

CHAPTER 6

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ARTICLE I

Business Licenses

Sec. 6-1-10. Purpose.

The purpose of this Article is to identify and maintain current basic identification information about persons engaged in businesses, trades and professions in the Town. The issuance of a license pursuant to this Article shall not cure or furnish a defense to any alleged violation by the licensee of any other provision of this Code, any other ordinance or regulation of the Town, or any state or federal law or regulation. (Prior code 12-1-12; Ord. 532, 2001)

Sec. 6-1-20. License required.

(a) It is unlawful for any person to conduct a business, trade or profession not exempt under Subsection (b) below at or from any location in the Town without first obtaining a license pursuant to this Article. A person shall be deemed to conduct a business, trade or profession within the meaning of this Article if such person engages in any of the following activities, at any time, at or from any place located in the Town:

(1) Any manufacture, fabrication, repair, assembly, sale, rental, transfer or furnishing of any goods or services, including professional services, entertainment and amusement, in exchange for consideration of any kind whatever, including cash or other thing of value, at retail or wholesale and

(2) Any advertising for, or any attempt or offer to perform any of the activities or transactions described in Paragraph (1) above.

(b) Services furnished from and goods sold, rented or transferred at an office or principal place of business located outside the Town, and advertising or soliciting orders for any of same from an office or principal place of business located outside the Town, shall be exempt from the requirements of this Article.

(c) A separate license shall be required for each person subject to the requirements of this Article, but a single license issued to such person may cover all businesses, trades and professions conducted by such person and all locations at which such person conducts the same in the Town. (Prior code 12-1-1; Ord. 532, 2001)

Sec. 6-1-30. License application.

Written application for a license required by this Article shall be filed with the Town Clerk and shall contain the following information:

(1) The name of the applicant, including trade and assumed corporate names under which the applicant proposes to conduct each business, trade or profession covered by the license. Corporations, partnerships and other business associations must name and furnish the title, address and telephone number of at least one (1) individual person responsible for each business covered by the license.

- (2) The principal business address and telephone number of the applicant.
- (3) The street address or location in the Town where each business, trade or profession covered by the license will be conducted.
- (4) The year for which such license is sought.
- (5) Any other information reasonably deemed necessary by the Town Clerk to identify all persons conducting, and the locations and the nature, business activity or purpose of any business, trade or profession covered by the license. (Prior code 12-1-2; Ord. 532, 2001)

Sec. 6-1-40. License fees.

Each application for a new or renewal license shall be accompanied by an annual license fee in an amount to be determined from time to time by resolution of the Board of Trustees and set forth in Appendix A to this Code. If for any reason the license or any renewal thereof is not issued, the fee shall be refunded to the applicant. The license fee shall be for the entire calendar year for which the license is issued, and there shall be no reduction or proration of fees if the license is applied for after the first of the year, or is surrendered, terminated or revoked prior to the end of such year. (Prior code 12-1-3; Ord. 522 §1, 2001)

Sec. 6-1-50. Issuance.

Upon the receipt of a complete application and payment of the annual fee, the Town Clerk shall issue the license to the applicant unless good cause for denial or revocation exists pursuant to Section 6-1-130 or 6-1-140 below. (Prior code 12-1-4)

Sec. 6-1-60. Contents of license.

In addition to any other information determined by the Town Clerk to be appropriate, each license shall show upon its face the name of the licensee, the street address or location and nature, business activity or purpose of each business, trade or profession covered by the license, the amount of the licensee fee paid and the year for which such license is issued. (Prior code 12-1-5)

Sec. 6-1-70. Term of license.

All licenses shall be issued on a calendar year basis only, and they shall expire at the end of the calendar year in which they are issued. (Prior code 12-1-6)

Sec. 6-1-80. License nontransferable.

No license issued under the provisions of this Article shall be transferable from person to person or place to place. (Ord. 532, 2001)

Sec. 6-1-90. Records.

The Town Clerk shall prepare and maintain current and accurate record of all licenses issued, including the name of the licensee, the location and the nature, business activity or purpose of each business, trade or profession covered by the license. (Prior code 12-1-7; Ord. 532, 2001)

Sec. 6-1-100. Carrying or posting license required.

Each license for a business to be conducted at a specific street address shall be posted therein during the term of the license. If the business is not operated, conducted or carried on at a fixed location, then the licensee must carry the license upon his or her person when operating, conducting or carrying on any retail trade, profession or business. Each person required to have a license pursuant to this Article shall be required to exhibit such license upon request of any law enforcement officer or the Town Clerk. (Prior code 12-1-8; Ord. 532, 2001)

Sec. 6-1-110. Amendment of license fee.

If ownership of any licensed business is transferred or the location thereof changes, or if the mailing address of the licensee changes during the calendar year, the licensee shall report the same to the Town Clerk who shall, upon receipt of such report and payment by the licensee of a fee in an amount to be determined from time to time by resolution of the Board of Trustees and set forth in Appendix A to this Code, reissue the license with the new information set forth thereon. (Prior code 12-1-9; Ord. 522 §1, 2001)

Sec. 6-1-120. License renewals.

A licensee who desires to renew a license for the succeeding year shall apply and pay the required fee therefor on or before the expiration date of any license or licenses issued for the current year. Whenever any application and license fee payment therefor is not received on or before the expiration of such license, and the licensee continues to engage in the business or activity for which the license was issued, a penalty of ten percent (10%) of the amount of the license fee shall be imposed, and an additional five percent (5%) of the original fee shall be added on the last day of each calendar month after the expiration date. In addition, It is unlawful for a licensee to continue to engage in any business or activity after his or her license therefor has expired. (Prior code 12-1-10)

Sec. 6-1-130. Denial.

The Town Clerk shall deny an application for a license pursuant to this Article if there is reasonable cause to believe that the applicant has failed to furnish accurate or complete information required by this Article or has failed to pay the annual license fee. (Prior code 12-1-11)

Sec. 6-1-140. Revocation.

The Town Clerk may, upon seven (7) days' written notice to the licensee giving notice of the proposed revocation and the grounds therefor, and after a reasonable opportunity for the licensee to be heard, revoke the license upon any of the following:

- (1) If the Town Clerk finds that information furnished in connection with any application or amendment report was materially false or misleading and was known by the licensee to be false or misleading at the time furnished;
- (2) If the licensee fails on written demand by the Town Clerk to correct information found by the Town Clerk to have been inaccurate or incomplete at the time of application or to have become inaccurate or incomplete;

(3) If the licensee fails to pay the annual license fee; or

(4) When it appears that the activity conducted pursuant to such license is a public nuisance as defined by this Code or statute or violates any federal, state or local rule, regulation or law. (Prior code 12-1-11; Ord. 532, 2001)

Sec. 6-1-150. Appeal.

An applicant or licensee may appeal the Town Clerk's denial or revocation of any license in writing to the Board of Trustees, which shall consider the matter de novo at a public meeting upon reasonable notice to the applicant or licensee and the Town Clerk. (Prior code 12-1-11)

Sec. 6-1-160. 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 nolo contendere to the violation of any section of this Code shall be subject to a penalty as set forth in Section 1-4-20 of this Code. (Ord. 532, 2001)

ARTICLE II

Alcoholic Beverages

Sec. 6-2-10. Definitions.

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

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

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

(b) All other terms shall be defined as set forth in the provisions of the Colorado Beer Code, the Colorado Liquor Code and state law governing Special Event Permits, as the definitions presently exist or may hereafter be amended. (Ord. 532, 2001)

Sec. 6-2-20. Application of state statutes.

Pursuant to declaration by the General Assembly, the Colorado Beer Code, Section 12-46-101, et seq., C.R.S., the Colorado Liquor Code, Section 12-47-101, et seq., C.R.S., and state law governing Special Event Permits, Section 12-48-101, et seq., C.R.S., as they presently exist or may hereafter be amended, shall apply to the sale of fermented malt beverages, alcoholic beverages, special malt liquors, spirituous liquors and vinous liquors in the Town. (Ord. 532, 2001)

Sec. 6-2-30. Local licensing authority.

The Board of Trustees shall be the local licensing authority of the Town, and shall have all of the powers and duties of the local licensing authority as provided by the Colorado Beer Code and Colorado Liquor Code. (Prior code 12-4-1)

Sec. 6-2-40. Payment of fine in lieu of suspension.

Pursuant to the provisions of Section 12-47-601, C.R.S., the Board of Trustees hereby accepts and adopts the optional procedures set forth in Subsections (3) and (6) of said Section 12-47-601, providing for the optional payment of a fine in lieu of a suspension of liquor license in certain cases. (Prior code 12-4-2)

Sec. 6-2-50. Open containers in municipal park.

(a) It is unlawful for any person to serve, consume or possess any open container of fermented malt beverage, as that term is defined in the Colorado Beer Code, in any municipal park in the Town, without first obtaining a license pursuant to this Section.

(b) No license shall be issued pursuant to this Section except for one (1) or more of the following kinds of functions or events:

(1) A family party to be attended by not less than twenty-five (25) or more than two hundred fifty (250) persons who are related to each other by blood or marriage.

(2) A party to be attended by not less than twenty-five (25) or more than two hundred fifty (250) persons given or sponsored by any community organization based within the historical trade area of the Town.

(3) A party to be attended by not less than twenty-five (25) or more than two hundred fifty (250) persons given or sponsored other than for profit or as part of or in promotion of trade or business by any business or firm which pays any type of taxes to the Town.

(c) Any license issued pursuant to this Section shall be issued upon written application from and payment of a license fee in an amount to be determined from time to time by resolution of the Board of Trustees and set forth in Appendix A to this Code by an authorized representative of the applicant, and shall cover all persons attending the party at the invitation of the applicant. The license shall specify the date, hours and specific location of the licensed event.

(d) Any license issued pursuant to this Section may be immediately revoked by a peace officer in the event there is probable cause to believe that any person attending the licensed function has violated or is violating any provision of the Colorado Beer Code, the Colorado Liquor Code, the Colorado Criminal Code or this Code or if there is probable cause to believe that the license was procured by means of fraud or misrepresentation. (Prior code 12-4-3, Ord. 522 §1, 2001; Ord. 532, 2001)

Sec. 6-2-60. Optional premises.

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

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

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

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

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

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

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

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

(3) A description of the provisions which have been made for storing malt, vinous and spirituous liquors in a secured area on or off the optional premises for the future use on the optional premises. (Ord. 532, 2001)

Sec. 6-2-70. Educational requirements.

The local licensing authority strongly encourages every liquor licensee or registered manager to obtain a certificate of completion from an educational program of training for intervention procedures for servers of alcohol and produce such certificate upon application for renewal of a liquor license. Every employee of such licensee (especially a new employee) is strongly encouraged to obtain a certificate of completion from an educational program of training for intervention procedures for servers of alcohol. Licensees may file a copy of the certificate of completion for themselves, their registered managers and their employees with the Authority with an application of renewal of a liquor license. From time to time, the local licensing authority may require completion of an educational program upon a finding of a violation of applicable state statutes and this Code. (Ord. 532, 2001; Ord. 2008-620 §1; Ord. 2008-620 §1; Ord. 672 §1, 2011)

ARTICLE III

Contractor Licenses

Sec. 6-3-10. Legislative purpose.

The purpose of this Article is to establish a licensing program which will ensure that persons engaged in the performance of any work for which a building permit is required are licensed by the Town and that they perform such work in a manner that promotes the public health, safety and welfare. (Prior code 12-5-1)

Sec. 6-3-20. License required.

It is unlawful for any person coming within the definition of contractor, as set forth in Section 6-3-30 below, to perform any work in the Town for which a building permit is required without first obtaining a license pursuant to this Article. No building permit shall be issued for any work to be performed by a contractor who has not obtained a license pursuant to this Article, nor shall any certificate of occupancy be issued for work performed by a contractor who has not obtained a license pursuant to this Article. The license required by this Article is in addition to any other licenses required by the Town. (Prior code 12-5-2)

Sec. 6-3-30. Contractor defined; exemptions.

(a) For the purposes of this Article, a contractor is any person who performs, arranges for or supervises any work upon or at any building, structure or other location in the Town for which a building permit is required, in exchange for money or other valuable consideration of any kind.

(b) For the purposes of this Article, contractor does not include any of the following:

(1) A person working as an employee for and under the supervision of a contractor licensed pursuant to this Article;

(2) A person performing work upon any building or structure which is owned by such person and is or is intended to be such person's residence or an accessory structure intended for the owner's personal residential use; and

(3) A person employed by a public utility company engaged in the installation, operation or maintenance of any utility facility or equipment in the Town. (Prior code 12-5-3)

Sec. 6-3-40. Licensing and renewal process.

(a) Any person who desires to apply for or renew a contractor's license shall submit a written application therefor to the Town. Such application shall be on a form prepared by the Town for such purpose and shall be accompanied by the following:

(1) A certificate issued by an insurance company authorized to do business in the State, showing that the applicant is currently covered by general liability insurance with minimum combined single limits not less than two hundred fifty thousand dollar (\$250,000.00) each occurrence and five hundred thousand dollars (\$500,000.00) aggregate, applicable to all premises

and operations, for bodily injury, broad form property damage (including completed operations), personal injury (including coverage for contractual and employee acts), blanket contractual, independent contractors, product, and completed operations; workers' compensation to cover obligations imposed by applicable laws for any employee engaged in the performance of the work; and comprehensive automobile liability insurance with minimum combined single limits for bodily injury and property damage not less than two hundred fifty thousand dollars (\$250,000.00) each occurrence and five hundred thousand dollars (\$500,000.00) aggregate, for all of the applicant's owned, hired or nonowned vehicles. The certificate shall show the Town as a certificate holder and require the insurance company to give the Town not less than ten (10) days' written notice of any cancellation or expiration of coverage.

(2) A copy of all contractors' licenses issued to the applicant by any other jurisdiction within the twelve (12) months next preceding the date of the application.

(3) An annual license fee in an amount to be determined from time to time by resolution of the Board of Trustees and set forth in Appendix A to this Code.

(4) Any additional information reasonably required by the Town to verify the general qualifications and experience of the applicant. Such information may include written references and any relevant information offered by the applicant.

(b) The Town shall verify the information contained in the application and shall, unless cause for denial appears, issue the license within seven (7) days after receipt of a complete submittal. The Town shall deny the application upon finding any of the following:

(1) The applicant has failed to provide all information requested on the application form, or has furnished information that is materially false, inaccurate or misleading.

(2) The applicant has failed to obtain or to provide evidence of the required insurance.

(3) The applicant has failed to pay any required fees.

(4) The applicant has within the twelve (12) months next preceding the date of the application had a contractor's license revoked or suspended in this or another jurisdiction.

(5) The applicant has within the twelve (12) months next preceding the date of the application failed to comply with a material requirement of any code, ordinance or other regulation governing or applicable to work for which a building permit is required and has failed to correct or cure the same within a reasonable time after notice by the appropriate authority. (Prior code 12-5-4, Ord. 522 §1, 2001; Ord. 532, 2001)

Sec. 6-3-50. General terms of license.

The provisions of Sections 6-1-60 through 6-1-120 of this Chapter shall apply to and govern any and all licenses issued pursuant to this Article. (Prior code 12-5-5)

Sec. 6-3-60. Suspension or revocation of license.

(a) The Town may suspend or revoke a contractor's license upon finding that the contractor committed one (1) or more of the following acts or omissions:

(1) Willful departure or deviation from approved building plans or specifications without authority from the Building Official.

(2) Willful violation of any code, ordinance or other regulation governing or applicable to work for which a building permit is required, including any building, fire or safety code.

(3) Failure to comply with a lawful order of the Building Official or any other authorized representative of the Town pertaining to the administration or enforcement of any code, ordinance or other regulation governing or applicable to work for which a building permit is required.

(4) Willful use of a contractor's license to obtain a permit required under any building, fire or safety code for any person not licensed in accordance with this Article.

(5) Furnishing information that is materially false, inaccurate or misleading, or failing to disclose a material fact, when applying for a license pursuant to this Article.

(6) Commission of any act of gross negligence in the performance of work for which a building permit is required, including failure to perform a required act.

(7) Failure to obtain a proper permit for any work for which a permit is required by any code, ordinance or other regulation of the Town.

(8) Failure to obtain or maintain any required state license.

(9) Conduct of the licensed business in a such manner as to cause a breach of the peace or to threaten or adversely affect the public health, safety or welfare.

(b) For the purposes of this Section, the following terms shall have the meanings set forth for them below:

Gross negligence means negligence which consists of an affirmative act purposely committed, or the purposeful failure to commit an act which the contractor was under a duty to perform, which act or omission the contractor knew was dangerous to another person or to property and which he or she performed or omitted heedlessly without regard to the consequences or of the rights, health, safety or welfare of another person or property.

Willfully means designed, intentional, not accidental or involuntary, and proceeding from a conscious motion of the will. A willful act may be described as one done intentionally, knowingly and purposely, without justifiable excuse, as distinguished from an act done carelessly, thoughtlessly, heedlessly or inadvertently.

(c) If, upon the filing of a written complaint by a building inspector or any person who contracted for contractor services with a contractor licensed pursuant to this Article, the Building Official determines there is reasonable cause to believe that the contractor committed any of the acts

or omissions set forth in Subsection (a) above, the Building Official may commence a suspension or revocation proceeding by serving upon the contractor a notice transmitting a copy of the complaint and requiring the contractor to respond in writing within ten (10) days after service of such notice upon the contractor. Upon the expiration of said ten-day period, the Building Official shall, based upon the written materials furnished by the complainant and the contractor, if any, determine by written findings and order whether to suspend or revoke the license of the contractor. The Building Official shall serve a copy of such written findings and order upon the complainant and the contractor.

(d) If the Building Official determines to suspend or revoke the contractor's license, the Building Official shall specify the effective date of any such suspension or revocation and the term of any suspension ordered pursuant to this Section. Except in cases of emergency, no suspension or revocation shall become effective sooner than five (5) business days from the date of the Building Official's findings and order.

(e) It is unlawful for any person whose contractor's license has been revoked or suspended pursuant to this Section to engage in any work or perform any services as a contractor, as defined in Section 6-3-30 above, in the Town, after the effective date of the revocation or during the term of any suspension ordered pursuant to this Section. (Prior code 12-5-6; Ord. 532, 2001)

Sec. 6-3-70. Appeal.

(a) Any interested person who is adversely affected by any order of the Building Official entered pursuant to Section 6-3-40 or 6-3-60 above may appeal such decision, in writing, within five (5) business days after the order of the Building Official being appealed from, to the Board of Adjustment. Such written appeal shall comply with the requirements of Section 16-5-60 of this Code and be accompanied by a filing fee in an amount to be determined from time to time by resolution of the Board of Trustees and set forth in Appendix A to this Code.

(b) Upon receipt of a complete submittal, the Board of Adjustment shall schedule and give notice to all interested parties of the date, time and place of a public hearing to consider the appeal, which public hearing shall be held not later than twenty (20) days after the Board's receipt of a complete appeal submittal.

(c) Except as expressly provided herein to the contrary, appeal proceedings before the Board of Adjustment shall be governed by and conducted in accordance with the provisions of Section 16-5-60 of this Code. (Prior code 12-5-7; Ord. 522 §1, 2001; Ord. 532, 2001; Ord. 667 §1, 2011)

Sec. 6-3-80. Denial or revocation reapplication.

If a license is denied or revoked as provided in this Chapter, the applicant may reapply for a license, but not sooner than twelve (12) months after the effective date of the denial or revocation. (Prior code 12-5-8; Ord. 532, 2001)

ARTICLE IV

Musical Entertainment

Sec. 6-4-10. License required.

It is unlawful for any person to hold or conduct an exhibition of musical entertainment within the Town without first securing a musical entertainment license pursuant to this Article; provided, however, that if members of the audience are invited or permitted to dance at the event and the person or club conducting the same has secured a public dance license pursuant to Article V of this Chapter, no license under this Article shall be required. (Prior code 12-2-2; Ord. 532, 2001)

Sec. 6-4-20. Definition.

For the purposes of this Section, an exhibition of musical entertainment is any event conducted by or for a business enterprise, club, civic, charitable or fraternal organization or any other person or association of persons, except schools and churches, performed live by two (2) or more persons for the exhibition of music to a live audience. (Prior code 12-2-2)

Sec. 6-4-30. Separate license.

A separate license is required for each event. Each such license shall be valid only for the hours stated thereon, provided that such hours are between 12:00 p.m. and 8:00 p.m. on Sundays, and between the hours of 12:00 p.m. and 1:30 a.m. the following day at all other times. (Prior code 12-2-2)

Sec. 6-4-40. License application.

Written application for a license shall be made to the Town Clerk not less than seven (7) days before the date of the event and shall contain the following:

- (1) Name and address of applicant.
- (2) Location, including street and number if available, where the event is to be held.
- (3) If the event is to be held in a building or other structure, an accurate diagram of that portion of the premises to be used by the audience, showing the location and size of all exits; the location and size of any fixed seating areas; the location, size and number of seats provided for any dining or beverage tables; the location and size of any dance or open floor area; and the location and size of any equipment or fixtures other than dining or beverage tables occupying floor space, e.g., pool tables, etc.
- (4) The date and hours of the event.
- (5) The number of persons engaged to work at the event, including any bartenders, cooks, waiters, waitresses, security guards and musicians.
- (6) The signature of the applicant or its representative attesting to the accuracy of the information set forth in the application and all required submittals. The signature on the

application shall state the affiliation of the person signing the application with the applicant, e.g., owner, partner, corporate officer, etc. (Prior code 12-2-2)

Sec. 6-4-50. License fees.

The license fee for each exhibition of musical entertainment conducted by or for any nonprofit organization, including without limitation any civic, charitable and fraternal organization or any other organization certified as tax exempt by the United States Internal Revenue Service, is as established from time to time by resolution of the Board of Trustees and set forth in Appendix A to this Code; the license fee for each exhibition of musical entertainment conducted by any other person or organization is as established from time to time by resolution of the Board of Trustees and set forth in Appendix A to this Code. All such fees shall be used to defray the costs of processing license applications or providing necessary additional police protection to the Town during the event, and of additional maintenance services required as a result thereof. (Prior code 12-2-2, Ord. 522 §2, 2001)

Sec. 6-4-60. License conditions.

The Town Clerk shall issue a license only if it appears from the application and all attachments that all of the following conditions are met:

- (1) The application is filed not less than seven (7) days prior to the event.
- (2) The full amount of the license fee is tendered with the application. If the application is denied, the full amount of the fee, less a processing charge in an amount to be determined from time to time by resolution of the Board of Trustees and set forth in Appendix A to this Code, shall be returned.
- (3) All information requested in the application and all required submittals have been furnished and are accurate. If information concerning security guards and the diagram of the premises has previously been filed with the Town Clerk, these submittals need not be made with each application, provided that the applicant shall be responsible for the continuing accuracy of all information contained in submittals on file with the Town Clerk.
- (4) The premises where the event is to be held has the required number and size of exits to accommodate the maximum capacity of the persons where the event will be held.
- (5) The applicant has not been convicted of any violation of this Article within the sixty (60) days next preceding the date of the application. (Prior code 12-2-2, Ord. 522 §1, 2001)

Sec. 6-4-70. Issuance.

Every license issued pursuant to this Section shall contain the following information:

- (1) Name and address of the licensee.
- (2) The address or location of the premises where the event will be held.
- (3) The date and hours of the event.

(4) The maximum number of persons permitted inside the premises during the event, as determined by the Town Clerk in accordance with Section 6-4-80 below. (Prior code 12-2-2)

Sec. 6-4-80. Maximum capacity.

The maximum capacity of any premises used for an exhibition of musical entertainment shall be determined by considering only the amount of floor area available for use by persons attending the event, based upon the following requirements:

(1) There shall be not less than fifteen (15) square feet of fixed and nonfixed seating area per person, and not less than seven (7) square feet of open floor area per person, excluding equipment or fixtures other than dining or beverage tables occupying floor space within the area, e.g. pool tables, etc.

(2) All persons engaged to work at the event, including bartenders, cooks, waiters, waitresses, security guards and musicians, shall be considered in fixing the maximum capacity of the building.

(3) It is unlawful for any person licensed to hold an exhibition of musical entertainment to permit a number of persons in excess of the maximum capacity fixed in accordance with the foregoing rules to be within the premises at any one (1) time during the hours of the event. (Prior code 12-2-2; Ord. 532, 2001)

Sec. 6-4-90. Exiting requirements.

(a) It is unlawful to hold an exhibition of musical entertainment in any premises which fail to meet or exceed the exiting requirements set forth in this Subsection. All exiting requirements stated herein shall be determined upon the basis of the maximum capacity of the premises as determined in accordance with the rules set forth in Section 6-4-80 hereof, and shall be construed in accordance with applicable provisions of the Uniform Building Code, as adopted by the Town.

(b) Every exit door shall be not less than three (3) nor more than four (4) feet in width, and shall not be latched or locked during the event unless the latch or lock can be disengaged by an unlatching device whose activating portion extends at least one-half ($\frac{1}{2}$) the width of the door to which it is attached.

(c) Subject to the limitations set forth in Subsection (b) above, every increment of fifty (50) persons, or portion thereof, requires at least one (1) foot of exit width.

(d) If two (2) or more exits are required, the main exit must be capable of exiting not less than one-half ($\frac{1}{2}$) of the total maximum capacity of the premises, determined according to the rules stated in Subsections (b) and (c) above.

(e) All exits from the premises must open directly to the outside of the building and may not lead through kitchen, storage or restroom areas. (Prior code 12-2-2; Ord. 532, 2001)

Sec. 6-4-100. Violations.

It is unlawful for the holder of any license issued pursuant to this Section to cause or permit a violation of any of the laws of the State or ordinances of the Town, or to cause or permit the event to be conducted other than in a decent, orderly and respectable manner, or to cause or permit profanity, rowdiness, unreasonable noise or other disturbances or activity offensive to the senses of the average citizen, or to the residents of the neighborhood in which the event is held. (Prior code 12-2-2; Ord. 532, 2001)

Sec. 6-4-110. False statements.

It is unlawful for any applicant for a license under this Section knowingly to make any false statements or submit to the Town Clerk any false information in connection with any such application. It shall be deemed a violation of this Section for any applicant to fail to correct inaccurate information or statements which have previously been filed with the Town Clerk and upon which the Town Clerk will rely in connection with future applications. (Prior code 12-2-2; Ord. 532, 2001)

Sec. 6-4-120. Appeal.

Any interested person may appeal the decision of the Town Clerk denying or issuing a license under this Section by filing with the Town Clerk, not later than two (2) business days after the Town Clerk's decision, a written appeal stating the grounds therefor. Any such appeal shall be heard and determined, upon notice to interested persons, by an impartial hearing officer appointed by the Board of Trustees. The decision of the hearing officer shall be the final action of the Town, and such decision shall be subject to review by a court of competent jurisdiction as provided by the Colorado Rules of Civil Procedure. (Prior code 12-2-2)

Sec. 6-4-130. Conflict between provisions.

In the event of any conflict between the provisions of this Section and general licensing regulations set forth elsewhere in this Chapter, the former shall supersede and control the latter in the case of a musical entertainment license. (Prior code 12-2-2)

ARTICLE V

Public Dances

Sec. 6-5-10. License required.

It is unlawful for any person to hold or conduct a public dance within the Town without first securing a public dance license pursuant to this Article. (Prior code 12-2-1; Ord. 532, 2001)

Sec. 6-5-20. Definition.

For the purposes of this Section, a *public dance* is any event conducted by or for a business enterprise, club, civic, charitable or fraternal organization, or any other person or association of persons, except schools and churches, whereat customers, members or invitees are permitted to dance

to music played by a live band consisting of two (2) or more persons or by a disc jockey, karaoke or other recorded music presented as a business enterprise. (Prior code 12-2-1; Ord. 532, 2001)

Sec. 6-5-30. Separate license.

A separate public dance license is required for each public dance. Each such license shall be valid only for the hours stated thereon, provided that such hours are between 12:00 p.m. and 8:00 p.m. on Sundays, and between the hours of 12:00 p.m. and 1:30 a.m. the following day at all other times. (Prior code 12-2-1)

Sec. 6-5-40. License application.

Written application for a public dance license shall be made to the Town Clerk not less than seven (7) days before the date of the public dance and shall contain the following:

- (1) Name and address of applicant.
- (2) Location, including street and number if available, where the dance is to be held.
- (3) If the dance is to be held in a building or other structure, an accurate diagram of that portion of the premises to be used by persons attending the dance, showing the location and size of all exits; the location and size of any fixed seating; the location, size and number of seats provided for any dining or beverage tables; the location and size of any dance or open floor area; and the location and size of any equipment or fixtures other than dining or beverage tables occupying floor space, e.g., pool tables, etc.
- (4) The date and hours of the dance.
- (5) The number of persons engaged to work at the dance, including any bartenders, cooks, waitresses, waiters, security guards and musicians.
- (6) The signature of the applicant or its representative attesting to the accuracy of the information set forth in the application and all required submittals. The signature on the application shall state the affiliation of the person signing the application with the applicant, e.g., owner, partner, corporate officer, etc. (Prior code 12-2-1)

Sec. 6-5-50. License fees.

The license fee for each public dance conducted by or for any nonprofit organization, including without limitation any civic, charitable and fraternal organization or any other organization certified as tax exempt by the United States Internal Revenue Service, is as established from time to time by resolution of the Board of Trustees and set forth in Appendix A to this Code; the license fee for each public dance conducted by any other person or organization is as established from time to time by resolution of the Board of Trustees and set forth in Appendix A to this Code. All public dance license fees shall be used to defray the costs of processing license applications, of providing necessary additional police protection to the Town during public dances, and of providing additional maintenance services required as a result thereof. (Prior code 12-2-1; Ord. 522 §2, 2001; Ord. 532, 2001)

Sec. 6-5-60. Issuance.

The Town Clerk shall issue a public dance license only if it appears from the application and all attachments that all of the following conditions are met:

- (1) The application is filed not less than seven (7) days prior to the dance.
- (2) The full amount of the license fee is tendered with the application. If the application is denied, the full amount of the fee, less a processing charge in an amount to be determined from time to time by resolution of the Board of Trustees and set forth in Appendix A to this Code, shall be returned.
- (3) All information requested in the application and all required submittals have been furnished and are accurate. If information concerning guards and the diagram of the licensed premises has previously been filed with the Town Clerk, these submittals need not be made with each application, provided that the applicant shall be responsible for the continuing accuracy of all information contained in submittals on file with the Town Clerk.
- (4) The premises where the dance is to be held have the required number and size of exits to accommodate the maximum capacity of the premises where the dance will be held.
- (5) The applicant has not been convicted of any violation of this Article within the sixty (60) days next preceding the date of the application. (Prior code 12-2-1, Ord. 522 §1, 2001)

Sec. 6-5-70. License format.

Every license issued pursuant to this Article shall contain the following information:

- (1) Name and address of the licensee.
- (2) The address or location of the premises where the dance will be held.
- (3) The date and hours of the dance.
- (4) The maximum number of persons permitted inside the premises during the dance, as determined by the Town Clerk in accordance with Section 6-5-80 below. (Prior code 12-2-1)

Sec. 6-5-80. Maximum capacity.

The maximum capacity of any premises used for a public dance shall be determined by considering only the amount of floor area available for use by persons attending the dance, based upon the following requirements:

- (1) There shall be not less than fifteen (15) square feet of fixed and nonfixed seating area per person and not less than seven (7) square feet of open floor area per person, excluding equipment or fixtures other than dining or beverage tables occupying floor space within the area, e.g., pool tables, etc.

(2) All persons engaged to work at the dance, including bartenders, cooks, waitresses, waiters, security guards and musicians, shall be considered in fixing the maximum capacity of the building.

(3) It is unlawful for any person licensed to hold a public dance to permit a number of persons in excess of the maximum capacity fixed in accordance with the foregoing rules to be within the premises at any one (1) time during the hours of the dance. (Prior code 12-2-1; Ord. 532, 2001)

Sec. 6-5-90. Exiting requirements.

(a) It is unlawful to hold a public dance in any premises which fail to meet or exceed the exiting requirements set forth in this Article. All exiting requirements stated herein shall be determined upon the basis of the maximum capacity of the premises as determined in accordance with Section 6-5-80 above, and shall be construed in accordance with applicable provisions of the Uniform Building Code, as adopted by the Town.

(b) Every door shall be not less than three (3) nor more than four (4) feet in width, and shall not be latched or locked during the dance unless the latch or lock can be disengaged by an unlatching device whose activating portion extends at least one-half (½) the width of the door to which it is attached.

(c) Subject to the limitations set forth in Subsection (b) above, every increment of fifty (50) persons, or portion thereof, requires at least one (1) foot of exit width.

(d) If two (2) or more exits are required, the main exit must be capable of exiting not less than one-half (½) of the total maximum capacity of the premises, determined according to the rules stated in Subsections (b) and (c) above.

(e) All exits from the premises must open directly to the outside of the building and may not lead through kitchen, storage or restroom areas. (Prior code 12-2-1; Ord. 532, 2001)

Sec. 6-5-100. Violations.

It is unlawful for the holder of any license issued pursuant to this Article to cause or permit a violation of any of the laws of the State or ordinances of the Town, or to cause or permit the public dance to be conducted other than in a decent, orderly and respectable manner, or to cause or permit profanity, rowdiness, unreasonable noise or other disturbances or activity offensive to the senses of the average citizen or to the residents of the neighborhood in which the dance is held. (Prior code 12-2-1; Ord. 532, 2001)

Sec. 6-5-110. False statements.

It is unlawful for any applicant for a public dance license knowingly to make any false statements or submit to the Town Clerk any false information in connection with any such application. It shall be deemed a violation of this Section for any applicant to fail to correct inaccurate information or statements which have previously been filed with the Town Clerk and upon which the Town Clerk will rely in connection with future applications. (Prior code 12-2-1; Ord. 532, 2001)

Sec. 6-5-120. Appeal.

Any interested person may appeal the decision of the Town Clerk denying or issuing a public dance license by filing with the Town Clerk, not later than two (2) business days after the Town Clerk's decision, a written appeal stating the grounds therefor. Any such appeal shall be heard and determined, upon notice to interested persons, by an impartial hearing officer appointed by the Board of Trustees. The decision of the hearing officer shall be the final action of the Town, and such decision shall be subject to review by a court of competent jurisdiction as provided by the Colorado Rules of Civil Procedure. (Prior code 12-2-1)

Sec. 6-5-130. Conflict between provisions.

In the event of any conflict between the provisions of this Article and general licensing regulations set forth elsewhere in this Chapter, the former shall supersede and control the latter in the case of a public dance license. (Prior code 12-2-1)

ARTICLE VI

Public Fireworks Display

Sec. 6-6-10. License.

It is unlawful for any person to conduct a public fireworks display without first securing a public fireworks display license pursuant to this Article. (Prior code 12-2-3; Ord. 532, 2001)

Sec. 6-6-20. Period of license.

No single license issued pursuant hereto shall extend for longer than one (1) week. Each license shall be valid only for the dates and hours stated thereon. (Prior code 12-2-3)

Sec. 6-6-30. License application.

Written application for a public fireworks display license shall be made to the Chief of Police and include the following information and attachments:

- (1) Name and address of applicant.
- (2) Experience and qualifications of persons conducting public fireworks display, including a copy of all state licenses required pursuant to Section 2-28-101, et seq., C.R.S., for the applicant to conduct public fireworks displays.
- (3) Location, dates and hours of public fireworks display.
- (4) Description of the fireworks to be used, and approximate duration of the public fireworks display.
- (5) Arrangements for cleanup of the site following each public fireworks display.

(6) Crowd control and other safety precautions.

(7) Written statement from the Platteville-Gilcrest Fire Protection District verifying that it has reviewed and accepted the applicant's safety plans.

(8) Certificate from an insurance company licensed to write insurance in the State that the applicant has current general liability insurance coverage for the public fireworks display in amounts which equal or exceed the liability limits stated in Section 24-10-114, C.R.S. (Prior code 12-2-3; Ord. 532, 2001; Ord. 574 §3, 2005)

Sec. 6-6-40. Issuance.

The Chief of Police shall issue the license only if he or she determines that the application submittal is complete in all respects, that the applicant has the necessary licenses and is otherwise qualified to conduct the public fireworks display safely, that the public fireworks display will not unreasonably interfere with other lawful uses of the display site and other affected property at the times proposed, that adequate safety precautions and crowd control measures will be observed, that adequate arrangements exist for cleanup of the display site following each public fireworks display, and that no laws, rules or regulations of the Town or any other governmental entity or agency having jurisdiction will be violated by the fireworks display. (Prior code 12-2-3; Ord. 532, 2001; Ord. 574 §3, 2005)

Sec. 6-6-50. License fee.

The fee for any license issued hereunder shall be in an amount determined from time to time by resolution of the Board of Trustees and set forth in Appendix A to this Code, and the full amount thereof shall be tendered with the written application. If the license is not issued, the Town will refund forty dollars (\$40.00) of such license fee to the applicant. (Prior code 12-2-3; Ord. 532, 2001)

ARTICLE VII

Peddlers, Solicitors and Canvassers

Sec. 6-7-10. Purpose.

The purpose of this Article is to establish reasonable restrictions on door-to-door peddlers in order to protect the citizens of the Town from fraud, misrepresentation, crime, undue annoyance and loss of privacy, and to promote the public health, safety and welfare of the Town. This Article recognizes that differences exist between persons who peddle for commercial purposes and those who solicit for noncommercial purposes. It is not the intent of this Article to regulate the content of speech or expressive activities. To that end, this Article employs the least restrictive means necessary to serve its purposes. (Ord. 577 §3, 2006)

Sec. 6-7-20. Definitions.

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

Canvasser means 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 philosophy, ideology, political party, issue, candidate or religion, even if incidental to such purpose the canvasser accepts the donation of money for or against such cause; or (b) distributing a handbill or flyer advertising a noncommercial event or service.

Peddler means 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 sell goods, wares or merchandise for present or future delivery, or services to be performed immediately or in the future, whether the person has, carries or exposes a sample of such goods, wares or merchandise or not, and whether he or she is collecting advance payments for such sales or not; or (b) distributing a handbill or flyer advertising a commercial event, activity, good or service that is offered to the resident for purchase at a location away from the residence or at a time different from the time of visit.

Solicitor means 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 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 exchange of some good or service for a donation to the organization. (Ord. 577 §3, 2006)

Sec. 6-7-30. Registration and permit required for peddlers, registration available for solicitors and canvassers.

No person shall act as a peddler within the Town without first registering with the Town Manager and obtaining a permit in accordance with this Article. In addition to such permit, a peddler shall also be required to obtain a Town business license and sales tax license. The term of a peddler's permit shall be the same as the term of a Town business license. A solicitor or canvasser is not required to register, but any solicitor or canvasser may do so for the purpose of reassuring Town residents of the solicitor's or canvasser's good faith. (Ord. 577 §3, 2006; Ord. 652 §1, 2010)

Sec. 6-7-40. Administrative fees.

(a) For a peddler – the fee set forth in Appendix A to this Code, as amended from time to time by resolution of the Board of Trustees.

(b) For a solicitor – no fee.

(c) For a canvasser – no fee. (Ord. 577 §3, 2006; Ord. 652 §2, 2010)

Sec. 6-7-50. Contents of registration.

Any person or organization required to register under this Article, or who wishes to register for information purposes as a solicitor or canvasser, shall appear in person and provide the following information in writing, on a form provided by the Town:

(1) The name, address (permanent and local) and physical description of the peddler, solicitor or canvasser.

(2) The name and address of the person, firm or corporation by whom the peddler is employed. In the instance of a solicitor or canvasser, the name and address of the organization represented. The web address for this organization, person, or group (or other address) where residents having subsequent questions can go for more information.

(3) The nature or character of the goods, wares, merchandise or services to be offered by the peddler, solicitor or canvasser (copies of literature or flyers to be distributed may be substituted for this description at the option of the applicant).

(4) A copy of the business license and sales tax license issued by the Town to the person, firm or corporation by whom the peddler is employed, or the business license and sales tax license issued to the peddler as an individual. In the event that the organization by whom the solicitor or canvasser is employed is a tax-exempt, nonprofit organization, a copy of the tax-exempt certificate or tax ID number is to be provided.

(5) The motor vehicle make, model, year, color, vehicle identification number and state license plate number of any vehicle which will be used to transport persons, goods, wares or merchandise during the conduct of business.

(6) A statement as to any convictions of any crimes, misdemeanors or violations of municipal ordinances, including the date, the nature of the offense and the penalty assessed therefor.

(7) A driver's license, state identification card, passport or other government-issued identification card (issued by a government within the United States) shall be submitted with the application and a photocopy taken and retained by the Town for all persons other than minors.

(8) The Town shall take an instant photograph of each applicant to be affixed to the identification card and to the application form. (Ord. 577 §3, 2006)

Sec. 6-7-60. Other information.

The information submitted on the registration form as provided in Section 6-7-50 shall be accompanied by such credentials and other evidence of the good moral character and identity of each peddler as may be reasonably required by the Town Manager. (Ord. 577 §3, 2006)

Sec. 6-7-70. Background check required for peddlers.

At the time of making the application for a permit for peddling, the Chief of Police or his or her designee shall complete a Colorado Crime Information Center ("CCIC") background check on the applicant, or such other similar background check administered by the Colorado Bureau of Investigation ("CBI"). (Ord. 577 §3, 2006; Ord. 652 §3, 2010)

Sec. 6-7-80. Investigation – character and business responsibility; issuance or denial of permit.

(a) The original copy of the application for a peddler permit shall be referred to the Chief of Police, who shall promptly make an investigation of the applicant's character and business

responsibility by any means available. Investigation shall be completed within four (4) business days of the referral. Upon completion, the Chief of Police shall forward the results of the investigation, together with a recommendation for approval or denial, to the Town Manager.

(b) The Town Manager shall deny the permit and identification card required by this Article under the following conditions:

(1) The applicant was convicted of any act which, committed by a permittee, would be grounds for suspension or revocation of a permit.

(2) The applicant was convicted of a misdemeanor or felony within the previous ten (10) years directly related to the occupation of peddler or solicitor, including but not limited to misdemeanors or felonies involving fraud or misrepresentation.

(3) The applicant previously was refused a permit under the provisions of this Article; provided, however, that any applicant denied a permit under the provisions of this Article may reapply if and when the reasons for denial no longer exist.

(4) The applicant made any false or misleading statement in the application.

(5) The employer of an applicant for a peddler and solicitor's permit does not hold a valid Town business license or sales tax license.

(c) The Town Manager shall issue a peddler permit and the photo identification card to all applicants within five (5) business days of his or her receipt of the application, unless he or she denies the permit for the criteria stated in this Section. Notice of denial of the permit shall be sent by certified mail, return receipt requested, to the address contained in the application and shall state the reasons for the denial. (Ord. 577 §3, 2006; Ord. 652 §4, 2010)

Sec. 6-7-90. Permit and identification card to be carried on person.

Each peddler shall retain in his or her possession the permit and identification card issued by the Town Manager. At all times, when engaged in the business of peddling, he or she must produce and show the identification card to any person or to any police officer or official of the Town when demanded. No person issued a permit or an identification card shall alter, remove or obliterate any entry made thereon, nor deface such permit or identification card in any way. Each permit and identification card shall be personal and not assignable or transferable, nor shall any permit or identification card be used by any person other than the person to whom it was issued. (Ord. 577 §3, 2006; Ord. 652 §5, 2010)

Sec. 6-7-100. Conditions and regulations.

The following conditions and regulations shall also apply to the exercises of the privileges granted by a peddler permit issued under the provisions of this Article in addition to those set forth in other parts of this Article or elsewhere in this Code:

(1) Shouting/calling wares. No person acting under authority of any permit issued under this Article shall shout or call his or her wares in a loud, boisterous or unseemly manner, or to the disturbance of citizens or dwellers in the Town.

(2) Identification by comparing signature with that on permit. Every peddler, upon the request of any police officer or other officer of the Town, shall sign his or her name for comparison with the signature upon the permit or card or the signature upon the permit application.

(3) Order to be written in duplicate. Any person acting under authority of any permit issued under this Chapter who solicits orders for future delivery shall write each order at least in duplicate, plainly stating the quantity of each article or commodity ordered, the price to be paid therefor, the total amount ordered and the amount to be paid on or after delivery. One (1) copy of such order shall be given to the customer.

(4) Identification upon request. Every peddler shall, upon request, provide his or her name, business address and telephone number, and the name, business address and telephone number of the person, organization or entity represented. (Ord. 577 §3, 2006)

Sec. 6-7-110. Revocation of permit.

(a) A permit issued under this Article may be suspended or revoked by the Town Manager for any of the following causes:

- (1) Fraud, misrepresentation or false statements contained in the application for a permit;
- (2) Fraud, misrepresentation or false statements made in the course of carrying on his or her business as a peddler;
- (3) Any violation of this Article;
- (4) Conviction of any crime or misdemeanor involving moral turpitude; or
- (5) Conducting the business of peddling in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public.

(b) This Section shall be self-executing and the suspension or revocation shall be effective immediately. The Town Manager shall give notice of the suspension or revocation of a permit and sufficient notice shall be given if mailed or delivered to the permittee at his or her last known local address by certified mail, return receipt requested. (Ord. 577 §3, 2006)

Sec. 6-7-120. Appeals to Board of Trustees.

In the event that any person desires to appeal any order, revocation or ruling of the Town Manager, the Chief of Police or any other officer of the Town made under the provisions of this Article, such aggrieved person shall file written notice of such appeal with the Town Clerk and such matters shall be heard at the next regular meeting of the Board of Trustees. The Board of Trustees shall hear and receive evidence, written and oral, upon all matters involved and render a decision

upholding, vacating or modifying the order, revocation or ruling. The decision of the Board of Trustees shall be in writing and considered final. (Ord. 577 §3, 2006)

Sec. 6-7-130. Peddling, soliciting or canvassing unlawful where "No Peddlers or Solicitors" sign posted.

It is unlawful for any person described in Section 6-7-20 of this Article to perform or attempt to perform the acts described in this Article by ringing the doorbell, knocking at the door or otherwise calling attention to his or her presence at any residence whereon a sign bearing the words "No Peddlers or Solicitors," or words of similar import are painted or affixed so as to be exposed to public view. No such person, described in Section 6-7-20, shall perform or attempt to perform any of the acts described in this Article in any building, structure or place of business whereon or wherein a sign bearing the words "No Peddlers or Solicitors," or words of similar import, is painted or affixed so as to be exposed to public view. (Ord. 577 §3, 2006)

Sec. 6-7-140. "No visit" list.

The Town Manager shall maintain a list of persons within the Town who wish to restrict visits to their residential property (including their leasehold, in the case of a tenant) by peddlers, solicitors or canvassers. A copy of the "no visit" list shall be provided to each peddler, solicitor or canvasser. It shall be the responsibility of all canvassers to obtain a copy of the current "no visit" list. (Ord. 577 §3, 2006)

Sec. 6-7-150. General prohibitions.

No peddler, solicitor or canvasser shall:

(1) Enter upon any private property where the property has clearly posted in the front yard a sign visible from the right-of-way (public or private) indicating a prohibition against peddling, soliciting and/or canvassing. Such signs need not exceed one (1) square foot in size and may contain words such as "No Peddlers or Solicitors," or words of similar import in letters of at least two (2) inches in height. The phrase "No Peddlers or Solicitors," or words of similar import shall also prohibit canvassers.

(2) Remain upon any private property where a notice in the form of a sign or sticker is placed upon any door or entranceway leading into the residence or dwelling at which guests would normally enter, and which contains the words "No Peddlers or Solicitors," or words of similar import, and which is clearly visible to the peddler, solicitor or canvasser.

(3) Enter upon any private property where the current occupant has posted the property on the Town's "no visit" list regardless of whether a front yard sign or door sign is posted.

(4) 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 resident or occupant of the property.

(5) Remove any yard sign, door or entrance sign that gives notice to such person that the resident or occupant does not invite peddlers, solicitors or canvassers.

(6) No person conducting the activities of a peddler, solicitor or canvasser shall enter upon any private residence, knock on doors, ring doorbells or otherwise disturb persons in their residences between the hours of 7:00 p.m. and 9:00 a.m.

It shall be an affirmative defense to any violation of this Section that the peddler, solicitor or canvasser has an express invitation from the resident or occupant of a dwelling allowing him or her to enter upon any posted property. (Ord. 577 §3, 2006)

Sec. 6-7-160. Distribution of handbills and commercial flyers.

In addition to the other regulations contained herein, a solicitor or canvasser leaving handbills or commercial flyers about the community shall observe the following regulations:

(1) No handbill or 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 handbill or 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 handbill or flyer shall be left at or attached to any property: (a) listed on the Town "no visit" list; or (b) having a "no solicitor" sign of the type described in Section 6-7-130.

(4) Any person observed distributing handbills or flyers shall be required to identify themselves to the police. This is for the purpose of knowing the likely identity of the perpetrator if the Town receives a complaint of damage caused to private property during the distribution of handbills or flyers. (Ord. 577 §3, 2006)

Sec. 6-7-170. Exceptions.

This Article 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. 577 §3, 2006)