

CHAPTER 6

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ARTICLE I

Business Licenses

Sec. 6-1. Purpose.

The purpose of this Article is the regulation and registration of businesses operating within the Town and which are responsible for collecting municipal sales taxes and for the health, safety and welfare of the citizens of the Town. (Ord. 96-O-4 §1, 1996; Ord. 96-O-12 §5, 1996)

Sec. 6-2. License required.

Every person must obtain a license from the Town before operating, conducting or carrying on any retail trade, profession or business within the Town which is responsible for collecting municipal sales taxes; provided, however, that nonprofit state corporations, excluding federal, state or municipal corporations, are hereby exempt from the license requirements set forth in this Article. (Ord. 96-O-4 §1, 1996; Ord. 96-O-12 §6, 1996)

Sec. 6-3. Separate license required for each trade or business.

Any person operating, conducting or carrying on any retail trade, profession or business within the Town and who is responsible for collecting municipal sales taxes must obtain a separate license for each location of the business. (Ord. 96-O-4 §1, 1996; Ord. 96-O-12 §7, 1996)

Sec. 6-4. License application.

An application for a business license shall be made to the Town Clerk on forms provided by the Town. Every applicant shall state under oath or affirmation such facts as may be required for the granting of such license. It is unlawful for any person to make any false statement or misrepresentation in connection with any application for a license, and the penalties provided in Title 31, C.R.S., shall be applicable. (Ord. 96-O-4 §1, 1996)

Sec. 6-5. License fees.

(a) Every person required to be licensed by the provisions of this Article shall pay the fee for such license as set forth in Section 4-102, Fee schedule, of this Code.

(b) Businesses or professions within the Town subject to the provisions of this Article which have gross receipts of less than five hundred dollars (\$500.00) per year may apply for a waiver of the license fee from the Town Clerk. Such an application for waiver must be submitted on a form approved by the Town Clerk with appropriate supporting documentation and must be submitted each year. If, based on the application for waiver, the Town Clerk determines that the business or profession has gross receipts of less than five hundred dollars (\$500.00) per year, a waiver of the business license fee shall be granted. (Ord. 96-O-4 §1, 1996; Ord. O-6 §2, 2001; Ord. O-12 §1, 2003)

Sec. 6-6. Payment of fee.

Before granting the license, the fee required for the license must be paid to the Town at the office of the Town Clerk. (Ord. 96-O-4 §1, 1996; Ord. O-12 §14, 2000)

Sec. 6-7. Issuance.

Upon receipt of the required fee and compliance with Section 6-4, the Town Clerk will issue a license that indicates that the license tax has been paid for the specified year. (Ord. 96-O-4 §1, 1996)

Sec. 6-8. Carrying or posting 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 upon his or her person when operating, conducting or carrying on any retail trade, profession or business. Every licensee shall produce his or her license for examination when requested to do so by any Town police officer or by any person representing the Town. (Ord. 96-O-4 §1, 1996)

Sec. 6-9. License nontransferable.

No license issued under the provisions of this Article shall be transferable from person to person or place to place. (Ord. 96-O-4 §1, 1996)

Sec. 6-10. Period of license.

All licenses shall expire January 1 of each calendar year. (Ord. 96-O-4 §1, 1996)

Sec. 6-11. Suspension.

A license may be suspended:

- (1) When any money due the Town has not been paid. This includes failure to pay civil penalties, fines, taxes, impact fees or any other money owed to the Town.
- (2) When any activity conducted by the licensee, his or her employee or agent violates any federal, state or local rule, regulation or law.
- (3) Upon failing to comply with the terms and conditions of the license.
- (4) Upon any grounds of suspension provided by ordinance. (Ord. 96-O-4 §1, 1996)

Sec. 6-12. Revocation of license.

A license may be revoked by the Town:

- (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 statute or violates any federal, state or local rule, regulation or law.
- (3) Upon failing to comply with the terms and conditions of the license.

(4) Upon any ground of revocation provided by this Code. (Ord. 96-O-4 §1, 1996)

Sec. 6-13. Notice and hearing prior to suspension or revocation.

All hearings to revoke, suspend or cancel a license shall be before the Board of Trustees. The suspension or revocation of any license shall not release or discharge anyone from his or her civil liability for the payment of the taxes, penalty and interest nor from the prosecution of the offense. (Ord. 96-O-4 §1, 1996)

Sec. 6-14. Cease and desist.

If any business is operating without a license, the Mayor may issue an order to the business to cease and desist all further operation until a license is issued for the business. The order shall give the business three (3) days to pay all amounts due the Town; or to post a bond in the amount owing the Town and to request in writing a hearing with the Town Clerk. If the business does nothing, it shall cease operations on the third day. The hearing will be before the Board of Trustees. These proceedings shall not relieve or discharge anyone from the civil liability for the payment of the taxes, penalty and interest nor from the prosecution of the offense. (Ord. 96-O-4 §1, 1996)

Sec. 6-15. Penalty.

Failure to comply with the terms of this Article shall constitute a civil infraction. Any person who is found guilty of, or pleads guilty or nolo contendere to the commission of, the civil infraction shall be subject to a civil penalty as set forth in Section 1-74 of this Code. For each day, or portion thereof, during which any violation continues, a person may be cited for a separate civil infraction. The penalties specified in this Section shall be cumulative and nothing shall be construed as either prohibiting or limiting the Town from pursuing such other remedies or penalties, including an action at law or equity. (Ord. 96-O-4 §1, 1996)

Secs. 6-16—6-40. Reserved.

ARTICLE II

Local Licensing Authority

Sec. 6-41. Created.

Pursuant to the authority conferred by state law, there is hereby created a Local Licensing Authority for the Town. The Local Licensing Authority shall have two (2) divisions as follows:

(1) The Board of Trustees shall serve as the Local Licensing Authority for all new liquor license applications, applications for transfer of ownership and applications for modification of existing liquor licenses.

(2) The Municipal Judge shall serve as the Local Licensing Authority for all other liquor licensing matters including, but not limited to, liquor license renewal applications, show cause orders and hearings on suspensions and revocations and other disciplinary actions. (Ord. O-4 §1, 2001; Ord. O-12 §1, 2002)

Sec. 6-42. Appearance of witnesses.

The Local Licensing Authority shall have the authority to 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 Local Licensing Authority is authorized to conduct. It is unlawful for any person to fail to comply with any subpoena issued on behalf of the Local Licensing Authority. (Ord. O-4 §1, 2001)

Secs. 6-43—6-50. Reserved.

ARTICLE III

Alcoholic Beverages

Sec. 6-51. Definitions.

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

Malt liquor includes beer and shall be construed to mean any beverage obtained by the alcoholic fermentation of any infusion or decoction of barley, malt, hops or any other similar products or any combination thereof in water, containing more than three point two percent (3.2%) alcohol by weight.

Medicinal liquor means any liquor sold by a duly licensed pharmacist or drugstore solely on a bona fide doctor's prescription.

Operator means a person licensed by law to sell three point two (3.2) beer and malt, vinous and spirituous liquors, other than medicinal liquors, for beverage purposes at retail and who is engaged at any time during the calendar year in such operation within the Town.

Person includes persons, partnerships, associations, organizations or corporations.

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

Three point two (3.2) beer means malt liquor as herein defined as containing not more than three point two percent (3.2%) alcohol by weight.

Vinous liquor includes wine and fortified wines not exceeding twenty-one percent (21%) alcohol by volume and shall be construed to mean an alcoholic beverage obtained by the fermentation of the natural sugar contents of fruits or other agricultural produce containing sugar. (Ord. 96-O-4 §1, 1996; Ord. O-4 §2, 2001)

Sec. 6-52. Applicability.

In addition to any of the rules or laws which may be applicable, these rules shall govern all proceedings before the Local Licensing Authority. If any of the rules contained herein shall conflict with any provisions of the laws of the State or the rules of the State Licensing Authority pertaining to the Colorado Liquor Code or to rules pertaining to the licensing or sale of fermented malt beverages, the provisions of state law or the rules of the State Licensing Authority shall govern. (Ord. 96-O-4 §1, 1996; Ord. O-4 §§2, 3, 2001)

Sec. 6-53. Application for liquor license; renewal application; application fee; license fee.

(a) New applications, transfer of ownership, change of location. All applications for liquor licenses and for fermented malt beverage licenses shall be filed with the Town Clerk. Any person applying for such license shall file the state license application form which shall be filled out and completed in all material details. Incomplete application forms shall be rejected. All license forms shall be filled out by typewriter or printed in ink, and all other information or exhibits submitted shall be typewritten or printed in ink, except plans and specifications which may be required.

(b) Application fee for new applications, transfer of ownership, change of location. At the time of submitting the application, the applicant shall pay an application fee to the Town. Such fee shall be used to defray the expense incurred by the Town for the review, investigation, supplies, posting and publication of premises and all other services of personnel of the Town which pertain to the application. Such application fee shall apply only to applications for new licenses and to applications for the transfer of ownership of an existing license or for transfer of the location of an existing license. The fee for such application is set forth in Section 4-102, Fee schedule, of this Code.

(c) Application for modification of premises. All applications for temporary modification of premises shall be filed with the Town Clerk. Any person applying for such license shall file the state application form which shall be filled out and completed in all material details. Incomplete application forms shall be rejected. All license forms shall be filled out by typewriter or printed in ink, and all other information or exhibits submitted shall be typewritten or printed in ink, except plans and specifications which may be required.

(d) Application fee for modification of premises. At the time of submitting the application for modification of premises, the applicant shall pay an application fee to the Town. Such fee shall be used to defray the expense incurred by the Town for the review, investigation, supplies, posting and publication of premises and all other services of personnel of the Town which pertain to the application. The fee for such application for modification of premises is set forth in Section 4-102, Fee schedule, of this Code.

(e) Application for renewal of existing liquor license. All applications for renewal of an existing liquor license shall be submitted to the Town Clerk on the form provided to the licensee by the State of Colorado, Liquor Enforcement Division of the Department of Revenue no later than forty-five (45) days prior to the expiration date of the existing license.

(f) Application fee for renewal of existing liquor license. At the time of submitting the renewal application, the applicant shall pay a renewal application fee to the Town. Such fee shall be used to defray the expense incurred by the Town for the review, investigation, supplies, posting and

publication of the premises and all other services of personnel of the Town which pertain to the renewal application. The fee for such renewal application is set forth in Section 4-102, Fee schedule, of this Code.

(g) Liquor license fee. At the time of submitting an application for a new liquor license, liquor license renewal, transfer of ownership, change of location, or modification of premises, the applicant shall pay two (2) license fees: one (1) to the State of Colorado - Department of Revenue for state liquor license fees and one (1) to the Town for local liquor license fees. The state license fee is set forth in Section 12-47-501, C.R.S. The local license fee is set forth in Section 4-102, Fee schedule, of this Code. (Ord. 96-O-4 §1, 1996; Ord. O-4 §2, 2001; Ord. O-12 §2, 2002)

Sec. 6-54. Classification.

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

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

(2) Class "B" Operators. All operators licensed as retail liquor stores to sell, in original containers, malt, vinous or spirituous liquors for consumption off the premises shall be Class "B" Operators.

(3) Class "C" Operators. All operators licensed to sell only three point two (3.2) beer and who sell the same for consumption on the premises are Class "C" Operators.

(4) Class "D" Operators. All operators licensed to sell only three point two (3.2) beer and who sell the same solely in the original package or container for consumption off the premises shall be Class "D" Operators.

(5) Class "E" Operators. All operators licensed to sell malt, vinous or spirituous liquors by the drink only to members of clubs and their guests within the premises of said club shall be Class "E" Operators.

(6) Class "F" Operators. All hotel and restaurant licensees, beer and wine licensees, tavern licensees, club licensees, and arts licensees obtaining a special license to sell, serve or distribute malt, vinous and spirituous liquors by the drink after the hour of 8:00 p.m. and until midnight on Sundays and Christmas, an Extended Hours License shall be a Class "F" Operator. (Ord. 96-O-4 §1, 1996; Ord. O-4 §2, 2001)

Sec. 6-55. Tax nondiscriminatory.

The Town hereby finds, determines and declares that, considering the nature of the business of selling at retail three point two (3.2) beer and malt, vinous and spirituous liquors for beverage purposes and relation of such business to the municipal welfare, as well as the relation thereof to the expenditures required by the Town and a proper, just and equitable distribution of tax burdens within

the Town, and all other matters proper to be considered in relation thereto, the classification of said business as a separate occupation is reasonable, proper, uniform and nondiscriminatory and that the amount of tax hereby imposed by this Article is reasonable, proper, uniform and nondiscriminatory and necessary for a just and proper distribution of tax burdens within the Town. (Ord. 96-O-4 §1, 1996; Ord. O-4 §2, 2001)

Sec. 6-56. Assessment of tax; rate.

There is hereby levied and assessed an annual occupation tax on the business of selling three point two (3.2) beer or malt, vinous and spirituous liquors, except medicinal liquors, in the Town, as said occupation has been herein classified, such occupation tax to be set by resolution of the Board of Trustees. (Ord. 96-O-4 §1, 1996; Ord. O-4 §2, 2001)

Sec. 6-57. Payment of tax.

(a) Such tax shall be due, payable to the Town and submitted to the Town Clerk or his or her designee on January 1 of each year and shall be delinquent on February 1 of the same year. Prepayment of said tax may be made in the month of December preceding the due date.

(b) Upon receipt of such tax, it shall be the duty of the Town Clerk or his or her designee to execute and deliver to the operator paying the tax a receipt showing the name of the operator paying the tax, the date of payment, the annual period for which said tax is paid and the place at which said operator conducts business.

(c) The operator shall, at all times during said year, keep said receipt posted in a conspicuous place in his or her place of business.

(d) Whenever any licensee begins business with a new license, subsequent to January 1 of any year, the occupational license tax required herein shall be prorated on a monthly basis for the remaining portion of the year; but no refund shall be made to any person who discontinues business under a license before the expiration of the period covered by the tax. In the event the ownership of an existing license is transferred to a new licensee during any year, the transferred license shall not be considered a new license and no additional occupational license tax shall be required in connection with such license. If this Article is adopted in the middle of a fiscal year, the operator shall pay only that share of taxes which apply to the balance of the fiscal year in which this Article is adopted. All taxes provided for in this Article shall be due as provided above, except that all taxes provided for in this Subsection shall be due and payable upon the beginning of business or upon adoption of this Article and shall be delinquent ten (10) days thereafter. Interest shall accrue on all delinquent taxes from the day of delinquency until paid and shall accrue at the rate of one percent (1%) per month. (Ord. 96-O-4 §1, 1996; Ord. O-12 §15, 2000; Ord. O-4 §2, 2001)

Sec. 6-58. Delinquency.

No delinquency in payment of the tax herein provided for shall be grounds for suspension or revocation of any such operator by any licensing authority pursuant to the statutes enacted by the General Assembly of the State, and in performance of any duties imposed by said statutes upon the Local Licensing Authority, the Local Licensing Authority shall exclude from consideration any

delinquency in payment of the tax herein provided for. (Ord. 96-O-4 §1, 1996; Ord. O-4 §§2, 4, 2001)

Sec. 6-59. Civil action for collection.

The Town shall have the right to recover all sums due by the terms of this Article by judgment and execution thereon in a civil action, in any court of competent jurisdiction. Such remedy shall be cumulative with all other remedies provided herein for the enforcement of this Article. (Ord. 96-O-4 §1, 1996; Ord. O-12 §16, 2000; Ord. O-4 §2, 2001)

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

(a) Whenever a decision of the Local Licensing Authority, suspending a retail license for fourteen (14) days or less becomes final, whether by failure of the retail licensee to appeal the decision or by exhaustion of all appeals and judicial review, the retail licensee may, before the operative date of the suspension, petition the Local Licensing Authority for permission to pay a fine in lieu of having his or her retail license suspended for all or part of the suspension period. Upon the receipt of the petition, the Local Licensing Authority may, in its sole discretion, stay the proposed suspension and cause any investigation to be made which it deems desirable and may, in its sole discretion, grant the petition if it is satisfied:

(1) That the public welfare and morals would not be impaired by permitting the retail licensee to operate during the period set for suspension and that the payment of the fine will achieve the desired disciplinary purposes;

(2) That the books and records of the retail licensee are kept in such a manner that the loss of sales of alcoholic beverages which the retail licensee would have suffered had the suspension gone into effect can be determined with reasonable accuracy therefrom; and

(3) That the retail licensee has not had his or her license suspended or revoked, nor had any suspension stayed by payment of a fine, during the two (2) years immediately preceding the date of the motion or complaint which has resulted in a final decision to suspend the retail license.

(b) The fine accepted shall be equivalent to twenty percent (20%) of the retail licensee's estimated gross revenues from sales of alcoholic beverages during the period of the proposed suspension; except that the fine shall be not less than two hundred dollars (\$200.00) nor more than five thousand dollars (\$5,000.00).

(c) Payment of any fine pursuant to the provisions of this Section shall be in the form of cash, certified check or cashier's check made payable to the Town Clerk and shall be deposited in the general fund of the Town.

(d) Upon payment of the fine pursuant to this Section, the Local Licensing Authority shall enter its further order permanently staying the imposition of the suspension.

(e) In connection with any petition pursuant to this Section, the authority of the Local Licensing Authority is limited to the granting of such stays as are necessary for it to complete its investigation and make its findings and, if it makes such findings, to the granting of an order permanently staying

the imposition of the entire suspension or that portion of the suspension not otherwise conditionally stayed.

(f) If the Local Licensing Authority does not make the findings required in Subsection (a) above and does not order the suspension permanently stayed, the suspension shall go into effect on the operative date finally set by the Local Licensing Authority. (Ord. 96-O-4 §1, 1996; Ord. 96-O-12 §8, 1996; Ord. O-4 §§2, 5, 2001)

Sec. 6-61. Term and renewal of liquor license.

(a) The Town Clerk shall submit the renewal application submitted by each liquor license holder, along with any reports of criminal activity or liquor violations on the site which is the subject of said renewal application, and any conditions imposed by the Authority upon initially granting the license, to the Authority.

(b) The Authority may either (1) grant renewal of the license, or (2) set a public hearing on the issue of renewing the license. (Ord. 99-O-7 §1, 1999; Ord. O-4 §2, 2001)

Sec. 6-62. Alcoholic beverage tastings at licensed retail and drug stores.

(a) A licensed retail liquor store or a liquor-licensed drug store within the Town may submit an application and application fee to permit tastings of alcoholic beverages subject to the limitations set forth in Section 12-47-101 et seq., C.R.S. The application for such tastings shall be made on a form provided by the Town Clerk. The application fee shall be paid at the time the application is submitted, in the amount set forth in Section 4-102, Fee Schedule, of this Code.

(b) The Authority may grant the application for alcohol beverage tastings unless the licensee fails to establish its ability to comply with the law or granting the application would create a public safety risk to the neighborhood.

(c) The approval for alcohol beverage tastings will run concurrent with the annual term of the licensee's liquor license unless sooner revoked for violations of this Code or state law. Upon application for renewal of the licensee's liquor license, a new application to conduct tastings must be filed with the Authority.

(d) The licensee shall maintain records and documentation of the servers, their training, and the dates and hours of each alcohol beverage tasting. Such records and documentation shall be provided to the Authority upon request. (Ord. O-10 §1, 2004)

Sec. 6-63. Temporary permits.

(a) If an application for transfer of a liquor license has been submitted to the Town, the Authority may issue a temporary permit to the proposed transferee during the period in which the application to transfer the ownership of the license is pending. Such a temporary permit will authorize the transferee to continue selling such alcohol beverages as permitted under the permanent license. For purposes of this Section, the permanent license is defined as the license which is the subject of the application for transfer. A temporary permit may be issued subject to compliance with all of the following conditions:

(1) The premises where such alcohol beverages are sold shall have been previously licensed by state and local licensing authorities, and such license shall have been valid at the time the application for transfer of ownership was filed with the Town's Local Licensing Authority;

(2) The applicant has filed with the Town's Local Licensing Authority an application for the transfer of the liquor license on forms provided by the Colorado Department of Revenue;

(3) The application for a temporary permit shall be filed no later than thirty (30) days after the filing of the application for transfer of ownership; and

(4) At the time of submitting the application, the applicant shall pay an application fee of one hundred dollars (\$100) to the Town in accordance with Section 12-47-303(c), C.R.S.

(b) If the permanent license has not been revoked, suspended or fined in the twelve (12) months prior to the application for transfer of the liquor license, the temporary permit may be issued by the Town Clerk in accordance with the provisions of this Section.

(c) The temporary permit may be canceled, revoked or summarily suspended if the Local Licensing Authority determines that there is probable cause to believe that the transferee has violated any provisions of the laws of the State, the rules of the State Licensing Authority, or this Code with respect to alcohol beverages. (Ord. O-18 §2, 2003)

Secs. 6-64—6-70. Reserved.

ARTICLE IV

Peddlers and Solicitors

Sec. 6-71. Purpose.

This Article shall be known and cited as the *Superior Peddlers and Solicitors Ordinance*. (Ord. 94-O-5 §1, 1994)

Sec. 6-72. Definitions.

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

Door-to-door sales means soliciting, at residences or commercial or office outlets, orders for the sale of or selling of goods, wares, merchandise, services, magazines, contracts, policies of insurance, stocks, bonds, rights or anything of value.

Residence means the private residences of the Town, including but not limited to condominium units and apartments or the yards, grounds or hallways thereof. (Ord. 94-O-5 §4, 1994; Ord. O-2 §1, 2008)

Sec. 6-73. Permit required.

Each and every person who goes in or upon the residences of the Town, when not previously requested or invited to do so by the owner or occupant of the residence, for the purpose of engaging in door-to-door sales shall, before going in or upon such residences, obtain a permit from the Town Clerk and pay the permit fee as provided in this Article. (Ord. 94-O-5 §4, 1994; Ord. O-2 §1, 2008)

Sec. 6-74. Fees.

The permit fee for each person engaging in door-to-door sales shall be thirty-five dollars (\$35.00), and such permit shall be issued for one (1) year. (Ord. 94-O-5 §4, 1994; Ord. O-2 §1, 2008)

Sec. 6-75. Application contents.

Each applicant for a permit shall file with the Town Clerk an affidavit on a form supplied by the Town Clerk stating:

- (1) The full name of the applicant.
- (2) The business address of the applicant.
- (3) The business telephone numbers of the applicant.
- (4) The residence addresses, temporary and permanent, of the applicant.
- (5) The residence telephone numbers of the applicant.
- (6) A description of the applicant, including height, weight, color of eyes and color of hair.
- (7) The number and state of issuance of the applicant's motor vehicle operator's license or chauffeur's license, if any.
- (8) The number on and state of issuance of the license plates or any motor vehicle owned, rented or being driven by the applicant and of any motor vehicle which the applicant intends to use in the course of door-to-door sales, a description of any such motor vehicle and the name and address of the owner of such motor vehicle.
- (9) A list of all cities in which a peddler's license or permit is presently held.
- (10) Whether the applicant is presently on parole or probation for any criminal violations.
- (11) A brief explanation of the nature of the merchandise to be sold or other activity that requires a permit under this Article.
- (12) The names, business addresses, business telephone numbers, residence addresses and residence telephone numbers of all individuals employing and/or supervising the applicant.
- (13) If the applicant is a foreign corporation or an employee of such corporation, the name, address and telephone number of an agent for process residing in the State.

(14) Number of permits requested and names and addresses of all those who may use such permit, not to exceed twenty-five (25) permits. (Ord. 94-O-5 §5, 1994; Ord. 96-O-4 §1, 1996; Ord. O-2 §1, 2008)

Sec. 6-76. Permit; grounds for denial.

(a) The Town Clerk may deny the issuance of a permit for the following reasons:

(1) Any misrepresentation, fraud, deception, breach of warranty or breach of contract in the Town or elsewhere;

(2) Failure to comply with this Article or violation of any ordinance applicable to the permitted activities;

(3) Failure to obtain a sales tax license as required by the Town or failure of the applicant, his or her supervisor or his or her employer to remit any sales tax due the Town;

(4) Felony convictions for crimes against the person or property of another, or institutionalization for mental illness which caused acts of violence against the person or property of another; provided, however, that such felony convictions or institutionalization occurred within the five (5) years preceding the date of application; or

(5) Convictions for any crime committed while engaged in door-to-door sales in the Town.

(b) For purposes of this Section:

(1) *Crimes or acts of violence against the person of another* shall include homicide, attempted homicide, rape, attempted rape, sexual assault, assault, battery and other similar felonies involving moral turpitude by whatever name; and

(2) *Crimes or acts against the property of another* shall include theft, burglary, breaking and entering, larceny and other similar felonies involving moral turpitude by whatever name.

(c) Persons whose applications for permits have been denied shall be notified in writing of the reason for such denial and, upon written request to the Town Clerk, are entitled to an administrative hearing with the Town Clerk, or another hearing officer as designated by the Town Clerk, serving as presiding officer. The presiding officer shall determine whether the reasons for permit denial in fact exist. (Ord. 94-O-5 §6, 1994; Ord. O-2 §1, 2008)

Sec. 6-77. Transfer of permits.

Permits may not be transferred from person to person. (Ord. 94-O-5 §7, 1994; Ord. O-2 §1, 2008)

Sec. 6-78. Records.

The Town Clerk shall maintain records showing each permit issued and the alleged violations of this Article. (Ord. 94-O-5 §8, 1994; Ord O-2 §1, 2008)

Sec. 6-79. Appeal.

An applicant may appeal any decision relating to his or her permit by the Town Clerk to the Board of Trustees. If the applicant requests, the Board shall hold a hearing pursuant to the procedures set forth in the ordinances of the Town. The Board's decision shall be by a majority of a quorum of the Trustees. (Ord. 94-O-5 §9, 1994; Ord. 96-O-4 §1, 1996; Ord. 96-O-12 §9, 1996; Ord. O-2 §1, 2008)

Sec. 6-80. Expiration of permit.

Each permit shall expire on the date specified on the permit, and the Town Clerk shall issue no permit for a period longer than one (1) year. On the expiration of a permit, any person may apply for the issuance of a new permit. (Ord. 94-O-5 §10, 1994; Ord. O-2 §1, 2008)

Sec. 6-81. Revocation of permit.

If the Town Clerk finds that any of the grounds stated in Section 6-76 above exist or that an applicant has made a false statement in his or her application, the Town Clerk shall revoke the permit; or for other just cause related to the health, safety or welfare of the citizens of the Town, the Town Clerk may revoke the permit. (Ord. 94-O-5 §11, 1994; Ord. O-2 §1, 2008)

Sec. 6-82. Door hangers.

No person shall fasten or deposit in any manner any notice, poster or other advertising or promotional material upon private property, including personal property, without having permission to do so from the owners or occupants of such property. Permission to so fasten or deposit such materials shall be implied from the presence of an improved walkway, including a driveway, connecting such property directly to a public right-of-way unless:

- (1) Access to such walkway is physically restricted by a fence, gate or other permanent structure; or
- (2) A "No Trespassing" or "No Solicitors" sign or a sign prohibiting posting is posted on the property at a visible location. (Ord. O-2 §1,2008)

Sec. 6-83. Permissible times.

Any door-to-door sales activity or act otherwise permitted under this Article shall be prohibited before 8:00 a.m. or after the later of 8:00 p.m. or sunset, as announced and published by the National Weather Service daily. (Ord. O-2 §1, 2008)

Sec. 6-84. Do Not Solicit list.

(a) Any person who is the owner or lawful occupant of private property within the Town may prohibit any individual from engaging in door-to-door sales upon the private property of such owner or occupant by registering the property in accordance with Subsection (b) hereof.

(b) The registration authorized by Subsection (a) hereof shall be made by filing with the Town Clerk a Do Not Solicit form containing the following information:

(1) The name of the property owner or occupant and whether said person is an owner, occupant or both;

(2) The property address; and

(3) A list of individuals or groups who are not subject to the solicitation prohibition.

(c) If the person filing the Do Not Solicit form ceases to be the owner or occupant of the property, the Do Not Solicit form shall expire; otherwise, it shall remain in effect until modified by the owner or occupant. (Ord. O-2 §1,2008)

Sec. 6-85. No solicitation signs.

(a) In addition to registration of private property on the Town's "Do Not Solicit" list, any person or entity owning property within the Town may place on such property a sign indicating that the owners or occupants do not wish to be disturbed by door-to-door sales. Such sign shall state "No Trespassing," "No Solicitors" or other similar message indicating that door-to-door sales are not authorized.

(b) Such sign shall not exceed two and one half (2½) square feet in area.

(c) Such sign shall be allowed in addition to the number and types of signs permitted under the provisions of Chapter 16 of this Code.

(d) Door-to-door sales at any address at which such a sign is posted is a violation of this Article. Each door-to-door sales contact or attempted contact at a property at which such a sign is posted shall constitute a separate violation of this Article. (Ord. O-2 §1,2008)

Sec. 6-86. Identification cards.

The Town Clerk shall issue to each person at the time of the delivery of his or her permit an identification card bearing the words "Permitted Person," the period of time for which the permit is issued and the number of the permit, in plainly discernible letters and figures. Each person shall conspicuously display such identification card when engaged in door-to-door sales. (Ord. 94-O-5 §12, 1994; Ord. O-2 §1, 2008)

Sec. 6-87. Exhibition of permit.

Whenever requested by any police officer or by any customer or prospective customer, a person shall exhibit his or her identification card and permit. (Ord. 94-O-5 §13, 1994; Ord. O-2 §1, 2008)

Sec. 6-88. Construction.

It is the intent of the Board of Trustees that not only each person who engages in door-to-door sales in the Town but also each principal on behalf of whom such individual is acting shall be permitted as required by this Article. (Ord. 94-O-5 §14, 1994; Ord. O-2 §1, 2008)

Sec. 6-89. Exemptions.

The following classes of persons shall be exempt from this Article: persons authorized by civic, religious, charitable or political organizations. (Ord. 94-O-5 §15, 1994; Ord. 96-O-4 §1, 1996; Ord. O-2 §1, 2008)

Secs. 6-90—6-100. Reserved.

ARTICLE V

Sexually Oriented Businesses

Sec. 6-101. Purpose and intent.

The purpose and intent of this Article is to regulate sexually oriented businesses to promote the health, safety and general welfare of the citizens of the Town, and to establish reasonable and uniform regulations to prevent the deleterious location and concentration of sexually oriented businesses within the Town, thereby reducing or eliminating the adverse secondary effects from such sexually oriented businesses. The provisions of this Article are not intended to impose a limitation or restriction on the content of any communicative materials, including sexually oriented materials. It is not the intent of this Article to restrict or deny access by adults to sexually oriented materials protected by the First Amendment or the Colorado Constitution, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this Section to condone or legitimize the distribution of obscene material. (Ord. O-6 §2, 2000)

Sec. 6-102. Definitions.

The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this Section and in Section 16-31 of this Code, except where the context clearly indicates a different meaning:

Adult motel means a hotel, motel or similar commercial establishment which offers accommodations to the public for any form of consideration and provides patrons with closed-circuit television transmission, films, motion pictures, video cassettes, slides or other photographic productions however produced which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas"; and has a sign visible from the public right-of-way which advertises the availability of this adult type of photographic reproductions.

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

Licensee means a person in whose name a license to operate a sexually oriented business has been issued, as well as the individual listed as an applicant on the application for a sexually oriented business license.

Licensing officer means the Town Clerk or his or her designee.

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

Operator means and includes the owner, license holder, custodian, manager, operator or person in charge of any licensed premises.

Peep booth means a room, semi-enclosure or other similar area located within a licensed premises wherein a person may view representations of specified anatomical areas or specified sexual activities.

Premises or licensed premises means any premises that requires a sexually oriented business license and that is classified as a sexually oriented business, including parking lots and sidewalks immediately adjacent to the structure containing the sexually oriented business.

Principal owner means any person owning, directly or beneficially, ten percent (10%) or more of the ownership interests in the entity.

Specified criminal acts means sexual crimes against children, sexual abuse, sexual assault or crimes connected with another sexually oriented business including, but not limited to, distribution of obscenity, prostitution or pandering.

Transfer of ownership or control of a sexually oriented business means and includes any of the following:

- a. The sale, lease or sublease of the business;
- b. The transfer of securities which constitute a controlling interest in the business, whether by sale, exchange or similar means; or
- c. The establishment of a trust, management arrangement, gift or other similar legal device which transfers ownership or control of the business, including a transfer by bequest or operation of law. (Ord. O-6 §2, 2000)

Sec. 6-103. Exemptions.

The provisions of this Article regulating nude model studios do not apply to:

- (1) A college, junior college or university supported entirely or partly by taxation;
- (2) A private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college or university supported entirely or partly by taxation; or
- (3) A business located in a structure which has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing; and where, in order to participate in a class, a student must enroll at least three (3) days in advance of the class; and where no more than one (1) nude model is on the premises at any one (1) time. (Ord. O-6 §2, 2000)

Sec. 6-104. Unlawful acts.

It shall be unlawful for a licensee, manager or employee to violate any of the requirements of this Article or to knowingly permit any patron to violate the requirements of this Article. (Ord. O-6 §2, 2000)

Sec. 6-105. License fees.

(a) The annual fee for a sexually oriented business license is as set forth in Section 4-102, Fee schedule, of this Code.

(b) The annual manager's license fee is as set forth in Section 4-102, Fee schedule, of this Code.

(c) An applicant for a sexually oriented business license shall pay a nonrefundable application fee as set forth in Section 4-102, Fee schedule, of this Code (Ord. O-6 §2, 2000; Ord. O-6 §3, 2001)

Sec. 6-106. Inspection.

(a) An applicant or licensee or manager shall permit representatives of the licensing officer, Building Official, the Planning Director, the Sheriff's Department, the County Health Department and the Fire Department to inspect the premises of a sexually oriented business for the purpose of ensuring compliance with the law at any time it is occupied or open for business.

(b) Inspections shall be conducted in a reasonable manner and only as frequently as may be reasonably necessary.

(c) Inspections shall take place during the regular business hours of the sexually oriented business or when any person is on the premises.

(d) It shall be unlawful for any person, applicant, licensee or manager who operates a sexually oriented business or his or her agent to refuse to permit such lawful inspection of the premises at any time that it is occupied or open for business. (Ord. O-6 §2, 2000)

Sec. 6-107. Sexually oriented business license required.

(a) No sexually oriented business license shall be issued for any sexually oriented business located within any zone district other than the industrial zone.

(b) No person shall operate a sexually oriented business without first having obtained a valid Type A or Type B sexually oriented business license issued by the Town.

(1) A Type A sexually oriented business license shall be required for sexually oriented businesses where alcoholic beverages or alcoholic liquors, as defined by the Colorado Liquor Code, and/or fermented malt beverages, as defined by the Colorado Beer Code, are allowed pursuant to a valid license issued under Article II of this Chapter.

(2) A Type B sexually oriented business license shall be required for all sexually oriented businesses where alcoholic beverages or alcoholic liquors, as defined by the Colorado Liquor Code, and/or fermented malt beverages, as defined by the Colorado Beer Code, are not allowed.

(c) It shall be unlawful to operate or cause to be operated a sexually oriented business when said person knows or reasonably should know that:

- (1) The business does not have a sexually oriented business license;
- (2) The business has a sexually oriented business license which is under suspension;
- (3) The business has a sexually oriented business license which has been revoked; or
- (4) The business has a sexually oriented business license which has expired. (Ord. O-6 §2, 2000)

Sec. 6-108. Application for sexually oriented business license.

(a) The licensing officer is responsible for granting, denying, revoking, renewing and suspending sexually oriented business licenses for proposed or existing sexually oriented businesses.

(b) The Sheriff or designee is responsible for providing information on whether an applicant has been convicted of a specified criminal act during the time periods set forth in this Article.

(c) Any person desiring to operate a sexually oriented business shall file with the licensing officer an original and two (2) copies of a sworn sexually oriented business license application on the standard application form supplied by the licensing officer.

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

(1) If the applicant is an individual, the individual shall state his or her legal name and any aliases, and submit satisfactory proof that he or she is twenty-one (21) years of age or older in the case of a Type A sexually oriented business license or eighteen (18) years of age or older in the case of a Type B sexually oriented business license.

(2) If the applicant is a legal entity, the application shall state its complete name, the date and place of its organization, evidence that it is in good standing under the laws of the state in which it is organized, and if it is organized under the laws of a state other than Colorado, that it is registered to do business in Colorado, the names and capacity of all officers, directors, managers and principal owners, and the name of the registered agent and the address of the registered agent for service of process, if any.

(3) If the applicant intends to operate the sexually oriented business under a name other than that of the applicant, the sexually oriented business' fictitious name must be stated.

(4) Whether the applicant or any of the other individuals listed pursuant to Subsections (d)(1) or (d)(2) of this Section have been convicted of a specified criminal act as defined in Section 6-102(10) of this Article, within the times set forth in this Article, and if so, the specified criminal act involved, the date of conviction and the place of conviction.

(5) Whether the applicant or any of the other individuals listed pursuant to Subsections (d)(1) or (d)(2) of this Section has had a previous license under this or other sexually oriented business

ordinance from another city, town or county denied, suspended or revoked and, if so, the name of the city, town or county where the license was previously denied, suspended or revoked, and the name and location of the sexually oriented business for which the license was denied, suspended or revoked, as well as the date of the denial, suspension or revocation.

(6) Whether the applicant or any other individuals listed pursuant to Subsection (d)(1) or (d)(2) of this Section has been a partner in a partnership or a principal owner of a corporation or other legal entity whose license has previously been denied, suspended or revoked and, if so, the name of the city, town or county where the license was previously denied, suspended or revoked, and the name and location of the sexually oriented business for which the license was denied, suspended or revoked, as well as the date of denial, suspension or revocation.

(7) Whether the applicant or any other individual listed pursuant to Subsections (d)(1) or (d)(2) of this Section holds any other licenses under this Chapter or other sexually oriented business ordinance from another city, town or county and, if so, the name of such city, town or county, and names and locations of such other licensed businesses.

(8) The location of the proposed sexually oriented business including a legal description of the property, street address and telephone number(s).

(9) Proof of the applicant's right to possession of the premises wherein the sexually oriented business will be conducted.

(10) The applicant's mailing address and residential address.

(11) A sketch or diagram showing the configuration of the premises including a statement of total floor space occupied by the business. The sketch or diagram need not be professionally prepared, but it must be oriented to the North or to some designated street or object and shall be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six (6) inches. The licensing officer may waive the foregoing diagram for renewal applications if the applicant adopts a diagram that was previously submitted and certifies that the configuration of the premises has not been altered since it was prepared. If the sexually oriented business has or will have a peep booth or booths, the sketch shall show the locations and dimensions of any manager's stations and demonstrate that there is an unobstructed view from at least one (1) of the manager's stations of every area of the premises to which any patron is permitted access, excluding restrooms. The floor plan shall designate those rooms or other areas of the premises where patrons are not permitted and shall also designate the use of each room or other area of the premises.

(12) A current certificate and straight-line drawing prepared within thirty (30) days prior to an initial application by a Colorado registered land surveyor depicting: (a) the property lines and the structures of the property to be certified; (b) the location of the property lines of any school within one thousand five hundred (1,500) feet of the property to be certified; (c) the location of the property lines of any church, dwelling or residential zone district within one thousand (1,000) feet of the property to be certified; and (d) the location of the property lines and structures of any other sexually oriented business within one thousand five hundred (1,500) feet of the property to be certified. For purposes of this Section, a use shall be considered existing or established if it is in existence or pending at the time an application is submitted.

(13) If a person who wishes to operate a sexually oriented business is an individual, he or she must sign the application for a sexually oriented business license as applicant. If a person who wishes to operate a sexually oriented business is other than an individual, each principal owner of the applicant must sign the application for a sexually oriented business license as applicant.

(e) In the event that the licensing officer determines or learns at any time that the applicant has improperly completed the application for a proposed sexually oriented business, he or she shall promptly notify the applicant of such fact and allow the applicant ten (10) days to properly complete the application. The time period for granting or denying a sexually oriented business license shall be stayed during the period in which the applicant is allowed an opportunity to properly complete the application.

(f) The fact that a person possesses other types of state or city licenses does not exempt him or her from the requirement of obtaining a sexually oriented business license. (Ord. O-6 §2, 2000)

Sec. 6-109. Duty to supplement application.

(a) Applicants for a sexually oriented business license shall have a continuing duty to promptly supplement any application information required by that section in the event that said information changes in any way from what is stated on the application.

(b) The failure to comply with said continuing duty to supplement an application within thirty (30) days from the date of such change shall be grounds for suspension of a sexually oriented business license. (Ord. O-6 §2, 2000)

Sec. 6-110. Investigation and application.

(a) Upon receipt of an application for a sexually oriented business license properly filed with the licensing officer and upon payment of the nonrefundable application fee, the licensing officer shall immediately stamp the application as received and send copies of the application to the Planning Director, the Building Official and the Sheriff. The Planning Director, the Building Official and the Sheriff, or their respective designees, shall promptly conduct an investigation of the applicant, application and the proposed sexually oriented business in accordance with this Article. Investigations shall be completed within twenty (20) days of receipt of the application by the licensing officer. At the conclusion of their investigations, the Planning Director and the Building Official shall each indicate on the copy of the application his or her approval or disapproval of the application, date it, sign it and in the event of disapproval, state the reasons therefor. The Sheriff shall only be required to provide the information specified in Subsection (b) of this Section, and shall not be required to approve or disapprove applications.

(b) The Planning Director and the Building Official may disapprove an application if he or she finds that the proposed sexually oriented business will be or is in violation of any provision of any statute, code, ordinance, regulation or other law in effect in the Town. After their investigations and review, the Planning Director, the Building Official and the Sheriff shall immediately return the copy of the application to the licensing officer. (Ord. O-6 §2, 2000)

Sec. 6-111. Issuance of sexually oriented business license.

(a) The licensing officer shall grant or deny an application for a sexually oriented business license within thirty (30) days from the date of its proper filing. Upon the expiration of the thirty (30) days, the applicant shall be licensed to begin operating the business for which the sexually oriented business license is sought, unless and until the licensing officer notifies the applicant of a denial of the application and states the reason(s) for that denial.

(b) Grant of application for sexually oriented business license.

(1) The licensing officer shall grant the sexually oriented business license unless one (1) or more of the criteria set forth in Subsection (c) below is present.

(2) The sexually oriented business license, if granted, shall state on its face the name of the person or persons to whom it is granted, the expiration date and the address of the sexually oriented business. The sexually oriented business license shall be posted in a conspicuous place at or near the entrance to the sexually oriented business so that it can be easily read at any time.

(c) Denial of application for sexually oriented business license.

(1) The licensing officer shall deny the application for any of the following reasons:

a. An applicant is under twenty-one (21) years of age in the case of an application for a Type A sexually oriented business license or under eighteen (18) years of age in the case of an application for a Type B sexually oriented business license.

b. An applicant is overdue on his or her payments to the Town of taxes, fees, fines or penalties assessed against or imposed upon him or her in relation to a sexually oriented business.

c. An applicant has failed to provide information required by this Section for the issuance of the sexually oriented business license or has falsely answered a question or request for information on the application form and has refused to provide corrected information.

d. The premises to be used for the sexually oriented business have been disapproved by an inspecting agency.

e. The application or sexually oriented business license fees have not been paid.

f. An applicant for the proposed business is in violation of or is not in compliance with any of the provisions of this Article.

g. The granting of the application would violate a statute, ordinance or court order.

h. The applicant has a sexually oriented business license under this Section which has been suspended or revoked within the previous twelve (12) months.

i. An applicant has been convicted of a specified criminal act or acts for which:

1. Less than two (2) years have elapsed since the date of conviction or the date of release from confinement, whichever is the later date, if the conviction is of a misdemeanor offense;

2. Less than five (5) years have elapsed since the date of conviction or the date of release from confinement, whichever is the later date, if the conviction is of a felony offense; or

3. Less than five (5) years have elapsed since the date of conviction or the date of release from confinement, whichever is the later date, if the convictions are of two (2) or more misdemeanors. The fact that a conviction is being appealed shall have no effect of disqualification of the applicant. An applicant who has been convicted of a specified criminal act or acts may qualify for a sexually oriented business license only when the time period required has elapsed.

(2) If the licensing officer denies the application, he or she shall notify the applicant of the denial and state the reason(s) for the denial. A copy of such denial shall be forwarded to the Town Attorney. (Ord. O-6 §2, 2000)

Sec. 6-112. Manager's license required; change of manager.

(a) A manager or designee shall be on the premises of a sexually oriented business at all times during operation. It shall be unlawful for any person to work as a manager of a sexually oriented business without first obtaining a manager's license.

(b) In the event a manager ceases to be employed at the premises listed in his or her application, the manager shall immediately report such change to the licensing officer within ten (10) days of such change. (Ord. O-6 §2, 2000)

Sec. 6-113. Application for manager's license.

(a) A manager shall submit an application for a manager's license on a form to be provided by the licensing officer. The application shall contain the applicant's name, date of birth, telephone number, address, the name and address of the sexually oriented business that the manager proposes to manage and the information required in this Article.

(b) The Sheriff's Department shall conduct an investigation of the applicant to determine if the applicant has been convicted of a specified criminal act within the times set forth in this Article.

(c) The licensing officer shall grant the application within ten (10) days of its filing unless:

(1) The applicant is under the age of twenty-one (21) in the case of a Type A sexually oriented business license or under the age of eighteen (18) in the case of a Type B sexually oriented business license;

(2) The applicant has failed to provide the information required by this Section;

(3) The license fee has not been paid;

(4) The applicant has been convicted of a specified criminal act within the times set forth in this Article. (Ord. O-6 §2, 2000)

Sec. 6-114. Interior lighting regulations.

(a) The interior portion of the premises of a sexually oriented business to which patrons are permitted access shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place (including peep booths) at an illumination of not less than five (5.0) foot-candles as measured at the floor level.

(b) It shall be the duty of the licensee and employees present on the premises to ensure that the illumination described above is maintained at all times that any patron is present on the premises. (Ord. O-6 §2, 2000)

Sec. 6-115. Stage required in adult cabaret and adult theater.

Any adult cabaret or adult theater shall have one (1) or more separate areas designated as a stage in the diagram submitted as part of the application for the sexually oriented business license. Entertainers shall perform only upon the stage. The stage shall be fixed and immovable. No seating for the audience shall be permitted within three (3) feet of the edge of the stage. No members of the audience shall be permitted upon the stage or within three (3) feet of the edge of the stage. (Ord. O-6 §2, 2000)

Sec. 6-116. Conduct in sexually oriented business.

(a) No licensee, manager or employee mingling with the patrons of a sexually oriented business, or serving food or drinks, shall be in a state of nudity. It is a defense to prosecution for a violation of this Subsection that an employee of a sexually oriented business exposed any specified anatomical area only during the employee's bona fide use of a restroom or during the employee's bona fide use of a dressing room which is accessible only to employees.

(b) No licensee, manager or employee shall encourage or knowingly permit any person upon the premises to touch, caress or fondle the breasts, anus or specified anatomical areas of any person. (Ord. O-6 §2, 2000)

Sec. 6-117. Employee tips.

(a) It shall be unlawful for any employee of a sexually oriented business to receive tips from patrons except as set forth in Subsection (c) of this Section.

(b) A licensee that desires to provide for tips from its patrons shall establish one (1) or more boxes or other containers to receive tips. All tips for such employees shall be placed by the patron of the sexually oriented business into the tip box.

(c) A sexually oriented business that provides tip boxes for its patrons as provided in this Section shall post one (1) or more signs to be conspicuously visible to the patrons on the premises, in bold letters at least one (1) inch high to read as follows: "All tips are to be placed in the tip box and not

handed directly to employees. Any physical contact between a patron and employees is strictly prohibited." (Ord. O-6 §2, 2000)

Sec. 6-118. Regulation of peep booths.

(a) It shall be unlawful for a person who operates or causes to be operated a sexually oriented business with peep booths to violate the requirements of this Section.

(b) At least one (1) employee must be on duty and situated at each manager's station at all times that any patron is present inside the premises. The interior of the premises shall be configured in such a manner that such employee shall be clearly visible from every area of the premises to which any patron is permitted access for any purpose, excluding restrooms. If the premises has two (2) or more manager's stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of the employee from at least one (1) of the manager's station from each area of the premises to which any patron is permitted access for any purpose. The view required in this Subsection must be by direct line of sight from the manager's station. The view area shall remain unobstructed by any opaque coverings, two-way mirrors, doors, walls, merchandise, display racks or other materials at all times, and no patron shall be permitted access to any area of the premises which has been designated as an area in which patrons will not be permitted in the application filed pursuant to this Article.

(c) The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the premises to which any patron is permitted access for any purpose, excluding restrooms. Restrooms may not contain video display equipment. If the premises has two (2) or more manager's stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose from at least one (1) of the manager's stations. The view required in this Subsection must be by direct line of sight from the manager's station. The view area shall remain unobstructed by any opaque coverings, two-way mirrors, doors, walls, merchandise, display racks or other materials at all times, and no patron shall be permitted access to any area of the premises which has been designated as an area in which patrons will not be permitted in the application filed pursuant to this Article.

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

(e) No door, two-way mirror, screen, opaque covering or other covering shall be placed or allowed to remain on any peep booth, and no holes or openings shall be placed or allowed to remain in the wall between any two (2) adjacent peep booths. (Ord. O-6 §2, 2000)

Sec. 6-119. Hours of operation.

It shall be unlawful for a sexually oriented business to be open for business or for the licensee, manager or any employee of a licensee to allow patrons upon the licensed premises during the following time periods:

(1) On any Tuesday through Saturday from 2:00 a.m. until 7:00 a.m.;

- (2) On any Monday, other than a Monday which falls on January 1, from 12:00 a.m. until 8:00 a.m.;
- (3) On any Sunday from 2:00 a.m. until 8:00 a.m.;
- (4) On any Monday which falls on January 1 from 2:00 a.m. until 7:00 a.m. (Ord. O-6 §2, 2000)

Sec. 6-120. Minimum age.

(a) It shall be unlawful for any person under the age of twenty-one (21) years to be upon the premises of a sexually oriented business that operates pursuant to a Type A sexually oriented business license or for any person under the age of eighteen (18) years to be upon the premises of a sexually oriented business that operates pursuant to a Type B sexually oriented business license.

(b) It shall be unlawful for the licensee, manager or any employee of the licensee to allow anyone under the age of twenty-one (21) years to be upon the premises of a sexually oriented business operated pursuant to a Type A sexually oriented business license or to allow anyone under the age of eighteen (18) years upon the premises of a sexually oriented business that operates pursuant to a Type B sexually oriented business license. (Ord. O-6 §2, 2000)

Sec. 6-121. Expiration of sexually oriented business license.

(a) Each sexually oriented business license shall expire one (1) year from the date of issuance and may be renewed only by making application as provided in Section 6-108 (for renewals, filing of original survey shall be sufficient) of this Section. Application for renewal of a sexually oriented business license shall be made at least thirty (30) days before the expiration date of the sexually oriented business license.

(b) If, subsequent to denial of renewal the licensing officers finds that the basis for denial of the renewal of the sexually oriented business license has been corrected, the applicant shall be granted a sexually oriented business license if no more than ninety (90) days have elapsed since the date denial became final. (Ord. O-6 §2, 2000)

Sec. 6-122. Suspension of sexually oriented business license.

(a) The licensing officer may suspend a sexually oriented business license for a period not to exceed one hundred fifty (150) days if he or she determines that a licensee or an employee of a licensee has:

- (1) Violated or is not in compliance with any section of this Article or any other section of this Code regulating sexually oriented businesses;
- (2) Refused to allow an inspection of the sexually oriented business premises as authorized by this Article;
- (3) Knowingly allowed repeated disturbances of public peace to occur within the licensed establishment or upon the premises of the licensed establishment involving patrons, employees or the licensee;

(4) Operated the sexually oriented business in violation of a building, fire, health or zoning code, ordinance or regulation whether federal, state or local, said determination being based on investigation by the department, division or agency charged with enforcing said rules or laws. In the event of such a statute, code, ordinance or regulation violation, the licensing officer shall promptly notify the licensee of the violation and shall allow the licensee a twenty-day period in which to correct the violation. If the licensee fails to correct the violation before the expiration of the twenty-day period, the licensing officer shall forthwith suspend the sexually oriented business license and shall notify the licensee of the suspension;

(5) Operated the sexually oriented business in violation of the hours of operation provisions set forth in this Article; or

(6) Transferred a sexually oriented business license contrary to the provisions of this Article. In the event of such suspension, the licensing officer shall forthwith notify the original licensee and the transferee of the suspension. The suspension shall remain in effect until the applicable section of this Article has been satisfied.

(b) The suspension shall remain in effect until and including the last day in the licensing officer's order and the violation of the statute, code, ordinance or regulation in question has been corrected. (Ord. O-6 §2, 2000)

Sec. 6-123. Revocation of sexually oriented business license.

(a) The licensing officer shall revoke a sexually oriented business license upon determining that:

(1) A cause of suspension as set forth in this Article occurred and the sexually oriented business license has been suspended within the preceding twelve (12) months;

(2) A licensee gave false or misleading information in the material submitted during the application process that tended to enhance the applicant's opportunity for obtaining a sexually oriented business license;

(3) A licensee, manager or an employee has knowingly allowed possession, use or sale of controlled substances (as defined in Part 3 of Article 22 of Title 12, C.R.S.) on the premises;

(4) A licensee, manager or an employee has knowingly allowed acts of prostitution or negotiations for acts of prostitution on the premises;

(5) A licensee, manager or an employee knowingly operated the sexually oriented business during a period of time when the licensee's sexually oriented business license was suspended;

(6) A licensee has been convicted of a specified criminal act for which the time period set forth in this Article has not elapsed;

(7) On two (2) or more occasions within a twelve-month period, a person or persons committed an offense, occurring in or on the licensed premises constituting a specified criminal act for which a conviction has been obtained, and the person or persons were employees of the

sexually oriented business at the time the offenses were committed. The fact that a conviction is being appealed shall have no effect on the revocation of the sexually oriented business license;

(8) A licensee is delinquent in payment to the Town or State for any taxes or fees;

(9) A licensee, manager or an employee has knowingly allowed any specified sexual activity to occur in or on the licensed premises; or

(10) The licensee has operated more than one (1) sexually oriented business within the same building, structure or portion thereof.

(b) When the licensing officer revokes a sexually oriented business license, the revocation shall continue for one (1) year, and the licensee shall not be issued a sexually oriented business license for one (1) year from the date revocation became effective. (Ord. O-6 §2, 2000)

Sec. 6-124. Suspension or revocation hearing.

(a) A licensee shall be entitled to a hearing before the licensing officer if the Town seeks to suspend or revoke his or her sexually oriented business license based on a violation of this Article or any other section of this Code regulating sexually oriented businesses. The business may continue to operate during the hearing process.

(b) When there is probable cause to believe that a cause for suspension or revocation exists, the Town Attorney may file a written complaint with the licensing officer setting forth the circumstances of the alleged violation.

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

(d) At the hearing, the licensing officer shall hear such statements and consider such evidence as the Sheriff's Department or other enforcement officers, the owner, occupant, lessee or other party in interest or any other witness shall offer which is relevant to the violation alleged in the complaint. The licensing officer shall make findings of fact from the statements and evidence offered as to whether the violation occurred in or near the licensed establishment. If the licensing officer determines that a cause for suspension or revocation exists, he or she shall issue an order suspending or revoking the sexually oriented business license within thirty (30) days after the hearing is concluded based on the findings of fact. A copy of the order shall be mailed to or served on the licensee at the address on the license.

(e) The order of the licensing officer made pursuant to Subsection (d) above shall be a final decision and may be appealed to the District Court pursuant to Colorado Rules of Civil Procedure 106(a)(4). Failure of a licensee to timely appeal said order constitutes a waiver by him or her of any right he or she may otherwise have to contest the suspension or revocation of the sexually oriented business license.

(f) The licensing officer shall have the power to administer oaths, issue subpoenas and, when necessary, grant continuances. Subpoenas may be issued to require the presence of persons and

production of papers, books and records necessary to the determination of any hearing which the licensing officer conducts. It is unlawful for any person to fail to comply with any subpoena issued by the licensing officer. A subpoena shall be served in the same manner as a subpoena issued by the District Court of the State.

(g) All hearings held before the licensing officer regarding suspension or revocation of a sexually oriented business license issued under this Article shall be recorded stenographically or by electronic recording device. Any person requesting a transcript of such record shall post a deposit in the amount required by the licensing officer, and shall pay all costs of preparing such record.

(h) In the event of suspension, revocation or cessation of business, no portion of the sexually oriented business license fee shall be refunded. (Ord. O-6 §2, 2000)

Sec. 6-125. Transfer of sexually oriented business license.

(a) A licensee shall not operate a sexually oriented business under the authority of a sexually oriented business license at any place other than the address designated in the application for the sexually oriented business license.

(b) A licensee shall not transfer his or her sexually oriented business license to another person unless and until such other person satisfies the following requirements:

(1) Obtains an amendment to the sexually oriented business license from the licensing officer which provides that he or she is now the licensee, which amendment may be obtained only if he or she has completed and properly filed an application with the licensing officer setting forth the information called for under this Article in the application; and

(2) Pays a transfer fee of twenty percent (20%) of the annual sexually oriented business license fee.

(c) No sexually oriented business license may be transferred when the licensing officer has notified the licensee that suspension or revocation proceedings have been or will be brought against the licensee.

(d) Any attempt to transfer a sexually oriented business license either directly or indirectly in violation of this Section is hereby declared void. (Ord. O-6 §2, 2000)

Sec. 6-126. Expiration of manager's license.

(a) Each manager's license shall expire one (1) year from the date of issuance and may be renewed only by making application as provided in this Article. Application for renewal of a manager's license shall be made at least thirty (30) days before the expiration date of the manager's license.

(b) If, subsequent to denial of renewal the licensing officers finds that the basis for denial of the renewal of the manager's license has been corrected, the applicant shall be granted a manager's license if no more than ninety (90) days have elapsed since the date denial became final. (Ord. O-6 §2, 2000)

Sec. 6-127. Suspension of manager's license.

(a) The licensing officer may suspend a manager's license for a period not to exceed ninety (90) days if he or she determines that the manager has:

- (1) Violated or is not in compliance with any section of this Article;
- (2) Refused to allow an inspection of the sexually oriented business premises as authorized by this Article;
- (3) Knowingly allowed repeated disturbances of public peace to occur within the licensed establishment or upon the premises of the licensed establishment involving patrons, employees or the licensee; or
- (4) Operated the sexually oriented business in violation of the hours of operation provisions set forth in this Article.

(b) The suspension shall remain in effect until and including the last day in the licensing officer's order and the violation of the statute, code, ordinance or regulation in question has been corrected. (Ord. O-6 §2, 2000)

Sec. 6-128. Revocation of manager's license.

(a) The licensing officer shall revoke a sexually oriented business license upon determining that:

- (1) A cause of suspension as set forth in this Article occurred, and the sexually oriented business license has been suspended within the preceding twelve (12) months;
- (2) A licensee gave false or misleading information in the material submitted during the application process that tended to enhance the applicant's opportunity for obtaining a manager's license;
- (3) The manager knowingly allowed possession, use or sale of controlled substances (as defined in Part 3 of Article 22 of Title 12, C.R.S.) on the premises;
- (4) The manager knowingly allowed acts of prostitution or negotiations for acts of prostitution on the premises;
- (5) The manager knowingly operated the sexually oriented business during a period of time when the sexually oriented business license was suspended;
- (6) The manager has been convicted of a specified criminal act for which the time period set forth in this Article has not elapsed;
- (7) The manager has knowingly allowed any specified sexual activity to occur in or on the licensed premises; or
- (8) The manager has knowingly allowed the more than one (1) sexually oriented business to be operated within the same building, structure or portion thereof.

(b) When the licensing officer revokes a manager's license, the revocation shall continue for one (1) year, and the licensee shall not be issued a manager's license for one (1) year from the date revocation became effective. (Ord. O-6 §2, 2000)

Sec. 6-129. Suspension or revocation hearing.

(a) A manager shall be entitled to a hearing before the licensing officer if the Town seeks to suspend or revoke the manager's license based on a violation of this Article or any other section of this Code regulating sexually oriented businesses. The manager may continue to manage a sexually oriented business during the hearing process.

(b) When there is probable cause to believe that a cause for suspension or revocation exists, the Town Attorney may file a written complaint with the licensing officer setting forth the circumstances of the alleged violation.

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

(d) At the hearing, the licensing officer shall hear such statements and consider such evidence as the Sheriff's Department or other enforcement officers, the owner, employer, occupant, lessee or other party in interest or any other witness shall offer which is relevant to the violation alleged in the complaint. The licensing officer shall make findings of fact from the statements and evidence offered as to whether the violation occurred in or near the licensed establishment. If the licensing officer determines that a cause for suspension or revocation exists, he or she shall issue an order suspending or revoking the manager's license within thirty (30) days after the hearing is concluded based on the findings of fact. A copy of the order shall be mailed to or served on the licensee at the address on the license.

(e) The order of the licensing officer made pursuant to Subsection (d) above shall be a final decision and may be appealed to the District Court pursuant to Colorado Rules of Civil Procedure 106(a)(4). Failure of a licensee to timely appeal said order constitutes a waiver by him or her of any right he or she may otherwise have to contest the suspension or revocation of the manager's license.

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

(g) All hearings held before the licensing officer regarding suspension or revocation of a manager's license issued under this Article shall be recorded stenographically or by electronic recording device. Any person requesting a transcript of such record shall post a deposit in the amount required by the licensing officer, and shall pay all costs of preparing such record.

(h) In the event of suspension, revocation or cessation of business, no portion of the manager's license fee shall be refunded. (Ord. O-6 §2, 2000)

Sec. 6-130. Notice.

Any notice required by this Article shall be deemed sufficient if it is deposited in first class mail, postage pre-paid, to the address on the application and shall be effective upon mailing. (Ord. O-6 §2, 2000)

Sec. 6-131. Judicial review.

After denial of an application, or denial of a renewal of an application, or suspension or revocation of a license, such act shall be a final decision. Therefore, the applicant or licensee may seek judicial review of such administrative action pursuant to Colorado Rules of Civil Procedure. The court shall promptly review such administrative action. (Ord. O-6 §2, 2000)

Secs. 6-132—6-150. Reserved.

ARTICLE VI

Trash Haulers License

Sec. 6-151. Definitions.

For the purposes of this Article, the following words, terms and phrases will have the following meanings:

Commercial customer means any premises where a commercial, industrial or institutional business or enterprise is undertaken that utilizes collection services for discarded materials, including without limitation, retail establishments, restaurants, hospitals, manufacturing factories, schools, day care centers, office buildings, nursing homes, clubs, churches and public facilities.

Compostable materials means discarded materials from any residential or commercial source that are collected separately for the purpose of such materials being composted or otherwise processed through natural degradation into soil amendment, fertilizer or mulch.

Discarded materials means all putrescible and nonputrescible solid wastes discarded from any residential or commercial sources, including recyclable materials and compostable materials. The term *discarded materials* shall exclude liquid wastes, sewage, sewage sludge, septic tank or cesspool pumpings; discarded or abandoned vehicles or parts thereof; residential appliances containing chlorofluorocarbon refrigerants; materials used as fertilizers or for other productive purposes; and household hazardous wastes and hazardous materials as defined in the rules and regulations adopted by the United States Hazardous Materials Transportation Act, 49 U.S.C. § 5101 et seq., of 1987.

Garbage means discarded materials from residential customers, excluding recyclable materials and/or compostable materials which have been source-separated for collection.

Hauler means any person or company in the business of collecting, transporting or disposing of discarded material for another, for a fee or for no fee in the Town.

Multi-family customer means a residential structure with three (3) or more residential units that employ a communal system for the collection of garbage generated by the residents of the residential structure.

Periodic garbage collection means the regular collection of garbage from single-family or multiple-family residential properties on a schedule of not less than once every five (5) weeks.

Recyclable materials means any materials that are designated by the Town Manager by regulation, which may include newspaper, magazines, sorted mail and office paper, cardboard, paperboard, telephone books, loose paper, glass containers, plastic containers, steel cans, aluminum cans and scraps, reusable clothing and household items or anything else discarded from a residential or commercial source that have been completely segregated from discarded material for the purpose of diverting such materials from landfills.

Residential customer means every occupant of a residential building or set of residential buildings who receives periodic discarded material collection service and who does not use a collective, common system for the collection of discarded material generated by the occupants. (Ord. O-18 §1, 2004)

Sec. 6-152. License required.

(a) It shall be unlawful for any person or entity to operate as a hauler within the Town limits without a current annual hauler license for such activity.

(b) The following persons or entities shall not be subject to this Article:

(1) A household that transports its own personal discarded materials produced by said household.

(2) A company that transports its own discarded materials produced by said company.

(3) A civic, community, benevolent or charitable nonprofit organization not in the regular business of collecting, transporting and marketing recyclables, solely for the purpose of raising funds for a civic, community, benevolent or charitable activity.

(4) A property owner or agent thereof who transports discarded materials left by a tenant upon such owner's property, so long as such property owner does not provide such collection service for compensation for tenants on a regular or continuing basis.

(5) Demolition or construction contractors or landscaping companies that produce and transport discarded materials in the course of such occupations, where the discarded materials produced are merely incidental to the particular demolition, construction or landscaping work being performed by such companies.

(6) Companies that transport only liquid wastes, including, without limitation, sewage, sewage sludge, septic tank or cesspool pumpings; discarded or abandoned vehicles or parts thereof; discarded home or industrial appliances; materials used as fertilizers or for other productive purposes; and household hazardous wastes and hazardous materials as defined in the rules and

regulations adopted by the United States Hazardous Materials Transportation Act, 49 U.S.C. § 5101, et seq., of 1987.

(c) Haulers who provide regular periodic garbage collection service will be exempt from the recycling requirement provisions in Subsection 6-155(b) below, where such services are being provided in neighborhoods or communities where all residential customers already receive recycling services through a separately funded recycling collection program. In the event that such separately funded recycling collection program is terminated, haulers shall provide the recycling service pursuant to Subsection 6-155(b). (Ord. O-18 §1, 2004)

Sec. 6-153. Licensing process.

The application for a hauler license shall be made to the Town Clerk or his or her designee on the appropriate form. The application shall include the following:

- (1) A completed Town hauler licensing program application and self-certification form.
- (2) Payment as described in Section 6-154 below. (Ord. O-18 §1, 2004)

Sec. 6-154. License fees.

The Town Clerk or his or her designee shall issue a hauler license upon the applicant satisfying the requirements of this Article and upon full payment of an annual hauler license fee as set forth in Section 4-102 of this Code. All license fees shall be paid in full and shall accompany the application for such license. (Ord. O-18 §1, 2004)

Sec. 6-155. Licensee requirements.

(a) Annual reporting. All waste haulers will submit annual reports on the weight (in tons and pounds) of discarded materials, including recyclable materials and compostable materials collected (by commodity, or aggregated into commingled containers, fiber and organics) and transported from within the Town. Reports will be submitted to the Town Manager by January 31 each year using a Town Hauler Report Form. All such reports shall be treated as confidential commercial documents under the provisions of the Colorado Open Records Act. Each hauler shall make its records regarding the weights of materials collected if available for audit by the Town Manager or his or her designee at the hauler's principal place of business, if it is located in the Denver-Boulder metropolitan area or, if it is located elsewhere at another place of business within the Denver metropolitan area, during regular business hours when requested in order for the Town to verify hauler compliance with the provisions of this Article. Among other records, each hauler shall make available for review all customer invoices and similar documents reflecting actual pricing to customers. All such information shall be treated as confidential commercial documents under the provisions of the Colorado Open Records Act.

(b) Requirement to offer recycling services.

(1) Haulers that provide periodic discarded materials collection shall also provide to each residential customer and multi-family customer the collection of all of that customer's recyclable materials, either separated by material or commingled according to the hauler's directive. Haulers

shall charge a single rate for the collection of discarded materials and recyclable materials and shall not offer a reduced rate for collection of discarded materials alone. The collection of recyclable materials shall be provided no less frequently than every other week. Haulers may charge the customer only for a recycling container for use in the collection of recyclable materials.

(2) Each hauler shall provide household recycling containers for the collection and preparation of recyclables to all residential customers. Such hauler may also establish such reasonable and industry-accepted requirements, rules or regulations for the separation and preparation of recyclable materials as are necessary to provide for the orderly collection of recyclable materials. Except for materials not properly prepared for recycling, haulers may not dispose of recyclable materials set out for collection by their customers by any means other than delivery to a lawfully operating recyclables processing facility.

(3) In the event the hauler elects to perform collection of waste, including recyclable materials, through subcontractors or agents, such agency relationship shall not relieve the hauler of responsibility for compliance with the provisions of this Subsection or any rule promulgated hereunder.

(4) All recyclable materials placed for collection shall be owned by and be the responsibility of the customer until the materials are collected by the hauler. No person other than the person placing the recyclable materials for collection or that person's hauler shall take physical possession of any recyclable materials separated from garbage, set out in the vicinity of the curb and plainly marked for recyclable material collection.

(c) Requirement to offer recycling services to multi-family units. Each hauler shall provide to all multi-family customers collection service of all their recyclable materials. Haulers shall charge a single rate for the collection of discarded materials and recyclable materials and shall not offer a reduced rate for collection of discarded materials alone. Recycling collection may be provided to multi-family residents either at their street curbs or at a common area.

(d) Designation of recyclable materials. A hauler will only be considered to be offering recycling services if it offers to collect separated recyclable materials or commingled combinations of recyclable materials.

(e) Service for multi-family customers and commercial customers. Haulers subject to this Article who provide collection of discarded materials, including recyclable materials and compostable materials from multi-family customers and/or commercial customers, shall provide such services with a frequency as is necessary to prevent overflow from the collection containers utilized for the collection and preparation of such materials by such multi-family customers and commercial customers.

(f) Educational materials. The Town will, no more frequently than twice each calendar year, produce an educational flyer about recycling waste reduction opportunities in the Town. Haulers shall distribute this flyer, not to exceed one (1) sheet of paper in length, to all their residential customers and multi-family customers, at no charge to the Town. The Town will consult with the haulers about the flyer prior to printing them. (Ord. O-18 §1, 2004; Ord. O-1 §1, 2005)

Sec. 6-156. Authority to issue regulations.

The Town Manager is authorized to adopt rules and regulations necessary in order to interpret or implement the provisions of this Chapter. (Ord. O-18 §1, 2004)

Sec. 6-157. Single service provider area.

(a) For the purposes of this Section, *residential waste services* shall mean the collection and transportation of ashes, trash, waste, rubbish, garbage or industrial waste products, or any other discarded materials from sources other than industrial or commercial establishments or multi-family residences of eight (8) or more units.

(b) All areas of the Town, except for the Rock Creek Ranch Subdivision, the Summit at Rock Creek Subdivision and the Saddlebrooke Subdivision, are subject to a single residential waste services provider requirement pursuant to Section 30-15-401(7.5), C.R.S., and the provision of residential waste services by any person other than the Town's approved residential waste services provider is prohibited. (Ord. O-11 §4, 2008)

Secs. 6-158—6-170. Reserved.

ARTICLE VII

Miscellaneous Licenses and Permits

Sec. 6-171. Permits for amplified music.

The Zoning Administrator may grant permits for amplified music under the following conditions:

- (1) No more than four (4) total hours.
- (2) Not allowed between 10:00 p.m. and 10:00 a.m.
- (3) For special events: maximum one (1) per year.
- (4) For Town business: maximum of twelve (12) per year and one (1) per week. (Ord. O-14 §1, 2000; Ord. O-18 §2, 2004)

Secs. 6-172—6-190. Reserved.