

**ARTICLE 5-4 Licenses<sup>1</sup>**

**Sec. 5-4-05. Business license required; term; application, fee.**

- (1) A business license shall be required for every retailer or vendor that is engaged in business in the City as defined in this Article, unless exempt under Section 3-28-200 of this Code. A business license shall be granted and issued by the Finance Director or designee and shall be in force and effect until the thirty-first day of December each year, unless otherwise specified or sooner revoked.
- ~~(1)~~(2) In case business is transacted at more than one (1) premises by one (1) person, a separate license for each separate place of business shall be required, except outdoor vendors issued a license in accordance with Article 5-98 of the Brighton Municipal Code who may transact business in multiple locations under one (1) business license.
- (3) Such licenses shall be granted and renewed only upon application stating the name and address of the person desiring such a license, the name such business, the location and such other facts as the Finance Director or this Code may require. Approval of a business license shall be conditioned upon the applicant's proposed business and location meeting all applicable provisions of this Code.
- (4) So long as this Article remains in effect, it shall be the duty of each licensee, to obtain a renewal of such license on or before the license expiration date if the licensee remains engaged in business in the City. A business license shall not be renewed unless the proposed business and location comply with this Code.
- (5) For each license issued under this Article, a fee in an amount as set by resolution of the City Council shall accompany the application. Without the fee, the application shall not be acted upon.
- (6) Each license shall be numbered and shall show the name and place of business of the licensee and shall be posted in a conspicuous place in the place of business for which it is issued. No license shall be transferable.
- (7) Any person engaged in business in the City, without having secured a license therefor, except as specifically provided herein, shall be guilty of a violation of this Code.

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**Sec. 5-4-10. Application fee.**

- (a) All applications for licenses governed by this Article, excluding contractor licenses, and provided for in Article 15-16 ~~and licenses provided for in Articles 5-12 through 5-68~~ shall be made to the City ~~Clerk~~ in written form and shall be accompanied by the requisite license fee provided for said licenses ~~in this Article~~ as set forth in the resolution of fees and charges adopted by the City Council. Except as provided in this Article, the initial application shall also be accompanied by an application fee in an amount as set by resolution of the City Council, which shall remain in effect until such resolution is amended by action of the City Council. Contractor licenses shall be applied for and issued by the Building Department. Payment for contractor licenses shall be made to the Building Department.
- (b) It is expressly provided that this Section shall not apply to the application fee relative to applications for the sale of alcohol beverages and fermented malt beverages which are governed by the provisions of Article 3-24, nor to the application fees for those licenses of the construction industry which are governed by Article 15-16.

**Sec. 5-4-20. City Clerk to keep records.**

The City Clerk shall maintain a file of all applications for licenses under this Article other than contractor licenses according to the type of license applied for in accordance with the law of keeping of public records.

**Sec. 5-4-30. Fee payment and compliance required.**

No license shall be issued unless the requisite license fee and the initial application fee are paid in advance to the City ~~Clerk~~. Furthermore, the City Clerk shall not issue any license pursuant to this Chapter whenever the public health, safety and welfare of the citizens of the City shall require that the license ~~shall~~ not be issued.

**Sec. 5-4-40. Fees refunded on application denial.**

In the event an application for a license pursuant to the provisions of this Article is denied, the license fee shall be returned forthwith to the proposed licensee; provided, however, this Section shall not apply to the initial application fee.

**Sec. 5-4-50. License requirements.**

Every license issued pursuant to this Article and Articles 5-8 through 5-68 shall be signed by the City Clerk and shall have the seal of the City affixed thereto. It shall be dated as of the date of issuance and shall set forth the purpose of the license and the length of time for which the license is valid.

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**Sec. 5-4-60. Term, denial, suspension or revocation.**

No license shall be granted pursuant to this Article for a period of longer than one (1) year and the City ~~Council~~ shall have the right to deny an application for, suspend or revoke any license issued to any person pursuant to this Article whenever the holder thereof violates any municipal ordinance, ~~or state~~ statute, regulation, or federal law, or whenever in the judgment of the City ~~Council~~ the public health, safety and welfare of its residents shall require that the same ~~shall~~ be suspended or revoked.

1. Prior to revocation or suspension of a license, the City will issue a notice to the holder of the license outlining the reasons for denial, suspension, or revocation. The licensee may be given fourteen (14) business days to respond to the notice. The City determines whether or not to proceed with the suspension or revocation. A license may be suspended or revoked for failing to follow any and all applicable City codes, state laws and regulations, for being untruthful or misrepresenting on an application, or for any other reason that affects the public health, welfare, and safety.
2. Without limiting the foregoing, the following shall constitute sufficient grounds for denial, suspension, or revocation:
  - a) The property on which the business or will be conducted is not zoned for such business;
  - b) Fraud, misrepresentation, false statement or material omission made in connection with the application for a license or renewal;
  - c) Delinquent or unpaid taxes, assessments or other financial claims of any local, state, or federal government.
3. After the licensee has responded to the notice letter, the City determines whether the license should be suspended or revoked. If proceeding with the denial, suspension, or revocation, the City will contact the hearing officer to set the matter for a hearing. The City will provide the hearing officer with the notice of reasons for denial, suspension, or revocation, and the licensee's response. The matter will be set for a hearing as soon as practicable.
4. The City and the licensee will exchange any documents they intend to introduce at the hearing at least five business days before the hearing, and they will exchange a list of witnesses.
5. At the hearing, the City may call witnesses to testify or introduce documents supporting the allegations and concerns set forth in the notice. The licensee may call witnesses to respond or rebut or to testify in their own defense. The Colorado Rules of Evidence will be relaxed, and the hearing officer may hear objections and rule on them. The hearing office may admit any relevant evidence of probative value, including hearsay or unauthenticated documents, and may exclude or strike evidence that is incompetent,

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immaterial, irrelevant, cumulative, or unduly repetitious. The burden of proof lies with the City. The hearing shall be recorded.

6. The hearing officer must issue a written decision, summarizing the evidence, the law, and any conclusions that support upholding the suspension or revocation or deny the suspension or revocation within thirty (30) days or less.
7. If the licensee is determined to be operating in an unsafe manner that impacts the public health, welfare or safety, the City may suspend or revoke the license immediately, and then send the notice of reasons for suspension or revocation. In such cases, the City will prepare the case for a hearing with an administrative hearing officer.

**Sec. 5-4-70. Fees not refundable.**

In case any license issued pursuant to this Article shall be suspended or revoked, no refund shall be made of the license fee or application fee or any portion thereof.

**Sec. 5-4-80. Nonassignability.**

No license issued pursuant to this Article shall be assignable nor shall any license authorize any person to do business or to act pursuant to such license other than the person to whom such license is issued.

**ARTICLE 5-24 Cabarets**

**~~Sec. 5-24-10. Cabaret defined.~~**

~~A cabaret means a cafe, restaurant or tavern where patrons are entertained by performers who dance, sing or have vaudeville acts for the entertainment of patrons within the corporate limits of the City.~~

**~~Sec. 5-24-20. License required.~~**

~~No person shall operate or maintain or permit the operation or maintenance of a cabaret within the City without first obtaining a license therefor pursuant to the provisions of this Article.~~

**~~Sec. 5-24-30. License fee; term.~~**

~~Upon application for a license pursuant to the provisions of this Article, there shall be paid to the City Clerk a fee in an amount to be set by resolution of the City Council, which shall remain in effect until such resolution is amended by action of the City Council.~~

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**~~Sec. 5-24-40. Nontransferability of license.~~**

~~Each license issued pursuant to the provisions of this Article shall be for a particular place or premises as described in the application and in the license and shall not be transferable to a different place or premises.~~

**~~Sec. 5-24-50. Expiration of license.~~**

~~Each license issued pursuant to the provisions of this Article shall expire at 12:00 midnight on December 31 of the year for which the license is issued.~~

**ARTICLE 5-32 Circuses and Carnivals**

**~~Sec. 5-32-10. Definitions.~~**

~~As used in this Article, the following words shall have the meanings ascribed to them as follows:~~

- ~~(1) *Carnival* means a traveling, commercial entertainment with organized programs of sideshows, rides, games, contests and similar activities, exhibitions and festivities.~~
- ~~(2) *Circus* means an assemblage of entertainment acts to which the public is invited and which includes a show of acrobats, trained animals, clowns and similar exhibitions and performances often enclosed in a tent or building and being of a transient nature.~~
- ~~(3) *Menagerie* means a traveling collection or exhibition of animals, monsters or freaks of nature as well as wax or other figures, paintings or artificial curiosities and other similar types of shows and exhibitions usually kept in cases or enclosures for view by the public.~~

**~~Sec. 5-32-20. License required.~~**

~~No person shall cause or permit the operation or maintenance of a circus, carnival, menagerie or similar exhibition within the City without having first obtained a license therefor and having complied with the provisions of this Article.~~

**~~Sec. 5-32-30. Inspection; issuance.~~**

~~Before issuance of any license required by this Article, the application shall be referred to the Fire Chief for his or her review and instruction of the applicant as to compliance with the public safety code of the City. Upon approval of the Fire Chief and compliance with the requirements of this Article, the Director of Finance shall issue a license to the applicant.~~

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**Sec. 5-32-40. License fee.**

The license fee to be charged to operate a circus, carnival, menagerie or similar exhibition shall be set by resolution of the City Council, which shall remain in effect until such resolution is amended by action of the City Council.

**Sec. 5-32-50. Deposit required.**

No license shall be issued pursuant to this Article until the applicant has provided to the City Clerk a deposit in addition to the license fee provided for in Section 5-32-40 above. The amount of this deposit shall be set by resolution of the City Council. The deposit required in this Section shall be returned to the applicant after completion of its business operation upon presentation to the City Clerk of a written statement from the Protective Safety Inspection Division stating that the area occupied by the business of the applicant has been cleared of all trash, rubbish and debris resulting from the use of the area by the applicant.

**ARTICLE 5-36 Security Guards Merchant Guards and Patrols and Industrial Guards**

**Sec. 5-36-10. Definitions.**

The following words and phrases, when used in this Article, shall have the following meanings, unless the context clearly indicates a different meaning.

- (1) ~~Agents and employees means all persons employed as a merchant guard or merchant patrol, in the conduct of such business within the City except stenographic and clerical duties in the business office of the merchant guard or merchant patrol or other employees not directly engaged in protecting and preserving the peace.~~
- (12) Background Check means a national criminal history records check conducted by the federal bureau of investigation upon submission of fingerprint records and all required documents.
- (2) Bodily harm means physical damage to a person's body for which medical attention was provided, including cuts, burns, disfigurements, concussion, loss of consciousness, or any impairment of physical condition.
- (4) ~~Business or industrial guard means an individual other than a member of a governmental police or sheriff's department who accepts employment from a single employer within the City for the purpose of watching, guarding or otherwise protecting the persons or property of that employer only, or preserving the peace in the conduct of that employer's business within the City, excepting any individual so employed by any common carrier engaged in interstate commerce.~~

~~(3) Merchant guard or merchant patrol means any person other than a member of a governmental police or sheriff's department or a business or industrial guard as hereinafter defined, who is engaged in the business of providing protection to persons and property within the City or preserving the peace in the conduct of any business within the City.~~

~~(34) Person means and includes association, club, society, firm, partnership, corporation and bodies politic as well as a natural born individual.~~

(4) Security guard means a person employed or engaged by a private security employer to perform security services, and includes the owner, agent, or principal of a security guard employer who also performs security services.

(5) Security services means the performance of at least one (1) of the following activities:  
(a) Observing, investigating, and/or reporting unlawful activity;  
(b) Preventing or detecting theft or misappropriation of goods, money, or other items of value;  
(c) Protecting individuals or property from harm or misappropriation;  
(d) Taking enforcement action by physically detaining or ejecting persons from premises;  
(e) Controlling access to protected premises.

#### **Sec. 5-36-20. License required.**

~~(a) It is unlawful for any merchant guard or merchant patrol to employ any agent or employee within the City or for any employer to employ a business or industrial guard within the City, unless the person to be so employed has obtained a license issued by the City Clerk on behalf of the City as provided in this Article.~~

(a) License required.

(1) It shall be unlawful for any business to offer security guard services without first obtaining a license as provided in this article.

(2) It shall be unlawful for a private security employer to permit or direct any person to perform security services unless the person has met all the requirements as provided in this article and the employer has issued an identification card to the employee.

(3) It shall be unlawful to operate as a private security employer without first obtaining a license as provided in this article.

(4) All previously issued merchant guard licenses shall be null and void after January 1, 2024.

(b) Exemptions. The requirements of this article do not apply to:

(1) Law enforcement officers, including police officers, sheriffs, deputy sheriffs, Colorado State patrol officers, POST certified corrections officers, marshals, deputy marshals,

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district attorney investigators, Colorado Bureau of Investigation agents, parole or probation officers, or federal law enforcement officers, while engaged in the performance of their official duties or while engaged in off-duty employment.

- (2) Any person who performs airport pre-departure screening services regulated by the Federal Aviation Administration or the Transportation Security Administration, while engaged in the performance of their official duties.
- (3) An individual while protecting the individual's own property.
- (4) A person whose primary responsibility is to regulate or direct the flow or movement of persons on private property, whether by vehicle or foot, if that person does not have the authority to physically detain or eject persons from such a place.
- (5) A person whose primary responsibility is to perform crowd management or guest services including, but not limited to, a person described as a ticket vendor, ticket taker, usher, door attendant, identification checker, parking attendant, crowd monitor, or event staff. This exemption applies only:
  - a. To a person who:
    1. Does not carry a firearm or other dangerous weapon including, but not limited to, a stun gun, taser, pepper mace or nightstick;
    2. Does not wear a uniform or clothing readily identifiable by a member of the public as that worn by a security guard or law enforcement officer;
    3. Does not have the authority or permission to initiate confrontational activities, including physical contact and the confiscation of property; or
    4. Does not have the authority or permission to physically detain or eject persons from the premises;
  - b. To a person who is performing security checks as a prerequisite to entry into a special event, including but not limited to wandering, scanning, or searching people or property to prevent the introduction of weapons onto the premises, and only:
    1. If the person conforms with the restrictions provided in subparagraph a of this paragraph (5);
    2. If there is at least one (1) person on-site who is licensed under this article for every ten (10) or fewer unlicensed persons performing the services described in this paragraph (5);
    3. When any enforcement action, other than incidental or temporary action, is taken by or under the supervision of a person licensed under this article; and



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4. During the time when the crowd has assembled for the purpose of attending or taking part in a special event, including pre-event assembly, event operation hours, and post-event departure activities.

(c) Nontransferable. No license granted pursuant to this article shall be transferable from one business to another.

(d) Private security employer license. The private security employer license shall at all times be posted in a conspicuous place in the licensee's principal place of business.

(e) Security guard license and identification card.

(1) In addition to a business license, each security guard shall be issued an identification card by the employer which shall contain, at minimum, the following information:

a. The business license type and license number;

b. The expiration date of the license;

c. The name and a recent photograph of the card-holder;

d. The signature of both the card-holder and the director or owner of the business;

e. A firearm endorsement if the card-holder is authorized to carry a firearm; and

f. A plainclothes endorsement if the card-holder has received an exemption from the uniform requirement.

(2) The identification card must be carried on the licensee's person at all times when the licensee is performing security services, and shall be exhibited upon request by a law enforcement officer or other city official. It shall be unlawful for any licensee, or for any agent or employee of the licensee, to fail to comply with this section.

(f) Termination or changes in employment.

(1) It shall be the responsibility of the licensee to keep contact information and a list of employees current and available upon request to the police department.

(g) Reporting requirements.

(1) When a security guard is convicted of any crime, other than a traffic infraction, the security guard shall notify their employer within seventy-two (72) hours of such conviction.

(2) Whenever a security guard, while providing security services, uses force that results in bodily harm to another person, the security guard must immediately contact the Brighton police department and their employer of such use of force.

(bh) It is unlawful for any ~~agent or employee of a merchant guard or patrol or for any business or industrial guard~~ person to act or work as a security guard ~~to be so employed~~ within the City unless such person ~~has obtained a license issued by the City Clerk on behalf of the City~~

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~~as provided in this Article is working for a security business licensed by the City of Brighton to provide security services.~~

**Sec. 5-36-30. License application, contents.**

Applicants for a ~~business~~ license ~~as for a merchant guard or merchant patrol, or business or industrial guard~~ security guard or security services, shall file an application with the City Clerk on forms to be provided ~~by him or her~~ for that purpose, which shall contain the following:

- (1) ~~A business must perform a criminal background check to assure that every employee has not been convicted of any felony, misdemeanor or ordinance violation (other than traffic violations) within the previous seven (7) years consistent with section 5-36-120~~ If an applicant for a license as an agent or employee of a merchant guard or merchant patrol, or as a business or industrial guard: The name of the person by whom the applicant is to be employed, the address where the applicant is to be employed; the nature of the services to be rendered; the purpose of the employment; and any other pertinent facts required. In addition, the City Clerk shall require evidence that the applicant will be employed by a merchant guard, merchant patrol or other employer in the event the application is approved;
- (2) ~~The name under which the business will operate, the address of the principal place of business, and the name and address of each principal and managing agent, and the tax identification number. A statement as to whether or not the applicant has been convicted of any felony, misdemeanor or ordinance violation (other than traffic violations), the nature of the offense, the penalty or punishment imposed and the date and place where such offense occurred;~~
- (3) ~~A description of the specific types of services to be offered~~ A statement as to the business or employment record of the applicant for the two (2) years immediately preceding the date of application;
- (4) A description and photograph of the following:
  1. The vehicles to be used to provide security services, including the number, type, and photograph or drawing of the proposed vehicle and any insignias;
  2. The uniform and badges to be worn by the employer's security guards, including a photograph or drawing of the proposed uniforms and badges;
  3. Any additional equipment, not including office equipment or vehicles, to be used by the employer's security guards while providing security services ~~Proof of good character of the applicant; and~~
- (5) A statement whether each principal and managing agent has been convicted of any felony, misdemeanor, or municipal ordinance violation (other than traffic violations), the nature of the offense, the penalty or punishment imposed, and the date and place where such offense occurred;

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~~(56) Proof of bond hereinafter required in Section 5-36-130 of this Article~~Certificates of insurance demonstrating commercial insurance coverage and any minimum coverage levels as may be required by the City.

(7) Verification that all employees have successfully completed a basic security guard training program of at a minimum sixteen hours (16) and for each employee a list of all courses taken per employee, the number of training hours completed, and the name of the training provider.

**Sec. 5-36-40. Application fee for license.**

All applications for licenses issued pursuant to this Article shall be accompanied by an application fee in an amount to be set by resolution of the City Council, which shall remain in effect until such resolution is amended by action of the City Council.

**Sec. 5-36-50. Duration of license and license fees.**

- (a) Each license issued pursuant to this Article shall expire at midnight of December 31 of the year of issuance.
- (b) ~~In addition to the annual license provided in Subsection (a) above, the City Clerk may issue a temporary license for a period not to exceed thirty (30) days to any individual, agent or employee of a merchant guard or patrol upon the submission of a complete application as provided in Section 5-36-30.~~
- (c) The annual license fee for any license issued pursuant to this Article shall be in an amount to be set by resolution of the City Council, which shall remain in effect until such resolution is amended by action of the City Council. Such license fee may be pro-rated the first year if the application is received in the second half of the year.

**~~Sec. 5-36-60. License not required when.~~**

~~In the event of an unforeseen occurrence making it necessary for personnel not licensed under this Article to perform duties which otherwise require a license hereunder, the Chief of Police shall be notified. In such event, authorization may be given by the Chief of Police for such personnel to perform duties within the City without obtaining a license therefor for a period not in excess of three (3) consecutive days.~~

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**Sec. 5-36-760. ~~License not issued to certain persons.~~ Vehicles, uniforms, and badges.**

**(a) Vehicles.**

- (1) All vehicles used by any licensee providing or performing security services within the city shall be approved by the police department, and once determined, shall not be changed except with approval from the City. The licensee is responsible for submitting any vehicle design or design change to the police chief for approval.
- (2) It shall be unlawful for any person, while providing or performing security services within the city, to use or operate any vehicle displaying the words "police" or "officer," or displaying any sign, shield, marking, or insignia that indicates or implies that the vehicle is operated by a law enforcement agency.
- (3) It shall be unlawful for any person to equip vehicles used to perform security services in any manner resembling an authorized emergency vehicle, including lights or sirens, in violation of any state or local laws.

**(b) Uniforms and badges.**

- (1) All uniforms shall be presented to the police department for approval prior to being used by any licensee to provide security services, and once this determination is made, it shall not be changed except with approval from the City. The licensee is responsible for submitting any proposed uniform design or design change for approval.
- (2) Except as provided in paragraph (6) of this subsection (b), all security guards shall wear a uniform while performing security services. The outer uniform shall prominently display the following:

  - a. A badge or patch containing the words "security," "private security," "security guard," or "guard";
  - b. A badge, patch or nametag containing the guard's name; and
  - c. A badge or patch containing the name of the private security employer.

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- (c) It shall be unlawful for any person, while performing or providing security services, to wear a uniform or badge similar to that worn by any law enforcement agency, including the police department, sheriff's department, or officers of the state patrol.
- (d) It shall be unlawful for any person to wear or display any badge, insignia, shield, patch, or pattern that indicates or implies that the person is a law enforcement officer.
- (e) It shall be unlawful for any person, while performing security services, to wear a uniform or badge that contains the words "police" or "officer."
- (f) Notwithstanding the requirement of a uniform in paragraph (2) of this subsection (b), upon written request from a private security employer, the police chief may provide specific authorization for licensees to perform security services while wearing plainclothes. Such request must provide sufficient detail to support the need for an exemption from the uniform requirement, and the decision to allow an exemption lies within the sole discretion of the police chief.

~~No license shall be issued to any of the following persons:~~

- ~~(1) Any person under eighteen (18) years of age;~~
- ~~(2) Any person who has a record of bad character, reputation or sobriety;~~
- ~~(3) Any person convicted of a felony, or other offense involving moral turpitude within five (5) years immediately preceding the date of application;~~
- ~~(4) Any person who has a history of drug addiction or a history of violent acts against persons or property;~~
- (5) Any person who is unable to prove that he or she will be employed as a business or industrial guard, or as a merchant guard or merchant patrol upon issuance of the license; or
- ~~(6) Any person whose physical or mental condition is such as to warrant concern that he or she will be unfit for the service to be rendered.~~

**Sec. 5-36-870. Identification card issued. Firearms.**

(a) Employees of licensees shall have the right to carry firearms during the performance of security services only when specifically authorized by the chief of police who will grant such authority only when, in the chief's opinion, the duties to be performed and the services to be rendered by the licensee require that a firearm be carried for the protection of the licensee and only when the licensee demonstrates that the employee is proficient in the

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care, maintenance and the use of firearms. A permit to carry a concealed weapon does not constitute the specific authorization required by this section. Licensee must submit an explanation and support for why their employees require a firearm.

(b) The authority to carry firearms will be extended only while the employees of the licensee are performing the required duties of employment and while en route to or from the place of business.

(c) The authority to carry firearms will not be extended to any person under twenty-one (21) years of age.

~~In addition to the license provided for in this Article, the Chief of Police may issue to each licensee an identification card which should include the following, if issued:~~

- ~~(1) The type of license and expiration date thereof;~~
- ~~(2) Name, address and physical description of the licensee;~~
- ~~(3) The name of the employer, if the licensee is a business or industrial guard or agent or employee of a merchant guard or merchant patrol;~~
- ~~(4) The signature of the licensee and that of the Chief of Police;~~
- ~~(5) A statement as to whether or not the licensee is authorized to carry a firearm; and~~
- ~~(6) Such other information as the Chief of Police may deem advisable.~~

**Sec. 5-36-980. ~~Badge and insignia; approval authority.~~ Minimum Insurance Requirements.**

~~The Chief of Police is authorized to approve the use of badges and insignia used by merchant guards or merchant patrols, or business or industrial guards, but such badges or insignia should not be a colorable imitation of, or resemble in a confusing manner, the badges and insignia worn by officers of the Brighton Police Department, the Adams County Sheriff's Department or the Colorado State Patrol.~~

In addition to any other insurance coverage required by the City, private security employers shall meet the following minimum insurance requirements in amounts as required by the City:

- (1) Workers' compensation and employers' liability;
- (2) Automobile liability, if vehicles are used to provide security services; and
- (3) Commercial general liability.
- (4) Certificates of insurance shall be submitted to the City before any license may be issued or renewed.
- (5) All insurance policies shall be kept in force and effect for the term of the license.
- (6) The licensee shall be responsible for any damage to property or injury to persons arising out of the exercise of the privileges granted under the license.

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**Sec. 5-36-100. Uniform approval required; authority.**

~~Uniforms, if any, worn by business or industrial guards, merchant guards or merchant patrols, while employed within the City, shall be presented to the Chief of Police for his or her approval prior to issuance to merchant guards or merchant patrols, or business or industrial guards. Once this approval is obtained, the uniforms shall not thereafter be changed except by mutual agreement between the Chief of Police and the licensee.~~

**Sec. 5-36-110. Vehicle equipment and insignia restrictions.**

~~Vehicles used within the City by any licensee shall not be equipped with any lights or sirens in violation of the traffic code of the City or the Colorado Department of Transportation, nor shall insignias be painted thereon which say "police," "policeman," "officer of the law," "sheriff," "deputy" or "state patrol."~~

**Sec. 5-36-120. Advertising restrictions.**

~~The words *police, policeman, officer of the law, sheriff, deputy* or *state patrol* shall not be used in any advertising or upon the premises or equipment of any licensee within the limits of the City.~~

**Sec. 5-36-130. Bond required.**

~~Any person licensed pursuant to this Article shall furnish to the City Clerk a good and sufficient bond conditioned upon compliance with the laws of the City and the State, in an amount to be set by resolution of the City Council, which shall remain in effect until such resolution is amended by action of the City Council.~~

**Sec. 5-36-140. Firearm restrictions.**

- ~~(a) Licensees shall have the right to carry firearms only if specifically authorized by the Chief of Police who will grant such authorization by special permit only when, in his or her opinion, the duties to be performed and services to be rendered by the licensee require that a firearm be carried for the protection of the licensee, and only when the Chief of Police is satisfied that the licensee is proficient in the care, maintenance and use of firearms.~~
- ~~(b) The authority to carry firearms by a licensee will be extended only while the licensee is performing the required duties of his or her employment and while en route to or from his or her place of employment.~~

**Sec. 5-36-1590. Discharge of licensee; notice and surrender of license.**

- ~~(a) Whenever an employee leaves employment, the employer must rescind the identification card, uniforms, and badges and update its employee list. a business or industrial guard or a~~

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~~merchant guard or merchant patrol is discharged for any reason, the licensee shall immediately notify the Chief of Police of such fact, together with the reasons for the dismissal.~~

- (b) ~~When a licensee is dismissed, he or she shall forthwith surrender his or her license to the Chief of Police. In the event the person surrendering his or her license is reemployed during the remainder of the year, the license may be reissued to him or her without charge.~~

**Sec. 5-36-~~160~~0. Notification required for address change.**

Any licensee changing his or her place of business ~~or abode~~ shall immediately notify the ~~Chief of Police~~ City of such fact, together with the address of the new place of business ~~or abode~~; provided, however, that in the event a licensee changes the business location ~~his or her place of abode~~, this shall not be deemed to be transfer of license or require the payment of any additional fees. Any change of business location where zoning does not allow such business shall be the basis for revocation or denial of the license.

**Sec. 5-36-~~17~~10. Unlawful acts.**

It is unlawful for any licensee to:

- (1) Arrest any person except when that person commits a criminal offense in the presence of the licensee;
- (2) Fail to turn over immediately to the Police Department any such person arrested;
- (3) Draw or fire a firearm in the performance of his or her duties except when necessary to protect himself or herself from bodily harm, or others against felonious assault or serious bodily injury and when all other means have failed to subdue the assailant, and then only when there is no obvious danger of injury to innocent persons. Under no circumstances shall a licensee use the firearm to shoot at or warn a person who is fleeing to avoid arrest for a misdemeanor or ordinance violation;
- (4) Fire at fleeing vehicles or the drivers or occupants unless the licensee has personal knowledge that the drivers or occupants have committed a dangerous felony, such as murder, robbery, sexual assault, mayhem or aggravated assault and there may be probable cause to believe that more lives may be placed in jeopardy unless the suspects are immediately apprehended;
- (5) Hinder or interfere with any investigation under the jurisdiction of the Police Department;
- (6) Wear a uniform, badge or insignia other than that authorized by the Chief of Police or at any time other than while in the performance of duties;
- (7) Fail to report immediately to the Police Department all violations of City, State or federal laws;



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- (8) Investigate any acts or make any arrest except in connection with offenses or suspected offenses committed on the property of the licensee or that property which the licensee is employed to protect;
  - (9) Represent himself or herself to be an officer of the Police Department or other governmental law enforcement agency; or
  - (10) Fail to conduct himself or herself in a lawful and orderly manner at all times.

**Sec. 5-36-1280. ~~City City Clerk~~ authority to suspend or refuse license.**

The ~~City Clerk~~ Finance Director pursuant to Section 5-4-60 shall have the power to suspend, revoke or refuse to renew any license granted under this Article ~~for violation of any federal or State statute or serious City ordinance~~ subject to review by ~~the City Council a hearing officer~~ within ten (10) thirty (30) days of such action notice by the City Clerk Finance Director. Either party may seek one extension of time for the date of the hearing.

A license shall be denied under this article if the applicant, employee, or a principal of the applicant:

- (1) Is under eighteen (18) years of age or any employee is under eighteen (18) years of age;
- (2) Has been convicted of or released from incarceration for any felony within seven (7) years of the application date;
- (3) Has been convicted of or released from incarceration for any misdemeanor or municipal ordinance offense involving fraud, theft, deceit or misrepresentation within seven (7) years of the application date;
- (4) Has been convicted of or released from incarceration for any offense involving an act of violence against persons or property within seven (7) years of the application date, including but not limited to assault, child abuse, and offenses where the underlying factual basis has been found to include any act of domestic violence;
- (5) Has been previously denied a license under this article or has had a license issued under this article suspended or revoked within seven (7) years of the application date;
- (6) Has been convicted of operating without a license required under this article or performing any act for which a license is required under this article;
- (7) Whose character and reputation show a pattern of conduct or personal history that does not demonstrate honesty, fairness, and respect for the rights of others or for the law.

**Sec. 5-36-190. Administration responsibility.**

~~The Chief of Police shall be responsible for the administration of this Article and may issue and promulgate such rules not inconsistent with this Article subject to approval by the City Manager as may be necessary to effectuate the purpose and intent of this Article. By way of example, such rules pertaining to duties of licensees may include the furnishing of periodic reports to the Chief of Police at such times as are deemed necessary to assure compliance with this Article.~~

## ARTICLE 5-44 Pawnbrokers

### Sec. 5-44-10. Definitions.

The following words and phrases, when used in this Article, shall have the following meanings, unless the context clearly indicates a different meaning.

- (1) ~~(1)~~ Contract for purchase means a contract entered into between a pawnbroker and a customer pursuant to which money is advanced to the customer by the pawnbroker on the delivery of tangible personal property by the customer on the condition that the customer, for a fixed price and within a fixed period of time, to be no less than thirty days, has the option to cancel said contract.
- (2) Fixed price means the amount agreed upon to cancel a contract for purchase during the option period. Said fixed price shall not exceed one-fifth of the original purchase price for each month, plus the original purchase price.
- (3) Fixed time means that period of time, to be no less than thirty days, as set forth in a contract for purchase, for an option to cancel said contract.
- (4) Pawnbroker means a person who, in the course of their business, is regularly engaged in the business of making contracts for purchase or a person who, in the course of his or her business, is both regularly engaged in the business of making purchase transactions and also regularly or occasionally makes contracts for purchase in the course of his or her business.
- (5) Purchase transaction means the purchase by a pawnbroker in the course of his or her business of tangible personal property for resale, other than newly manufactured tangible personal property which has not previously been sold at retail, when such purchase does not constitute a contract for purchase.
- (36) Tangible personal property means all personal property other than choses in action, securities, or printed evidences of indebtedness, which property is deposited with or otherwise actually delivered into the possession of a pawnbroker in the course of his or her business in connection with the contract for purchase or purchase transaction.

### Sec. 5-44-20. License required.

It is unlawful for any person to establish or conduct the business of pawnbroker unless such person shall have first procured a business license as provided in this Article.

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**Sec. 5-44-30. Application for license.**

Every person desiring to engage in the business of pawnbroker shall make an application to the City ~~Clerk~~ in writing. Such application shall state the name of the person and, in case the applicant is a firm or corporation, the application shall state the names of the persons composing the firm or the officers of the corporation, and the address where the business is to be conducted and the amount of capital proposed to be used by the applicant in such business.

**Sec. 5-44-40. Issuance of license; fee.**

Every person having complied with the provisions of Section 5-44-30 and having deposited with the City ~~Clerk~~ the amount of the license fee ~~herein~~ required, and having produced satisfactory evidence of ~~his or her~~ their good character as being a suitable person to carry on the business of pawnbroker shall be granted a license by the City ~~Manager~~ as provided in this Article. The license issued hereunder shall state the name of the licensee and the address of the place of business. Such license shall entitle the licensee to do business at the place designated therein and shall not be transferable from one (1) person to another, but may be transferred from one (1) ~~place~~ location to another with the written consent of the ~~City Manager~~ Finance Director.

**Sec. 5-44-50. License fee, term, expiration.**

The annual license fee for conducting the business of pawnbroker shall be in an amount to be set by resolution of the City Council, which shall remain in effect until such resolution is amended by action of the City Council. All such licenses shall expire on December 31 of each year.

**Sec. 5-44-60. License renewal and replacement; bond requirements.**

No renewal or replacement license shall be issued for a period of less than six (6) months. No license shall be effective until the licensee shall furnish a good and sufficient bond with at least two (2) sureties or a corporate surety authorized to do business in the State and proof of insurance, in a sum to be set by resolution of the City Council; and shall be conditioned on the faithful performance and observance of all ordinances and regulations of the City relating to pawns, pledges and pawnbrokers, and for the safekeeping or return of all articles held in pawn or pledge by such pawnbroker.

**Sec. 5-44-70. Required acts of pawnbrokers.**

A pawnbroker shall keep such records and perform such duties as provided in Section ~~12-56-103~~ 29-11.9-103, C.R.S., as amended.

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(1) A pawnbroker shall record the following information in a register, as described in section 18-16-105, C.R.S.: The name, address, and date of birth of the customer and the driver's license number or other identification number from any other form of identification that is allowed for the sale of valuable articles pursuant to section 18-16-103, C.R.S. or for the sale of secondhand property pursuant to section 18-13-114, C.R.S.; the date, time, and place of the contract for purchase or purchase transaction; an accurate and detailed account and description of each item of tangible personal property, including but not limited to any trademark, identification number, serial number, model number, brand name, or other identifying marks on such property; and, for a store credit, gift card, or merchandise card, the identification number, name of the retailer, and the value of credit or card. The pawnbroker shall also obtain 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 a power of sale from the partial owner to the customer, how long the customer has owned the property, whether the customer or someone else found the property, and, if the property was found, the details of the finding.

(2) The customer shall sign the electronic record and the declaration of ownership and shall receive a copy of the contract for purchase or a receipt of the purchase transaction.

(3) The electronic record, as well as a copy of the contract for purchase or a receipt of the purchase transaction, shall be made accessible to any local law enforcement agency for inspection at any reasonable time.

(4) The pawnbroker shall keep each electronic record for at least three years after the date of the last transaction entered in the register.

(5) A pawnbroker shall hold all contracted goods within his or her jurisdiction for a period of ten days following the maturity date of the contract for purchase, during which time the goods shall be held separate and apart from any other tangible personal property and shall not be changed in form or altered in any way.

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

(7)

(a) Every pawnbroker shall provide the Brighton Police Department, on a weekly basis, with two records, on a form to be provided or approved by the Brighton Police Department, of all tangible personal property accepted during the preceding week and one copy of the customer's declaration of ownership. The form shall contain the same information required to be recorded in the pawnbroker's register or other tangible or electronic record pursuant to subsection (1) of this section. The Brighton Police Department shall designate the day of the week on which the records and declarations shall be submitted.

(b) Brighton Police Department is not required to use the information submitted pursuant to subsection (7)(a) of this section to provide a benefit to the general public and shall protect personal identifying information.

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**Sec. 5-44-80. Prohibited acts.**

No pawnbroker shall violate the provisions of section ~~12-56-104~~ 29-11.9-104, c.r.s.C.R.S.

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

(2) It shall be unlawful for any pawnbroker to violate the terms of the contract for purchase.

(3) Except as otherwise provided in this section, any pawnbroker who is found guilty of violating any of the provisions of this Article shall be punished as provided in Article 1-24 of this Code.

(4) Any customer who knowingly gives false information with respect to the information required by section 5-44-70 and is found guilty of providing false information shall be punished as provided by Article 1-24 of this Code.

(5) When a customer violates subsection (5) of this section twice or more within the statute of limitations of the earliest offense, two or more of the violations may be aggregated and charged in a single count, in which event the violations aggregated and charged constitute a single offense.

**Sec. 5-44-110. Lending to minor or intoxicated persons prohibited.**

No pawnbroker shall make any loan to any person under eighteen (18) years of age on any article or thing or take any article in pawn from any person obviously under the influence of intoxicating liquor or drugs.

**Sec. 5-44-120. Safekeeping of pledges and insurance required.**

Any pawnbroker licensed and operating under the provisions of this Article shall provide a safe place for the keeping of pledges received by such licensee and shall have sufficient insurance on the property to pay for the value thereof in the event of loss by fire or otherwise. Proof of such insurance shall be deposited with the City Clerk.

**Sec. 5-44-130. Statutory provisions; applicability.**

Regulation of pawnbrokers is a subject of joint statewide and local concern. The provisions of this Article are not intended to prohibit what the State allows nor allow what the State prohibits. Any conflict between the provisions of state statutes and the provisions of this Article shall be resolved accordingly. It is the intention of this Article to license and regulate all pawnbrokers doing business in this City and that all such pawnbrokers will be subject to the provisions of both this Article and applicable state statutes.

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**Sec. 5-44-140. Violation; penalty.**

Any person violating any of the provisions of this Article upon conviction shall be punished as provided in Article 1-24 of this Code. It is intended that this penalty shall apply to all violations of this Article except the felony violations specified in Section ~~12-56-104~~29-11.9-104, C.R.S.

**ARTICLE 5-68 Tree Care**

**Sec. 5-68-10. License required.**

It is unlawful for any person to engage in the business for hire of planting, cutting, trimming, pruning, removing, spraying or otherwise treating trees, shrubs, hedges or vines, or applying herbicides, insecticides, fungicides, soil conditioners or fertilizers by spraying or disseminating any such materials by any device, other than by hand tools, actuated in whole or in part by compressed air, gas, water or mechanical means or source, without first obtaining a license therefor from the City.

**Sec. 5-68-20. Application; contents.**

The license application shall specify the type or types of service to be performed. Before any license is issued, the applicant will be examined orally and/or in writing to determine the applicant's qualifications and competency to engage in the requested business. The City may accept proof of current tree care licensure from other municipalities with reciprocal examination procedures, selected at the discretion of the City Forester or designee, in lieu of a competency examination. The City may alternatively accept select arboricultural industry standard certifications in lieu of a competency examination or proof of competency from a reciprocal municipality. Each such license issued shall specify on its face the type or types of service the licensee is authorized to perform.

**Sec. 5-68-30. Fee.**

The annual license fee shall be paid to the City ~~Clerk~~ at the time of application for the license, and such fee shall be an amount to be set by resolution of the City Council, which shall remain in effect until such resolution is amended by action of the City Council. If the initial license is issued after June 30, the fee for the balance of the calendar year shall be one-half (½) of the annual fee.

**Sec. 5-68-40. Insurance requirements.**

No license shall be issued until the licensee files with the City ~~Clerk~~ a satisfactory public liability insurance policy covering all operations of the licensee in the sum of at least fifty thousand dollars (\$50,000.00) for each person injured and not less than one hundred thousand

dollars (\$100,000.00) in case of injury of two (2) or more persons in any one (1) accident, and in the sum of not less than twenty-five thousand dollars (\$25,000.00) for property damage. The policy may be written to allow the first one hundred dollars (\$100.00) of liability for damage to property to be deductible. Should any policy be cancelled, the City shall be notified by the company writing such policy within ten (10) days after such cancellation is effective. Failure of the licensee to maintain required insurance shall be grounds for revocation or suspension of such license.

## **ARTICLE 5-90 ~~Group Homes~~ Sober Living Homes**

### **Sec. 5-90-10 Sober Living Homes**

A “sober living facility”, “recovery residence”, or “sober home” means any premises, place, facility, or building that providing housing accommodation for individuals with a primary diagnosis of a substance use disorder that is free from alcohol and nonprescribed or illicit drugs; promotes independent living and life skill development; and provides structured activities and recovery support services that are primary intended to promote recovery from substance use disorders.

Any sober living facility, sober home, or recovery residence operating within the City of Brighton must be certified by the State Department of Human Services, or its authorized agent, or be chartered by Oxford House or its successor organization, or have been operating as a recovery residence in the City of Brighton for thirty or more years as of May 23, 2019.

Any City official may inspect the home and the facility must provide the official with a copy of its certification or Oxford House charter to continue to operate. It shall be unlawful to operate without State certification or an Oxford House charter.

### **Sec. 5-90-10. Definitions.**

The following words and phrases as used in this Article shall be construed and defined as follows:

- (1) ~~Group home~~ means a residence that is operated to provide supervision and other services for four (4) to eight (8) individuals who are developmentally disabled (as defined in Section 31-23-103(4), C.R.S.), mentally ill or sixty (60) years of age or older, or persons with handicaps as defined by 42 U.S.C. §3601 and Section 24-34-103(4), C.R.S., and who are not related to the owner of the residence by blood, marriage or adoption. A foster care home with more than four (4) foster children is also considered a group home. Except as specifically provided by this Code, a group home shall not house more than one (1) individual per dwelling who is required to register as a sex offender under the provisions of Section 18-3-412.5, C.R.S., as amended.

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~~(2) Group home administrator means an individual with the authority and responsibility for the day-to-day management of a group home.~~

**~~Sec. 5-90-20. License required.~~**

~~Any person, corporation, partnership or other entity owning and operating property and improvements within the City operated as a group home shall be required to obtain and maintain a license from the City and pay the applicable license fee. Any group home currently operating under a valid county or state license as of the effective day of the ordinance codified in this Article shall have a period of thirty (30) days to apply for a license and ninety (90) days within which to obtain a license. Application for such license shall be made to the City Clerk's office upon a form to be supplied by the City Clerk consistent with the terms of this Section.~~

**~~Sec. 5-90-30. License and operation, age requirement.~~**

~~No person shall be licensed hereunder or authorized to act as a group home administrator who has not attained the age of twenty-one (21) years.~~

**~~Sec. 5-90-40. Contents of application.~~**

~~The application for a group home license shall contain the following information:~~

- ~~(1) Name and address of the applicant, and if a natural person or persons, age, date and place of birth (applicants include all owners of the property and the persons or entity who will be actually operating the facility);~~
- ~~(2) Telephone number of applicants for contact day or night;~~
- ~~(3) If a corporation, the names of directors, officers and shareholders and date and place of incorporation;~~
- ~~(4) If a partnership or other entity, names and addresses of all persons who are members of the partnership or entity;~~
- ~~(5) A list of all civil judgments or criminal convictions for the five (5) years preceding the application involving the persons listed above. Traffic infractions need not be listed;~~
- ~~(6) Documents that shall be attached to the application are:
  - ~~a. Copies of all licenses of any nature held by any applicant, pertaining to the operation of a group home;~~
  - ~~b. Proof of ownership and/or right to possession (if the operator not the owner);~~
  - ~~c. A plan of operation including a general description of the type of group home proposed and the facilities and care to be provided; the number of occupants; the hours of operation and staffing; a descriptive floor plan specifying all area uses, with fire control and fire evacuation notations and descriptions; a description of special care requirements and/or equipment of the group home or~~~~



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occupants; a plan for secure storage of drugs, if any; and a description of general supervision provisions;

(7) Identification of the group home administrators, night and day telephone numbers and dates of birth.

**~~Sec. 5-90-45. Coordination, monitoring.~~**

~~The City Clerk's office shall be primarily responsible for coordinating with the applicant in the licensing process, approving the initial plan of operation, and amendments, and monitoring the licensee's compliance with all required standards. All completed applications shall be submitted to the City Council by the City Clerk for issuance or denial. Denials may be appealed pursuant to Rule 106 C.R.C.P. to the Adams County District Court.~~

**~~Sec. 5-90-50. Investigation, eligibility.~~**

~~The City Clerk shall forward the application to the Planning Department for its review. The Planning Department shall confirm, by approval signature, that the location of the proposed group home is a permitted use under the City's Zoning Code, that it is not within seven hundred fifty (750) feet of another licensed group home, and that it satisfies the definition of a *group home* as set forth in the City's Zoning Code. The application shall then be forwarded to the Public Works, Police and Building Departments and the Fire District for a determination of compliance and the eligibility of the proposed property for group home use under health, safety, fire and building codes. Persons, entities or entities controlled by persons who have been convicted of crimes of moral turpitude (or other crimes affecting their ability to care for and supervise others), or adjudged negligent in the care of other persons, shall not be eligible to hold a group home license or be a group home administrator.~~

**~~Sec. 5-90-60. Conformity of structure.~~**

~~In order to obtain and maintain a license, the structures for group homes used must be consistent with the massing, roof types, materials and character of the surrounding neighborhood, and any alterations or additions shall retain such consistency.~~

**~~Sec. 5-90-70. License, special requirements.~~**

~~(a) Owners and operators of residential facilities for the aged, persons with developmental disabilities and persons with mental illness (i.e., group home owners and operators) must comply with all applicable zoning regulations of the City. When an application for a state license to operate such a residential facility within the jurisdictional limits of the City is filed with the State, the owner or operator shall also at that time provide to the City Planning and Community Development Department written notice of its intent to locate and operate within the City, and shall again provide similar written notice when the state license is granted, changed, revoked or renewed by the State.~~

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~~(b) As a condition of the issuance of a license hereunder, the City may specify special requirements of obtaining and maintaining the license, due to unique or exceptional circumstances, which are reasonably related to the health, safety and welfare of group home residents and the community as a whole, including such special requirements as are reasonably necessary for the regulation of group homes proposing to house individuals required to register as sex offenders pursuant to Section 18-3-412.5, C.R.S.~~

~~{Ord. 1391 §1(part), 1991; Ord. 1639 §2, 2000}~~

**~~Sec. 5-90-80. Operational requirements.~~**

~~Any license issued hereunder is subject to revocation by the City Council, as hereinafter provided, for failure to operate the group home in conformance with the following required standards:~~

- ~~(1) All licensees must follow the required standards of any state or county license.~~
- ~~(2) All group homes must be operated by the group home administrators who shall be on site or on call twenty four (24) hours a day.~~
- ~~(3) Any changes in the information provided in Paragraph 5-90-40(1) through (7) shall be immediately reported in writing to the City Clerk.~~
- ~~(4) The plan of operation, as amended from time to time and approved by the City Clerk, shall continue to be followed, and any changes thereto shall first be approved by the City Clerk.~~
- ~~(5) The group home administrators shall immediately notify the Police Department of: (1) any unlawful acts committed on the premises; or (2) any unlawful acts of the residents or staff off premises which relate to the operation of the group home; or (3) persons who make threatening communications to others or commit acts dangerous to themselves or others; and (4) incidents, such as fire or structural failure or flooding, dangerous or potentially dangerous to the residents.~~
- ~~(6) Sufficient staffing, supervision and equipment/facilities must be maintained so residents do not become unaccounted for, uncontrolled or lost. It is the responsibility of the licensees and the group home administrator, not the City, to supervise the location or transportation of group home residents.~~

**~~Sec. 5-90-85. Inspection of premises.~~**

~~Licensed premises shall be subject to inspection for good cause, for the purpose of verifying that the operation thereof is in conformance with the requirements of the license and the requirements set forth herein, without notice, at reasonable hours and with reasonable frequency, by City officials within the Building Department, Code Enforcement Department, Police Department and Fire Department. Inspection may occur at any time if exigent circumstances exist. Refusal of inspection requests or interference with inspections shall be~~

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cause for license revocation. Annual inspections, with notice, shall occur for license renewal purposes. Notice of nonconformance with any of the licensing requirements listed heretofore in this Article by the licensee shall be forwarded in writing immediately to the City Clerk.

**Sec. 5-90-90. License revocation, suspension, violation.**

The license granted hereunder may be revoked by the City Council for failure of any of the licensees or group home administrators to adhere to the requirements and standards set forth herein. Upon recommendation of the City Clerk, the City Manager may commence revocation proceedings by notifying the licensee of alleged violations and of the date of hearing before the City Council. Notice to the licensee shall be by regular mail to the address given in the license application, as amended, at least fifteen (15) days in advance of the City Council hearing. Notice of the hearing shall be published in a newspaper or on a publicly accessible web page at least five (5) days before the hearing. At the hearing, after presentation of evidence by the City staff and by the applicant, the City Council, by majority vote, may revoke the license, suspend the license or stay revocation or suspension upon specified conditions, upon findings by preponderance of the evidence that the licensee or group home administrators failed in one (1) or more respects to follow the standards and requirements of the license. Revocation or suspension of this license may be appealed pursuant to Rule 106 C.R.C.P. to the Adams County District Court.

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