

**A BILL FOR**

**ORDINANCE NO. 3, SERIES OF 2023**

**AN ORDINANCE OF THE CITY OF CAÑON CITY AMENDING TITLES 5, 8, AND 9 OF THE CAÑON CITY MUNICIPAL CODE CONCERNING LICENSES AND REGULATIONS FOR SPECIFIC BUSINESSES WITHIN THE CITY**

**WHEREAS**, the City requires certain businesses to obtain licenses before operating within the City;

**WHEREAS**, the City now desires to amend provisions of the Cañon City Municipal Code concerning these specific licenses and regulations to ensure consistency and legality and to require licensing only for specific types of businesses and to repeal licenses no longer required by the City; and

**WHEREAS**, the City Council finds this ordinance in the best interests of the City and its citizens.

**NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF CAÑON CITY:**

Section 1. Chapters 5.08 (Auctioneers), 5.24 (Trash, Garbage, Refuse and Rubbish Collection), 5.28 (Junk Dealers), 5.32 (Merchant Patrol and Security Guard Services and Security Guards), 5.36 (Pawnbrokers), 5.40 (Peddlers, Solicitors, and Canvassers), 5.46 (Secondhand Dealer and Flea Market Business) and 5.66 (Procedural Matters Pertaining to Licenses) of the Cañon City Municipal Code are hereby deleted in their entirety.

Section 2. Title 5 of the Cañon City Municipal Code is amended by the addition of the following new Chapters:

**CHAPTER 5.02 LICENSES PROCEDURES**

**Sec. 5.02.010. - Applicability.**

Unless otherwise provided to the contrary elsewhere in this Code, the provisions and conditions set forth in this Chapter shall apply with respect to all licenses issued pursuant to Chapters 5.08, 5.10, 5.14, 5.16, 5.34, and 5.52.

**Sec. 5.02.020. - Definitions.**

For purposes of this Chapter and chapters enumerated in section 5.02.010, the following terms shall be defined as follows:

“Licensee” means any person, licensed pursuant to the provisions of the chapters enumerated in Section 5.02.010.

“Licensing official” means the City Clerk or other such person as designated by the City Administrator.

“Person” means any natural person or entity.

**Sec. 5.02.030. - Term of licensure.**

Licenses issued pursuant to the provisions of any chapter enumerated in Section 5.02.010 shall be effective for the calendar year or portion thereof specified on the license.

**Sec. 5.02.040. - Application.**

- A. An application for a license shall be filed with the City Clerk on forms provided by the City. Every applicant shall state under oath or affirmation such facts as may be required for the granting of such license. It is unlawful for any person to make any false statement or misrepresentation in connection with any application for a license.
- B. Every application shall be accompanied by the fee established in the City's fee schedule.

**Sec. 5.02.050. - Issuance.**

Upon receipt of a complete application and required fee, and after a determination that the proposed activity complies with all applicable provisions of this Code, the Licensing official shall issue a license.

**Sec. 5.02.060. - Authority to deny license application.**

- A. The licensing official may deny any license application for cause, including without limitation any violation of any condition or requirement of a license.
- B. If the licensing official denies a license, the Licensing official shall notify the applicant in writing, stating the specific grounds for denial.
- C. No refund of the application fee shall be granted upon denial.

**Sec. 5.02.070. - Renewals.**

Unless otherwise provided, all renewal applications and fees are due no later than December 1<sup>st</sup> of each year. Any applicant who fails to submit the renewal application and fee by December 1<sup>st</sup> shall be subject to the following additional fees as established by the city's fee schedule.

**Sec. 5.02.080. - Transferability.**

Unless specifically provided for in this Title, no license shall be transferable, and no license is valid as to any person other than the licensee named thereon.

**Sec. 5.02.090. - Changes.**

The licensee shall, within seven (7) days, notify the licensing official, in writing, of any change in the information provided in the license application. The licensing official may investigate the change for compliance with this code.

**Sec. 5.02.100. - Suspensions or revocations.**

- A. In addition to any other penalties imposed pursuant to state law or this Code, the licensing official may suspend or revoke any license for cause, after written notice to the licensee and the opportunity for a hearing before licensing official. Cause shall include without limitation any violation of the Chapter or chapters applicable to the license or licensee.
- B. The licensee shall file a written request for hearing before the licensing official within ten (10) days after the date of the written notice of the suspension or revocation. If a timely request is not filed, the suspension or revocation shall become effective on the eleventh (11<sup>th</sup>) day after the date of said written notice.
- C. If a timely request is filed, the licensing official shall schedule and hold a hearing and issue a written decision within thirty (30) days after the hearing; except that the decision date may be extended by written order of the licensing official.
- D. No fees paid by a licensee whose license has been suspended or revoked shall be refunded. No licensee whose license has been revoked shall be eligible to apply for a new license for the same business for a period of one (1) year after such revocation.

**Sec. 5.02.110. - Cease and desist.**

If any person is conducting activity which is subject to a licensing requirement under any chapter enumerated under Section 5.02.010 in violation of the Code or the terms of the license, the licensing official may issue an order to the person to cease and desist all further activity until the violation is remedied. The order shall be personally served upon the person. The order shall give the person three (3) days from the date of service of the order to remedy the violation or to request in writing a hearing with the licensing official. If the person does nothing, it shall cease operations on the third day. The hearing will be before the licensing official. These proceedings shall not relieve or discharge anyone from the payment of taxes, penalty and interest due and owing to the City.

**Sec. 5.02.120. - Penalties for violations.**

- A. Any person who violates any provision of the chapters subject to this Chapter or term of license is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine in an amount that does not exceed the maximum fine provided for in Section 1.28.010.
- B. In lieu of the penalties provided for in subsection a, any person, firm or corporation operating without an appropriate license shall be given the option and opportunity to apply for such license by filing a complete application, paying the applicable

license fee, and also paying an administrative penalty fee set in the City's fee schedule. No Municipal Court proceedings respecting charges for operating without a valid license or permit will be initiated or continued upon the city's receipt of such application and payment of the licensing fee and administrative penalty fee. If the application is denied, the city may take any applicable enforcement action.

- C. The operation of a business without a license as required by this Code or in violation of the terms of a license shall be deemed a nuisance and every day a violation continues shall constitute a separate offense.

## **CHAPTER 5.08 SECURITY GUARD SERVICES**

### **Sec. 5.08.010. - Definitions.**

As used in this Chapter, the following words shall be defined as follows:

- A. "Security guard service" means any entity, but not a natural person, which conducts or is engaged in the business of guarding or keeping a surveillance upon business, industrial or similar premises or providing protection to persons and property, by maintaining or providing on or near any premises one or more persons employed by the security guard service.

### **Sec. 5.08.020. - Application for license.**

In addition to the requirements in Section 5.02.040, application for a security guard service license shall contain at least the following information:

- A. Name and contact information for the person who will serve as a point of contact for the City and Police Department.
- B. Other documents as deemed necessary by the licensing official or the chief of police.

### **Sec. 5.08.030. - Issuance or denial of license.**

Upon submission of a complete application to the licensing official, and payment of the application fee, the licensing official shall cause the application to be transmitted to the Chief of Police or designee for review. The Chief of Police shall report any recommendations in a timely manner to the licensing official, who shall either grant or deny the application.

### **Sec. 5.08.040. - Licensee responsibilities.**

- A. Any security guard service seeking a license under this Chapter warrants and accepts all responsibility over its employees providing services under a license issued under this Chapter. In addition to other requirements in this Chapter, employees shall meet the following standards:

1. The employee is at least twenty-one (21) years old.
  2. The employee has not been convicted of a felony, a misdemeanor or ordinance violation involving moral turpitude, or any crime of violence within the last ten (10) years, or the employee has not been imprisoned with respect to any such conviction, at any time within the last five (5) years immediately.
- B. The security guard service accepts sole responsibility for the faithful performance, honest conduct and compliance with all the provisions of the City Code of all security guards the security guard service employs and further accepts that any judgment rendered against such employee that impacts the security guard service is the security guard service's responsibility.
- C. The security guard service must provide prior notification to the Police Department of the provision of its services in the City. Such notification shall provide the names of guards who will be armed with weapons during the provision of services.
- D. The security guard service must supply an operational plan prior to providing any services within the City. Operational plans must be updated as necessary by the security guard service. Operational plan shall include photos of uniform and vehicles (if applicable), photos and physical description of security guards, and any other information deemed necessary by the City.

**Sec. 5.08.050. - Prohibited practices.**

- A. Security guard services shall not permit security guards to carry firearms or less lethal weapons unless the security guard service provides the City proof of certification for use of the firearm and other less lethal weapons. The City shall provide a list of entities from which certifications are accepted. Nothing herein shall be construed to permit a security guard to carry an illegal weapon or to carry any concealed weapon.
- B. Security guards shall not arrest any person except as permitted by law for any citizen.
- C. Security guards shall not represent themselves in any manner to be a peace officer or as having any police authority.
- D. Security guard services shall provide security guard uniforms that are significantly different than any uniform worn by any law enforcement agency in Fremont County, as determined by the Chief of Police, nor shall any uniform bear the words "police" or "officer" anywhere thereon. The Chief of Police shall have the authority to prohibit any style of badges, uniforms and equipment used by persons engaged in the security guard service business to avoid confusion in the mind of the public with badges, uniforms and equipment of local law enforcement agencies. For purposes of this section, "equipment" shall include paint, insignias and

markings on motor vehicles. Security guards shall always wear city-issued photo identification badges in clear view while providing security services.

**Sec. 5.08.060. - Revocation of license.**

- A. In addition to the grounds for revocation in Section 5.02.100, the following reasons may be grounds for revocation of a license:
  - 1. That the licensee or any employee of the licensee has failed to report a crime to the Police Department or has failed to report circumstances to the Police Department which should have put a reasonable prudent security guard on notice that a crime has been committed.
  - 2. That the licensee or any employee of the licensee has violated any provision of this Chapter.
- B. Any entity whose license shall be revoked hereunder shall not be eligible for a new license for a period of two (2) calendar years from the date of revocation.

**Sec. 5.08.070. - Duty to report break-in and other suspicious circumstances.**

It is unlawful for any person engaged in the security guard service business, whether licensed under this code, to fail or refuse to report any break-in or suspicious circumstances to the Police Department as soon as possible. All persons licensed hereunder shall cooperate with the Police Department in the investigation of such circumstances when requested to do so but shall not attempt to investigate such break-in or suspicious circumstances him or herself.

**CHAPTER 5.10 -TRASH HAULER SERVICES**

**Sec. 5.10.010. - Definitions.**

As used in this Chapter, the following words shall be defined as follows:

“Compensation” means any money, property, service or thing of value charged or received or to be charged or to be received whether directly or indirectly.

“Motor vehicle” means any automobile, truck, tractor, bus, or other self-propelled vehicle or any trailer drawn thereby excluding vehicles operated upon fixed rails.

“Person” means any natural person or entity.

“Trash haulage license” means a license issued to a trash hauler pursuant to the requirements and other provisions of this Chapter.

“Trash hauler” means any person who uses the streets, alleys and other public thoroughfares in the city for the collection, hauling or transportation, for compensation, of any trash, garbage, refuse, rubbish or other waste material of any kind.

**Sec. 5.10.020. - License required.**

- A. No person shall use any street, alley or other public thoroughfare in the City for the collection, hauling or transporting, for compensation, of any trash, garbage, refuse, rubbish or other waste materials of any kind unless such person holds a valid trash haulage license issued pursuant to this Chapter or is exempt under subsection B of this Section.
- B. The following persons are not required to obtain a trash haulage license:
  - 1. A civic, community, religious, benevolent or charitable nonprofit organization that collects, transports and markets materials for resource recovery solely for the purpose of raising funds for a charitable, civic or benevolent activity.
  - 2. A person who transports trash or recyclable materials produced by such person or household.
  - 3. A property owner or agent thereof who transports trash or recyclable materials left by a tenant upon such owner's property, so long as such property owner does not provide trash collection service for compensation for tenants on a regular or continuing basis.
  - 4. A demolition or construction contractor or landscaper who produces and transports trash other than garbage during such occupation, where the trash produced is merely incidental to the particular demolition or construction work being performed by such person.
  - 5. A tree trimming service, lawn care service or garden care service contractor who in the normal course of his or her occupation produces yard rubbish, including tree branches, twigs, grass, shrub clippings, weeds, leaves other general yard, garden and organic waste material, and earthen material and transports such materials from places where such contractor works as an incidental portion of the work being performed by such contractor.
  - 6. A person hauling trash as the city's agent pursuant to a nuisance abatement action.
  - 7. The City, or City employees, in the performance of their duties.

**Sec. 5.10.030. - Application.**

- A. In addition to the requirements in Section 5.02.040, all applications for a trash haulage license shall include a list of vehicles to be used for trash haulage purposes, including make, model and license plate number.
- B. During the effective period of the license, any person holding a valid trash haulage license may add to its list of vehicles available for use for trash haulage purposes.

No motor vehicle shall be used for trash haulage purposes unless such vehicle is first included on the licensee's list of vehicles submitted to the licensing official.

**Sec. 5.10.040. - Trash haulage vehicles.**

- A. Every motor vehicle used by a trash hauler for trash haulage purposes:
  - 1. Must have been manufactured for the express purpose of being used for the collection, hauling and transportation of trash, garbage, refuse, rubbish and other similar waste materials; and
  - 2. Must be fitted with a good and substantial watertight container equipped with a tight-fitting top to prevent the escape or spillage of any of the contents therefrom.

**Sec. 5.10.050. - Revocation of license.**

In addition to the grounds for revocation in Section 5.02.100, the following reason may be grounds for revocation of a license:

- A. Failure to exercise reasonable care in the collecting, hauling or transporting of trash, garbage, refuse, rubbish or other waste material of any kind with such failure resulting in the littering of the streets, alleys, other public thoroughfares and public and private properties within the City.

**CHAPTER 5.14 - PAWNBROKERS**

**Sec. 5.14.010. - Legislative intent.**

The purpose of this Chapter is to protect the public health, safety and welfare by regulating the conduct of persons acting as pawnbrokers within the City. The record-keeping and other regulatory requirements of this Chapter are necessary to protect the public against the sale of stolen goods and to provide law enforcement with the ability to discover and identify stolen goods.

**Sec. 5.14.020. - Compliance with state law.**

The operations and activities regulated by this Chapter shall be governed by the applicable provisions of state law and supplemented by the provisions of this Chapter. Violations of applicable state law or of the provisions of this Chapter shall be grounds for denial, revocation or suspension of any license issued or issuable hereunder.

**Sec. 5.14.030. – Definitions.**

As used in this Chapter, the following words shall be defined as follows:

- A. “Contract for purchase” means a contract entered into between a pawnbroker, as defined herein, and a customer pursuant to which money is advanced to the



customer by the pawnbroker on the delivery of tangible personal property by the customer on the condition that the customer, for a fixed price and within a fixed period of time, not to exceed ninety (90) days, has the option to cancel the contract.

- B. "Fixed price" means the amount agreed upon to cancel a contract for purchase during the option period.
- C. "Fixed time" means that period, not to exceed ninety (90) days, as set forth in a contract for purchase, for an option to cancel the contract.
- D. "Option" means the fixed time and the fixed price agreed upon by the customer and the pawnbroker in which a contract for purchase may be but does not have to be rescinded by the customer.
- E. "Pawnbroker" means a person regularly engaged in the business of making contracts for purchase, or both contracts for purchase and purchase transactions, during his or her business.
- F. "Purchase transaction" means a transaction where a pawnbroker offers cash in exchange for tangible personal property.
- G. "Tangible personal property" means all personal property other than choses in action, securities, or printed evidence of indebtedness, which property is deposited with or otherwise actually delivered into the possession of a pawnbroker in the course of their business in connection with a contract for purchase or purchase transaction.

**Sec. 5.14.040. - License required.**

No person shall engage in business as a pawnbroker without first obtaining a license from the City pursuant to this Chapter.

**Sec. 5.14.050. - Records keeping and inspection requirements.**

- A. Every licensee under this Chapter shall keep a numerical register in electronic form in which the licensee shall record the following information:
  - 1. The name, address, telephone and date of birth of the customer;
  - 2. The type and number of identification used by the person with whom the transaction was made, which shall consist of a driver's license or identification card issued by any state or two pieces of identification issued by a governmental agency, one of which shall be descriptive of the person identified, and a full copy of the front of each piece of identification used by the person with whom the transaction was made;
  - 3. The date, time, and place of the contract for purchase or purchase transaction;

4. A description and photograph of each item bought or received, which in the case of watches, clocks and bicycles, motorcycles, automobiles, guns and revolvers, cameras, tires or any other kind or character of property having a registration or identification number or numbers, shall contain the name of the maker and the number of both the works, case, engine or motor number, or such other number or numbers as may serve to identify it, together with a description of all letters and marks inscribed thereon whereby the same may be identified; provided, that when the articles purchased are furniture or the contents of any house or room, actually inspected on the premises, a general record of the transaction shall be sufficient;
  5. A written declaration of the customer's ownership, which shall state that the tangible personal property is totally owned by the customer, or shall have attached to the declaration of sale from the partial owner or the customer, how long the customer has owned the property, whether the customer or someone else found the property, if the property was found and the details of the finding;
  6. The signature of the person in the register with whom the transaction is made; and
  7. The name of the employee conducting the transaction.
- B. The register, as well as a copy of the contract for purchase or a receipt of the purchase transaction shall be made available for inspection by the Chief of Police or any other police officer of the City at all times during ordinary business hours.
- C. Upon receiving a written request from the Chief of Police, a licensee under this Chapter shall, before noon of every day, provide a full, true and correct transcript of the records of all loans and purchases made and transactions had on the preceding day in the manner required by the Chief of Police.
- D. Any police officer of the City may order a licensee under this Chapter to hold any article deposited with the licensee for a reasonable period if the officer has a reasonable belief that the article is stolen. A licensee who receives such a hold order may not sell or dispose of the article or allow it to be redeemed if the hold order remains in effect. Within ten (10) days of the order, the licensee may appeal in writing for release of the article to the city administrator. The City Administrator shall, within ten (10) days of the receipt of the appeal, issue a decision. The City administrator may conduct an informal hearing with the licensee and the Chief of Police.
- E. If any licensee has good cause to believe that any of the property in his possession has been previously lost or stolen, they shall immediately report such fact to the police department, together with the name of the person from whom the same was received.

- F. No licensee shall enter a contract for purchase or purchase transaction with any individual under the age of eighteen (18) years.

## **CHAPTER 5.14 – SOLICITORS AND CANVASSERS**

### **Sec. 5.14.010. – Purpose.**

The purpose of this Chapter is to establish reasonable restrictions on door-to-door commercial solicitors in order to protect the citizens of the city from fraud, misrepresentation, crime, undo annoyance and loss of privacy, and to promote the public health, safety, and welfare of the inhabitants of the City. This Chapter recognizes that differences exist between persons who solicit for commercial purposes and those who canvass and solicit for noncommercial purposes. It is not the intent of this Chapter to regulate the content of speech or expressive activities. To that end, this Chapter employs the least restrictive means necessary to serve its purposes.

### **Sec. 5.14.020. - Definitions.**

As used in this Chapter, the following words have the meaning indicated:

- A. “Canvasser” means a person who makes or attempts to make personal contact with a resident at his or her residence without a prior specific invitation from the resident or a prior specific appointment with the resident for the primary purpose of: (1) attempting to enlist support for or against a particular philosophy, ideology, political party, issue, candidate, or religion, even if incidental to such purpose the canvasser accepts the donation of money for or against such cause; or (2) distributing a handbill or flyer advertising a noncommercial event or service.
- B. “Commercial solicitor” means a person, whether as volunteer, owner, agent, consignee or employee, who engages in door-to-door commercial solicitation.
- C. “Door-to-door commercial solicitation” means to enter or remain upon any private premises in the City, not having been requested or invited by the occupants thereof, to attempt to make or to make personal contact with the occupant for the primary purpose of:
  - 1. Contacting to solicit the immediate or future purchase or sale of any goods, wares or merchandise, including newspaper or magazine subscriptions, or any services to be performed immediately or in the future, whether or not the person has, carries or exposes a sample of such goods, wares or merchandise, and whether or not he or she is collecting advance payments for such sales; or
  - 2. Personally delivering to the resident a handbill or flyer advertising commercial events, activities, goods or services that are offered to the resident for purchase at a location away from the residence or at a future time.

- D. “Door-to-door noncommercial solicitation” means to enter or remain upon any private premises in the City, not having been requested or invited by the occupants thereof, to attempt to make or to make personal contact with the occupant for the primary purpose of:
1. Seeking or asking for a gift or donation for a public entity or nonprofit organization exempt from federal income tax under 26 U.S.C. 501(c)(3) or related to fundraising activities authorized or sponsored by a public entity;
  2. Soliciting the sale of goods, wares or merchandise for present or future delivery or the sale of services to be performed immediately or in the future, with the entire proceeds of such sale to be paid directly to, or used exclusively for the benefit of, a public entity or nonprofit organization exempt from federal income tax under 26 U.S.C. 501(c)(3) or related to fundraising activities authorized or sponsored by a public entity; or
  3. Soliciting support for a political candidate or organization, or ballot measure or ideology.
- E. "No solicitation sign" means a sign indicating a prohibition against soliciting and/or canvassing that contains any of the following groups of words: “no solicitation”; “no solicitors”; “no peddlers”; “no solicitors or peddlers”; “no trespassing”; or words of similar import.
- F. “Noncommercial solicitor” means person, whether as volunteer, owner, agent, consignee or employee, who engages in door-to-door noncommercial solicitation.
- G. “Person” means a human being, but also includes individuals, firms, corporations, limited liability companies, partnerships and other entities that employ or otherwise engage solicitors and/or canvassers to perform on their behalf.
- H. “Solicitor” means a person who attempts to make personal contact with a resident at his or her residence without prior specific invitation or appointment from the resident, for the primary purpose of attempting to sell a good or service, whether or not the goods or services are actually delivered at the time of sale.

**Sec. 5.14.030. – License required.**

No person shall engage in commercial solicitation within the City without obtaining a license as provided for in this Chapter. Canvassers and non-commercial solicitors are not required to obtain a license, but may do so for the purpose of reassuring City residents of the canvasser’s or noncommercial solicitor’s good faith.

**Sec. 5.14.040. – Fees.**

- A. The application fee for each commercial solicitor shall be as set forth in the City’s fee schedule.

- B. A late renewal fee shall be charged for each renewal application received after the renewal deadline of December 15<sup>th</sup> annually.

**Sec. 5.14.050. – Application contents.**

In addition to the requirements in Section 5.02.040, all applications for a commercial solicitor license shall include:

- A. The full name of the applicant.
- B. The business address and phone numbers of the applicant.
- C. A physical description of the applicant, including height, weight, color of eyes and color of hair.
- D. The number and state of issuance of the applicant’s state issued license or other form of identification acceptable to the licensing official.
- E. The license plates of all motor vehicle the applicant intends to use in the course of door-to-door commercial solicitation, a description of any such motor vehicle.
- F. All licenses currently held or previously held by the applicant within the five years preceding the date of application related to soliciting or a similar business endeavor, noting any nonrenewal, suspension or revocation by the issuing authority and the pertinent details thereof.
- G. A statement as to whether the applicant is presently on parole or probation for any criminal violations (with additional details if the applicant is on parole or probation).
- H. A statement as to whether the applicant is required to register as a “convicted sex offender” pursuant to section 16-22-103, C.R.S.
- I. A brief explanation of the nature of the merchandise to be sold or other activity that requires a license under this Chapter. Copies of promotional sales brochures may satisfy this requirement.
- J. The names, business addresses, business telephone numbers, residence addresses and residence telephone numbers of all persons employing and/or supervising the applicant.
- K. Fingerprints taken and submitted to the City through an approved City vendor and waiver for background check.
- L. Any additional information or document reasonably requested by the licensing official.

**Sec. 5.14.060. - License or permit—investigation—grounds for denial or revocation.**

- A. Upon receipt of an application for a license, the licensing official shall make an investigation of the applicant's character and responsibility and shall either issue or deny the permit or license within five (5) business days following the date upon which a complete application was filed with the licensing official and the appropriate fee was paid.
- B. The licensing official may deny the issuance of a license provided for in this Chapter for any of the following reasons:
  - 1. The applicant was convicted in a court of record of a crime having as an essential element fraud, deceit or misrepresentation within the five (5) year period immediately preceding the date of the denial; provided, however, that the applicant's rehabilitation shall be considered with respect to convictions occurring earlier than five (5) years preceding the date of application.
  - 2. The applicant was convicted for crimes against the person or property of another, or institutionalization for mental illness which caused acts of violence against the person or property of another; provided, however, that the applicant's rehabilitation shall be considered with respect to convictions or institutionalization occurring earlier than five (5) years preceding the date of application.
  - 3. The applicant is legally obligated to register under the Colorado Sex Offender Registration Act pursuant to section 16-22-103, C.R.S.; provided, however, that the applicant's rehabilitation shall be considered with respect to convictions occurring earlier than five (5) years preceding the date of application.
  - 4. Any false, misleading or fraudulent statement on an application, or when an applicant has omitted pertinent information on the application for registration.
  - 5. The applicant is a person whose character and record are such as not to warrant the licensing official's confidence that they will conduct the business of soliciting lawfully, honestly and fairly or without resorting to duress, coercion, intimidation or harassment of any person being solicited for business or other acts of violence or force against persons or property.
  - 6. Any person who has been denied an application or had their license revoked pursuant to this Chapter within the previous year, unless the applicant can and does show, to the satisfaction of the licensing official, that the reasons for such earlier denial or revocation no longer exist.
- C. For purposes of this section, the following definitions shall apply:
  - 1. Crimes or acts of violence against the person of another shall include homicide, attempted homicide, rape, attempted rape, sexual assault, assault,

battery and other similar felonies involving moral turpitude by whatever name; and

2. Crimes or acts against the property of another shall include theft, burglary, breaking and entering, larceny and other similar felonies involving moral turpitude by whatever name.
- D. Persons whose applications for licenses have been denied shall be notified in writing of the reason for such denial.
- E. In addition to the grounds for suspensions and revocations in Section 5.02.100, the following reasons may be grounds for suspension or revocation of a license:
1. Conviction of the licensee of crimes or acts of violence or crimes or actions against the property of another.
  2. Any violation of this Chapter.
  3. Failure to pay City's sales tax.
  4. Soliciting in such a manner as to constitute a menace to the health, safety or general welfare of the public.
- F. Any person whose license shall be revoked shall not be eligible for a new license for a period of two (2) calendar years from the date of revocation.

**Sec. 5.14.070. - Changes in information.**

Each person holding a license issued pursuant to this Chapter shall notify the licensing official in writing of any change in the information reported on such person's application for such license no later than ten (10) days after such change occurs.

**Sec. 5.14.080. – Permits to serve as identification card.**

- A. A license issued under this Chapter shall also serve as an identification card and shall bear the words "permitted commercial solicitor" and include a photographic image of the licensed individual.
- B. At all times when engaged in commercial door-to-door solicitation, each licensed individual must be in possession of his or her license and conspicuously display such license.
- C. No person issued a license shall alter, remove or obliterate any entry made thereon, nor deface the license in any way.
- D. A licensed individual shall provide the license upon the request of any law enforcement officer or occupant of private premises contacted by the commercial solicitor.

**Sec. 5.14.090. - Soliciting or canvassing unlawful where a "no solicitation" sign posted.**

- A. Except as provided in subsection B of this Section, it is unlawful for any solicitor or canvasser to:
1. Enter upon or remain any private premises where there is a no solicitation sign visible.
  2. Use or attempt to use any entrance other than the front or main entrance to the dwelling, or step from the sidewalk or indicated walkway (where one exists) leading from the right-of-way to the front or main entrance of the dwelling, except by express invitation of the occupant of the property.
  3. Remove a no solicitation sign from private property without the express permission of the occupant of such property.
- B. A solicitor or canvasser may enter upon property posted with a no solicitation sign if they had an express invitation from, or a specific appointment with, the owner or occupant of the posted property authorizing them to enter upon such posted property at the time when such entry was made.

**Sec. 5.14.100. - Trespass laws not affected.**

Nothing in this Chapter shall be construed to repeal or otherwise restrict or prohibit the enforcement of any ordinance or statute concerning trespassing on public or private property.

**Sec. 5.14.110. - Distribution of handbills and commercial flyers.**

- A. In addition to the other provisions of this Chapter, solicitor or canvasser leaving handbills or flyers in and about the City shall observe the following regulations:
1. No handbill or flyer shall be left at or attached to any sign, utility pole, transit shelter or other structure within a public right-of-way.
  2. No handbill or flyer shall be left at or attached to any private property in a manner that causes damage to such private property.

Section 3. Section 5.34.010 of the Cañon City Municipal Code is hereby amended as follows:

As used in this Chapter, the following words shall be defined as follows:

"Mobile home park" shall have the same meaning as found in Title 17 of this Code.

Section 4. Section 5.34.030 of the Cañon City Municipal Code is hereby amended as follows:



In addition to the requirements of Section 5.02.040, applications for a mobile home park license shall include the following information:

- A. The address of the premises occupied or proposed to be occupied;
- B. The name of the owner of the premises. If the applicant is not the owner, the owner must sign the application; and
- C. such other information as the City Administrator may require.

Section 5. Section 5.34.040(B) of the Cañon City Municipal Code is hereby amended as follows:

If a detailed inspection of the premises reveals that all regulations contained in Section 17.05.020(E) and all other applicable provisions of this code have been fully complied with, the licensing official shall issue a mobile home park license to the applicant.

Section 6. Section 5.34.050 of the Cañon City Municipal Code is hereby deleted.

Section 7. Section 5.34.060 of the Cañon City Municipal Code is hereby amended as follows:

**Sec. 5.34.060. - Inspection authority; License suspension or revocation.**

A. The City shall have access to each mobile home park at all reasonable times to inspect the same and ascertain whether the provisions of Section 17.05.020(E) are being complied with.

B. In addition to the grounds for suspension and revocation in Section 5.02.100, it may be grounds for suspension or revocation if any person operating a mobile home park shall fail to maintain the same in a safe and sanitary condition, or maintains and conducts it contrary to the requirements and regulations set forth in the ordinances of the City, or contrary to the requirements and regulations set forth in this Chapter.

Section 8. Section 5.34.070 of the Cañon City Municipal Code is hereby amended as follows:

Renewals for licenses issued pursuant to this Chapter shall be governed by Chapter 5.02.

Section 9. Section 5.34.080 of the Cañon City Municipal Code is hereby deleted.

Section 10. Section 5.42.020 of the Cañon City Municipal Code is hereby amended as follows:

The term of “licensing officer” in the definitions shall be revised to “licensing official”.

Section 11. Sections 5.43.030(A), (B) and (C) of the Cañon City Municipal Code are hereby amended as follows:

- A. The license fee for either a Type A or a Type B sexually oriented business shall be as set forth in the City's fee schedule for the initial and any renewal license. Any license applied for following a revocation or expiration of a previously issued license shall be considered a first license for purposes of this paragraph.
- B. The annual manager's license fee shall be as set forth in the City's fee schedule for the first issuance of the license year or fraction thereof, and each license shall expire on December 31st of the year in which the same is issued.
- C. If any change to the licensed premises of a sexually oriented business requires an inspection for compliance with this Chapter or Chapter 5.42 and payment of a premises modification fee as set forth in the City's fee schedule.

Section 12. All references to "licensing officer" shall be amended to "licensing official" in Chapter 5.43.

Section 13. Section 5.43.110 of the Cañon City Municipal Code is hereby amended as follows:

- A. A licensee shall be entitled to a hearing before the licensing official if the City seeks to suspend or revoke his or her sexually oriented business license based on a violation of this Chapter or any provision of Chapter 5.42 of this code. The business may continue to operate during the hearing process, unless the licensing official has issued a cease and desist order due to the severity of the violation.
- B. The licensing official may suspend or revoke any license for cause, after written notice to the licensee and the opportunity for a hearing before licensing official.
- C. The licensing official shall provide a copy of the notice to appear before the licensing official for the purpose of a hearing on a specified date to show cause why the licensee's sexually oriented business license should not be suspended or revoked. The notice shall include information regarding the grounds for suspension or revocation.
- D. At the hearing, the licensing official shall hear such statements and consider such evidence as the police department or other enforcement officers, the owner, occupant, lessee, or other party in interest, or any other witness shall offer that is relevant to the violation alleged in the complaint. The licensing official shall make findings of fact from the statements and evidence offered as to whether the violation occurred in or near the licensed establishment. If the licensing official determines that a cause for suspension or revocation exists, he or she shall issue an order suspending or revoking the sexually oriented business license within thirty (30) days after the hearing is concluded based on the findings of fact. A copy of the order shall be mailed to or served on the licensee at the address on the license. In performing his duties pursuant to this section, the licensing official may retain independent counsel to advise him with regard any matter.

- E. The order of the licensing official made pursuant to Subsection D of this section shall be a final decision and may be appealed to the district court pursuant to Colorado Rule of Civil Procedure 106(a)(4). Failure of a licensee timely to appeal said order constitutes a waiver by him or her of any right he or she may otherwise have to contest the suspension or revocation of the sexually oriented business license.
- F. The licensing official shall have the power to administer oaths, issue subpoenas, and when necessary grant continuances. Subpoenas may be issued to require the presence of persons and production of papers, books, and records necessary to the determination of any hearing which the licensing official conducts. It is unlawful for any person to fail to comply with any subpoena issued by the licensing official. A subpoena shall be served in the same manner as a subpoena issued by the district court of the state of Colorado.
- G. All hearings held before the licensing official regarding suspension or revocation of a sexually oriented business license issued under this Chapter shall be recorded stenographically or by electronic recording device. Any person requesting a transcript of such record shall post a deposit in the amount required by the licensing official, and shall pay all costs of preparing such record.
- H. In the event of suspension, revocation, or cessation of business, no portion of the sexually oriented business license fee shall be refunded.

Section 14. Section 5.43.170(A)(3) of the Cañon City Municipal Code is hereby amended as follows:

- 3. The manager knowingly allowed possession, use, or sale of controlled substances (as defined in C.R.S. § 18-18-102 (5))) on the premises; or

Section 15. Section 5.43.180 of the Cañon City Municipal Code is hereby amended as follows:

- A. A manager shall be entitled to a hearing before the licensing official if the City seeks to suspend or revoke the manager's license based on a violation of this Chapter or any provision of Chapter 5.42 of this Code. The manager may continue to manage a sexually oriented business during the hearing process.
- B. The licensing official may suspend or revoke any license, after written notice to the licensee and the opportunity for a hearing before City Administrator.
- C. The licensing officer shall provide a copy of the notice to appear before the city administrator for the purpose of a hearing on a specified date to show cause why the license should not be suspended or revoked. The notice shall include information regarding the grounds for suspension or revocation.
- D. At the hearing, the licensing official shall hear such statements and consider such evidence as the Police Department or other enforcement officers, the owner,

employer, occupant, lessee, or other party in interest, or any other witness shall offer that is relevant to the violation alleged in the complaint. The licensing official shall make findings of fact from the statements and evidence offered as to whether the violation occurred in or near the licensed establishment. If the licensing official determines that a cause for suspension or revocation exists, he or she shall issue an order suspending or revoking the manager’s license within thirty (30) days after the hearing is concluded based on the findings of fact. A copy of the order shall be mailed to or served on the licensee at the address on the license.

- E. The order of the licensing official made pursuant to Subsection D of this section shall be a final decision and may be appealed to the district court pursuant to Colorado Rule of Civil Procedure 106(a)(4). Failure of a licensee timely to appeal said order constitutes a waiver by him or her of any right he or she may otherwise have to contest the suspension or revocation of the manager’s license.
- F. The licensing official shall have the power to administer oaths, issue subpoenas, and when necessary grant continuances. Subpoenas may be issued to require the presence of persons and production of papers, books, and records necessary to the determination of any hearing which the licensing official conducts. It is unlawful for any person to fail to comply with any subpoena issued by the licensing official. A subpoena shall be served in the same manner as a subpoena issued by the district court of the state of Colorado.
- G. All hearings held before the licensing official regarding suspension or revocation of a manager’s license issued under this chapter shall be recorded stenographically or by electronic recording device. Any person requesting a transcript of such record shall post a deposit in the amount required by the licensing official and shall pay all costs of preparing such record.
- H. In the event of suspension, revocation, or cessation of business, no portion of the manager’s license fee shall be refunded.

Section 16. Chapter 5.52 of the Cañon City Municipal Code is hereby renamed “Tree Management and Planting on Public Property”

Section 17. Section 5.52.010 of the Cañon City Municipal Code is hereby amended as follows:

As used in this Chapter, these words shall be defined as follows:

\* \* \*

Section 18. Section 5.52.030 of the Cañon City Municipal Code is hereby amended as follows:

Sec. 5.52.030. – Trimming and Planting on public grounds—Permit.

- A. Each permit application shall contain the following information:

1. The applicants name, physical address and telephone number.
  2. The site where the activity is proposed and a description of proposed activity.
- B. After conducting a site visit, the park director or designee, if the proposed activity is deemed appropriate and in conformity with this Chapter and any rules promulgated by the park director, shall issue the permit. A permit shall only be valid for the time period necessary to conduct the approved activity as designated by the parks director.

Section 19. Section 5.52.050 of the Cañon City Municipal Code is hereby amended as follows:

**Sec. 5.52.050. – Planting and Trimming License and Permit Required..**

- A. It is unlawful for any person to trim, plant, prune or remove any tree located in any public property, including any parking adjacent to the premises of any owner of private property, without first securing a license and permit pursuant to this Chapter.
- B. It shall be unlawful for any person to engage in the business of trimming, pruning or removing of trees within the City on public or private property without first obtaining a license from the licensing official.
- C. It shall be unlawful for any person to plant or relocate any shrub on public property without first applying for and obtaining a permit.

Section 20. Section 5.52.060 of the Cañon City Municipal Code is hereby amended as follows:

- A. In addition to the requirements in Section 5.02.040, all applications for a tree management license shall include:
  1. Proof the applicant has passed a written or practical test as set forth in Section 5.52.061 of this Chapter.
  2. A certificate of insurance evidencing that the applicant for such license is covered by comprehensive general liability insurance in amounts equal to or greater than limitations under the Colorado Governmental Immunity Act. Such certificate shall provide that the City is named as an additional insured for all work that involves the public right-of-way. All such insurance must be maintained and remain in full force and effect during the period for which the license will be issued. Each insurance certificate shall provide that the holder of the insurance policy and the City will be notified by the insurer not fewer than thirty (30) days prior to any material decrease in coverage or cancellation of the policy.

3. For any licensee applying pesticides, proof of licensing from the Colorado Department of Agriculture.
  4. Other documents as deemed necessary by the licensing official.
- B. The fee for such license shall be as set for in the City’s fee schedule, and each license shall expire on December 31st of the year in which the same is issued.

Section 21. Section 5.52.061 of the Cañon City Municipal Code is hereby amended as follows:

Before a license is issued, the license applicant must pass a written or practical test administered by the Parks Director or designee. Each licensee must pass the written or practical test at least every five (5) years, or as deemed necessary by the Parks Director or designee.

Section 22. Section 5.52.065 of the Cañon City Municipal Code is hereby amended as follows:

Renewals for licenses issued pursuant to this Chapter shall be governed by the provisions of Chapter 5. 02.

Section 23. Section 5.52.070 of the Cañon City Municipal Code is hereby amended as follows:

Any license issued under the provisions of this Chapter is subject to suspension or revocation pursuant to Chapter 5.02.

Section 24. Sections 5.52.080, 5.52.090, 5.52.100, 5.52.110, 5.52.120, and 5.52.130 of the Cañon City Municipal Code are hereby deleted.

Section 25. Section 5.52.140 of the Cañon City Municipal Code is hereby amended as follows:

**5.52.080. – Penalties.**

Penalties for violation of any of the provisions of this Chapter 5.52 shall be as provided in Chapter 5. 02 of this title.

Section 26. All references to “Colorado Medical Marijuana Code” in Chapter 5.56 shall be changed to “Colorado Marijuana Code.”

Section 27. Section 5.56.110 of the Cañon City Municipal Code is hereby deleted and reenacted as follows:

All applicable fees shall be as set forth in the City’s fee schedule.

Section 28. The following definitions in Section 5.60.020 of the Cañon City Municipal Code are hereby amended as follows:

“Medical marijuana business” means a medical marijuana center, optional premises cultivation operation, or medical marijuana infused products manufacturer as defined in the Colorado Marijuana Code.

“Recreational marijuana” means marijuana that is grown and consumed pursuant to the Colo. Const., Art. 18, § 16, but that is not sold in a retail marijuana establishment, as defined by the Colorado Marijuana Code, C.R.S. §44-10-101 *et seq.*

“Colorado Marijuana Code” means Article 10 of Title 44, Colorado Revised Statutes.

Section 29. Sections 5.60.030(B) and (C) of the Cañon City Municipal Code are hereby amended as follows and subsections in said section re-lettered accordingly:

B. Nothing in this Chapter shall be construed to permit a retail marijuana or medical marijuana business within the City as defined in the Colorado Marijuana Code and this Chapter.

Section 30. Title 8 of the Cañon City Municipal Code are hereby amended by the addition of a new chapter as follows:

#### **CHAPTER 8.37 – TREES**

##### **Sec. 8.37.010. – Diseased or Infested Trees – Nuisance**

It shall be unlawful and deemed a nuisance to permit Dutch elm or other communicable disease, European elm bark beetle or other insect infestations, dead or dying elm or other trees, or stacked or stockpiled elm wood or branches to exist upon any property located within the city which endangers the growth, health, life or well-being of other trees, or which is capable of causing an epidemic of Dutch elm or other communicable disease or insect infestation.

##### **Sec. 8.37.020. - Diseased or infested trees - inspection.**

The Parks Director or designee shall have the power to inspect any trees, logs or branches existing upon any property within the city. The parks director or designee shall from time-to-time conduct surveys to determine if any Dutch elm or other communicable disease or insect infestation exists in the City which may be detrimental to or endanger the good health and well-being of trees within the City.

Section 31. Chapter 9.10 of the Cañon City Municipal Code is hereby deleted in its entirety.

Section 32. Chapter 9.36 of the Cañon City Municipal Code is hereby amended by the addition of a new section as follows:

**Sec. 9.36.019 - Injuring or defacing public trees unlawful.**

No person shall move any building or other object as to injure or interfere with any tree or shrub standing in any street, public highway, public park or ground or any other public place. No person shall attach or place any advertisement, announcement or notice upon, or print upon, or attach wires, cables, mailboxes, reflectors or any other device to any tree or shrub situated in any street, highway, public park or ground, or any other public place.

Section 33. Severability. If any section, subsection, paragraph, clause or other provision of this Ordinance for any reason is held to be invalid or unenforceable, the invalidity or unenforceability of such section, subsection, paragraph, clause or other provision shall not affect any of the remaining provisions of this Ordinance, the intent being that the same are severable.

Section 34. Effective Date. Pursuant to Article XII, Section 3 and Section 5 of the Charter, this Ordinance shall be effective five (5) days after final publication if it is published after adoption or if not so published, five (5) days after its adoption.

---

Ashley Smith, Mayor

ATTESTATION & CERTIFICATION//  
02-20-23 – Introduced, Read by title & Passed on first reading  
02-24-23 – Published

---

Cindy Foster Owens, CMC, City Clerk  
City of Cañon City (Attest)