

Title 5

BUSINESS TAXES, LICENSES AND REGULATIONS

Chapters:

- 5.04 Carnivals
- 5.06 Transient Merchants
- 5.08 Alcoholic Beverage Occupation Tax
- 5.10 Alcoholic Beverages
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Chapter 5.04

CARNIVALS

Sections:

5.04.010 Carnivals.

5.04.010 Carnivals.

A. It shall be unlawful for any person to manage, operate or to carry on any carnival, circus or similar business which has rides or large tents, unless a license has been issued by the City.

B. Applications for such license shall be made to the City and shall include the following information:

1. The name, address and telephone number of the owners, operator and local manager.
2. The dates and places at which the business is to be conducted, and a description of the facilities and activities to be involved.
3. Any other information required by the City to administer the provisions of this Section and other regulations and ordinances of the City.

C. The application shall be accompanied by a payment of a license fee of \$20.00 per day and by a certificate of insurance that the applicant has liability insurance for bodily injury of not less than two hundred thousand dollars (\$200,000) per person; one million dollars (\$1,000,000) per incident, issued by

an insurance company lawfully doing business in the State of Colorado.

D. Applicant shall deposit with the City the amount of two thousand five hundred dollars (\$2,500) in cash as a bond, conditioned upon no damage to public or private property, collection and payment of all City sales and use taxes, and that all private and public property shall be properly cleaned and picked up following the completion of the carnival. Such bond shall be returned to the applicant upon compliance with the above conditions.

E. The City Manager shall issue a license to any applicant meeting all the requirements of this Section. Such license may be revoked by the City Council following a hearing upon reasonable notice to the applicant thereof, for any violation of any of the provisions of this Section, or any other applicable ordinances or regulations of the City of Delta. In the event of any immediate threat to the public health, safety or welfare, such license may be temporarily suspended by the City Manager pending such a hearing. (Ord. 3, §4(part), 1987)

Chapter 5.06

TRANSIENT MERCHANTS

Sections:

- 5.06.010 Definitions.
- 5.06.020 License required.
- 5.06.030 Issuance of license.
- 5.06.040 Local sponsor.
- 5.06.050 Revocation of license.
- 5.06.060 Interstate commerce provisions.

5.06.010 Definitions. For the purpose of this Chapter, the following definitions shall apply unless in conflict with the context or plain meaning.

Transient Merchant: Any person, whether a resident of the City or not, who engages in the business of selling or soliciting orders for goods or services, who does not have a regularly established place of business within Delta County, and includes transient drummers, peddlers, hawkers and salesmen. Provided, however, wholesalers; real estate and insurance agents licenses by the State; persons engaged in non-commercial religious activities; persons selling only religious literature; persons soliciting donations not involving any sales; persons representing Delta County non-profit organizations, and retailers with a Delta sales tax license who have collected and paid City sales and use taxes for the preceding year without delinquency, shall not be subject to the provisions of this Chapter. (Ord. 3, §4(part), 1987)

5.06.020 License required.

A. It shall be unlawful for any transient merchant to engage in the business of a transient merchant without obtaining a license from the City in accordance with this Chapter or being sponsored as provided in Section 5.06.040 of this Chapter.

B. A license application shall be filed with the City on forms furnished by the City, and shall provide the following information:

1. The name and address of the applicant and each employee or agent thereof, who will engage in business within the City.

2. A description of the nature of the business and goods or services offered, and the locations within Delta in which the business will be conducted.

C. Accompanying the application shall be an application fee in the amount of twenty-five dollars (\$25.00).

D. A surety bond in the amount of one thousand dollars (\$1,000) shall be submitted conditioned upon:

1. Compliance with all ordinances of the City, and statutes of the State, including payment of all City, County and State taxes and fees, and

2. Payment of any judgment rendered in favor of a resident or business of the City against the applicant or any of his agents or employees, shall be submitted with the application.

Such bond shall remain in effect for a minimum period of nine (9) months beyond the expiration date of the transient merchant license issued to the applicant. The bond must be approved by the City Attorney prior to the issuance of the license. In lieu of a bond, the applicant may deposit one thousand dollars (\$1,000) in cash, to be held by the City upon the same conditions provided above, which amount shall be returned to the applicant following compliance with the above stated conditions.

E. Also submitted with the application shall be an instrument appointing the City Clerk as the true and lawful agent with full power and authority to acknowledge service of process for and on behalf of the applicant, and each of his agents or employees, upon a form to be provided by the City. If any process is served upon the City Clerk, the City shall send a copy of such process to the applicant at the address listed on the application by registered or certified mail. (Ord. 3, §4(part), 1987)

5.06.030 Issuance of license.

A. Following receipt of a properly completed application accompanied by the bond, appointment of agent for service of process, and the application fee, the City shall issue a transient merchant's license for a term of ninety (90) days.

B. The license shall state the expiration date and describe the goods or services to be offered. The license shall contain a notice to customers that a one thousand dollar (\$1,000) bond has been filed with the City, conditioned on compliance with all City ordinances and State laws, and the payment of any judgment rendered against the applicant in favor of a resident of the City, and that the City Clerk is the licensee's agent for service of process.

C. The applicant shall post a copy of the license at his place of doing business. The applicant and each employee or agent shall carry his copy of the license with him at all times,

and produce it upon request to any customer, police officer, or other agent or employee of the City. (Ord. 3, §4(part), 1987)

5.06.040 Local sponsor.

A. In lieu of the provisions of Sections 5.06.020 and 5.06.030, a transient merchant may be sponsored by a merchant with an established place of business within the City who has paid City sales taxes without delinquency for the previous year.

B. The sponsoring merchant shall file a sponsor letter with the City, on forms provided by the City, in which the sponsoring merchant shall take responsibility for the business related acts of the transient merchant and each agent or employee thereof, and shall guarantee payment of all City, County and State taxes due or judgment rendered against the transient merchant as a result of the business, and shall act as the transient merchant's agent for service of process, and handling of warranty and customer complaints.

C. After approval of the sponsor letter by the City, the transient merchant may conduct the business described thereon. The applicant and each agent or employee shall carry a copy of the approved letter and produce it upon request of any police officer, employee or agent of the City, or any customer. A copy shall be posted at the transient merchant's place of business.

D. In addition to the provisions of subsections A, B and C of this Section, transient merchants participating in a civic event sponsored by a Delta County Civic Organization may be sponsored by such organization in lieu of the provisions of Sections 5.06.020 and 5.06.030 if

1. the sponsor has obtained a "Civic Event" sales tax license or if each transient merchant in the event has obtained any required individual sales tax license and

2. the City approves such sponsorship pursuant to this subsection. The sponsoring civic organization shall file a sponsor application with the City on forms provided by the City listing each transient vendor participating in the civic event and other information convenient for the administration of this provision. (Ord. 3, §3, 1988; Ord. 3, §4(part), 1987)

5.06.050 Revocation of license.

A. The license issued hereunder may be revoked by the City Council following notice and hearing on account of any material misstatement contained in the application, any violation of this Chapter, any violation of other City ordinances and regulations applicable to the business activity of the applicant, or upon conviction of any felony.

B. Notice of hearing shall be either served upon the applicant in accordance with the Colorado Municipal Court Rules

of Procedure or mailed, postage prepaid, to the applicant at the address set forth in the application for license.

C. No license shall be issued to any applicant, or agent or employee thereof, for whom a license has been revoked, until at least one year has elapsed since revocation. (Ord. 3, §4(part), 1987)

5.06.060 Interstate commerce provisions. In the event any applicant believes that the license fee required by this Chapter constitutes an undue burden upon interstate commerce, he may apply to the City Council for an adjustment in the amount of the fee, in which event a hearing shall be heard before the Council to consider the matter. The applicant may appear and present such evidence as he may desire at the hearing. Following the hearing, the Council shall determine a license fee which is fair and reasonable and does not constitute a burden on interstate commerce. (Ord. 3, §4(part), 1987)

Chapter 5.08

ALCOHOLIC BEVERAGE OCCUPATION TAX

Sections:

- 5.08.010 Occupation tax imposed.
- 5.08.020 Liability for tax.
- 5.08.030 Amount of tax.
- 5.08.040 Payment of tax.
- 5.08.050 Remedies.

5.08.010 Occupation tax imposed. There is hereby levied and assessed an annual occupation tax upon the business of selling alcoholic beverages at retail within the City of Delta, Colorado, in amounts as specified in Section 5.08.030. (Ord. 16, §1(part), 1984)

5.08.020 Liability for tax. Any person holding an alcoholic beverage license issued and approved pursuant to the Colorado Liquor Code or the Colorado Beer Code by the City of Delta and the State of Colorado, and any person operating a business licensed pursuant to the Colorado Liquor Code and Colorado Beer Code by virtue of any contract or management agreement shall be jointly, severably liable for the tax imposed by this Chapter. (Ord. 16, §1(part), 1984)

5.08.030 Amount of tax. The amount of tax due shall be determined by the type of alcoholic beverage license which is held in accordance with the following schedule:

| | |
|---|----------|
| Hotel and Restaurant License | \$400.00 |
| Tavern License | \$500.00 |
| Retail Liquor Store License | \$300.00 |
| Drug Store License | \$300.00 |
| Club License | \$200.00 |
| 3.2% Beer License for off-premises consumption | \$150.00 |
| 3.2% Beer License for on-premises consumption with full restaurant services | \$150.00 |
| 3.2% Beer License for on-premises consumption with only sandwiches or light snacks | \$300.00 |
| 3.2% Beer License for on- or off-premises sale held by non-profit veterans organizations | \$150.00 |
| Beer and Wine License | \$250.00 |
| Arts License | \$250.00 |
| Any other type license not listed above | \$250.00 |

(Ord. 16, §1(part), 1984)

5.08.040 Payment of tax.

A. The tax imposed by the article shall be paid annually in advance within 30 days following the effective date of the alcoholic beverage license. Interest shall accrue on all delinquent taxes until paid at the rate of 1% per month.

B. Upon receipt of the tax, the City shall deliver to the licensee a receipt which shall be kept posted in a conspicuous place at the licensed premises (Ord. 16, §1(part), 1984)

5.08.050 Remedies.

A. It shall be unlawful to violate any provision of this Chapter or to fail to pay the tax imposed hereby.

B. The City may maintain an action for any amount due pursuant to this Chapter in a court of competent jurisdiction.

C. The tax imposed by this Chapter shall be a lien upon the goods, inventory, and business fixtures and any other real or personal property used in the business by any person liable for payment of this tax, which may be foreclosed by the City pursuant to law.

D. The City may certify any delinquent taxes as a delinquent charge to the Delta County Treasurer to be collected similarly to delinquent ad valorem taxes against any real or personal property used by the taxpayer in the conduct of the business. (Ord. 16, §1(part), 1984)

Chapter 5.10

ALCOHOLIC BEVERAGES

Sections:

- 5.10.010 Licensing authority.
- 5.10.020 Definitions.
- 5.10.030 Unlawful acts.
- 5.10.040 Permits.
- 5.10.050 Presumptions.
- 5.10.060 Optional premises.
- 5.10.070 Delegation of authority to City Clerk to issue licenses.

5.10.010 Licensing authority. The Delta City Council is hereby designated the local licensing authority for the purposes of exercising the duties and powers provided for in the Colorado Beer Code and the Colorado Liquor Code. (Ord. 3, §5(part), 1987)

5.10.020 Definitions. As used in this Chapter, the following terms shall have the meanings ascribed to them in this Section:

A. "Alcoholic beverage" shall mean any "fermented malt beverage" as defined by the Colorado Beer Code and all "malt, vinous or spirituous liquors" as defined by the Colorado Liquor Code; including, but not limited to, beverages commonly known as liquor, wine and beer with an alcoholic content of more or less than 3.2% by weight.

B. "Fermented malt beverage" shall mean any beverage defined as such by the Colorado Beer Code including, but not limited to, beverages commonly referred to as "3.2% beer" or beer containing not more than 3.2% alcohol by weight.

C. "Malt, vinous or spirituous liquors" shall have the meaning as defined by the Colorado Liquor Code, and shall include, but not be limited to, liquor, wine, and beer having more than 3.2% alcohol content by weight. (Ord. 3, §5(part), 1987)

5.10.030 Unlawful acts. It shall be unlawful for any person to commit any of the following acts:

A. To consume any alcoholic beverage in or at any public place within the City of Delta, Colorado, including but not limited to the following public places: restaurants, retail liquor store, pool halls, dance halls, business premises, school

premises, recreation halls, public buildings, places of public gathering for amusement or entertainment, parking areas or the surrounding premises of any of the aforementioned places, and streets, alleys, sidewalks, vacant lots or publicly owned property; provided however, this provision shall not apply to premises licensed for consumption thereon pursuant to law.

B. To possess an unsealed or open container containing any alcoholic beverage in any public place, including but not limited to the following public places: restaurants, retail liquor stores, pool halls, dance halls, business premises, school premises, recreation halls, public buildings, places of public gathering for amusement or entertainment, parking areas surrounding premises of any of the aforementioned places, and streets, alleys, sidewalks, vacant lots or publicly owned property; provided however, that this provision shall not apply to premises licensed for consumption thereon pursuant to law.

C. For any person owning or having possession of any premises to allow the consumption of an alcoholic beverage container upon such premises by any such person in violation of subsections (A) and (B) of this Section.

D. For any person under the age of 21 years old to purchase, possess or consume any alcoholic beverage except that a person who was 18 years of age or older on July 29, 1987 may continue to purchase and consume fermented malt beverages.

E. To provide, sell, distribute or give any alcoholic beverage to any person under the age or 21 years, except that fermented malt beverages may be provided, sold, distributed or given to persons who were 18 years of age or older on July 29, 1987. (Ord. 3, §5(part), 1987; Ord. 3, §1, 1989)

5.10.040 Permits. Any regularly organized lodge or group may apply to the Police Department of the City and the Chief of Police or his designated representative for a permit to consume and possess alcoholic beverages and 3.2% beer in the public places set forth in subsection 15.10.010(A) and to possess unsealed or open containers of alcoholic beverages and 3.2% beer prohibited in subsection 5.10.030(B) upon forms and pursuant to regulations adopted by the Police Department of the City. Any such permit granted shall specify the time and place where the permit may be used. Such activity shall likewise be subject to police control and regulation and to prior determination of the permit at the discretion of the Police Department for improper conduct of the applicant. (Ord. 3, §5(part), 1987)

5.10.050 Presumptions.

A. It shall be prima facie evidence that any beverage or liquid is an alcoholic beverage if it is or was contained within a container labeled as an alcoholic beverage container of any sort and if it either looks like, smells like or tastes like an alcoholic beverage.

B. Except for those offenses in this Chapter which specifically involve only malt, vinous or spirituous liquors, it shall not be necessary in order to prove a violation of any provision of this Chapter to distinguish between beers having more or less than 3.2% alcohol by weight or to offer proof as to the alcoholic content of the beer or other malt liquors or fermented malt beverage involved. (Ord. 3, §5(part), 1987)

5.10.060 Optional premises. In addition to any applicable requirements and standards incorporated into the Colorado Liquor Code and regulations, the following specific standards and procedures shall apply to the issuance of optional premises licenses or permits within the City of Delta:

A. No optional premises license or permit shall be issued for any outdoor sports or recreational facilities other than golf courses (excluding miniature golf courses) which include at least nine holes and are open to the public.

B. A completed application for an optional premises license or permit shall be filed with the City Clerk, together with all applicable local and state license fees.

C. The application shall be accompanied by a map or drawing indicating the location of the optional premises, and a copy of the deed, lease or other instrument by which the applicant has legal possession of the optional premises.

D. No alcoholic beverages may be served on licensed optional premises without the licensee having provided written notice to the state and local licensing authorities forty-eight (48) hours prior to serving alcoholic beverages on the optional premises. Such notice shall contain the specific days and hours on which the optional premises are to be used.

E. All optional premises licenses or permits shall be valid for a period of one (1) year from the date of issuance, unless revoked or suspended, and must be renewed annually thereafter. (Ord. 14, §1, 2003)

5.10.070 Delegation of authority to City Clerk to issue licenses. The City Clerk is vested with authority to review and

approve applications for liquor license renewals and transfers, special event permits and temporary permits pursuant to the following criteria:

A. Renewals and Transfers:

1. The timely submission of a complete application and the payment of all fees by the applicant.
2. The referral of the application by the City Clerk to the police department and other appropriate city departments for review and comment.
3. For license transfers, whether the applicant satisfies the eligibility criteria set forth in CRS 12-47-307 and complies with CRS 12-47-303.
4. Whether there exist facts or information on the application, or as provided in referral comments, illustrating reasonable grounds or good cause to deny the application.

B. Special Event Permits

1. Pursuant to CRS 12-48-107(5)(a) the City Council of the City of Delta, acting as the local licensing authority, hereby elects to exercise exclusive local control over the issuance of liquor license special event permits for events with the City. The preceding recitals are adopted as specific findings of the determination of the Council
2. The timely submission of a complete application and the payment of all fees by the applicant.
3. The referral of the applications by the City Clerk to the police department and other appropriate city departments for review and comment.
4. The timely and property posting of a conspicuous public notice of the proposed licensed and protest procedures at the location sought to be licensed.
5. Whether the application and applicant satisfy the eligibility set forth in CRS 12-48-102 and 12-48-103.
6. Whether there exists facts or information on the application, or as provided in referral comments or a protest against the license filed by affected person, illustrating grounds or good cause to deny the application.

C. Temporary Permits

1. The timely submission of a complete application and the payment of all fees by the applicant.

2. The timely filing of an application for the transfer of the liquor license corresponding to the application for a temporary permit.
 3. Whether the premises subject to the proposed temporary permit is currently subject to a valid liquor license.
- D. In the event the City Clerk cannot or will not approve a transfer or renewal of a license, or issuance of a special event permit or temporary permit, then the Clerk shall automatically and promptly schedule for consideration before the City Council acting as the local liquor licensing authority. Additionally, any license or permit applicant dissatisfied with a decision of the City Clerk under this section may appear same to the City Council by filing a written protest with the City Clerk no less than ten days after the date of the decision appealed from. The City Clerk shall promptly set the appeal for hearing for the City Council in accordance with the procedures required by this code and Colorado Revised Statutes.
- E. The city Clerk shall not approve an application for renewal or transfer of a license, nor issue a special event permit, where the police department has timely submitted a written objection to the Clerk concerning such action. Whenever such an objection is received, the Clerk shall set the application for hearing before the City Council in accordance with the procedures set forth in subsection D above.
- F. The City Clerk, for good cause, may waive the forty-five day time requirement for filing a license renewal application. (Ord. 2, §2, 2016)

Chapter 5.12

ALCOHOLIC BEVERAGES TASTING PERMITS

Sections:

5.12.010 Alcoholic Beverage Tasting Permit Required

5.12.020 Violations

5.12.010 Alcoholic Beverage Tasting Permit Required.

A. The City hereby authorizes tastings to be conducted by retail liquor store or liquor-licensed drugstore licensees in accordance with this section and pursuant to Section 12-47-301, C.R.S, as the term "Tastings" is defined in said Section 12-47-103(37.5). It is unlawful for any person or licensee to conduct tastings within the City unless authorized in accordance with this section. Tastings shall not be authorized until the following prerequisites are fully satisfied, as determined by the City:

1. A retail liquor store or liquor-licensed drugstore that wishes to conduct tastings shall submit an application for a tastings permit to the City Clerk. The City Clerk may reject the application if the applicant fails to establish that the licensee is able to conduct tastings without violating any of the provisions of this section. The City Clerk shall establish the application procedure.
2. The application shall include the name of the liquor-licensed premises, the person who is submitting the notice, and shall indicate the date and time the tastings are to take place.
 - a. The notice must state and affirm that the licensee wishing to conduct such tasting shall do so in accordance with the provisions of this Chapter, and without creating a public safety risk to the surrounding neighborhood.

- b. The Alcoholic Beverage Tastings Permit shall concurrently run with the retail liquor store or liquor-licensed drugstore liquor license.
 - c. Further, the Alcoholic Beverage Tastings Permit must be reapplied for and the permit fee paid on a yearly basis.
- 3. Tastings authorized pursuant to this section shall be allowed only for a retail liquor store or liquor-licensed drugstore operating within the City whose license is valid and in full force and effect.
- 4. Tastings, once approved, shall be subject to the following limitations:
 - a. Tastings shall be conducted only by a person who has completed an alcohol server training program that meets the standards established by the Liquor Enforcement Division in the Department of Revenue and who is either a retail liquor store state licensee or a liquor-licensed drugstore licensee, or an employee of a licensee, and only on a licensee's licensed premises.
 - b. The alcohol used in tastings shall be purchased through a licensed wholesaler, licensed brew pub, or winery licensed pursuant to state law at a cost that is not less than the laid-in cost of such alcohol.
 - c. The size of an individual alcohol sample shall not exceed one ounce of malt or vinous liquor or one-half of one ounce of spirituous liquor.
 - d. Tastings shall not exceed a total of five hours in duration per day, which need not be consecutive.
 - e. Tastings shall be conducted only during the operating hours in which the licensee on whose premises the tastings occur is permitted to sell alcohol beverages, and in no case earlier than 11 a.m. or later than 7 p.m. A Tasting schedule will be required as part of the application process.

- f. Should the licensee desire to deviate from the tastings schedule as previously provided, the licensee must give the Office of the City Clerk at least 5 days prior notice of desired tastings schedule change.
- g. The licensee shall prohibit patrons from leaving the licensed premises with an unconsumed sample.
- h. The licensee shall promptly remove all open and unconsumed alcohol beverage samples from the licensed premises or shall destroy the samples immediately following the completion of the tasting.
- i. The licensee shall not serve a person who is under twenty-one years of age or who is visibly intoxicated.
- j. The licensee shall not serve more than four individual samples to a patron during a tasting.
- k. Alcohol samples shall be in open containers and shall be provided to a customer free of charge.
- l. Tastings may occur on no more than four of the six days from a Monday to the following Saturday, not to exceed one hundred four days per year.
- m. No manufacturer of spirituous or vinous liquors shall induce a licensee through free goods or financial or in-kind assistance to favor the manufacturer's products being sampled at a tasting. The licensee shall bear the financial and all other responsibility for a tasting.

5.12.020 Violations

A. A violation of a limitation specified in subsection (c) herein or of Section 12-47-301, C.R.S. by a retail liquor store or liquor-licensed drugstore licensee, whether by his or her employees, agents, or otherwise, shall be the responsibility of the retail liquor store or liquor-licensed drugstore licensee who is conducting the tasting.

- 1. A retail liquor store or liquor-licensed drugstore licensee conducting a tasting shall be subject to the same revocation, suspension, and enforcement provisions as otherwise apply to the licensee for a

violation of any of the provisions of subsection (c) or Section 12-47-301, C.R.S.

2. Nothing in this Chapter shall affect the ability of a Colorado winery licensed pursuant to state law to conduct a tasting pursuant to law.

Chapter 5.16

MERCHANT PATROLS

Sections:

- 5.16.010 Definition.
- 5.16.020 Special police commission required.
- 5.16.030 Application for commission.
- 5.16.040 Form of application.
- 5.16.050 Fees.
- 5.16.060 Bond required.
- 5.16.070 Issuance or denial of commission--Prohibitions of transference.
- 5.16.080 Suspension or revocation of commission.
- 5.16.090 Scope of authority.
- 5.16.100 Badges, uniforms and equipment.
- 5.16.110 Suspicious circumstances.
- 5.16.120 Report of customers.
- 5.16.130 Authority to carry firearms.
- 5.16.140 Additional rules and regulations.
- 5.16.150 Violation--Penalty.

5.16.010 Definition. "Merchant patrol" means any person, firm or corporation who conducts or is engaged in the business of keeping a surveillance upon business, industrial or similar premises during the time that such premises are not open for business or are not occupied for the purposes of ascertaining that such premises are safe and secure, that lights are turned out, doors are locked, windows are intact and, generally, to determine whether any suspicious circumstances exist which would indicate unlawful trespassing or other illegal interference with such premises. The term "merchant patrol" shall not include an individual or a firm duly licensed by the state as a detective agency if such individual or firm is only keeping a specific premises under surveillance for a specific period of time and notifies the chief of police of such surveillance in advance thereof. (Ord. 13, §1, 1975)

5.16.020 Special police commission required. It is unlawful for any individual, partnership or corporation to own or operate a merchant patrol business or engage in business as a merchant patrol except as provided herein and authorized by this Chapter and without first having obtained a special police commission from the City. (Ord. 13, §2, 1975)

5.16.030 Application for commission. There shall be submitted with the application for a merchant patrol commission the following:

A. An affidavit setting out the full name, age, residence, present occupation and occupations for the preceding five years shall be submitted by each individual applicant and by each employee of an individual, partnership or corporate applicant except stenographic and clerical employees. Such affidavit shall show sufficient facts to prove the good character, competency, and integrity of each such affiant and shall list any previous police record.

B. Each affidavit shall be supported by statements in writing from not less than five reputable citizens, each of whom shall certify that he has personally known the affiant for a period of at least five years prior to the filing of the aforesaid affidavit and that he believes the affiant is competent, honest and of good character and that he would recommend to the City Manager that the affiant is suitable to engage in the merchant patrol business. (Ord. 13, §3, 1975)

5.16.050 Form of application. All applications for commissions under this Chapter shall be submitted in duplicate to the City Clerk, together with the foregoing supporting documents on such forms as may be prescribed by the City Manager. (Ord. 13, §4, 1975)

5.16.050 Fees. The annual commission fees for individuals, partnerships and corporations engaged in the business of merchant patrol as herein defined shall be as follows:

- A. Individuals, five dollars;
- B. Partnerships, ten dollars;
- C. Corporations, fifteen dollars. (Ord. 13, §5, 1975)

5.16.060 Bond required. The individual, partnership or corporation applying for a commission under this Chapter shall furnish a good and sufficient bond on a corporate bonding company approved by the City Manager in the sum of five thousand dollars conditioned on the faithful observance of this Chapter and honest conduct of all watching, guarding or protecting undertaken by the individual, partnership or corporation licensed hereunder. Such bond shall be payable to the City and to any person, firm or corporation who has been injured by a willful, wanton or dishonest act of such licensee or any of its employees. (Ord. 13, §6, 1975)

15,16.070 Issuance or denial of commission--Prohibitions of transference. The Chief of Police, with approval of the City Manager, shall find after investigation that the requirements set forth in this Chapter have been met and that the character, competency, integrity and physical qualifications of all those whose names appear on the application for the commission and all those employed by the applicant are such as to command the confidence of the public and to warrant belief that the business will be operated lawfully, honestly, fairly and efficiently, the City Clerk shall thereupon issue and deliver to the applicant a special police commission. Action upon applications shall be made within a reasonable time. The City Council may issue the special commission contingent upon such matters or occurrences as it may specify. (Ord. 8, §1, 1983)

5.16.080 Suspension or revocation of commission. The City Council shall have the authority to revoke any commission issued under this Chapter for the following reasons:

A. That the applicant or any employee of the applicant has been convicted of a felony under the laws of the United States or under the laws of any state or territory of the United States;

B. That the applicant or any employee of the applicant has failed to report a crime to the police department or has failed to report circumstances to the police department which should have put him on notice that a crime has been committed;

C. That the applicant has failed to comply with the requirements set forth in this Chapter:

D. That the Council finds and determines that the public interest requires a suspension or revocation;

E. Any exercise of police authority not granted under this Chapter. (Ord. 13, §8, 1975)

5.16.090 Scope of authority. The authority granted under this Chapter shall be limited to the premises of the employer unless a merchant patrolman is called upon for assistance by an officer of the police department. A merchant patrol shall have no power to arrest except that afforded any private citizen. (Ord. 13, §10, 1975)

5.16.100 Badges, uniforms and equipment. All badges, uniforms and equipment used by individuals, partnerships or corporations engaged in the merchant patrol business shall be sufficiently distinctive to avoid confusion in the mind of the public with badges, uniforms and equipment of local law enforcement agencies. (Ord. 13, §11, 1975)

5.16.110 Suspicious circumstances. It shall be the duty of every person engaged in merchant patrol work to report break-ins and suspicious circumstances to the police department as soon as possible and to cooperate with the police department in the investigation of the same whenever requested to do so, but such person shall not attempt to investigate the suspicious circumstances himself. (Ord. 13, §12, 1975)

5.16.120 Report of customers. A report of all customers of the merchant patrol will be currently provided the police department and a monthly written report shall be furnished the department of all premises of such customers found unsecured during the regular check of the premises. (Ord. 13, §13, 1975)

5.16.130 Authority to carry firearms. Authority to carry concealed firearms shall be limited to that time when the member of the merchant patrol is engaged in the performance of his required duties and while en route to and from such duties, and each patrolman shall obtain a written permit from the Chief of Police before carrying a weapon. (Ord. 13, §14, 1975)

5.16.140 Additional rules and regulations. The Chief of Police may issue such further rules and regulations not inconsistent with the provisions herein as may be in the interest of the general public health, safety and welfare of the citizens of the City. (Ord. 13, §15, 1975)

5.16.150 Violation--Penalty. Any violation of this Chapter shall constitute a misdemeanor and shall be punished accordingly as set forth in this Code. (Ord. 13, §16, 1975)

Chapter 5.20

PAWNBROKERS

Sections:

- 5.20.010 License required.
- 5.20.020 Requirements for issuance of license.
- 5.20.030 Requirements for pawnbroking.
- 5.20.040 Hold order.
- 5.20.050 Additional regulations.
- 5.20.060 Return of stolen property.
- 5.20.070 Liability.
- 5.20.080 Right of inspection.

5.20.010 License required.

A. It shall be unlawful for any person to engage in the business of being a pawnbroker, as defined and regulated by C.R.S. 12-56-101, et. seq., without obtaining a license from the City.

B. Applications for licenses shall be submitted annually on forms provided by the City which may require all information necessary or convenient for the enforcement and administration of this Chapter accompanied by the following:

1. An annual license fee in the amount of \$75.00 (payable in advance).

2. A good and sufficient bond, with surety, to be approved by the City Attorney in the amount of \$2,000, conditioned upon the faithful observance of the requirements of this Chapter and of C.R.S. 12-56-101, et. seq., and for the safekeeping or return of all articles held on pledge by the pawnbroker.

3. "All-risk" property insurance insuring all pledged property against loss from fire, theft or other casualty.

C. The City Manager, after receipt of any application, shall conduct an investigation to insure that the applicant and application meet all of the requirements of this Chapter. If the City Manager determines that the application meets the requirements of this Chapter, he shall grant a license which shall expire on December 31 of the year for which it is issued. In the event the applicant or application does not meet all the requirements of this Chapter, the City Manager shall deny the license.

D. All licenses shall be non-transferable.

E. The City Council may revoke any license following notice to the licensee and a hearing upon a finding that the

licensee is in violation of any of the requirements of this Chapter. (Ord. 18, §1(part), 1984)

5.20.020 Requirements for issuance of license.

A. No license required by this Chapter shall be issued to or held by any of the following:

1. Any person who is not of good moral character.
2. Any corporation, any of whose officers, directors or stockholders holding over 10% of the outstanding and issued capital stock thereof, are not of good moral character.
3. Any partnership, association or company, any of whose officers or any of whose members holding more than 10% interest therein, are not of good moral character.
4. Any person who is not satisfactory to the City with respect to his character, record and reputation.

B. In making a determination as to character, when considering the conviction of a crime, the City shall be governed by the provisions of C.R.S. 24-5-101.

C. No license shall be issued for, or used in connection with, any premises licensed under the Colorado Beer Code or the Colorado Liquor Code, or for any place of amusement or entertainment. (Ord. 18, §1(part), 1984)

5.20.030 Requirements for pawnbroking.

A. All pawnbrokers shall comply with the requirements of C.R.S. 12-56-101, et. seq., the requirements of this Chapter, and of any regulations issued pursuant thereto.

B. No pawnbroker shall acquire any property from any person who the pawnbroker knows has a reputation of being a thief or has been convicted of theft or a similar offense without first notifying the City Manager or a member of the police department.

C. It shall be unlawful for any pawnbroker to be open for business on Sunday, New Year's Day, Christmas Day or on any day from 9:00 p.m. in the evening until 8:00 a.m. the following morning.

D. No pawnbroker shall enter into any transaction with any person under the influence of alcohol or drugs. (Ord. 18, §1(part), 1984)

5.20.040 Hold order. The City Manager or any police officer may order a pawnbroker to hold any article in his custody for purposes of investigation of theft or similar offense by the police department. No sale or any disposition of any such article may be made until the hold order is vacated.

5.20.050 Additional regulations. The City Manager shall make such additional rules and regulations as are necessary and convenient for the administration and enforcement of this Chapter, including required forms and requirements for additional reports. (Ord. 18, §1(part), 1984)

5.20.060 Return of stolen property. Notwithstanding any other provision of law, a pawnbroker who accepts in pledge any article as security for a loan from a person who is not the lawful owner thereof shall obtain no interest in such article in derogation of the rights of the lawful owner either by maturation of the loan, by transference of the pawn ticket to the pawnbroker, or otherwise, regardless of whether or not pawnbroker knew such person was not the lawful owner of the article. In the event of sale of such article to a third person, the pawnbroker shall be liable to the lawful owner of the article. The lawful owner of any such article may recover it from a pawnbroker, upon proof of ownership. (Ord. 18, §1(part), 1984)

5,20.070 Liability. The licensee shall be liable for the loss or damage of any pledged article whether caused by fire, theft, or otherwise, resulting from his failure to exercise reasonable care; but he shall not be liable, in the absence of the express agreement to the contrary, for the loss or damage to a pledged article which could not have been avoided by the exercise of such care. The pawnbroker shall maintain at all times commercially reasonable casualty insurance insuring pledged property against loss or damage. (Ord. 18, §1(part), 1984; Ord. 19, §1, 1989)

5.20.080 Right of inspection. For the purpose of administering and enforcing the requirements of this Chapter and C.R.S. 12-56-101, the City Manager or his authorized representative shall have the right to enter upon the licensee's premises and examine the books, accounts, papers, records and pledged property used or kept by any licensed pawnbroker or other person engaged in the business of pawnbroking. If any licensee shall refuse such access or inspection, the City Manager shall have recourse, as provided by law, including obtaining a warrant from the Municipal Court. He may also issue a subpoena duces tecum for a hearing before the City Manager or City Council, which subpoena may be enforced by the District Court or other court of competent jurisdiction. (Ord. 18, §1(part), 1984)

Chapter 5.24

PEDDLERS AND SOLICITORS

Sections:

- 5.24.010 Definition
- 5.24.020 Solicitation Prohibited
- 5.24.030 Permitted Hours
- 5.24.040 Permit and Badge Required
- 5.24.050 Permit Revocation
- 5.24.060 Permit Denial and Revocation
- 5.24.070 Appeals

5.24.010 Definition. For the purpose of this Chapter, the words contained herein will have the following definitions:

Peddlers or Solicitors: means any person or persons engaged in commercial solicitation or promotion any event or activity where products or services will be sold.

Commercial door to door Solicitation: means any act by a peddler or solicitor to enter upon private property without invitation in order to offer for sale or attempt to sell any product or service for the primary purpose of financial gain.

5.24.020 Solicitation Prohibited. No solicitor or peddler shall enter or remain upon any private property without invitation if a "No Solicitation" or "No Trespassing" sign is present at or near the entrance of said property, or if the solicitor or peddler is asked to leave the property.

5.24.030 Permitted Hours. No solicitor or peddler shall conduct commercial door to door solicitation outside the hours of 9 AM to 6 PM, or dusk as determined by the National Weather Service, whichever is earlier.

5.24.040 Permit and Badge Required.

A. All peddlers and solicitors shall be required to complete an application, register all personnel engaged in peddling or soliciting within the City and obtain a permit with the City and pay a \$200 permit fee.

B. All permit holders shall be required to obtain identification badges for all persons who will engage in commercial door to door solicitation on behalf of the permit holder. All permit holders will pay a \$25 fee for each identification badge issued. It shall be the sole responsibility of the permit holder to:

(1) Provide a copy of the permit to each person authorized to engage in commercial door to door solicitation under the permit.

(2) Ensure that each person authorized to conduct commercial door to door solicitation under the permit complies with the terms and conditions of this Chapter.

(3) Submit a Colorado Bureau of Investigations criminal background report for all persons authorized to conduct commercial door to door solicitation under the permit, dated not more than 60 days from the date of submittal.

(4) Instruct and require all peddlers or solicitors to prominently display the identification badge at all times while engaged in solicitation activities within the City.

5.24.050 Persons Prohibited. No person or persons shall be eligible for a permit or identification badge if:

A. Such person has been released within the ten (10) years immediately preceding the application from any form of incarceration, court-ordered supervision, including a deferred sentence, resulting from conviction of any felony or Class 1 misdemeanor under the laws of the State of Colorado or an equivalent offense under any federal, state, county or municipal law; or

B. Any permit holder or person authorized under the permit for commercial door to door solicitation has been found by the City to have engaged in any aggressive and/or deceptive tactics that is found to be a menace and/or detrimental to the health and welfare of the public.

C. A corporation or individual operating as a d/b/a seeking a permit is not registered and in good standing with the Colorado Secretary of State.

5.24.060 Permit Denial and Revocation. A permit may be denied or revoked if:

A. A permit holder fails to comply with the terms of this Chapter.

B. Any information or representation on a permit application form is false, incorrect, or not promptly updated due to changed circumstance.

c. Anyone authorized to conduct commercial door to door solicitation under the permit is non-compliant with sections 5.24.050 of this Chapter.

D. Permit holder fails to procure all other applicable permits and licenses including a transient merchant and sales and use tax licenses from the City and/or State.

5.24.070 Appeals. All appeals for denial or revocation of a permit shall be heard by the City Manager. The City Manager's ruling on appeal shall be final. (Ord. 6, 2013)

Chapter 5.28

POLICE ALARM SYSTEMS

Sections:

- 5.28.010 License required.
- 5.28.020 Investigation and issuance of license.
- 5.28.030 Direct dial system.
- 5.28.040 Audible alarm requirements.
- 5.28.050 False alarms.

5.28.010 License required.

A. It shall be unlawful for any person to install or maintain police alarm systems in the City without first having obtained a police alarm system contractor's license. This requirement shall not apply to persons who sell systems but do not install or maintain them, nor to persons who install and maintain their own systems.

B. A license application shall be filed with the City on forms furnished by the City and shall provide at the minimum the following information:

1. The name and address of the applicant and each employee or agent who will engage in business within the City on behalf of the applicant, and except for a corporation a stock of which is traded publicly, the name and address of any person owning more than a ten percent (10%) interest in the applicant.

2. Information concerning any criminal record of such persons and other background information.

3. Fingerprint cards of all persons who will be doing installation and maintenance work within the City.

C. Accompanying the application shall be an application fee in the amount of \$75.00, along with a ten thousand dollar (\$10,000) surety bond in a form approved by the City guaranteeing the faithful and honest conduct of business under the license running in favor of the City and customers of the applicant.

D. Licenses shall expire on December 31 of each year and may be renewed by submitting an application with any updated information and a \$25.00 renewal fee.

E. A license may be revoked by the City Council following notice and hearing for a violation of this Chapter, or the criteria for a license, or on account of failure to install or maintain police alarm systems in a good and workmanlike manner. (Ord. 2, §1(part), 1990)

5.28.020 Investigation and issuance of license.

A. Following receipt of a properly completed application, the City shall conduct a background investigation of the applicant, its agents, employees and owners to determine if they are of good moral character.

B. The City shall issue the license unless it is determined that the application is deficient, the applicant or any of its officers, agents or owners are not of good moral character, a misleading or fraudulent statement of a material fact has been submitted with the application, or the applicant has had a similar type permit previously revoked for cause within the past year.

C. If the criteria for issuance of a license are met, a license shall be issued to the applicant along with identification cards which shall be carried by those persons doing business within the City.

D. Any applicant whose application is denied may appeal the denial to the City Council which shall decide the matter following a hearing with reasonable notice. (Ord. 3, §1(part), 1990)

5.28.030 Direct dial systems. No person may install a direct dial police alarm system coded to any telephone number without the permission of the person to whose telephone it is coded. (Ord. 2, §1(part), 1990)

5.28.040 Audible alarm requirements. Any person maintaining an audible alarm as part of a building police alarm system shall post a notice stating the names and telephone numbers of the persons to be notified to render repair or service and to secure the premises if any alarm is activated. Such notice shall be posted near the alarm in a position legible from the ground outside the building where the alarm system is located. (Ord. 2, §1(part), 1990)

5.28.050 False alarms.

A. It shall be unlawful to maintain a defective police alarm system.

B. A police alarm system shall be deemed to be defective if it causes alarms responded to by the City's police department, which were not caused by criminal activity, in excess of the following:

1. One false alarm in any thirty (30) day period; or
2. Two false alarms in any ninety (90) day period;

or

3. Three false alarms in any one hundred eighty (180) day period; or

4. Four false alarms in any three hundred sixty five (365) day period.

C. A defective alarm system is hereby declared to be a nuisance which may be abated by the City in any lawful manner.

D. Any person owning or using a defective alarm system shall be liable to pay the City fifteen dollars (\$15.00) for each false alarm to which the City police department responds over the above limits. The City may enforce collection of such amounts in any lawful manner and may certify such amounts as a delinquent charge to the County Treasurer to be collected similarly as delinquent taxes against the property upon which such system is located. It shall be unlawful to fail to pay such amounts within thirty (30) days after billing by the City. (Ord. 2, §1(part), 1990)