

ORDINANCE NO. 2435
INTRODUCED BY: Green

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO,
AMENDING CHAPTER 5 OF THE BRIGHTON MUNICIPAL CODE RELATING TO THE
LICENSING OF BUSINESSES

WHEREAS, the City of Brighton (“City”) is a home rule municipality governed by its charter and desires to exercise its home rule authority; and

WHEREAS, Cabarets are required to get a business license and regulated by the Land Use and Development Code (LUDC) and the business license is no longer necessary; and

WHEREAS, Circuses and Carnivals as defined in the municipal code currently reference a traveling show, and these temporary uses are already defined in the LUDC and require a permit so this separate license is not needed; and

WHEREAS, the section of municipal code regarding Pawnbrokers has been updated to mimic state statute and cite to the correct state statutes; and

WHEREAS, language has been modified to reflect throughout that any fees paid are paid to the City rather than to any specific department or director; and

WHEREAS, the municipal code licensing of merchant guards has been updated to provide language in common use today and to reflect requirements for a business rather than licensing of individuals; and

WHEREAS, state law has changed and the City can no longer license Group Homes, so this licensing category has been removed, and Sober Living Homes have been added to require the State certification if operating within City Limits; and

WHEREAS, a hearing procedure for denial, suspension, and revocation of a license has been added to assure that a licensee receives due process and a fair hearing; and

WHEREAS, the requirements for a business license have been moved from the sales tax portion of the code in Chapter 3 and moved to Chapter 5; and

WHEREAS, City Council finds these additions to the municipal code are an exercise of its home rule authority for the efficient administration of the City and benefit the health and welfare of the residents of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, AS FOLLOWS:

Section 1. Article 5-4, Licenses, is hereby amended and a new section added as follows:

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

- (1) If operating any business in the City, a business license shall be required, 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 of each year, unless otherwise specified or sooner revoked.
- (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 of 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.

Section 2. Section 5-4-10(a) of Article 5-4 is amended to read as follows:

(a) All applications for licenses governed by this Article, excluding contractor licenses and provided for in Article 15-16, shall be made to the City in written form and shall be accompanied by the requisite license fee provided for said licenses 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.

Section 3. Section 5-4-30 of Article 5-4 is amended to read as follows:

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

Section 4. Section 5-4-60 of Article 5-4 shall be amended to read as follows:

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 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, state statute, regulation, or federal law, or whenever in the judgment of the City the public health, safety and welfare of its residents shall require that the same 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 denied, 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, or 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 denied, 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, 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 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.

Section 5. Article 5-24, Cabarets, is hereby repealed in its entirety and reserved for future use.

Section 6. Article 5-32, Circuses and Carnivals, is hereby repealed in its entirety and reserved for future use.

Section 7. Article 5-36, Merchant Guards and Patrols and Industrial Guards, is hereby repealed and replaced in its entirety as follows:

ARTICLE 5-36 Security 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) *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.
- (3) *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) *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, 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
 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.
- (h) It is unlawful for any person to act or work as a security guard within the City unless such person 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 for security guard or security services, shall file an application with the City on forms to be provided 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
- (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;
- (3) A description of the specific types of services to be offered;
- (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;
- (6) 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;
- (7) Certificates of insurance demonstrating commercial insurance coverage and any minimum coverage levels as may be required by the City.
- (8) 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) 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. . 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.

(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 or designee 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 department.

Sec. 5-36-70. . 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 or their designee 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 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.

Sec. 5-36-80 Minimum Insurance Requirements.

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

Sec. 5-36-90. 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.

Sec. 5-36-100. Notification required for address change.

Any licensee changing his or her place of business shall immediately notify the City of such fact, together with the address of the new place of business; provided, however, that in the event a licensee changes the business location, 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. 5-36-110. 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;
- (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. 5-36-120. City authority to suspend or refuse license.

The 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 subject to review by a hearing officer within thirty (30) days of such notice by the 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.

Section 8. Article 5-44, Pawnbrokers, is hereby amended and only those sections set forth below are repealed and replaced in their entirety:

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) *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.
- 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.
- 6) *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 a 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.

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

Every person desiring to engage in the business of pawnbroker shall make an application to the City 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 the amount of the license fee required, and having produced satisfactory evidence of their good character as being a suitable person to carry on the business of pawnbroker shall be granted a license by the City 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) location to another with the written consent of the Finance Director.

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 29-11.9-103, C.R.S., as amended.

(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.

Sec. 5-44-80. Prohibited acts.

No pawnbroker shall violate the provisions of section 29-11.9-104, 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. 5-44-140. 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 29-11.9-104, C.R.S.

Section 9. Sections 5-68-20, 5-68-30, and 5-68-40 of Article 5-68, Tree Care, are amended as follows:

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 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 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.

Section 10. Article 5-90 is hereby repealed and replaced as follows:

Sec. 5-90-10 Sober Living Homes

A “sober living facility”, “recovery residence”, or “sober home” means any premises, place, facility, or building that provides 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.

Section 11 As provided in City Charter Section 5.9(A), this Ordinance, either as presented or as amended, shall be published in full as it was adopted prior to taking final action. This Ordinance shall be in full force and effect five days after its final publication, as provided in City Charter Section 5.8, except as set forth herein.

INTRODUCED, PASSED ON FIRST READING, AND ORDERED PUBLISHED THIS 5th DAY OF DECEMBER 2023.

PASSED ON SECOND AND FINAL READING AND ORDERED PUBLISHED BY TITLE ONLY THIS 19th DAY OF DECEMBER 2023.

CITY OF BRIGHTON, COLORADO

GREGORY MILLS, Mayor

ATTEST:

NATALIE HOEL, City Clerk

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APPROVED AS TO FORM:

ALICIA CALDERÓN, City Attorney