

CHAPTER 9

Licenses, Permits and Miscellaneous Business Regulations

<b>Article I</b>	<b>General Business License</b>	
	Sec. 9-1	License required..... 9-1
	Sec. 9-2	License fee..... 9-1
	Sec. 9-3	Amendment of license; fee ..... 9-1
	Sec. 9-4	Purpose of license; no defense..... 9-1
<b>Article II</b>	<b>Licensing Procedures Generally</b>	
	Sec. 9-11	Applications..... 9-1
	Sec. 9-12	Contents of licenses ..... 9-2
	Sec. 9-13	Issuance of license ..... 9-2
	Sec. 9-14	Record of licenses ..... 9-2
	Sec. 9-15	Term of license ..... 9-2
	Sec. 9-16	Renewals..... 9-2
	Sec. 9-17	Renewal of licenses which require City Council action..... 9-2
	Sec. 9-18	Prorating license fees ..... 9-2
	Sec. 9-19	Posting and exhibition ..... 9-2
	Sec. 9-20	Transfers ..... 9-2
	Sec. 9-21	Revocation ..... 9-2
	Sec. 9-22	Return of fees..... 9-3
<b>Article III</b>	<b>Alcoholic Beverages</b>	
	Sec. 9-31	Defined ..... 9-3
	Sec. 9-32	Application ..... 9-3
	Sec. 9-33	Application fees ..... 9-3
	Sec. 9-34	License and permit fees ..... 9-3
	Sec. 9-35	Distance restrictions..... 9-3
	Sec. 9-36	Delegation of authority to City Clerk..... 9-3
	Sec. 9-37	Parties in interest..... 9-4
<b>Article IV</b>	<b>Amusements</b>	
	Sec. 9-51	License; fee..... 9-4a
<b>Article V</b>	<b>Auctioneers</b>	
	Sec. 9-61	License..... 9-5
<b>Article VI</b>	<b>Cable Communications</b>	
	Sec. 9-71	Definitions ..... 9-5
	Sec. 9-72	Permit required ..... 9-5
	Sec. 9-73	Unauthorized connections..... 9-5
	Sec. 9-74	Unauthorized interference..... 9-5
<b>Article VII</b>	<b>Pawnbrokers</b>	
	Sec. 9-81	Definitions ..... 9-5
	Sec. 9-82	License required..... 9-6
	Sec. 9-83	Application ..... 9-6
	Sec. 9-84	Application fee..... 9-6
	Sec. 9-85	Investigation ..... 9-6
	Sec. 9-86	Denial; suspension; revocation ..... 9-6
	Sec. 9-87	Transferability; change of ownership; change of corporate structure ..... 9-7
	Sec. 9-88	Manager; change of manager..... 9-7
	Sec. 9-89	Expiration and annual renewal..... 9-7
	Sec. 9-90	Annual license fee..... 9-8

	Sec. 9-91	Bond required.....	9-8
	Sec. 9-92	Approval by City Council .....	9-8
	Sec. 9-93	Transaction fee; reporting.....	9-8
	Sec. 9-94	Interest rate; commission.....	9-8
	Sec. 9-95	Books and records .....	9-8
	Sec. 9-96	Videotape requirement .....	9-9
	Sec. 9-97	Property held; time limit; sale of unredeemed articles .....	9-9
	Sec. 9-98	Unlawful transactions.....	9-10
	Sec. 9-99	Unlawful to pawn certain items.....	9-10
	Sec. 9-100	Safekeeping; insurance.....	9-10
	Sec. 9-101	Accepting lost or stolen articles .....	9-10
	Sec. 9-102	Liability for pledged property .....	9-11
	Sec. 9-103	Removal of place of business .....	9-11
	Sec. 9-104	Investigation; right of entry .....	9-11
<b>Article VIII</b>	<b>Vendors and Solicitors</b>		
	Sec. 9-111	Restriction from going on private premises.....	9-11
	Sec. 9-112	Noncommercial door-to-door solicitation .....	9-11
	Sec. 9-113	License required .....	9-12
	Sec. 9-114	Definitions.....	9-12
	Sec. 9-115	Insurance .....	9-12
	Sec. 9-116	Restrictions.....	9-12
<b>Article IX</b>	<b>Solid Waste Transporters</b>		
	Sec. 9-121	License required .....	9-13
	Sec. 9-122	Definitions.....	9-13
	Sec. 9-123	Application; fee.....	9-13
<b>Article X</b>	<b>Contractor Licenses</b>		
	Sec. 9-131	Definitions.....	9-13
	Sec. 9-132	Required .....	9-14
	Sec. 9-133	Exemptions.....	9-14
	Sec. 9-134	Application.....	9-14
	Sec. 9-135	Fees .....	9-14
	Sec. 9-136	Bond.....	9-14
	Sec. 9-137	Content.....	9-15
	Sec. 9-138	Nonassignability.....	9-15
	Sec. 9-139	Exhibition.....	9-15
	Sec. 9-140	Suspension; revocation; nonrenewal .....	9-15
	Sec. 9-141	Hearing procedure .....	9-15
	Sec. 9-142	Penalty for violation .....	9-16
<b>Article XI</b>	<b>Marijuana Businesses</b>		
	Sec. 9-151	Purpose and intent .....	9-16
	Sec. 9-152	Definitions.....	9-16
	Sec. 9-153	Licensing Authority created .....	9-17
	Sec. 9-154	Composition of Authority .....	9-17
	Sec. 9-155	Functions of Authority .....	9-17
	Sec. 9-156	License required; term of license; renewal application .....	9-17
	Sec. 9-157	Application requirements; payment of application fee.....	9-18
	Sec. 9-158	Denial of application .....	9-19
	Sec. 9-159	Hearings required .....	9-19
	Sec. 9-160	Persons prohibited as licensees .....	9-20
	Sec. 9-161	Locational criteria.....	9-20
	Sec. 9-162	Operation limitations .....	9-21
	Sec. 9-163	Signage.....	9-21
	Sec. 9-164	Prohibited acts .....	9-21

Sec. 9-165	Inspection of licensed premises . . . . .	9-22
Sec. 9-166	Suspension or revocation of license . . . . .	9-23
Sec. 9-167	Violations and penalties . . . . .	9-23
Sec. 9-168	No City liability; indemnification; no defense. . . . .	9-23

**Article XII Purchasers of Valuable Articles**

Sec. 9-181	Definitions . . . . .	9-24
Sec. 9-182	Purchaser to identify seller . . . . .	9-24
Sec. 9-183	Purchases prohibited . . . . .	9-24
Sec. 9-184	Purchaser to maintain register and obtain declaration of seller's ownership . . . . .	9-24
Sec. 9-185	Holding period . . . . .	9-25
Sec. 9-186	Reports required. . . . .	9-25
Sec. 9-187	Penalty . . . . .	9-25
Sec. 9-188	Applicability; exceptions . . . . .	9-25

**Article XIII Public Events**

Sec. 9-201	Permit required. . . . .	9-26
Sec. 9-202	Permit application . . . . .	9-26
Sec. 9-203	Application fee . . . . .	9-26
Sec. 9-204	Review process . . . . .	9-26
Sec. 9-205	Revocation . . . . .	9-27



## ARTICLE I

### General Business License

#### Sec. 9-1. License required.

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

- (1) Any manufacture, fabrication, repair, assembly, sale, rental, transfer or furnishing of any goods or services, including professional services, entertainment and amusement, in exchange for consideration of any kind whatever, including cash or other thing of value, at retail or wholesale; and
- (2) Any advertising for, or any attempt or offer to perform, any of the activities or transactions described in Paragraph (1) above.

(B) The following shall be exempt from the requirements of this Article, unless a license is specifically required elsewhere in this Chapter:

- (1) Any business without a physical location in the City, unless required elsewhere in this Chapter;
- (2) Any individual or entity maintaining or offering for rent up to five (5) units, residential or commercial in use, whether attached or detached, provided that the individual or entity offering the same for rent owns the property being offered;
- (3) Any nonprofit organization whose status as such has been verified by the City Clerk; and
- (4) Governmental entities and their subdivisions, including schools and school-affiliated or school-sponsored organizations.

(C) A separate license shall be required for each person subject to the requirements of this Article, and a separate license shall be required for each location at which any business subject to this Article is carried on. (Ord. 8 §1, 2006)

#### Sec. 9-2. License fee.

Each application for a new or renewal license shall be accompanied by an annual license fee as set forth in the City's fee schedule. If for any reason the license or any renewal thereof is not issued, the fee shall be refunded to the applicant. (Ord. 8 §1, 2006)

#### Sec. 9-3. Amendment of license; fee.

If ownership of any licensed business is transferred or the location thereof changes, or if the mailing address of the licensee changes, during the calendar year, the licensee shall report the same to the City Clerk, who shall, upon receipt of such report and payment by the licensee of an amendment fee as set forth in the City's fee schedule, reissue the license with the new information set forth thereon. (Ord. 8 §1, 2006)

#### Sec. 9-4. Purpose of license; no defense.

The purpose of this Article is to identify and maintain current basic identification information about persons engaged in businesses, trades and professions in the City. The issuance of a license pursuant to this Article shall not cure or furnish a defense to any alleged violation by the licensee of any other provision of this Code, of any other ordinance or regulation of the City or of any state or federal law or regulation. (Ord. 8 §1, 2006)

#### Sec. 9-5—9-10. Reserved.

## ARTICLE II

### Licensing Procedures Generally

#### Sec. 9-11. Applications.

The application for every license required by and issued under authority of the City shall contain:

- (1) The name of the person, firm or corporation desiring such license;
- (2) The residence address of such applicant or, in the case of a firm or corporation, the address of the principal place of business;
- (3) The kind of license desired, stating the business, trade or profession to be performed, practiced or carried on;

- (4) The street address, if any, where such business is to be carried on;
- (5) The year for which such license is sought; and
- (6) Any other relevant information required by the terms of the provisions pertaining to the particular license sought.

(Ord. 8 §1, 2006)

**Sec. 9-12. Contents of licenses.**

Each license shall show upon its face the name of the person to whom it has been issued, the street address where any business is to be carried on, the kind of license, the amount paid therefor, the year for which such license is issued and any other information required by this Code to be displayed thereon.

(Ord. 8 §1, 2006)

**Sec. 9-13. Issuance of license.**

Upon receipt of the application containing the information required by this Article, payment of the annual fee therefor in advance, the execution and delivery of any bond or insurance that may be required, the approval of the application for the license where the same is required, and the fulfillment of all other specific requirements relating to the issuance of the particular license, the City Clerk shall issue and deliver to the applicant the license applied for.

(Ord. 8 §1, 2006)

**Sec. 9-14. Record of licenses.**

The City Clerk shall keep a record of all licenses issued, setting forth the name of every licensee, the place of business licensed, if any, and the kind of license issued.

(Ord. 8 §1, 2006)

**Sec. 9-15. Term of license.**

All licenses, except as otherwise provided by this Code or state law, shall be issued on a calendar year basis and shall expire with the calendar year for which issued.

(Ord. 8 §1, 2006)

**Sec. 9-16. Renewals.**

Any licensee may make application for a new license for the succeeding year and pay the required fee therefor, on or before the expiration date of any license issued to him or her for the current year. Whenever any application and license fee payment therefor are not received on or before the expiration date of any license

issued for the current year, and the licensee continues to engage in the business or activity for which the license was issued, a penalty of fifty (50) percent of the amount of the license fee shall be added and collected, and an additional twenty (20) percent of the original fee shall be added on the last day of each calendar month after the expiration date. In addition to the above penalty provision, it is unlawful for a licensee to continue to engage in any business or activity after his or her license therefor has expired.

(Ord. 8 §1, 2006)

**Sec. 9-17. Renewal of licenses which require City Council action.**

An application for renewal of a license which requires action by the City Council shall be submitted not later than forty-five (45) days prior to its expiration.

(Ord. 8 §1, 2006)

**Sec. 9-18. Prorating license fees.**

The stated license fee shall be for the calendar year in which the license is issued, unless provided otherwise, and there shall be no reduction or proration of fees where the license is applied for after the first of the calendar year.

(Ord. 8 §1, 2006)

**Sec. 9-19. Posting and exhibition.**

Every license for a business to be conducted at a particular street address shall be posted therein during the period such license is valid. It shall be the duty of each and every person to whom a license has been issued by the City to exhibit the same upon the request of any law enforcement officer, inspector or other officer of the City.

(Ord. 8 §1, 2006)

**Sec. 9-20. Transfers.**

No license may be transferred from one (1) person to another, or from one (1) place to another.

(Ord. 8 §1, 2006)

**Sec. 9-21. Revocation.**

The City Council may, upon seven (7) calendar days' written notice to a licensee stating the contemplated action and, in general, the grounds therefor, and after a reasonable opportunity for the licensee to be heard, revoke any license issued by the City if it finds that:

- (1) The licensee has failed to pay the annual license fee;

(2) The licensee has failed to file any report or furnish any other information that may be required by the provisions relating to the specific license;

(3) The licensee has violated any of the terms of the provisions pertaining to his or her license or any regulation or order lawfully made relating thereto; or

(4) Any fact or condition exists which, if it had existed or had been known to exist at the time of the application for such license, would have warranted the refusal of the issuance of such license.

(Ord. 8 §1, 2006)

**Sec. 9-22. Return of fees.**

Upon refusal of any license, the fee therefor paid in advance shall be returned to the applicant. In the event that any license is revoked, all money paid therefor shall be and remain the money of the City and no refund shall be made to any licensee.

(Ord. 8 §1, 2006)

**Secs. 9-23—9-30. Reserved.**

**ARTICLE III**

**Alcoholic Beverages**

**Sec. 9-31. Defined.**

As required by this Article, a new license shall be considered to be a license issued for a location not theretofore licensed for the sale at retail of alcoholic beverages, or for a business not being operated at the time of application under a license of the same type.

(Ord. 8 §1, 2006)

**Sec. 9-32. Application.**

(A) Required. An application for any new license shall be filed with the Local Licensing Authority on forms provided by the State Licensing Authority and the Local Licensing Authority, containing such information as either authority may require.

(B) Verification. Each application shall be verified by oath or affirmation of such person as prescribed by the State Licensing Authority.

(Ord. 8 §1, 2006)

**Sec. 9-33. Application fees.**

(A) The fees to be paid as an application fee for the issuance of a license under this Article are the maximum amounts provided in Title 12, Articles 47 and 48, C.R.S., as amended.

(B) Each applicant shall pay a nonrefundable investigation fee at the time the application is filed in the amount then charged by the Colorado Department of Public Safety for each person who will be investigated. The Police Department shall furnish the results of such investigation to the City Clerk, together with a recommendation with respect to the granting or denial of the license, and reasons therefor.

(Ord. 8 §1, 2006)

**Sec. 9-34. License and permit fees.**

The license and permit fees shall be paid, in advance, to the City for a license and shall be of the maximum amounts provided in Title 12, Articles 47 and 48, C.R.S., as amended.

(Ord. 8 §1, 2006)

**Sec. 9-35. Distance restrictions.**

(A) The distance restriction with regard to elementary schools imposed by Section 12-47-313(1)(d)(I), C.R.S., as amended, is reduced to one hundred seventy-five (175) feet for the following classes of liquor licenses:

- (1) Hotel and restaurant licenses; and
- (2) Brew pub licenses.

(B) The distance is to be computed by direct measurement from the nearest property line of the land used for school purposes to the nearest portion of the building in which liquor is to be sold, using a route of direct pedestrian access, measured as a person would walk safely and properly, without trespassing, with right angles at crossings and with the observance of traffic regulations and lights.

(C) Pursuant to the express terms of Section 12-47-313(1)(d), C.R.S., the distance requirements imposed thereby do not apply to licenses to sell fermented malt beverages (3.2% beer). In the event that the Colorado Liquor Code is amended to impose distance requirements upon licenses to sell fermented malt beverages

ages, such distance requirements shall be incorporated into this Code only by the affirmative action of the Council, acting by ordinance.  
(Ord. 8 §1, 2006; Ord. 1, §2, 2010)

**Sec. 9-36. Delegation of authority to City Clerk.**

(A) The City Clerk is hereby vested with authority to review and approve applications for liquor license renewals, special event licenses, transfers of ownership and temporary permits.

(B) The City Clerk shall not approve any such application unless all of the following are met:

- (1) The applicant has timely submitted a complete application and the payment of all fees.
- (2) The Police Department has reviewed the application and provided written comments that contain no objection concerning the application.
- (3) There exist no facts or information on the application illustrating reasonable grounds or good cause to deny the application.
- (4) There have been no violations of the Colorado Beer or Liquor Code by the applicant in the previous two (2) years.

(C) In addition, before approval, the City Clerk shall confirm the following when appropriate:

- (1) For special event licenses:
  - (a) Timely and proper posting of a conspicuous public notice sign as required by Article 48, Title 12, C.R.S., as amended.
  - (b) Whether the applicant satisfies the eligibility criteria set for in Article 48, Title 12, C.R.S., as amended.
  - (c) After investigation, no sufficient grounds for denial appear to exist and no protests have been filed by affected persons.
  - (d) That the applicant has not exceeded and does not propose to exceed the maximum number of special event calendar days permitted by Article 48, Title 12, C.R.S., as amended.

(2) For temporary permits:

- (a) Timely filing of a complete application and payment of all fees for the transfer of the corresponding liquor license.
- (b) Whether the premises subject to the proposed permit is currently subject to a valid liquor license.

(D) In the event the City Clerk cannot or will not approve any application, the City Clerk shall automatically and promptly schedule the application for consideration by the City Council, acting as the Liquor Licensing Authority, at its next regular meeting.

(E) Any applicant dissatisfied with a decision of the City Clerk under this Section may appeal the same to the City Council by filing a written protest with the City Clerk within ten (10) days after the date of the decision being appealed. The City Clerk shall promptly set the appeal before the City Council at its next regular meeting.

(F) The City Clerk may, for good cause, waive the forty-five-day time requirement for filing a license renewal application.

(G) The City Clerk shall regularly report to the City Council in a timely manner all licensing actions taken by the City Clerk under the provisions of this Article.

(H) The City Clerk shall report the issuance of any special event permit to the State Liquor Enforcement Division in accordance with the requirements of Article 48, Title 12, C.R.S.  
(Ord. 8 §1, 2006; Ord. 3 §§2, 3, 2011; Ord. 7 § 2, 2014)

**Sec. 9-37. Parties in interest.**

At any public hearing held before the Liquor Authority, any party in interest shall be allowed to present evidence and to cross-examine witnesses. As used in this Section, *party in interest* means any of the following:

- (1) The applicant.
- (2) An adult resident of the neighborhood under consideration.

(3) The owner or manager of a business located in the neighborhood under consideration.

(4) The principal or representative of any school located within five hundred (500) feet of the premises for which a malt, vinous or spirituous liquor license is under consideration.

(5) A representative of an organized neighborhood group that encompasses part or all of the neighborhood under consideration.

(6) Any member of the City staff, including but not limited to the City Administrator, the City Attorney, the City Planner, the Chief of Police or representative thereof.

(Ord. 8 §1, 2006)

**Secs. 9-38—9-50. Reserved.**

#### **ARTICLE IV**

##### **Amusements**

**Sec. 9-51. License; fee.**

(A) Required. It is unlawful for any person to manage, operate or maintain any dance hall, theater, show, exhibition, game of skill, pool table, billiard table, bowling alley, miniature train, shooting gallery or any other premises, game or device for the amusement or entertainment of persons for profit, within the City, without first obtaining a license therefor.

(B) Fees. There shall be an annual fee, set forth in the City's fee schedule, for all licenses required by this Section, payable at the time of application for issuance or renewal.

(Ord. 8 §1, 2006)

**Secs. 9-52—9-60. Reserved.**



\$100 Fee  
\$300 Bond

**Sec. 9-61. License.**

(A) Required; exception. It is unlawful for any person to sell any property at public auction within the City without first obtaining a license therefor. This Section shall not be construed to apply to sales made at public auction under and by virtue of any legal process or court proceeding, or to sales under any mortgage or trust deed, or to sales by persons selling their own household goods and furniture at their home.

(B) Fees. There shall be a fee, set forth in the City's fee schedule, for a license to carry on the business of auctioneer in the sale of goods and merchandise, payable at the time of application for issuance or renewal.

(C) Bond required. No such license shall be granted until the applicant therefor has executed a bond to the City in the amount of one thousand dollars (\$1,000.00), with security to be approved by the City Clerk, or other amount at the sole discretion of the City Clerk. Said bond shall be conditioned that the applicant will observe all laws of the City and the State relating to such sales, and will be released only upon receipt by the City Clerk of proof that the licensee has paid all sales tax resulting from the auction.  
(Ord. 8 §1, 2006)

**Sec. 9-62—9-70. Reserved.**

**ARTICLE VI**

**Cable Communications**

**Sec. 9-71. Definitions.**

For the purposes of this Article the definitions of terms in this Article shall be as described in the permit agreement referenced in this Article.  
(Ord. 8 §1, 2006)

**Sec. 9-72. Permit required.**

It is unlawful for any person to construct, install or maintain within any public property of the City, or within any privately owned area within the City which has not yet become a public street but is designated or delineated as a proposed public street on any tentative subdivision map approved by the City, any equipment or facilities for distributing any television signals or radio signals through a cable television system, unless a permit authorizing such use of such street or property or

area has first been obtained, and unless such permit is in full force and effect.  
(Ord. 8 §1, 2006)

**Sec. 9-73. Unauthorized connections.**

It is unlawful for any person to make any unauthorized connection, whether physically, electrically, acoustically, inductively or otherwise, with any part of the cable communications system under any permit within this City for the purpose of enabling himself, herself or others to receive any television signal, radio signal, picture, program or sound, without payment to the operator of such system.  
(Ord. 8 §1, 2006)

**Sec. 9-74. Unauthorized interference.**

It is unlawful for any person without consent of the owner to willfully tamper with, remove or injure any cables, wires or equipment used for distribution of television signals, radio signals, pictures, programs or sound.  
(Ord. 8 §1, 2006)

**Sec. 9-75—9-80. Reserved.**

**ARTICLE VII**

**Pawnbrokers**

**Sec. 9-81. Definitions.**

For the purposes of this Article, the following definitions shall have the meanings ascribed to them unless the text clearly indicates otherwise:

*Contract for purchase.* A contract entered into between a pawnbroker and a customer pursuant to which money is advanced to a customer on the condition that a customer, for a fixed price and within a fixed period of time, to be no less than thirty (30) days, has the option to cancel said contract.

*Manager.* An individual employee of a pawnbroker who directs the business of the pawnbroker and who is in direct control of the pawnbroking business.

*Pawnbroker.* A person, partnership, corporation or other legal entity regularly engaged in the business of making contracts for purchase or purchase transactions in the course of his or her business. The term does not include secondhand dealers as defined in and regulated by Sections 18-13-114 through 18-13-118, C.R.S., as amended.

*Pawnbrokering.* The business of a pawnbroker as defined by this Section.

*Pledge or pledged property.* Any tangible personal property deposited with a pawnbroker pursuant to a contract for purchase in the course of his or her business as defined in this Section.

*Pledgor.* A customer who delivers a pledge into the possession of a pawnbroker.

*Purchase transaction.* The purchase by a pawnbroker in the course of his or her business 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.* 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 a purchase transaction.

(Ord. 8 §1, 2006)

**Sec. 9-82. License required.**

It is unlawful for any person, partnership, corporation or other legal entity to conduct the business of a pawnbroker within the City unless such person, partnership, corporation or other legal entity has first obtained a pawnbroker's license from the City.

(Ord. 8 §1, 2006)

**Sec. 9-83. Application.**

All applicants for a pawnbroker's license shall file an application for such license with the City Clerk on forms to be provided by the City Clerk. Each individual applicant, partner of a partnership, officer, director and holder of ten (10) percent or more of the corporate stock of the corporate applicant or other legal entity, and all managers shall be named in each application form; each of them shall be photographed and fingerprinted by the Police Department; and each of them shall furnish three (3) letters of character reference. Each applicant shall, in addition, furnish as an attachment to and part of such application evidence that the proposed establishment meets the requirements of the zoning regulations, proof of the applicant's right to possession of the premises wherein the business of pawnbrokering will be conducted, consent to release financial information and a

current personal financial statement or a balance sheet and income account statement for the preceding twelve-month period prior to the date of the application. Each corporate applicant shall furnish evidence that it is in good standing under the state statutes or, in the case of a foreign corporation, evidence that is currently authorized to do business in the State.

(Ord. 8 §1, 2006)

**Sec. 9-84. Application fee.**

Each applicant, whether an individual, partnership or corporation, shall pay an application fee, as set forth in the City's fee schedule, at the time of filing an application. Such application fee shall be nonrefundable.

(Ord. 8 §1, 2006)

**Sec. 9-85. Investigation.**

On receipt of a properly completed application, together with all information required in connection therewith, fingerprints and photographs, and the payment of the application and license fees, the City Clerk shall transmit the application to the Police Department for investigation of the background, character and financial responsibility of each individual applicant, the partners of a partnership, the officers, directors and holders of ten (10) percent or more of the stock of a corporation, and each person named as a manager of a proposed pawnbroker's establishment. Each applicant shall pay a nonrefundable investigation fee at the time the application is filed in the amount then charged by the Colorado Department of Public Safety for each person who will be investigated. The Police Department shall furnish the results of such investigation to the City Clerk, together with a recommendation with respect to the granting or denial of the license, and reasons therefor.

(Ord. 8 §1, 2006)

**Sec. 9-86. Denial; suspension; revocation.**

(A) The application of any applicant may be denied or, after notice and hearing, an existing license may be suspended or revoked by the City Council, if it is shown that the individual applicant, any partner of a partnership, any officer, director or holder of ten (10) percent or more of the stock of a corporate applicant or other legal entity, or any manager of a pawnbroker's establishment is not of good moral character as to reasonably assure that the operations of the pawnbroker's establishment will be conducted lawfully and in a manner which will not be detrimental to the public interest or

well-being. Having been adjudged in any civil or criminal proceeding to have indulged in business or trade practices prohibited by law, or convicted of any felony or other offense involving moral turpitude and pertinent circumstances connected therewith, shall be considered in determining whether, in fact, an individual applicant, partner, director, officer or holder of ten (10) percent or more of a corporate applicant's stock, or a manager of the pawnbroker's establishment, is a person of good moral character at the time of the application, or time of review for possible suspension or denial.

(B) The fact that an individual applicant, partnership or corporation is not financially responsible, not in good standing or not authorized to do business in Colorado may also be grounds for denial, suspension or revocation of a pawnbroker's license. As used herein, *financially responsible* means having sufficient income and assets to defray expenses and provide for liabilities of the business as they become due.

(C) Any pawnbroker found to be in violation of any of the provisions of this Article may have his or her license suspended or revoked after notice and hearing before the City Council. Such suspension or revocation shall be at the direction of the City Council; and further, at its discretion and for good cause shown at a revocation or suspension hearing, the City Council may declare the pawnbroker ineligible for relicensing for the purpose of carrying on the business of pawnbrokering within the City limits at any future time. Notwithstanding the above, a pawnbroker may apply for relicensing no earlier than three (3) months from the date of denial, and present evidence of rehabilitation at an administrative hearing before the City Council. A pawnbroker may be granted a new license, provided that the City Council finds that adequate evidence of rehabilitation was presented to show that the pawnbroker is ready to accept the responsibilities of a law-abiding and productive member of society.

(Ord. 8 §1, 2006)

**Sec. 9-87. Transferability; change of ownership; change of corporate structure.**

Licenses issued under this Article shall not be transferable. Any change in the partners of a partnership or in officers, directors or holders of ten (10) percent or more of the stock of a corporate licensee holding a pawnbroker's license shall result in termination of the license of the partnership or corporation, unless such licensee, within thirty (30) days of any such change, files a written notice of such change with the City Clerk and pays a nonrefundable fee as set forth in the City's fee schedule. Any such change shall require the names

of all new partners, officers, directors and holders of ten (10) percent or more of the corporate stock who were not previously holders of such amount of stock, all of whom shall be required to furnish, together with such notice, all of the information required from such persons in connection with an original application and three (3) letters of character reference; and each person shall be photographed and fingerprinted. Each person shall then be investigated by the Police Department as provided in Section 9-85 herein. Grounds for denial of any such transfer of corporate stock ownership, change of corporate structure or partnership and termination of the license thereon shall be the same as for denial of the license under Sections 9-86 and 9-92 of this Article.

(Ord. 8 §1, 2006)

**Sec. 9-88. Manager; change of manager.**

(A) A pawnbroker may employ a manager to operate a pawnbrokering business, provided that the pawnbroker retains complete control of all aspects of the pawnbrokering business, including but not limited to the pawnbroker's right to possession of the premises, his or her responsibility for all debts; and the pawnbroker must bear all risk of loss or opportunity for profit from the business.

(B) In the event a licensee changes the manager of a pawnbroker establishment, the licensee shall immediately report such change and register the new manager on forms provided by the City Clerk within thirty (30) days of such change. The new manager shall be photographed and fingerprinted, shall furnish three (3) letters of character reference, shall be investigated by the Police Department and shall pay a nonrefundable investigation fee in the amount then charged by the Colorado Department of Public Safety, all as provided in Section 9-85 above. The licensee shall pay a City investigation fee and a manager registration fee as set forth in the City's fee schedule. Failure of a licensee to report such a change or failure of the manager to meet the standards and qualifications as required in Sections 9-86 and 9-92 herein may be grounds for termination of the license.

(Ord. 8 §1, 2006)

**Sec. 9-89. Expiration and annual renewal.**

Each license issued pursuant to this Article shall be for a period of one (1) year from the date of issuance, and an application for renewal shall be filed not less than thirty (30) days prior to the expiration of the period for which the license is issued. A late renewal may be approved by the City Clerk if good cause is shown for the late filing of the renewal application. Copies of the

pawnbroker's balance sheets and income statements for the preceding twelve-month period shall be submitted with each renewal application. When an application for renewal is received in proper form by the City Clerk, together with a nonrefundable renewal application fee as set forth in the City's fee schedule, the City Clerk shall refer the renewal application to the Police Department for investigation and its recommendation with respect to the approval or denial of the renewal application. An investigation shall be made by the Police Department unless the Chief of Police or his or her designee, in his or her discretion, deems an investigation unnecessary and elects to recommend approval without such investigation.

(Ord. 8 §1, 2006)

**Sec. 9-90. Annual license fee.**

There shall be an annual license fee for carrying on the business of pawnbroking as set forth in the City's fee schedule, payable at the time the initial application for a license is filed or at the time a renewal application is filed. Annual license fees shall be nonrefundable unless an application is denied.

(Ord. 8 §1, 2006)

**Sec. 9-91. Bond required.**

Every applicant for a pawnbroker's license shall furnish a bond with a responsible surety, to be approved by the City Clerk, in the amount of ten thousand dollars (\$10,000.00) for the benefit of the people of the City, conditioned upon the safekeeping or return of all tangible personal property held by the pawnbroker, as required by law and ordinance, and the due observance of the provisions of this Article. No license shall be issued or renewed absent such approved bond. Termination or cancellation of an approved bond shall be grounds for summary suspension of the license and for subsequent revocation if a new bond is not furnished within thirty (30) days after demand by the City Clerk.

(Ord. 8 §1, 2006)

**Sec. 9-92. Approval by City Council.**

The City Council shall have final authority to approve or deny any application or application for renewal, and to review any determination of the City Clerk and the Police Department made with respect thereto. The City Council in its discretion may issue the license or reject the application upon the basis of the criteria heretofore set forth, the recommendations of the Police Department, the findings of the City Clerk and its determination of whether the applicant has made a sufficient showing of good moral character, financial

responsibility, experience and general fitness to command the confidence of the public and to warrant the belief that the business will be operated lawfully, honestly and efficiently.

(Ord. 8 §1, 2006)

**Sec. 9-93. Transaction fee; reporting.**

(A) In addition to all other fees required by this Article, every pawnbroker shall pay to the City a transaction fee for each transaction involving a contract for purchase or purchase transaction. The transaction fee shall be as set forth in the City's fee schedule.

(B) For the purpose of calculating said transaction fees, a parcel of articles offered as one (1) item and purchased for one (1) set price shall be considered to be one (1) item. A transaction shall be limited to no more than three (3) items of tangible personal property.

(C) Transaction fees shall be paid monthly, due by the tenth day of each month for transactions in the previous month. If, for any month, no transaction fee is due, the pawnbroker shall report same to the City Clerk. Delinquency in payment of transaction fees or reporting no fees due may be considered grounds for suspension or revocation of the pawnbroker license.

(Ord. 8 §1, 2006)

**Sec. 9-94. Interest rate; commission.**

No pawnbroker shall ask, demand or receive any rate of interest, commission and compensation greater than the total rate of twenty (20) percent of the original purchase price for each month, plus the original purchase price. No other charges shall be made by the pawnbroker upon renewal of any contracts for purchase or at any other time. In the event any such charges are made, the contract shall be void. Any contract for the payment of commissions by the customer for making a contract for purchase on tangible personal property shall be null and void. Violation of this Section may be grounds for revocation or suspension of the pawnbroker's license.

(Ord. 8 §1, 2006)

**Sec. 9-95. Books and records.**

(A) A pawnbroker shall keep an alphabetical index of the names of customers and a numerical register in which he or she shall legibly record the following information in the English language in ink, and contemporaneously with each contract for purchase or purchase transaction:

- (1) The name of the customer.

- (2) The address of the customer.
- (3) The date of birth of the customer.
- (4) The social security number of the customer.
- (5) The number of the customer's valid Colorado driver's license, or one (1) of the following alternative forms of identification:
  - (a) Valid Colorado identification card;
  - (b) A valid driver's license with photograph, issued by another state;
  - (c) Military identification card;
  - (d) Valid passport;
  - (e) Alien registration card;
  - (f) An identification document with no photograph, issued by the state or federal government, if the pawnbroker obtains a clear imprint of the customer's right index finger.
- (6) The date, time and place of the contract for purchase or purchase transaction.
- (7) An accurate, detailed account and description of each item of tangible personal property, including but not limited to any trademark, identification number, serial number, model number, brand name or identifying marks on such property.
- (8) The signature of the customer.

(B) The pawnbroker shall obtain a written declaration of the customer's ownership which shall state that the tangible personal property is totally owned by the customer, how long the customer has owned the property, whether the customer or someone else found the property and, if the property was found, the details of the finding. The customer shall sign his or her name in the register and on the declaration of ownership and receive a copy of the contract for purchase or a receipt of the purchase transaction.

(C) The pawnbroker shall keep the register for at least three (3) years after the date of the last transaction entered in the register. The register shall be kept in a place which is reasonably safe from destruction or theft.

(D) Such register and other books and records of the pawnbroker shall be open to the inspection of any Idaho Springs police officer. Upon the demand of such officer, the pawnbroker shall produce and show any tangible personal property given to the pawnbroker in

connection with any contract for purchase or purchase transaction. The pawnbroker's books shall list the date on which each contract for purchase was cancelled, whether it was redeemed or forfeited and sold.

(E) Every pawnbroker shall provide the Police Department with records, on forms approved by the Police Department, of all tangible personal property accepted by the pawnbroker pursuant to a contract for purchase or a purchase transaction, and copies of each customer's declaration of ownership. The form shall contain the same information required to be recorded in the pawnbroker's register pursuant to this Section. The required forms shall be mailed to the Police Department within seven (7) days of each contract of purchase or purchase transaction.

(Ord. 8 §1, 2006)

#### **Sec. 9-96. Videotape requirement.**

Every pawnbroker shall videotape all transactions, including those which do not result in a contract for purchase or purchase transaction. The videotape shall be in a format approved by the Police Department and of such quality that it clearly displays an identifiable frontal image of the customer. Any such videotape shall be kept by the pawnbroker for a minimum of ninety (90) days and shall be subject to police review. If the videotape contains photographic evidence, it shall be held until its destruction is authorized by the Police Department.

(Ord. 8 §1, 2006)

#### **Sec. 9-97. Property held; time limit; sale of unredeemed articles.**

(A) The pawnbroker shall hold tangible personal property purchased by him or her through a purchase transaction for thirty (30) days following the date of purchase, during which time such property shall be held separate and apart from any other tangible personal property and shall not be changed in form or altered in any way.

(B) The pawnbroker shall hold all tangible personal property pledged as security on a contract for purchase in his or her possession during the term of the contract for purchase, plus a period of ten (10) days following the maturity date of the contract for purchase, during which time such goods shall be held separate and apart from any other tangible personal property and shall not be changed in form or altered in any way. The date of maturity of a contract for purchase shall be deemed, for purposes of this Chapter, to be whichever of the following is the later date:

- (1) The date on which the contract for purchase is to be repaid if any portions remain unpaid on the date; or
  - (2) The date on which the last payment has been accepted by the pawnbroker.
- (Ord. 8 §1, 2006)

**Sec. 9-98. Unlawful transactions.**

(A) It is unlawful for any pawnbroker to make a contract for purchase, acquire a pawn ticket by transfer or make a purchase transaction with the following:

- (1) Any person under eighteen (18) years of age.
- (2) Any person under the influence of alcohol or any narcotic drug, stimulant or depressant.
- (3) Any person known to such pawnbroker to have been convicted of a felony involving theft, without first notifying the Police Department.
- (4) Any person whose actions would give the pawnbroker probable cause to believe the tangible personal property which is the subject of a contract for purchase or purchase transaction with that customer was obtained illegally.

(B) With respect to a contract for purchase, no pawnbroker may permit any customer to become obligated on the same day in any way under more than one (1) contract for purchase agreement with the pawnbroker which would result in the pawnbroker obtaining a greater amount of money than would be permitted if the pawnbroker and customer had entered into only one (1) contract for purchase covering the same tangible personal property;

(C) No pawnbroker shall violate the terms of any contract for purchase.  
(Ord. 8 §1, 2006)

**Sec. 9-99. Unlawful to pawn certain items.**

It is unlawful for any pawnbroker to accept in pledge, buy, sell or display in his or her place of business any switchblade knife, any knife whose blade is detachable from its handle, any knife whose blade opens by any mechanical means, any gravity knife, any throwing star, any brass or metallic knuckles or other items commonly used for and designed for the purpose of beating or striking others, any nunchaku, blackjack or billy club, property with missing or altered serial numbers or any other property which is illegal to possess.  
(Ord. 8 §1, 2006)

**Sec. 9-100. Safekeeping; insurance.**

(A) Any pawnbroker licensed and operating under the provisions of this Article shall provide a safe place for the keeping of pledged property received by him or her, and shall have sufficient insurance on the pledged property held by him or her for the benefit of the pledgor to pay one hundred (100) percent of the real value thereof in case of fire, theft or other casualty loss, which policy shall be deposited with the City Clerk prior to approval of the license. Neither the pawnbroker nor surety shall be relieved from their responsibility by reason of such fire, theft or other casualty loss, nor from any other cause, save full performance.

(B) A pawnbroker shall report the loss or theft of any weapon from the licensed premises to the Police Department within one (1) hour of discovery of such loss or theft. For the purposes of this Section, *weapon* means any handgun, long gun, assault rifle, air rifle, shotgun, spring-operated gun, crossbow, recurve bow or hunting knife.  
(Ord. 8 §1, 2006)

**Sec. 9-101. Accepting lost or stolen articles.**

(A) A pawnbroker who accepts in pledge any tangible personal property as security for a contract for purchase from one who is not the owner thereof, obtains no title in the property, either by reason of a pledgor's failure to cancel the contract for purchase or by transference of the pawn ticket to the pawnbroker by the pledgor thereof. Ignorance of the fact that the pledged property was lost or stolen shall not be construed to affect the question of title; and, if the pawnbroker sells such property to a third person, he or she shall remain liable to the original owner in any appropriate legal action. The lawful owner may, upon proving his or her ownership of the lost or stolen property, claim the same from the pawnbroker or recover the same by means of any appropriate legal action.

(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 eight (8) hours after such attempt is made, and provide a description of the person making such attempt and the property that such person attempted to contract or sell. If the pawnbroker could reasonably have had knowledge that the items offered were stolen or obtained in any other unlawful manner, then failure to notify the Police Department is a violation of this Article.  
(Ord. 8 §1, 2006)

**Sec. 9-102. Liability for pledged property.**

A pawnbroker shall be liable for the loss of pledged property or part thereof, or for injury thereto, whether caused by fire, theft, burglary or otherwise, as a result of his or her failure to exercise reasonable care in regard to it. A pawnbroker shall not be liable, in the absence of an expressed agreement to the contrary, for the loss of or injury to pledged property which could not have been avoided by the exercise of due care. Nothing herein shall affect the right of the pledgor to insurance proceeds on such property.

(Ord. 8 §1, 2006)

**Sec. 9-103. Removal of place of business.**

(A) No license shall be valid for any location other than the location for which it is issued, except as herein-after provided.

(B) Removal of a pawnbroker's place of business shall be permitted under the same license in accordance with the following procedure:

- (1) A pawnbroker wishing to move his or her place of business within the City shall give written notice thereof to the City Clerk no less than thirty (30) days prior to the date of relocation.
- (2) The City Clerk shall enter an order permitting the change and amend the license accordingly if he or she finds that the licensee has the right to possession of the proposed location and the location is reasonably accessible to the existing customers. If the City Clerk does not so find, he or she shall issue an order denying the pawnbroker such permission and notify the pawnbroker of the reason for the denial.
- (3) If permission is denied, the pawnbroker may, within ten (10) days following notice of denial, file a written request for review thereof with the City Clerk. The denial shall then be reviewed by the City Council, which shall have authority to affirm or reverse the denial.
- (4) In the event the City Clerk approves the relocation, the pawnbroker shall mail written notice to each customer with whom the pawnbroker has an existing contract for purchase. Such notice shall be mailed at least fifteen (15) days prior to the date of relocation. Any undelivered notice returned to the pawnbroker shall be retained in the records of the pawnbroker in the unopened envelope. The pawnbroker shall file an affidavit of mailing with the City Clerk, together with a sample copy of the notice of relocation.

(Ord. 8 §1, 2006)

**Sec. 9-104. Investigation; right of entry.**

(A) For the purpose of investigating violations of this Article, any Idaho Springs police officer may at any reasonable time investigate the business and examine the books, accounts, papers and records of any licensed pawnbroker, or any person, partnership or corporation which engages in the business of pawnbroking within the City.

(B) Application for or acceptance of a license by a pawnbroker under the terms and provisions of this Article shall constitute a continuing consent to entry by any Idaho Springs police officer upon the pawnbroker's premises for the purpose of investigating the business and examining the books, accounts, papers and records used therein, at any time during the term of the license, during regular business hours or whenever the pawnbroker, his or her employee or agent is upon the premises, without compliance with the provisions of this Article. Willful failure or refusal by the pawnbroker, his or her agent or employee to permit entry upon the premises by such police officer as provided herein, after presentation of credentials and demand for entry, is a violation of this provision and shall be grounds for revocation of the pawnbroker's license.

(Ord. 8 §1, 2006)

**Sec. 9-105—9-110. Reserved.****ARTICLE VIII****Vendors and Solicitors****Sec. 9-111. Restriction from going on private premises.**

It is unlawful for any person to go in, to or upon private residences in the City without having been requested or invited to do so by the owner or occupant of the private residence, for the purpose of soliciting or attempting to solicit orders for the sale of goods, wares and merchandise or services, or for the purpose of disposing of, peddling, hawking or attempting to peddle or hawk the same.

(Ord. 8 §1, 2006)

**Sec. 9-112. Noncommercial door-to-door solicitation.**

(A) It is unlawful for any person to engage in or promote, organize, order or otherwise direct others to engage in noncommercial door-to-door solicitation within the City except between the hours of 9:00 a.m. and 8:00 p.m.

(B) For purposes of this Article, *noncommercial door-to-door solicitation* shall mean the entering in or upon private properties or private residences for the purpose of personally contacting the owner or occupant to discuss, advocate, explain or promote any idea or belief of a noncommercial nature, or for the purpose of distributing printed material of a noncommercial nature without attempting to personally contact the owner or occupant.

(Ord. 8 §1, 2006)

**Sec. 9-113. License required.**

(A) It is unlawful for any vendor to sell, display or offer for sale any food, beverage, goods or merchandise without first obtaining a license from the City as provided in Article I of this Chapter. Food and beverage vendors must obtain written approval from the County Health Inspector before the City license may be issued.

(B) The following persons and entities are exempt from the provisions of this Section:

- (1) Nonprofit charitable and religious organizations whose status as such is confirmed by the state department of revenue, sales tax division; and
- (2) Governmental entities and their subdivisions, including schools and school-affiliated or school-sponsored organizations.

(C) Both food and nonfood vendors will have the same license and fee requirements.

(D) License fee requirements: Fees for licenses required by this Article shall be as set forth in the City's fee schedule.

(Ord. 8 §1, 2006; Ord. 1 §1, 2011)

**Sec. 9-114. Definitions.**

The following terms, when used in this Article, shall have the meanings ascribed to them in this Section, except where context clearly indicates a different meaning:

*Public street or sidewalk* shall include all areas legally open to public use as public streets, sidewalks, roadways, highways, parkways, alleys and any other public ways.

*Stand.* Any newsstand, table, bench, booth, rack, handcart, pushcart or any other fixture or device which is not required to be licensed and registered by the Department of Motor Vehicles, used for the display, storage or transportation of articles offered for sale by a vendor.

*Vendor.* Any person, including an employee or agent of another, who sells or offers to sell food, beverages, goods or merchandise on any public property from a stand or motor vehicle or from his or her person, or one who travels by foot, wagon, motor vehicle, pushcart or any other method of transportation from street to street to sell or offer to sell the same.

(Ord. 8 §1, 2006; Ord. 1 §2, 2011)

**Sec. 9-115. Insurance.**

No license shall be issued to an applicant who will operate from any moveable stand, as defined in Section 9-114 above, unless the applicant furnishes proof to the City of a public liability bond or insurance policy in an amount not less than one hundred thousand dollars (\$100,000.00) per incident and three hundred thousand dollars (\$300,000.00) aggregate, for property damage and injuries, including injury resulting in death, caused by the operation of the vending business. The requirements of this Section shall not apply to registered participants in a special event approved by the City Council.

(Ord. 8 §1, 2006)

**Sec. 9-116. Restrictions.**

The following restrictions are applicable to all vendors, except as to special events which shall be so designated by the City Council.

(1) Stands. Vendor stands:

- (a) May transport to an approved location and may display goods or demonstrate services utilizing an approved pushcart or other vending device.
- (b) May not exceed ten (10) feet in length, six (6) feet in width or ten (10) feet in height.
- (c) May not block or impede vehicular traffic.
- (d) May not occupy any sidewalk.
- (e) May not occupy any area in the historic district except with the express permission of the City Council.
- (f) May not occupy any area in residentially zoned districts.
- (g) May not impede access to the entrance of any adjacent building or driveway.
- (h) May not locate within ten (10) feet of a fire hydrant, fire escape, bus stop or loading zone, or the driveway of a fire station, police station or medical clinic; or block visibility of traffic signs.

- (i) May not operate within five hundred (500) feet of another vending stand.
  - (j) May not serve any food unless the vendor's cart or other facility has received a current license from the Colorado County Department of Public Health and Environment or from their state of issuance and has provided a copy of their issued license.
  - (k) Must provide the location selected and the times of operation.
- (2) Handicap areas. No vendor shall conduct business within thirty (30) feet of any handicapped parking space or access ramp.
  - (3) Removal of trash. All trash or debris accumulating within one hundred (100) feet of any vending stand shall be collected daily by the vendor and deposited in a trash container.
  - (4) The permittee shall comply with all applicable provisions of the fire codes, building codes and all other applicable ordinances of the City.
  - (5) Each permit shall be valid for not more than one (1) location.
  - (6) Food service requirements apply to anyone operating as a food vendor under a special events permit.
  - (7) Permittees not compliant with the rules and regulations are subject to revocation of the vendors permit or issuance of a ticket by the local police. (Ord. 8 §1, 2006; Ord. 1 §3, 2011)

**Sec. 9-117—9-120. Reserved.**

## ARTICLE IX

### Solid Waste Transporters

**Sec. 9-121. License required.**

It is unlawful for any person to collect, transport or dispose of any solid waste in the City for monetary or any other valuable consideration without first obtaining a license as required by Article I of this Chapter. (Ord. 8 §1, 2006)

**Sec. 9-122. Definitions.**

Any terms used in this Article which are defined in Chapter 14 of this Code shall have the meanings set forth for them in said Chapter 14. (Ord. 8 §1, 2006)

**Sec. 9-123. Application; fee.**

Any person who desires a license required by Section 9-121 above shall make written application therefor to the City Clerk on forms provided for such purpose. Any such license shall be issued in the manner set forth in Article I of this Chapter. (Ord. 8 §1, 2006)

**Sec. 9-124—9-130. Reserved.**

## ARTICLE X

### Contractor Licenses

**Sec. 9-131. Definitions.**

The following types of contractor's licenses, with associated definitions and requirements, are hereby established for the purposes of administering and enforcing this Article:

*Building trades contractor.* A contractor who is permitted to construct carports, sheds, decks, nonstructural and nonbearing remodeling only, fences, paving, siding, type V structure roofing, sign installations, slabs for sidewalks and driveways.

*Electrical contractor.* A contractor who is permitted to perform all electrical work. An electrical contractor must submit a copy of a state master electrician's license.

*General contractor.* A contractor who is permitted to construct both commercial and residential structures, do the same type of work as a building trades contractor and perform structural remodeling work. In order to qualify for a general contractor license, a person must either furnish a copy of a current, valid general contractor license issued by any Colorado county or municipality, or furnish proof that within the twenty-four (24) months immediately preceding his or her application, he or she has passed the Colorado Reciprocal Construction Supervisor Examination, or any similar or generally equivalent examination administered by any such designated Colorado county or municipality.

*Mechanical contractor.* A contractor who is permitted to perform all mechanical work, sheet metal, heating and air cooling systems.

*Plumbing contractor.* A contractor who is permitted to perform all plumbing and mechanical work, and also permitted to install fire protection systems. A plumbing contractor must submit a copy of a state master's plumbing license.

*Public way contractor.* A contractor who is permitted to perform work affecting public property or grounds and/or utility systems within any street right-of-way, utility easement or other public property. The holder of a plumbing contractor's license shall be entitled to apply for a public way contractor's license without payment of any additional fee.

*Set-up contractor.* A contractor who is permitted to set up mobile homes, with the exception of electrical work, and also permitted to install patio covers, decks and carports on mobile homes only.  
(Ord. 8 §1, 2006)

#### **Sec. 9-132. Required.**

It is unlawful for any person to perform any work for which a building permit is required by the City, as a contractor within the City without first obtaining a license pursuant to this Article. No other City license is required. No permits shall be issued for work to be done by an unlicensed contractor.  
(Ord. 8 §1, 2006)

#### **Sec. 9-133. Exemptions.**

The licensing requirement shall not apply to:

- (1) An owner or occupant making ordinary repairs to the building he or she owns or occupies, which repairs do not involve the structure of the building, when the owner or occupant furnishes all labor.
- (2) A homeowner who constructs his or her own residence or a building or structure accessory thereto which is intended for his or her own personal use. This exemption shall be permitted twice within a one-year period; otherwise a license as a contractor shall be required. Persons hired by the homeowner as hourly employees are exempt. Subcontractors hired by the homeowner, however, must be licensed. The homeowner will bear sole responsibility for obtaining liability insurance and workers' compensation coverage, and for paying payroll taxes and all other customary employee expenses.

(Ord. 8 §1, 2006)

#### **Sec. 9-134. Application.**

(A) Application for a contractor's license shall be made at the office of the City Clerk. The application for every type of contractor's license required hereunder shall be made on a form furnished by the City Clerk and shall include the name and address of the person desiring such license or the name and principal business

address of any company, partnership, firm or corporation desiring such license, and the type of license requested. In the case of application by a company, partnership, firm or corporation, the application shall list the individual employees authorized to work under said license. The application for a general contractor's license shall be accompanied by a certificate or other evidence of achievement of a passing score by the applicant on the Colorado Reciprocal Construction Supervisor Examination administered within the twenty-four (24) months immediately preceding the application by an agency or entity referenced in Section 9-131 above, or by a current, valid general contractor license issued by such agency or entity. If a plumber's or electrician's license is being applied for, the application shall be accompanied by a copy of the state master's license.

(B) At the time of application for any contractor's license, except electrical contractor's licenses as required by this Section, the applicant shall file with the City Clerk a certificate of general liability insurance with coverage of not less than two hundred fifty thousand dollars (\$250,000.00) for injury or death of one (1) person, five hundred thousand dollars (\$500,000.00) for injury or death of more than one (1) person in any single accident or event, and not less than one hundred thousand dollars (\$100,000.00) for property damage or destruction.

(Ord. 8 §1, 2006)

#### **Sec. 9-135. Fees.**

(A) There shall be an annual license fee for all licenses required under this Section as set forth in the City's fee schedule, payable at the time of application.

(B) All licenses shall expire December 31 of each year unless canceled, suspended or revoked, and shall be renewed annually upon application for renewal and payment of the required fees.

(Ord. 8 §1, 2006)

#### **Sec. 9-136. Bond.**

Before the issuance of a public way contractor's license, the contractor shall provide a surety bond payable to the City in the amount of five thousand dollars (\$5,000.00), which bond shall be conditioned upon the faithful compliance with all applicable laws and all terms and conditions of any right-of-way excavation/construction permit issued by the City, and shall also indemnify and hold the City harmless from any liability resulting from the public way contractor's work. This requirement shall not eliminate or supersede the requirements established pursuant to Sections 13-24

through 13-27 of this Code regarding the issuance of permits for excavation, curb cuts or other openings in or under the surface of any street, alley, sidewalk or any other public place. Prior to the issuance of such permit, the Public Works Department may require the provision of such additional bonding as deemed appropriate to insure proper repair or replacement of the public way. Independent contractors of franchised entities are not exempt unless so provided by the applicable franchise. (Ord. 8 §1, 2006)

**Sec. 9-137. Content.**

Every contractor's license shall be signed by the City Clerk and shall include the term of the license, the type of license and the license number. (Ord. 8 §1, 2006)

**Sec. 9-138. Nonassignability.**

No contractor's license issued pursuant to the provisions of this Article shall be assignable, nor shall any contractor's license authorize any person to do business, or act pursuant to such license, other than the person to whom such license is issued. (Ord. 8 §1, 2006)

**Sec. 9-139. Exhibition.**

All licensed contractors in the City shall be required to exhibit their licenses when requested to do so by an officer of the City or a person for whom the contractor is performing work. (Ord. 8 §1, 2006)

**Sec. 9-140. Suspension; revocation; nonrenewal.**

On the advice of the Building Official, the City Clerk may, after notice to the licensee and unless a hearing is requested within ten (10) days by the contractor, suspend, revoke or not renew any license issued pursuant to this Article, for any of the following reasons:

- (1) Failing to comply with any of the licensee's responsibilities.
- (2) Knowingly allowing or permitting any other person, firm, partnership, corporation or other entity to use the license of the licensee.
- (3) Acting alone or with any other person, firm, partnership, corporation or other entity in any attempt, whether successful or not, to evade any provision of this Article under which he or she is licensed.
- (4) Violating any provision of any City ordinance, including any technical code as adopted by the City.

- (5) Participating in any conduct constituting fraud or misrepresentation in or connected with any activity licensed.
- (6) Failing to keep or maintain any required state licenses.
- (7) Conducting the licensed business in a manner as to constitute a breach of the peace or a menace to the health, safety or welfare of the public. (Ord. 8 §1, 2006)

**Sec. 9-141. Hearing procedure.**

(A) The City Council is hereby designated and authorized to hear and decide all matters arising under this Article, for which a hearing is requested.

(B) If a hearing is requested by a licensee with regard to a suspension, revocation or nonrenewal of a license under this Article, the City Clerk shall notify the licensee at least two (2) weeks in advance of the hearing date that a hearing will be held to determine whether the decision suspending, revoking or not renewing his or her license should be upheld. The notice of hearing shall state the grounds for suspension, revocation or nonrenewal and direct the licensee to appear and show cause why the suspension, revocation or nonrenewal should be reversed. Such notice shall be given to the licensee in writing by regular mail addressed to the address of the licensee as shown by the records of the City Clerk.

(C) The hearing shall be held when scheduled by the City Council, unless the licensee shows good cause why the hearing should be continued. In the event that the hearing is continued, the City Council shall set a new date for such hearing not more than thirty (30) days from the date of the original hearing.

(D) The City Council or its authorized agent may administer oaths, issue subpoenas for the attendance of witnesses and the production of documents, and apply to the Municipal Court for enforcement thereof by contempt proceedings.

(E) In determining if the decision with regard to a suspension, revocation or nonrenewal should be reversed or adjusted, the City Council may consider:

- (1) All evidence presented to the City Council;
- (2) The licensee's previous suspensions or revocations;
- (3) Whether the violation resulted in injury to any person or damage to any property;
- (4) Any fraud on the part of the licensee;

- (5) Any circumstances which tend to show that the licensee acted negligently and/or recklessly in violation of any applicable codes adopted by the City and whether any such action endangered persons or property; and
- (6) Any evidence of mitigation presented by the licensee.

(F) At any hearing provided herein, the licensee will be permitted to be present and represented by legal counsel if he or she so desires. The licensee will be permitted to present evidence on his or her own behalf and to cross-examine any witnesses against him or her.

(G) The cost of any hearing requested by a licensee, including court reporter fees, legal fees and administrative expenses of the City, shall be borne by the licensee if the licensee does not prevail at the hearing. The licensee shall be required to post a deposit of five hundred dollars (\$500.00) with the City at the time a hearing is requested. The licensee may request a waiver of the deposit requirement based on economic hardship. The City Council shall decide if such waiver is justified. (Ord. 8 §1, 2006)

**Sec. 9-142. Penalty for violation.**

Any violation of the provisions of this Article shall be subject to the general penalty provisions found in Sections 1-8 and 1-9 of this Code. (Ord. 8 §1, 2006)

**Sec. 9-143—9-150. Reserved.**

**ARTICLE XI**

**Marijuana Businesses**

**Sec. 9-151. Purpose and intent.**

The purpose of this Article is to implement the provisions of Article 43.3 of Title 12, C.R.S., known as the Colorado Medical Marijuana Code, and Article 43.4 of Title 12, C.R.S., known as the Colorado Retail Marijuana Code, and to regulate marijuana businesses in the interest of public health, safety and general welfare. In particular, this Article is intended to regulate the sale and distribution of marijuana to persons who qualify to obtain, possess and use marijuana under Sections 14 and 16 of Article XVIII of the Colorado Constitution while promoting compliance with other state laws that prohibit unlawful trafficking in marijuana and the possession, consumption and use of marijuana by those not lawfully entitled thereto. Nothing in this Article is intended to

promote or condone the sale, distribution, possession or use of marijuana in violation of any applicable law. Compliance with the requirements of this Article shall not provide a defense to criminal prosecution under any applicable law.

(Ord. 11 §5, 2013)

**Sec. 9-152. Definitions.**

(A) As used in this Article, the following words shall have the following meanings unless the context clearly requires otherwise:

*Applicant* means and includes:

- (1) If an individual, that person making an application for a license under this Article;
- (2) If a partnership, the partners owning five percent (5%) or more of the partnership, or all partners if there are twenty (20) or more total partners in the partnership which is making application for a license under this Article;
- (3) If a corporation, the president, vice-president, secretary, treasurer, the directors, manager and each stockholder owning five percent (5%) or more of the outstanding stock of the corporation which is making application for a license under this Article.

*Application* means an application for a license submitted pursuant to this Article.

*Business* means a medical marijuana business or retail marijuana business.

*City Clerk* means that elected officer described in Section 2-41 of this Code.

*City Council* means the Idaho Springs City Council.

*Colorado Medical Marijuana Code* means Title 12, Article 43.3, C.R.S., as amended from time to time, and any rules or regulations promulgated thereunder.

*Colorado Retail Marijuana Code* means Title 12, Article 43.4, C.R.S., as amended from time to time, and any rules or regulations promulgated thereunder.

*Cultivation* or *cultivate* means the process by which a person grows a marijuana plant.

*Financial interest* means any ownership interest, including, without limitation, a membership, directorship or officership, or any creditor interest, whether or not such interest is evidenced by any written document.

*License* means a document issued by the City officially authorizing an applicant to operate a business pursuant to this Article.

*Licensee* means the person or entity to whom a license has been issued pursuant to this Article.

*Medical marijuana business* means a medical marijuana center or optional premises cultivation operation as defined in the Colorado Medical Marijuana Code.

*Retail marijuana business* means a retail marijuana store or retail marijuana cultivation facility as defined in the Colorado Retail Marijuana Code.

*State* means the State of Colorado.

(B) In addition to the definitions contained in Subsection (A) above, other terms used in this Article shall have the meanings ascribed to them in Sections 14 and 16 of Article XVIII of the Colorado Constitution, the Colorado Medical Marijuana Code and the Colorado Retail Marijuana Code, and such definitions are hereby incorporated into this Article by this reference. (Ord. 11 §5, 2013)

**Sec. 9-153. Licensing Authority created.**

There shall be and is hereby created a local licensing authority, hereafter referred to in this Article as the "Authority." (Ord. 11 §5, 2013)

**Sec. 9-154. Composition of Authority.**

The Authority shall be the City Council or its designee, as provided under this Article. (Ord. 11 §5, 2013)

**Sec. 9-155. Functions of Authority.**

(A) The Authority shall have the duty and authority pursuant to the Colorado Medical Marijuana Code, the Colorado Retail Marijuana Code and this Article to grant or deny licenses, as well as all powers of a local licensing authority as set forth in the Colorado Medical Marijuana Code and Colorado Retail Marijuana Code.

(B) The Authority shall have the power to: (i) promulgate rules and regulations concerning the procedures for hearings before the Authority; (ii) require any applicant or licensee to furnish any relevant information required by the Authority; and (iii) administer oaths and issue subpoenas to require the presence of persons and the production papers, books and records at any hearing that the Authority is authorized to conduct. Any such subpoena shall be served in the same manner as a subpoena issued by a district court of the state. (Ord. 11 §5, 2013)

**Sec. 9-156. License required; term of license; renewal application.**

(A) It shall be unlawful for any person to establish or operate a medical marijuana business or a retail marijuana business in the City without first having obtained from the City and the State a license for each facility to be operated in connection with such business. Such licenses shall be kept current at all times and shall be conspicuously displayed at all times in the premises to which they apply. The failure to obtain or maintain a current license shall constitute a violation of this Section.

(B) Any license issued by the Authority under this Article shall expire one (1) year after the date of its issuance. A renewal application shall be made to the City Clerk not less than forty-five (45) days prior to the date of expiration. No application for renewal shall be accepted by the City Clerk after the date of expiration. The City Clerk may waive the forty-five-day time requirement if the applicant demonstrates a reasonable reason.

(C) An application for renewal of an existing license shall be made on forms provided by the City and the State. The City Clerk is authorized to administratively process and approve, conditionally approve or deny renewal applications. The City Clerk shall approve a renewal application unless credible evidence is presented that the applicant or the business does not meet the requirements of this Article or of the Colorado Medical Marijuana Code or Colorado Retail Marijuana Code, as applicable. The City Clerk may impose reasonable terms and conditions on a license as may be necessary to protect the public health, safety and welfare or to obtain or ensure compliance with this Article, this Code and applicable state law. The City Clerk shall provide written notice of his or her decision, including the reasons therefor, via certified mail to the applicant at the address shown in the application. An applicant whose renewal application is denied or conditionally approved may appeal the decision to the City Council by filing written notice of appeal with the City Clerk within ten (10) days of the date of mailing of the decision. The City Council shall conduct a hearing on such appeal in accordance with Section 9-159 of this Article. The standard of approval to be applied by the City Clerk as set forth in this Subsection shall also apply to the City Council's review of the application.

(D) At the time of the renewal application, each applicant shall pay the appropriate renewal fee (renewal application fee, in the case of a medical marijuana business, and renewal operating fee, in the case of a retail marijuana business) to the City to defray the costs

incurred by the City for review of the application and inspection of the proposed premises, if necessary, as well as any other costs associated with the processing of the application. The renewal fee shall be in an amount as fixed by resolution of the City Council from time to time in accordance with Section 1-15 of this Code.

(E) The license required by this Article is in addition to the City business license required by Article 1 of this Chapter to operate a business within the City generally.

(Ord. 11 §5, 2013)

**Sec. 9-157. Application requirements; payment of application fee.**

(A) A person seeking a license pursuant to this Article shall submit an application to the City on forms provided by the State and City. At the time of application, each applicant shall pay the appropriate fee to the City in an amount as fixed by resolution of the City Council from time to time in accordance with Section 1-15 of this Code to defray the costs incurred by the City for background investigations, review of the application and inspection of the proposed premises, as well as any other costs associated with the processing of the application. In addition, the applicant shall present for recording one (1) of the following forms of identification:

- (1) An identification card issued in accordance with Section 42-2-302, C.R.S.;
- (2) A valid state driver's license;
- (3) A valid driver's license containing a picture issued by another state;
- (4) A United States military identification card;
- (5) A valid passport; or
- (6) An alien registration card.

(B) The applicant shall also provide the following information on a form approved by and acceptable to the City, which information shall be required for the applicant, the proposed manager of the business and all persons having a financial interest in the business that is the subject of the application or, if the applicant is an entity, having a financial interest in the entity:

- (1) Name, address, date of birth and other identifying information as may be required;
- (2) A completed set of the applicant's fingerprints;
- (3) An acknowledgement and consent that the City may conduct a background investigation, including a criminal history check, and that the City

will be entitled to full and complete disclosure of all financial records of the business, including but not limited to records of deposits, withdrawals, balances and loans;

- (4) If the applicant is a business entity, information regarding the entity, including, without limitation, the name and address of the entity, its legal status and proof of registration with, or a certificate of good standing from, the Secretary of State, as applicable;
- (5) A copy of the deed reflecting the applicant's ownership of or a lease reflecting the right of the applicant to possess the proposed licensed premises;
- (6) If the applicant is not the owner of the proposed licensed premises, a notarized statement from the owner of such property authorizing the use of the property for the proposed type of business;
- (7) Evidence of the issuance of a valid City business license;
- (8) A clearly legible "to scale" diagram of the proposed licensed premises, no smaller than 8.5" x 11" and no larger than 11" x 17", showing, without limitation, the building layout, all entryways and exits to and from the proposed licensed premises and all areas in which marijuana will be stored, grown, manufactured and/or dispensed;
- (9) A business plan for the business that contains, at a minimum, the following:
  - (a) A description of the security provisions and systems meeting the requirements of the Colorado Medical Marijuana Code and/or the Colorado Retail Marijuana Code, as applicable,
  - (b) Number of employees,
  - (c) A description of all products to be sold,
  - (d) The hours of operation,
  - (e) An exterior lighting plan,
  - (f) A description of any cultivation activities, including:
    1. Where plants are grown,
    2. The expected number of plants that will be grown on site,

3. A description of the ventilation system for the premises,
  4. A description of the internal lighting systems, and
  5. Expected water usage;
- (10) Evidence demonstrating the applicant's prior experience, if any, producing or distributing marijuana or marijuana products pursuant to and in consistent compliance with the Colorado Medical Marijuana Code or the Colorado Retail Marijuana Code and their respective implementing regulations; and
- (11) Any additional information that the Authority reasonably determines to be necessary in connection with the investigation, review and determination of the application.

(C) A license issued pursuant to this Article does not eliminate the need for the licensee to obtain other required permits or licenses related to the operation of the business, including, without limitation, any development approvals or building permits required by this Code.

(D) Upon receipt of a complete application, the Authority shall circulate the application to all affected service areas and departments of the City to determine whether the application is in full compliance with all applicable laws, rules and regulations. The Authority shall not act to approve, conditionally approve or deny an initial license application until after the Authority has conducted a public hearing thereon in accordance with Section 9-159 below. The Authority shall approve an application upon a finding that the proposed business complies with the requirements of this Article, this Code and the Colorado Medical Marijuana Code and/or Colorado Retail Marijuana Code, as applicable.

(E) In a competitive application process in which there are more applicants than there are available licenses, the Authority shall have as a primary consideration whether an applicant:

- (1) Has prior experience producing or distributing marijuana or marijuana products pursuant to the Colorado Medical Marijuana Code or the Colorado Retail Marijuana Code; and
- (2) Has, during the experience described in Paragraph (1) above, complied consistently with all applicable provisions of the Colorado Constitution, state law, state regulations implementing such state laws, and this Code, as applicable.

(F) The Authority may impose reasonable terms and conditions on a license as may be necessary to protect the public health, safety and welfare or to obtain or ensure compliance with this Article, this Code, the Colorado Medical Marijuana Code and/or the Colorado Retail Marijuana Code, as applicable.

(G) After approval of an application, the Authority shall not issue a license or license certificate until the building in which the business is to be conducted is ready for occupancy with such furniture, fixtures and equipment in place as are necessary to comply with the applicable provisions of this Article. After approval of an application, the Authority shall not issue a license or license certificate until the applicant provides written evidence that the applicant has paid all applicable state and local fees due in connection with the application. Each license certificate issued by the City pursuant to this Article shall specify the date of issuance, the period of licensure, the name of the licensee and the premises licensed.

(Ord. 11 §5, 2013)

#### **Sec. 9-158. Denial of application.**

The Authority shall deny any application that does not meet the requirements of this Article and may deny an application that does not meet the requirements of the Colorado Medical Marijuana Code and/or the Colorado Retail Marijuana Code, as applicable. The Authority shall also deny any application that contains any false, misleading or incomplete information. Denial of an application for a license shall be subject to review by a court of competent jurisdiction.

(Ord. 11 §5, 2013)

#### **Sec. 9-159. Hearings required.**

(A) The Authority shall conduct a public hearing on any application submitted under this Article for a new license, transfer of ownership or change of location of an existing licensed business.

(B) Notice of the hearing shall be published once in a newspaper of general circulation within the City at least ten (10) days before the hearing. Such notice shall describe the type of application submitted, the existing or proposed location of the business, as appropriate, and the date, time and place the hearing will be conducted.

(C) The Authority shall issue a written decision approving, conditionally approving or denying an application requiring a public hearing within thirty (30) days of the conclusion of the hearing. The written decision shall state the reasons for the decision and be sent via certified mail to the applicant at the address shown in the

application. In addition, the Authority shall promptly notify the state licensing authority of its action on an application, for local licensure.  
(Ord. 11 §5, 2013)

**Sec. 9-160. Persons prohibited as licensees.**

No license shall be issued to, held by or renewed by any of the following:

- (1) An applicant for a medical marijuana business who has discharged a sentence in the five (5) years immediately preceding the application date for a conviction of a felony; or who at any time has been convicted of a felony pursuant to any state or federal law regarding the possession, distribution, manufacturing, cultivation or use of a controlled substance;
- (2) An applicant for a retail marijuana business who has discharged a sentence in the five (5) years immediately preceding the application date for a conviction of a felony; or who has discharged a sentence for a conviction of a felony pursuant to any state or federal law regarding the possession, distribution, manufacturing, cultivation or use of a controlled substance in the ten (10) years immediately preceding his or her application date;
- (3) Any entity whose directors, shareholders, partners or other persons having a financial interest in said entity have been convicted of any of the applicable offenses within the time periods set forth in Paragraph (1) or (2) above, as applicable to the type of business application;
- (4) Any applicant who has made a false, misleading or fraudulent statement, or who has omitted pertinent information, on the application for a license;
- (5) Any applicant for an optional premises cultivation operation license unless the applicant is simultaneously applying for, or currently holds, a license for a medical marijuana center in the City;
- (6) Any applicant for a medical marijuana center license unless the applicant is also applying for or currently holds a license for an optional premises cultivation operation in the City;
- (7) Any applicant for a retail marijuana store license unless the applicant is simultaneously applying for or currently holds a license for a retail marijuana cultivation facility in the City;

- (8) Any applicant for a retail marijuana cultivation facility unless the applicant is simultaneously applying for or currently holds a license for a retail marijuana store in the City;
- (9) Any applicant for a retail marijuana products manufacturing license;
- (10) Any applicant for a retail marijuana testing facility license; and
- (11) Any applicant for a medical marijuana-infused products manufacturing license.

(Ord. 11 §5, 2013)

**Sec. 9-161. Locational criteria.**

(A) No business shall be issued a license if, at the time of application for such license, the proposed location is within one thousand (1,000) feet of a school, an alcohol or drug treatment facility, a licensed child care facility or another business.

(B) Consistent with the other requirements of this Section, a business may locate within the following zone districts within the City: C-1, Commercial One District; C-2, Commercial Two District; C-3, Commercial Interchange District; I-1, Industrial One District; and L-I, Light Industrial District. Location of a business in a zone district not listed in this Subsection is expressly prohibited. Notwithstanding the foregoing, no business may locate within the City's Historic Preservation District, as defined by Chapter 22 of this Code.

(C) The distances set forth in Subsection (A) above shall be computed by direct measurement in a straight line from the nearest property line of the lot used for the purposes stated in Subsection (A) to the nearest property line of the lot on which the business is located.

(D) Each business shall be operated from a permanent location. No business shall be permitted to operate from a moveable, mobile or transitory location.

(E) The suitability of a location for a business shall be determined at the time of the issuance of the initial license for such business. The fact that changes in the neighborhood that occur after the issuance of the initial license might render the site unsuitable for a business under this Section shall not be grounds to suspend, revoke or refuse to renew the license for such business so long as the license for the business remains in effect.

(F) The locational criteria contained in this Section shall apply to all proposed changes in the location of an existing license.

## (G) Co-location.

(1) A licensee who holds a medical marijuana center license pursuant to this Article may apply for a retail marijuana store license pursuant to this Article on or after October 1, 2013. A licensee who holds an optional premises cultivation license pursuant to this Article may apply for a retail marijuana cultivation facility license pursuant to this Article on or after October 1, 2013. An application filed pursuant to this Subsection shall indicate whether the applicant is applying to obtain a retail marijuana business license in addition to its medical marijuana business license, to convert its medical marijuana business license to a retail marijuana business license or to apply for a retail marijuana business license and surrender its medical marijuana business license when the retail marijuana business license is issued.

(2) A person who holds both a retail marijuana business license and a medical marijuana business license may operate both such licensed businesses in the same premises, provided they meet the requirements of the Colorado Retail Marijuana Code, the Colorado Medical Marijuana Code and this Article.

(H) No business shall be issued a license if, at the time of application for such license, there exist within the City three (3) active licenses of the same type. It is the express intent and purpose of this Subsection to permit no more than three (3) of each type of business authorized to be licensed pursuant to this Article (retail marijuana store, retail marijuana cultivation facility, medical marijuana center and optional premises cultivation operation) to be located within the City at any one (1) time.

(Ord. 11 §5, 2013)

**Sec. 9-162. Operation limitations.**

Businesses shall be subject to the following additional requirements:

(1) No marijuana shall be given away or transferred at a business except to a person authorized to possess the same under the laws and Constitution of Colorado.

(2) All product storage shall be indoors. Products, accessories and associated paraphernalia shall not be visible from a public sidewalk or right of way. All products shall be in a sealed/locked cabinet except when being accessed for distribution.

(3) Retail marijuana and retail marijuana products may not be sold at any time other than between the hours of 8:00 a.m. and 12:00 a.m., Monday through Sunday.

Medical marijuana and medical marijuana-infused products may not be sold at any time other than between the hours of 8:00 a.m. and 7:00 p.m. Monday through Sunday.

(4) No on-site consumption of marijuana is allowed on the premises.

(5) The sale or consumption of alcohol on the premises is prohibited.

(6) All businesses shall be equipped with a secure location that is utilized for the purposes of storing marijuana not then being actively cultivated when the business is not open.

(Ord. 11 §5, 2013; Ord. 14 § 2, 2013)

**Sec. 9-163. Signage.**

(A) In addition to the requirements of this Section, all signage for a business shall comply with the requirements of Chapter 20 of this Code.

(B) No business shall display any advertising material that is misleading, deceptive or false, or that, as evidenced either by the content of the advertising material or by the medium or the manner in which the advertising is disseminated, is designed to appeal to minors.

(C) No medical marijuana business shall display a sign that contains the word "marijuana," "cannabis" or any other word or phrase commonly understood to refer to marijuana unless such word or phrase is immediately preceded or followed by the word "medical." No licensed premises shall display illustrations, images or drawings related to promoting the usage of marijuana, including any illustrations, images or drawings of marijuana plants for the purpose of advertisement for the medical marijuana business.

(Ord. 11 §5, 2013)

**Sec. 9-164. Prohibited acts.**

(A) It shall be unlawful for any person to operate a business within the City without having first obtained the license required by this Article and by the Colorado Medical Marijuana Code or the Colorado Retail Marijuana Code, as applicable.

(B) It shall be unlawful for any person to operate a medical marijuana-infused products manufacturing facility, a retail marijuana products manufacturing facility, a retail marijuana testing facility or a retail marijuana warehouse storage facility within the City.

(C) It shall be unlawful for any licensee to violate or permit the violation of the operational limitations set forth in Section 9-162 above.

(D) It shall be unlawful for any optional premises cultivation operation to operate in the City, unless it operates as an optional premises to a licensed medical marijuana center located in the City that is under the same ownership as the optional premises cultivation operation.

(E) It shall be unlawful for any retail marijuana cultivation facility to operate in the City unless it operates primarily to provide retail marijuana to a licensed retail marijuana store located in the City that is under the same ownership as the retail marijuana cultivation facility. For purposes of this Subsection, a cultivation facility shall be deemed to be operating primarily to provide retail marijuana to a retail store under the same ownership if it transfers at least seventy percent (70%) of the retail marijuana it cultivates to such store.

(F) It shall be unlawful for any medical marijuana center to:

(1) Operate in the City, unless its owner also holds an optional premises cultivation operation license in the City; or

(2) Obtain more than thirty percent (30%) of its total on-hand inventory of medical marijuana from a medical marijuana business located outside of the City.

(G) It shall be unlawful for any retail marijuana store to:

(1) Operate in the City unless its owner also holds a retail marijuana cultivation facility license in the City; or

(2) Obtain more than thirty percent (30%) of its total on-hand inventory of retail marijuana from a retail marijuana business located outside of the City.

(H) After issuance of a license, it shall be unlawful for a licensee to make a physical change, alteration or modification of the licensed premises that materially or substantially alters the licensed premises or the usage of the licensed premises from the plans and specifications submitted at the time of obtaining the original license without obtaining the prior written approval of the Authority and the state licensing authority. For purposes of this Subsection, physical changes, alterations or modification of the licensed premises, or in the usage of the premises requiring prior written approval, shall include, but not be limited to, the following:

(1) Any increase or decrease in the size or physical capacity of the licensed premises;

(2) The sealing off, creation of or relocation of a common entryway, doorway, passage or other such means of public ingress and/or egress when such common entryway, doorway or passage alters or changes the cultivation, harvesting of or sale or distribution of medical marijuana within the licensed premises;

(3) Any enlargement of a cultivation area; and

(4) Any change in the interior of the premises that would affect the basic character of the premises or physical structure that existed in the plan on file as part of the latest prior application.

(I) It shall be unlawful to operate a business within the City concerning the sale, transfer, possession, use, cultivation, consumption, processing or manufacturing of marijuana or marijuana-infused products unless specifically authorized pursuant to the provisions of this article.

(Ord. 11 §5, 2013; Ord. 1 § 2, 2015)

**Sec. 9-165. Inspection of licensed premises.**

During all business hours and other times of apparent activity, all licensed premises shall be subject to inspection by the Chief of Police, the Fire Chief or the Building Official, or the authorized representative of any of them for the purpose of investigating and determining compliance with the provisions of this Article and any other applicable state or local law or regulation. Such inspection may include, but need not be limited to, the inspection of books, records and inven-

tory. Where any part of the premises consists of a locked area, such area shall be made available for inspection, without delay, upon request.  
(Ord. 11 §5, 2013)

**Sec. 9-166. Suspension or revocation of license.**

(A) The Authority may suspend or revoke a license for any of the following reasons:

(1) The applicant or licensee, or his or her agent, manager or employee, have violated, do not meet or have failed to comply with, any of the terms, requirements, conditions or provisions of this Article or with any applicable state or local law or regulation;

(2) The applicant or licensee, or his or her agent, manager or employee, have failed to conduct the licensee operations in conformance with the application pursuant to which the license was issued, or have failed to comply with any special terms or conditions of its license pursuant to the order of the state or local licensing authority, including those terms and conditions that were established at the time of issuance of the license and those imposed as a result of any disciplinary proceedings held subsequent to the date of issuance of the license;

(3) The licensed premises have been inactive for at least one (1) year; or

(4) The business has been operated in a manner that adversely affects the public health, safety or welfare.

(B) The Authority shall not suspend or revoke a license until after conducting a hearing that conforms with the requirements of Section 9-159 of this Article. The licensee shall be given at least ten (10) days' written notice of the hearing and the potential reasons for suspension or revocation under Subsection (A) above.

(C) Evidence to support a finding under Paragraph (A)(4) above may include, without limitation, a continuing pattern of disorderly conduct or drug-related criminal conduct within the premises of the business or in the area immediately surrounding such business, or a continuing pattern of criminal conduct directly related to or arising from the operation of the business.  
(Ord. 11 §5, 2013)

**Sec. 9-167. Violations and penalties.**

In addition to the possible denial, suspension, revocation or nonrenewal of a license under the provisions of this Article, any person, including but not limited to any licensee, manager or employee of a business or any customer of such business, who violates any provision of this Article, commits a civil offense and, upon conviction thereof, may be fined up to two thousand six hundred fifty dollars (\$2,650.00) per violation in accordance with Subsection 1-8(C) of this Code. With respect to continuing violations of this Article, a separate offense shall be deemed committed for each day the violation occurs or continues.  
(Ord. 11 §5, 2013)

**Sec. 9-168. No City liability; indemnification; no defense.**

(A) By accepting a license issued pursuant to this Article, the licensee waives any claim concerning, and releases the City, its officers, elected officials, employees, attorneys and agents from, any liability for injuries or damages of any kind that result from any arrest or prosecution of business owners, operators, employees, clients or customers of the licensee for a violation of state or federal laws, rules or regulations.

(B) By accepting a license issued pursuant to this Article, all licensees, jointly and severally if more than one (1), agree to indemnify, defend and hold harmless the City, its officers, elected officials, employees, attorneys, agents, insurers and self-insurance pool against all liability, claims and demands on account of any injury, loss or damage, including, without limitation, claims arising from bodily injury, personal injury, sickness, disease, death, property loss or damage or any other loss of any kind whatsoever arising out of or in any manner connected with the operation of the business that is the subject of the license.

(C) The issuance of a license pursuant to this Article shall not be deemed to create an exception, defense or immunity for any person in regard to any potential criminal liability the person may have under state or federal law for the cultivation, possession, sale, distribution or use of marijuana.  
(Ord. 11 §5, 2013)

**Secs. 9-169—9-180. Reserved.**

## ARTICLE XII

## Purchasers of Valuable Articles

## Sec. 9-181. Definitions.

As used in this Article, the following terms shall have the following meanings, unless the context clearly requires otherwise:

*Police Department* means the Idaho Springs Police Department.

*Police officer* means any police officer of the Idaho Springs Police Department.

*Precious or semiprecious metals or stones* means such metals as, but not limited to, gold, silver, platinum and pewter and such stones as, but not limited to, alexandrite, diamonds, emeralds, garnets, opals, rubies, sapphires and topaz. For the purposes of this Article, ivory, coral, pearls, jade and such other minerals, stones or gems as are customarily regarded as precious or semiprecious are deemed to be precious or semiprecious stones.

*Purchase* means giving money to acquire any valuable article, taking valuable articles in full or part satisfaction of a debt, taking valuable articles for resale for the purpose of full or partial satisfaction of a debt, or taking valuable articles for sale on consignment.

*Purchaser* means any business licensed, or required to be licensed, by the City pursuant to this Chapter, and every person who owns, manages or is employed by such a business, when acting within the scope of his or her employment. *Purchaser* does not include a person purchasing valuable articles from an estate or from a retail or wholesale merchant.

*Seller* means any person offering a valuable article for money to any purchaser, offering a valuable article in full or part satisfaction of a debt or offering a valuable article for resale for the purpose of full or partial satisfaction of a debt.

*Valuable article* means any tangible personal property consisting, in whole or in part, of precious or semiprecious metals or stones, whether solid, plated or overlaid, including but not limited to household goods, jewelry, United States commem-

orative medals or tokens, and gold and silver bullion. *Valuable article* shall also include foreign currency when purchased for more than its face value or foreign currency exchange value.

(Ord. 8 §1, 2012)

## Sec. 9-182. Purchaser to identify seller.

No purchaser shall purchase any valuable article without first securing adequate identification from the seller. The type and kind of identification shall be limited to the following:

- (1) A valid Colorado driver's license;
- (2) An identification card issued in accordance with Section 42-2-302, C.R.S.;
- (3) A valid driver's license, containing a picture, issued by another state;
- (4) A military identification card;
- (5) A valid passport;
- (6) An alien registration card; or
- (7) A nonpicture identification document issued by a state or federal government entity if the purchaser also obtains a clear imprint of the seller's right index finger.

(Ord. 8 §1, 2012)

## Sec. 9-183. Purchases prohibited.

No purchaser shall purchase any valuable article from any person under the age of eighteen (18) years. (Ord. 8 §1, 2012)

## Sec. 9-184. Purchaser to maintain register and obtain declaration of seller's ownership.

(A) Every purchaser of valuable articles shall keep a permanent written register, in which he or she shall record the following information: the name, address and date of birth of the seller and his or her driver's license number or other I.D. number from any other allowed form of identification pursuant to Section 9-182 above; the date, time and place of the purchase; an accurate and detailed account and description of each valuable article being purchased, including but not limited to any trademark, identification number, serial number, model number, brand name or other identify-

ing marks on such articles and a description by weight and design of such articles. The purchaser shall also obtain a written declaration of the seller's ownership which shall state whether the valuable article is totally owned by the seller, how long the seller has owned the article, whether the seller or someone else found the article and, if the article was found, the details of its finding.

(B) The seller shall sign his or her name in such register and on the declaration of ownership.

(C) Such register shall be made available to any police officer for inspection at any reasonable time.

(D) The purchaser shall keep each register for at least three (3) years after the last date of purchase of valuable articles described therein.  
(Ord. 8 §1, 2012)

**Sec. 9-185. Holding period.**

(A) Except as provided in Subsection (B) below, a purchaser shall hold all valuable articles within the jurisdiction of purchase for a period of thirty (30) days from the date of purchase, during which time the valuable articles shall be held separate and apart from any other transaction and shall not be changed in form or altered in any way. The purchaser shall permit any requesting police officer to inspect the valuable articles during the thirty-day period.

(B) Stamped and assayed gold and silver bullion and gold coins shall not be subject to the holding requirement imposed by Subsection (A) above. In lieu of any such requirement, the purchaser shall be required to record the identity of any person to whom he or she transfers any such bullion or coins and the date, time and place of such transfer.  
(Ord. 8 §1, 2012)

**Sec. 9-186. Reports required.**

(A) Every purchaser of valuable articles shall provide the Police Department, on a weekly basis, a written report of all valuable articles purchased during the preceding week, together with one (1) copy of each seller's declaration of ownership from each transaction occurring during the preceding week.

(B) The written report shall contain the information required to be recorded in the purchaser's register pursuant to Subsection 9-184(A) above and shall also

include a physical description of the seller and the dollar amount of the purchase. The report shall be signed, at the time of the purchase, by the seller and by the individual purchaser who participated in the purchase. The Police Department shall designate the day of the week on which the reports and declarations shall be submitted.

(C) The Police Department shall forward a copy of such report and the seller's declaration of ownership to the local law enforcement agency having jurisdiction in the area where the seller resides.

(D) The Police Department shall forward copies of such reports and declarations of sellers' ownership, upon request, to any other law enforcement agency.  
(Ord. 8 §1, 2012)

**Sec. 9-187. Penalty.**

(A) Any violation of the provisions of this Article shall be subject to the general penalty provisions found in Sections 1-8 and 1-9 of this Code.

(B) Failure to comply with this Article shall additionally constitute grounds for revocation of a City business license in accordance with Section 9-21 of this Chapter.  
(Ord. 8 §1, 2012)

**Sec. 9-188. Applicability; exceptions.**

The provisions of this Article shall not apply to private collectors purchasing collector's items from other private collectors or businesses engaged in selling valuable articles exclusively as collectors' items, and who pay for such purchases by check, nor shall the provisions of this Article apply to valuable articles purchased exclusively in interstate commerce and paid for by check mailed to the seller in another state, if a record of the check by which payment was made and the name and address of the seller is maintained for a period of three (3) years, or a retail merchant who, in a retail transaction involving the sale of a valuable article, receives another valuable article as a trade-in and credits the retail purchaser with the value thereof if the retail purchaser provides proof satisfactory to the retailer that the valuable article was originally purchased from that retailer. For the purpose of this Section, a *private collector* is an individual, business or corporation who purchases an item for a price based on the value of the article as a historical item rather than the prevailing market price of the item's metallic or stone

composition; who has an interest in preserving the item in its unique or historical form and who does not alter the form of the article; and whose primary purpose is to keep the article in a collection or to sell to another collector.

(Ord. 8 §1, 2012)

**Secs. 9-189—9-200. Reserved.**

### ARTICLE XIII

#### Public Events\*

**Sec. 9-201. Permit required.**

(A) A public event permit must be obtained from the City prior to a planned event involving the assembly of persons, to be conducted in whole or in part on any public street, sidewalk or other property owned or controlled by the City.

(Ord. 10 §1, 2013; Ord. 12 § 3, 2013)

**Sec. 9-202. Permit application.**

(A) An application for a public event permit must be filed with the City Clerk, on forms provided by the City Clerk, not less than sixty (60) days prior to the commencement of the proposed public event. A permit shall be required for each public event, regardless of whether the event is a regular, recurring event (such as an annual event); though a public event may last for more than one (1) calendar day.

(B) The application shall address each of the following aspects of the proposed event:

- (1) Names, addresses, phone numbers and emails of the designated responsible event organizers;
- (2) Name of the proposed public event;
- (3) Proposed dates, times and areas of the event;
- (4) Proposed activities and use of City property;
- (5) Projected impacts on traffic;

\***Editor's note:** Ord. 12, § 1, adopted December 9, 2013, amended the Code, by renaming Art. XIII to read as herein set out. Former Art. XIII, §§ 9-201—9-205, pertained to similar subject matter.

(6) Parking;

(7) Requested street closures, if any;

(8) Trash and recycling services;

(9) Security, including any requested additional City police services;

(10) Sanitary services;

(11) The service and sale of goods, services, food and drinks, including alcohol, if proposed;

(12) Signage, if appropriate;

(13) Insurance;

(14) Indemnification of the City;

(15) Other required permits, licenses and approvals, if any; and

(16) Manner of notifying owners, residents and business owners adjacent or in close proximity to the proposed event area and within the area reasonably projected to be particularly impacted by the event.

(C) The City Clerk is authorized to promulgate and implement such rules, regulations and forms necessary and convenient to administering this permit application process.

(Ord. 10 §1, 2013; Ord. 12 § 2, 2013)

**Sec. 9-203. Application fee.**

A public event permit application filed with the City Clerk must be accompanied by an application fee as set forth in the City's fee schedule, as amended from time to time by resolution of the City Council. The public event fee will be waived for nonprofit organizations.

(Ord. 10 §1, 2013; Ord. 12 § 2, 2013)

**Sec. 9-204. Review process.**

(A) The City Clerk shall review and process all public event permit applications and is hereby authorized to administratively approve an application that satisfies each of the following criteria:

- (1) The application is complete and all applicable fees have been paid;

- (2) The completed application has been referred to all affected City departments, as determined by the City Clerk, and the City Clerk has received no returned comments in objection to the application;
- (3) The application does not request any waiver or exception from the City's rules, regulations, ordinances, Code provisions or any other requirement that generally applies to public events or to the activity proposed;
- (4) All applicable Code requirements have been met;
- (5) The applicant has not been denied a public event permit or had any such permit revoked by the City within the last two (2) years; and
- (6) If the proposed public event is a recurring event that has previously been conducted in the City, the previously conducted event must have: (a) occurred not less than eighteen (18) calendar months prior to the event proposed by the current application; (b) been properly permitted by the City; and (c) consisted of substantially the same events and activities proposed by the current application.
- (B) In the event the City Clerk cannot or will not approve an application pursuant to Subsection (A) above, the City Clerk shall automatically and promptly schedule the application for consideration by the City Council at the next regular City Council meeting at which the agenda and packet deadline allow. The City Council shall review the application for completeness, as required by Section 9-202 above, and evaluate the adequacy with which the application addresses any potentially adverse impacts of the event on City residents, businesses, visitors and property owners.
- (C) The City Clerk and the City Council are authorized to impose conditions on the approval of any public event permit application designed to ensure compliance with this Article, the Code or any other applicable law, ordinance or regulation, or to prevent or mitigate the potentially adverse impacts of the special event on City residents, businesses, visitors and property owners. The City Clerk will provide, in writing, to the applicant any conditions imposed.
- (D) Any decision of the City Clerk under this Section may be appealed to the City Council by filing a written notice of appeal with the City Clerk within ten

(10) days of the date of the decision being appealed. The City Clerk shall promptly schedule the appeal before the City Council at the next regular City Council meeting at which the agenda and packet deadline allow.

(E) Any decision rendered by the City Council, and any decision rendered by the City Clerk which is not timely appealed in accordance with Subsection (D) above, shall constitute the City's final decision on the matter.  
(Ord. 10 §1, 2013; Ord. 12 § 2, 2013)

#### **Sec. 9-205. Revocation.**

(A) The City Clerk may, upon seven (7) calendar days' written notice to an applicant whose application has been approved, stating the contemplated action and, in general, the grounds therefor, and after a reasonable opportunity for the applicant to be heard, revoke an approved permit if the City Clerk finds that:

- (1) The applicant has failed to pay any fee or amount owing the City by the deadline specified by the City;
- (2) The applicant has failed to furnish any additional information that he or she was required to furnish as a part of the application process by the deadline specified by the City;
- (3) The applicant has failed to timely or fully satisfy any other condition of approval imposed by the City;
- (4) The application contains misrepresentation, fraud or a false statement of a material fact, not discovered by the City prior to its initial approval of the application; or
- (5) Any other condition exists which, if it had existed or had been known to exist at the time of the application, would have warranted a denial of the application.

(B) Any decision of the City Clerk under this Section may be appealed to the City Council in accordance with the process set forth in Subsection 9-204(D) above.

(C) No fee previously paid by an applicant in connection with an approved application shall be refunded if the permit is subsequently revoked pursuant to this Section.  
(Ord. 10 §1, 2013)

**Secs. 9-206—9-210. Reserved.**