within the City. This term includes, but is not limited to, the following acts or methods of transacting business:

a. Maintaining within the City, directly or indirectly or by a subsidiary, an office, distributing house, salesroom or house, warehouse or other place of business.

b. Soliciting, either by direct representatives, indirect representatives, manufacturer's agent, by distribution of catalogues or other advertising, by use of any communication media, by use of the paper, radio or television advertising media or by any other means whatsoever, of business from persons in the City.

Person means any individual, firm, partnership, joint venture, corporation or company, association, estate or trust, receiver, trustee, assignee, lessee, or fiduciary, or any group or combination acting as a unit, and includes the plural as well as the singular. (Ord. 06-07 Art. 2)

Sec. 6-3-20. License required.

Each person shall obtain a license from the City before becoming engaged in business in the City. It is unlawful for any person to be engaged in business in the City without first having obtained a license. However, any person who holds a valid license issued under Chapter 4, Article III of this Code regarding sales and use tax, is not required to obtain a license under this Article. (Ord. 06-07 Art. 2)

Sec. 6-3-30. License application.

Application for a business license shall be made to the City Manager on forms provided by the City. At a minimum, the application shall require the name, address and date of birth of the person desiring the license, the name of the business and the nature thereof, the applicable federal identification number of the business, the physical location of the business, the physical location phone number and the applicable contact phone number, facsimile number and e-mail address. Other facts may be required by the City Manager, such as, but not limited to, the date of birth and driver's license number of an officer or owner of the business. The application shall be signed and dated under penalty of perjury by an owner or officer of the business. It is unlawful for any person to make any false statement or misrepresentation in connection with any application for a license. (Ord. 06-07 Art. 2)

Sec. 6-3-40. Posting or carrying license required.

The license for a particular business location shall be posted at all times in a conspicuous place in the place of business. If the business is not operated, conducted or carried on at a fixed location, then the licensee must carry the license or a copy thereof with him or her when doing business in the City. Every licensee shall produce his or her license for examination when requested to do so by any City police officer or person representing the City. (Ord. 06-07 Art. 2)

Sec. 6-3-50. License nontransferable.

A license issued pursuant to this Article may not be transferred from person to person or place to place. (Ord. 06-07 Art. 2)

Sec. 6-3-60. Fees and term of license.

Each application for a license shall be accompanied by payment of a fee in the amount of ten dollars (\$10.00). This fee is subject to adjustment by the City Manager based upon actual administrative costs and expenses. (Ord. 06-07 Art. 2)

Sec. 6-3-70. Suspension and revocation of license.

(a) A license may be suspended:

(1) When any money due the City has not been paid. This includes failure to pay civil penalties, fines, taxes, impact fees or any other money owed the City.

(2) When any activity conducted by the licensee or his or her employee or agent violates any federal, state or local rule, regulation or law.

(3) Upon failure to comply with the terms and conditions of the license.

(4) Upon any grounds of suspension provided by this Code.

(b) A license may be revoked:

(1) When it appears that the license was obtained by fraud, misrepresentation or false statements within the application.

(2) When it appears that the activity conducted pursuant to such license is a public nuisance as defined by this Code or state statute, or violates any federal, state or local rule, regulation or law.

(3) Upon repeated (two [2] or more incidents of) failure to comply with the terms and conditions of the license.

(4) Upon any grounds of revocation provided by this Code. (Ord. 06-07 Art. 2)

Sec. 6-3-80. Notice and hearing prior to suspension or revocation.

All hearings to revoke, suspend or cancel a license shall be before the City Manager. The suspension or revocation of any license shall not release or discharge any person from his or her civil liability for the payment of the taxes, penalty and interest or from the prosecution of the offense. (Ord. 06-07 Art. 2)

Sec. 6-3-90. Cease and desist.

If any person is doing business in the City without a license, the City Manager may issue an order to that person to cease and desist all further operation and activity until a valid license is issued for that person to do business in the City. The order shall give the person three (3) days to pay all amounts due the City or to post a bond in the amount owed the City and to request a hearing with the City Manager. If the person does not respond, he or she shall cease doing business in the City on the third day. The hearing shall be before the City Manager. The proceedings shall not relieve or

discharge any person from the civil liability for the payment of the taxes, penalty and interest or from the prosecution of the offense. (Ord. 06-07 Art. 2)

Sec. 6-3-100. Refund of fees.

If the City fails to issue the license applied for under this Article, any fee paid to the City in advance in connection therewith shall be returned to the applicant. If any license is revoked by the City, all moneys paid to the City in connection therewith shall be and remain the City's, and no refund shall be due any licensee. (Ord. 06-07 Art. 2)

Sec. 6-3-110. Penalty.

Failure to comply with the terms of this Article shall constitute a violation of this Code. Any person who is found guilty of, or pleads guilty or no contest to, the violation of any section of this Article shall be subject to a penalty as set forth in Section 1-4-20 of this Code. (Ord. 06-07 Art. 2)

Sec. 6-3-120. Exemptions.

Notwithstanding any other provision in this Article to the contrary, a person will not be considered engaged in business in the City and is not required to obtain a license pursuant to this Article if:

- (1) A person is not eligible for a home office tax deduction under applicable provisions of the United States Internal Revenue Code, meaning that the person's personal residence is not his or her principal place of business for a trade or business conducted by the person, is not a place where the person regularly meets and deals with customers, clients or patients or does not include a separate structure appurtenant to the residence where the person conducts business;
- (2) A person advertises occasionally and infrequently for the purpose of selling an item of tangible personal property; or
- (3) The person is a charitable organization. (Ord. 06-07 Art. 2)

Sec. 6-3-130. Medical marijuana business prohibited.

Medical marijuana businesses are prohibited in the City. The City shall reject any submission or application for a business license or medical marijuana-infused products manufacturers' license, and shall not accept, process or approve any application for such license related to a business that sells, dispenses, cultivates or manufactures, or proposes to sell, dispense, cultivate or manufacture, medical marijuana, regardless of whether such business is for profit or not for profit. This prohibition shall include, but not be limited to, medical marijuana centers, medical marijuana-infused products, medical marijuana-infused products manufacturers, optional premises and optional premises cultivation operations, as defined in the Colorado Medical Marijuana Code, Section 12-43.3-101, et seq., C.R.S., and the Colorado Constitution. (Ord 11-02 Art. 4)