

CHAPTER 6

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ARTICLE 1

Business Licenses

Sec. 6-1-10. Purpose.

The City Council, having considered the businesses and occupations within the City and their relation to the public welfare and to the expenditures required by the City, and having further considered the necessity for proper regulation of the same, finds, determines and declares that the regulations and business license fees imposed upon each business and occupation defined in this Chapter are reasonable, proper and nondiscriminatory and are necessary for a just and proper regulation of such businesses and occupations. (Prior code 11-1; Ord. 13-05 §1, 2005)

Sec. 6-1-20. Definitions.

For purposes of this Chapter, the following term shall have the following meaning:

Cause means and includes the doing or omitting of any act, or permitting any condition to exist in connection with any trade, profession, business, occupation or privilege for which a business license is granted or upon any premises used in connection therewith, which act, omission or condition is:

- a. Contrary to the health, safety or welfare of the public;
- b. Fraudulent in nature;
- c. Unauthorized or beyond the scope of the license granted;
- d. In violation of this Code, the Charter or any other City regulation; or
- e. In violation of any applicable law, rule or regulation. (Prior code 11-2; Ord. 13-05 §1, 2005; Ord. 12-08 §1, 2008)

Sec. 6-1-30. License required; exceptions.

(a) No person shall establish, engage or be engaged in the operation, conduct or carrying on of any trade, profession, business, privilege, occupation or calling of any kind within the City without first obtaining a general business license as required by this Article.

(b) If a person owns or operates more than one (1) business or has more than one (1) business location, a separate license for each business or location shall be obtained. A business that consists of related trades or activities need not obtain a separate license for each trade or activity.

(c) The following are exempt from the requirements of this Article:

- (1) Activities performed by the City or under the sponsorship of the City.
- (2) An individual having an occasional or isolated sale of tangible personal property from his or her private residence.

(3) Any sexually oriented business, pawnbroker, refuse hauler, contractor, peddler, home occupation or body art establishment that is subject to another Article of this Chapter. (Prior code 11-3; Ord. 13-05 §1, 2005; Ord. 12-08 §1, 2008)

Sec. 6-1-40. Business licensed by other government agency.

The fact that a license has been granted to any person by the State or any other governmental agency to engage in the operation, conduct or carrying on of any trade, profession, business, privilege, occupation or calling of any kind shall not exempt such person, except as otherwise required by state or federal law, from the necessity of securing any license required by this Article. (Prior code 11-4; Ord. 13-05 §1, 2005)

Sec. 6-1-50. Application.

(a) Application for a general business license shall be made to the City Clerk, upon forms provided by the City Clerk. It is unlawful for any person to make any false statement or representation on any license application. The City Clerk shall not act on any license application which is incomplete.

(b) No license shall be issued until all required license fees have been fully paid.

(c) Each application shall:

(1) State the type of business, the name and address of the licensee and the term, including the beginning and ending dates, of the licensee's possessory interest in the premises for which the license is to be issued; and

(2) If the applicant is not the owner of the property in which the business is located, the application shall be accompanied by a copy of a fully executed lease or other legal instrument demonstrating the licensee's right to possess such premises.

(d) The City Clerk shall not grant any license without written verification from applicable City departments that the applicant is in compliance with the applicable requirements of this Code.

(e) Each application shall be verified and acknowledged under oath to be true and correct as follows:

(1) If the applicant is an individual or sole proprietorship, by the individual or proprietor;

(2) If the applicant is a partnership, by at least one (1) general partner;

(3) If the applicant is a corporation, by its president;

(4) If the applicant is a limited liability company, by at least one (1) of its managers; or

(5) If the applicant is any other organization or association, by the principal or chief administrative official.

(f) The City Clerk may also require the applicant to submit with the application proof of general liability or other insurance naming the City, its officers and employees as additional insureds. The City Clerk's determination shall be based upon: the type of business; the recommendation of other City departments; and the risks to the general public of bodily injury and property damage. (Prior code 11-5; Ord. 13-05 §1, 2005; Ord. 03-08 §1, 2008)

Sec. 6-1-60. General business license fees.

The following annual general business license fees are established:

<i>Type of Business</i>	<i>Fee</i>
Escort service establishment	\$250.00
Massage parlor	250.00
Grocery or hardware store	200.00
Laundromat	150.00
Tanning salon	100.00
Secondhand dealer	50.00
All other businesses	50.00

(Prior code 11-6; Ord. 13-05 §1, 2005)

Sec. 6-1-70. Renewal.

(a) An application for renewal of a general business license shall be considered in the same manner as an original application.

(b) Unless otherwise provided in this Chapter, all renewal applications and fees shall be due at least thirty (30) days prior to expiration of the existing license. Any applicant who fails to submit the renewal application and fee within the required time shall be subject to the following additional fees: an additional twenty-five percent (25%) of the license fee for the first fifteen (15) days, and thereafter, and an additional fifty percent (50%) of such fee. (Prior code 11-7; Ord. 13-05 §1, 2005)

Sec. 6-1-80. Transferability.

No general business license shall be transferable. (Prior code 11-8; Ord. 13-05 §1, 2005)

Sec. 6-1-90. Changes.

The licensee shall promptly notify the City Clerk, in writing, of any change in the information provided in the license application. The City Clerk may investigate the change for compliance with this Code. (Prior code 11-9; Ord. 13-05 §1, 2005)

Sec. 6-1-100. Posting.

Each license shall be posted on the licensed premises in a conspicuous location open to public view. (Prior code 11-10; Ord. 13-05 §1, 2005)

Sec. 6-1-110. Authority to deny license application.

- (a) The City Clerk may deny any license application for cause.
- (b) If the City Clerk denies a license, the City Clerk shall notify the applicant in writing, stating the specific grounds for denial.
- (c) If an applicant has paid the license fee but no license is issued, the City Clerk shall refund the license fee, less an administrative fee of twenty-five dollars (\$25.00). (Prior code 11-11; Ord. 13-05 §1, 2005)

Sec. 6-1-120. Suspension or revocation.

- (a) The City Clerk may suspend or revoke any license for cause, after written notice to the licensee and the opportunity for a hearing before the City Clerk. The licensee shall file a written request for hearing with the City Clerk within ten (10) days after the date of the written notice.
- (b) If a timely request is not filed, the suspension or revocation shall become effective on the eleventh (11) day after the date of said written notice.
- (c) If a timely request is filed, the City Clerk shall schedule and hold a hearing and issue a written decision within thirty (30) days after the hearing; except that the decision date may be extended by written order of the City Clerk. In the City Clerk's discretion, the City Clerk may retain an independent hearing officer to hear and decide the matter.
- (d) No fees paid by a licensee whose license has been suspended or revoked shall be refunded. No licensee whose license has been revoked shall be eligible to apply for a new license for the same business for a period of one (1) year after such revocation. (Prior code 11-12; Ord. 13-05 §1, 2005)

Sec. 6-1-130. Appeal.

- (a) Any party aggrieved by the decision of the City Clerk under this Article may appeal the decision to the City Council, by filing a written appeal with the City Clerk within ten (10) days after the date of the decision. The City Council shall not have jurisdiction to consider any appeal that was not filed in a timely manner.
- (b) The appeal shall be decided by the City Council not later than thirty (30) days from the filing of the appeal; except that the City Council may, by motion, extend the decision date.
- (c) The appellant shall be notified of the City Council's decision in writing within fifteen (15) days after the date of the decision.
- (d) The appeal shall be limited to a review by the City Council of the evidence presented at the hearing before the City Clerk or hearing officer and a determination as to whether, on the basis of said

evidence, the decision should be affirmed, reversed or modified. (Prior code 11-13; Ord. 13-05 §1, 2005)

Sec. 6-1-140. Remedies not exclusive.

In addition to the remedies provided in this Article, nothing shall be deemed to prohibit the City from imposing other penalties authorized by this Code for any violation thereof, or seeking any other relief as is available to the City, including but not limited to filing a summons and complaint in the Municipal Court. (Prior code 11-14; Ord. 13-05 §1, 2005)

Sec. 6-1-150. Register.

The City Clerk shall keep a register of all licenses issued under this Article, including the name and address of the licensee, the nature of the license, the number of the license, the amount paid therefor, the license expiration date and any reports of violations. (Prior code 11-15; Ord. 13-05 §1, 2005)

Sec. 6-1-160. License term.

All general business licenses shall be annual, shall begin on the date of issuance and shall terminate one (1) year following the date of issuance. (Prior code 11-16; Ord. 13-05 §1, 2005)

Sec. 6-1-170. Application of state law.

(a) The Colorado Escort Service Code, Section 12-25.5-101, et seq., C.R.S., shall apply to escort services in the City, and violations of such Code shall be violations of this Article.

(b) The Colorado Massage Parlor Code, Section 12-48.5-101, et seq., C.R.S., shall apply to massage parlors in the City, and violations of such Code shall be violations of this Article.

(c) The state statutes governing secondhand dealers, Sections 18-13-114 through 18-13-118, C.R.S., shall apply to secondhand dealers in the City, and violations of such statutes shall be violations of this Article. (Prior code 11-17; Ord. 13-05 §1, 2005)

Sec. 6-1-180. Additional regulations.

The City Clerk may make such additional rules and regulations not in conflict with this Article as necessary for the administration and enforcement of this Article, including required forms and requirements for additional reports. (Prior code 11-18; Ord. 13-05 §1, 2005)

Sec. 6-1-190. Sales and use tax license required.

(a) General.

(1) A sales and use tax license shall be required for any person to engage in the business of selling at retail in the City tangible personal property or services that are taxable hereunder which are purchased in the City and are subject to sales and use tax pursuant to this Article. A sales and use tax license may be required for tangible personal property that is stored, used or consumed in the City and is subject to use tax pursuant to this Article. Such sales and use tax licenses shall be

granted and issued by the City Treasurer and shall be in force and effect until the earlier of: (a) revocation of such license; or (b) sale or termination of the business, if any, relating to such license. Such licenses shall be granted only upon application stating the name and address of the person desiring such license, the name of such business, if any, and the location, including the street number of such business, if any, and such other facts as the City Treasurer may require. No license issued pursuant to this Section shall be transferable.

(2) For each sales and use tax license issued, no fee shall be required for those businesses holding a current City business license; a fee of fifteen dollars (\$15.00) shall be required for those businesses not holding a current City business license.

(b) In case business is transacted at two (2) or more separate places by one (1) person, a separate license for each place of business shall be required.

(c) Each license shall be numbered and shall show the name of the licensee and the place of business of the licensee and shall be posted in a conspicuous place at the place of business for which it is issued. If the licensee does not have a place of business, then the license shall show the mailing address of such licensee.

(d) The City Treasurer, after reasonable notice and a full hearing, may revoke the license of any person found by him or her to have violated any provision of this Article.

(e) Any finding and order of the City Treasurer revoking the license of any person shall be subject to review by the district court upon application of the aggrieved party. The procedure for review shall be, as nearly as possible, the same as provided for the review of findings as provided by proceedings in the nature of certiorari.

(f) No license shall be required for any person engaged exclusively in the business of selling commodities which are exempt from taxation under this Article. (Prior code 21-29; Ord. 13-05 §1, 2005)

ARTICLE 2

Alcoholic Beverages

Sec. 6-2-10. License required.

It is unlawful for any person to sell or offer for sale any malt, vinous, spirituous liquor or fermented malt beverages in the City until having first obtained a license therefor under this Article, the rules and regulations of the City, and applicable state law and regulations, in addition to any other license required by the State or the City. (Prior code 11-800; Ord. 13-05 §1, 2005)

Sec. 6-2-20. State procedures apply.

(a) The Colorado Liquor Code and Regulations and the Colorado Beer Code and Regulations regarding procedures for applications, hearings and decisions for malt, vinous or spirituous liquor or fermented malt beverages shall apply to City licenses.

(b) To obtain a license under this Article, an applicant must have first met, and provide proof of such to the satisfaction of the Local Licensing Authority, all conditions prescribed by the Colorado Liquor Code and the Colorado Beer Code, except that fees for a City license are those prescribed in this Article. (Prior code 11-801; Ord. 13-05 §1, 2005)

Sec. 6-2-30. Local Licensing Authority.

The City Council shall serve as the Local Licensing Authority. (Prior code 11-802; Ord. 13-05 §1, 2005)

Sec. 6-2-40. Fees.

The annual license fees set forth in Section 12-47-505, C.R.S., shall apply to this Article. In addition, the following liquor license applications, registrations and investigations shall be paid to the City in amounts as shall be set forth from time to time by resolution of the City Council:

- (1) Applications for new licenses.
- (2) Applications for transfers of location or ownership of existing licenses.
- (3) Applications for renewals of existing licenses.
- (4) Applications for temporary permits.
- (5) Applications for special event permits.
- (6) Manager registrations for hotel and restaurant licensees.

(7) Background investigations for corporate and limited liability company applicants (Prior code 11-803; Ord. 13-05 §1, 2005, Ord. 12-07 §1, 2007)

Sec. 6-2-50. Optional premises.

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

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

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

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

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

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

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

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

(3) A description of the provisions which have been made for storing malt, vinous and spirituous liquors in a secured area on or off the optional premises for the future use on the optional premises. (Ord. 12-08 §1, 2008)

Sec. 6-2-60. Alcohol beverage tasting authorized.

Pursuant to Section 12-47-301(10), C.R.S., the City authorizes alcohol beverage tastings for licensed retail liquor stores and liquor-licensed drug stores within the City. The City shall not require a further application prior to allowing retail liquor licensees to conduct alcohol beverage tastings, and elects not to impose additional limitations on such tastings beyond those limitations set forth in Chapter 47 of Title 12, C.R.S. (Ord. 12-08 §1, 2008)

Sec. 6-2-70. Educational requirements.

Every hotel and restaurant licensee, registered manager and licensee's employee is encouraged to obtain a certificate of completion from an educational program of training for intervention procedures for servers of alcohol. Those registered managers obtaining a certificate of completion may file a copy of the certificate of completion with the Authority with an application of renewal of a liquor license. (Ord. 12-08 §1, 2008)

ARTICLE 3

Body Art

Sec. 6-3-10. Declaration and purpose.

(a) The protection of the public health, safety and welfare from the dangers of blood-borne pathogens present in the practices and procedures of body art calls for the continual review, implementation and utilization of the scientific developments in safety precautions.

(b) The purposes of this Article are to:

(1) Regulate all body art practices, including but not limited to tattooing and body piercing, that present legitimate health concerns under the same regulations;

(2) Allow adults to have control over the decision of whether to have various body art techniques performed upon their own bodies, and the bodies of their minor children, and to assure that body artists are utilizing safe practices and techniques in safe and sanitary environments, so as to minimize any risk of the transmission of blood-borne pathogens; and

(3) Delegate to the City Clerk the authority to act quickly to prevent and abate imminent hazards to the public health, welfare or safety, including but not limited to the authority to issue appropriate orders to the body artists and body art establishments, and to summarily suspend operations when reasonably necessary. (Prior code 11-500; Ord. 13-05 §1, 2005)

Sec. 6-3-20. Definitions.

As used in this Article, the following terms shall have the following meanings:

Body art means the practice of physical body adornment by establishments and artists utilizing subcutaneous piercing procedures, including but not limited to the techniques of body piercing and tattooing, but excluding ear piercing.

Body art establishment means any permanent building, place, premises or structure, whether private or public, where body art procedures are performed.

Body artist means any person who conducts or practices body art procedures on another living human being.

Body piercing means puncturing or penetration of the skin of a person using needles and the temporary insertion of jewelry or other adornment thereto in the opening, so that the result is the jewelry or adornment can be easily, frequently and reasonably removed by the client without an additional procedure, including but not limited to the piercing of a navel, eyebrow, genitals, lip, nipple, nose or tongue, but not including ear piercing.

Client means the person having the body art procedure performed upon his or her body.

Ear piercing means the procedure or practice of puncturing of the outer perimeter or lobe of the ear using a pre-sterilized single use stud ear piercing system, while following the system's manufacturer's directions on use and applicable United States Food and Drug Administration requirements.

Equipment means all machinery, including fixtures, containers, vessels, tools, devices, implements, furniture, display and storage areas, sinks and all other apparatus and appurtenances used in connection with the operation of a body art establishment.

Instruments means hand pieces, needles, needle bars, needle tubs, forceps, hemostats, tweezers, pliers or other implements that may come in contact with a client's body or possibly be exposed to bodily fluids during body art procedures.

Local manager means the individual who is primarily responsible for the management, operation and control of the licensed body art establishment.

Physician means a person holding a valid license to practice medicine issued by the State Board of Medical Examiners pursuant to the Colorado Medical Practices Act.

Tattoo, tattooed or *tattooing* means inserting pigment under the surface of the human skin by pricking with a needle, or otherwise, to permanently change the color or appearance of the human skin or to produce a indelible mark or figure visible through the human skin, such as eyeliner, lip color, lip liner, camouflage, stencil designs and freehand designs. (Prior code 11-501; Ord. 13-05 §1, 2005)

Sec. 6-3-30. License required.

(a) It is unlawful for any person to operate a body art establishment without first obtaining a license from the City Clerk.

(b) It is unlawful for any licensed body artist to perform any body art procedure upon another person, in exchange for anything of value, in a location other than a licensed body art establishment.

(c) It is unlawful for any body artist to fail to have his or her current license prominently displayed and visible in the licensed body art establishment where he or she performs body art procedures.

(d) The following individuals are exempt from the licensing requirements of this Article:

(1) Physicians.

(2) Persons otherwise authorized by the State to perform the specific body art procedure at issue.

(3) Individuals who perform ear-piercing procedures only.

(4) Persons rendering services under the personal and responsible direction and supervision of a physician. (Prior code 11-502; Ord. 13-05 §1, 2005)

Sec. 6-3-40. Application.

Application for a body art establishment license or body artist license shall be made to the City Clerk on forms provided by the City Clerk. Each application shall be accompanied by the license fee of two hundred dollars (\$200.00) per body art establishment and twenty-five dollars (\$25.00) per body artist. (Prior code 11-503; Ord. 13-05 §1, 2005)

Sec. 6-3-50. Issuance.

(a) A license shall only be issued upon verification that the establishment meets all requirements of this Code.

(b) The licensee shall install the minimum required equipment, personnel and other facilities as indicated in the plans as approved or modified by orders of the Building Official, Fire Department or other official.

(c) No license shall be issued for a premises licensed for the sale of fermented malt beverages, or the sale of vinous or spirituous liquors, under the provisions of the Colorado Liquor Code or the Colorado Beer Code.

(d) Each license shall be valid for one (1) year from the date of issuance, unless revoked or suspended by the City Clerk.

(e) No license shall be transferable. (Prior code 11-504; Ord. 13-05 §1, 2005)

Sec. 6-3-60. Photo identification.

In addition to a license, each licensee shall be issued identification in the content and form as determined by the City Clerk. Such identification shall be continuously prominently displayed, free of any obstructions or alterations, at the licensee's individual workstation in the licensed body art establishment at all times the licensee is performing body art procedures. (Prior code 11-505; Ord. 13-05 §1, 2005)

Sec. 6-3-70. Inspections; corrective orders.

(a) The City Clerk may conduct periodic inspections of any body art establishment for the purpose of determining whether or not the establishment and the persons performing body art techniques therein are in compliance with all applicable laws. The City Clerk may enter, inspect, issue citations, impound or copy records, and secure any samples, photographs or other evidence from any body art establishment, whether or not said establishment, vehicle or facility has a valid license.

(b) It is unlawful for any person to willfully interfere with or hinder the City Clerk in the discharge of his or her duties.

(c) The City Clerk may issue to any body artist or establishment an order to comply with this Article within a specified reasonable time. It is unlawful for any licensee to knowingly fail to obey a lawful order of the City Clerk. (Prior code 11-506; Ord. 13-05 §1, 2005)

Sec. 6-3-80. Revocation and suspension.

The City Clerk may revoke or suspend any license for cause, as defined in Section 6-1-20, after providing the licensee notice and an opportunity to be heard. Any revocation or suspension shall be issued in writing, listing the reasons therefor. (Prior code 11-507; Ord. 13-05 §1, 2005)

Sec. 6-3-90. Appeal.

Any decision of the City Clerk under this Article may be appealed to the City Council following the procedures outlined in Section 6-1-130. (Prior code 11-508; Ord. 13-05 §1, 2005)

Sec. 6-3-100. Records.

Permanent records for each body artist and client shall be maintained by each body art

establishment. Such records shall include the client's date of birth, the method by which such date of birth was verified, and a copy of the written consent provided by the parent or guardian when necessary. (Prior code 11-509; Ord. 13-05 §1, 2005)

Sec. 6-3-110. Registration of local resident agent.

Each body art establishment shall file a current registration with the City Clerk, designating an authorized local resident agent who is at least twenty-one (21) years of age and resides or has an office within the City, for receipt of legal notices of violations and receiving service of process. Whenever such local agent is changed or the address of the local agent is changed, the licensee shall, within five (5) days, register the new local agent or the new address with the City Clerk. (Prior code 11-510; Ord. 13-05 §1, 2005)

Sec. 6-3-120. Prohibitions.

It is unlawful for any person to perform any body art procedure upon another person who is:

- (1) Visibly intoxicated or under the influence of a controlled substance; or
- (2) Under the age of eighteen (18) without prior written consent of a parent or guardian, signed in the presence of the body artist performing the procedure. It is the responsibility of both the body artist and the body art establishment to verify the age of all clients by valid picture identification prior to any procedure being performed. (Prior code 11-511; Ord. 13-05 §1, 2005)

ARTICLE 4

Contractors

Sec. 6-4-10. Contractor's license required.

(a) No person shall contract for or erect, alter, repair, move or demolish any building, structure or property regulated by the Uniform Building Code, Uniform Mechanical Code, Uniform Plumbing Code or National Electrical Code, as adopted by the City, whether as a contractor or a subcontractor, within the boundaries of the City, without a valid contractor's license.

(b) To obtain a contractor's license for plumbing, the person must either be a master plumber or employ a full-time master plumber licensed by the State. Plumbing shall include, but not be limited to, sanitary sewer pipes, potable water supply and distribution pipes, plumbing fixtures and traps, drainage and vent pipes and building drains, including their respective joints and connections, devices, receptacles and appurtenances. (Prior code 11-200; Ord. 13-05 §1, 2005)

Sec. 6-4-20. Exemptions.

(a) Nothing in this Article shall require any individual to hold a license to perform any work described in this Article on his or her own personal residence, nor shall it prevent a person from employing an individual on either a full-time or part-time basis to do routine repair or maintenance; except that, if such property is intended for sale by a person engaged in the business of constructing

or remodeling such structures, rental property which is occupied or is to be occupied by tenants, or a commercial or industrial building, the owner shall be subject to this Article.

(b) Nothing in this Article shall require any electrician licensed by the State to obtain a contractor's license from the City. However, electricians licensed by the State shall register with the City Clerk prior to performing any electrical work in the City. There shall be no cost for such registration. (Prior code 11-201; Ord. 13-05 §1, 2005)

Sec. 6-4-30. Application.

The Building Official shall review applications under this Article, in the protection of the public health, welfare and safety, so that those who are licensed under this Article are qualified, in terms of their skills, knowledge and practical experience, to contract for or to do the work for which they seek to be licensed. The license shall not be issued unless:

- (1) All conditions imposed upon the applicant as prerequisites to the issuance of the license have been met;
- (2) A license fee of fifty dollars (\$50.00) has been paid;
- (3) The required proof of insurance, if any, has been provided;
- (4) The applicant is not in arrears to the City for any administrative or court fines, assessments or fees and has no outstanding arrest warrants in any jurisdiction; and
- (5) No fraudulent, misrepresented or false statement of material or relevant fact is contained within the application. (Prior code 11-202; Ord. 13-05 §1, 2005)

Sec. 6-4-40. Examinations.

(a) The Building Official may, before issuing a license, require the applicant to take a written or oral examination.

(b) The Building Official may set standards for the examining requirements consistent with this Article.

(c) The Building Official shall limit the examination requirements to areas applicable to the license being sought.

(d) All persons who have been previously licensed by the City under this Article shall be exempt from this Section. (Prior code 11-203; Ord. 13-05 §1, 2005)

Sec. 6-4-50. Issuance.

If, in the opinion of the Building Official, the applicant is qualified by training or experience to fulfill the obligations of a contractor, the Building Official shall issue the applicant a license upon payment of the annual license fee. The license shall remain in force for one (1) year unless suspended or revoked. (Prior code 11-204; Ord. 13-05 §1, 2005)

Sec. 6-4-60. Insurance.

(a) Every licensed contractor shall maintain at all times liability insurance with minimum limits of not less than one hundred fifty thousand dollars (\$150,000.00) per person and six hundred thousand dollars (\$600,000.00) per occurrence, and property damage insurance with minimum limits of not less than one hundred fifty thousand dollars (\$150,000.00) per occurrence.

(b) At the time application is made, and before a license or registration can be issued, the contractor shall file with the Building Official a certificate signed by a qualified agent of an insurance company stating: that the policies required by Subsection (a) hereof have been issued to the licensee; the minimum limits of each; the policy numbers; the name of the company; the effective dates of the policies; and the expiration dates of the policies, together with a copy of an endorsement placed on each policy requiring ten (10) days' written notice to the City of cancellation.

(c) In the event of a cancellation, the licensee shall furnish a new certificate in full compliance with this Article within ten (10) days; otherwise, the license shall be automatically revoked until the licensee has furnished a certificate of insurance in compliance with this Article. (Prior code 11-205; Ord. 13-05 §1, 2005)

Sec. 6-4-70. Prohibited acts.

(a) It is unlawful for any person to violate any provision of this Article, or to violate or refuse to obey any lawful order issued or neglect to pay any fee assessed under authority of this Article.

(b) It is unlawful for any person to fraudulently use a license issued to a contractor under this Article to obtain permits for another person.

(c) It is unlawful for a licensed contractor to fail to obtain inspection services when the inspection services are required, or to fail to obtain a permit when it is required.

(d) It is unlawful for a licensed contractor to be careless or negligent in observing minimum safety measures, including appliances, apparatus and equipment to protect workers and the public. (Prior code 11-206; Ord. 13-05 §1, 2005)

Sec. 6-4-80. Expired license.

In addition to any other penalty, any person required to be licensed under this Article and found to be performing work with an expired license will be subject to the initial license fee plus a twenty-five-percent penalty. (Prior code 11-207; Ord. 13-05 §1, 2005)

Sec. 6-4-90. Revocation and suspension.

The Building Official may revoke or suspend any license issued under this Article for cause, as defined in Section 6-1-20, after providing the licensee notice and an opportunity to be heard. Any revocation or suspension shall be issued in writing, listing the reasons therefor. (Prior code 11-208; Ord. 13-05 §1, 2005)

Sec. 6-4-100. Appeal.

The licensee may appeal any decision of the Building Official under this Article to the City Council following the procedures outlined in Section 6-1-130. (Prior code 11-209; Ord. 13-05 §1, 2005)

ARTICLE 5

Home Occupations

Sec. 6-5-10. Definitions.

As used in this Article, the following terms shall have the following meanings:

Home occupation means any occupation conducted for any commercial purpose in a residential building or an accessory building associated with the residential use.

Major home occupation means a home occupation which does not meet one (1) or more of the requirements of the definition of a *minor home occupation*.

Minor home occupation means a home occupation which: is conducted entirely within the dwelling; has no exterior signs; has no employees who do not reside within the dwelling; is conducted entirely within the principal building and/or an accessory

building associated with the residential use; has no more than one (1) vehicle stopping at the place of business for purposes of the home occupation at any one (1) time, and no more than eight (8) vehicles stopping at the place of business for purposes of the home occupation in any twenty-four-hour period; and has only isolated and occasional deliveries to or from the place of business with any vehicle longer than sixteen (16) feet or rated over eight thousand (8,000) pounds gross vehicle weight. (Prior code 11-300; Ord. 13-05 §1, 2005)

Sec. 6-5-20. Initial application.

An initial application for a home occupation license shall be made on forms provided by the City Clerk and shall include, at a minimum:

- (1) A detailed description of the home occupation;
- (2) A site plan indicating property boundaries and area location of all structures in which the home occupation would be operated; the portion or portions of such structures to be used for purposes of the home occupation; any portion of the property, other than the principal building or accessory building associated with the residential use, such as the yard, which is proposed to be used for the home occupation; the nature of such use; and the duration, frequency and time of day of such use;
- (3) Proof of compliance with and approvals from each local, state and federal agency with jurisdiction over the occupation proposed to be carried on as a home occupation; and

(4) Additional information reasonably required by the City Clerk. (Prior code 11-301; Ord. 13-05 §1, 2005)

Sec. 6-5-30. Referral.

Before approving an initial application for any home occupation license, the City Clerk shall refer the application to the Building Official, the Police Department, the Fire Department and other affected departments and agencies for review and comment. If the home occupation is to be located within the area of the Edgewater Redevelopment Authority as delineated in the plan of said Authority, it shall be deemed an affected agency. (Prior code 11-302; Ord. 13-05 §1, 2005)

Sec. 6-5-40. Minor home occupation.

The City Clerk may approve, approve with conditions or deny an application for a minor home occupation license. (Prior code 11-303; Ord. 13-05 §1, 2005)

Sec. 6-5-50. Major home occupation.

(a) The City Clerk, after receiving comments from affected departments and agencies, shall refer an application for a major home occupation, together with the comments received, to the Planning Commission.

(b) The Planning Commission shall, at its next regular meeting following its receipt of the application, set the date and time for a public hearing thereon. The Commission shall notify the applicant in writing of the location, date and time of the public hearing, which shall not be held sooner than thirty (30) days after the setting. Notice of the public hearing shall be published at least once not less than fifteen (15) days before the hearing date.

(c) Within seven (7) days after the date of the notice, the applicant shall post the property with two (2) signs, in the form prescribed by the City Clerk, stating that the property is the subject of a home occupation license application. One (1) sign shall be posted at the front of the property, and the other sign shall be posted at the rear of the property, both in locations visible from a public right-of-way. The property shall remain posted until the day after the public hearing.

(d) At the public hearing, the Planning Commission shall consider the application, the testimony given by the applicant and the public and the comments of any affected department or agency, and shall determine whether the home occupation complies with this Code, whether it is compatible with the character of the surrounding neighborhood and whether it would produce any adverse impacts.

(e) Following the public hearing, the Planning Commission shall forward to the City Clerk its recommendation to approve, approve with conditions or deny the application. Any recommended conditions of approval shall be specified by the Planning Commission.

(f) The City Clerk shall consider the recommendation of the Planning Commission together with any pertinent portions of the record in determining whether to approve, approve with conditions or deny the application. (Prior code 11-304; Ord. 13-05 §1, 2005)

Sec. 6-5-60. General requirements.

(a) A home occupation license shall apply only to the applicant, occupation and premises stated in the initial application, and shall not be transferable or assignable. The license shall remain in force for one (1) year unless suspended or revoked. Following revocation, any subsequent application to operate the same home occupation shall be deemed an initial application.

(b) The City Clerk shall disseminate to the residents of the City, at least four (4) times per year, a list of home occupation licenses issued by the City. The list shall contain, at a minimum: each licensee's name, trade or business name; the address for which the license is issued; and the expiration date of the license. The City Clerk may disseminate the list by publication in a City newsletter, posting or publication in one (1) or more newspapers of general circulation in the City. (Prior code 11-305; Ord. 13-05 §1, 2005)

Sec. 6-5-70. Renewal.

(a) An application for renewal shall be considered in the same manner as an initial application, except that the hearing and referral procedures shall not apply.

(b) Despite the foregoing, if either of the following circumstances exist, the hearing and referral procedures shall apply:

(1) The home occupation was the subject of verified complaints from three (3) or more citizens, each of whom resided in a different residence located within a radius of two hundred (200) feet from the perimeter of the property; or

(2) The City Clerk has received a statement from an affected department or agency that the home occupation failed to meet any requirement of this Article. (Prior code 11-306; Ord. 13-05 §1, 2005)

Sec. 6-5-80. Revocation and suspension.

The City Clerk may revoke or suspend any license issued under this Article for cause, as defined in Section 6-1-20, after providing the licensee notice and an opportunity to be heard. Any revocation or suspension shall be issued in writing, listing the reasons therefor. (Prior code 11-307; Ord. 13-05 §1, 2005)

Sec. 6-5-90. Appeal.

Any decision of the City Clerk under this Article may be appealed to the City Council following the procedures outlined in Section 6-1-130. (Prior code 11-308; Ord. 13-05 §1, 2005)

ARTICLE 6

Pawnbrokers

Sec. 6-6-10. Definitions.

For purposes of this Article, the following terms shall have the following meanings:

Contract for purchase means a contract entered into between a pawnbroker and a customer pursuant to which money is advanced to the customer by the pawnbroker on the delivery of tangible personal property by the customer on the condition that the customer, for a fixed price and within a fixed period of time not to exceed ninety (90) days, has the option to cancel such contract.

Fixed price means the amount agreed upon to cancel a contract for purchase during the option period, which shall not exceed one-fifth ($\frac{1}{5}$) of the original purchase price for each month.

Fixed time means that period of time, not to exceed ninety (90) days, as set forth in a contract for purchase for an option to cancel such contract.

Option means the fixed time and the fixed price agreed upon by the customer and the pawnbroker in which a contract for purchase may be but does not have to be rescinded by the customer.

Pawnbroker means a person regularly engaged in the business of making contracts for purchase or purchase transactions.

Pawnbrokering means the business of a pawnbroker.

Purchase transaction means the purchase by a pawnbroker, in the course of pawnbrokering, of tangible personal property for resale, other than newly manufactured tangible personal property which has not previously been sold at retail, when such purchase does not constitute a contract for purchase.

Tangible personal property means all personal property other than choses in action, securities or printed evidences of indebtedness, which property is deposited with or otherwise actually delivered into the possession of a pawnbroker in the course of his or her business in connection with a contract for purchase or purchase transaction. (Prior code 11-100; Ord. 13-05 §1, 2005, Ord. 03-06 §1, 2006)

Sec. 6-6-20. License required.

No pawnbroker shall operate in the City without a valid pawnbroker's license. (Prior code 11-101; Ord. 13-05 §1, 2005)

Sec. 6-6-30. Application.

(a) Application for a pawnbroker's license shall be made to the City Clerk on forms provided by the City Clerk.

(b) The application shall be accompanied by:

(1) A bond, subject to approval by the City Attorney, in the amount of five thousand dollars (\$5,000.00), conditioned on the pawnbroker's faithful observance of all of City ordinances and state statutes and the safekeeping and return of all articles held in pledge by the applicant.

(2) Copies of insurance policies providing coverage for fire and property damage, loss and destruction, subject to review and approval by the City Attorney, which shall apply to the building in which the business is located and to the full replacement cost of all contents therein, including all property the applicant holds in contract.

(3) An application fee in the amount of five thousand dollars (\$5,000.00). (Prior code 11-102; Ord. 13-05 §1, 2005; Ord. 21-05 §1, 2005)

Sec. 6-6-40. Issuance.

Upon verification that the business meets all requirements of this Code, the City Clerk shall issue a pawnbroker license. The license shall remain in force for one (1) year unless suspended or revoked. No license shall be transferable. (Prior code 11-103; Ord. 13-05 §1, 2005)

Sec. 6-6-50. Revocation and suspension.

The City Clerk may revoke or suspend any license for cause, as defined in Section 6-1-20, after providing the licensee notice and an opportunity to be heard. Any revocation or suspension shall be issued in writing, listing the reasons therefor. (Prior code 11-104; Ord. 13-05 §1, 2005)

Sec. 6-6-60. Appeal.

The licensee may appeal any decision of the City Clerk under this Article to the City Council following the procedures outlined in Section 6-1-130. (Prior code 11-105; Ord. 13-05 §1, 2005)

Sec. 6-6-70. Records.

(a) Each pawnbroker shall keep a numerical register in which shall be recorded the time and date of each purchase and contract for purchase transaction; an accurate description of the article, including all serial and identification numbers; the time and date of receiving such article; the name, address, date of birth and physical description of each customer and the customer's driver's license number or other identification number from such sources permitted under this Article; and a declaration of ownership signed by the customer. Where there exists a contract for purchase, the register shall also contain the number of the contract, the date it is due, the length of the loan, the date the article is sold, the amount of the sale and the name and address of the purchaser.

(b) Each pawnbroker shall make available the records required by this Section and the articles obtained by the pawnbroker for inspection at all reasonable times by any police officer.

(c) The records required by this Section shall be maintained for a minimum of three (3) years. (Prior code 11-106; Ord. 13-05 §1, 2005)

Sec. 6-6-80. Acceptable identification.

No pawnbroker shall engage in a purchase transaction or enter into a contract for purchase with any customer without securing one (1) of the following types of current and valid identification:

- (1) Colorado driver's license;
- (2) Identification card issued by the State;
- (3) A driver's license, with a picture, issued by another state;
- (4) An identification card, with a picture, issued by another state;
- (5) A military identification card;
- (6) A passport;
- (7) An alien registration card; or
- (8) A non-picture identification document issued by a state or federal governmental entity, if the purchaser also obtains a clear imprint of the seller's right index finger or photograph of the seller at the time of the transaction. (Prior code 11-107; Ord. 13-05 §1, 2005)

Sec. 6-6-90. Information on receipt.

At the time of receiving tangible personal property and upon the subsequent renewal of any contract of purchase, a pawnbroker shall deliver to the customer a receipt which is correspondingly serially numbered to the numerical register. The receipt shall contain the substance of the information required to be kept in the records prescribed by this Article. (Prior code 11-108; Ord. 13-05 §1, 2005)

Sec. 6-6-100. Maximum charges; commissions void.

(a) No pawnbroker shall request or receive any greater amount of interest, commission or compensation other than the total rate or amount allowed by law. No pawnbroker may impose or collect any other charge upon the renewal of any contract for purchase or at any other time.

(b) All contracts for the payment of a commission by the borrower for procuring a contract for purchase on tangible personal property are void. A borrower who has paid such a commission may recover in a civil action two (2) times the amount paid, plus costs and reasonable attorney fees. (Prior code 11-109; Ord. 13-05 §1, 2005)

Sec. 6-6-110. Intermediate payments; receipts.

The pawnbroker shall accept intermediate payments, without penalty, upon contracts for purchase which have not matured when presented with the receipt, and shall treat the amount tendered as a payment upon the existing contract. A receipt indicating the date of the payment and the amount thereof shall be provided for all moneys received on account of or in payment of the contract for purchase. The amount of money presented shall be applied in total against the amount of

indebtedness. In no event shall any late charges, collection fees or other such service charges be deducted from the amount of the payment tendered to the pawnbroker. (Prior code 11-110; Ord. 13-05 §1, 2005))

Sec. 6-6-120. Holding period.

The pawnbroker shall retain the unredeemed articles in the pawnbroker's possession on the licensed premises for not less than forty-five (45) days from the date of the initial possession and control of the articles by the pawnbroker pursuant to a purchase transaction or a contract for purchase. (Prior code 11-111; Ord. 13-05 §1, 2005)

Sec. 6-6-130. No offsets or deficiency.

The pawnbroker shall have a claim to the article only for payment of the debt, and in no event shall the pawnbroker have claim to the personal credit of the customer. No setoff (a deduction or counterclaim) shall be allowed the pawnbroker against a surplus of deficiency arising out of another contract for purchase between the pawnbroker and the customer. In no event shall any deficiency balance (money due the pawnbroker by the customer) be collected by the pawnbroker; and in the event that such an attempt is made, the entire transaction shall be void. (Prior code 11-112; Ord. 13-05 §1, 2005)

Sec. 6-6-140. Investigation.

For purposes of discovering violations of any law, the Chief of Police may at any time investigate the business and examine the books, accounts, papers, documents and records used therein of:

(1) Any pawnbroker in respect to such books, accounts, papers, documents and records required to be kept hereunder;

(2) Any other person who engages in the business of a pawnbroker or who participates in such business as principal, agent, broker or otherwise; and

(3) Any person whom the Chief of Police has reasonable cause to believe is violating or is about to violate any provision of this Article, whether or not such person shall claim to be within the authority or beyond the scope of this Article. For the purposes of this Section, the Chief of Police shall have and be given full access to the offices and places of business, books, accounts, papers, documents, records, files, safes and vaults of all such persons and shall require the attendance of and examine any person relative to such purchase or contract for purchase transactions or such business or to the subject matter of any investigation, examination or hearing. (Prior code 11-113; Ord. 13-05 §1, 2005)

Sec. 6-6-150. Hold order.

A police officer may order a pawnbroker to hold any article deposited with the pawnbroker for a reasonable period of time if the police officer has a reasonable belief that the article is stolen. A pawnbroker who receives such a hold order shall not sell or dispose of the article or allow it to be redeemed as long as the hold order remains in effect. (Prior code 11-114; Ord. 13-05 §1, 2005)

Sec. 6-6-160. Unlawful transactions.

No pawnbroker shall purchase tangible personal property or enter into contracts of purchase with the following persons:

- (1) Any person under eighteen (18) years of age;
- (2) Any person who the pawnbroker knows or has reason to believe has been convicted of burglary, robbery; felony theft or theft by receiving; or
- (3) Any person who appears to be under the influence of alcohol or any controlled substance, as defined by state law. (Prior code 11-115; Ord. 13-05 §1, 2005)

Sec. 6-6-170. Hours.

It is unlawful for any pawnbroker to be open for business after 9:00 p.m. each day or before 7:00 a.m. the following day. (Prior code 11-116; Ord. 13-05 §1, 2005)

Sec. 6-6-180. Lost or stolen articles.

(a) A pawnbroker who accepts any article in a purchase or contract of purchase transaction from a customer who is not the owner thereof obtains no title in the article either by reason of the expiration of the contract or by transfer of the receipt to the pawnbroker by the customer or holder thereof. Ignorance of the fact that the article was lost or stolen shall not be construed to affect the question of title. If the pawnbroker sells such article to a third person, the pawnbroker shall remain liable to the original owner in an action to recover the article. Upon proof of ownership of the article lost or stolen, the lawful owner may claim the same.

(b) If any person attempts to establish a contract for purchase or sell to a pawnbroker any item which the pawnbroker has reason to believe has been stolen, the pawnbroker shall notify the Police Department within twenty-four (24) hours after such attempt is made, and provide a description of the person making such attempt and the article that such person attempted to contract or sell. If a pawnbroker could reasonably have had knowledge that the items contracted for or sold were stolen or obtained in any other unlawful manner, then it is unlawful to fail to notify the Police Department as required herein.

(c) A pawnbroker shall report the loss or theft of any weapon from the licensed premises to the Police Department within eight (8) hours of discovery of such loss or theft. For purposes of this Section, *weapon* means any handgun, long gun, assault rifle, air rifle, shotgun, spring-operated gun, crossbow, recurve bow or hunting knife. (Prior code 11-117; Ord. 13-05 §1, 2005)

Sec. 6-6-190. Purchase transaction fee.

(a) In addition to the annual license fee set forth in Section 6-6-30, each pawnbroker shall remit to the City a purchase transaction fee of one dollar (\$1.00) per purchase transaction.

(b) The purchase transaction fee shall be due and payable to the City Clerk on a monthly basis. (Prior code 11-118; Ord. 13-05 §1, 2005; Ord. 21-05 §2, 2005)

ARTICLE 7

Peddlers and Solicitors

Sec. 6-7-10. Definitions.

For purposes of this Article, the following terms shall have the following meanings:

Canvasser means any person who engages in activity with the primary purpose of advocating a particular religious, political or philosophical viewpoint or the communication and dissemination of religious, political or philosophical information.

Peddler means any person, whether as volunteer, owner, agent, consignee or employee, who engages in a temporary business of selling and delivering anything of value within the City and who, in furtherance of such purpose, leases, uses or occupies any tent, temporary structure, stand, outdoor location, hotel, apartment or other place within the City for the exhibition and sale of such items, whether or not such person is a canvasser.

Solicitor means any person, whether as volunteer, owner, agent, consignee or employee, who travels by foot, wagon, motor vehicle, pushcart or any other method of transportation from house to house or street to street selling or offering to sell services, food, beverages, goods or merchandise, distributing goods or information, or soliciting funds or other forms of assistance, whether or not such person is a canvasser. (Prior code 11-700; Ord. 13-05 §1, 2005)

Sec. 6-7-20. Permit required.

Every peddler and solicitor shall obtain a peddlers and solicitors permit from the City prior to peddling or soliciting in the City. (Prior code 11-701; Ord. 13-05 §1, 2005)

Sec. 6-7-30. Application.

Each application for a peddlers and solicitors permit shall include the following information:

- (1) Name and date of birth of the applicant; or in the case of a corporate or other entity applicant, name of the agent for service of process;
- (2) The applicant's address and telephone number;
- (3) A brief description of the business or solicitation;
- (4) The dates or length of time for which the permit is desired;
- (5) If a vehicle is to be used, a description of the same and the license number;
- (6) The location in which the applicant will be conducting business and, if on private property, written evidence of permission from the property owner or, if the applicant is the owner or lessee, evidence of ownership or a lease, and if the applicant is not the property owner, the name, address and telephone number of the owner; and

(7) An application fee of seventy-five dollars (\$75.00). (Prior code 11-702; Ord. 13-05 §1, 2005)

Sec. 6-7-40. Issuance.

Upon verification that the application meets all requirements of this Code, the City Clerk shall issue a peddlers and solicitors permit. The permit shall be valid for the time stated on the permit. No permit shall be transferable. (Prior code 11-703; Ord. 13-05 §1, 2005)

Sec. 6-7-50. Permit to be displayed.

Every permittee shall display the permit upon request of any person at any time while peddling or soliciting within the City. (Prior code 11-704; Ord. 13-05 §1, 2005)

Sec. 6-7-60. Hours of operation.

Permittees shall engage in peddling or soliciting activities only between the hours of 8:00 a.m. and 8:00 p.m. or sunset, whichever is later. (Prior code 11-705; Ord. 13-05 §1, 2005)

Sec. 6-7-70. Posting of no solicitation or no peddlers notice.

Any person may post a notice on his or her property stating that no peddlers or solicitors shall enter such property, and every peddler and solicitor shall comply with such notice. (Prior code 11-706; Ord. 13-05 §1, 2005)

Sec. 6-7-80. Exemptions.

This Article shall not apply to merchants who deliver goods in the regular course of business or to canvassers who are not peddlers or solicitors. (Prior code 11-707; Ord. 13-05 §1, 2005)

ARTICLE 8

Refuse Haulers

Sec. 6-8-10. Definitions.

As used in this Article, the following terms shall have the following meanings:

Refuse means and includes ashes, trash, waste, rubbish, garbage or other discarded material, and shall be deemed to include but not be limited to leaves, grass, limbs, weeds, trimmings, cans, bottles, rags, paper, boxes and any other matter ordinarily discarded in or about dwelling houses, commercial establishments or industrial sites.

Refuse hauler means any person who collects or hauls, or causes to be collected or hauled, any refuse over any street, alley or other public place in the City. (Prior code 11-400; Ord. 13-05 §1, 2005)

Sec. 6-8-20. License required; exceptions.

- (a) No refuse hauler shall operate in the City without a license issued pursuant to this Article.
- (b) This Article shall not apply to:
 - (1) Any political subdivision, including the City, which engages in refuse hauling operations in the City;
 - (2) Any person removing refuse from his or her own property with his or her own vehicle; or
 - (3) Any person in the business of demolition, construction or landscaping, who produces and transports refuse in the course of such business, where the refuse so produced is incidental to such business. (Prior code 11-401; Ord. 13-05 §1, 2005)

Sec. 6-8-30. Application.

- (a) Application for a refuse hauler's license shall be made annually on forms furnished by the City.
- (b) The completed application shall be accompanied by:
 - (1) The annual license fee of one hundred dollars (\$100.00);
 - (2) A certificate of insurance in the minimum amount of one million dollars (\$1,000,000.00) per occurrence and in the aggregate, and shall provide comprehensive general liability and automobile liability coverage protecting the licensee from claims for property damage or bodily injury, including death, which may arise from or in connection with its refuse hauling operations. A certificate of insurance shall be issued by the licensee's insurance agent evidencing compliance with the requirements of this Subsection; and
 - (3) A faithful performance, surety or license bond in a minimum amount of twenty-five thousand dollars (\$25,000.00) conditioned on the performance by the licensee and its officers, employees and agents of all activities associated with refuse hauling in compliance with all applicable laws, in a form approved by the City Attorney; or
 - (4) A cash deposit in the amount of five thousand dollars (\$5,000.00) guaranteeing the performance by the licensee and its officers, employees and agents of all activities associated with refuse hauling in compliance with all applicable laws. In the event of any failure to so perform, the City Clerk may draw against the deposit an amount sufficient to compensate the City or any other person injured by such failure. (Prior code 11-402; Ord. 13-05 §1, 2005)

Sec. 6-8-40. Issuance.

Upon verification that the application meets all requirements of this Code, the City Clerk shall issue a refuse hauler's license. The license shall remain in force for one (1) year unless suspended or revoked. (Prior code 11-403; Ord. 13-05 §1, 2005)

Sec. 6-8-50. Identification stickers.

Upon issuance of a refuse hauler's license, the City Clerk shall furnish to the licensee identification stickers for each refuse hauling vehicle covered by the license. It is unlawful to operate such a vehicle which does not have affixed, in a conspicuous place on the vehicle, such an identification sticker. (Prior code 11-404; Ord. 13-05 §1, 2005)

Sec. 6-8-60. Suspension and revocation.

(a) The City Clerk may suspend or revoke a license under this Article for cause, as defined in Section 6-1-20.

(b) In addition to other applicable grounds, the City Clerk may suspend or revoke a license under this Article if the City Clerk determines that:

(1) Any vehicle or other equipment of the licensee fails to comply with applicable law or is unsafe or unsanitary; or otherwise constitutes a hazard to the public health, safety or welfare;

(2) The licensee has failed to transport refuse to or deposit refuse at approved sites for the disposal of refuse; or

(3) The licensee has permitted any person to operate a vehicle for refuse hauling purposes if such person does not hold a valid driver's license for such vehicle. (Prior code 11-405; Ord. 13-05 §1, 2005)

Sec. 6-8-70. Damage prohibited.

No person shall operate any refuse hauling vehicle in a manner that causes damage, other than ordinary wear and tear, to any City street, alley or curb, or in a manner that causes damage to any public or private property, or for any purpose other than the collection and hauling of refuse. Any person causing any such damage shall make prompt restitution for the same. (Prior code 11-406; Ord. 13-05 §1, 2005)

Sec. 6-8-80. Vehicle requirements.

All refuse hauling vehicles used in the City shall be equipped with:

(1) A permanent cover of canvas or equally suitable or superior material designed to cover the entire open area of the body of the vehicle;

(2) A body constructed as to be permanently leakproof as to all refuse being hauled;

(3) Extensions of sideboards and its tailgate, if any, constructed of permanent materials; and

(4) A display, on both sides of the vehicle, of the licensee's name, address and telephone number in permanent, plain and legible figures and numbers not less than three (3) inches in height and in a color contrasting to that of the body of the vehicle; and such figures and letters are kept in such condition as to permit them to be read at a distance of at least sixty (60) feet. (Prior code 11-407; Ord. 13-05 §1, 2005)

Sec. 6-8-90. Appeal.

Any decision of the City Clerk under this Article may be appealed to the City Council following the procedures outlined in Section 6-1-130. (Prior code 11-408; Ord. 13-05 §1, 2005)

ARTICLE 9

Sexually Oriented Businesses

Sec. 6-9-10. Purpose.

The purpose of this Article is to promote and protect the public health, safety and welfare by regulating sexually oriented businesses through the establishment of reasonable and uniform regulations to reduce the adverse secondary effects of sexually oriented businesses within the City. This Article is not intended to limit or restrict the content of any communicative materials, including sexually oriented materials. This Article is not intended to restrict or deny access by adults to sexually oriented materials protected by the First Amendment of the United States Constitution or Article II, §10 of the Colorado Constitution, or to deny access of distributors or exhibitors of sexually oriented entertainment to their intended market. Finally, this Article is not intended to condone or legitimize the distribution of obscene material. (Prior code 11-900; Ord. 11-05 §1, 2005)

Sec. 6-9-20. Definitions.

For purposes of this Article, the following terms shall have the following meanings, unless the context indicates otherwise:

Adult arcade means any commercial establishment in which the public is permitted or invited where, for any form of consideration, one (1) or more motion picture projectors, slide projectors, image or virtual reality producing machines or similar machines, for viewing by five (5) or fewer persons per machine at any one (1) time, are used regularly to show films, motion pictures, video cassettes, slides, digital images, electronic reproductions or photographs describing, simulating or depicting specified sexual activities or specified anatomical areas.

Adult cabaret means a nightclub, bar, restaurant or similar commercial establishment which, for any form of consideration, regularly features live performances which are characterized by the exposure of specified anatomical areas or by the exhibition of specified sexual activities.

Adult store means any commercial establishment which, as one of its principal business purposes, offers for sale or rent for any form of consideration one or more of the following:

- a. Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, slides, compact discs, digital video discs (DVDs), digital images or other visual representations, which are characterized by their emphasis on the depiction or description of specified sexual activities or specified anatomical areas; or
- b. Instruments, devices or paraphernalia designed for use in connection with specified sexual activities.

Adult motion picture theater means a commercial establishment which is characterized by the showing, for any form of consideration, of films, motion pictures, video cassettes, slides, compact discs, digital video discs (DVDs), digital images or other visual representations that have an emphasis on depicting or describing specified sexual activities or specified anatomical areas.

Adult theater means a theater, auditorium or similar commercial establishment which, for any form of consideration, regularly features live performances which are characterized by an emphasis on exposure of specified anatomical areas or specified sexual activities.

Convicted means having been found guilty by a judge or a jury or entering a guilty plea or a plea of nolo contendere, and includes deferred judgments, deferred sentences, deferred adjudications and plea bargains, whether or not an appeal of such conviction is pending; excluding any conviction overturned or vacated by appeal or other force of law.

Employee means a person who works or performs work or service in or for a sexually oriented business on a full-time, part-time or contract basis, with or without compensation, regardless of whether such person is designated as an employee, independent contractor, agent, volunteer or any other status; excluding any person on the premises for repair or maintenance of the premises or for delivering or removing tangible personal property to or from the premises.

Licensed premises means the building or structure in which a licensed sexually oriented business is operating.

Sexually oriented business means an adult arcade, adult store, adult cabaret, adult motion picture theater or adult theater, except an establishment where a medical practitioner, psychologist, psychiatrist or similar professional licensed by the State engages in approved and recognized sexual therapy.

Specified anatomical areas means any of the following:

- a. Human genitals, pubic region, buttocks, anus or female breasts below a point immediately above the top of the areola, which are not completely and opaquely covered; or
- b. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified crime means and includes the following crimes committed under the penal or criminal code of any municipality, county, state or country: sex crimes against children; sexual abuse; sexual assault; possession or distribution of child pornography; distribution of an illegal controlled substance; prostitution, promotion of prostitution or pandering; and organized crime if such organized crime is committed within the premises of a sexually oriented business in the City or elsewhere.

Specified sexual activities means any of the following:

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

- b. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation and sodomy;
- c. Masturbation, actual or simulated;
- d. Human genitals in a state of sexual stimulation or arousal; or
- e. Human excretory functions as part of or in connection with any of the activities set forth in Subparagraphs a. through e. hereof. (Prior code 11-901; Ord. 11-05 §1, 2005)

Sec. 6-9-30. License required.

All sexually oriented businesses in the City shall be licensed as set forth in this Article, and It is unlawful for any person to operate a sexually oriented business in the City without a valid license issued pursuant to this Article. (Prior code 11-902; Ord. 11-05 §1, 2005)

Sec. 6-9-40. License application.

(a) An applicant for a sexually oriented business license shall submit a written application to the City Clerk which includes the following:

- (1) The name, address, telephone number and date of birth of the applicant and, if applicable, each of its officers, partners, directors and registered agents.
- (2) The trade name of the applicant and copies of all documents recording the trade name, including the trade name affidavit.
- (3) The name of any other sexually oriented business in which any officer, director or partner has a financial interest.
- (4) The address of the premises to be licensed.
- (5) If the applicant is a corporation, copies of the articles of incorporation, bylaws and last annual report.
- (6) Copies of documents demonstrating that the applicant has a legal right to possession of the premises to be licensed.
- (7) A sketch, drawing or diagram drawn to scale and showing the configuration of the premises, including total floor area to be occupied by each sexually oriented business.
- (8) The type or types of sexually oriented business proposed, such as an adult store, adult cabaret, adult theater and/or adult motion picture theater.

(b) Each application shall be verified and acknowledged to be true by the applicant or the managing partner, president or other officer having the authority to sign for the applicant. (Prior code 11-903; Ord. 11-05 §1, 2005)

Sec. 6-9-50. Background investigation.

(a) Upon receipt of a completed application, the City Clerk shall perform a background investigation of the applicant and its officers, directors and partners, and the information contained in the application.

(b) The City Clerk is authorized to investigate any fact related to any of the criterion set forth in this Article that may be relevant to determine the eligibility of the applicant for a sexually oriented business license.

(c) The City Clerk may seek and obtain the assistance of law enforcement agencies in conducting the background investigation.

(d) The background investigation shall be completed within forty-five (45) days of receipt of the completed application. (Prior code 11-904; Ord. 11-05 §1, 2005)

Sec. 6-9-60. Issuance or denial.

(a) Within ten (10) days of the completion of the background investigation, the City Clerk shall either issue the sexually oriented business license or issue a written statement of denial. The license or statement of denial shall be sent via United States mail, postage prepaid, to the applicant at the address provided on the application. The City Clerk shall issue the license unless one (1) or more of the following is true:

(1) The applicant has not paid all required fees under this Article.

(2) The applicant or any of its officers, directors or partners or is under eighteen (18) years of age.

(3) The applicant is not qualified to conduct business under applicable state or federal law or City ordinances.

(4) The applicant has knowingly provided false information to the City on an application for a sexually oriented business license.

(5) The location of the proposed sexually oriented business does not comply with the location requirements set forth in the City's zoning ordinance.

(6) The premises in which the sexually oriented business is proposed to be located does not comply with applicable City ordinances, such as the building code, electrical code or fire code.

(7) The applicant is delinquent in the payment of any taxes owed to the City.

(8) The applicant or any of its directors, officers or partners has been convicted of a specified crime in the two (2) years preceding the date of the application.

(b) Within ten (10) days of the date of a written statement of denial, the applicant may submit a written request that the City Clerk schedule a public hearing before the City Council on the

application. The hearing shall be held at the next regularly scheduled City Council meeting occurring at least ten (10) days after receipt of the written request.

(c) At the hearing, the applicant may present additional evidence, either documentary or through witness testimony, which is relevant to the applicant's eligibility for a sexually oriented business license.

(d) At the conclusion of the hearing or within ten (10) days thereafter, the City Council shall either order that the City Clerk issue the sexually oriented business license, or issue a written order denying the application for the sexually oriented business license.

(e) If the City Council denies the application for a sexually oriented business license, the City Council's decision shall be final, subject to judicial review pursuant to Rule 106(a)(4) of the Colorado Rules of Civil Procedure. (Prior code 11-905; Ord. 11-05 §1, 2005)

Sec. 6-9-70. Term of license; renewal.

(a) All sexually oriented business licenses issued under this Article shall be valid for one (1) year from the date of issuance, unless revoked or suspended as provided in this Article.

(b) Written application for renewal of a sexually oriented business license shall be filed with the City Clerk at least sixty (60) days prior to the expiration of the current license, together with the applicable annual license fee. If no application for renewal is timely filed, the licensee has waived his or her option to renew the license and must re-apply for a new license.

(c) Applications for renewal shall include the same information as an original application, except as the City Clerk deems redundant.

(d) The procedures for renewal license applications shall be the same as the procedures for new license applications. (Prior code 11-906; Ord. 11-05 §1, 2005)

Sec. 6-9-80. License nontransferable.

A sexually oriented business license issued under this Article is nontransferable. By way of example but not limitation, a new sexually oriented business license shall be required upon: the sale, lease or sublease of the sexually oriented business or the licensed premises; the transfer by sale, exchange or similar means of a controlling interest in the sexually oriented business; or the establishment of a trust, gift or similar legal device which transfers ownership or control of the sexually oriented business or the licensed premises, other than transfer by bequest or other operation of law upon the death of the person possessing ownership or control. (Prior code 11-907; Ord. 11-05 §1, 2005)

Sec. 6-9-90. Suspension and revocation.

(a) The City Clerk may suspend or revoke any sexually oriented business license issued under this Article if the City Clerk receives reliable information to establish that:

- (1) A nuisance is being maintained on the licensed premises;

(2) The licensed premises are unsanitary as certified by the Jefferson County Department of Health;

(3) The licensed premises are unsafe as certified by the Building Official, the Fire Marshal or the Fire Chief;

(4) The licensee has knowingly permitted on the licensed premises the possession, sale or use of illegal controlled substances; any specified sexual activity; or prostitution;

(5) The licensee or any of its officers, directors, partners or employees has been convicted of a specified crime during the term of the license; or

(6) The licensee knowingly provided false information on an application for a sexually oriented business license or renewal of such a license.

(b) At least twenty (20) days before the City Clerk suspends or revokes any sexually oriented business license, the City Clerk shall provide written notice to the licensee, via United States mail, postage prepaid, to the address provided on the most recent application, of the allegations supporting the suspension or revocation.

(c) During the twenty-day period, the licensee may file a written request for a stay of the suspension or revocation pending a public hearing before the City Council on the allegations to support the suspension or revocation.

(d) The public hearing shall be held at the next regularly scheduled City Council meeting at least ten (10) days after receipt of the request.

(e) At the hearing, the applicant may present additional evidence, either documentary or through witness testimony, which is relevant to the suspension or revocation.

(f) At the conclusion of the hearing or within ten (10) days thereafter, the City Council shall order that the sexually oriented business license be suspended for a period of time not to exceed one hundred eighty (180) days, that the license be revoked or that no action be taken with respect to the license.

(g) If the City Council orders suspension or revocation, the City Council's decision shall be final, subject to judicial review pursuant to Rule 106(a)(4) of the Colorado Rules of Civil Procedure. (Prior code 11-908; Ord. 11-05 §1, 2005)

Sec. 6-9-100. General regulations.

(a) All licensed premises shall comply with all applicable City regulations and ordinances, including but not limited to the building code, fire code, electrical code and zoning regulations.

(b) Every sexually oriented business license issued under this Article shall be displayed in a conspicuous place on the licensed premises in a clear cover or frame, and shall be available for inspection at all times by the public.

(c) All licensed premises shall be maintained in a clean and sanitary condition and shall be cleaned at least once daily and more frequently when necessary.

(d) Trash and garbage shall not be permitted to accumulate in any licensed premises or on the property outside any licensed premises.

(e) All materials, devices and novelties offered by a sexually oriented business which depict specified sexual activities or specified anatomical areas shall be displayed so that they cannot be seen by anyone other than customers who have entered the licensed premises. (Prior code 11-909; Ord. 11-05 §1, 2005)

Sec. 6-9-110. Dance and entertainment requirements.

(a) An adult cabaret or adult theater at which employees dance shall have one (1) or more stages or similar structures specially designed for dancing, which shall be constructed in accordance with applicable building code regulations and located inside the licensed premises. Employees shall dance only upon such stage or structure.

(b) When an employee dances on a structure which is designed to hold not more than two (2) persons, the structure shall be level, of sturdy construction and securely fastened to the floor or wall during dance performances. Steps and handrails shall be required on all such stages and structures where the platform on which the employee dances is more than eight (8) inches above the surface upon which the structure rests.

(c) Any adult cabaret or adult theater shall have one (1) or more separate areas designated in the diagram submitted as part of the application as a stage for the licensee or employees to perform as entertainers. Entertainers shall perform only upon the stage, and the stage shall be fixed and immovable.

(d) No seating for the audience shall be permitted within three (3) feet of the edge of any stage, and no members of the audience shall be permitted upon any stage or within three (3) feet of the edge of any stage. (Prior code 11-910; Ord. 11-05 §1, 2005)

Sec. 6-9-120. Lighting requirements.

(a) When the occupant capacity of any licensed premises, as determined by the Fire Department, is at least fifty (50) persons, such licensed premises shall have electric, battery-operated emergency lights using reliable storage batteries properly maintained and charged.

(b) The interior portion of a licensed premises to which patrons are permitted access shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place at an illumination of not less than two (2) foot-candles as measured at the floor level. 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. (Prior code 11-911; Ord. 11-05 §1, 2005)

Sec. 6-9-130. Hours of operation.

It is unlawful for a sexually oriented business to be open for business or for the licensee or any employee of a licensee to allow patrons upon the licensed premises on any Monday through Saturday between 2:00 a.m. and 7:00 a.m.; and on any Sunday between 2:00 a.m. and 8:00 a.m. (Prior code 11-912; Ord. 11-05 §1, 2005)

Sec. 6-9-140. Age restrictions.

(a) It is unlawful for a licensee to admit or permit the admission of any person under eighteen (18) years of age into any sexually oriented business.

(b) It is unlawful for any person to sell, barter, give or offer for sale, barter or gift, to any person under eighteen (18) years of age any service, material, device or thing sold or offered for sale by any adult store or adult motion picture theater.

(c) Employees of any sexually oriented business shall be at least eighteen (18) years of age. (Prior code 11-913; Ord. 11-05 §1, 2005)

Sec. 6-9-150. Conduct in sexually oriented business.

(a) No licensee or employee shall encourage or knowingly permit any person on or within the licensed premises to touch, caress or fondle the genitals, pubic region, buttocks, anus or breasts of any person.

(b) No licensee or employee shall knowingly fail to immediately report to the Police Department any criminal conduct or violation of any City ordinance or state or federal law, rule or regulation that occurs on or within the licensed premises.

(c) No person shall engage in specified sexual activities on or within a licensed premises.

(d) No licensee or employee mingling with patrons or serving food or drinks shall be unclothed or in such attire, costume or clothing so as to expose to view any specified anatomical area.

(e) No employee shall receive tips from patrons except as provided herein. 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 employees shall be placed by patrons into the tip box. The licensee shall post one (1) or more signs to be conspicuously visible to patrons in letters at least one (1) inch high to read as follows:

ALL TIPS ARE TO BE PLACED IN TIP BOX AND NOT HANDED DIRECTLY TO THE ENTERTAINER. ANY PHYSICAL CONTACT BETWEEN THE PATRON AND THE ENTERTAINER IS STRICTLY PROHIBITED.

(Prior code 11-914; Ord. 11-05 §1, 2005)

Sec. 6-9-160. Inspection.

Every licensee shall permit law enforcement officers, and any other federal, state, county or City agency in the performance of any function connected with the enforcement of this Article and normally and regularly conducted by such agency, to inspect the licensed premises for the purpose of

ensuring compliance with this Article, at any time the licensed premises are occupied or open for business. (Prior code 11-915; Ord. 11-05 §1, 2005)

Sec. 6-9-170. Employee identification.

Each licensee shall provide to the City Clerk, in writing, the full name, any aliases, date of birth and current address and telephone number of every employee of the licensee within five (5) days of employment. (Prior code 11-916; Ord. 11-05 §1, 2005)

Sec. 6-9-180. Exemptions.

Notwithstanding anything to the contrary in this Article, the following businesses and activities shall be exempt from the requirements of this Article:

(1) Any adult store which derives less than ten percent (10%) of its gross income from the sale of materials depicting specified sexual activities or specified anatomical areas, if such materials are located in a separate room or booth containing those materials only.

(2) Any college, junior college or university supported, in whole or in part, by tax revenue and offering educational programs which, for educational purposes, may include the depiction of specified sexual activities or specified anatomical areas. (Prior code 11-917; Ord. 11-05 §1, 2005)

Sec. 6-9-190. Regulations not exclusive.

Nothing contained in this Article shall limit the effectiveness or applicability of any other provisions of this Code to any sexually oriented business. (Prior code 11-918; Ord. 11-05 §1, 2005)

Sec. 6-9-200. Penalties.

(a) It is unlawful for any person, corporation or other entity to violate any provision of this Article, and any such violation shall be subject to Section 1-4-20.

(b) In the event of violation of any of the terms and regulations set forth herein, the City may obtain equitable relief, including injunctive relief, to require compliance with the provisions hereof. In the event the City is successful in obtaining injunctive or other equitable relief, the costs and attorney fees incurred by the City in such action shall be awarded to the City in addition to any other relief.

(c) Nothing contained herein shall preclude the City from enforcing the suspension and revocation provisions of this Article in addition to simultaneously or subsequently prosecuting alleged violations of this Article under this Section. (Prior code 11-919; Ord. 11-05 §1, 2005)

ARTICLE 10

Special Events

Sec. 6-10-10. Definitions.

For purposes of this Article, the following terms shall have the following meanings:

Applicant means any person who seeks a special event permit from the City to conduct or sponsor an event governed by this Article, provided that an applicant who is an individual shall be eighteen (18) years of age or older.

Athletic event means an occasion in which a group of persons collectively engage in a sport or form of physical exercise on a street or highway, including sidewalks, which obstructs, delays or interferes with the normal flow of pedestrian or vehicular traffic or does not comply with traffic laws and controls, such as bicycle and foot races.

Block party means a festive gathering on a residential street requiring the closure of a street or a portion thereof to vehicular traffic and use of the street for the festivity, including barbecues, picnics, music or games.

Carnival means any traveling commercial entertainment in which any rides, games, sideshows or contests, or any combination of the foregoing, are made available to the public.

Circus means any traveling commercial entertainment in which any acrobats, trained animals or clowns, or any combination of the foregoing, perform for the public.

Parade means a march or procession consisting of persons, animals or vehicles, or combination thereof, on any street or sidewalks which obstructs, delays or interferes with the normal flow of pedestrian or vehicular traffic or does not comply with traffic laws or controls.

Special event means a parade, athletic event, street fair, art and craft show, carnival, circus, block party, soap box derby, rally, demonstration or other outdoor event that occurs in whole or in part on any public street, sidewalk, or other property owned or leased by the City. (Prior code 11-600; Ord. 13-05 §1, 2005)

Sec. 6-10-20. Permit required; exceptions.

(a) Any person desiring to conduct a special event in the City shall first obtain a special event permit from the City Clerk.

(b) A special event permit shall not be required for the following:

(1) A parade involving a total of forty (40) or fewer pedestrians marching along a route that is restricted to sidewalks and crosses streets only at pedestrian crosswalks in accordance with traffic regulations and controls; pedestrians participating in such parades shall cross streets in groups of fifteen (15) people or less and shall allow vehicles to pass between each group.

(2) A funeral procession.

(3) Any special event organized or sponsored by the City. (Prior code 11-601; Ord. 13-05 §1, 2005)

Sec. 6-10-30. Application.

(a) Application for a special event permit shall be made to the City Clerk on forms supplied by the City Clerk.

(1) The application shall be submitted not less than twenty (20) business days nor more than one (1) year before the event date.

(2) An applicant desiring to obtain a special event permit for a block party may request from the City Clerk an exemption from the time limitations set forth in Subsection (a)(1). The City Clerk shall base his or her determination of whether to grant the requested exemption on a good-faith estimate of the amount of time required to process the special event permit.

(b) The application shall be accompanied by a nonrefundable application fee of one hundred fifty dollars (\$150.00). Nonprofit organizations and applicants for a special event permit for a block party shall be exempt from the application fee.

(c) The application shall be accompanied by an indemnification agreement in a form approved by the City Attorney, in which the applicant agrees to reimburse the City for any costs incurred by the City in repairing damage to City property occurring in connection with the special event caused by the applicant, its officers, employees or agents, and agrees to defend the City against, and indemnify and hold the City and its officers and employees harmless from any liability to any persons resulting from any damage or injury occurring in connection with the event proximately caused by the actions of the permittee, its officers, employees or agents, or any person under its control.

(d) The City Clerk may also require the applicant to possess or obtain general liability insurance or special events liability insurance naming the City, its officers and employees as additional insureds. The City Clerk's determination shall be based upon:

(1) The anticipated number of participants and spectators and the nature of the event;

(2) The risks of bodily injury and property damage; and

(3) The physical characteristics of the proposed site.

(e) If insurance coverage is required, a copy of the policy or a certificate of insurance, along with all necessary endorsements, shall be filed with the City Clerk no less than ten (10) days before the date of the event unless the City Clerk for good cause changes the filing deadline.

(f) The insurance requirement shall be waived by the City Clerk for nonathletic events if the applicant or an officer of the sponsoring organization signs a verified statement that the event's purpose is First Amendment expression, and that the cost of obtaining insurance is so financially burdensome that it would constitute an unreasonable burden on the right of First Amendment expression or that it has been impossible to obtain insurance coverage, and the statement includes the name and address of one (1) insurance agent or other source for insurance coverage contacted to

determine rates for insurance coverage. (Prior code 11-602; Ord. 13-05 §1, 2005; Ord. 01-08 §1, 2008)

Sec. 6-10-40. Issuance.

(a) The City Clerk may approve, approve with conditions or deny an application. The denial or conditional approval of an application shall be based on one (1) or more of the following grounds:

(1) Information contained in the application or supplemental information is found to be false in any material detail;

(2) Another special event permit application has been received prior in time, or has already been approved, to hold another event at the same time and place requested by the applicant or so close in time and place as to cause undue traffic congestion, or the Police Department is unable to meet the needs for police services for both events;

(3) The time, route or size of the event will substantially interrupt the safe and orderly movement of traffic on or contiguous to the event site or route or will disrupt the use of a street or highway at a time when it is usually subject to traffic congestion;

(4) The size, nature or location of the event will present a substantial risk to the health or safety of the public or event participants;

(5) The size of the event will require diversion of so great a number of peace officers to ensure that participants stay within the boundaries or route of the event, or to protect participants in the event, as to prevent normal protection to the rest of the City the number of peace officers available to police the event;

(6) The location of the event will substantially interfere with construction or maintenance work scheduled to take place on any public right-of-way;

(7) The event is scheduled to occur before the hour of 9:00 a.m. or after the hour of 9:00 p.m.;

(8) The event is scheduled to occur at a time when a school is in session at a location adjacent to the school, and the noise created by the event would substantially disrupt the educational activities of the school;

(9) The event involves the use of hazardous, combustible or flammable materials which could create a fire hazard, or other materials that could create a public hazard; or

(10) The applicant has previously held a special event in the City that was the subject of a citation for violations of this Code.

(b) The City Clerk may impose reasonable conditions on the issuance of a special event permit, including but not limited to:

(1) Alteration of the date, time, route or location of the event;

(2) Conditions concerning the area of assembly and disbanding of parades or other events occurring along a route;

(3) Conditions concerning accommodation of pedestrian and vehicular traffic, including but not limited to: restricting parking to areas specified by the City; restricting the event to only a portion of a public street, sidewalk or other public property; and the use of traffic cones, barricades or other traffic-control devices to be provided, placed and removed by the permittee at its expense;

(4) Requirements for provision of first aid or sanitary facilities;

(5) Requirements for arrangement of supplemental police or fire protection personnel to be present at the event at the permittee's expense;

(6) Requirements for use of event monitors and providing notice of permit conditions to event participants;

(7) Restrictions on the number and type of vehicles, animals or structures at the event and inspection and approval of floats, structures and decorated vehicles for fire safety by the Fire Department;

(8) Requirements for use of garbage containers, cleanup and restoration of City property;

(9) Restrictions on the use of amplified sound;

(10) Notice to the residents of dwellings along the affected street, if the special event permit is for a block party; and

(11) Compliance with any other applicable laws or ordinances, and obtaining any legally required permit or license. (Prior code 11-603; Ord. 13-05 §1, 2005)

Sec. 6-10-50. Appeal.

Any decision of the City Clerk under this Article may be appealed to the City Council following the procedures outlined in Section 6-1-130. (Prior code 11-604; Ord. 13-05 §1, 2005)

Sec. 6-10-60. Traffic control.

(a) Upon issuance of a special event permit, the City Clerk shall provide the permittee with an estimated cost of traffic control. The permittee shall remit the estimated amount to the City Clerk no later than five (5) days prior to the event. Traffic-control fees shall be computed based on an overtime rate as determined by the Chief of Police

(b) Traffic control includes clearing the event route or site of unauthorized vehicles, diversion of traffic around the event, and directing pedestrian and vehicular traffic along the route of an event.

(c) If the actual cost for traffic control on the date of the event is less than the estimate, the difference will be promptly refunded to the permittee. If the actual cost for traffic control is more than the estimate, the City shall bill the difference to the permittee, and payment shall be due within ten (10) days of the date of the bill.

(d) The City Clerk shall pre-establish several event routes within the City which may be, but are not required to be, used by permittees. The routes shall specify the number of officers and traffic-control devices or marshals needed for traffic control on the routes, if any. Such pre-established routes and the fee schedule for traffic-control services shall be made available to the public.

(e) Traffic-control fees shall be waived for nonathletic events if the applicant signs a verified statement that the event's purpose is First Amendment expression and that the cost of traffic-control fees is so financially burdensome that it would constitute an unreasonable burden on the right of First Amendment expression, and the applicant selects one (1) of the pre-established event routes. (Prior code 11-605; Ord. 13-05 §1, 2005)

Sec. 6-10-70. Cleanup deposit.

(a) For an event involving food or beverage sales, erection of structures, presence of large animals or erection of water aid stations, the applicant shall provide a cleanup deposit prior to the issuance of a permit, in the amount established by the City Clerk.

(b) The cleanup deposit shall be returned after the event if the event area has been restored to the same condition as it existed prior to the event.

(c) If the property used for the event has not been properly cleaned or restored, the applicant shall be billed for the actual cost to the City for cleanup and restoration, and the cleanup deposit shall be applied toward payment of the bill. Any unexpended balance shall be refunded to the permittee. Should the costs exceed the deposit, the City shall bill the difference to the permittee, and payment shall be due within ten (10) days of the date of the bill. (Prior code 11-606; Ord. 13-05 §1, 2005)

Sec. 6-10-80. Duties of permittee.

(a) The permittee shall comply with all terms and conditions of the special event permit.

(b) The permittee shall ensure that the person leading a parade or other event along a route, or the person in charge of any other event, carries the special event permit on his or her person for the duration of the event.

(c) The permittee shall ensure that the area used for the event is cleaned and restored to the same condition as existed prior to the event, immediately following the completion of the event. (Prior code 11-607; Ord. 13-05 §1, 2005)

Sec. 6-10-90. Violations.

(a) It is unlawful for any person to sponsor or conduct a special event requiring a special event permit without a valid special event permit. It is unlawful for any person to participate in such an event with the knowledge that the sponsor of the event has not been issued a permit.

(b) It is unlawful for any person to interfere with or disrupt a lawful parade, athletic event or other special event.

(c) It is unlawful for a permittee to violate the terms and conditions of a special event permit, or for any event participant with knowledge thereof to willfully violate the terms and conditions of the special event permit. (Prior code 11-608; Ord. 13-05 §1, 2005)