

TITLE 6  
BUSINESS REGULATION AND LICENSES

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- 6.02    Auctioneers License
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CHAPTER 6.01  
TRASH HAULER'S LICENSE

Sections:

- 6.01.010      Trash Hauler's License Required
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6.01.010      Trash Hauler's License Required. It shall be unlawful to operate a trash hauling business using the public streets of the Town without first obtaining a Trash Hauler's License. A trash hauling business is defined as collecting and/or transporting trash, garbage for other waste materials where a fee is charged or such collection and/ or transportation.

Nothing herein shall be construed to prevent a person from hauling or disposing of trash or garbage where no fee is charged, providing such hauling is performed in such a manner as not to endanger the public health or safety. (*Source: Ord. No. 99*)

6.01.020      Trash Hauler License Requirements. (a) The Board of Trustees may authorize the issuance of a Trash Hauler's License upon receipt of a completed application. The application shall include the following:

- (1)      Name and address of the applicant.

(2) A description and photograph of each vehicle to be used to transport trash and the serial number and license plate number of each vehicle.

(3) A description of the apparatus or equipment which will prevent the spillage of material from each trash hauling vehicle.

(4) A schedule of fees to be charged for the collection and/or transportation of trash, garbage or other waste materials.

(5) Submittal of the license fee.

6.01.030 Trash Hauler's License Revocation. The Board of Trustees may revoke a Trash Hauler's License upon finding that any of the information presented on the Trash Hauler's License Application is false or upon making a determination that the trash hauler is conducting his business in such a manner as to endanger the public health or safety.

6.01.040 Trash Hauler's License Fee. The annual Trash Hauler's License fee shall be fifteen dollars (\$15.00) for each vehicle used in the collection and/or transportation of trash, garbage or other waste material.

The license fee shall be non-refundable and shall not be prorated.

6.01.050 Trash Hauler's License and Fee Non-transferable. The Trash Hauler's License may not be transferred to any other business or person. The Trash Hauler's License Fee may not be transferred to another vehicle.

6.01.060 Trash Hauler's License Expiration. All Trash Hauler's Licenses shall expire at midnight December 31.

## CHAPTER 6.02 AUCTIONEER'S LICENSE

### Sections:

6.02.010	License Required
6.02.020	License Period
6.02.030	Revocation
6.02.040	Transfer
6.02.050	Compliance With Laws
6.02.060	License Register

6.02.010 License Required. (a) Auctioneers who auction new or unused goods, chattels, wares and merchandise shall pay a license fee of two hundred dollars (\$200.00) per year or for any portion thereof. Auctioneers who auction second-hand or used goods, chattels, wares and merchandise

exclusively and livestock shall pay a license fee of twenty-five dollars (\$25.00) per year or for any portion thereof.

An auctioneer duly licensed hereunder to auction and sell new or unused goods, chattels, wares and merchandise shall have the right to conduct sales of used or second-hand goods, chattels, wares and merchandise.

(b) No provision of this Chapter shall be considered to apply to sales made at public auction under and by virtue of any legal process or proceedings through or from a court of law, nor to sales under mortgage or trust deed, or to sales made by any persons required by law to sell property by auction, nor to sales made under ordinances of this Town by any Municipal Officer. (*Source: Ord. No. 36*)

6.02.020      License Period. All yearly or annual license fees shall be for the period commencing on April 1st and ending on the following March 31st and shall be payable in advance to the Town Clerk. The fee for a license issued after April 1st of any year shall be the annual fee and shall not be pro rated. Licenses shall be issued by the Town Clerk.

6.02.030      Revocation. The Board of Trustees, shall, in their discretion, have the power to revoke any license when it shall appear that the licensee has not complied with the ordinances regulating his vocation, or when he shall have practiced fraud, misrepresentation or imposture. (*Source: Ord. No. 4, Section 4*)

6.02.040      Transfer. No license shall be transferred or assigned except upon the written permission of the Board of Trustees, expressed in a resolution to that effect; nor

shall any license authorize any person to do business there under except the person named therein. (*Source: Ord. No. 4, Section 5*)

6.02.050      Compliance with Laws. No person licensed under the provision of any ordinance of the Town of Collbran shall be guilty of any fraud, misrepresentation or imposture while acting there under; nor shall he violate any of the laws of the State of Colorado or of the United States. (*Source: Ord. No. 4, Section 6*)

6.02.060      License Register. The Town Clerk shall keep a license register in which shall be entered the names of each and every person licensed, pursuant to this Chapter of the date of the license, the purpose for which it is granted the amount paid therefore, and the same will expire or continue in force. (*Source: Ord. No. 4, Section 7*)

CHAPTER 6.03  
(Reserved)

CHAPTER 6.04  
LIQUOR LICENSES

Sections:

6.04.010 Temporary Liquor Licenses

6.04.10 Temporary Liquor Licenses. The Town Clerk is hereby delegated the authority to issue temporary fermented malt beverage licenses as permitted by Section 12-46-016.5, C.R.S., as amended. Each temporary permit shall authorize the transferee to conduct business and sell licensed beverages in accordance with the provisions of Colorado law. The Town Clerk may issue the temporary liquor license if the application appears to be in order, and an application for transfer of the appropriate license has been filed and all fees paid. No temporary permit issued by the Town Clerk shall be for a period greater than ninety (90) days from the date of issuance. Any temporary permit may be extended by action of the Board of Trustees as provided by the appropriate Colorado statute, to a maximum period of one hundred twenty (120) days. (*Source: Ord. No. 155*)

Chapter 6.05

SEXUALLY ORIENTED BUSINESSES - GENERAL PROVISIONS

Sections:

6.05.010 Purpose and Description.

6.05.020 Definitions.

6.05.030 License Required.

6.05.040 Issuance of a Sexually Oriented Business License.

6.05.050 Manager's Registration.

6.05.060 Employee Registration.

6.05.070 Inspection.

6.05.080 Expiration of License.

6.05.090 License Suspension or Revocation.

6.05.100 Mandatory License Revocation.

6.05.110 Hours of Operation.

6.05.120 Peep Booth Regulations.

6.05.130 Lighting Regulations.

6.05.140 Additional Regulations - Adult Theaters, and Adult Cabarets.

6.05.150 Conduct for Sexually Oriented Businesses.

6.05.160 Sexually Oriented Business - Employee Tips.

6.05.170 Adult Motel Regulations.

6.05.180 Injunctions.

6.05.190 Prohibited Acts - Penalty.

6.05.200 Fees.

6.05.010 Purpose and Description. The purpose of these regulations is to provide for the regulation and licensing of sexually oriented businesses within the Town in a manner which will protect the property values, neighborhoods and residents from the potential adverse secondary effects of sexually oriented businesses while providing to those who desire to patronize sexually oriented businesses the opportunity to do so. It is not the intent of this Chapter to suppress any speech activities protected by the First and Fourteenth Amendments of the United States Constitution or Article II, Section 10 Colorado Constitution, but to impose content-neutral regulations, which address the adverse secondary effects of sexually oriented businesses. Nothing in this Chapter is intended to authorize or license anything otherwise prohibited by law.

Sexually oriented businesses are frequently used for unlawful sexual activities, including prostitution. The concern over sexually transmitted diseases is a legitimate health concern of the Town, which demands reasonable regulation of sexually oriented businesses to protect the health and well-being of the citizens, including the patrons of sexually oriented businesses. Licensing of sexually oriented businesses is a legitimate and reasonable means of ensuring that operators of sexually oriented businesses comply with reasonable regulations and that operators do not knowingly allow their businesses to be used as places of illegal sexual activity or solicitation. There is convincing documented evidence that sexually oriented businesses, because of their nature, have a deleterious effect on both the existing businesses around them and surrounding residential areas causing increased crime and downgrading of property values. The purpose of this Chapter is to control adverse effects from sexually oriented businesses and thereby protect the health, safety and welfare of the citizens; protect the citizens from increased crime; preserve the quality of life; preserve the property values and character of the surrounding neighborhoods and deter the spread of urban blight. This Chapter is authorized by Section 31-15-401, C.R.S. and other applicable law.

6.05.020 Definitions.

**Adult Arcade.** Any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five (5) or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of specified sexual activities or specified anatomical areas.

**Adult Bookstore or Adult Video Store.** A business having as a substantial and significant portion of its stock and trade, revenues, space or advertising expenditures, resulting from the sale, renting or viewing of one or more of the following:

1. Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, laser disks, slides or other visual representations which depict or describe specified sexual activities or specified anatomical areas; or
2. Instruments, devices, or paraphernalia, which are designed for, specified sexual activities.

**Cabaret.** A nightclub, bar, restaurant or similar business, which regularly features:

1. Persons who appear in a state of nudity; or
2. Live performances which are characterized by the exposure to specified anatomical areas or by specified sexual activities; or
3. Films, motion pictures, video cassettes, slides or other photographic reproductions, which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

**Adult Motel.** A hotel, motel or similar business which offers private rooms to the public and provides patrons live performances or closed-circuit television transmissions, not including pay per view satellite transmissions, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

**Adult Motion Picture Theater.** A business where films, motion pictures, video cassettes, slides or similar photographic reproductions are regularly shown which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

**Adult Theater.** A theater, concert hall, auditorium, or similar business which regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities.

**Employee.** Includes any person who is paid directly or indirectly by the licensee for services performed on the premises whether such person would otherwise as a matter of law be classified as an employee, agent, manager, entertainer or independent contractor.

**Licensing Officer.** The Licensing Officer referred to in this Title is the Town Clerk unless another official has been designated by the Town Administrator or Board of Trustees as the Licensing Officer.

**Manager.** Any person other than a licensee who is employed by a sexually oriented business to act as a manager or supervisor of the employees, finances or patrons of the business or is otherwise responsible for operation of the business.

**Peep booth.** A viewing room, other than a private room, of less than one hundred fifty square feet (150 sq. ft.) of floor space upon the premises of a sexually oriented business where there is exhibited photographs, films, motion pictures, video cassettes, or other video reproductions, slides or other visual representations which depict or describe specified sexual activities or specified anatomical areas.

**Person.** An individual, proprietorship, partnership, corporation, association or other legal entity.

**Private Room.** A room in an adult motel that is not a peep booth, has a bed in the room, has a bath in the room or adjacent to the room, and is used primarily for lodging.

**Sexual Encounter Establishment.** A business or commercial establishment, which as one of its primary business purposes, offers for any form of consideration, a place where two (2) or more persons may congregate, associate or consort for the purpose of specified sexual activities or the exposure of specified anatomical areas, when one or more of the persons exposes any specified anatomical area.

**Sexually Oriented Business.** An adult arcade, adult bookstore, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, sexual encounter establishment or other similar business and includes:

1. The opening or commencement of any sexually oriented business as a new business.
2. The conversion of an existing business, whether or not a sexually oriented business, to a sexually oriented business.
3. The addition of any sexually oriented business to any other existing sexually oriented business.
4. The relocation of any sexually oriented business; or
5. The continuation of a sexually oriented business in existence on the effective date of this Ordinance.

**Specified Anatomical Areas.** Are defined as:

1. Less than completely and opaquely covered: human genitals, pubic region, buttocks and female breast below a point above the top of the areola.
2. Human male genitals in a discernibly turgid state even if completely and opaquely covered.

**Specified Sexual Activities.** Acts, simulated acts, exhibitions, representations, depictions or descriptions of:

1. Human genitals in a state of sexual stimulation or arousal.
2. Fondling or other erotic touching of human genitals, pubic region, buttocks or female breast.
3. Intrusion, however slight, of any object, any part of an animal's body, or any part of a person's body into the genital or anal openings of any person's body or into the body of an animal.
4. Cunnilingus, fellatio, anilingus, masturbation, bestiality, lewd exhibition of genitals or excretory function.
5. Flagellation, mutilation or torture for purposes of sexual arousal, gratification, or abuse.

**Stage.** A raised floor or platform at least three feet (3') above the surrounding floor measured perpendicularly from the edge of the stage to the surrounding floor and at least thirty-six square feet (36 sq. ft.) in area.

6.05.030 License Required.

- A. It shall be unlawful for any person to operate a sexually oriented business without a license issued by the Licensing Officer under the provisions of this Chapter.
  - 1. An application for a license must be made on a form provided by the Town.
  - 2. The application must be accompanied by a diagram showing the configuration of the premises, including a statement of total floor space occupied by the business, and designating the use of each room or other area of the premises.
  - 3. The diagram shall designate those rooms or other areas of the premises where patrons are not permitted.
  - 4. The diagram need not be professionally prepared but must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six inches ( +/- 6").
  - 5. The diagram shall designate the place at which the license will be conspicuously posted.
  - 6. No alteration in the configuration of the premises or any change in use of any room or area as shown on the diagram may be made without the prior written approval of the Town.
  - 7. The Licensing Officer may waive the foregoing diagram for renewal applications if the applicant adopts a diagram that was previously submitted and certifies that the configuration of the premises has not been altered since it was prepared and that the use of any area or room in the premises has not changed.
- B. The applicant must be qualified according to the provisions of this Title and the premises must be inspected by the Fire Department, Building Official of the Building Department and the Licensing Officer and found to be in compliance with the law.
- C. Contemporaneously with the submission of an application for a license, the applicant shall submit the special use permit from the Town Planning Department indicating that the requirements of Chapter 15.03 of the Collbran Municipal Code are met unless the applicant's sexually oriented business is an existing nonconforming use under the provisions of Section 15.03.090 of the Collbran Land Use Regulations. In the event that such permit is subject to appeal, no further action shall be taken upon such application until such appeal is finally adjudicated.

6.05.040 Issuance of a Sexually Oriented Business License.

- A. The sexually oriented business shall be issued a license within thirty (30) days after receipt of an application if the requirements set forth in Title 6 are met, unless the Licensing Officer finds one or more of the following:
  - 1. An applicant is overdue in payment to the Town of taxes, fees, fines or penalties assessed against the applicant or imposed upon the applicant in relation to a sexually oriented business.
  - 2. An applicant has failed to provide information reasonably necessary for issuance of the license or has falsely answered a question or request for information on the application form.

3. The premises to be used for the sexually oriented business have not been approved by the Fire Department, the Building Official and the Licensing Officer as being in compliance with applicable laws and ordinances.
  4. The applicant has not been issued a special use permit by the Town indicating the requirements of Title 15 of the Collbran Municipal Code are met and that such permit, if issued, is not subject to appeal or the applicant's sexually oriented business is an existing nonconforming use under Title 15 of the Collbran Municipal Code.
- B. The license, if granted, shall state on its face the name of the person or persons to whom it is granted, the expiration date, and the address of the sexually oriented business. The license shall be posted in a conspicuous place at or near the entrance to the sexually oriented business so that it may be easily read at any time.
  - C. The Fire Department and Building Official shall complete their certification that the premises are in compliance or not in compliance within twenty (20) days of receipt of the application by the Licensing Officer. Their certifications shall be promptly presented to the Licensing Officer. The Licensing Officer's inspection shall be completed within thirty (30) days after the receipt of the application.
  - D. A denial by the Licensing Officer of the application shall be in accordance with Title. The applicant may appeal the denial in accordance with the provisions of this Title.

6.05.050 Manager's Registration.

- A. It shall be unlawful for any person to work as a manager of a sexually oriented business without first registering with the Licensing Officer.
- B. The registration of a manager with the Licensing Officer is in lieu of the issuance of a license to a manager.
- C. The Licensing Officer shall register a manager if all of the requirements for a license as set forth in this Title are met.
- D. The manager's registration shall be issued or denied in accordance with the criteria for issuance or denial of a license as set forth in this Title.
- E. The registration may be suspended or revoked for any grounds for the suspension or revocation of a license as set forth in this Title.

6.05.060 Employee Registration. Each licensee will provide to the Licensing Officer the full name, aliases if any, address, telephone number and date of birth of any employee within five (5) days of employment.

6.05.070 Inspection.

- A. The licensee or the licensee's employees shall permit representatives of the Marshal's Department, Mesa County Health Department, Building Official of the Building Department, the Fire Department, Planning Department, Licensing Officer or other Town

departments or agencies to inspect the premises of a sexually oriented business for the purpose of ensuring compliance with the law as provided for in this Section.

- B. Town departments and agencies shall conduct such inspections in a reasonable manner and only as frequently as may be reasonably necessary.
- C. Inspections shall take place during the regular business hours of the sexually oriented business or when any person is on the premises.
- D. It shall be unlawful for the licensee or any employee to refuse to permit such lawful inspection of the premises as provided in this Section.

6.05.080 Expiration of License. Each license shall expire one (1) year from the date of issuance and may be renewed only by making application as provided in this Title.

6.05.090 License Suspension or Revocation. A. In addition to the grounds set forth for suspension or revocation of a license in this Title, the Licensing Officer shall suspend a license for a period not to exceed six (6) months and may revoke a license if the Licensing Officer determines that a licensee or an employee of a licensee has:

- 1. Violated or is not in compliance with any Chapter of this Title.
  - 2. Refused to allow an inspection of the sexually oriented business premises as authorized by this Chapter.
  - 3. Knowingly permitted any unlawful act upon the premises.
- B. In determining the action to be taken as provided in this Section, the Licensing Officer shall consider the following aggravating and mitigating circumstances:
- 1. Whether the licensee has been previously suspended or revoked.
  - 2. Whether the licensee was warned that the conduct involved could lead to a suspension or revocation.
  - 3. Whether the cause for suspension or revocation involves one or several violations.
  - 4. Whether the violation(s) are technical or substantive in nature.
  - 5. The extent to which the licensee, licensee's agents and employees, as opposed to patrons, were involved in the violation(s).
  - 6. The extent to which the licensee or licensee's employees had knowledge of the violation(s).
  - 7. Any corrective or remedial action the licensee has taken to prevent similar violation(s) in the future.
  - 8. Whether the violation(s) involved the commission of a crime, and if so, the degree of felony or misdemeanor involved.
  - 9. The extent to which the violation(s) caused personal injuries or property damages.
  - 10. Whether the licensee has paid damages or made restitution to any person or entity damaged by the violation(s).

11. The extent to which the violations posed a significant risk to the health, safety and welfare of persons on or off of the licensed premises.
12. The length of time over which the violation(s) extended.
13. The extent to which the licensee or licensee's employees realized a financial gain from the violation(s).
14. The number of employees, patrons, or both involved in the violation(s).
15. The nature and extent of enforcement action taken by the Town or any law enforcement to detect the violation(s).
16. The involvement of any persons under twenty one (21) years of age in the violation(s).
17. The extent to which the licensee or licensee's employees have attempted to cover up the violation(s), destroy evidence or otherwise hinder the investigation and detection of the violation(s).
18. The extent to which the licensee and licensee's employees have acted in good faith.

6.05.100 Mandatory License Revocation.

- A. The Licensing Officer shall revoke a license if the Licensing Officer determines that:
  1. A license has previously been suspended within the preceding twelve (12) months;
  2. A licensee gave false information in the material submitted to the Licensing Officer;
  3. A licensee or employee has knowingly allowed possession, use, or sale of a controlled substance as defined in Part 3 of Article 22 of Title 12 C.R.S. on the premises;
  4. A licensee or an employee has knowingly allowed prostitution on the premises;
  5. A licensee or an employee knowingly operated the sexually oriented business during a period of time when the license was suspended.
  6. Excluding conduct within a private room of an adult motel, a licensee or employee has knowingly allowed any act of sexual intercourse, sodomy, oral copulation, masturbation or other sexual conduct to occur on the premises.
- B. When the Licensing Officer revokes a license, the revocation shall continue for one (1) year, and the licensee shall not be issued a sexually oriented license for one (1) year from the date revocation became effective.

6.05.110 Hours of Operation.

- A. It shall be unlawful for a sexually oriented business to be open for business or for the licensee or any employee of a licensee to allow patrons upon the licensed premises from:

1. On any Tuesday through Saturday from two o'clock (2:00) A.M. until seven o'clock (7:00) A.M.;
  2. On any Monday other than a Monday which falls on January 1, from twelve o'clock midnight (12:00) until seven o'clock (7:00) A.M.;
  3. On any Sunday from two o'clock (2:00) A.M. until eight o'clock (8:00) A.M.;
  4. On any Monday which falls on January 1, from two o'clock (2:00) A.M. until seven o'clock (7:00) A.M.
- B. This Section shall not apply to those areas of an adult motel, which are private rooms.

6.05.120 Peep Booth Regulations.

- A. A licensee who has peep booths upon the premises shall comply with all of the following requirements:
1. The diagram accompanying an application for a license shall specify the location of one (1) or more manager's stations.
  2. It is the duty of the licensee to ensure that at least one (1) employee is on duty and situated in each manager's station at all times that any patron is present inside the premises.
  3. The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the premises to which any patron is permitted access for any purpose, excluding restrooms. Restrooms may not contain film or video reproduction equipment or equipment for showing slides or photographs. If the premises has two (2) or more manager's stations, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose from at least one (1) of the manager's stations. The view required in this subsection must be by direct line of sight from the manager's station.
  4. It shall be the duty of the licensee and employees present on the premises to ensure that the view area specified in subsection (A)(3) above remains unobstructed by any doors, walls, merchandise, display racks or other materials at all times and to ensure that no patron is permitted access to any area of the premises which has been designated in the application as an area to which patrons will not be permitted.
  5. It shall be the duty of the licensee to ensure that all walls shall be maintained without holes or damage.
  6. No peep booth may be occupied by more than one (1) person at any time.
- B. It shall be unlawful for any person having a duty under this Title to knowingly fail to fulfill that duty.

6.05.130 Lighting Regulations.

- A. Excluding a private room of an adult motel, the interior portion of the premises to which patrons are permitted access shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place at an illumination of not less than two (2.0) foot-candle as measured at the floor level.
- B. It shall be the duty of the licensee and employees present on the premises to ensure that the illumination described above is maintained at all times that any patron is present on the premises.

6.05.140 Additional Regulations - Adult Theaters, and Adult Cabarets.

- A. Any adult cabaret or adult theater shall have one (1) or more separate areas designated in the diagram submitted as part of the application as a stage for the licensee or employees to perform as entertainers. Entertainers shall perform only upon the stage. The stage shall be fixed and immovable. No seating for the audience shall be permitted within three feet (3') of the edge of the stage. No members of the audience shall be permitted upon the stage or within three feet (3') of the edge of the stage.
- B. It shall be unlawful for the licensee or for any employee to violate any of the requirements of this Section or to knowingly permit any patron to violate the requirements of this Section.
- C. In any adult theater or adult cabaret that features persons who appear in a state of nudity or live performances, which are characterized by the exposure of specified anatomical areas or by specified sexual activities, the licensee and all employees present on the premises and all patrons must be at least twenty-one (21) years of age.

6.05.150 Conduct for Sexually Oriented Businesses.

- A. No licensee or employee mingling with the patrons, or serving food or drinks, shall be unclothed or in such attire, costume or clothing, so as to expose to view any specified anatomical area.
- B. No licensee or employee shall encourage or knowingly permit any person upon the premises to touch, caress or fondle the breasts, anus or specified anatomical areas of any person.
- C. No licensee or employee shall violate the requirements of subsections 6.05.100 (A)(2) through (A)(5) of this Section.
- D. It shall be unlawful for any licensee or employee to knowingly permit a patron to violate any of the requirements of this Section.

6.05.160 Sexually Oriented Businesses - Employee Tips.

- A. It shall be unlawful for any employee of a sexually oriented business to receive tips from patrons except as set forth in subsection (C) of this Section.
- B. A licensee that desires to provide for tips from its patrons shall establish one (1) or more boxes or other containers to receive tips. All tips for such employees shall be placed by the patron of the sexually oriented business into the tip box.

C. A sexually oriented business that provides tip boxes for its patrons as provided in this Section shall post one (1) or more signs to be conspicuously visible to the patrons on the premises in letters at least one inch (1") high to read as follows: "All tips are to be placed in tip box and not handed directly to the entertainer. Any physical contact between the patron and the entertainer is strictly prohibited."

6.05.170 Adult Motel Regulations. An adult motel that, in addition to the renting of private rooms, operates a sexually oriented business as otherwise defined in this Chapter shall comply with all of the requirements set forth in this Chapter pertaining to that business.

6.05.180 Injunction. Any person who operates or causes to be operated a sexually oriented business without a license is subject to suit for injunction as well as criminal prosecution.

6.05.190 Prohibited Acts - Penalty. Any person who violates any provision of this Chapter, or who fails to perform an act required by any provision of this Chapter, commits a Class A municipal offense.

6.05.200 Fees. A business license fee of three hundred fifty dollars (\$350.00) and a manager's registration fee of seventy-five dollars (\$75.00) shall be paid upon submission of an application and annually thereafter upon renewal of the sexually oriented business license.

#### Chapter 6.06

#### ISSUANCE AND CONDITIONS OF SEXUALLY ORIENTED BUSINESS LICENSES

##### Sections:

6.06.010 Issuance or Denial.

6.06.020 Posting, Display of License.

6.06.030 Licenses for Branch Establishments.

6.06.040 Transfer of License.

6.06.050 Renewal of License.

##### 6.06.010 Issuance or Denial.

A. Except as otherwise provided in this Title 6, the Licensing Officer shall issue a license to an applicant if he finds after investigation:

1. All conditions imposed upon the applicant as prerequisites to the issuance of the said license by the terms of the provisions pertaining to the particular license sought have been met including but not limited to meeting the qualifications of applicants standards set forth in this Title.
2. The required application and license fees have been paid;

3. The use to which the premises are proposed to be put shall conform to the requirements of applicable building, fire, safety and zoning regulations; and
  4. All other specific requirements of the terms and provisions relating to the application for the particular license requested for use at the premises specified in the application have been met.
- B. If the Licensing Officer shall not so find he shall thereupon deny such application and notify the applicant of the denial by serving upon the applicant personally a copy of such denial and the reasons supporting such denial or by mailing the same to him by registered or certified mail at the business address shown on the application.
  - C. Any applicant aggrieved by any final order of the Licensing Officer after the denial of such application shall have the right to appeal to the Board of Trustees by filing a written appeal, stating the grounds thereof, with the Licensing Officer within ten (10) days following the date of denial of said application.
  - D. In the event an appeal is timely filed, it shall be heard at the next regular Board of Trustees meeting occurring at least ten (10) days after said filing with the Licensing Officer. Review by the Board shall be a de novo hearing.

6.06.020 Posting, Display of License.

- A. Every license issued by the Town for a business or activity to be conducted at a particular street address shall be posted during the period such license is valid. Such license shall be posted in a conspicuous place and shall be visible from the principal entrance of the business or activity. When such license expires, it shall be removed; no license not in full force and effect shall remain posted.
- B. It shall be the duty of each and every person to whom a license has been issued to exhibit the same upon the request of any peace officer, the Licensing Officer, or other official of the Town.

6.06.030 Licenses for Branch Establishments. A license shall be obtained in the same manner prescribed herein for each branch establishment or location of the business as if each such branch establishment or location were a separate business; provided that warehouses and wholesale distributing plants used in connection with and incidental to a business licensed under the provisions of this Title shall not be deemed to be separate places of business or branch establishments.

6.06.040 Transfer of License. No license shall be transferred from one person to another or from one location to another. Any change of ownership or change of location of a licensed business or activity shall require a new application and license with payment of fees therefor according to the provisions pertaining to the particular kind of license.

6.06.050 Renewal of License.

- A. At any time within thirty (30) days prior to the expiration of his current license, a licensee may make application for a license renewal for the succeeding year and pay the required fees therefore. Unless otherwise provided by this Title, if application is so made and no action or proceeding is pending against the licensee for suspension or revocation of his current license or licenses, he may continue in his business or activity for the succeeding period unless or until his application for license renewal is denied.
- B. In the event a suspension or revocation proceeding is pending when a license renewal is applied for, the business or activity may continue in operation during the pendency of such suspension or revocation proceeding but the application for a license renewal shall not be acted upon until the suspension or revocation proceeding has been completed.

#### Chapter 6.07

### QUALIFICATIONS OF APPLICANTS FOR SEXUALLY ORIENTED BUSINESS LICENSES

#### Sections:

6.07.010 Qualifications of Applicants.

6.07.010 Qualifications of Applicants. The general standards set out in this Section relative to the qualifications of every applicant for a Town sexually oriented business license shall be considered and applied by the Licensing Officer. The applicant shall:

- A. Not have a history or prior misconduct, which constitutes evidence that serious criminal conduct, would likely result from the granting of a license issued pursuant to this Title.
- B. No Obligations to the Town. Not be in default under the provisions of this Title or indebted to or obligated in any manner to the Town.
- C. Compliance with all Town Regulations. Present certificates furnished by the appropriate officers or agencies to the effect that the proposed use of any premises is in compliance with all applicable Town regulations including, by way of description and not of limitation, zoning, building and fire codes and the like.

#### Chapter 6.08

### SUSPENSION AND REVOCATION PROCEDURES FOR SEXUALLY ORIENTED BUSINESS LICENSES

#### Sections:

6.08.010 Grounds for Suspension or Revocation.

6.08.020 Hearing Procedures.

6.08.030 Hearings.

6.08.040 Notice of Suspension or Revocation.

6.08.050 Effect of Suspension or Revocation.

6.08.060 Appeals.

6.08.070 Summary Suspension.

6.08.080 Board Decision - Effect Of.

6.08.090 Fine in Lieu of Hearings.

6.08.010 Grounds for Suspension or Revocation.

- A. The Licensing Officer shall suspend for a period not to exceed six (6) months or revoke any sexually oriented business license issued by the Town if he finds that:
  - 1. The licensee has failed to pay the annual license fee.
  - 2. The licensee has failed to file required reports or to furnish such other information as may be reasonably required by the Licensing Officer or other Town official under the authority vested in him by the terms of the provisions relating to the specific license;
  - 3. The licensee or any agent or employee of such licensee has violated any provisions of this Title pertaining to his license or any regulations or order lawfully made under and within the authority of this Title relating to the license;
  - 4. The licensee or any agent or employee of such licensee has violated any law of the United States, of the State of Colorado or the Town of Collbran when such violation occurred on the licensed premises, or relates to conduct or activity of any business required to be licensed by this Title.

6.08.020 Hearing Procedures.

- A. Upon commencement of suspension or revocation proceedings, the Licensing Officer shall set a time and place for the hearing of the matter.
- B. The Licensing Officer shall give the licensee timely notice of the time and place of the hearing and the violations asserted. Such notice shall be served personally or by mailing by first-class mail to the last address furnished to the Licensing Officer by the licensee, at least ten (10) days, including Saturdays, Sundays and legal holidays prior to the hearing. In lieu of such service, or in addition thereto, a copy of such notice may be affixed to the principal entrance of the licensed premises which shall be deemed to be the principal place of business or main office or may be affixed to some prominent structure on such premises.
- C. In any such action, a public hearing shall be granted at which the licensee shall be afforded an opportunity to be heard, present evidence, cross-examine witnesses, and offer evidence in mitigation of any violations.
- D. All evidence shall be recorded stenographically or by electronic recording device.
- E. In all such proceedings, the Town Attorney shall act on behalf of the Town during the hearing.

6.08.030 Hearings. The Licensing Officer or his designee shall conduct hearings for suspension or revocation of licenses granted pursuant to this Chapter. The hearing shall be conducted in

accordance with the requirements of the Collbran Municipal Code. The Licensing Officer shall make findings of fact and conclusions concerning the revocation or suspension of a license. The Licensing Officer shall transmit a copy of the final findings of fact and conclusion to the licensee as provided hereafter.

6.08.040 Notice of Suspension or Revocation.

- A. Upon suspension or revocation of any sexually oriented business license required by this Title, notice of such suspension or revocation shall be given by personally serving the licensee with the order of suspension or revocation or by mailing such order to such person by certified or registered mail at the business address of the licensee as shown on the license or at the address of the designated agent. In lieu of such service, or in addition thereto, a copy of such order may be affixed to the principal entrance of the licensed premises which shall be deemed to be the principal place of business or main office, or may be affixed to some prominent structure on such premises.
- B. The order shall be effective immediately upon service of notice thereof unless the order provides otherwise. Service of such order shall be complete upon mailing or posting.

6.08.050 Effect of Suspension or Revocation. Upon the effective date of suspension or revocation of any license required for a business or activity, the licensee of such licensed business or activity shall cease and desist from further operation or activity.

6.08.060 Appeals. Any person aggrieved by any final order of the Licensing Officer after hearing shall have the right to appeal to the Board of Trustees by filing a written appeal with the Town Clerk within ten (10) days following the effective date of the action or order complained of, and such appeal shall have the effect of staying execution of such final order pending appeal.

- A. Contents of Appeal. An appeal shall be in writing and shall set out a copy of the order appealed from and shall include a statement of the facts relied upon to contest such order.
- B. Hearing.
  - 1. The Town Clerk shall fix a time and place for hearing the appeal which shall be at the next regular meeting of the Board of Trustees occurring not less than ten (10) days following receipt of the notice of appeal or the record on appeal, whichever is later, and shall cause written notice of the same to be served upon the applicant informing him thereof. The Town Clerk shall also give such notice to the Licensing Officer and such Officer may appear and defend the order.
  - 2. Upon appeal to the Board of Trustees of the suspension or revocation, the Board shall review the record, including the transcript of proceedings and evidence before the Licensing Officer, and shall determine whether there is substantial evidence in the record to support the recommendation of the Licensing Officer. If there is substantial evidence in the record to support the recommendation of the Licensing Officer, then the Board shall affirm the decision of the Licensing Officer. If there is not substantial evidence in the record to support the recommendation of the Licensing Officer, then the Board may reverse the recommendation of the Licensing Officer or remand the matter back to the

Licensing Officer for further proceedings. No new evidence shall be submitted to the Board unless a majority of the Board determines that such evidence could not have been reasonably presented at the time the matter was heard before the Licensing Officer. If the Board decides to hear new evidence, it may hear the new evidence or remand the matter to the Licensing Officer.

3. The appellant seeking review of the action of the Licensing Officer, at the time of the filing of the notice of appeal, shall pay to the Town the estimated cost for preparing a transcript of the proceedings before the Licensing Officer. The cost of preparing a transcript of testimony before the Licensing Officer shall be charged at rates ordinarily charged by certified court reporters. The cost of preparing the transcript shall be estimated by the Town Clerk. In the event the cost of the transcript is greater than the cost estimated by the Town Clerk, the appellant shall pay this additional cost within ten (10) days after billing by the Town Clerk. In the event that the cost of the transcript is less than the estimated sum paid by the appellant, the Town Clerk shall refund the excess paid within ten (10) days after actual cost of the transcript is determined.

6.08.070 Summary Suspension. When the conduct of any licensee, agent or employee is so inimical to the public health, safety and general welfare as to constitute a nuisance or hazard and thus give rise to an emergency, the Licensing Officer shall have the authority to summarily order the cessation of business and the closure of the premises pending a hearing on the question of whether to suspend or revoke the license. Unless waived by the licensee in writing, the Board of Trustees, within fifteen (15) days after the Licensing Officer has acted, shall conduct a hearing upon the summary order and the activity giving rise to such order. The order shall state the grounds for its issuance and shall give notice of the hearing and shall be served upon the affected person in the manner prescribed in this Title. At such hearing the licensee shall show cause why the summary suspension should not be made a final order of suspension or revocation.

6.08.080 Board Decision; Effect of

- A. The decision of the Board of Trustees in all cases shall be final and conclusive and shall be served upon the licensee by personal service, by registered or certified mail, or by posting as provided in this Title.
- B. A decision of Board of Trustees is reviewable only by the District Court under C.R.C.P. 106(a)(4). There shall be no stay of execution pending a review by the Court except by Court order.

6.08.090 Fine in Lieu of Hearing.

- A. Upon application, stipulation or admission by the licensee, made ten (10) days prior to a scheduled suspension or revocation hearing unless waived by the Licensing Officer, the licensee may request permission to pay a fine in lieu of a hearing. Upon the receipt of the petition, the Licensing Officer or his designee may, in his sole discretion, stay a proposed hearing and cause any investigation to be made which he deems desirable and may, in his sole discretion, grant the petition if he is satisfied:

1. That the public welfare and morals would not be impaired by permitting the licensee to continue operation and that the payment of the fine will achieve the desired disciplinary purposes;
  2. That the licensee has not had his license suspended or revoked, nor paid any fine in lieu of suspension during the two (2) years immediately preceding the date of the alleged violations; and
  3. That the books and records of the licensee are kept in such a manner that economic loss can be determined with reasonable accuracy therefrom.
- B. The fine accepted shall be the equivalent to twenty percent (20%) of the estimated gross revenues from the sale of such merchandise or services on the dates of the alleged violations; except that the fine shall be not less than five hundred dollars (\$500.00) nor more than ten thousand dollars (\$10,000.00).
- C. Payment of any fine pursuant to the provisions of subsection (A) shall be payable in full in the form of cash, certified check or cashier's check made payable to the Town of Collbran. The proceeds of the payment of the fine shall be paid into the General Fund of the Town.
- D. Upon payment of the fine pursuant to subsection (A) of this Section, the Licensing Officer or his designee shall enter his further order permanently staying the suspension or revocation hearing.
- E. The authority of the Licensing Officer or his designee under this Section is limited to:
1. The granting of such stays as are necessary for him to complete his investigation and make his findings; and
  2. If he makes such findings, to the granting of an order permanently staying the imposition of the hearing; and
  3. The determination of the fine to be imposed.
- F. If the Licensing Officer does not make the findings required in subsection (A) of this Section and does not order the hearing permanently stayed, the hearing shall proceed as scheduled.
- G. The determination of the Licensing Officer to deny a fine in lieu of a hearing, or to allow a fine in lieu of a hearing, and the determination of the amount of the fine, shall be final decisions committed to his discretion and not subject to appeal to the Board of Trustees.

CHAPTER 6.09  
OIL AND GAS EXPLORATION AND PRODUCTION

Sections:

- 6.09.010 Scope
- 6.09.020 Purpose
- 6.09.030 Definitions
- 6.09.040 Special Use Permit Requirements and Procedures
- 6.09.050 Site Plan Application Requirements

- 6.09.060 Application Review Criteria
- 6.09.070 Notice to Proceed
- 6.09.080 Building Permits Required
- 6.09.090 Well and Production Facility Location and Setbacks
- 6.09.100 Compliance with Environmental Regulations
- 6.09.110 Environmental Impacts and Mitigation
- 6.09.120 Access Roads
- 6.09.130 Geologic Hazard, Floodplain, Floodway Restrictions
- 6.09.140 Disposal of Drilling Mud and Exploration and Production Waste
- 6.09.150 Injection Wells and Aquifers
- 6.09.160 Seismic Operations
- 6.09.170 Signage
- 6.09.180 Abandonment and Plugging of Wells; Notification Requirement
- 6.09.190 Reclamation
- 6.09.200 Emergency Response Costs
- 6.09.210 Unauthorized Construction Prohibited
- 6.09.220 Violation and Enforcement
- 6.09.230 Conflicting Provisions
- 6.09.240 Severability

6.09.010. Scope.

Unless otherwise stated in this Chapter, this Chapter shall apply to any and all exploration, development or production of oil and/or gas within the Town limits, notwithstanding any provisions to the contrary as stated in Title 15 of this Code pertaining to zoning. The provisions of these regulations shall apply to the construction, alteration, repair, erection, location and maintenance of any gas and/or oil well or related structures within the Town limits.

6.09.020. Purpose.

The purpose of this Chapter is to provide for exploration and development of oil and gas within the Town, to protect the health, safety and welfare of the residents of the Town, to provide for sound environmental and safety practices for oil and gas operations within the Town, and to prevent damage to Town streets and bridges. It is recognized that under state law the surface and mineral estates are separate and distinct interests in land and that one may be severed from the other. Owners of subsurface mineral interests have certain legal rights and privileges, including the right to use that portion of the surface estate reasonably necessary to extract and develop their subsurface mineral rights. The State has a recognized interest in fostering the efficient development, production and utilization of oil and gas resources, and particularly in the prevention of waste and protection of the correlative rights of mineral interest owners and producers to a fair and equitable share of production profits. Similarly, owners of the surface

estate have certain legal rights and privileges, including the right to be accommodated by the mineral lessee, which includes the right to require the lessee to use reasonably available alternatives, if the lessee's operation would impair or preclude uses by the surface estate owner. Municipal governments have a statutory and judicially recognized authority and responsibility to regulate land use within their jurisdiction. These regulations are intended to be an exercise of that land use authority of the Town in a manner that upholds the balance between municipal and state interests. Nothing in this Chapter shall be construed as giving the Town authority to enforce state or federal laws, rules or regulations.

6.09.030. Definitions.

All terms used in this Chapter that are defined in the Act or in Commission regulations and are not otherwise defined in this Section, are defined as provided in the Act or in such regulations as of the effective date of the ordinance codified herein. All other words used in this Chapter are given their usual, customary and accepted meaning, and all words of a technical nature, or peculiar to the oil and gas industry, shall be given that meaning which is generally accepted in said oil and gas industry. When not clearly otherwise indicated by the context, the following words and phrases used in this Chapter have the following meanings:

*Act* means the Oil and Gas Conservation Act of the State of Colorado.

*Applicant* means that person, corporation or other legal entity possessing the legal right to develop the mineral resource or any other use proposed in connection thereof for the site in question; generally, the applicant will be the owner or lessee of the mineral estate.

*Building units* means a building or structure intended for human occupancy. Every guest room in a hotel/motel or bed-and-breakfast facility is equal to one (1) building unit, and every five thousand (5,000) square feet of building floor area in commercial facilities is equal to one (1) building unit.

*Commission* or *COGCC* means the Oil and Gas Conservation Commission of the State of Colorado.

*Day* means a period of twenty-four (24) consecutive hours.

*Injection well* means any hole drilled into the earth into which fluids are injected for the purposes of secondary recovery, storage or disposal, pursuant to authorizations granted by the Commission.

*Oil and gas well* means any hole drilled into the earth for the purpose of exploring for or extracting oil, gas or other hydrocarbon substances, including but not limited to directionally drilled wells.

*Operating plan* means a general description of a facility identifying purpose, use, typical staffing pattern, seasonal or periodic considerations, routine hours of operating, source of services, infrastructure and any other information related to regular functioning of such facility.

*Operator* means the person designated by the working interest owners as operator and named in Commission Form 2 or a subsequently filed Commission Form 10.

*Owner* means any person with a working interest ownership in the oil and gas or leasehold interest therein.

*Production site* means the area surrounding proposed or existing production pits or other accessory equipment required for oil and gas production, at which may also be located tanks and tank batteries, exclusive of transmission and gathering pipelines.

*Re-entering* means accessing an existing well bore for either the original or amended purpose, provided that such well has not been abandoned.

*Sidetracking* means entering the same well head from the surface, but not necessarily following the same well bore, throughout its subsurface extent when deviation from such well bore is necessary to reach the objective depth because of an engineering problem.

*Twinning* means the drilling of a well within a radius of fifty (50) feet from an existing well bore when the well cannot be drilled to the objective depth or produced because of an engineering problem, such as a collapsed casing or formation damage.

*Use tax* means the tax paid by a consumer for using, storing, distributing or otherwise consuming tangible personal property or taxable services inside the Town.

*Well* means an oil and gas well or an injection well, including but not limited to directional drilling wells (for example, any well hole drilled into the ground).

*Well site* means that area surrounding a proposed or existing well or wells and accessory structures and equipment necessary for drilling, completion, recompletion, work over, development and production activities.

**6.09.040. Special use permit requirements and procedures.**

(a) Proposed new wells, re-drilling certain wells and other specific enhancements.

(1) Within all zone districts, it shall be unlawful for any person to drill a well, reactivate a plugged or abandoned well or perform initial installation of accessory

equipment or pumping systems unless a use by special use permit has first been granted by the Town in accordance with the procedures prescribed herein.

(2) When such permit has been approved for a well, the twinning, sidetracking or re-entering of such well for the purposes of deepening, recompleting or reworking shall not require a subsequent approval under this Chapter. If any twinning, sidetracking, deepening, recompleting or reworking of a well, or relocation of accessory equipment or gathering and transmission lines occurs, then the operator shall submit a revised site plan to the Town depicting any changes from the approved special use permit. After review of the revised site plan, the Town shall issue a Notice to Proceed as provided in Section 6.09.070. The approval of such permit does not relieve the operator from otherwise complying with all applicable regulatory requirements of the Town, state and federal governments.

(3) The special use permit is limited to the current proposed facilities as shown on the approved plan. To the extent the applicant desires, after initial completion of a well, to place additional equipment on a tank battery or wellhead location which was not shown in the approved plan, the applicant must, except in a situation where additional equipment is necessary for a period of fourteen (14) days or less, notify the Town of installation of such additional equipment.

(4) Within thirty (30) days after completion of operations, the applicant shall provide to the Town as-built drawings showing all facilities, pipelines, flow lines and gathering lines which the applicant has placed on the land subject to this permit.

(b) Inspections. In recognition of the potential impacts associated with oil and gas drilling and well operation in an urban setting, all wells and accessory equipment and structures may be inspected by the Town at reasonable times to determine compliance with the applicable provisions of this Chapter, the Town's building and fire codes and all other applicable Town health or safety standards. For the purpose of implementing and enforcing the provisions of this Chapter, Town personnel have the right to enter upon private property after reasonable notification to the operator, which provides the operator an opportunity to be present.

(c) Inspection fee.

(1) The inspection fee as established by resolution of the Board of Trustees shall be payable per well for each year or part of a year during which such well has not been plugged and abandoned. No inspection fee shall be due for any year following the year in which a well is plugged or abandoned, unless a special use permit is granted with respect to such well. No inspection fee shall be due for any calendar year in which the fee for an application for special use permit, as provided in Subsection (e) below, is paid. Any inspection fee which becomes due and payable after January 1 of each year shall be paid by the operator within thirty (30) days after receipt of an invoice from the Town. An

operator contesting the amount of the invoice may, upon payment of the invoice under protest, appeal directly to the Board of Trustees.

(2) If the operator fails to pay the inspection fee imposed by this Section when due, a penalty of ten percent (10%) shall be added to the amount of the fee due, together with interest on the amount due at a rate of one percent (1%) for each month or portion thereof for which the fee is unpaid. The Town Administrator may, in his or her sole discretion, waive the penalty for good cause shown.

(3) The Town may recover in an action at law the amount of the inspection or other fees and costs imposed by the provisions of this Section and penalty and interest due and unpaid under this Section, as well as all costs, including attorney fees, incurred by the Town if it prevails in enforcement of this Chapter.

(d) Application fee. A nonrefundable fee as established by resolution of the Board of Trustees shall be payable for each separate well shown on the site plan which shall accompany the application. The oil and gas special use permit application fee is in addition to any other fees charged by the Town.

(e) Additional fees. In addition to the above, the applicant for an oil and gas special use permit shall be responsible for all fees and charges incurred by the Town in connection with such application, including but not limited to legal fees, planning fees, engineering fees and filing or recording fees.

6.09.050. Site plan application requirements.

An application for a special use permit pursuant to this Chapter shall be filed with the Town Clerk and shall include the following information:

(1) Site plan requirements. The site plans for a well site submitted with an application for an oil and gas special use permit shall be submitted on one (1) or more plats or maps, at a scale not less than one inch equals fifty feet (1" = 50'), showing the following information:

- a. The proposed location of production site facilities or well site facilities associated with the well in the event production is established, if applicable. Future development of the resource shall be considered in the location of the tank battery. Existing tank batteries and transmission and gathering pipelines within six hundred sixty (660) feet of the well site shall be shown.
- b. The location of layout, including without limitation the position of the drilling equipment and related facilities and structures, if applicable.

- c. True north arrow.
  - d. Existing improvements, if any, within a radius of six hundred sixty (660) feet of the proposed well.
  - e. Existing utility easements and other rights-of-way of record, if any, within a radius of six hundred sixty (660) feet of the proposed well.
  - f. Existing irrigation or drainage ditches within four hundred (400) feet of the well site or production site, if any.
  - g. Drainage and erosion control plans for the well site or production site and the area immediately adjacent to such site, if applicable.
  - h. Location of access roads.
  - i. Well site or production site and existing lease boundaries.
  - j. The names of abutting subdivisions or the names of owners of abutting, unplatted property within four hundred (400) feet of the well site or production site.
- k. A legal description of the property and evidence of title or contractual right to the mineral estate in the form of a copy of a deed or contract of sale, including the legal description of the property.
- l. If indicated on COGCC Form 2A, a copy of the wetland permit obtained from the Army Corps of Engineers.
- (2) Vicinity map requirements. The vicinity maps for a well site submitted with an application for an oil and gas special use permit shall be submitted on one (1) or more plats or maps showing the following information:
- a. Location of all existing water bodies and watercourses, including direction of water flow. This information shall be submitted on USGS 7.5-minute series or assessor base maps which indicate topographic detail and show all existing water bodies and watercourses with a physically defined channel within a four-hundred-foot radius of the proposed well.
  - b. Location of existing oil and gas wells or injection wells as reflected in COGCC records. This information shall be submitted on a map and shall include any and all wells within a one-thousand-foot radius of the proposed location for the well.

- c. Location of all building units within a one-thousand-foot radius of the wellhead or production facility.
  - d. Location of drill site and access from one (1) or more roads. The information to be submitted shall be on COGCC Form 2 and shall include the parcel tax identification number.
  - e. Surface and mineral lease ownership within two hundred (200) feet of the wellhead.
- (3) Narrative requirements. In addition to the site plans and the vicinity maps required in Paragraphs (1) and (2) above, the application shall also include the following:
- a. The operator's and surface owner's names and addresses, copies of any required COGCC Form 2 and, if applicable, Form 2A, and designation of agent, if applicable.
  - b. An operating plan, including the method of and schedule for the drilling, completion, production, abandonment and reclamation of the operation.
  - c. A list of all permits or approvals obtained or to be obtained from local, state or federal agencies other than the COGCC.
  - d. An emergency response plan that is mutually acceptable to the operator and the appropriate emergency response network that includes, but is not limited to, the location of the well, provisions for access by emergency response entities and a list of local telephone numbers of public and private entities and individuals to be notified in the event of an emergency.
  - e. A plan for weed control at the well site.
  - f. A fire protection plan that is mutually acceptable to the operator and the appropriate fire district that includes planned actions for possible emergency events and other pertinent information. Prior to the application to the Town, a proposed fire protection and emergency response plan shall be submitted to and reviewed by the fire district.
  - g. To the extent applicable, sources of water to be used in drilling operations of a proposed well, including the legal basis for the right to use such water.
  - h. Proposed sanitary facilities that must comply with Section 602(f) of the COGCC rules.

- i. A noise, odor and dust abatement plan, if applicable, to control impacts on adjacent properties.
- j. An access and transportation route plan.

6.09.060. Application review criteria.

The Board of Trustees shall approve an application for an oil and gas special use permit for a well site if the application submitted by the applicant conforms to the following requirements:

- (1) The site plans for a well site application comply with the requirements of Section 6.09.050(1).
- (2) The vicinity maps for a well site application comply with the requirements of Section 6.09.050(2).
- (3) The narrative for a well site application complies with the requirements of Section 6.09.050(2).
- (4) The well location and setbacks comply with Section 6.09.090, unless such setback requirements have been waived by the COGCC.
- (5) When applicable, compliance with the provisions for mitigation of environmental impacts as required in Section 6.09.110.
- (6) When applicable, compliance with the provisions for geologic hazards, floodplains or floodway required in Section 6.09.130.

6.09.070. Notice to proceed.

Prior to commencement of construction, drilling, redrilling or enhanced recovery operations for which a use by special use permit has been previously granted, a Notice to Proceed shall be obtained from the Town. A copy of any necessary state or federal permit issued for the operation shall be provided to the Town.

6.09.080. Building permits required.

Building permits shall be obtained as required by the Town's adopted building and fire codes and all other applicable codes and regulations then in effect.

6.09.090. Well and production facility location and setbacks.

In all areas of the Town, unless such requirements are otherwise waived by the COGCC, the following apply:

- (1) A well site or production facility shall be set back not less than three hundred fifty (350) feet from any occupied building or occupied building permitted for construction and shall be set back not less than one hundred fifty (150) feet from any public road, major aboveground utility or railroad and one hundred fifty (150) feet from any surface property line, unless an exception has been granted by the COGCC.
- (2) Production sites shall be set back not less than three hundred fifty (350) feet from any occupied building or occupied building permitted for construction and not less than five hundred (500) feet from an educational facility, assembly building, hospital, nursing home, board and care facility or jail and shall be set back not less than one hundred fifty (150) feet from any public right-of-way.
- (3) If requested by the Town, and if feasible, production tanks shall be located five hundred (500) feet from an educational facility, assembly building, hospital, nursing home, board and care facility, jail or designated outside activity area.

6.09.100. Compliance with environmental regulations.

The approval of an oil and gas special use permit shall not relieve the operator from complying with all current applicable Town, county, state and federal regulations and standards concerning air quality, water quality and waste disposal.

6.09.110. Environmental impacts and mitigation.

(a) Noise impacts and mitigation.

(1) State law and regulations concerning noise abatements (Title 25, Article 12, C.R.S.) shall apply to all operations, together with applicable Town ordinances, rules and regulations.

(2) To the extent practicable, exhaust from all engines, motors, coolers and other mechanized equipment associated with such operations shall be vented in a direction away from occupied buildings.

(b) Visual impacts and aesthetics.

(1) Facilities shall be painted as follows:

- a. Uniform, noncontrasting, nonreflective color tones.
  - b. Color matched to land, not sky, slightly darker than adjacent landscape.
  - c. Exposed concrete colored to match soil color.
- (2) To the maximum extent practicable, oil and gas facilities shall be located away from prominent natural features such as distinctive rock and land forms, river crossings and other landmarks.
  - (3) To the maximum extent practicable, oil and gas facilities shall be located to avoid crossing hills and ridges or silhouetting.
  - (4) To the maximum extent practicable, the applicant shall use structures of minimal size to satisfy present and future functional requirements.
  - (5) At all times, the applicant shall minimize removal of existing vegetation.
  - (6) To the maximum extent practicable, the applicant shall locate facilities at the base of slopes to provide a background of topography and/or natural cover.
  - (7) The applicant shall replace earth adjacent to water crossings at slopes at an angle which ensures stability for the soil type of the site, to minimize erosion.
  - (8) Storage tanks and other facilities shall be kept clean, well-painted and otherwise properly maintained, so that signs are legible and all flammable material is removed from the site.
  - (9) Where a well or tank battery does not comply with the required setback or other portions of this Chapter, or in areas of increased visual sensitivity determined by the Town, the applicant shall submit a visual mitigation plan which shall include but not be limited to one (1) or more of the following standards:
    - a. Exterior lighting shall be directed away from residential areas or shielded from said areas to eliminate glare.
    - b. Construction of buildings or other enclosures may be required where facilities create noise or visual impacts which cannot be mitigated because of proximity, density and/or intensity of adjacent residential land use.
  - (10) One (1) or more of the following landscaping practices may be required, where practical, on a site-specific basis:

- a. Establishment and proper maintenance of adequate ground covers, shrubs and trees.
  - b. Shaping cuts and fills to appear as natural forms.
  - c. Cutting rock areas to create irregular forms.
  - d. Designing the facility to utilize natural screens.
  - e. Construction of fences or walls, such as woven wood or rock, for use with or instead of landscaping.
- (c) Safety impacts and mitigation.
- (1) Adequate precautions shall be taken and necessary wellhead safety devices used at all times during the drilling, completion, recompletion, reworking, production, repair and maintenance of the well.
  - (2) Adequate firefighting apparatus and supplies, approved by the fire district, shall be maintained on the drilling site at all times during drilling, completion and repair operations. All machinery, equipment and installations on all drilling sites within the Town limits shall conform with such requirements as may be issued by the fire district.
  - (3) Any well located less than three hundred fifty (350) feet from an occupied building or in high density areas shall be equipped with blowout preventers during drilling.
- (d) Wildlife impacts and mitigation.
- (1) When oil and gas operations are located within a wildlife habitat area, the applicant shall consult with the Colorado Division of Wildlife and Town staff to obtain recommendations for appropriate site-specific and cumulative impact mitigation procedures. The operator shall implement such mitigation procedures as are recommended by the Colorado Division of Wildlife after consultation with the Town.
  - (2) Endangered species. The applicant shall not engage in activities which, in the opinion of the Colorado Division of Wildlife, threaten endangered species.
  - (3) The following mitigation measures shall be included in the site-specific mitigation procedures as required under Paragraph (1) above, as appropriate:

- a. Avoid conducting drilling and construction activities during critical use periods (for example, near heron nests during nesting or wildlife winter ranges during winter).
- b. Avoid conducting on-site operations and maintenance activities during critical use hours.
- c. Confine vehicular access to established roads except under emergency circumstances.
- d. Forbid use of firearms in project areas.
- e. Install gates which can be locked at the first property boundary crossed when accessing the facility from the closest public road.
- f. Conduct work near watercourses in a manner that minimizes siltation and erosion and at a period of little or no flow.
- g. Place pipes below channel scour depths in water courses to avoid partial diversion of channel discharges.
- h. Stabilize excess material at watercourse crossings in place or remove off site.
- i. Complete fueling and lubrication of construction equipment or vehicles away from the well site.

(4) Multiple sites. In lieu of a site-specific mitigation review for each oil and gas operation facility, the applicant may submit to the Town Planning Department a multi-site plan addressing cumulative impacts to wildlife from the total facilities.

(e) Weed control. In addition to all other applicable local, state and federal regulations, the applicant shall comply with the provisions of Chapter 8.04 of this Code regarding management of weeds and brush.

6.09.120. Access roads.

(a) Tank battery access roads. Access roads to tank batteries shall be subject to review and approval by the Town Administrator in accordance with the following minimum standards:

(1) A graded gravel roadway having a prepared subgrade and an aggregate base course surface a minimum of six (6) inches thick compacted to a minimum density of ninety-five percent (95%) of the maximum density determined in accordance with

generally accepted engineering sampling and testing procedures approved by the Town. The aggregate material, at a minimum, shall meet the requirements for Class 6, Aggregate Base Course as specified for aggregate base course materials in the Colorado Department of Transportation's Standard Specifications for Road and Bridge Construction," latest edition. This standard may be waived by the Town Administrator for good cause and if the spirit and intent of this Section are otherwise met.

(2) Graded so as to provide drainage from the roadway surface and constructed to allow for cross drainage of waterways (i.e., roadside swales, gulches, rivers, creeks and the like) by means of an adequate culvert pipe. Adequacy of the pipe is subject to approval of the Town Administrator.

(3) Maintained so as to provide a passable roadway reasonably free of ruts and meeting the requirements of Paragraph (1) above at all times.

(b) Wellhead access roads. Access roads to wellheads shall be subject to review by the Town Administrator in accordance with the following minimum standards:

(1) A graded gravel roadway having a prepared subgrade and an aggregate base course surface a minimum of six (6) inches thick compacted to a minimum density of ninety-five percent (95%) of the maximum density determined in accordance with generally accepted engineering sampling and testing procedures approved by the Public Works Department.

(2) Graded so as to provide drainage from the roadway surface and constructed to allow for cross drainage of waterways (i.e., roadside swales, gulches, rivers, creeks and the like) by means of an adequate culvert pipe. Adequacy of the pipe is subject to approval of the Town Administrator.

(3) Maintained so as to provide a passable roadway reasonably free of ruts and meeting the requirements of Paragraph (1) above at all times.

(c) Public access roads. An extra-legal vehicle or load permit shall be required for all extra-legal vehicles or loads as defined in Sections 42-4-501 through 42-4-512, C.R.S., which use Town streets. Said permit, if required, shall be obtained from the Town prior to such use. The applicant shall comply with all Town and state regulations regarding weight limitations on streets within the Town, and the applicant shall minimize extra-legal truck traffic on streets within the Town.

(d) All tank battery and wellhead access roads which intersect a paved Town street or alley shall be paved to standards determined by the Town Administrator from the existing paved roadway to the edge of the public right-of-way. Such standards shall protect public streets,

sidewalks and curbs and gutters. No mud or gravel, except minor or nominal amounts, shall be carried onto Town streets or sidewalks. If mud or gravel is carried onto Town streets or sidewalks, the owner or operator shall ensure that the streets are properly cleaned.

(e) No public facilities such as curbs, gutters, pavement, water or sewer lines, etc., shall be damaged by vehicles entering or leaving the site. In the event of damage, the owner and operator, jointly and severally, shall indemnify the Town for any reasonable repair costs.

6.09.130. Geologic hazard, floodplain, floodway restrictions.

All equipment at oil or gas well drilling and production sites in geological hazard, floodplain and floodway areas shall be anchored to the extent necessary to resist flotation, collapse, lateral movement or subsidence and to the extent necessary to comply with the Federal Emergency Management Act.

6.09.140. Disposal of drilling mud and exploration and production waste.

All exploration and production waste, including drilling mud or other drilling fluids, shall be stored, handled, transported, treated, recycled or disposed of in accordance with COGCC regulations, to prevent any significant adverse environmental impact on air, water, soil or biological resources.

6.09.150. Injection wells and aquifers.

All use of aquifers for injection of water or other materials must comply with applicable COGCC application requirements and all applicable state and federal environmental laws.

6.09.160. Seismic operations.

All persons shall comply with all COGCC rules with respect to seismic operations. Seismic operations shall occur within the Town only between the hours of 7:00 a.m. and 7:00 p.m. In addition, the owner or operator shall provide a notice of intent to conduct seismic exploration at least seven (7) days prior to commencement of the data-recording operations to the Town Administrator. Said notice shall include the following:

- (1) Method of exploration.
- (2) Map showing the proposed seismic lines, at a scale of at least one-half (1/2) inch to the mile.
- (3) Name and permanent address of the seismic contractor.

(4) Name, address and telephone number of the seismic contractor's local representative.

6.09.170. Signage.

The well and tank battery owner or operator shall comply with all COGCC rules with respect to signage. In addition, the owner or operator shall maintain all signs in readable condition.

6.09.180. Abandonment and plugging of wells; notification requirement.

(a) The operator shall comply with all COGCC rules with respect to abandonment and plugging of wells.

(b) Operators of wells which are to be abandoned upon the completion of drilling and not put into production shall notify the Town Administrator not less than two (2) hours prior to commencing plugging operations.

(c) Operators of formerly producing wells shall notify the Town Administrator not less than two (2) working days prior to removing production equipment or commencing plugging operations.

(d) The operator shall provide copies of all COGCC plugging and abandonment reports to the Town at the same time they are filed with the COGCC.

6.09.190. Reclamation.

The operator shall comply with all COGCC rules with respect to site reclamation. The COGCC drill site reclamation notice shall be filed with the Town at the same time it is sent to the surface owner.

6.09.200. Emergency response costs.

The operator shall reimburse the Town or the fire district for any emergency response costs incurred by the Town or the fire district in connection with activity at the well site or production site.

6.09.210. Unauthorized construction prohibited.

Except as otherwise provided in this Chapter, it is unlawful to construct, install or cause to be constructed or installed any oil and gas facility within the Town unless approval has been granted by the Town. The unlawful drilling or re-drilling of any well or the production therefrom is a violation of this Chapter.

6.09.220.      Violation and enforcement.

(a) Except as otherwise provided in this Chapter, it is unlawful to construct, install or use, or cause to be constructed, installed or used, any oil, gas or injection well, production site or well site in violation of any provision of this Chapter or of the conditions and requirements of the oil and gas special use permit unless approval has been granted by the Board of Trustees. The unlawful drilling or re-drilling of any well or the production therefrom is a violation of this Chapter.

(b) Penalty. Any person, firm, corporation or legal entity which constructs, installs, uses or causes to be constructed, installed or used any oil, gas or injection well, well site or production site, or commits any act or omission in violation of any provision of this Chapter or of the conditions and requirements of the oil and gas special use permit, may be punished by a fine of not more than one thousand dollars (\$1,000.00), by imprisonment for not more than one (1) year, or by both such fine and imprisonment. Each day of such unlawful operation constitutes a separate violation.

(c) Civil action. In case any building or structure is or is proposed to be erected, constructed, reconstructed, altered or used, or any land is or is proposed to be used in violation of any provision of this Chapter or the conditions and requirements of the oil and gas special use permit, the Town Attorney, in addition to the other remedies provided by law, ordinance or resolution, may institute an injunction, mandamus, abatement or other appropriate action or proceeding to prevent, enjoin, abate or remove such unlawful erection, construction, reconstruction, alteration or use.

(d) False or inaccurate information. The Board of Trustees may revoke approval of an oil or gas special use permit if it is determined after a public meeting, held on at least ten (10) days' notice to the applicant, that the applicant provided information or documentation upon which approval was based, which the applicant, its agents, servants and employees, knew, or reasonably should have known, was materially false, misleading, deceptive or inaccurate.

(e) Prospective application. Unless specifically provided otherwise, this Chapter shall apply only to wells that are drilled in the Town on and after the date this Chapter is adopted. The reentering of a well in existence prior to the date of adoption of this Chapter, for purposes of deepening, recompleting or reworking, shall not require approval of an oil and gas special use permit as required by this Chapter.

(f) Recovery of fees. The Town shall be entitled to recover from any party that violates or fails to comply with any provision of this Chapter, in addition to any other penalties or remedies which may be available, all damages, costs, expenses, expert witness fees and attorney fees incurred by the Town for enforcement of the provisions of this Chapter.

6.09.230. Conflicting provisions.

In the event of a conflict between the provisions of this Chapter and any other provision of this Code, the provisions of this Chapter shall control.

6.09.240. Severability.

If any provision of this Chapter is found by a court of competent jurisdiction to be invalid, the remaining provisions of this Chapter will remain valid, it being the intent of the Board of Trustees that the provisions of this Chapter are severable.

CHAPTER 6.10  
MEDICAL MARIJUANA

Sections:

6.10.010 Authority

6.10.020 Uses Prohibited

6.10.030 Definitions

6.10.040 Patients and Primary Caregivers

6.10.050 Penalty

6.10.010. Authority. The Town's authority to adopt this Section is found in: The Colorado Medical Marijuana Code, C.R.S. § 12-43.3-101, et seq.; the Local Government Land Use Control Enabling Act, C.R.S. 29-20-101, et seq.; C.R.S. 31-23-101, et seq. (municipal zoning powers); C.R.S. §§ 31-15-103, 31-15-401 (municipal police powers); and C.R.S. § 31-15-501 (municipal authority to regulate businesses).

6.10.020. Uses prohibited. It is unlawful for any person to operate, cause to be operated, or permit to be operated a medical marijuana center, an optional premises cultivation operation, or a medical marijuana-infused products manufacturing facility within the Town.

6.10.030. Definitions. For purposes of this Chapter, the following terms shall have the following meanings:

*Medical marijuana* means marijuana that is grown and sold for a purpose authorized by Article XVIII, § 14 of the Colorado Constitution.

*Medical marijuana center* means a person licensed pursuant to Title 12, Article 43.3, C.R.S. to operate a business as described in Section 12-43.3-403 that sells medical marijuana to registered patients or primary caregivers but is not a primary caregiver.

*Medical marijuana-infused products manufacturer* means a person licensed pursuant to the Colorado Medical Marijuana Code to operate a business manufacturing medical marijuana-infused products, and which a municipality is authorized to prohibit as a matter of law.

*Optional premises cultivation operation* means a person licensed pursuant to Title 12, Article 43.3, C.R.S. to operate a business as described in Section 12-43.3-403.

*Patient* has the meaning set forth in Article XVIII, §14(1)(c) of the Colorado Constitution.

*Person* as used in this Chapter means a natural person, partnership, association, company, corporation, limited liability company, or organization, or a manager, agent, director, servant, officer or employee thereof.

*Primary caregiver* has the meaning set forth in Article XVIII, §14(1)(f) of the Colorado Constitution.

6.10.040. Patients and Primary Caregivers. Nothing in this Chapter shall be construed to prohibit, regulate or otherwise impair the use of medical marijuana by patients as defined by the Colorado Constitution, or the provision of medical marijuana by a primary caregiver to a patient in accordance with the Colorado Constitution, and consistent with C.R.S. § 25-1.5-106, and rules promulgated there under, as the same statute and rules may be amended from time to time.

6.10.050. Penalty. A violation of the provisions of this Chapter shall be punishable as follows:

- (1) By a fine of not more than Three Hundred Dollars (\$300.00), or imprisonment for not more than one (1) year, or both such fine and imprisonment;
- (2) Each and every day a violation of the provisions of this Chapter is committed, exists or continues shall be deemed a separate offense;
- (3) The Town is specifically authorized to seek an injunction, abatement, restitution or any other remedy necessary to prevent, enjoin, abate, or remove the violation; and

(4) Any remedies provided for herein shall be cumulative and not exclusive, and shall be in addition to any other remedies provided by law or in equity.

CHAPTER 6.11  
STREET VENDING LICENSE

Sections:

6.11.010 Definitions

6.11.020 License Required

6.11.030 License Fees

6.11.040 License Application

6.11.050 Exemptions

6.11.060 Operational Requirements

6.11.070 License Suspension

6.11.080 License Revocation

6.11.090 Appeal Procedure

6.11.010 Definitions.

6.11.010      Definitions

*Vending Unit:* A movable cart, kiosk, tent, trailer, vehicle or other structure from which business is conducted. The maximum permissible size for any vending unit shall be 144 square feet, inclusive of storage, vehicles, furniture, seating and other appurtenances.

*Vendor:* A person, firm or corporation who engages in a business of selling goods of any kind or description and who commonly conducts such business from a vending unit in or upon private property, public street, public sidewalk, public alley, public park or other public property in the Town.

*Special Events:* Events for which the Town of Collbran is a sponsor or for which the Town issues a special event permit.

6.11.020      License Required. It shall be unlawful for any vendor to sell, display or offer for sale any food, beverages, goods or merchandise on private property, public property, public way or land adjacent to a public way within the Town of Collbran without a vendor license granted by the Town Administrator.

6.11.030      License Fees. License fees for vendors shall be established by a resolution of the Board of Trustees.

6.11.040      License Application. Any person, firm or other organization desiring to secure a license for vending shall make application in writing to the Town Administrator or his/her designee on forms provided by the Town, and such application shall set forth the following information:

1. Name, home & business address, telephone number, driver's license number and proof of identity.
2. Name, home & business address, telephone number, driver's license number and proof of identity of all persons other than applicant that will be serving as vendors.
3. A description of the nature, character and type/quality of food or merchandise to be offered for sale.
4. A map showing the specific location(s) at which the vendor intends to conduct business.
5. Signed and notarized authorization from owner of the property on which the vendor proposes to conduct business.
6. Proof of general liability insurance naming the Town as an additional insured and with the following minimum coverages: of \$1,000,000 per occurrence and \$2,000,000 aggregate.
7. Food vendors shall furnish current proof of all required health department inspection approvals.
8. Applicants for vendor licenses shall be at least 18 years of age.
9. An application for license shall be made a minimum of 14 days prior to the date on which the vendor desires to begin operations.
10. Such other information as reasonably required by the Town.
11. The Town reserves the right to limit the number of vending permit sites in any given area of the Town.
12. No application shall be considered for review until it is deemed complete by the Town.
13. The Town shall have five (5) business days after the date the application is deemed complete to approve, deny or approve with conditions the vendor license.

6.11.050      Exemptions. Licenses shall not be required for the following:

1. Special events which are otherwise approved by the Town of Collbran and which include specific vendors.
2. Non-profit or charitable organization fund-raising activities such as school groups, 4-H, Future Farmers of America (FFA), Boy Scout/Girl Scouts and similar organizations.
3. Town approved farmers market.
4. Periodic private yard sales.

6.11.060      Operational requirements. Any person seeking a license for street vending shall comply with the following requirements:

1.      Vending shall be conducted between the hours of 7:00 AM and 8:00 PM.
2.      The street vending license shall be visibly displayed on the vending unit at all times.
3.      Vendors shall have 30 minutes prior to and after the designated business hours to set up and take down the vending unit.
4.      No alcoholic beverages of any kind shall be sold.
5.      One or more waste receptacles shall be provided at the site and emptied as necessary.
6.      The site shall be maintained in a clean and neat condition.
7.      The vending operations shall not create a hazard to traffic, pedestrian/bicycle access or create any hazard to public safety.
8.      The vendor unit may have advertising for the specific vending purpose, but shall not include loud noises, music, flashing lights or similar devices and no advertising shall be allowed for unrelated products or purpose and such advertising shall not exceed 10 square feet.
9.      Vending units shall not be located closer than 50 feet to other businesses selling the same product(s) during the hours of the business is open to the public.
10.     Vendor shall obtain all required sales tax licenses from the state and/or Town.
11.     Vending units shall only be located in zone districts which permit commercial sales.
12.     A vendor shall only conduct business at the location(s) licensed by the Town.

6.11.070      License Suspension. The Town may suspend, without any refund of permit fees, the vendor license of any person found to be in violation of this Chapter. On the day that a vendor permit is suspended, the Town Administrator or his/her designee shall provide the vendor with written notification of the alleged violations and/or reasons for suspension of the license. Thereafter, the vendor shall have five (5) working days to correct the identified violations.

6.11.080      License Revocation. In the event a vendor does not, within 5 days, correct the violations outlined in the notice of suspension, the Town shall revoke the vendor license. The Town Administrator or his/her designee shall provide the vendor with a written notification on the day the vendor permit is revoked.

6.11.090      Appeal Procedure. A vendor that has had a vendor license denied, suspended or revoked shall have the right to appeal the action to the Board of Trustees. An appeal shall be filed with the Town Clerk within 5 days after the denial, suspension or revocation of the vendor license. The Board of Trustees shall act upon the appeal at its next regularly scheduled meeting. Upon such appeal, the Board of Trustees may reverse, affirm or modify in

any regard the determination of the Town Administrator. The Board of Trustees shall issue a written decision to the aggrieved vendor within 15 days of the appeal hearing.