

TITLE IV

BUSINESS REGULATIONS

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TITLE IV

BUSINESS REGULATIONS

CHAPTER 1

TRANSIENT MERCHANTS

(Ord. 2014-02)

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4-1-1: Definitions

As used in this Code, the following words, terms, and phrases shall have the indicated meanings:

- A. "Applicant" means any person or entity who has submitted an application for a permit.
- B. "Commercial solicitor" means any person, whether as volunteer, owner, agent, consignee or employee, who engages in door-to-door commercial solicitation.
- C. "Door-to-door commercial solicitation" means attempting to make personal contact with a resident at his or her residence, without prior

specific invitation by or appointment with the resident, for the primary purpose of:

1. Attempting to sell, for present or future delivery, any goods, wares or merchandise, or any services to be performed immediately or in the future, whether or not the person has, carries or exposes a sample of such goods, wares or merchandise, and whether or not he or she is collecting advance payments for such sales; or
2. Personally delivering to the resident a handbill or flyer advertising a commercial event, activity, good or service that is offered to the resident for purchase at a location away from the residence or at a future time.

D. "Door-to-door noncommercial solicitation" means attempting to make personal contact with a resident at his or her residence, without prior specific invitation by or appointment with the resident, for the primary purpose of:

1. Seeking or asking for a gift or donation for a public entity or nonprofit organization
2. Soliciting the sale of goods, wares or merchandise for present or future delivery, or the sale of services to be performed immediately or in the future, with the entire proceeds of such sale to be paid directly to, or used exclusively for the benefit of, a public entity or nonprofit organization exempt from federal income tax under 26 U.S.C. § 501(c)(3);
3. Personally delivering to the resident a handbill or flyer advertising a future, not-for-profit event, activity, good or service;
4. Proselytizing on behalf of a religious organization;
5. Soliciting support for a political candidate or organization, or ballot measure or ideology.

E. "Employer" means any person, company, corporation, business, partnership, organization or any other entity on behalf of whom a person is acting.

F. "Noncommercial solicitor" means any person, whether as volunteer, owner, agent, consignee or employee, who engages in door-to-door noncommercial solicitation.

G. "No-solicitation list" means a list of the addresses of Town residents who have requested that their residences be placed on a list maintained and published by the Town for the purpose of informing the general

public and prospective solicitors that all door-to-door solicitation at such addresses is prohibited.

- H. "Permit" means a document issued by the Town Clerk authorizing a commercial solicitor to engage in door-to-door commercial solicitation.
- I. "Permit holder" means any person to whom a permit has been issued under the provisions of this Chapter.
- J. "Person" means a natural person or business entity, such as, without limitation, a corporation, association, firm, joint venture, estate, trust, business trust, syndicate, fiduciary, partnership or any group or combination thereof.
- K. "Public entity" means the state, county, Town and county, municipality, school district, special improvement district, and every other kind of district, agency, instrumentality, or political subdivision thereof organized pursuant to law and any separate entity created by intergovernmental contract or cooperation only between or among the state, county, Town and county, municipality, school district, special improvement district, and every other kind of district, agency, instrumentality, or political subdivision thereof.
- L. "Residence" means a private residence in the Town, including but not limited to, condominium units and apartments, including the yards, grounds or hallways thereof.
- M. "Supervising staff" means any person who manages or supervises commercial solicitors.

4-1-2: All Solicitation Prohibited by Posting of "No Solicitation" or "No Trespassing" Sign

- A. No solicitor, whether commercial or noncommercial, shall enter or remain upon any private premises in the Town if a "No Solicitation" or "No Trespassing" sign is posted at or near the entrance(s) to such premises. For the purposes of this provision, if an occupant of a multiple dwelling wishes to prohibit door-to-door solicitation by the posting of a sign, the sign prohibiting solicitation must be posted at or near the entrance(s) to the occupant's individual dwelling.
- B. This provision shall apply to all solicitation, including, without limitation, all activities that are religious, charitable or political in nature and all solicitation of newspaper or magazine subscriptions.

4-1-3: No-solicitation List for Commercial Solicitations

- A. Any owner or lawful occupant of any residence within the Town who wishes to prohibit door-to-door commercial solicitation at his or her residence may register the address of such residence with the Town by completing a form prepared by the Town Clerk, which form may be submitted to the Town either in person or by mail. Such registration shall take effect thirty (30) calendar days after the date of the Town's receipt of the registration form
- B. The Town shall maintain a current no-solicitation list of properties registered under Subsection 4-1-3-A above and that have not been deleted by the Town under Subsection 4-1-3-D below or by the owner or lawful occupant of the registered property. Each permit holder shall be responsible for obtaining and reviewing a copy of such list immediately upon issuance of a permit under this Chapter and at such intervals thereafter as may be reasonably necessary to ensure compliance with the requirements of Subsection 4-1-3-C below.
- C. As of the effective date of the registration of a residential address under Subsection 4-1-3-A above, all door-to-door commercial solicitation at such address shall be prohibited until such time that the address has been deleted from the no-solicitation list.
- D. Each residential address appearing on the Town's no-solicitation list will remain on the list for two (2) years from the date it was submitted to the Town, at which time it shall be deleted from the list unless a new form requesting no solicitation at such residence has been submitted by the owner or lawful occupant thereof.
- E. Prior to the expiration of the two-year period referenced in Subsection 4-1-3-D above, the owner or lawful occupant of any residence appearing on the no-solicitation list may cause such residence to be removed from the list by submitting a written request for removal of the same to the Town Clerk.
- F. Neither the Town nor any of its officers, employees, agents or authorized volunteers shall be liable to any person for any injuries, damages or liabilities of any kind arising from or relating to any errors or omissions that may occur in compiling or maintaining the no-solicitation list.

4-1-4: Permit and Identification Badge Required for All Commercial Solicitors

- A. Any person seeking to engage in commercial door-to-door solicitation must obtain a permit from the Town Clerk and pay

the permit fee as provided in this Chapter before commencing any such solicitation.

- B. All permits shall be issued in the name of the applicant. Upon issuance of each permit, the Town Clerk shall create and maintain a list of all persons authorized to engage in door-to-door commercial solicitation under the permit. It shall be the sole responsibility of the permit holder to:
1. Provide a copy of the permit to each person authorized to engage in solicitation under the permit;
 2. Ensure that each person authorized to solicit under the permit complies with the terms and conditions of the permit and with the provisions of this Chapter;
 3. Notify the Town Clerk in writing of any persons to be added to or deleted from the list of authorized solicitors; and
 4. Submit to the Town Clerk, for each person to be added to such list, the information required under Subsection 4-1-4-A-4, together with payment of the identification badge fee required under Subsection 4-1-5-C.
- C. The Town Clerk shall, within ten (10) business days of the Town's receipt, via mail or in person, of a complete application for a permit under this Chapter, issue such permit, together with identification badges for all persons authorized to engage in door-to-door commercial solicitation under the permit, unless the Town Clerk determines that the permit application is denied under the criteria stated in Section 4-1-8.
- D. Subsequent to the issuance of any permit, and upon receipt of the information and fee required under Section 4-1-5 below, the Town Clerk shall, within seven (7) business days, issue an identification badge to any new or additional person to be authorized to solicit under the permit as long as such person is not prohibited under Section 4-1-7. The Town Clerk shall also, within seven (7) business days, issue a replacement identification badge to any solicitor who, by affidavit, notifies the Town Clerk that his or her identification badge has been lost or stolen, and who pays an additional identification badge deposit as established under Subsection 4-1-5-D.
- E. If an employer applies for and is granted a permit under this Chapter, the employer shall be entitled to obtain identification badges from the Town Clerk for each employee or agent authorized to solicit under the permit. The identification badges

shall contain a photograph of the solicitor, bear the words "Permitted Solicitor," include the names of the employer and solicitor, and the expiration date of the permit.

4-1-5: Application Contents; Fees

- A. Each person applying for a door-to-door commercial solicitation permit shall file with the Town Clerk an affidavit on a form supplied by the Town Clerk stating:
1. The full name, business address and business telephone number of the applicant;
 2. Information regarding the business as required by the Town Clerk, including, without limitation, its legal status and proof of registration with, or a certificate of good standing from, the Colorado Secretary of State;
 3. A complete list of all persons to be authorized to solicit under the permit and all supervising staff;
 4. For each person authorized to solicit under a permit and all supervising staff, the following information:
 - a. Name, Address, Telephone Number and Date of Birth;
 - b. A current copy of the persons' criminal background check, as maintained by the Colorado Bureau of Investigation, dated no more than sixty (60) days prior to the date of the application;
 - c. A description of the individual including height, weight, color of eyes and color of hair; and
 - d. The number and state of issuance of the individual's motor vehicle operator's license or chauffeur's license, if any, or other state-issued photo identification.
 5. A brief explanation of the nature of the solicitation activity that requires a permit under this Chapter;
 6. If the applicant is a foreign corporation or an employee of such corporation, the name, address and telephone number of an agent for process residing in the state;
 7. Proof that the applicant has obtained a valid Town sales tax license;

8. Any other information determined to be relevant by the Town Clerk.
- B. At the time of application, the applicant shall also submit a digital photograph of each person to be authorized to solicit under the permit, taken no more than six (6) months prior to the date of application, which photograph fairly depicts the appearance of the proposed solicitor as of the date of application and which, in the judgment of the Town Clerk, is suitable for reproduction on the identification badge to be issued by the Town.
 - C. At the time of application, each applicant shall pay a fee in an amount determined by the Town Clerk to be sufficient to defray the costs incurred by the Town in processing the application, plus an additional fee to defray the costs of preparing and issuing an identification badge for each person to be authorized to solicit under the permit, including the applicant. All fees shall be nonrefundable.
 - D. At the time of application, the applicant shall pay a deposit of fifty dollars (\$50.00) for each badge, to be refunded to the permit holder at the expiration of the term of the badge or upon revocation or voluntary relinquishment.

4-1-6: Duration of Permit; Renewal

- A. Each permit shall be valid for two (2) years, effective from the date of issuance.
- B. Any permittee wishing to renew a permit issued under this Chapter must apply for the renewal of the permit no less than thirty (30) days prior to the expiration of its term. Such application shall be accompanied by a criminal background check as required under Subsection 4-1-5-A-4-b for each person who is to be authorized to solicit under the permit during the renewal term of the permit. If a permittee fails to apply for such renewal within such thirty-day period of time, the permit will expire. The renewal fee for each permittee shall be determined by the Town Clerk in an amount sufficient to defray the costs incurred by the Town in processing the renewal application. Such fee shall be nonrefundable.

4-1-7: Persons Prohibited

A person shall not be eligible for issuance of a permit or identification badge under this Chapter if:

- A. Such person has been released within the ten (10) years immediately preceding the application from any form of incarceration, court-ordered supervision, including a deferred sentence, resulting from conviction of any felony or Class 1 misdemeanor under the laws of the State of Colorado or an equivalent offense under any federal, state, county or municipal law; or
- B. A permit or an identification badge previously issued to such person by the Town Clerk under Section 4-1-4 has been revoked by the Town Clerk under §§ 4-1-13 or 4-1-14 below.

4-1-8: Denial of Permit

The Town Clerk shall deny an application for a permit or any renewal of a permit under this Chapter if the Town Clerk determines that the applicant has:

- A. Made any material misrepresentation or false statement in the application for the permit; or
- B. Failed to obtain a sales tax license as required by the Town or to remit any sales tax due the Town; or
- C. Been convicted of a felony or Class 1 misdemeanor under the laws of the State of Colorado or an equivalent offense under any federal, state, county or municipal law;
- D. Had a badge or permit revoked under Section 4-1-14.

4-1-9: False or Deceptive Representation Prohibited

No person shall attempt to obtain, by telephone or otherwise, an invitation to visit any private residence for the purpose of soliciting the purchase or sale of goods, services or any other thing of value, by knowingly making a false or deceptive representation or statement.

4-1-10: Duty to Display Identification Badge and to Exhibit Permit

- A. Any commercial solicitor engaging in door-to-door commercial solicitation under a permit issued pursuant to this Chapter shall conspicuously display his or her identification badge.
- B. Whenever requested by any police officer or by any customer or prospective customer, any commercial solicitor engaged in door-to-door commercial solicitation under a permit issued pursuant

to this Chapter shall exhibit his or her identification badge and permit.

4-1-11: Permissible Times

All door-to-door commercial solicitation shall be undertaken and completed between the hours of 9:00 a.m. and 7:00 p.m.

4-1-12: Transfer of Permits Prohibited

No permit issued pursuant to this Chapter shall be transferred to any person.

4-1-13: Suspension or Revocation of Identification Badge

- A. After written notice of no less than ten (10) calendar days and a hearing before the Town Administrator, if requested in writing by the badge holder within ten (10) calendar days after the date of mailing of such notice, the Town Clerk may suspend or revoke the identification badge of any solicitor that has engaged in any unlawful solicitation. The grounds for such suspension or revocation may include, but shall not be limited to, the following:
 - 1. Failure to solicit in a manner that is in compliance with the permit and the provisions of this Chapter;
 - 2. Soliciting in such a manner as to constitute a menace to the health, safety or general welfare of the public.
- B. In the event the alleged conduct that is the basis for the suspension or revocation of the identification badge is the subject of a pending criminal or non-traffic civil citation, the Town Clerk may either defer his or her decision regarding suspension or revocation until such citation has been resolved or immediately proceed with the foregoing administrative action prior to the resolution of such citation.

4-1-14: Suspension, Revocation or Nonrenewal of Permit

- A. After written notice of no less than ten (10) calendar days and a hearing before the Town Administrator, if requested in writing by the permit holder within ten (10) calendar days after the date of the mailing of such notice, the Town Clerk may suspend and revoke the permit of any person that has engaged in any unlawful solicitation. The grounds for such suspension or revocation may include, but shall not be limited to, the following:
 - 1. Fraud, misrepresentation or false statement in the application for the permit or any renewal application,

including, without limitation, representations made as to the criminal history of any person to be authorized to solicit under the permit;

2. Failure to obtain a sales and use tax license as required by the Town or to remit any sales tax due the Town;
 3. Failure to supervise solicitation conducted under the permit so as to reasonably ensure that such solicitation is in compliance with the terms of the permit and with the provisions of this Chapter; or
 4. Authorizing, condoning or knowingly tolerating any unlawful solicitation or any solicitation conducted in such a manner as to constitute a menace to the health, safety or general welfare of the public.
- B. In the event the alleged conduct that is the basis for the suspension or revocation of the identification badge is the subject of a pending criminal or non-traffic civil citation, the Town Clerk may either defer his or her decision regarding suspension or revocation until such citation has been resolved or immediately proceed with the foregoing administrative action prior to the resolution of such citation.

4-1-15: Emergency Summary Suspension of Identification Badge or Permit

- A. If reasonable grounds exist to believe that a permittee or badge holder has engaged in illegal activity such that the public health, safety or welfare imperatively requires emergency action, the Town Clerk may summarily suspend the permit or badge pending the outcome of the proceedings set forth in Section 4-1-13 or Section 4-1-14 above, as applicable.
- B. The temporary suspension of a permit or badge without notice pending a hearing shall be for a period not to exceed fifteen (15) days.

4-1-16: Displaying a Badge after Suspension, Revocation, or Nonrenewal

No person shall display an identification badge after it has been invalidated by suspension, revocation or nonrenewal.

4-1-17: Promulgation of Rules and Regulations

The Town Clerk may promulgate administrative rules and regulations to effectuate the purposes of this Article.

4-1-18: Records

The Town Clerk shall maintain records showing each permit issued and the alleged violations of this Chapter.

4-1-18: Appeal

An applicant may appeal any decision relating to his, her, or its permit by the Town Clerk or hearing officer to the Town Administrator. The Town Administrator's decision shall be final.

4-1-19: Administrative Regulations

The Town Clerk is authorized to promulgate rules and regulations as are necessary to effectuate the implementation, administration and enforcement of this Chapter.

4-1-20: Violations and penalties

- A. In addition to the revocation, suspension or denial of a permit or identification badge issued under this Chapter, any applicant, permittee or solicitor who violates any of the provisions of this Chapter, and any person who violates §§ 4-1-2, 4-1-4, 4-1-9, or 4-1-10, shall be guilty of a misdemeanor punishable by a fine of not more than three hundred dollars (\$300.00) or imprisonment for not more than ninety (90) days or by both such fine and imprisonment.
- B. Each and every day a violation of the provisions of this Chapter is committed, exists, or continues shall be deemed a separate offense;
- C. The Town is specifically authorized to seek an injunction, abatement, restitution or any other remedy necessary to prevent, enjoin, abate, or remove the violation; and
- D. Continuing violations of this Chapter are declared to be a nuisance and the Town is authorized to seek to abate such nuisance under Title VIII, Chapter 3, of this Code.
- E. Any remedies provided for herein shall be cumulative and not exclusive, and shall be in addition to any other remedies provide by law or in equity.

TITLE IV

BUSINESS REGULATIONS

CHAPTER 2

BUSINESS AND OCCIPATION REGULATIONS

Section:

4-2-1: Going Upon Private Residences

4-2-1: Going Upon Private Residences

- A. The practice of going in or upon private residences in the Town Of Olathe, Colorado, by solicitors, peddlers, hawkers, itinerant merchants, and transient vendors of merchandise, not having been invited to do so by the owner or owners, occupant or occupants of said private residence, for the purpose of soliciting orders for the sale of goods, wares, and merchandise, or for the purpose of disposing of or peddling or hawking the same, is hereby declared to be a nuisance, and punishable as such nuisance as a misdemeanor.
- B. The police of the Town of Olathe, Colorado, are hereby required and directed to suppress the same and to abate such nuisance as it is described in the first subsection of this section.

TITLE IV

BUSINESS REGULATIONS

CHAPTER 3

PAWNBROKERS

SECTIONS:

- 4-3-1: License Required
- 4-3-2: Requirements for Issuance of License
- 4-3-3: Requirements for Pawnbroking
- 4-3-4: Hold Order
- 4-3-5: Additional Regulations
- 4-3-6: Return of Stolen Property
- 4-3-7: Liability
- 4-3-8: Right of Inspection

4-3-1: License Required (Ord. 01-1996)

- A. It shall be unlawful for any person to engage in the business of being a pawnbroker as defined and regulated by C.R.S. 12-56-101, et. seq., without obtaining a license from the Town.
- B. Applications for licenses shall be submitted annually, on forms provided by the Town which may require all information necessary or convenient for the enforcement and administration of this Chapter accompanied by the following:
 - 1. An annual license fee in the amount of seventy-five dollars (\$75.00)(payable in advance).
 - 2. A good and sufficient bond, with surety, to be approved by the Town Attorney in the amount of two thousand dollars (\$2,000.00) conditioned upon the faithful observance of the requirements of this Chapter and of C.R.S. 12-56-101, et. seq. and for the safekeeping or return of all articles held on pledge by the pawnbroker.
 - 3. All risk property insurance insuring all pledged property against loss from fire, theft or other casualty.
- C. The Town, after receipt of any application, shall conduct an investigation to insure that the applicant and the application meet all of the requirements of this Chapter. If the Town determines that the application meets the requirements of this Chapter, it shall grant a license, which shall expire on December 31 of the year for which it is issued. In the

event the applicant or application does not meet all the requirements of the Chapter, the Town shall deny the license.

- D. All licenses shall be nontransferable.
- E. The Town Board may revoke any license, following notice to the licensee and a hearing, upon a finding that the licensee is in violation of any of the requirements of this Chapter.

4-3-2: Requirements for Issuance of License

- A. No license, required by this Chapter, shall be issued to or held by any of the following:
 - 1. Any person who is not of good moral character.
 - 2. Any corporation, any of whose officers, directors or stockholders holding over ten percent (10%) of the outstanding and issued capital stock, thereof, are not of good moral character.
 - 3. Any partnership, association or company, any of whose officers or any of whose members holding more than ten percent (10%) interest therein, are not of good moral character.
 - 4. Any person employed or assisted by or financed in whole or in part by any other person who is not of good moral character and reputation satisfactory to the Town.
 - 5. Any person, unless he is, with respect to his character, record and reputation, satisfactory to the Town.
- B. In making a determination as to character, when considering the conviction of a crime, the Town shall be governed by the provisions of C.R.S. 24-5-101.
- C. No license shall be issued for or used in connection with any premises licensed under the Colorado Beer Code or Colorado Liquor Code, of for any place of amusement or entertainment.

4-3-3: Requirements for Pawnbroking

- A. All Pawnbrokers shall comply with the requirements of C.R.S.12-56-101, et. seq., the requirements of this Chapter and of any regulations issued pursuant hereto.
- B. No Pawnbrokers shall acquire any property from any person who the pawnbroker knows has a reputation of being a thief or has been convicted

of theft or a similar offense without first notifying the Town Police Department.

- C. It shall be unlawful for any pawnbroker to be open for business on Sunday, New Year's Day, Memorial Day, Labor Day, Thanksgiving Day, Christmas Day or on any other day from nine (9:00) P.M. in the evening until eight o'clock (8:00) A.M. the following morning.
- D. No pawnbroker shall enter into any transaction with any person under the influence of alcohol or drugs.

4-3-4: Hold Order

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

4-3-5: Additional Regulations

The Town may make such additional rules and regulations as are necessary and convenient for the administration and enforcement of this Chapter, including required forms and requirements for additional reports.

4-3-6: Return of Stolen Property

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

4-3-7: Liability

The licensee shall be liable for the loss or damage of any pledged article whether caused by fire, theft, or otherwise, resulting from his failure to exercise reasonable care, but shall not be liable, in the absence of an express agreement to the contrary, for the loss or damage to a pledged article, for injury which could not have been avoided by the exercise of such care. The pawnbroker shall maintain, at all times, casualty insurance insuring pledged property against loss or damage by fire, theft or other casualty.

4-3-8: Right of Inspection

For the purpose of administering and enforcing the requirements of this Chapter and C.R.S. 12-56-101, the Town shall have the right to enter upon the licensee's premises and to examine the books, accounts, papers, records and pledged property used or kept by any licensed pawnbroker or other person engaged in the business of pawn broking. If any licensee shall refuse such access or inspection, the Town shall have recourse, as provided by law, including obtaining a warrant from the Municipal Court. He may also issue a subpoena duces tecum for a hearing before the Town Board, which subpoena may be enforced by the District Court or other Court of competent jurisdiction.

TITLE IV

BUSINESS REGULATIONS

CHAPTER 4

MARIJUANA

(Ordinance 2013-01, Effective 2/15/13)

4-4-1

Definitions. As used in this Code, the following words, terms, and phrases shall have the indicated meanings:

- A. Marijuana Cultivation Facility means an entity licensed to cultivate, prepare, and package marijuana and sell marijuana to retail marijuana stores, to marijuana product manufacturing facilities, and to other marijuana cultivation facilities, but not to consumers.
- B. Marijuana Product Manufacturing Facility means an entity licensed to purchase marijuana, manufacture, prepare and package marijuana products; and sell marijuana and marijuana products to other marijuana product manufacturing facilities and to retail marijuana stores but not to consumers.
- C. Marijuana Testing Facility means an entity licensed to analyze and certify the safety and potency of marijuana.
- D. Medical Marijuana Center shall mean a person licensed to operate a business as described in the Colorado Medical Marijuana Code that sells medical marijuana and medical marijuana-infused products to registered patients or primary caregivers as defined in Amendment 20, but is not a primary caregiver.
- E. Medical Marijuana-Infused Product shall mean a product infused with medical marijuana that is intended for use or consumption other than by smoking, including, without limitation, to edible products, ointments, and tinctures.
- F. Medical Marijuana-Infused Products Manufacturer shall mean a person licensed pursuant to the Colorado Medical Marijuana Code to operate a business manufacturing medical marijuana-infused products.
- G. Optional Premises Cultivation Operation shall mean a person licensed pursuant to the Colorado Medical Marijuana

Code to grow and cultivate medical marijuana for a purpose authorized by Amendment 20.

- H. Person shall mean a natural person, partnership, association, company, corporation, limited liability company, or other organization or entity, or a manager, agent, owner, director, servant, officer, or employee thereof.
- I. Retail Marijuana Store means an entity licensed to purchase marijuana from marijuana cultivation facilities and marijuana and marijuana products from marijuana product manufacturing facilities and to sell marijuana and marijuana products to consumers.

4-4-2 Medical Marijuana Centers, Medical Marijuana-Infused Products Manufacturers, and Optional Premises Cultivation Operations Prohibited.

- A. It is unlawful for any person to operate, cause to be operated, or permit to be operated a Medical Marijuana Center, Medical Marijuana-Infused Product Manufacturing facility or operation, or Optional Premises Cultivation facility or operation, and all such uses are hereby prohibited in any location within the Town, or with any area hereinafter annexed to the Town.

4-4-3 Marijuana Cultivation Facilities, Marijuana Product Manufacturing Facilities, Marijuana Testing Facilities or Retail Marijuana Stores Prohibited.

- A. It is unlawful for any person to operate, cause to be operated, or permit to be operated Marijuana Cultivation Facilities, Marijuana Product Manufacturing Facilities, Marijuana Testing Facilities or Retail Marijuana Stores and all such uses are hereby prohibited in any location within the Town, or with any area hereinafter annexed to the Town.

4-4-4 Penalty

- A. A violation of the provisions of this Subsection shall be punishable as follows:
 - 1. By a fine of not more than three hundred dollars (\$300.00) or imprisonment for not more than 90 days or by both such fine and imprisonment;
 - 2. Each and every day a violation of the provisions of this Subsection is committed, exists, or continues shall be deemed a separate offense;

3. The Town is specifically authorized to seek an injunction, abatement, restitution or any other remedy necessary to prevent, enjoin, abate, or remove the violation; and
4. Continuing violations of this Subsection are declared to be a nuisance and the Town is authorized to seek to abate such nuisance under Title VIII of this Code.
5. Any remedies provided for herein shall be cumulative and not exclusive, and shall be in addition to any other remedies provide by law or in equity.

TITLE IV
BUSINESS REGULATIONS

CHAPTER 5

YARD SALE REGULATIONS

(Ord. 2010-02)

4-5-1: Definitions

Yard Sale: A Yard Sale (garage, backyard, moving sale) shall mean a sale of personal property on property that is used for residential purposes. This ordinance shall not apply to a Yard Sale organized by the Town or Town Chamber of Commerce.

4-5-2: General Provisions

A. Yard Sales must comply with all of the following standards:

1. The Yard Sale consists solely of the sale of personal property accumulated by the seller during the course of the seller's ordinary residential living;
2. Any individual seller, household, home address, group, or family shall not exceed 8 (eight) Yard Sales in any one calendar year. Exceeding this limit will require adherence to Town of Olathe Business/Sales Tax License requirements;
3. Each Yard Sale shall last no more than 3 (three) consecutive days, with each day beginning no earlier than sunrise and ending no later than sunset. All personal property is to be stored out of public view upon completion of the Yard Sale;
4. Only personal property may be sold at a Yard Sale;
5. Signs shall be permitted in accordance with the Town's Sign Ordinance codified in Chapter 3-1-1-A of the Olathe Municipal Code based on Appendix H of the 2006 International Building Code. Signs must be removed upon completion of the Yard Sale;
6. No prepackaged manufactured food, tobacco products, alcoholic beverages, items requiring permits for sale, illegal weapons, controlled substances, or other illegal items as defined in Title 18, Colorado Revised Statutes shall be sold or offered for sale;
7. All personal property offered for sale shall be arranged so that fire, police, health and other officials may have access

for inspection at all times during the sale. Personal property offered for sale shall not be displayed or stored on adjoining public sidewalks, streets, or other public rights-of-way; and

8. All individuals having a Yard Sale must obtain a permit, as described in Section 4-5-3

4-5-3 Permit Required

- A. A \$5.00 permit shall be required for any Yard Sale. The permit shall be filed with the Town on forms furnished by the Town and will include all individuals names participating in the Yard Sale, the dates of the Yard Sale, and location of the Yard Sale. This fee is valid for up to 8 (eight) Yard Sales in any one calendar year. The approved dates on a permit for a Yard Sale may be changed by obtaining approval from the Town prior to the beginning of the Yard Sale.

4-5-4 Enforcement

- A. Any acts in violation of this Chapter shall be deemed unlawful.
- B. Any person convicted of a violation of this Chapter may be sentenced to jail for a period of 90 days or a fine of \$300.00 or both.

TITLE IV

BUSINESS REGULATIONS

CHAPTER 6

PREFERENCE FOR LOCAL BUSINESS PURCHASING

(Ord. 2012-03)

4-6-1 Definitions and Application:

A. Town of Olathe Local Business

Town of Olathe Local Business means a business firm with fixed offices or locally taxable distribution points within the boundaries of the Town of Olathe that holds a current business license with a Town of Olathe business address, which is not a post office box. Town of Olathe Local Businesses shall be granted a preference as provided herein when bidding against County of Montrose, State of Colorado and, or, any business located outside of the State of Colorado.

B. County of Montrose Local Business

County of Montrose Local Business means a business firm with fixed offices or locally taxable distribution points within the boundaries of the County of Montrose that holds a current business license with a County of Montrose business address, which is not a post office box. County of Montrose Local Businesses shall be granted a preference as provided herein when bidding against State of Colorado Local Businesses and, or, any business located outside the State of Colorado only. No County of Montrose Local Business shall be granted a preference when competing against any Town of Olathe Local Business.

C. State of Colorado Local Business

State of Colorado Local Business means a business firm with fixed offices or locally taxable distribution points within the boundaries of the State of Colorado that holds a current business license with a State of Colorado business address, which is not a post office box. State of Colorado Local Businesses shall be granted a preference as provided herein when bidding against any business located outside of the State of Colorado. No State of Colorado Local Business shall be granted a preference when competing against any Town of Olathe or County of Montrose Local Business.

4-6-2 Award of Contracts for Materials and Supplies

Subject to the limitations contained in this section, in the evaluation of bids or proposals for the award of all contracts for the purchase or lease of supplies, materials, equipment or other personal property, a Local Business shall, upon written application noted on the space provided on Town of Olathe bid or proposal documents, be extended a ten percent (10%) percent preference, not to exceed Ten Thousand Dollars and No Cents (\$10,000.00). The awarding officer shall consider the quality offered and its conformity with the specifications, the delivery and discount terms and conditions, the service reputation of the bidder, and other information and data required to prove the lowest responsible bidder.

4-6-3 Award of Contracts for Labor

Subject to the limitations contained in this section, in the evaluation of any contract or hiring of any labor for public contract work, preference shall be given to contractors, mechanics, artisans or other laborers of any class, who shall be a Local Business as defined herein, provided that the labor, quality and price of the work shall be equal to that of others who would be considered for the award of the contract.

4-6-4 Award of Contracts for Personal Service

Subject to the limitations contained in this section, in the evaluation of a contract for the performance of personal services, upon written application noted on the space provided on the Town of Olathe bid or proposal documents, there shall be extended a ten percent (10%) percent preference, not to exceed Ten Thousand Dollars and No Cents (\$10,000.00), provided however, that all such contracts shall be awarded on the basis of demonstrated competence and on the professional qualifications necessary for the satisfactory performance of the services required.

4-6-5 Exemptions

The following contracts are exempt from the provisions of this section:

- A. Contracts to the extent to which application of the provisions of this section would be prohibited by State or Federal law or regulation or would result in what the awarding authority finds to be an unacceptable loss of government revenue or funding.
- B. Contracts funded in whole or in part from grants, donations or gifts to the Town of Olathe to the extent the provisions would

conflict with any conditions attached to the grant, donation or gift, provided the conditions have been approved and accepted pursuant to the policy of the Town of Olathe.

- C. Contracts resulting from exigent emergency conditions where any delay in completion or performance of the contract would jeopardize public health, safety or welfare of the citizens of the Town of Olathe, or where in the judgment of the Town of Olathe Administrator or his or her designee the operational effectiveness or a significant Town of Olathe function would be seriously threatened if the contract were not entered into expeditiously.
- D. Contracts with any single or sole source supplier for supplies, material, equipment or other personal property.

4-6-6 Enforcement and Penalties

If the Town of Olathe Administrator or his or her designee determines that a contractor or bidder has made an intentional misstatement to obtain a price preference under this section, the contractor or bidder shall be subject to any remedy available to the Town of Olathe at law or equity, including, but not limited to the following:

- A. A finding of intentional misstatement or noncompliance shall be regarded by the awarding authority as a basis for determining whether or not the bidder or contractor is a responsible bidder for the present and future contracts. Any disqualification imposed as a result of this determination shall last for a period of one (1) year.
- B. An intentional misstatement made to obtain a price preference under this section shall subject the recipient of any such price preference to a civil penalty of treble the dollar price preference received, or Three Hundred Dollars and No Cents (\$300.00), whichever is greater.