

CHAPTER 12
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ARTICLE I

Assembly Permits

Sec. 12-1-10. Intent and purpose.

It is the purpose of this Article to prevent and suppress riots, routs, affrays, disturbances and disorderly assemblies in any public or private place, in order to protect the health, safety and welfare of all persons of the County.

Sec. 12-1-20. Permit required.

No person shall permit, maintain, promote, conduct, advertise, act as entrepreneur, organize or manage an assembly on public or private lands where it is reasonably anticipated that attendance will exceed three hundred fifty (350) people, where such assembly continues or can reasonably be expected to continue for three (3) or more consecutive hours, unless a permit to hold such an assembly has first been issued by the Board of County Commissioners. A permit approved by the Board of County Commissioners to hold an assembly shall allow the applicant, his or her agents and employees to engage in any lawful activity in connection with the holding of the permitted assembly. Application for a permit to hold an assembly of three hundred fifty (350) or more persons as heretofore described must be made at least thirty (30) days in advance of the assembly. *Assembly* means a company of persons gathered together at any location at any single time for any purpose.

A. A separate permit shall be required for each event where three-hundred fifty (350) or more people assemble or can reasonably be anticipated to assemble at any one (1) location, unless the location is properly zoned for such assembly, in which case one (1) permit shall be required for the total number of events scheduled for that location for the remainder of the calendar year, not to exceed ten (10) events per year. As used herein, the term *event* means an assembly or anticipated assembly which is scheduled to last for three (3) consecutive days or less.

B. A permit shall allow the assembly of only the maximum number of people stated in the permit. The person obtaining such permit shall not sell tickets to nor permit the assembly of more than the number of persons stated on the permit.

C. The applicant shall not allow the sound of the assembly to carry unreasonably beyond the boundaries of the location of said assembly. For the purposes of this Article, sound created by the assembly which measures more than fifty-five (55) decibels beyond the boundaries of the place of assembly shall be presumed to be unreasonable.

D. This Article shall not apply to any regularly established, permanent place of worship, stadium, athletic field, arena, auditorium, fairgrounds, coliseum, picnic or camping area, sale or auction of agricultural lands or personal property, or other similar permanently established place of assembly, provided that said places are being used for the established and normal use and attendance does not exceed by more than two hundred fifty (250) persons the maximum seating capacity of the structure where the assembly is held.

E. This Article shall not apply to government-sponsored affairs held on regularly established fairgrounds, nor shall it apply to assemblies required to be licensed by other laws and regulations of the County. (Weld County Code Ordinance 2001-3)

Sec. 12-1-30. Minimum conditions.

Before a person may be issued a permit, the following must be satisfied:

A. The applicant must state the maximum number of persons who will be assembled or admitted to the location of the assembly. In no case shall the number of persons to be assembled or admitted to the location of the assembly exceed the number which can reasonably assemble within the boundaries of the location of the assembly.

assembly. In determining the number of people to be allowed to assemble at the permit location, the nature of the assembly, the size of the assembly, the size of the boundaries covered by the permit applied for, the health, water and sewerage facilities to be provided, traffic congestion which may occur at the permit location, the proximity of dwelling units or other structures or land uses which may be adversely affected by such an assembly, as well as any other adverse effects on the health, safety and welfare of persons in the County, may be considered by the Planning Commission and the Board of County Commissioners. Where the assembly is to continue overnight, the maximum number of people to be permitted to assemble shall not exceed the number which can sleep within the boundaries of the location of the assembly in accordance with state and local health standards and Chapter 23 of this Code.

B. The applicant shall provide assurances that the applicant will furnish or cause to be furnished the following before the assembly commences:

1. An adequate and safe supply of potable water meeting requirements set forth by the Colorado Department of Health. Where water is not available under pressure and nonwater carriage toilets are used, potable water, meeting all federal and state requirements for purity, shall be provided for bathing and drinking at the rate of at least three (3) gallons per person per day. Where water is distributed under pressure and flush toilets are used, the water supply system shall deliver water at normal operating pressures (twenty [20] pounds per square inch minimum) to all fixtures at the rate of at least thirty (30) gallons per person per day. There shall also be provided a lavatory with running water under at least twenty (20) pounds pressure located at each medical facility.

2. Separate enclosed toilets for males and females, meeting all state and local specifications, conveniently located throughout the grounds, sufficient to provide healthful facilities for the maximum number of people to be assembled. There shall be a minimum of one (1) toilet for every one hundred (100) males and one (1) toilet for every one hundred (100) females, together with an efficient, sanitary means of disposing of waste matter deposited, which is in compliance with state and local laws and regulations.

3. A sanitary method of disposing of solid waste, in compliance with state and local laws and regulations, sufficient to dispose of the solid waste production of the maximum number of persons to be assembled at the rate of at least two and one-half (2.5) pounds of solid waste per person per day, together with a plan for holding and collecting such waste at least once each day of the assembly. The plan shall provide for trash cans, dispersed throughout the area of the assembly which are sufficient to prevent solid wastes from escaping the location of the assembly. The plan must call for sufficient personnel to perform such tasks, and the premises and immediate surrounding properties must be cleaned within forty-eight (48) hours after the event.

4. Two (2) persons trained in emergency medical technology for the first three hundred fifty (350) persons and one (1) for every three hundred fifty (350) persons after that, together with at least one (1) emergency ambulance available for use at all times. An enclosed structure where treatment may be rendered shall also be provided. Proof of insurance for the company providing standby emergency medical services shall be included for review by the Board of County Commissioners. Said proof of insurance shall indemnify and hold harmless the County or any of its agents, officers, servants and employees from any liability or causes of action which might arise by reason of granting the permit.

5. Repealed. (Weld County Code Ordinance 2001-3)

6. If the assembly is to continue during hours of darkness, illumination sufficient to light the area of attention (stage, actors, band, etc.) shall be provided at the rate of at least five (5) foot-candles. Such illumination shall not be allowed to shine or reflect unreasonably beyond the boundaries of the location of the assembly.

7. A parking area sufficient to provide parking space for the maximum number of people to be assembled at the rate of at least one (1) parking space for every four (4) persons, with a density of no more than one hundred forty-five (145) passenger cars or seventy-five (75) buses per acre. The flow of traffic on County roads shall not be blocked or hindered, and no cars, buses or bicycles shall be allowed to park along the side of or in the County roads.

8. Adequate communication with hospital, police and fire services based in the medical station.

9. If the assembly is to continue overnight, camping facilities in compliance with all state and local requirements for the maximum number of persons to attend the assembly.

10. Adequate security to control any disturbances which might occur. As a minimum requirement, the applicant shall provide security guards at the rate of two (2) for every three hundred fifty (350) persons attending the assembly. For security within and among the assembled people, at least five (5) security guards shall be provided, or in the alternative, an adequate plan of peer group control may be used. All security guards shall be off-duty peace officers or private guards licensed in Colorado.

11. Fire protection services (off-site).

12. If electrical systems are not self-supporting, electrical systems installation and maintenance in compliance with minimum County electrical standards.

13. A bond filed with the Clerk to the Board, either in cash or underwritten by a surety company, licensed to do business in the State, in an amount which is determined by the Board of County Commissioners to be reasonable in relation to the risks and hazards relating to the event. Upon breach by the applicant of any term of the permit, the Board of County Commissioners may undertake to perform such condition or cause such condition to be performed by another and may use the proceeds of such bond to recoup its costs.

14. Insurance, in an amount which is determined by the Board of County Commissioners to be adequate and reasonable in light of the risks and hazards relating to the event. In no event shall such insurance provide aggregate coverage of less than five hundred thousand dollars (\$500,000.00). In addition, the applicant shall indemnify and hold harmless the County or any of its agents, officers, servants and employees from any liability or causes of action which might arise by reason of granting the permit, and from any cost incurred in cleaning up any waste material produced or left by the assembly.

C. The applicant shall determine those factors necessary in the design and location of permanent or temporary facilities on the site, and in maintenance of the site, that will insure:

1. That trees, underbrush, large rocks and other natural features shall be left intact and undisturbed.

2. That natural vegetative cover shall be retained, protected and maintained so as to facilitate drainage, prevent erosion and preserve scenic attributes.

3. That the site shall be maintained in such a manner so as to abate dust. (Weld County Codification Ordinance 2000-1; Weld County Code Ordinance 2001-3; Weld County Code Ordinance 2004-3)

Sec. 12-1-40. Application.

Application for a permit to hold an assembly of three hundred fifty (350) or more persons shall be made in writing to the Board of County Commissioners at least thirty (30) days in advance of such assembly. The application shall contain a statement made upon oath or affirmation that the statements contained therein are true and correct to the best of the knowledge of the applicant and shall be signed and sworn to or affirmed, by the individual making application in the case of an individual, by all partners in the case of a partnership or by all officers of an unincorporated association, society or group or, if there is no officer, by all members of such association, society or group. The application shall contain and disclose:

A. The name, age, residence and mailing address of all persons required to sign the application and, in the case of a corporation, a certified copy of the articles of incorporation.

B. The address and legal description of all property upon which the assembly is to be held, together with the name, residence and mailing address of the record owners of such property.

C. A notarized statement by the record owners of such property consenting to such assembly.

D. The nature or purpose of the assembly.

E. The dates and hours during which the assembly is to be held.

F. The maximum number of persons which the applicant shall permit to assemble at any time.

G. The maximum number of tickets to be sold, if any.

H. The plans of the applicant to limit the maximum number of people permitted to assemble.

I. The plans for supplying potable water including the source, number and location, type and means of disposing of waste deposited.

J. The plans for holding, collecting and disposing of solid waste material.

K. The plans to provide for medical facilities, including the location and construction of a structure, the names, addresses and hours of availability of medical technologists and nurses and provisions for emergency ambulance service.

L. The plans, if any, to illuminate the location of the assembly, including the source and amount of power and the location of lamps.

M. The plans for parking vehicles, including size and location of lots, points of highway access and interior roads, including routes between highway access and parking lots.

N. The plans for communication, including the source, amount and location of communication equipment.

O. The plans for camping facilities, if any.

P. The plans for fire protection.

Q. The plans for security, including the number of guards, their deployment and their names, addresses, credentials and hours of availability; description of peer group control, if any.

R. The plans for sound control and sound amplification, if any, including number, location and power of amplifiers and speakers.

S. If applicable: plans for meeting County health standards for food concessions and concessionaires who will be allowed to operate on the grounds, including the names and addresses of all concessionaires and their license or permit numbers.

T. The plans, if any, for electrical systems.

U. The plans to insure that trees, underbrush, large rocks and other natural features shall be left intact and undisturbed; that natural vegetative cover shall be retained, protected and maintained so as to facilitate drainage, prevent erosion and preserve the scenic attributes; and that the location of the site be maintained in a manner so as to abate dust.

V. A statement by a bonding company licensed to do business in the State stating its intent to furnish the bond required in Section 12-1-30 B.13 above.

W. A statement by an insurance company licensed to do business in the State, stating its intent to insure the assemblage as required by Section 12-1-30 B.14 above.

X. The permit fee, which shall not be refundable even if the permit is not granted. (Weld County Code Ordinance 2001-3)

Sec. 12-1-50. Review procedures.

A. The Board of County Commissioners shall hold a hearing on the application within twenty (20) days of receipt of the application. Such hearing shall be held at a regularly scheduled public Board meeting. Legal notice of said hearing shall be published once in the newspaper designated by the Board of County Commissioners for publication of notices. Said notice shall be published at least seven (7) days prior to the public hearing.

B. In acting on the application, the Board of County Commissioners shall consider all evidence whether presented orally or in writing and may act by resolution. If the Board of County Commissioners determines that the application is to be approved, or approved subject to the applicant fulfilling conditions placed on said approval, the Board shall so indicate by placing such conditions on the permit and endorsing the permit.

C. In no event shall the permit be issued prior to the furnishing of the bond, the furnishing of evidence of insurance and the signing of an agreement to indemnify as required by Subsection 12-1-30 B.13 and 14 above.

Sec. 12-1-60. Issuance.

The application for a permit shall be processed within twenty-five (25) days from the time of its receipt from the applicant and shall be issued if all conditions and requirements set forth herein are met.

Sec. 12-1-70. Revocation.

The permit may be revoked by the Board of County Commissioners at any time if any of the conditions necessary for the issuance of the permit are not complied with, or if any condition previously met ceases to be met. The bond may also be forfeited.

Sec. 12-1-80. Penalties.

A permit shall be required for any assembly regulated by this Article, and any person holding such an assembly without a permit or otherwise violating this Article shall be fined not more than three hundred dollars (\$300.00) for each such violation, or by imprisonment in the County jail for not more than ninety (90) days, or by both such fine and imprisonment.

Sec. 12-1-90. Enforcement.

Violations of this Article will be enforced by the Sheriff's office.

ARTICLE II**Liquor Licenses****Sec. 12-2-10. Local licensing authority.**

The Board of County Commissioners shall act as the local licensing authority pursuant to the Colorado Liquor Code, to hold public hearings on the suspension or revocation of any license issued by it, and to conduct such other business authorized by the Board under the Colorado Liquor Code. (Weld County Codification Ordinance 2000-1)

Sec. 12-2-20. Suspension or revocation of license.

After a public hearing has been held to determine whether there have been any violations by the licensee or by any of the agents, servants or employees of the licensee of the provisions of the Colorado Liquor Code, of any of the rules or regulations authorized pursuant to the Colorado Liquor Code or of any of the terms, conditions or provisions under which the license was issued, and after a determination by the Board of County Commissioners that such violations

did occur, the following factors will be considered to determine the sanction to be imposed:

- A. Seriousness of the violation in terms of the affront to the public.
- B. Corrective actions taken by the license holder.
- C. Prior violations and offenses at the licensed premises and effectiveness of prior corrective action.
- D. Prior violations and offenses by the licensee.
- E. Violation as a repeated course of conduct or as a single event.
- F. Likelihood of recurrence.
- G. All circumstances surrounding the violation.
- H. Willfulness of the violation.
- I. Hardship on the licensee of the penalty imposed.
- J. Length of time the license has been held by the licensee being disciplined.
- K. Previous sanctions imposed against the licensee.
- L. Other factors making the situation unique to the licensee or premises subjected to discipline. (Weld County Codification Ordinance 2000-1)

Sec. 12-2-30. Application for renewal.

The Board of County Commissioners may set a public hearing on the renewal application if it finds probable cause to believe that any one (1) of the factors contained in Section 12-2-40 below exists. Fees for 3.2% beer or liquor licenses may be found on Appendix 5-H. (Weld County Codification Ordinance 2000-1; Weld County Code Ordinance 2001-3)

Sec. 12-2-40. Refusal to renew; public hearing, Phase I.

The Board of County Commissioners may consider the following factors in a public hearing to determine if good cause exists to refuse the renewal of any liquor license. Such consideration is denoted as Phase I of the public hearing:

- A. Evidence that the licensee or applicant has violated, does not meet or has failed to comply with any of the terms, conditions or provisions of this Article, or any rules and regulations promulgated pursuant the Colorado Beer Code or the Colorado Liquor Code.

B. Evidence that the licensee or applicant has failed to comply with any special terms or conditions that were placed on its license in prior disciplinary proceedings or arose in the context of potential disciplinary proceeding.

C. Evidence that the licensed premises have been operated in a manner that adversely affects the public health, welfare or safety of the immediate neighborhood in which the establishment is located, which evidence must include a continuing pattern of fights, violent activity or disorderly conduct. For purposes of this Paragraph C, *disorderly conduct* has the meaning as provided for in Section 18-9-106, C.R.S.

D. Evidence that the licensee is no longer of good character.

E. Whether there have been any violations in the last one-year period by the licensee or by any of the agents, servants or employees of the licensee of the provisions of the Colorado Liquor Code, or any of the rules or regulations authorized pursuant to the Colorado Liquor Code, or any of the terms, conditions or provisions under which the license was issued.

F. Evidence showing excessive noise, rowdiness or disturbances on a continuous basis in the immediate area of the licensed premises which were substantially as a result of the operation of the licensed premises.

G. Evidence of persons being convicted under Section 42-4-1301, C.R.S., of driving under the influence of alcohol or driving while alcohol impaired after becoming intoxicated at said licensed premises.

H. Evidence that the reasonable requirements of the neighborhood are not being met. (Weld County Codification Ordinance 2000-1; Weld County Code Ordinance 2001-3; Weld County Code Ordinance 2004-3)

Sec. 12-2-50. Refusal to renew; public hearing, Phase II.

Phase II of such public hearing shall be a determination of whether the following items mitigate or aggravate the effects of the factors listed in Section 12-2-40 above, if any one (1) of the Phase I factors are found to exist; such factors to be considered in determining whether denial of renewal is justified:

- A. Seriousness of the factor in terms of the affront to the public.
- B. Corrective actions taken by the license holder.
- C. Prior violations, offenses and occurrences at the licensed premises and effectiveness of prior corrective action.
- D. Prior violations and offenses by the licensee.
- E. Violation, offense or occurrence as a repeated course of conduct or as a single event.
- F. Likelihood of recurrence.
- G. All circumstances surrounding the violation, offense or occurrence.
- H. Willfulness of violations, offenses, or occurrences.
- I. Length of time the license has been held by the licensee being disciplined.
- J. Previous sanctions imposed against the licensee.
- K. Other factors making the situation unique to the licensee or premises subjected to discipline.
(Weld County Codification Ordinance 2000-1)

Sec. 12-2-60. Vote by Board members.

A. Where only three (3) members of the Board of County Commissioners are present for the renewal, suspension or revocation hearing under the Colorado Liquor Code, the licensee may request a continuance to a hearing date at which additional members of the Board will be present.

B. Where four (4) members of the Board of County Commissioners are present, the hearing shall proceed, at the discretion of the Board, provided that if any vote on the ultimate issues of suspension, revocation or renewal results in a 2-2 tie vote, the hearing shall be adjourned until such time as the fifth Commissioner has had an opportunity to review the record. (Weld County Codification Ordinance 2000-1)

Sec. 12-2-70. Temporary permits.

Pursuant to Section 12-47-303, C.R.S., the Board of County Commissioners has the authority to issue a temporary permit to a transferee of any retail class of alcohol beverage license previously issued by the Board. The temporary permit shall authorize a transferee to continue selling such alcohol beverages as permitted under the permanent license until such time as the application for transfer of ownership of the permanent license is either granted or denied, or for one hundred twenty (120) days, whichever occurs first. The temporary permit may only be issued by the Board of County Commissioners if the applicant has filed with the Clerk to the Board an application for transfer of ownership of the permanent license, has paid the temporary permit fee of one hundred dollars (\$100.00) and has filed application for the temporary permit no later than thirty (30) days after the filing of the application for the transfer of ownership. Application for the temporary permit must be considered by the Board of County Commissioners at the next regular meeting following receipt of the temporary permit application. Upon issuance, the transferee shall post notice of the temporary permit next to the permanent license posted within the licensed premises. The temporary permit may be canceled, revoked or summarily suspended if the Board of County Commissioners determines that there is probable cause to believe the transferee has violated any provision of the Colorado Liquor Code or has failed to truthfully disclose those matters required pursuant to the application forms for transfer of ownership. (Weld County Code Ordinance 2003-6)

ARTICLE III**Small Personal Care Boarding Homes****Sec. 12-3-10. Board of Health.**

The Board of County Commissioners shall sit as the Board of Health for purposes of regulating the licensing of small personal care boarding homes, as set forth in this Article. (Weld County Codification Ordinance 2000-1)

Sec. 12-3-20. Definitions.

The following words, as used in this Article, shall have the meanings set forth below:

Personal services means those services which the licensee, operator and employees of a personal care boarding home provide for each resident, including, but not limited to: an environment which is sanitary and safe from physical harm; individualized social supervision; assistance with transportation; and assistance with activities of daily living, including but not limited to bathing, dressing and eating.

Protective oversight means guidance of a resident as required by the needs of the resident or as reasonably requested by the resident, including the following: being aware of a resident's general whereabouts, although the resident may travel independently in the community; monitoring the activities of the resident while on the premises to ensure his or her health, safety and well-being, including monitoring of prescribed medications; reminding the resident to carry out daily living activities; and reminding the resident of any important activities, including appointments.

Small personal care boarding home means a residential facility that provides room and board to one (1) or two (2) adults who are not related to the owner and who, because of impaired capacity for independent living, elect protective oversight, personal services and social care but do not require regular twenty-four-hour medical or nursing care. The term does not include a facility holding a current certificate of authority to operate a life care facility issued pursuant to Article 13, Title 12, C.R.S., residential care facilities for the developmentally disabled or personal care boarding homes regulated under 6 CCR 1012-1. (Weld County Codification Ordinance 2000-1)

Sec. 12-3-30. General requirements.

A. All small personal care boarding homes shall be licensed in accordance with the regulations contained in this Article.

B. All small personal care boarding homes shall be in compliance with all applicable zoning, housing, fire, sanitary and all other codes and ordinances of the municipality, County or city and county where the home is situated.

C. A nonrefundable fee as set by separate action of the Board of Health shall be required for each application and renewal. (Weld County Codification Ordinance 2000-1)

Sec. 12-3-40. Appeal process.

A. Any action to deny, sustain or revoke an operating license or application may be appealed by submitting a written statement of intent to appeal with the Department of Public Health and Environment within fifteen (15) days of the postmarked date of the decision to deny, suspend or revoke.

B. The Department of Public Health and Environment shall have the burden of proof by a preponderance of the evidence at the appeal hearing.

C. The initial hearing on the appeal will be held by the Department of Public Health and Environment Advisory Board within twenty (20) days after receipt of notice to appeal.

D. Notice of time, date and place of the hearing shall be mailed to the parties seeking appeal at least ten (10) days prior to the hearing.

E. The licensee shall be entitled to retain counsel on his or her own behalf, and the Department of Public Health and Environment or the licensee may examine documentary evidence, present testimony on his or her behalf and cross-examine and impeach witnesses presented by the opposing party.

F. The hearing shall not be subject to strict judicial or technical rules of procedure or evidence. Evidence presented at the hearing may include oral testimony, witnesses, briefs or memoranda, inspection reports, site visits of the facility and other relevant information

G. A record, by a method selected by the Advisory Board, of the hearing shall be kept. The methods may include the use of a court reporter, electronic recording device, detail transcription or detailed minutes. If the Advisory Board chooses a method other than a court reporter and a licensee requests the use of a court reporter, the licensee shall be responsible for the costs of the court reporter.

H. The Advisory Board shall, within ten (10) days of the termination of the hearing, make a written report of its findings and recommendations as to whether or not the decision of the Department of Public Health and Environment was correct, supported by concise statements citing the basis of the Advisory Board's decision. (Weld County Codification Ordinance 2000-1)

Sec. 12-3-50. Review of decision.

The Board of County Commissioners shall, upon written request for a review of the decision filed by the applicant or licensee with the Clerk to the Board within fifteen (15) days of mailing of the notice of decision, issue and mail to the licensee an order which either adopts, with or without amendments,

the findings or recommendations of the Advisory Board; substitutes to the Board of County Commissioners' own findings and conclusions based upon the record; or remands the matter to the Advisory Board to take further evidence. This review shall be on the record with the notice and conducted in accordance with the terms of Section 12-3-40 A through G above. (Weld County Codification Ordinance 2000-1)

Sec. 12-3-60. Right of entry.

All small personal care boarding homes shall permit access by the State and designated local long-term-care ombudsman to the premises and residents during reasonable hours for the purpose set out in the federal "Older Americans Acts of 1965."

Sec. 12-3-70. Building and fire safety.

A. The small personal care boarding home shall be in compliance with the Fire Code for the appropriate fire district or municipality, and the premises shall remain available for inspection by the local fire department at appropriate times.

B. Facilities in existence as of February 15, 1987, may request approval for an extended time for correcting fire code violations provided that:

1. The fire district or municipality has granted an extended time for making corrections;
2. All hazardous areas and vertical openings, if any, are protected;
3. Smoke detectors are installed in all living rooms or similar congregate areas, hallways and bedrooms;
4. Copies of estimates and contracts are submitted, including an adequate description of finances sufficient to make the corrections; and
5. A timetable submitted for completion appropriate to the nature and extent of deficiencies, not to exceed thirty-six (36) months.

C. There shall be eighty (80) square feet for one (1) bedroom and sixty (60) square feet per person for mobile bedrooms, exclusive of toilet rooms. There shall be no more than two (2) residents per room.

D. Extension cords or multiple-use sockets shall not be permitted.

E. Each bedroom shall contain at least one (1) window. (See also Subsection A above)

F. Cooking shall not be permitted in sleeping rooms. Cooking activities shall be confined to areas provided and approved for such purpose.

G. Each floor having resident bedrooms shall have a toilet room directly accessible without going through an adjacent bedroom, one (1) for each two (2) residents.

H. Bathing facilities with tub or shower shall be provided in a ratio of one (1) bathing facility per two (2) residents.

I. Lighting, adequate to meet the needs of the residents, shall be provided in all toilet and bathing rooms.

J. Grab bars shall be properly installed at each tub and shower, and adjacent to each toilet.

K. Bathtubs and shower floors shall have nonskid surfaces.

L. Toilet seats shall be constructed of nonabsorbent material, and free of cracks.

M. Dayroom or living/recreation room space shall be provided for daily living activities and shall be well lighted, heated and ventilated.

N. No resident or group of residents shall be excluded from contact with other residents at meal time.

O. Meals shall not be routinely served in resident rooms.

P. There shall be a written fire escape plan and diagram developed with consultation from the local fire department officials. The fire escape plan and diagram shall be posted in a conspicuous place. The plan and diagram shall be explained to each resident within seven (7) days of admission to the small personal care boarding home.

Q. In addition to Subsections A through P above, the following shall apply to personal care boarding homes if occupied by one (1) or more nonambulatory residents:

1. Bedrooms and all living areas shall be accessible to wheelchair-bound clients.
2. A minimum of two (2) entryways shall provide for wheelchair access and for egress out and away from the building.
3. All doors to those rooms requiring wheelchair access shall be at least thirty-two (32) inches wide.
4. All fixtures, including bathtubs, showers, lavatories, stools, mirrors and towel racks shall be accessible to wheelchairs.

R. The small personal care boarding home shall provide a clean environment, free of hazards to health and safety.

S. There shall be an adequate supply of safe, potable water available for domestic purposes and in compliance with state and local laws and regulations.

T. Sewage shall be discharged into a public sewer system or disposed of in a manner approved by the state and local health authority and the Colorado Water Quality Control Commission.

U. Electric, space or kerosene heaters shall not be permitted.

V. No resident shall be assigned to any room other than a regularly designated bedroom.

W. Furnished resident rooms shall be equipped per bed as follows:

1. Comfortable standard-sized bed. Rollaway type beds, cots, folding beds or bunk beds shall not be permitted. Residents may, if both request, share a double bed.
2. Beds shall be equipped with a comfortable, clean mattress, mattress protector and pad. A comfortable, clean pillow and appropriate bedding shall be provided.
3. At least two (2) clean sheets and one (1) clean pillow case shall be provided weekly or more frequently if needed.
4. A standard-sized chair in good condition.
5. An incombustible wastebasket with impervious disposable liner.
6. Storage facilities adequate for clients' clothing and personal articles.
7. A closet or locker space.
8. A towel rack for each client.

X. Carpets or floor coverings shall be securely fastened to the floor and in good condition.

Y. At least three (3) nutritionally balanced meals, using a variety of foods from the basic four food groups, shall be served at regular times daily.

Z. There shall not routinely be more than a fourteen-hour span between the evening meal and breakfast.

AA. There shall be recipes available for food items used in the menus. Menus and recipes shall be available for review.

BB. There shall be enough food on hand to prepare the menus for two (2) days.

CC. In facilities capable of and willing to provide therapeutic diets, appropriately qualified dietary consultant services shall be obtained.

DD. Therapeutic diets shall be prescribed by a physician.

EE. All food shall be free from spoilage, filth or other contamination, and shall be safe for human consumption.

FF. A two-compartment sink or domestic dishwashing machine shall be required.

GG. Laundry equipment and/or arrangements with a commercial laundry shall be available.

HH. Separate storage for soiled linen and clothing shall be provided. Such storage may consist of individual plastic bags or hampers.

II. The use of common towels, washcloths or personal care articles is prohibited.

JJ. All resident equipment (wheelchairs, walkers, oxygen equipment) shall be maintained in safe and sanitary conditions defined in the admission agreement.

KK. A facility may keep household pets, including dogs, cats, caged birds, fish and other animals, if permitted by local ordinance, and in accordance with facility policies and guidelines. (Weld County Codification Ordinance 2000-1)

Sec. 12-3-80. Personnel.

The operator of the personal care boarding home shall employ a sufficient number of personnel able to perform their respective duties, services and functions to ensure the provision of personal and social care, including twenty-four-hour monitoring by on-site personnel. (Weld County Codification Ordinance 2000-1)

Sec. 12-3-90. Qualifications and orientation.

A. Each employee shall be given on-the-job training or have related experience in the job assigned to them.

B. All personnel shall have access to the facility's policies, procedures manuals and other information necessary to effectively perform their duties and to carry out their responsibilities.

Sec. 12-3-100. Health requirements.

The operator, employees and volunteers shall be in good health, free of signs of communicable disease.

Sec. 12-3-110. In-service training.

All staff shall receive documented on-the-job training appropriate to their position and shall include at least:

A. Residents' rights.

B. Simulated fire prevention drills (at least four [4] fire drills per year).

C. Emergency procedures.

Sec. 12-3-120. Volunteers.

A. Volunteers may be utilized in the facility but may not be included in the facility's staffing plan in lieu of facility employees.

B. Volunteers shall be supervised and familiar with resident's rights and the facility's policies and procedures.

C. Volunteers who provide personal care to residents shall be in good health and competent to perform the task assigned.

D. Residents may participate voluntarily in performing housekeeping duties and other tasks suited to the residents' needs and abilities. Residents shall not be used as substitutes for required staff. (Weld County Codification Ordinance 2000-1)

Sec. 12-3-130. Fitness.

Any person who is involved in substance abuse, uses alcohol excessively, uses narcotic or dangerous drugs, is physically or mentally unable to adequately and safely perform the duties of an operator or employee, or has been convicted of a felony or a crime of moral turpitude, shall not be approved as a licensee or be hired as an employee, subject to the provisions of Section 24-5-101, C.R.S.

Sec. 12-3-140. Admissions.

Only residents whose needs can be met by the personal care boarding home shall be admitted.

Sec. 12-3-150. Physician's assessment.

A. All facilities shall adopt a policy which identifies when a physician's assessment will be required, such as a significant change in the resident's condition or evidence of possible infection (open sores, etc.).

B. If required by the personal care boarding home, a physician's assessment shall be obtained, including at least the following:

1. The resident is free of communicable disease or any condition which would preclude admission to the facility.
2. A list of current prescribed medications including:
 - a. Dosage, time of administration and route.
 - b. Whether medication is self-administered and what assistance, if any, is required from facility staff.
3. Type of diet and restrictions or special instructions, if any.
4. Allergies, if any.
5. Any physical or mental limitations or restrictions on activity.

Sec. 12-3-160. Resident's agreement.

A. A written "Resident's Agreement" shall be executed at the time of admission or prior thereto, between the operator and the resident or legal guardian. Each party will be provided with a copy of such agreement.

B. Each agreement shall set forth the following terms:

1. Rates and charges (thirty-day written notice), refunds and deposits.
2. Types of services provided which include, but are not limited to:
 - a. List of "personal services" provided to the resident for daily living activities as defined in the regulations contained in this Article.
 - b. List of "supportive services" provided and requested by the resident and provided by the operator.
 - c. A "board and care plan" outlining the functional capability of the resident and the need for personal assistance.
 - d. Residents' rights and grievance policies, as provided in Section 12-3-230 below.
 - e. House rules and policies, such as smoking or drinking.
 - f. Acceptance, retention, discharge and eviction policies.
 - g. Conditions under which the agreement may be terminated.
 - h. Any agreement regarding management of the residents' personal funds or property consistent with the provision of Section 12-3-260 below.

3. No contract, or any provision therein, shall be construed to relieve the facility of any requirement or obligation imposed by the rules and regulations contained herein.

4. This "Resident's Agreement" can be amended at the request of either party, and shall include at least thirty (30) days' advance notice. (Weld County Codification Ordinance 2000-1)

Sec. 12-3-170. Board and care plan.

A. A board and care plan on each resident shall be a part of the admission packet and shall define the resident's needs and the services the facility will provide to meet those needs.

B. The board and care plan shall be reviewed and updated at least yearly or more frequently, if necessary, to note significant changes in the resident's physical, mental or social condition or needs.

C. The resident may request additional services at any time and/or request a change in the board and care plan.

Sec. 12-3-180. Resident activities.

A. The facility shall provide opportunities for social and recreational activities within and outside the facility.

B. The facility shall coordinate community resources and promote resident participation in activities both in and away from the facility.

C. The facility shall encourage resident participation in planning, organizing and conducting the residents' activity program.

D. The facility shall provide residents with information on available community activities.

E. Residents shall not be required to participate in any program activities.

Sec. 12-3-190. Records.

A. A record shall be maintained on each resident and shall contain at least, but not be limited to the following:

1. The resident's full name, including maiden name if applicable.
2. The resident's former address of residence.
3. Date and time of admission.
4. Date of departure and next place of residence, when applicable.
5. Name, address and telephone number of relatives and/or legal guardian or responsible person to be notified in an emergency.
6. Name, address and telephone number of the resident's primary physician and alternate physician.
7. The resident's sex, date of birth, marital status and Social Security number.
8. Full legal name of spouse, if applicable.
9. The board and care plan.
10. A current record of the resident's medications, including name of drug, dosage, route of administration and directions for administration; and documentation of resident self-administration of medication. If the resident refuses to take medications as ordered, there shall be documentation that the physician has been notified.
11. An anecdotal record of any accidents, injuries, illnesses or incidents of violent behavior towards self or others occurring after admission to the personal care boarding home.
12. The resident's admission agreement.
13. An inventory of valuable personal property.

B. Records shall be legibly recorded in ink, dated and available for inspection by the resident or legal guardian.

C. Records shall be maintained and/or stored in such a manner as to be protected from loss, damage or unauthorized use.

D. The confidentiality of all medical, psychological and sociological information shall be protected at all times.

E. Records shall be maintained for a period of one (1) year following the termination of the resident's stay in the personal care boarding home.

F. Except in an emergency, the facility shall not release any information or a copy of the record to anyone except the resident or legal guardian, the resident's physician, an individual with written authorization by the resident or the State Department of Health. (Weld County Codification Ordinance 2000-1)

Sec. 12-3-200. Prescription medications.

A. Residents shall maintain and self-administer only medications prescribed by the physician and that belong to the resident. No resident shall be required to surrender his or her right to possess or self-administer any medication belonging to him or her and described in the board and care plan unless so ordered by his or her physician.

B. If an operator or employee of the personal care boarding home has reason to doubt the wisdom or safety of a resident's self-administration of medications (either prescription or over-the-counter drugs), the operator or employee shall immediately bring this question to the attention of the physician. If an operator determines that prescribed medications are not being taken by the resident according to the physician's instructions, the operator shall notify the physician for instructions.

C. All medications shall be maintained and stored in a manner that ensures the safety of all residents.

D. If requested by residents, a locked cabinet or drawer for medication storage shall be provided.

E. No resident shall be permitted to use or take another resident's medication.

F. Stock supplies of nonprescription medications shall not be maintained in the personal care boarding home.

G. The personal care boarding home shall establish a system of monitoring residents' self-administration of medications.

H. Residents shall be permitted to self-administer oxygen when prescribed by the physician.

I. Oxygen tanks, when used, shall be secured and shall be properly stored at all times.

J. Rooms in which oxygen is used or stored shall be posted with a conspicuous "No Smoking" sign.

K. Medications which require refrigeration shall be properly maintained.

L. No disinfectants, insecticides, bleaches, rubbing alcohol and/or household poisons shall be stored with medications and food supplies.

Sec. 12-3-210. Disposal and release of medications.

A. All personal medication is the property of the resident and shall be returned to the resident or responsible person upon transfer, discharge or death of the resident.

B. Any discontinued personal medication shall be returned to the resident or responsible person for proper disposition.

C. The administrator shall document the return of centrally stored prescribed medication.

Sec. 12-3-220. Residents' rights.

A. There shall be a written policy of residents' rights. This policy shall not exclude, take precedence over or in any way abrogate legal and constitutional rights enjoyed by all adult citizens and shall include:

1. The right to be accepted and treated as a resident. A resident may not be kept apart from other residents.
2. The right to reasonable privacy, including privacy of self and possessions, in their room, or portion of room, in personal affairs.
3. The right not to be physically or psychologically abused or punished by the operator, the operator's employees or family, other clients or others.
4. The right to live free from physical restraint, involuntary confinement and financial explanation.
5. The right to full use of the facility, including freedom to use the living room, dining room and recreation areas, in compliance with the documented house rules. The right to voice grievances and recommend changes in policies and services.
6. The right to communicate privately by mail or telephone with anyone, including relatives, friends, caseworkers, medical and psychiatric facilities and members of public agencies. The right to reasonable use of the telephone, in accordance with house rules, that define frequency and duration of calls and use of telephone for long distance.
7. The right to have visitors, provided that the visits are conducted at reasonable hours and the visitors are not actively disruptive to the operator, the operator's employees or family, or other residents.
8. The right to make visits outside the home. However, there is a shared responsibility by the operator and the resident to make mutual arrangements for keeping in touch with each other.
9. The right to make their decisions and choices in the management of their personal affairs, funds or property in accordance with their abilities.
10. The right to expect the cooperation of the provider in achieving the maximum degree of benefit from placement.
11. The right to exercise their choice to attend and participate in religious activities.

B. The policy on residents' rights shall be posted in a conspicuous place, and there shall be documentation in the resident's record that the resident has read or had explained the policy on residents' rights.

Sec. 12-3-230. Grievances.

There shall be a written policy and procedure for handling grievances and problems which shall indicate that, if the procedures outlined are not resolved to the residents' satisfaction, residents may contact any of the following agencies:

- A. The long-term care ombudsman.
- B. The Adult Protection Services of the appropriate County Department of Social Services.
- C. The Advocacy Services of the Area Agency on Aging.
- D. The Colorado Department of Health or local Department of Public Health and Environment.

Sec. 12-3-240. House meetings.

House meetings shall be held at least quarterly with residents, operator and appropriate staff so that residents can voice grievances and make recommendations concerning facility policies.

Sec. 12-3-250. Smoking policy.

There shall be a policy on smoking. If smoking is permitted in any areas, such areas shall be designated and residents and staff shall be informed upon admission or employment of any prohibitions. Smoking policies shall apply to both residents and staff.

Sec. 12-3-260. Personal funds.

A. A resident may authorize the operator to handle the resident's personal funds or property. Such authorization must be in writing and shall specify the financial management services to be performed. In this event, the operator shall exercise fiduciary responsibility for these funds and property. There shall be no requirement for the operator to handle resident funds or property. Personal care boarding homes which accept responsibility for residents' personal funds shall post a surety bond in the amount of five thousand dollars (\$5,000.00) to protect the residents' personal funds or provide other adequate security.

B. There shall be a running account (in ink) of all financial transactions. Each entry shall be dated. There shall be at least a monthly accounting to the resident or legal guardian of all transactions which shall include: the date the money was received from the resident and disbursed, source of funds including any bank or other accounts, any and all deductions for room and board and other expenses, any advancements, and the balance. An account shall begin with the date of the first handling of the personal funds of the resident and shall be kept on file for no less than three (3) years and shall be available for inspection by the Department of Public Health and Environment.

C. Funds of each resident handled by the operator shall be protected from theft and loss, and the operator shall be responsible for their safekeeping. These funds shall not be made available for the operator's personal use or for operating expenses of the facility above and beyond the agreed monthly room and board charges. These funds must be kept in separate resident escrow accounts. (Weld County Codification Ordinance 2000-1)

Sec. 12-3-270. Treatment of residents.

Physical restraint, isolation, corporal punishment, personal humiliation or the withholding of food, water or clothing to any resident is prohibited.

Sec. 12-3-280. House rules.

There shall be written policies outlining house rules or responsibility of the resident in regard to the facility. These rules or policies shall be shared with the resident at the time of admission.

Sec. 12-3-290. Discharge policies.

A. The resident shall be discharged, transferred or evicted only for one (1) or more of the following reasons:

1. When the facility is no longer able to meet the resident's identified needs.
2. Non-payment for basic services as per the resident agreement.
3. Failure of the resident to comply with written policies or rules of the facility.
4. When a resident poses a danger to self or other residents.

B. The resident or responsible person must have thirty (30) days' advance written notice of discharge, except in cases of medical emergency for the physical safety of themselves or others or for nonpayment of rent, in which case the responsible person shall be notified as soon as possible.

C. Discharge or transfer shall be coordinated with the resident, his or her family or responsible person or appropriate agency.

Sec. 12-3-300. License application.

A. The Department of Public Health and Environment has been designated for the licensing of small personal care boarding homes.

B. It shall be unlawful for any person to operate or cause to be operated a small personal care boarding home as defined herein unless the facility has been approved and regularly licensed in the manner set forth in the rules and regulations contained herein.

C. Any person desiring a license to operate a small personal care boarding home shall follow the Department of Public Health and Environment application and forms provided by the Department of Public Health and Environment.

D. Failure of a licensee to show ability to meet the requirements of this Article shall result in a denial of the application for license. (Weld County Codification Ordinance 2000-1)

Sec. 12-3-310. Inspection for license.

The inspection of small personal care boarding homes shall be conducted by an authorized agent of the Department of Public Health and Environment in consultation with the Area Agency on Aging and a determination made as to whether the small personal care boarding home facility meets the requirements of the rules and regulations set forth herein.

Sec. 12-3-320. License renewal.

Annual renewal of the operating license is required thirty (30) days prior to the date of expiration and shall require a submittal of the information required in the application, except that the complete renewal application may indicate that there has been no change where appropriate.

Sec. 12-3-330. Posting of license.

The small personal care boarding home operator shall place the license in a conspicuous place in the facility.

Sec. 12-3-340. License not assignable.

The license granted shall not be assignable or transferable and shall apply only to the building described therein. (Weld County Codification Ordinance 2000-1)

Sec. 12-3-350. Revocation, denial or suspension of license.

A. Grounds and procedures for revocation, denial or suspension of a license are as follows:

1. Obtaining or attempting to obtain a license by fraudulent means or misrepresentation of any fact and misappropriation of property of residents.
2. Violation of these regulations.
3. Refusal to permit entry by Department of Public Health and Environment personnel or other agents for the annual licensing inspection.
4. Conduct or practices determined by the Department of Public Health and Environment to be detrimental to the welfare of the residents of the small personal care boarding home.

B. If such a license issued hereunder is suspended or revoked, or upon denial of an application, a written notice shall be given to the licensee stating the grounds of denial, revocation or suspension. Said notice shall indicate the date the decision is effective and the reasons for the denial, revocation or suspension and shall be sent by certified mail, return receipt requested, to the address of the licensee indicated in the application.

C. Temporary suspension of license for a period of time not to exceed thirty (30) days may be invoked for those emergency circumstances which require immediate action pending a hearing on suspension or revocation of a license. The Department of Public Health and Environment first must find that the conduct of the licensee/operator or other agents or employees or the condition of a small personal care boarding home presents an imminent danger to the health, safety and welfare of the residents of the personal care boarding home before a temporary order of suspension may be issued. Notice shall be given as in Section 12-3-40 D and by posting at the small personal care boarding home.

D. If a license is denied, revoked or suspended, reinstatement of the annual operating license shall be considered by the Department of Public Health and Environment if, within thirty (30) days, conditions upon which revocation was based have been corrected and evidence of this fact has been furnished to the Department of Public Health and Environment. (Weld County Codification Ordinance 2000-1)

Sec. 12-3-360. Inspection of boarding home.

Each small personal care boarding home shall be periodically inspected, after the initial inspection for license, by an authorized agent of the Department of Public Health and Environment at least once annually.

Sec. 12-3-370. Closure of boarding home.

Any licensee of a facility licensed under this Article shall give thirty (30) days' notice to the Department of Public Health and Environment prior to closing a facility or to closing any part of a facility. The resident's records shall be given to the resident or a party responsible for the continuing care of the resident. (Weld County Codification Ordinance 2000-1)

Sec. 12-3-380. Changes on license.

The Department of Public Health and Environment shall be notified by the licensee of the change of the operator of the small personal care boarding home within thirty (30) days of change. Notification shall be in writing and shall contain the name of the present and new operator and the date the new operator is to be responsible for the small personal care boarding home. The new licensee is responsible for making application for an amended license under the requirements of this Section. (Weld County Codification Ordinance 2000-1)

Sec. 12-3-390. Liability.

Nothing in this Article is intended to create a duty of care or create liability on the part of the Board of County Commissioners or any agency, officer or employee of the County. (Weld County Codification Ordinance 2000-1)

ARTICLE IV

Utility Permit

Sec. 12-4-10. Purpose and intent.

The purpose of this Article is as follows:

A. To ensure that the installation and construction of lines of telegraph, telephone, electric light, wire, power, gas or pipelines along, across, upon and under any County road rights-of-way do not obstruct or hinder the usual travel upon such rights-of-way.

B. To ensure that said installation and construction is done in a manner which provides for the safety of the traveling public upon said rights-of-way and in a manner which prevents damage to said rights-of-way.

C. To enable the Department of Public Works to be apprised of the location of said lines along, across, upon and under said rights-of-way and to provide for the marking of the same. (Weld County Codification Ordinance 2000-1)

Sec. 12-4-20. Definitions.

For the purpose of this Article, the following terms, phrases, words and their derivations shall have the meanings given herein:

Contractor means any party performing the installation and construction for a permittee who obtains a permit pursuant to this Article. A permittee may be a contractor under this definition.

Lines means lines of telegraph, telephone, electric light, wire, power or pipelines.

Permittee means the owner and/or operator of any lines to be installed and constructed upon any County road right-of-way and who has obtained a permit pursuant to this Article. (Weld County Codification Ordinance 2000-1)

Sec. 12-4-30. Applicability.

These regulations apply to permits to install and construct lines of telegraph, telephone, electric light, wire, power, gas or pipelines along, across, upon and under any County road rights-of-way.

Sec. 12-4-40. Relationship to other regulations.

A. Nothing in these regulations shall be construed as exempting an applicant for a permit from any other requirements of this jurisdiction or other state or federal laws.

B. To the extent that the requirements of this Article differ from any other applicable requirements, the more restrictive requirements shall apply.

Sec. 12-4-50. Delegation of authority.

The Board of County Commissioners hereby delegates its authority, pursuant to Section 38-5-101, C.R.S., to regulate the installation and construction of lines of telegraph, telephone, electric light, wire, power or pipelines along, across, upon and under any County road rights-of-way to the Director of Public Works and his or her employees.

Sec. 12-4-60. Permit required.

A. No person shall install or construct lines of telegraph, telephone, electric light, wire, power or pipeline along, across, upon and under any County road rights-of-way without first obtaining a permit from the Director of Public Works for such use.

B. Any domestic or foreign telegraph, telephone, electric light, wire, power, gas or pipeline company authorized to do business under the laws of the State or any city or town owning electric power producing or distribution facilities may obtain a permit, pursuant to this Article, to install and construct lines of telegraph, telephone, electric light, wire, power, gas or pipeline along, across, upon and under any County road rights-of-way.

C. Said permit shall address the following, and shall be substantially in the form of the permit, a copy of which is available at the office of the Director of Public Works:

1. Completion date of all installation and construction work permitted.
2. Submittal of plan drawings showing the positions of lines to be installed or constructed.
3. Surety bond or other security for the total amount required to restore the rights-of-way.
4. Insurance policies provided by the permittee and/or contractor naming the County as an "Insured."
5. Marking of lines.
6. Recording of the location and type of lines installed or constructed.
7. Shutoff of lines and the removal of all combustible materials from the rights-of-way when requested by the County, because of necessary highway construction and/or maintenance operations.

8. Removal or relocation of lines installed or constructed on County road rights-of-way at the permittee's expense because of changes made to said roadways or their appurtenances within the rights-of-way.

9. Notification to the Department of Public Works of the desire or need to close rights-of-way during installation and construction.

10. Provision of all necessary signs and barricades in accordance with the *Manual on Uniform Traffic Control Devices* and its latest Colorado Supplement in order to warn oncoming motorists of any installation and construction work or closure.

11. Maintenance of traffic upon rights-of-way during installation and construction.

12. Prohibition of cleated or track equipment working upon asphalt surfaces without mats.

13. Return of all disturbed portions of rights-of-way to their original condition.

14. Removal of all materials used in the installation and construction at the end of each work day.

15. Restriction of the cutting of asphalt surfaces.

16. Means to facilitate future line location when nonferrous lines are installed in any rights-of-way.

17. Placement of gravel surfaces where any damage has occurred to the right-of-way surface from equipment, trenching or storage of material.

18. Encasement of lines from toe of slope to toe of slope under all paved roads, intersections and approaches, unless otherwise stated.

19. Positioning of manholes and other points of access to underground lines within rights-of-way.

20. Damage and replacement of drainage facilities or siphons.

21. Restriction of the installation of aboveground appurtenances, including but not limited to meters, launchers, receivers and/or valve stations within the rights-of-way.

22. Requirement of thrust blocks on all vertical and horizontal bends in water pipes.

23. Removal of any wet or incompactable materials produced from excavations from the rights-of-way and the replacement of the same with compactable materials.

24. Complete road restoration.

25. Prohibition of the cutting or damaging of culverts, drain lines, utility lines or any other installations within the rights-of-way.

26. Prohibition of line installation or construction when the ground is frozen to a depth which will cause damage to the right-of-way as determined by the Director of Public Works.

27. Underground lines installed and constructed with a minimum of three (3) feet of ground cover.

28. Spreading of gravel over the road surfaces upon completion of the line installation or construction.

29. The understanding that all line installation and construction is to be performed at no expense whatsoever to the County.

30. The understanding that the permittee shall own, maintain and operate any line installed or constructed.

31. Agreement for indemnification.

32. The right of the County to order the permittee to stop work.

33. The right to revoke by the County.

34. Venue in any civil court action brought pursuant to the permit or this Article shall be in the County.

35. Setting of fees.

D. Grounds for denial of permit. Any application for permit pursuant to this Article shall be denied if, in the opinion of the Director of Public Works, the applicant has failed to cooperate in providing any information requested by the Director of Public Works or in providing the surety bond and insurance referred to above. If the Director of Public Works denies the permit, the applicant may submit a written appeal within ten (10) days after the denial to the Board of County Commissioners for a hearing to consider whether the Director of Public Works was in error in denying said permit and whether said permit should be approved.

1. Within twenty (20) days after receiving a written appeal, the Board of County Commissioners shall set a date for hearing. At the hearing, the applicant may be present, testify and present evidence on his or her behalf if he or she so desires. Said hearing shall be de novo and the burden of proof shall rest upon the Director of Public Works.

2. The Board of County Commissioners shall approve said permit if the applicant proves to the Board of County Commissioners that he or she shall provide the requested information to the Director of Public Works and provide the bond and insurance referred to above.

E. The County may, at its option, hire inspectors on major projects to inspect the work done pursuant to the permit. Whenever such an inspector is hired, the permittee shall pay the direct expense of such inspection. (Weld County Codification Ordinance 2000-1)

Sec. 12-4-70. Enforcement provisions.

A. The Director of Public Works shall have the right to order the permittee to stop work any time the Director of Public Works believes that a violation of the permit has occurred or if there is a danger to the public safety if the work continues. If the Director of Public Works orders the permittee to stop work, the permittee may submit a written appeal within ten (10) days after receiving the Director's order to the Board of County Commissioners for a hearing to consider whether the order to stop work was in error and whether the permittee should be allowed to continue with said work.

1. Within five (5) days after receiving an appeal, the Board of County Commissioners shall set a date for a hearing. At the hearing, the permittee may be present and testify and present evidence on his or her behalf if he or she so desires. Said hearing shall be de novo and the burden of proof shall rest upon the Director of Public Works.

2. The Board of County Commissioners shall reverse the order to stop work if the permittee proves that said order was in error and was unnecessary or if the permittee agrees with the Board of County Commissioners to remedy the defects or problems which prompted the stop work order.

3. If the Board of County Commissioners decides to uphold the order of the Director of Public Works to stop work, the permit under which said work was permitted shall be deemed to be revoked. Upon revocation, the acquisition of a new permit and payment of all fees required therein shall be necessary in order for work upon the project to continue.

B. The Board of County Commissioners may revoke any permit issued pursuant to this Article at any time should the permittee and/or contractor fail

to comply with any of the requirements of the permit. Upon revocation, the acquisition of a new permit and payment of all fees required therein shall be necessary in order for work upon the project to continue.

Sec. 12-4-80. Penalties.

A. Criminal penalty. Any person violating this Article shall be punished by a fine of not more than three hundred dollars (\$300.00) or by imprisonment in the County jail for not more than ninety (90) days, or by both such fine or imprisonment. Each day during which such illegal activity continues shall be deemed a separate offense.

B. Civil remedies. In the case of any violation of any provision of this Article, the County Attorney, or where the Board of County Commissioners deems it appropriate, the District Attorney, in addition to any other remedies provided by law, ordinance, or resolution, may institute an injunction, mandamus, abatement or other appropriate action or proceeding to prevent, enjoin and/or abate the activity which is in violation of this Article.

C. In the event any County road right-of-way is damaged by the installation and construction permitted and said damage is not repaired by the permittee and/or contractor, the County shall:

1. Notify the permittee and/or contractor that said damage must be repaired by the permittee and/or contractor within a reasonable period of time as determined by the Director of Public Works.
2. If the permittee and/or contractor does not repair said damage within the reasonable time as determined by the Director of Public Works pursuant to Paragraph 1 above, then the permittee and/or contractor shall forfeit its surety bond in order to pay for the repair of said damages.
3. The County shall have the right to bill the permittee and/or contractor for an additional twenty-five percent (25%) of the remedial cost as an administrative fee for effectuating said repair.

Sec. 12-4-90. Liability.

This Article shall not be intended to create a civil cause of action against the Board of County Commissioners, the Director of Public Works or any other persons that may administer this Article in any manner.

Article V

**Public Dance Hall, Booth, Pavilion or
Other Place Where Public Dances Are Held**

Sec. 12-5-10. Scope and authority.

This Article shall apply to all public dance halls, booths, pavilions or other places in the unincorporated portions of the County where public dances are held for two (2) or more occasions per year. (Weld County Code Ordinance 2001-3)

Sec. 12-5-20. License required.

No person, partnership or corporation shall operate, conduct, carry on or maintain a public dance hall, booth, pavilion or other place where public dances are held for two (2) or more occasions per year without first obtaining a license therefor. The Board of County Commissioners has the authority, within its discretion, to grant such license for the current calendar year or part thereof unexpired upon the payment of a fee of twenty-five dollars (\$25.00) and after public hearing. Such license shall authorize the person, firm or corporation receiving it to operate, conduct and carry on a public dance hall, booth or pavilion at such place for the term from the date of its issue to the end of the current calendar year for which it is issued. No license issued under the provisions of this Article shall be assigned or transferred by the person, firm or corporation to whom it is issued, and no license shall be available or used for more than one (1) particular place, building or premises described in the application and in such license. (Weld County Code Ordinance 2001-3)

Sec. 12-5-30. Application.

Application for a license issued pursuant to this Article shall be made to the Board of County Commissioners. Forms of such application shall be available from the Clerk to the Board. The application shall state the name and address of the applicant, if a person; the names and addresses of all the persons composing the partnership, if a partnership; and the names and addresses of the officers and directors of the corporation, if a corporation; a full description of the place and premises at which it is proposed to conduct and carry on such public dances; and the term for which such license is desired. (Weld County Code Ordinance 2001-3)

Sec. 12-5-40. Notice; posting; hearing.

A. Public notice shall be given of the public hearing to consider an application for a new license, pursuant to this Article, by the posting of such notice in a conspicuous place on the premises where the dances are to be held. Such notice shall be posted for a period of not less than ten (10) consecutive days prior to the date of the public hearing.

B. At the public hearing upon the application, the Board of County Commissioners shall consider the testimony of the applicant, any adjacent landowners and the public, and consider any written or tangible exhibits submitted as evidence.

C. To grant the application, the Board of County Commissioners must find that the premises is a safe and proper place for the intended purpose, and that the public morals, public safety or public health of the community shall be satisfied by the issuance of the license. Such determination may include, but not be limited to, consideration of the following factors:

1. That the premises is equipped with sufficient water, lighting, parking and restroom facilities to accommodate the number of persons expected to attend dances thereon.
2. That the premises is not in such a state of disrepair that it is more likely than not to be a safety hazard to persons expected to attend dances thereon.
3. That if the premises consists of an enclosed structure, the structure is sufficient in size and fire rating to safely accommodate the number of persons expected to attend dances therein, and all requirements of the applicable fire department, district or authority have been met.
4. That the premises is capable of being accessed from a public road, street or highway safely without causing an increased risk of accidents.

D. Such notice and public hearing shall not be required for license of a place, building or premises for which a valid license was in effect pursuant to this Article during the calendar year immediately preceding the date of the submittal of the current application. (Weld County Code Ordinance 2001-3; Weld County Code Ordinance 2003-6)

Sec. 12-5-50. Relationship to other provisions of Code.

The provisions of this Article are in addition to, not in place of, other rules, regulations and requirements of this Code. No license may issue pursuant to this Article if the place and/or building proposed for public dances therefor is not properly zoned or is otherwise not in compliance with the requirements of Chapters 23, 29 and 30 of this Code. (Weld County Code Ordinance 2001-3)

Sec. 12-5-60. Revocation of license.

The Board of County Commissioners has full power and authority, at its discretion, to revoke and cancel any license issued by it under this Article whenever the Board, by proper resolution, determines that the public morals or public safety or public health of the community requires such revocation or cancellation. (Weld County Code Ordinance 2001-3)

Sec. 12-5-70. Penalty, enforcement and jurisdiction.

Any person violating any of the provisions of this Article is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than twenty-five dollars (\$25.00) nor more than three hundred dollars (\$300.00) for each offense, or by imprisonment in the County jail for not less than ten (10) days nor more than thirty (30) days for each offense, or by both such fine and imprisonment. Each day during which such illegal activity continues shall be deemed a separate offense. The Sheriff's office shall have authority to enforce the penalty provided herein. The County Court has full jurisdiction to try and punish all cases for violation of the provisions of this Article, subject to the right of appeal in such cases as provided by law. (Weld County Code Ordinance 2001-3)

