

1 **BY AUTHORITY**

2 ORDINANCE NO. _____ COUNCIL BILL NO. CB***Bill Number with XX-XXXX format***

3 SERIES OF 2018 COMMITTEE OF REFERENCE:

4 ***Committee of Reference***

5 **A BILL**

6 **For an ordinance amending the Revised Municipal Code of the City and County**
7 **of Denver to reflect the Charter amendment changing the name of the**
8 **Department of Environmental Health to the Department of Public Health and**
9 **Environment.**

10
11 **WHEREAS**, pursuant to an election held November 7, 2017, the voters of the City and County
12 of Denver voted to rename the Department of Environmental Health to the Department of Public Health
13 and Environment.

14 **NOW, THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF**
15 **DENVER:**

16 **Section 1.** That Chapter 2, Sections 2-32, 2-52, 2-71, 2-294, 2-301, of the Denver Revised
17 Municipal Code shall be amended to add the underscored words and delete the stricken words, as
18 follows:

19 **“Sec. 2-32. Definitions.**

20 For the purpose of this article, the following words and phrases shall have the meanings ascribed
21 to them:

- 22 (1) *Meeting.* Any assemblage of a quorum of any public body whose central purpose is
23 the discussion of public business or the adoption of any proposed policy, position,
24 resolution, rule, regulation, standard, ordinance, or other official action or enactment.
25 The term "quorum" shall mean that portion of a public body defined by its by-laws or
26 rules as the minimum number of its members who must be present at a meeting for
27 business to be transacted legally.
- 28 (2) *Public body:*
 - 29 a. City council and committees thereof;
 - 30 b. Advisory commission on aging;
 - 31 c. Mayor's commission on youth;
 - 32 d. Advisory commission on people with disabilities;
 - 33 e. Library commission;
 - 34 f. Board of ~~environmental health~~public health and environment;
 - 35 g. Board of human services;
 - 36 h. Board of water commissioners;
 - 37 i. Parks and recreation advisory board;
 - 38 j. Board of county commissioners;

- 1 k. Board of equalization;
- 2 l. Board of adjustment-zoning;
- 3 m. Mayor's advisory council (community development);
- 4 n. Landmark preservation commission;
- 5 o. Denver planning board;
- 6 p. Civil service commission;
- 7 q. Career service board;
- 8 r. Board of trustees, firemen's pension fund;
- 9 s. Police pension and relief board;
- 10 t. Retirement board;
- 11 u. Commission on art, culture and film;
- 12 v. Building code revision committee;
- 13 w. Reserved;
- 14 x. Community corrections board;
- 15 y. Board of plan enforcement review and variation;
- 16 z. Board of appeals of the building inspection division;
- 17 aa. Reserved;
- 18 bb. Development review committee;
- 19 cc. Health insurance committee;
- 20 dd. City-school coordinating committee;
- 21 ee. Economic development advisory committee;
- 22 ff. Denver cable television board;
- 23 gg. Employee deferred compensation committee;
- 24 hh. Employee suggestion board;
- 25 ii. Employee voluntary salary redirection committee;
- 26 jj. Reserved;
- 27 kk. Reserved;
- 28 ll. Commission on mental health;
- 29 mm. Reserved;
- 30 nn. Neighborhood improvement and facilities commission;
- 31 oo. Private industry council;
- 32 pp. Rehabilitation advisory panel (Chapter 31 committee);
- 33 qq. Board of standards;

- 1 rr. Urban homesteading program committee;
- 2 ss. Denver women's commission;
- 3 tt. Reserved;
- 4 uu. Stapleton redevelopment advisory committee;
- 5 vv. Gay and lesbian advisory task force;
- 6 ww. Hispanic advisory task force;
- 7 xx. Black advisory task force;
- 8 yy. American Indian advisory task force;
- 9 zz. Asian advisory task force;
- 10 aaa. Denver employee medical health care insurance program committee;
- 11 bbb. Citizen oversight board;
- 12 ccc. ACCESO-Spanish language voter advisory board;
- 13 ddd. The affordable housing permanent funds advisory committee.
- 14 (3) *Public business.* Any matter relating to governing or the government of the city or of
- 15 the public business regulated by the respective public bodies."

* * *

16
17 **“Sec. 2-52. Definitions.**

- 18 (a) *Employee* means any person in the employ of the city or of any of its agencies or departments
- 19 and any person employed without compensation.
- 20 (b) *Direct official action* means any action which involves:
 - 21 (1) Negotiating, approving, disapproving, administering, enforcing, or recommending for
 - 22 or against a contract, purchase order, lease, concession, franchise, grant, business
 - 23 loan or other similar instrument in which the city is a party. With regard to
 - 24 "recommending," direct official action occurs only if the person making the
 - 25 recommendation is in the formal line of decision making.
 - 26 (2) Enforcing laws or regulations or issuing, enforcing, or regulating permits, licenses,
 - 27 benefits or payments;
 - 28 (3) Selecting or recommending vendors, concessionaires, or other types of entities to do
 - 29 business with the city;
 - 30 (4) Appointing and terminating employees, temporary workers, and independent
 - 31 contractors.
 - 32 (5) Doing research for, representing, or scheduling appointments for an officer, official, or
 - 33 employee, provided that these activities are provided in connection with that officer's,
 - 34 official's, or employee's performance of (1) through (4) above.

35 Direct official action does not include acts that are purely ministerial (that is, acts which do not affect

36 the disposition or decision with respect to the matter). With regard to the approval of contracts, direct

37 official action does not include the signing by the mayor, the auditor, the manager of finance or the

1 clerk, as required by Charter, unless the mayor, auditor, the manager of finance or clerk initiated the
2 contract or is involved in selecting the contractor or negotiating or administering the contract. A
3 person who abstains from a vote is not exercising direct official action.

4 (c) *Immediate family* means husband, wife, son, daughter, mother, father, step-son, step-
5 daughter, step-mother, step-father, father or mother-in-law, son or daughter-in-law, brother or
6 sister-in-law, aunt, uncle, nephew, niece, grandmother, grandfather, grandchildren, brother,
7 sister, domestic partner, any person with whom he or she is cohabiting, and any person whom
8 he or she is engaged to be married. The term includes any minor children for whom the person
9 or his or her domestic partner provides day-to-day care and financial support. A "domestic
10 partner" is an unmarried adult, unrelated by blood, with whom an unmarried officer, official,
11 or employee has an exclusive committed relationship, maintains a mutual residence, and
12 shares basic living expenses.

13 (d) *Officer* means any of the following: the mayor, the auditor, the members of city council, the
14 clerk and recorder, the manager of public works, the manager of parks and recreation, the
15 manager of finance, the manager of ~~environmental health~~public health and environment, the
16 manager of general services, the manager of safety, the city attorney, the manager of human
17 services, the manager of aviation, and the manager of community planning and development.

18 (e) *Official* means a member of a city board or commission.”

19 * * *

20 **“Sec. 2-71. Definitions.**

21 Words and phrases used in this article shall have the following meanings:

22 (1) *Business* means a private firm, corporation, association, partnership, or other private
23 organization or enterprise operated for profit.

24 (2) *Financial interest* means a relationship to any business or trust in which a person is
25 involved as a director, officer, owner in whole or in part, limited or general partner,
26 employee, stockholder, trustee, or beneficiary of a trust.

27 (3) *Immediate family* as used in this article, shall have the same meaning as set forth in
28 section 2-52(c), Revised Municipal Code.

29 (4) *Officer* means any of the following: the mayor, the auditor, the members of city council,
30 the manager of public works, the manager of parks and recreation, the manager of
31 finance, the manager of ~~environmental health~~public health and environment, the
32 manager of general services, the manager of safety, the city attorney, the manager of
33 human services, the clerk and recorder, the manager of aviation, the manager of
34 community planning and development, the mayor's chief of staff, and any person
35 appointed to a position and listed in section 9.1.1.E.(iii), (v), (viii), (xiii), (xiv) and (xv) of
36 the city Charter. Certified public accountants employed by the auditor shall not be
37 considered officers.”

38 * * *

39 **“Sec. 2-294. Failure to pay penalties.**

40 (a) The failure of any responsible party to pay the civil penalties assessed by an administrative
41 citation within the time specified on the citation or administrative enforcement order, if an

1 administrative hearing was held, may result in the imposition of a late fee of up to twenty-five
2 dollars (\$25.00) and interest at a rate of ten (10) percent per annum, except that assessments
3 for an administrative citation issued for the cost to the city when the city has corrected the
4 violation, may be assessed and collected pursuant to section 2-293(c).

5 (b) If the responsible party fails to pay all penalties and charges assessed within thirty (30) days
6 of assessment, the manager may refer the matter for collection by any and all means available
7 to the city.

8 (c) In the case of property violations, the manager issuing the citation shall certify a statement
9 thereof to the city treasurer who shall record a notice with the clerk and recorder of a lien
10 against the property in violation. The lien created hereby shall be automatically perfected and
11 prior to all other liens, regardless of their dates of recordation, except liens for general taxes
12 and prior special assessments.

13 (d) If a responsible party fails to pay the civil penalties within thirty (30) days after the assessment
14 or, if a hearing is held within the time specified in an administrative enforcement order, and
15 the penalties have been assessed through an administrative citation issued for the cost to the
16 city of correcting a violation of the Code, then either: (i) civil penalties assessed pursuant to
17 section 2-292 of this article of the Code, or (ii) the whole cost of correction plus five (5) percent
18 of the cost for inspection and other incidental costs in connection thereof, whichever is higher,
19 shall be automatically assessed and become a lien on the property and such lien shall be
20 automatically perfected and shall have priority over all other liens except general taxes and
21 prior special assessments. The assessment shall be certified to the city treasurer who shall
22 collect the assessment, together with a ten-percent penalty for the cost of assessment, under
23 the same laws in the same manner as ad valorem property taxes are collected, including, but
24 not limited to the laws for the sale and redemption of ad valorem property for taxes.

25 (e) Any action or other process provided by law may be maintained by the city to recover or
26 collect any amounts, including late fees, interest and administrative costs, owing under this
27 article.

28 (f) In the case of animal violations, the manager of the department of ~~environmental health~~public
29 health and environment, or that person's designee, may impound any and all animals owned,
30 possessed, maintained or kept by a responsible party who fails to pay all of their assessed
31 penalties, late fees, interest and administrative costs in a timely manner. Any such impounded
32 animal shall not be redeemed without proof of payment of the penalties, administrative costs,
33 and the costs of impound, care, and shelter of the animals. The manager of department of
34 ~~environmental health~~public health and environment or designee shall make reasonable efforts
35 to prevent any such impounded animal that is subsequently abandoned and placed for
36 adoption from being released to a spouse, relative, friend, associate, or strawman of the
37 responsible party.

38 (g) Until civil penalties not pending appeal that are owed to the city have been paid in full, the city
39 shall not issue or renew any license or permit of any kind to a responsible party.

40 (h) Failure to pay outstanding civil penalties that are not pending appeal and are owed to the city
41 as a result of one (1) or more administrative citations shall be grounds for suspension or
42 revocation of any license issued by the city until fully paid.”

43 * * *

1 **“Sec. 2-301. Definitions.**

2 As used in this article, the following terms have the meanings indicated unless the context clearly
3 requires a different meaning:

- 4 (1) *Communicating* means transmitting information, data, ideas, opinions or anything of a
5 similar nature, on a legislative matter, by personal interview, in writing, by telephone or
6 by other methods to a covered official.
- 7 (2) *Covered official* means members of the city council, and their appointed advisory staff
8 members; the mayor, and his or her appointed advisory staff members; the auditor, the
9 clerk and recorder; members of the water board; the manager of public works; the
10 manager of parks and recreation; the manager of finance; the manager of safety; the
11 director of excise and licenses; the manager of general services; the manager of
12 human services; the manager of aviation; the manager of ~~environmental health~~public
13 health and environment; the manager of community planning and—community
14 development; the city attorney; the chief of police; and the fire chief.
- 15 (3) *Expenditure* means a payment, subscription, distribution or gift of money, or anything
16 of value, directly connected to the purpose of lobbying as defined in this section.
17 Expenditure does not include a contribution in-kind from an organization for the
18 purpose of allowing a covered official to attend a function sponsored by that
19 organization, nor does it include payment to a nonprofit organization for the purpose of
20 allowing a covered official to attend a function of the nonprofit organization.
- 21 (4) *Legislative matters* means the drafting, introduction or sponsorship of any bill,
22 resolution, amendment, motion, nomination or appointment, whether or not in writing,
23 pending or proposed for consideration by the city council or a committee thereof.
- 24 (5) *Lobbying* means communicating directly, or soliciting others to communicate, with a
25 covered official by any person in an effort to influence or persuade the covered official
26 to favor or oppose, recommend or not recommend, vote for or against, or to take action
27 or refrain from taking action, on any legislative matter.
- 28 a. "Lobbying" does not include submission of a written request to a covered official
29 for a revocable permit pursuant to Charter section 3.2.7 or submission of a
30 written request for vacation, easement or dedication of a public right-of-way.
- 31 b. "Lobbying" excludes persons who are not otherwise registered as lobbyists and
32 who limit their activities to appearances to give testimony or provide information
33 to city council or at public hearings or who give testimony or provide information
34 at the request of public officials or employees and who clearly identify
35 themselves and the interest for whom they are testifying or providing
36 information.
- 37 (6) *Lobbyist* means any person, including an attorney at law, who is self-employed or is
38 employed by any other person or organization:
- 39 a. For the purpose of engaging in lobbying; or
- 40 b. Whose scope of work requires him or her to lobby from time to time.

1 "Lobbyist" does not include any elected official, any city official, any person duly
2 appointed to a city board, commission or other such body, or any city employee;
3 provided the elected official, city official, person duly appointed to a city board,
4 commission or other such body, or city employee is acting in his or her official capacity.

- 5 (7) *Person* means an individual, firm, partnership, joint venture, public or private
6 corporation, association, or organization. Person also means a political education,
7 issues, or action committee or fund, as a separate entity, or which is associated with a
8 corporation, association or organization formed principally for some other purpose,
9 insofar as it engages in lobbying."

10 **Section 2.** That Chapter 4, Sections 4-2, 4-6, and 4-7, of the Denver Revised Municipal
11 Code shall be amended to add the underscored words and delete the stricken words as follows:

12 **"Sec. 4-2. Definitions.**

13 The following definitions shall apply in the interpretation and enforcement of this chapter and all
14 rules and regulations adopted hereunder:
15

- 16 (1) *Air contaminant or air pollutant:* Any fume, odor, smoke, particulate matter, vapor, gas or any
17 combination thereof, but not including water vapor or steam condensate.
- 18 (2) *Air contamination source:* Any source whatsoever at, from or by reason of which there is
19 emitted or discharged into the atmosphere any air contaminant.
- 20 (3) *Air pollution:* The presence in the outdoor atmosphere of one (1) or more air contaminants.
- 21 (4) *Air quality review:* A review of facilities to be performed by the department in accordance with
22 rules and regulations adopted by the board and promulgated by the manager pursuant to this
23 chapter.
- 24 (5) *Ambient air:* The surrounding or outside air.
- 25 (6) *Atmosphere:* The gaseous envelope that surrounds the earth.
- 26 (7) *Benchmarking:* Measuring a covered building's energy performance using the ENERGY
27 STAR Portfolio Manager tool.
- 28 (8) *Board:* The board of ~~environmental health~~ public health and environment of the city.
- 29 (9) *Clean-burning fuels:* Compressed natural gas, liquefied natural gas, liquefied petroleum gas
30 or hydrogen; multifuels, such as diesel/compressed natural gas fumigations; fuels containing
31 not less than eighty-five (85) percent ethanol or methanol; electricity or any other alternative
32 fuel that the board determines to be clean-burning.
- 33 (10) *Covered building:* Any individual building in the City and County of Denver with a gross floor
34 area of twenty-five thousand (25,000) square feet or larger except the following:

- 1 (a) A building that was not occupied and did not have a certificate of occupancy or
2 temporary certificate of occupancy for all twelve (12) months of the calendar year for
3 which benchmarking is required;
- 4 (b) A building that was not occupied, due to renovation, for all twelve (12) months of the
5 calendar year for which benchmarking is required;
- 6 (c) A building for which a demolition permit for the entire building has been issued and for
7 which demolition work has commenced on or before the date the benchmarking report
8 is due;
- 9 (d) A building that is presently experiencing qualifying financial distress, as defined by nay
10 of the following:
- 11 1. The building is the subject of a qualified tax lien sale or public auction due to
12 property tax arrearages;
- 13 2. The buildings is controlled by a court appointed receiver; or
- 14 3. The building has been acquired by a deed in lieu of foreclosure;
- 15 (e) A building that had an average physical occupancy of less than sixty (60) percent
16 throughout the calendar year for which benchmarking is required;
- 17 (f) A building that is used primarily for industrial or agricultural processes; and
- 18 (g) A building for which the owner can demonstrate that its energy performance is a
19 confidential business practice that includes trade secrets, privileged, or confidential
20 commercial information. In order to qualify for this exemption, the owner shall
21 specifically identify the information it believes is confidential and provide a written
22 statement describing the manner in which public disclosure would cause substantial
23 harm to the owner's competitive position, inefficient energy usage alone will not be
24 considered confidential commercial information.
- 25 (11) *Covered municipal building*: A covered building that is owned or operated by the City and
26 County of Denver.
- 27 (12) *Criteria pollutants*: Those pollutants for which national ambient air standards have been
28 established pursuant to the federal Clean Air Act as amended, i.e., particulate matter, sulfur
29 oxides, nitrogen dioxide, ozone, carbon monoxide and lead.
- 30 (13) *Department*: The department of ~~environmental health~~ public health and environment of the
31 city.
- 32 (14) *Device*: Any machine, equipment, fabrication or contrivance the use of which causes the
33 release of air contaminants, or that alters, contains, controls, prevents or removes air pollution
34 from any air contamination source.
- 35 (15) *Emergency vehicle*: Any surface or airborne vehicle used for the official business of the police
36 and fire departments and any emergency medical vehicle as defined in chapter 17 of this
37 Code.
- 38 (16) *Emission or emit*: To discharge, release or to permit or cause the discharge or release of one
39 (1) or more air contaminants into the atmosphere.

- 1 (17) *Emission offset*: A net reduction in total emissions of a regulated air pollutant so that
2 emissions of the regulated air pollutant are less than were emitted prior to instituting the offset.
3 An offset can be accomplished by the installation of air pollution control devices or by the
4 elimination of or changes in the method or process of manufacture in existing stationary or
5 mobile sources or in any other way approved by the board.
- 6 (18) *Energy efficiency program*: The administrative program implemented by the department
7 requiring the benchmarking and reporting of energy consumption in commercial and
8 multifamily buildings that are twenty-five thousand (25,000) gross square feet or larger within
9 the City and County of Denver.
- 10 (19) *ENERGY STAR Portfolio Manager*: The online tool created by the U.S. Environmental
11 Protection Agency used to measure and track a building's energy use, water consumption,
12 and greenhouse gas emissions.
- 13 (20) *Engine*: Any internal combustion machine, such as found in motor vehicles, aircraft,
14 locomotives and stationary power units, that utilizes gas or liquid fuel for combustion energy.
- 15 (21) *Existing facilities*: Facilities for which application for all applicable permits and approvals
16 required from the city have been submitted prior to the effective date of this article.
- 17 (22) *Fireplace*: An opening made in a chimney and surrounded with brick, stone, metal or like
18 material to hold a fire, and that has no specific method for recirculating heat or reducing
19 emissions.
- 20 (23) *Fuel*: Any combustible substance or material or any combination of such.
- 21 (24) *Fuel-burning equipment*: Any furnace, boiler apparatus, stack or appurtenance thereto used
22 in the process of burning fuel for the primary purpose of producing heat or power by indirect
23 heat transfer.
- 24 (25) *Fugitive particulates*: Particulate matter that cannot be readily captured and routed through a
25 stack or air pollution control equipment that is entrained in the ambient air and is caused by
26 human or natural activities or both, including, without limitation, construction, demolition, earth
27 moving, grading, sandblasting, materials handling, vehicular traffic on unpaved haul roads,
28 and wind.
- 29 (26) *Fugitive particulate control plan*: The plan submitted for activities that could emit particulate
30 matter into the atmosphere beyond the lot line of the property on which the emissions
31 originate.
- 32 (27) *Gas*: An aeriform fluid having neither independent shape nor volume but tending to expand
33 indefinitely.
- 34 (28) *Gaseous fuel*: A fuel that exists as a gas at atmospheric temperature and pressure.
- 35 (29) *Gross floor area*: The total property square footage, measured between the principal exterior
36 surfaces of the enclosing fixed walls of a building, as defined in the ENERGY STAR Portfolio
37 Manager definitions.
- 38 (30) *Hazardous air pollutant*: An air pollutant to which no national ambient air quality standard is
39 applicable and that, in the judgment of the Colorado Air Quality Control Commission, causes
40 or contributes to air pollution that may reasonably be anticipated to result in an increase in

- 1 mortality or an increase in serious, irreversible or incapacitating reversible illness or injury;
2 and any air pollutant listed by the state or federal government as a hazardous air pollutant.
- 3 (31) *Health risk assessment*: An assessment, based on accepted scientific standards and
4 information from inventories, sampling, modeling and/or estimation techniques, of the
5 potential human health risk from exposure to specified levels of identified hazardous air
6 pollutants and criteria pollutants.
- 7 (32) *High-pollution day*: That period of time in which the Colorado Department of Public Health
8 and Environment anticipates levels of carbon monoxide or particulates exceeding federal
9 ambient air quality standards or when air pollution standards are exceeded for particulates,
10 carbon monoxide or visibility.
- 11 (33) *Incinerator*: A container, device or other appliance, designed, used or intended to be used for
12 the disposal or reduction of household, commercial or industrial waste material or any
13 commercial or industrial material by burning.
- 14 (34) *Manager*: The manager of the department of ~~environmental health~~public health and
15 environment of the city.
- 16 (35) *Masonry heater*: An appliance designed for or capable of burning wood, capable of and
17 intended for domestic space heating or domestic water heating, and has been approved by
18 the Colorado Department of Public Health and Environment by meeting all design criteria,
19 and emissions standards set forth by that agency.
- 20 (36) *New facilities*: Facilities and temporary facilities not exempted through regulation by the board
21 that have not applied for all applicable permits prior to the effective date of this article.
- 22 (37) *Nuisance*: The doing of or the failure to do something that allows or permits air contaminants
23 to escape into the open air that are or tend to be detrimental to the health, comfort, safety or
24 welfare of the public or that causes or tends to cause injury or substantial annoyance or
25 inconvenience to persons exposed thereto or causes or tends to cause damage to property.
- 26 (38) *Opacity*: The fraction of a beam of light that fails to pass through a plume of smoke or air
27 contaminants, expressed in percentage.
- 28 (39) *Open burning*: Fire or smoldering where any material is burned in the outdoor air or in an
29 open container, receptacle, pit, vessel, chimenea, or other device designed or used for
30 outdoor fires.
- 31 (40) *Owner*: The person or entity having a legal or equitable interest in real property and its fixtures
32 and appurtenances.
- 33 (41) *Particulate matter*: Any material, except water mist or spray, that exists in a finely divided form
34 as a liquid or solid.
- 35 (42) *Pellet stove*: A wood heater that meets the following criteria:
36 (a) The manufacturer makes no reference to burning cordwood in advertising or literature;
37 (b) The unit is safety listed for pellet fuel only;
38 (c) The unit's operating and other instruction manual states that the use of cordwood is
39 prohibited by federal law; and

1 (d) The unit must be manufactured and sold including a hopper and auger combination as
2 integral parts.

3 (43) *Person*: Any person, firm, association, organization, partnership, business, trust, corporation,
4 company, contractor, supplier, installer, user or owner and shall include any municipal
5 corporation, state or federal governmental agency, district or any officer or employee thereof.

6 (44) *Phase II wood stove*: A wood-burning device that has been certified by the United States
7 Environmental Protection Agency or the Colorado Department of Public Health and
8 Environment.

9 (45) *Premises*: Any building, structure, land, utility or portion thereof, including all appurtenances,
10 and shall include yards, lots, courts and properties without buildings.

11 (46) *Process*: Any individual action, operation or treatment involving chemical, industrial or
12 manufacturing factors and all other methods or forms of manufacturing or processing that
13 may emit air contaminants.

14 (47) *Reduction*: Any process utilizing heat, including but not limited to burning, rendering, drying,
15 dehydrating, digesting, evaporating and protein concentrating that decreases the volume of
16 material being processed.

17 (48) *Regulated air pollutant*: A pollutant that is a criteria air pollutant or hazardous air pollutant.

18 (49) *Smolder*: To burn and produce smoke without flame.

19 (50) *Solid-fuel-fired device*: A device designed for the combustion of solid fuels including wood-
20 burning devices, fireplaces, solid-fuel-fired stoves and combustion fuel furnaces that burn
21 solid fuel. Solid-fuel-fired devices do not include natural gas-fired devices, commercial ovens
22 or stoves used to prepare food for human consumption, public utility facilities generating
23 steam or electricity, or solid-fuel-fired barbecue devices. The board may adopt and the
24 manager may promulgate rules and regulations, as authorized in subsection 4-6(a), to further
25 define solid-fuel-fired devices including exclusions to the definition for fuels or classes of
26 technology where the board determines that the excluded fuel or technology is reliably cleaner
27 burning than a Phase II wood stove or where the board determines that no reasonable
28 alternative to the burning of solid fuel exists. In no case shall such definitions or exclusions
29 be inconsistent with the requirements of chapter 24 of the Denver Revised Municipal Code.

30 (51) *Solid waste*: Refuse consisting of paper, wood, yard wastes, food wastes, plastic, leather,
31 rubber and such other combustibles and noncombustible glass, rock, etc., that may be
32 generated from residential and commercial operations and from industrial sites.

33 (52) *Stationary source*: Any building, structure, facility, equipment or installation or any
34 combination thereof belonging to the same facility that emits or may emit any air pollutant
35 subject to regulation under the federal Clean Air Act, that is located on one (1) or more
36 contiguous or adjacent properties and that is owned or operated by the same person or by
37 persons under common control.

38 (53) *Traffic operations*: Activities necessary to direct traffic, to repair, install or maintain traffic-
39 control devices, to paint traffic-control lanes or to pave, maintain or repair streets and
40 sidewalks or to accomplish similar activities.”

41 * * *

42 **“Sec. 4-6. Power of board of ~~environmental health~~public health and environment.**

- 1 (a) The board is hereby authorized to adopt, and the manager may promulgate, rules and
2 regulations deemed necessary for the proper and effective enforcement of the provisions of
3 this chapter. Such rules and regulations shall be consistent with the provisions of this chapter
4 and the standards established herein.
- 5 (b) The board is hereby authorized to adopt, and the department may enforce, emission
6 standards for regulated air pollutants. The emission standards at a minimum shall be the
7 same as standards adopted by the state or federal governments or may be more stringent
8 than the state or federal air emissions standards. More stringent standards may be adopted
9 to protect the health and welfare of the citizens of the city and shall be adopted after a health
10 risk assessment is conducted. Cumulative health effects of air pollution may be considered
11 when adopting such standards.
- 12 (c) The board is hereby authorized to adopt, and the manager may promulgate, rules and
13 regulations regarding emergency spill response to suspect asbestos spills to the extent the
14 rules and regulations are consistent with C.R.S. § 25-7-501 et al. and rules promulgated
15 pursuant thereto.
- 16 (d) It shall be unlawful for any person to violate a rule or regulation adopted by the board or the
17 manager pursuant to this section.

18 **Sec. 4-7. Appeal to the board of ~~environmental health~~ public health and environment.**

19 Appeal from a notice, permit or order issued under this chapter shall be taken in accordance with
20 sections 24-1 through 24-4 of the Revised Municipal Code.”

21

22 **Section 3.** That Chapter 6, Sections 6-55, 6-64, 6-70(a), and 6-210(c), of the Denver
23 Revised Municipal Code shall be amended to add the underscored words and delete the stricken
24 words as follows:

25 **“Sec. 6-55. Causes for denial.**

- 26 (a) No cabaret license shall be issued when:
- 27 (1) The applicant or manager of the establishment or business is a person who has not
28 reached his or her twenty-first birthday;
- 29 (2) The type of entertainment to be provided is not permitted at the location for which
30 application is made by chapter 59; provided, however, that where the type of
31 entertainment to be provided is permitted at the location by chapter 59, although other
32 types of entertainment not so permitted may be offered or provided under the class of
33 license for which application is made, a restricted license may be issued where all other
34 conditions are satisfied, such restriction to be noted legibly on the license;
- 35 (3) The information or evidence available to and considered by the director reasonably
36 established: that the character or reputation of the applicant or manager of the
37 establishment or business or the past record of operation of the establishment or
38 business for which application is made is such so as not to warrant the confidence of
39 the director that the establishment or business will be lawfully operated; or that the
40 health or welfare or morals of the neighborhood would be adversely affected thereby;
41 or that the applicant has failed to establish that the residents of the designated

1 neighborhood desire the granting of the license and that the cabaret licenses of the
2 same class in the designated neighborhood are inadequate to serve the needs of the
3 designated neighborhood;

4 (4) The applicant or manager of the establishment or business has been convicted of a
5 felony, misdemeanor, or ordinance violation involving the use of or traffic in narcotic
6 drugs, violent acts against persons or property, or sex offense, within five (5) years
7 immediately preceding the date of application or request for renewal of license, subject
8 to the provisions of subsection (b);

9 (5) The applicant or manager of the establishment or business has been convicted of an
10 unlawful act while under the influence of alcohol or any narcotic drug, stimulant, or
11 depressant, two (2) or more times within five (5) years immediately preceding the date
12 of application or of request for renewal of license, subject to the provisions of
13 subsection (b);

14 (6) The premises for which application has been made or for which renewal of a license is
15 sought are not approved for the purpose by the departments of environmental
16 health, public health and environment, public works, and fire department of the city; or

17 (7) The information or evidence available to and considered by the director fails
18 reasonably to establish that proposed procedures for security, admission and crowd
19 control will prevent the sale, of alcohol beverages to underage patrons.

20 (b) In making a determination as to moral character, or when considering the conviction of a
21 crime, the director shall be governed by the provisions of C.R.S. section 24-5-101, as
22 amended, pertaining to the effect of criminal convictions on employment rights.”

23 * * *

24 **“Sec. 6-64. Special events cabaret permit.**

25 (a) The director is authorized to issue a special events cabaret permit to any person or
26 organization licensed to sell alcoholic beverages or 3.2 percent beer for consumption on the
27 premises for the purpose of allowing entertainment, other than adult entertainment, for any
28 event held on a limited or one-time basis.

29 (1) The permit shall be issued for a specific time and location and is not valid for any other
30 time or location.

31 (2) A special event cabaret permit may not be issued to any applicant for more than ten
32 (10) days in one (1) calendar year.

33 (b) Application for a special events cabaret permit shall be made to the director not less than four
34 (4) days prior to the date of the event, upon forms to be provided by the director for that
35 purpose, which forms shall require information in accordance with the provisions of section 6-
36 52(a) of this article III.

37 (c) Each applicant for a special event cabaret permit shall submit proof of right to possession of
38 the property where the event will occur, by way of deed, lease, lease assignment, or other
39 written agreement that specifically identifies the dates and times for the special event.

40 (d) The director shall investigate each special events cabaret permit application and either
41 approve or deny such application in accordance with the provisions of section 6-55 of this

1 article, excluding section 6-55(a)(6), within four (4) days of the filing of the completed
2 application and appropriate permit fee. Prior approval of the ~~environmental health~~public health
3 and environment, public works and fire departments of the city shall not be required for the
4 issuance of a special events cabaret permit; however, it shall be unlawful for any permit holder
5 to allow any violation of the health, fire or building codes of the city on the premises.”

6 * * *

7 **“Sec. 6-70. Application.**

8 (a) *Requirements.* Application for an underage patrons license may be made by any standard
9 cabaret, dance cabaret, special dance cabaret, acoustic cabaret, or events center cabaret
10 licensee, or any applicant for a standard cabaret, dance cabaret, special dance cabaret,
11 acoustic cabaret, or events center cabaret license, by submitting an application on forms
12 provided by the director, paying the application and annual license fees, and establishing that
13 the applicant has:

14 (1) A record of management of a liquor licensed premises in compliance with the Colorado
15 Liquor Code and/or the Denver Cabaret Code, or sufficient education, training, and/or
16 experience in the liquor service industry, so as to establish competence, to the
17 satisfaction of the director, in managing a liquor licensed premises in compliance with
18 the Colorado Liquor Code and chapter 6 of this Code; and

19 (2) Physical facilities in compliance with all municipal ordinances and codes, including but
20 not limited to the Denver Zoning Code, Denver Building Code, Denver Fire Code, and
21 the rules and regulations of the Denver board of ~~environmental health~~public health and
22 environment, in all proposed alternative configurations of assembly areas; and

23 (3) A written general description of how the applicant's employees and/or agents would
24 prevent underage patrons from purchasing, possessing, consuming, and/or removing
25 from the licensed premises, any alcohol beverage originating from the licensed
26 premises, should the application be approved.”

27 * * *

28 **“Sec. 6-210. Licensing requirements—Provisions applicable to all licenses.**

29 * * *

30 (c) *Notice of applications to departments and agencies.* Upon receipt of an application for any
31 class of local license, the director shall give notice of the application to the department of
32 community planning and development, the department of finance, the department of
33 ~~environmental health~~public health and environment, the Denver Police Department, and the
34 Denver Fire Department. Any applicant for a license under this article V shall obtain any and
35 all necessary permits, licenses and other regulatory approvals from the other affected city
36 departments and agencies prior to the issuance of a license under this article V.”

37 * * *

38 **Section 4.** That Chapter 7, Sections 7-32, 7-73, 7-76, 7-105, and 7-109, of the Denver
39 Revised Municipal Code shall be amended to add the underscored words and delete the stricken
40 words as follows:
41

1 **“Sec. 7-32. License issuance; grounds for denial.**

- 2 (a) Unless a shorter period is prescribed by duly adopted rule or regulation, the director shall
3 complete his or her review and make a determination in accordance with this section within
4 forty-five (45) days following the date a complete application and full payment of all required
5 fees are received by the director. A time extension of up to an additional thirty (30) days may
6 be granted by the director upon the applicant's written request and a showing of good cause.
- 7 (b) The director shall issue a license for an amusement facility or a temporary amusement, as
8 applicable, unless the director finds one (1) of the following:
- 9 (1) The applicant fails to provide the director within thirty (30) days of submitting a
10 complete application, or within any time extension granted in accordance with
11 subsection (a) of this section, the written approvals for the application (and for the
12 purposes shown on the application) by the following, as applicable: 1) the fire
13 department; 2) department of public works (including building inspection division); and
14 3) department of ~~environmental health~~public health and environment.
- 15 (2) The applicant is not, or will not be, as applicable, the owner or manager of the
16 amusement facility or the owner, sponsor, or manager of a temporary amusement.
- 17 (3) Each individual applicant listed in the application is not at least eighteen (18) years of
18 age.
- 19 (4) A license previously issued under this chapter to the applicant (individual or entity) is
20 currently under suspension or has been revoked and the time bar for a new application
21 has not lapsed (see, for example, subsection 7-34(b)).
- 22 (5) The type of amusement to be provided is not permitted by chapter 59 (zoning) at the
23 location for which application is made; provided, however, that where the type of
24 amusement to be provided is permitted at the location by chapter 59, although other
25 types of amusement not so permitted by chapter 59 may be offered or provided under
26 the license for which application is made, a restricted license may be issued with the
27 zoning restrictions noted on the license.
- 28 (6) The applicant does not have a right to possession of the premises or a right to use the
29 premises for the type of license being sought.
- 30 (7) The application contains false or misleading information material to the issuance of the
31 license or does not contain requested information material to the issuance of a license.
- 32 (8) Any applicant (individual or entity) has been restricted or prohibited by any
33 administrative or court order, decree, or similar judicial or quasi-judicial edict, any
34 consent decree or settlement agreement, any terms of probation, or any other legal
35 restraint from owning, managing, or being associated with the type of business or
36 establishment for which an application has been made.
- 37 (9) Any individual applicant has been convicted or released from confinement following
38 conviction within the preceding five (5) years, anywhere in the United States, for one
39 (1) or more of the following:
- 40 (A) Sexually-related crimes: prostitution, pandering, procuring, and pimping; sexual
41 assault; incest; indecent exposure or public indecency; stalking; harassment;

1 obscenity or the promotion, sale, distribution, or possession of obscene
2 materials; any of the foregoing related to a child or children, including trafficking
3 in child pornography, sexual exploitation of a child, or providing sexually explicit
4 material to a child; and any criminal attempts, solicitations, or conspiracies,
5 including racketeering, involving any of the foregoing; or

6 (B) Drug-related crimes: the unlawful manufacture, transportation, promotion,
7 distribution, dispensing, sale or possession with intent to distribute narcotics,
8 stimulants, depressants, or other controlled substances; the unlawful
9 manufacture, transportation, promotion, distribution, dispensing, or sale of
10 alcohol beverages, including the dispensing or sale to a person under twenty-
11 one (21) years of age or a visibly intoxicated person; and any criminal attempts,
12 solicitations, or conspiracies, including racketeering, involving any of the
13 foregoing; or

14 (C) Any criminal act or violation of local government ordinance or regulation, which
15 criminal act or violation was punished, following conviction, by incarceration and
16 was directly related to the operation, or committed upon the premises, of any
17 establishment or business licensed under this chapter or any similar
18 establishment or business operated elsewhere in the United States; or

19 (D) Any criminal act or violation of local government ordinance or regulation, which
20 resulted in a conviction or judicial determination directly ordering or causing the
21 permanent closure or forfeiture of any establishment or business owned or
22 managed by the applicant and licensed under this chapter or any similar
23 establishment or business owned or managed by the applicant elsewhere in the
24 United States.

25 When considering a criminal or ordinance violation conviction or judgment, the director
26 shall be governed by the provisions of C.R.S. Section 24-5-101, as amended,
27 pertaining to the effect of criminal convictions on employment rights. The director may
28 also consider criminal convictions for lesser crimes that are sexually related or drug-
29 related but are not listed in this paragraph (b)(9) under either of the following
30 circumstances: There have been multiple convictions (three (3) or more) within the
31 past five-year period *or* the conviction for a lesser crime appears, from uncontradicted
32 evidence, to have resulted from a plea bargain and that the original charge or
33 indictment was for a criminal act listed in this paragraph (b)(9).”

34 * * *

35 **“Sec. 7-73. Causes for denial.**

36 No dance hall license or permit to conduct a public dance or ball will be issued when:

- 37 (1) The applicant, any of the officers of a corporate applicant, or the business manager
38 are under the age of twenty-one (21) years;
- 39 (2) The applicant or any of the officers of a corporate applicant or the manager of the
40 business have been convicted of any crime or ordinance violation involving use of or
41 traffic in narcotic drugs, violent acts against persons or property, or sex offense within
42 ten (10) years preceding the date of application;

- 1 (3) Dancing is not permitted at the location for which application is made by chapter 59
2 relating to zoning;
- 3 (4) The premises do not comply with and conform to all ordinances or regulations relating
4 to requirements of the public works, fire, and ~~environmental health~~public health and
5 environment departments;
- 6 (5) The premises for which application has been made are licensed under the cabaret
7 ordinance or where malt, vinous or spirituous liquor or fermented malt beverages are
8 sold for consumption on the premises sought to be licensed.
- 9 (6) The applicant makes any false or misleading statement of material fact on the
10 application;
- 11 (7) The applicant, or any person holding a 10% or more interest in the applicant entity, has
12 violated any state law or city ordinance in connection with any public dance hall or
13 public dance within three years preceding the application;
- 14 (8) The applicant, or any person holding a ten (10) percent or more interest in the applicant
15 entity, has committed or permitted any act in connection with any public dance hall or
16 public dance which is cause for suspension or revocation under section 7-76 or section
17 32-22 within three (3) years preceding the application.”

* * *

18
19 **“Sec. 7-76. Suspension or revocation of public dance hall license or public dance permit.**

- 20 (a) After notice and an administrative hearing at which the city submits proof by a preponderance
21 of the evidence, or upon stipulation of the parties, or upon failure of the licensee to appear at
22 such a hearing after notice has been given, the director may suspend or revoke the dance
23 hall license or public dance permit of any person or entity who:
 - 24 (1) Makes any false or misleading statement of material fact on his or her application for
25 a license or to any city employee enforcing this article or investigating whether a
26 violation has occurred under this article;
 - 27 (2) Violates any state law or city ordinance on the premises of the dance hall or public
28 dance or on any sidewalk, street, parking area or other grounds immediately adjacent
29 to the public dance premises;
 - 30 (3) Knowingly, intentionally, or negligently permits any person to violate any state law or
31 city ordinance on the premises of the dance hall or public dance or on any sidewalk,
32 street, parking area or other grounds immediately adjacent to the public dance
33 premises;
 - 34 (4) Fails to maintain the dance hall or the premises on which the public dance is held in
35 compliance with the requirements of the fire department, public works department,
36 building department, zoning department, and ~~environmental health~~public health and
37 environment department;
 - 38 (5) Violates any rule or regulation promulgated by the director under this article;
 - 39 (6) Violates any term, condition or limitation on his or her license or permits any person in
40 his employment to do the same;

- 1 (7) The licensee or permittee and his employees engage in or permit any conduct that is
2 offensive to the senses of the average citizen on the premises of the dance hall or
3 public dance or on any sidewalk, street, parking area or other grounds immediately
4 adjacent to the dance hall or the premises of the public dance; or
- 5 (8) Commits any act or omission or meets any condition which is cause for suspension or
6 revocation under section 32-22.”

7 * * *

8 **“Sec. 7-105. Causes for denial.**

9 (a) No license under this article shall be issued when:

- 10 (1) The information or evidence available to and considered by the director reasonably
11 establishes: that the character or reputation of the applicant or the past record of
12 operation of the establishment or business for which application is made is such so as
13 not to warrant the confidence of the director that the establishment or business will be
14 lawfully operated; or that the health or welfare or morals of the neighborhood would be
15 adversely ~~affected~~effected thereby;
- 16 (2) The applicant or manager of the establishment or business has been convicted of a
17 felony, misdemeanor, or ordinance violation involving the use of or traffic in narcotic
18 drugs, violent acts against person or properties, sex offense, or gambling, within five
19 (5) years immediately preceding the date of application or request for renewal of
20 license, subject to the provisions of subsection (b);
- 21 (3) The applicant or manager of the establishment or business has been convicted of an
22 unlawful act while under the influence of alcohol or any narcotic drug, stimulant or
23 depressant, two (2) or more times within five (5) years immediately preceding the date
24 of application or request for renewal of license, subject to the provisions of subsection
25 (b);
- 26 (4) The premises for which application has been made or for which renewal of a license is
27 sought are not approved for the purpose by the fire, ~~environmental health~~public health
28 and environment and public works departments of the city;
- 29 (5) The premises for which application has been made or for which renewal of a license is
30 sought has more than one (1) door to be unlocked to gain admission; has an entrance
31 equipped with any device that allows persons inside the premises to see outside, but
32 does not allow persons outside the premises to see inside; or has any kind of signal
33 system which can be used to give warning of the approach of a police officer;
- 34 (6) The premises for which application has been made is located within five hundred (500)
35 feet of any public or private elementary or secondary school;
- 36 (7) Makes any false or misleading statement of material fact on his or her application;
- 37 (8) Has violated any state law or city ordinance in connection with any social room or after
38 hours restaurant license within three (3) years preceding the application; or
- 39 (9) Has committed or permitted any act in connection with any social room or after hours
40 restaurant license which is cause for suspension or revocation under section 7-76 or
41 section 32-22 within three (3) years preceding the application.”

1
2 **“Sec. 7-109. Suspension or revocation of license.**

- 3 (a) After notice and an administrative hearing at which the city submits proof by a preponderance
4 of the evidence, or upon stipulation of the parties, or upon failure of the licensee to appear at
5 such a hearing after notice has been given, the director may suspend or revoke any license
6 issued under this article who:
- 7 (1) Makes any false or misleading statement of material fact on his or her application for
8 a license or to any city employee enforcing this article or investigating whether a
9 violation has occurred under this article;
 - 10 (2) Violates any state law or city ordinance or permits any person to do the same on the
11 premises of the social room or after hours restaurant or on any sidewalk, street, parking
12 area or other grounds immediately adjacent to the public dance premises;
 - 13 (3) Fails to maintain the licensed premises in compliance with the requirements of the fire
14 department, public works department, building department, zoning department, and
15 environmental health~~public health and environment~~ department;
 - 16 (4) Violates any rule or regulation promulgated by the director under this article;
 - 17 (5) Violates any term, condition or limitation on his or her license or permits any person in
18 his employment to do the same;
 - 19 (6) The licensee and his employees engage in or permit any conduct that is offensive to
20 the senses of the average citizen on the licensed or on any sidewalk, street, parking
21 area or other grounds immediately adjacent to the public dance premises; or
 - 22 (7) Commits any act or omission or meets any condition which is cause for suspension or
23 revocation under section 32-22.”

24
25 **Section 5.** That Chapter 8, Sections 8-2(a), 8-4, 8-16, 8-46(a), 8-52.1, 8-63, 8-72, 8-93, 8-
26 102, 8-103, 8-104, 8-112, 8-114, 8-140, 8-149, and 8-150, of the Denver Revised Municipal Code
27 shall be amended to add the underscored words and delete the stricken words as follows:

28 **“Sec. 8-2. Keeping wild or dangerous animals prohibited.**

- 29 (a) It shall be unlawful for any person to own, possess, keep, maintain, harbor, transport or sell
30 within the city any living wild or dangerous animal; provided, however, that the following
31 organizations or entities shall be exempt from this section:
- 32 (1) The Denver Zoological Gardens;
 - 33 (2) Any circus, rodeo or livestock show licensed by the city;
 - 34 (3) Any research institute approved by the manager of environmental health~~public health~~
35 and environment to harbor, maintain or keep wild or dangerous animals; and
 - 36 (4) Any wildlife rehabilitator licensed by the Colorado Division of Wildlife who temporarily
37 keeps raptors or wild animals within the city, when the purpose is to return the birds or
38 animals to the wild.”

1
2 **“Sec. 8-4. Definitions.**

3 For purposes of this chapter, the words, phrases and terms found in this section shall be defined
4 as follows:

- 5 (1) *Altered or sterilized* shall mean a dog or cat that has been spayed or neutered.
- 6 (2) *Approved animal adoption or humane organization* shall mean any organization that
7 meets all the criteria set out in subsection 8-153.5(e) and has agreed to participate in
8 the Denver municipal animal shelter animal adoption network.
- 9 (3) *Attack* shall mean violent or aggressive physical contact with a person or animal, or
10 violent or aggressive behavior that confines the movement of a person, including, but
11 not limited to, chasing, cornering or encircling a person.
- 12 (4) *Board* shall mean the board of ~~environmental health~~public health and environment of
13 the City and County of Denver.
- 14 (4.5) *Dwarf goats* shall mean Nigerian Dwarf or African Pygmy breeds of goats.
- 15 (5) *Manager* shall mean the manager of ~~environmental health~~public health and
16 environment or the manager's designee.
- 17 (6) *Owner* shall mean any person who owns, possesses, keeps, exercises control over,
18 maintains, harbors, transports or sells an animal.
- 19 (7) *Permit* shall mean to allow or let happen and shall not include a state of mind
20 requirement.
- 21 (8) *Pit bull* shall mean an animal as defined in subsection 8-55(b)(2).
- 22 (9) *Running at large* shall mean any dog deemed to be running at large by subsection 8-
23 16(b).
- 24 (10) *Vaccination* shall mean the inoculation of a dog or cat with a vaccine licensed by the
25 United States Department of Agriculture for use in the prevention of rabies, distemper,
26 parvovirus, panleukopenia, bordatella, and other diseases.”

28 **“Sec. 8-16. Leash law.**

- 29 (a) It shall be unlawful for any owner, possessor or person who keeps any dog to permit the same
30 to run at large.
- 31 (b) A dog shall be deemed to be running at large when:
 - 32 (1) Not on the premises of the owner, possessor or keeper thereof and not controlled
33 through use of a leash, cord or chain held by the dog's owner, possessor or keeper or
34 an agent, servant or member of the immediate family thereof; or
 - 35 (2) On the premises of the owner, possessor or keeper, but confined in such a way as to
36 allow the dog to have access to the public right-of-way.
- 37 (c) It shall be the duty of the chief of police and all other police officers to see that a dog found
38 running at large is taken up and impounded in the municipal animal shelter, and such dog

1 may be so taken up without the necessity of filing a complaint and shall be impounded and
2 disposed of in accordance with provisions of article VIII of this chapter.

3 (d) Any police officer, including special police, who is employed by the city is hereby authorized
4 to issue a summons and complaint to any person when such officer personally observes a
5 violation of the provisions of this section or when information is received from any person who
6 has personal knowledge that an act or acts which are made unlawful by the provisions of this
7 section have occurred.

8 (e) Paragraph (a) of this section shall not apply to persons who are at least eighteen (18) years
9 of age who own, possess, or control a dog while that dog is within a designated off-leash
10 enclosure.

11 (f) The manager may, with the concurrence and consent of the chief agency executive with
12 control responsibility for the property involved, designate specific areas for dog off-leash
13 enclosures. The manager shall, pursuant to article VI of chapter 2 of this Code, propose to
14 the ~~board of environmental health~~ rules and regulations for the construction and use of dog
15 off-leash enclosures.”

16 * * *

17 **“Sec. 8-46. Barking dog nuisance.**

18 (a) It shall be unlawful for any owner, possessor or keeper of any dog to permit such dog to
19 disturb any person or neighborhood by loud and persistent or habitual barking, howling or
20 yelping. No summons and complaint shall be issued for any violation of this section unless
21 there are at least two (2) or more complaining witnesses from separate households who have
22 signed such complaint. In appropriate cases, as determined by the manager ~~of the~~
23 ~~department of environmental health~~ or their designee, any animal control officer or police
24 officer who has personally investigated the complaint of a single complainant, and observed
25 problem behavior of the dog with regard to its loud and persistent or habitual barking, howling
26 or yelping, may be the second complaining witness.”

27 * * *

28 **“Sec. 8-52.1. Enclosures; inspection; fee.**

29 The manager has authority to inspect any "enclosure" as that term is used in section 8-52 to
30 ensure compliance with the requirements set forth therein. The manager may impose an inspection
31 fee in such amount as provided by the ~~board of environmental health~~, except that at the manager's
32 discretion such fee may be waived in whole or part if the payment would create unnecessary
33 hardship.”

34 * * *

35 **“Sec. 8-63. License; issuance.**

36 (a) Licenses may be applied for in person, by telephone, by mail, or online by the owner of a dog
37 or cat or an owner's representative. Upon filing of the completed application, either online, in
38 person, by telephone or by mail, and payment of the license fee, the manager or person
39 lawfully designated and authorized to issue licenses on the manager's behalf shall issue to
40 the applicant a one-year license for the current year, a three-year license for the current and
41 two (2) subsequent years or a permanent license for the lifetime of the dog or cat. Licensed
42 veterinarians may be designated to issue licenses upon receipt of a properly completed

1 application and fee, or they may submit applications for licenses on behalf of their clients, and
2 as provided by the board of environmental health. The manager may nominally compensate
3 veterinarians for processing licenses.

4 (b) The license tag shall be attached to each licensed dog at all times when it is off the property
5 of the owner by means of a collar or harness, and it shall be unlawful to place this tag on any
6 animal other than the dog for which the license was issued.

7 (c) The license tag shall be attached to each licensed cat at all times when it is off the property
8 of the owner by means of a collar or harness unless the cat bears a visible tattoo or identifiable
9 microchip, and it shall be unlawful to place this tag on any animal other than the cat for which
10 the license was issued.”

11 * * *

12 **“Sec. 8-72. Exceptions.**

13 The prohibition contained in section 8-71 shall not apply:

14 (1) If a licensed veterinarian states in writing that an animal is unfit to undergo the required
15 surgical procedure because of an extreme health condition of the animal. Such
16 extreme health condition shall include, but not be limited to: severe cardiovascular
17 compromise, bleeding disorder, respiratory disease and hepatic disease. The old age
18 of an animal shall not, of itself, constitute an extreme health condition for purposes of
19 this section.

20 (2) If the owner of the animal annually obtains a permit from the Denver Animal Shelter to
21 possess an animal that is not neutered. The permit shall be issued or renewed only if
22 the department determines that the following conditions have been met:

- 23 a. The animal is examined regularly by a licensed veterinarian;
- 24 b. The animal is vaccinated annually for rabies and other common diseases;
- 25 c. The animal is housed properly;
- 26 d. The owner has not had more than two (2) violations of the provisions of Chapter
27 8 of the D.R.M.C. in the preceding twenty-four (24) months;
- 28 e. The owner pays a permit fee established by the board of environmental health.
29 This fee, which will be established by the rules and regulations of the board of
30 environmental health, is intended to cover a portion of the cost which the city
31 currently incurs for each unwanted animal impounded and euthanized;

32 (3) If an animal is temporarily in Denver to participate in a show or event sponsored by a
33 sanctioned animal organization;

34 (4) If an animal is owned, possessed or kept in the city for fewer than thirty (30) days in a
35 one-year period.”

36 * * *

37 **“Sec. 8-93. Denial or revocation.**

38 The manager may deny or revoke a permit to keep, maintain or possess livestock or fowl within
39 the city if the manager determines that any provision of chapters 4 and 37 or article III of chapter 40,
40 is being violated or if the manager finds that maintenance of any livestock or fowl interferes with the

1 reasonable and comfortable use and enjoyment of property; provided, however, that the person
2 being aggrieved by such denial or revocation can, within ten (10) days thereafter, appeal the decision
3 of the manager to the board of ~~environmental health~~ in accordance with its rules and regulations.”

4 * * *

5 **“Sec. 8-102. Standards, rules and regulations.**

6 (a) The board of ~~environmental health~~, for the purpose of protecting the health and welfare of the
7 public and of the animals under its charge, shall adopt, and from time to time amend,
8 standards, rules and regulations for the implementation of the licensing and operation of
9 animal shelters, kennels, pet grooming shops, pet hospitals and pet shops.

10 (b) It shall be unlawful for any operator or licensee thereof to violate or fail to comply with any
11 standard, rule or regulation adopted pursuant to subsection (a) of this section, or to violate or
12 fail to comply with any requirements of this article.

13 **Sec. 8-103. Duties of the manager of ~~environmental health~~public health and environment.**

14 By means of inspections required under this division, the manager shall determine whether
15 applicants for licenses or for renewal of licenses issued hereunder, and animal shelters, kennels,
16 pet grooming shops, pet hospitals and pet shops operated by licensees hereunder, meet all
17 conditions required by the provisions of this article, by standards, rules and regulations promulgated
18 pursuant thereto and by all state laws and city ordinances relating to health, safety and sanitation.
19 The manager shall certify such qualifications of applicants and licensees hereunder, or shall require
20 such corrections as the manager deems appropriate for the conduct of animal shelters, kennels, pet
21 grooming shops, pet hospitals and pet shops, and shall forward the results of such inspections, and
22 follow up visits required to determine compliance, to the director of excise and licenses. In addition,
23 the manager shall make recommendations to the director relating to compliance with or violation of
24 standards, rules and regulations as provided herein. It shall also be the duty of the manager to
25 enforce all standards, rules and regulations promulgated pursuant hereto.

26 **Sec. 8-104. Inspection of facilities.**

27 Any facility as described in section 8-103 shall be available for inspection by an ~~environmental~~
28 healthpublic health and environment representative to assure compliance with rules and
29 regulations.”

30 * * *

31 **“Sec. 8-112. Application.**

32 Every person desiring to obtain a license as provided in this division shall file a written application
33 with the director of excise and licenses, who shall grant the license where the applicant obtains the
34 approval of the zoning administration and the department of ~~environmental health~~public health and
35 environment and pays all application and license fees.”

36 * * *

37 **“Sec. 8-114. Municipal animal shelter exempted.**

38 The shelter created under authority of section 8-146 and known as the Denver Municipal Animal
39 Shelter shall be exempt from the requirements of this article. Notwithstanding such exemption, the
40 board of ~~environmental health~~ shall enact rules and regulations providing for yearly inspections of

1 the shelter and requiring the animal shelter to secure substantial compliance with all requirements
2 of this article.”

3 * * *

4 **“Sec. 8-140. Trapping of animals.**

5 (a) It shall be unlawful to use or set a leg-hold, snare, instant kill-body-gripping trap, or trap which
6 can cause pain, injury or suffering to any animal, except for any mouse or rat snap-type or
7 glue board used for rodent control or any poison. A leg-hold, snare-type or body-gripping trap
8 is any trap which grasps the leg or any portion of such animal and which can injure, harm or
9 cause pain and suffering to the animal.

10 (b) Exceptions. The provisions of subsection (a) of this section shall not prohibit:

11 (1) The taking of wildlife by use of the devices or methods described in subsection (a) of
12 this section by federal, state, county, or municipal departments of health for the
13 purpose of protecting human health or safety;

14 (2) The managers of the departments of parks and recreation and ~~environmental~~
15 ~~health~~public health and environment or other city agency from requesting the state
16 division of wildlife or department of agriculture to correct a wildlife nuisance or health
17 problem by employing traps which would otherwise be unlawful; however, such traps
18 shall clearly identify with the state agency setting such traps;

19 (3) The use of the devices or methods described in subsection (a) of this section for
20 controlling:

21 i. Wild or domestic rodents, except beaver or muskrat;

22 ii. Wild or domestic birds as otherwise authorized by law;

23 (4) The use of nonlethal snares, traps specifically designed not to kill, or nets to take
24 wildlife for scientific research projects, for falconry, for relocation, or for medical
25 treatment pursuant to regulations established by the Colorado Wildlife Commission;

26 (5) The use of traps, poisons or nets by the Colorado Division of Wildlife to take or manage
27 fish or other nonmammalian aquatic wildlife.

28 (c) It shall be unlawful to use any box-type humane trap that does not injure or cause any
29 suffering to any animal for the trapping of animals unless:

30 (1) The trap is checked or examined for the presence of a live animal at least every twelve
31 (12) hours and within two (2) hours of being notified that there is an animal in the trap;

32 (2) The trap contains the name and telephone number of the person setting the trap.

33 (d) Notwithstanding the provisions of this section, the owner or lessee of private property primarily
34 used for commercial livestock or crop production, or the employees of such owner or lessee,
35 shall not be prohibited from using the devices or methods described in subsection (a) of this
36 section on such private property so long as:

37 (1) Such use does not exceed one (1) thirty-day period per year; and

38 (2) The owner or lessee can present on-site evidence to the division of wildlife that ongoing
39 damage to livestock or crops has not been alleviated by the use of nonlethal or lethal
40 control methods which are not prohibited.

1 (e) The provisions of this section shall not apply to the taking of wildlife with firearms, fishing
2 equipment, archery equipment, or other implements in hand as authorized by law.

3 (f) It shall be the duty of every police officer or animal control officer to confiscate and destroy
4 any trap found set within the city other than a box-type humane trap, and to confiscate any
5 humane box-type trap which does not have the name and telephone number of the person
6 setting the trap.”

7 * * *

8 **“Sec. 8-149. Proper care.**

9 All animals impounded shall be properly housed, fed, watered and cared for and it shall be the
10 duty of the manager of ~~environmental health~~ to make provisions for all necessary facilities, food,
11 water, vehicles and other equipment required to carry out the provisions of this article.

12 **Sec. 8-150. Notification of owner of impounded animal.**

13 Upon the impounding of any animal, it shall be the duty of the manager of ~~environmental health~~
14 to notify the owner from whom the animal was taken, if the owner is known. If the owner is not known,
15 there shall be posted at the municipal animal shelter and the city and county building for a period of
16 not less than three (3) days a notice containing a description of the animal impounded. For purposes
17 of this notification requirement, a fraction of a day shall be computed as being a full day.”

18
19 **Section 6.** That Chapter 10, Sections 10-119 and 10-120, of the Denver Revised Municipal
20 Code shall be amended to add the underscored words and delete the stricken words as follows:

21 **“Sec. 10-119. Adoption of maps.**

22 (a) Council may, by ordinance referring to maps filed in the office of the clerk, designate special
23 construction zones.

24 (b) Each map adopted pursuant to this article shall have endorsed upon it that it is a special
25 construction zone and the reason for such designation.

26 (c) The manager of the department of public works (the "manager"), with the assistance of the
27 department of ~~environmental health~~public health and environment, the fire department and
28 other agencies, shall propose for designation by ordinance specific areas as special
29 construction zones if the manager finds that potential hazards in the area make it necessary
30 to require special regulation of the use, occupancy and/or construction within the area. Special
31 construction zones may include land fills, dumps, tailings, disposal sites, and any other
32 specific area found by the manager to be potentially hazardous to health, safety and welfare.
33 Each proposal for an ordinance shall be made to council by the manager in a report which
34 shall contain:

- 35 (1) The manager's finding that such ordinance is necessary for the protection of the public
36 health, safety and welfare;
- 37 (2) A description of the potential hazard;
- 38 (3) A statement of the facts and criteria relied upon to make such finding; and
- 39 (4) The seal and signature of an engineer registered in the state.

- 1 (d) Notice of the preparation of such report and the manager's proposal that the area described
2 therein be designated as a special construction zone shall be published at least once in the
3 official newspaper not less than thirty (30) days prior to submission of such report and
4 proposal to council. Such notice shall additionally advise all parties in interest that they may
5 submit written comments on the report and the proposal to the manager not less than five (5)
6 days prior to submission to council. All such written comments shall accompany the report
7 when it is submitted to council. Such comments and the reports shall be available for public
8 inspection at all times.
- 9 (e) No ordinance shall be enacted designating a special construction zone until after a public
10 hearing in relation thereto at which parties in interest and citizens shall have an opportunity
11 to be heard. Notice of the time, place and purpose of such hearing shall be published at least
12 once in the official newspaper at least fifteen (15) days prior to the hearing.
- 13 (f) Additionally, any area proposed to be designated as a special construction zone shall be
14 posted with signs around its perimeter for fifteen (15) days prior to the public hearing, stating
15 the manager has proposed that it be designated as a special construction zone, summarizing
16 the manager's reasons for such proposal, containing a map of the proposed special
17 construction zone, and stating the time, place and purpose of the public hearing.

18

19 **Sec. 10-120. Issuance of permits.**

20 No license or permits for use, occupancy or construction shall be issued in designated special
21 construction zones by any agency of the city if the applicant has not complied with the provisions of
22 the building code relative to special construction zones or if the department of ~~environmental~~
23 ~~health~~ public health and environment, fire department or the department of public works finds in
24 writing that the use or the continued use, occupancy or construction of a building or structure in a
25 special construction zone is dangerous to life or property. The issuance of a permit shall not
26 constitute approval of the completed building or structure.”

27

28 **Section 7.** That Chapter 11, Sections 11-2 and 11-16, of the Denver Revised Municipal
29 Code shall be amended to add the underscored words and delete the stricken words as follows:

30 **“Sec. 11-2. Definitions.**

31 The following words and phrases, when used in this chapter, shall have the meanings ascribed
32 to them in this section:

33 (1) *Child care establishment* shall mean any of the following:

34 (a) *Child care center* shall mean a facility, by whatever name known, which is
35 maintained for the whole or part of a day but for less than twenty-four-hour care
36 of five (5) or more children from the ages of six (6) weeks through sixteen (16)
37 years, and not related to the owner, operator or manager thereof, whether such
38 facility is operated with or without compensation for such care, and with or
39 without stated educational purposes. The term includes facilities commonly
40 known as a "child care centers," "child nurseries," "nursery schools,"
41 "kindergartens," "preschools," "play groups," "school age programs," "centers

1 for developmentally disabled children," "day treatment centers," "extended day
2 programs," and "summer playground programs."

3 (b) *Child care home, small* shall mean a private residence in a single unit dwelling
4 or dwelling unit in a multiple unit dwelling providing the care and education for
5 periods of less than twenty-four (24) hours of not more than six (6) children, plus
6 two (2) additional children under the age of seventeen (17) who attend before
7 and/or after school hours. The maximum number of children shall include the
8 caregiver's children under the age of seventeen (17) years who are receiving
9 care in the home.

10 (c) *Child care home, large* shall mean a private residence in a single-unit dwelling
11 or dwelling unit in a multiple-unit dwelling providing care and education for
12 periods of less than twenty-four (24) hours of seven (7) to twelve (12) children
13 subject to the licensing requirements of the state and the city. The maximum
14 number of children shall include the caregiver's children under the age of
15 seventeen (17) years who are receiving care in the home.

16 (i) A child care home, large shall only provide care for children from the age
17 of two (2) years through sixteen (16) years unless the caregiver qualifies
18 as an experienced caregiver or child care provider under regulations
19 established by the state and the department.

20 (ii) If the caregiver qualifies as an experienced caregiver or child care
21 provider under regulations established by the state and the department,
22 the child care home, large may care for children from birth through
23 sixteen (16) years subject to the licensing requirements of the state and
24 the city.

25 (d) *Specialized group center* shall mean a facility providing twenty-four-hour care
26 for five (5) through twelve (12) people whose special needs can best be met
27 through the medium of a small group and who meet one (1) of the following
28 criteria:

29 (i) Children from three (3) years old to sixteen (16) years old;

30 (ii) For children from sixteen (16) to eighteen (18) years old who are placed
31 by court order prior to their eighteenth birthday; and

32 (iii) Those persons to twenty-one (21) years old who are placed by court
33 order prior to their eighteenth birthday.

34 (e) *Residential child care facility* shall mean a facility providing twenty-four-hour
35 residential group care and treatment for five (5) or more people whose special
36 needs can best be met through the medium of a small group and who meet one
37 (1) of the following criteria:

38 (i) Children from three (3) years old to sixteen (16) years old;

39 (ii) For children from sixteen (16) to eighteen (18) years old who are
40 placed by court order prior to their eighteenth birthday; and

41 (iii) Those persons to twenty-one (21) years old who are placed by court
42 order prior to their eighteenth birthday.
43

- 1 (f) *Crisis center* shall mean a residential child care facility which provides short-
 2 term twenty-four-hour care to five (5) or more children from infancy through
 3 twelve (12) years who are abused, suspected of being abused, in danger of
 4 being abused, or who are in other immediate danger.
- 5 (g) *Residential camp* shall mean a facility operating for three (3) or more
 6 consecutive twenty-four-hour days during one (1) or more seasons of the year
 7 for the care of five (5) or more children.
- 8 (2) *Department* shall mean the department of ~~environmental health~~public health and
 9 environment.
- 10 (3) *Manager* shall mean the manager of ~~environmental health~~public health and
 11 environment or the manager's authorized representative.
- 12 (4) *Operator* shall mean any person operating, managing, conducting or maintaining a
 13 child care establishment under the provisions of this chapter.
- 14 (5) *Person or caregiver* shall mean a natural person, partnership, association, company,
 15 corporation, or manager, agent, servant, officer or employee of any of them taking care
 16 of children in a private residence.
- 17 (6) *Related* shall mean any of the following relationships by blood, marriage, or adoption:
 18 Parent, grandparent, brother, sister, stepparent, stepbrother, stepsister, uncle, aunt,
 19 niece, nephew, or cousin.”

20 * * *

21 **“Sec. 11-16. Rules and regulations.**

- 22 (a) In order to carry out the intent of this chapter, the manager may promulgate upon the
 23 recommendation of the board of ~~environmental health~~public health and environment rules and
 24 regulations pertaining to the requirements for sanitation, cleanliness, adequacy of facilities,
 25 equipment, structure, programs, operation and personnel practices of child care
 26 establishments. Such rules and regulations shall be consistent with the regulations for child
 27 care establishments of the state department of human services.
- 28 (b) Such rules and regulations shall provide for the regular inspection of all child care
 29 establishments by the manager, and shall establish criteria designed to protect the health and
 30 safety of children and employees of child care establishments.
- 31 (c) The manager and the board of ~~environmental health~~public health and environment shall adopt
 32 and promulgate rules to regulate wooden structures accessible to children in licensed child
 33 care facilities to reduce children's exposure to arsenic and other toxicants.”

34
 35 **Section 8.** That Chapter 12, Section 12-96(b), of the Denver Revised Municipal Code shall
 36 be amended to add the underscored words and delete the stricken words as follows:

37 **“Sec. 12-96. Notification.**

38 * * *

- 39 (b) The following agencies of the city shall be responsible for the following notification:

Proposed Action	Responsible City Agency for Notification
Zoning Map Amendment	Zoning and Development Review Services
Residential Care Uses	Zoning and Development Review Services
Power, Gas and Similar Facilities	Zoning and Development Review Services
Home Occupations	Zoning and Development Review Services
Zoning Language Amendment	City Council
Hearings Before the Board of Adjustment—Zoning	Board of Adjustment—Zoning
Nursing Homes in Certain Residential Districts	Zoning and Development Review Services
Clinic or Office, Dental or Medical & Laboratory, Dental or Medical in a R-4 Zone District	Zoning and Development Review Services
Neighborhood Services Uses Over 5,000 square feet in R-4-X Zone	District Zoning and Development Review Services
R-X Zone District Plan	Zoning and Development Review Services

Comprehensive Sign Plan	Zoning and Development Review Services
Planned Building Group	Zoning and Development Review Services
Preliminary Subdivision Plat	Zoning and Development Review Services
Sale of city owned land	Asset Management
Street or Alley Vacation	Public Works, Design Engineering
New Application, and/or Major Modification to Premises and/or Transfer of Malt, Vinous or Spirituous Liquor License	Excise and Licenses
New Application, and/or Major Modification to Premises and/or Transfer of a Cabaret License	Excise and Licenses
New Application of Underage Patrons License	Excise and Licenses
New Application or Changes in Applications for Tastings of Malt, Vinous or Spirituous Liquor	Excise and Licenses
Class 15 and 16 Amusement License Application	Excise and Licenses
New License Applications for Rooms for Recreation, Amusement or Social Activities	Excise and Licenses
Restrictions on New Lodging Licenses	Excise and Licenses
Landmark Designation Applications	Landmark Commission
Hearings before the Planning Board	Planning Board

Abatement of Unsafe Buildings, Structures or Utilities: "Repair or Wreck" Hearings	Board of Appeals- Building and Construction Services
Park Land Use: Proposals to Change/Amend	Parks and Recreation
Park Traffic Patterns: Proposals to Change/Amend	Parks and Recreation
Streets: Reconstruction/Widening/Change in Direction/Change to or from one-way to two-way	Public Works, Traffic and Transportation Division/Design Engineering Services
Properties Identified and Being Processed through Nuisance Abatement Procedures	Nuisance Abatement Coordinator
Noise Variance Requests	Environmental Health <u>Public Health and Environment</u>
New application, and/or major modification to premises and/or transfer of retail marijuana store, retail marijuana cultivation facility, retail marijuana products manufacturer, or retail marijuana testing facility; or any action for which a public hearing is required by state or city retail marijuana licensing laws.	Excise and Licenses
Application for any type of new business license under the Denver Medical Marijuana Code of the Denver Retail Marijuana Code, in any location in an I-A or I-B industrial zone district as defined by the Denver Zoning Code, or any proposal to change the location of an existing marijuana business license to a new location in such zone districts.	Excise and Licenses

1 In the event that the Code provisions corresponding to the notification requirements listed above
2 should be amended so that the requirements are changed or eliminated or the responsible agency
3 changed, the Code provisions shall supersede the requirements of this list.”

4 * * *
5

6 **Section 9.** That Chapter 14, Section 14-31(d), of the Denver Revised Municipal Code shall
7 be amended to add the underscored words and delete the stricken words as follows:

1 **“Sec. 14-31. Service of summons, subpoena and warrant of arrest.**

2 * * *

3 (d) A warrant of arrest issued in a case in the county court arising under the Charter or ordinances
4 of the city may be served by the manager of safety and ex officio sheriff or a duly appointed
5 deputy sheriff or undersheriff, by the manager of ~~environmental health~~public health and
6 environment or the coroner or a duly appointed deputy coroner, by a peace officer of the state,
7 by a police officer of the city or by an officer or employee of the city appointed by the presiding
8 judge of the court or an administrative employee for the court, acting in an official capacity
9 and within the scope of employment and authority.”

10 * * *

11
12 **Section 10.** That Chapter 17, Sections 17-11, 17-13, 17-14, 17-17, 17-30, 17-31, 17-33, 17-
13 36, 17-37, and 17-38, of the Denver Revised Municipal Code shall be amended to add the
14 underscored words and delete the stricken words as follows:

15 **“Sec. 17-11. Definitions.**

16 The following words and phrases, when used in this article, shall have the meanings respectively
17 ascribed to them:

- 18 (1) *Based* means a medical vehicle headquartered in or having a substation or office or a
19 permanent station in the city, and whose primary response is dedicated to transporting
20 patients originating in the city.
- 21 (2) *Board* means the board of ~~environmental health~~public health and environment.
- 22 (3) *Emergency* means any actual or self-perceived event which threatens life, limb or well-
23 being of an individual in such a manner that immediate medical care is needed.
- 24 (4) *Emergency medical technician* means any individual who, in accordance with Section
25 25-3.5-101 et seq., C.R.S., and its implementing regulations, holds a valid certificate
26 as a paramedic, emergency medical technician-intermediate, or emergency medical
27 technician-basic issued by the Colorado Department of Health.
- 28 (5) *Emergency medical vehicle* means any privately or publicly owned land or airborne
29 vehicle, especially constructed or modified and equipped, intended to be used, and
30 maintained or operated for the transportation upon the streets and highways in the city,
31 of individuals who are sick, or injured or otherwise incapacitated or helpless; except
32 fixed wing aircraft operating between the city and locations outside the city.
- 33 (6) *Emergency medical vehicle service* means the furnishing, operating, conducting,
34 maintaining, advertising, or otherwise engaging in or professing to be engaged in the
35 business of transportation of patients by emergency medical vehicle. Taken in context,
36 it also means the person so engaged or professing to be so engaged. The person so
37 engaged and the vehicles used for the emergency transportation of persons injured at
38 a mine are excluded from this definition when the personnel utilized in the operation of
39 said vehicles are subject to the mandatory safety standard of the Federal Mine Safety
40 and Health Administration, or its successor agency.

1 (b) An emergency medical service licensee shall notify the manager of any judgment pending
2 against the licensee. If a judgment is entered against such licensee, he or she, shall, within
3 thirty (30) days, file a copy of such findings and Order of the Court, with the manager. The
4 manager shall take note of such judgment for purposes of investigation and take appropriate
5 action if there appears to be any violation of the Code or any other law.

6 **Sec. 17-14. Rates and hours schedule.**

7 A licensed medical vehicle service shall file with the director of excise and licenses a schedule
8 of the current base rates and hours of availability of such licensee and shall file any change in the
9 schedule prior to putting such change into effect. Such schedule shall be available for public
10 inspection in the office of the director during working hours; and the board of environmental health
11 may promulgate regulations requiring such licensees to distribute the schedule at such time and
12 under such conditions as the board may deem necessary.”

13 * * *

14 **“Sec. 17-17. Standards, rules and regulations.**

15 The board of environmental health shall adopt, and from time to time amend, standards, rules,
16 and regulations for the implementation of the licensing and operation of emergency and
17 nonemergency medical vehicles and services and for requirements pertaining to emergency medical
18 technicians and nonemergency medical vehicle operators.”

19 * * *

20 **“Sec. 17-30. Application.**

21 Applicants for licenses under this division shall file application with the director of excise and
22 licenses on forms to be provided for that purpose which shall contain the following information
23 pertaining to the various licenses hereunder respectively:

- 24 (a) For a medical vehicle service:
- 25 (1) A description of each emergency medical vehicle and nonemergency medical
26 vehicle, including the make, model, year of manufacture, state license number
27 for the current year, motor and chassis numbers, and the length of time the
28 vehicle has been in use;
 - 29 (2) The name, address, and telephone number of the medical vehicle service;
 - 30 (3) The name, address, and telephone number of the owner of the medical vehicle
31 service, and the status of the owner as sole proprietor, partnership, or
32 corporation;
 - 33 (4) The name, address, and telephone number, and position of the person applying
34 for the license, hereinafter referred to as applicant;
 - 35 (5) The name, address, and telephone number of the person responsible for the
36 management of the operation on a daily basis;
 - 37 (6) If the owner of the emergency medical vehicle or the applicant is a corporation:
38 the name, address, and telephone number of each stockholder owning ten (10)
39 percent or more of the outstanding stock of such corporation and the name,
40 address, and telephone number of each of the directors of the corporation;

- 1 (7) The number of vehicles operated by the company;
- 2 (8) The locations from which the medical vehicles will operate;
- 3 (9) The geographic area to be served by the medical vehicle service;
- 4 (10) The name, address, telephone number, and the qualifications of the Physician
- 5 Advisor of the emergency medical vehicle service; and
- 6 (11) A statement from the manager of ~~environmental health~~ that the physical
- 7 inspection of the equipment and emergency medical vehicle has been
- 8 completed and the equipment and emergency medical vehicles were found to
- 9 be in compliance with this article and any regulations promulgated hereunder.
- 10 (b) For a nonemergency medical vehicle operator, the date of birth, age, height, weight,
- 11 color of eyes and hair of the applicant; whether the applicant has previously been
- 12 licensed as a driver for a nonemergency medical vehicle and if so, when, where and
- 13 the nature of such license; whether any such license has or have ever been suspended
- 14 or revoked and for what cause; and a photograph of the applicant, as required by the
- 15 director; and
- 16 (c) For any license applied for hereunder, such other information as the director, together
- 17 with the manager of ~~environmental health~~, shall find reasonably necessary to make a
- 18 fair determination as to whether the applicant is in full compliance with the provisions
- 19 of this article.
- 20 (d) It is the responsibility of the emergency medical vehicle service to supply a personnel
- 21 list at the time of licensing or renewal license along with copies of all current
- 22 certifications for such personnel. All new personnel and renewal certifications shall be
- 23 sent to the manager of ~~environmental health~~ within thirty (30) days of hire. The
- 24 personnel list shall include: name, date of hire, certification number, and driver's
- 25 license number. Terminations shall be reported within thirty (30) days for any reason.

26 **Sec. 17-31. Standards for issuance.**

- 27 (a) *Medical vehicle services.* The director of excise and licenses shall issue a license under this
- 28 division for a medical vehicle service when the director finds that:
- 29 (1) The applicant has reached the age of eighteen (18) years;
- 30 (2) The emergency medical technicians employed by the applicant are state certified, and
- 31 the nonemergency medical vehicle operators employed by the applicant are licensed
- 32 as provided in this article; and that such technicians and operators are assigned in
- 33 accordance with the rules and regulations adopted under section 17-17;
- 34 (3) All emergency medical vehicles operated by the applicant have been certified by the
- 35 department of ~~environmental health~~public health and environment or its designee as
- 36 to adequacy of equipment and safety of operation;
- 37 (4) All emergency medical vehicles operated by the applicant have been designated as
- 38 authorized emergency vehicles by the manager of safety, pursuant to section 54-61
- 39 and the state motor vehicle licensing agency; and

- 1 (5) All requirements of this article and all standards, rules, and regulations promulgated
2 hereunder, and all other governing laws and ordinances have been met by the
3 applicant.
- 4 (b) *Businesses operating nonemergency medical vehicles.* The director of excise and licenses
5 shall issue a license under this division for operation of a business engaged in transporting
6 sick and disabled persons in nonemergency medical vehicles when the director finds that:
- 7 (1) The applicant has reached the age of eighteen (18) years;
- 8 (2) The emergency medical technicians employed by the applicant are state certified, and
9 the nonemergency medical vehicle operators employed by the applicant are licensed
10 as provided in this article; and that such technicians and operators are assigned in
11 accordance with the provisions of this article and the rules and regulations adopted
12 under section 17-17;
- 13 (3) All nonemergency medical vehicles operated by the applicant have been certified by
14 the department of ~~environmental health~~ public health and environment as to adequacy
15 of equipment and safety of operation;
- 16 (4) All requirements of this section and all applicable standards, rules, and regulations
17 promulgated hereunder, and all other governing laws and ordinances have been met
18 by the applicant.
- 19 (c) *Nonemergency medical vehicle operators.* The director of excise and licenses shall issue a
20 license under this division for a nonemergency medical vehicle operator when the director
21 finds that:
- 22 (1) The applicant has reached the age of eighteen (18) years;
- 23 (2) The applicant has produced a valid statement from a licensed physician reciting that
24 the applicant has been examined by the physician within sixty (60) days preceding the
25 date of application and has been found to be free of any physical or mental defects
26 that would affect the ability of the applicant to perform satisfactorily the functions set
27 forth hereunder and under the implementing rules and regulations;
- 28 (3) The applicant possesses a valid and current class A driver's license issued by the
29 state; and
- 30 (4) The applicant has completed a cardio-pulmonary resuscitation course and a standard
31 first aid course approved by the department of ~~environmental health~~ public health and
32 environment; and
- 33 (5) The applicant has met the standards set by the department for the safe and proper
34 operation of a nonemergency medical vehicle.
- 35 (d) *Emergency medical vehicle permit.* An application for a vehicle permit shall be submitted in
36 writing to the director of excise and licenses and shall contain the following information and
37 necessary supporting documents:
- 38 (1) The name, address, and telephone number of the emergency medical vehicle service.
- 39 (2) A description of each emergency medical vehicle including the type of vehicle, make,
40 model, year, vehicle number, V.I.N. number, Colorado State license number, length of
41 time in service, color scheme, insignia, and name of monogram.”

1
2 **“Sec. 17-33. Insurance requirements.**

3 No license for an emergency medical vehicle service shall be issued or remain in effect unless
4 the licensee shall maintain in force, and on file with the director of excise and licenses, sufficient
5 evidence of a public liability and property damage insurance policy covering operation of the
6 business, equipment and emergency medical vehicles of the licensee, for bodily injury, including
7 death. Each emergency medical vehicle service shall maintain insurance coverage for each and
8 every emergency medical vehicle owned, operated or leased by the emergency medical vehicle
9 service, providing coverage for injury to or death of persons in accidents resulting from any cause
10 for which the owner of the vehicle would be liable on account of any liability imposed on him or her
11 by law, regardless of whether the emergency medical vehicle was being driven by the owner, his or
12 her agent or lessee, or any other person, and coverage as against damage to the property of another,
13 including personal property, under like circumstances, in the following amounts:

- 14 a. Statutory Worker's Compensation Insurance;
- 15 b. Public Liability and Property Damage Bodily Injury
- 16 Each Person \$500,000.00
- 17 Each Accident \$500,000.00
- 18 Property Damage Each Accident \$500,000.00
- 19 c. Professional Liability Coverage
- 20 Each Person \$500,000.00
- 21 Each Accident \$1,000,000.00

22 Every insurance policy required shall contain a provision for continuing liability thereunder to the
23 full amount thereof, notwithstanding any recovery thereon, that the liability of the insured shall not
24 be affected by the insolvency or bankruptcy of the insured, and that until a policy is revoked, the
25 insurance company will not be relieved from liability on account of nonpayment of premiums, failure
26 to renew license at the end of the year, or any act or omission of the named insured. At any time
27 said insurance is required to be renewed, proof of renewal shall be provided to the director of excise
28 and licenses. The motor vehicle insurance shall be a complying policy as defined in Section 10-4-
29 703, C.R.S., as amended.

30 A certificate of insurance, with the city named on the certificate holder's copy, shall indicate the
31 vehicles covered by the policy, type of insurance (vehicle and professional liability, etc.), policy
32 number(s), policy effective date, policy expiration date, amount of coverage, and contain a provision
33 that thirty (30) days prior written notice of any material change, cancellation, termination or
34 revocation of said insurance policy shall be given to the city's director of excise and licenses.

35 Any changes in the status of vehicles listed on the certificate of insurance during the licensing
36 cycle shall be noted on a new certificate of insurance and forwarded to the director of excise and
37 licenses within thirty (30) days of the changes.

38 Notification of any changes in insurance shall be made in writing within thirty (30) days of such
39 changes to the director of excise and licenses by the Licensee, to be followed with a certificate of
40 insurance as outlined in previous paragraphs. The manager-of-environmental-health or director of

excise and licenses may require additional proof of insurance at any time as needed in order to promote health, safety, and welfare of residents of the City.”

* * *

“Sec. 17-36. Inspection and certification of vehicles.

(a) At least once annually, the department of ~~environmental health~~public health and environment shall inspect and certify, or cause to be inspected and certified, surface and airborne emergency medical vehicles for:

(1) Installation and proper operation and maintenance of safety equipment and emergency warning equipment required by law or by regulations pursuant to this article; and

(2) Availability, adequacy, maintenance and operability of such vehicles and of the related medical and safety equipment in accordance with standards set by the manager-~~of environmental health~~. Maintenance records shall be made immediately available upon request of the manager.

(b) Upon completion of the aforementioned requirements, the results of such inspections and certifications, together with recommendations by the manager-~~of environmental health~~, shall be forwarded to the director of excise and licenses by the manager.

(c) The department of ~~environmental health~~public health and environment is hereby authorized and empowered to require reinspection or recertification at any time, in connection with the requirements set forth in this article.

(d) Such inspections shall be in addition to other safety or motor vehicle inspections required to be made under Colorado law and shall not excuse compliance with any requirements of any other applicable Colorado laws.

Sec. 17-37. Duties of the manager of ~~environmental health~~public health and environment.

By means of the tests and inspections required in this division, the manager-~~of environmental health~~ shall determine whether applicants for licenses or for renewal of licenses issued hereunder, and emergency and nonemergency medical vehicles operated by licensees hereunder, meet all conditions required by the provisions of this article, by the standards, rules and regulations promulgated pursuant thereto and by all state laws and city ordinances relating to health, safety and sanitation; and shall certify such qualifications of applicants and licensees and such compliance of vehicles, and such information relating to licensees hereunder, or shall make such recommendations as the manager deems appropriate from the standpoint of health and sanitation for the conduct of a medical vehicle service or business engaged in transporting sick and disabled persons in nonemergency vehicles; and shall forward the results of such tests and inspections, such certifications, such recommendations and such information to the director of excise and licenses. In addition, the manager shall make recommendations to the director relating to compliance with or violation of standards, rules and regulations as provided herein. It shall also be the duty of the manager to enforce all standards, rules and regulations promulgated pursuant hereto.

Sec. 17-38. Revocation and suspension.

(a) In addition to the grounds set forth in article I of chapter 32, the director of excise and licenses may suspend or revoke a license issued under this division, after notice and hearing, on any of the following grounds:

- 1 (1) That the licensee has violated a schedule of current base rates and hours filed with the
 2 director or distributed by the licensee;
- 3 (2) That the licensee has violated any of the requirements of state law; or
- 4 (3) That the licensee has violated any of the standards, rules, or regulations promulgated
 5 by the board of ~~environmental health~~ pursuant to this article.
- 6 (b) Any person operating a medical vehicle service or any person engaged in the business of
 7 transporting sick and disabled persons in a nonemergency medical vehicle or vehicles shall
 8 be responsible for the acts of its employees who are certified as emergency medical
 9 technicians or licensed as nonemergency medical vehicle operators. Failure by such persons
 10 to make certain that such employees do not engage in the violations listed in subsection (a)
 11 of this section may be grounds for the suspension or revocation of such person's license, after
 12 notice and hearing, by the director of excise and licenses.
- 13 (c) Upon revocation or suspension of said license, all vehicle permits issued to said medical
 14 vehicle service will be automatically revoked and the license and all permits must be returned
 15 to the director of excise and licenses immediately.”

16
 17 **Section 11.** That Chapter 18, Sections 18-91, 18-122, 18-352 and 18-402(4), of the Denver
 18 Revised Municipal Code shall be amended to add the underscored words and delete the stricken
 19 words as follows:

20 **“Sec. 18-91. Salaries.**

21 The career service board having determined limits of the salaries of appointed charter officers in
 22 accordance with the limitations set forth in section 9.2.3 of the Charter, the council hereby fixes the
 23 annual salaries as follows:

Officer (Appointed)	Annual Salary
Manager of community development and planning	\$175,950
Manager of the department of aviation	266,143
City attorney	196,650
Manager of the department of safety	168,861
Manager of the department of public works	190,625
Manager of the department of human services	150,715

Manager of the department of parks and recreation	144,168
Manager of the department of general services	144,168
Manager of the department of finance	163,118
Manager of environmental health <u>public health and environment</u>	149,040
Director of excise and license	142,000”

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“Sec. 18-122. Definitions.

For purposes of this division 1., the following terms shall have the following meaning:

- (a) *Employee* means any employee of the city and county of Denver within the meaning of section 1.2.11 of the Charter, including employees in the career service and employees not in the career service.
- (b) *Officer* means any of the following:
 - (1) Elected Charter officers; mayor, auditor; clerk and recorder; and members of the city council.
 - (2) Appointed Charter officers; manager of the department of ~~environmental health~~ public health and environment, manager of the department of public works, city attorney, manager of the department of safety, manager of the department of finance, manager of the department of parks and recreation, manager of the department of general services, manager of the department of human services, manager of the department of aviation, manager of the department of community planning and development, and director of excise and licenses.
- (c) *City* means the city and county of Denver, a municipal corporation created by and operating by virtue of Article XX of the Constitution of the State of Colorado.
- (d) *Paid time off (PTO) bank* means a depository where an officer's or employee's monthly PTO leave benefit is deposited and stored for future use.
- (e) *Immediate family member* means husband, wife, son, daughter, mother, father, grandmother, grandfather, grandchildren, brother, sister, son-in-law, daughter-in-law, mother-in-law, father-in-law, brother-in-law, sister-in-law, domestic partner, and the mother, father, son, daughter, brother, or sister of the domestic partner, as well as minor children for whom the officer or employee or the officer's or employee's domestic partner provide day-to-day care and financial support.
- (f) *Special leave bank* means a depository where an officer or employee who converts to PTO from receiving paid sick and vacation leave may store vacation leave and up to one-half of sick leave earned prior to February 1, 2010, that has been converted to PTO.”

* * *

1
2 **“Sec. 18-352. Definitions.**

3 The following words and phrases shall apply to this division exclusively, except as otherwise
4 specifically noted:

5 *Committee:* The salary redirection plan committee for this article shall consist of seven (7)
6 members, appointed by the mayor, provided, however, that at least one (1) member must be an
7 officer or employee of the department of ~~environmental health~~public health and environment. At least
8 two (2) of the members shall be participants in the plan or become participants within one (1) year
9 of their appointment. The committee may include committee members from the committee serving
10 pursuant to division 1 of this article X. The committee members shall serve terms of three (3) years,
11 and will be eligible for reappointment.

12 *Eligible persons:* Any eligible person as defined in section 18-344(a), D.R.M.C.

13 *Issuer:* Any person providing eligible transportation under section 26 U.S.C. 132(f) for which a
14 transit pass may be purchased, including but not limited to, the regional transportation district.

15 *Participant:* Any individual who fulfills the eligibility and enrollment requirements as defined in the
16 plan.

17 *Salary:* The salary or wages as provided in chapter 18.

18 *Salary redirection plan:* A plan whereby eligible individuals may agree to the redirection of salary
19 to pay for transit passes from pre-tax dollars pursuant to section 26 U.S.C. 132(f) of the Internal
20 Revenue Code.

21 *Transit pass:* Any transit pass as defined in sections 26 U.S.C. 132(f)(1) and 132(f)(5) of the
22 Internal Revenue Code as a qualified transportation fringe.”

23 * * *

24 **“Sec. 18-402. Definitions.**

25 Terms used in this article or in the plan not defined generally in the Code shall have those
26 meanings set forth specifically in definitions found in various sections of this division or in the
27 administrative rules and regulations duly adopted by the board. As used in this division, the following
28 words and phrases (and their declensional, inflected and conjugated forms) shall have the meanings
29 in this section ascribed to them, unless it appears from the context that such word or term shall have
30 been used in another sense:

31 * * *

32 (4) *Appointed official* shall mean any person occupying the following positions: manager
33 of aviation, manager of public works, manager of ~~environmental health~~public health
34 and environment, manager of safety, city attorney, manager of finance, manager of
35 parks and recreation, manager of general services, manager of human services, and
36 manager of community planning and development.”

37 * * *

38
39 **Section 12.** That Chapter 20, Sections 20-17(b) and 20-18, of the Denver Revised Municipal
40 Code shall be amended to add the underscored words and delete the stricken words as follows:

1 **“Sec. 20-17. Fund structures.**

2 * * *

3 (b) The following sections, divisions, agencies, funds or departments of the city are designated
4 as "subsection (2)(d) enterprises" within the definition of Section 20, Article X, of the Colorado
5 Constitution:

- 6 (1) Wastewater management division of the department of public works;
- 7 (2) The department of aviation in all operations, maintenance and improvements of the
8 Denver Municipal Airport System;
- 9 (3) Environmental services, an agency of the department of ~~environmental health~~public
10 health and environment;
- 11 (4) Winter Park parks and recreation capital fund and Winter Park trust for parks and
12 recreation, funds for projects of the department of parks and recreation; and
- 13 (5) Golf enterprise fund for golf projects of the department of parks and recreation.”

14 * * *

15 **“Sec. 20-18. Fund plan.**

16 The manager of finance, shall establish, publish, maintain and record funds and accounts which
17 shall:

- 18 (1) Include those funds and accounts mandated or required by:
 - 19 a. The Constitution and laws of the United States of America;
 - 20 b. The Constitution and laws of the state;
 - 21 c. The Charter and ordinances of the city.
- 22 (2) Be titled, categorized and numbered in accordance with fund types set forth at section
23 20-17;
- 24 (3) Be restricted in their expenditures consistent with their sources of receipts;
- 25 (4) Be restricted in their authorization for expenditures to the expending authority
26 prescribed by law;
- 27 (5) Treat unexpended balances at the end of the fiscal year ended in 1992 in each fund or
28 account that is subject to Subsection (2)(e), Section 20, Article X, of the Colorado
29 Constitution, as "reserve increases" as that term is used in such Subsection (2)(e);
30 and, further, treat in fiscal years following 1992 additions to unexpended year-end
31 balances in such funds or accounts as such "reserve increases";
- 32 (6) Include no fewer than and be numbered consistent with the following:

33 * * *

34 *Fund Number: 14000*

35 *Name of fund:* Public health special revenue fund.

36 *Source of funds:* Specific revenue for public health purposes and activities to include public
37 health. Appropriation transfers from other funds, grants monies received in the treasury
38 from the United States of America, the state, or either thereof, or any department or

1 agency of either thereof; and such other public and private moneys as may from time to
2 time become available for public health special purposes and activities.

3 *Purpose of expenditures:* Expenses in connection with the operational functions of public
4 health, as specified by the grantors or by appropriation transfers from other funds, and
5 allocations of emergency reserves. Administration of funds to develop, organize,
6 coordinate, and operate a comprehensive AIDS service delivery system through the
7 mayor's office of HIV resources coordination.

8 *Expending authority:* Manager of ~~environmental health~~ public health and environment.

9 * * *

10 *Fund Number:* 18000

11 *Name of fund:* ~~Public health special revenue fund II.~~

12 ~~*Source of funds:* Specific revenue for public health purposes and for activities to include public
13 health. Appropriations, transfers, or appropriation transfers from other funds, grants
14 monies received in the treasury from the United States of America, the state, or any
15 department or agency of either thereof; and such other moneys as may from time to time
16 become available for public health purposes or activities.~~

17 ~~*Purpose of expenditures:* Expenses in connection with the operational functions of public
18 health, as specified by the grantors or by appropriation transfers from other funds, and
19 allocations of emergency reserves.~~

20 ~~*Expending authority:* Manager of health and hospitals.~~

21 * * *

22 *Fund Number:* 74000

23 *Name of fund:* Health personnel services fund.

24 *Source of funds:* Reimbursement from Denver Health and Hospital Authority for the payroll
25 costs of career service employees who work for the Denver Health and Hospital Authority
26 and whose payrolls are processed through the city accounting system.

27 *Purpose of expenditures:* Payroll costs of career service employees who work for the Denver
28 Health and Hospital Authority and whose payrolls are processed through the city
29 accounting system.

30 *Expending authority:* Manager of ~~environmental health~~ public health and environment.

31 *Fund Number:* 78000

32 *Name of fund:* Environmental services enterprise fund.

33 *Source of funds:* Federal and state grants intended for environmental remediation and
34 administration; revenues from the operation of the environmental services division of the
35 department of ~~environmental health~~ public health and environment, evaporation ponds;
36 and the Lowry Landfill; proceeds from the sale of revenue bonds; investment interest, and
37 all other revenue that may arise from the operation of the environmental services division
38 of the department of ~~environmental health~~ public health and environment.

1 *Purpose of expenditures:* Cost of administration, management and operation of
2 environmental programs and services, including chemical waste and phase out of
3 hazardous materials disposal sites; superfund sites; underground storage tank program;
4 related programs, such as ozone depleting compounds and spill prevention control and
5 countermeasure project; reimbursement for services and materials furnished by other city
6 agencies; allocations of emergency reserves; and payments of the principal of, interest
7 and premiums due upon, and other expenses related to the issuance and servicing of
8 environmental services revenue bonds.

9 *Expending authority:* Manager of ~~environmental health~~public health and environment or
10 designee.”

11 * * *

12
13 **Section 13.** That Chapter 23, Sections 23-2 and 23-53, of the Denver Revised Municipal
14 Code shall be amended to add the underscored words and delete the stricken words as follows:

15 **“Sec. 23-2. Definitions.**

16 The following words and phrases, when used in this chapter, shall have the following meanings
17 respectively ascribed to them, unless the context clearly shows otherwise:

- 18 (1) *Adulterated food* shall mean any food deemed adulterated by the Colorado Food and
19 Drug Act.
- 20 (2) *Approved* shall mean satisfactory to the manager based on determination of
21 conformance with applicable, documented standards and good public health practices.
- 22 (3) *Board* shall mean the board of ~~environmental health~~public health and environment of
23 the City and County of Denver.
- 24 (4) *Commercial design* shall mean all equipment meeting recognized commercial
25 sanitation criteria by organization, such as the National Sanitation Foundation (NSF),
26 Underwriters' Laboratories (UL): sanitation standards, Environmental Testing
27 Laboratories, Inc. (ETL): sanitation standards, Baking Industry Sanitation Standards
28 Committee (BISSC), or other comparable design criteria as approved by the
29 department during a standardized equipment review.
- 30 (5) *Commissary* shall mean an approved catering establishment, restaurant, or other
31 approved place in which food, containers or supplies are kept, handled, prepared,
32 packaged or stored.
- 33 (6) *Contamination* shall mean to make unfit for use by the introduction or potential
34 introduction of unwholesome or undesirable elements.
- 35 (7) *Department*, when not otherwise described, shall mean the department of
36 ~~environmental health~~public health and environment of the City and County of Denver
37 or its authorized agents or employees.
- 38 (8) *Director* shall mean the director of excise and licenses of the City and County of Denver
39 and the director's authorized representative.

- 1 (9) *Easily cleanable* shall mean surfaces are readily accessible and fabricated of such
2 materials and finishes that residue can be effectively removed by normal cleaning
3 methods.
- 4 (10) *Employee* shall mean any person working in a food establishment who transports food
5 or food containers, who engages in food preparation or service, or who comes in
6 contact with any food, utensils, or equipment.
- 7 (11) *Equipment* shall mean an article used in the operation of a food establishment, such
8 as, but not limited to a freezer, grinder, hood, ice maker, meat block, mixer, oven,
9 reach-in refrigerator, range, scale, sink, slicer, stove, table, thermometer, or ware
10 washing machine. Equipment does not include items used for handling or storing large
11 quantities of packaged foods received from a supplier in a cased or over-wrapped lot,
12 such as hand trucks, forklifts, dollies, pallets, racks, and skids.
- 13 (12) *Extensively remodeled* shall mean any major alteration of an existing configuration in
14 any food establishment that results in one (1) or more of the following conditions:
- 15 (a) An increase in seating capacity, including service provided anywhere on the
16 premises, by twenty (20) percent or more in either a single construction project
17 or an incremental series of construction activities;
- 18 (b) Any alteration or revision of a food establishment or related equipment that
19 requires a building or construction permit pursuant to the Denver Building Code.
20 Routine maintenance, repairs, or cosmetic changes shall not be considered
21 extensive remodeling;
- 22 (c) Any change or alteration made in the nonpublic areas that results in a reduction
23 or increase of total space by twenty-five (25) percent or more; or
- 24 (d) Any diminution of the facility's capabilities to handle food and utensils in a
25 sanitary manner that creates potentially hazardous conditions.
- 26 (13) *Food* shall mean any raw, cooked or processed edible substance, ice,
27 beverage, or ingredient used or intended for use or for sale in whole or in part for
28 human consumption.
- 29 (14) *Food contact surface* shall mean those surfaces of equipment and utensils, excluding
30 ventilation hoods, which normally come into contact with food, and those surfaces from
31 which food may drain, drip, or splash back onto surfaces in contact with food.
- 32 (15) *Food establishment* shall mean any food processing, wholesale, and warehouse
33 establishment, or retail food establishment; unless such establishment is excluded
34 from regulation and licensing by section 23-1 of this chapter.
- 35 (16) *Food peddler* shall mean a mobile food vendor who is not operating from a mobile retail
36 food establishment or a pushcart.
- 37 (17) *Food processing, wholesale, and warehouse establishment* shall mean any
38 establishment engaged in the business of selling at wholesale, processing, storing,
39 handling or packaging of food intended for human consumption. This term does not
40 include a retail food establishment or commissary operation.
- 41 (18) *Food-borne disease outbreak* shall mean:

- 1 (a) An incident, except as specified in paragraph (b) of this subsection (18), in
 2 which:
- 3 i. Two (2) or more otherwise unrelated persons experience a similar
 4 illness after ingestion of a common food; and
 - 5 ii. Epidemiological analysis implicates the food as the source of the
 6 illness; or
- 7 (b) A single case of illness, such as one (1) person ill from botulism or chemical
 8 poisoning.

9 (19) *HACCP plan* shall mean a written document that delineates the formal procedures for
 10 following the Hazard Analysis Critical Control Point principles.

11 (20) *Nonpotentially hazardous food* shall mean:

- 12 (a) Hard-boiled eggs with shells intact which have been air cooled;
- 13 (b) Foods with a water activity (a_w) value of 0.85 or less;
- 14 (c) Foods with a measurement of acidity (pH) of 4.6 or below;
- 15 (d) Foods which have been adequately commercially processed and remain in their
 16 unopened hermetically sealed container; and
- 17 (e) Food for which laboratory evidence acceptable to the manager demonstrates
 18 that rapid and progressive growth of infectious and toxigenic microorganisms,
 19 the growth of *Salmonella enteritidis* in eggs or the slower growth of *Clostridium*
 20 *botulinum* cannot occur.

21 (21) *Manager*, when not otherwise described, shall mean the manager of ~~environmental~~
 22 ~~health~~ public health and environment of the City and County of Denver and the
 23 manager's authorized representative.

24 (22) *Manager of public works* shall mean the manager of public works for the City and
 25 County of Denver and the manager's authorized representative.

26 (23) *Mobile retail food establishment* shall mean a retail food establishment that reports to
 27 and operates from a commissary and is readily moveable, is a motorized wheeled
 28 vehicle, or a towed wheeled vehicle designed and equipped to serve food.

29 (24) *Number of employees* shall mean the monthly average number of persons in the
 30 establishment who work full time, or the full-time equivalent of part-time workers, and
 31 receive anything of value for their services during the preceding twelve-month period,
 32 or at the time of application for a license, whichever is greater.

33 (25) *Person* shall mean a natural person, partnership, association, company, corporation,
 34 or other legal entity or a manager, agent, servant, officer or employee of any of them.

35 (26) *Person in charge* shall mean the individual present at a food establishment who is
 36 responsible for the operation at the time of the inspection. If no individual has been
 37 designated by the food establishment as the responsible person, then any employed
 38 person present is the person in charge.

39 (27) *Potentially hazardous food* shall mean any food that is natural or synthetic and that
 40 requires temperature control because it is in a form capable of supporting:

- 1 (a) The rapid and progressive growth of infectious or toxigenic microorganisms;
- 2 (b) The growth and toxin production of *Clostridium botulinum* ; or
- 3 (c) In raw shell eggs, the growth of *Salmonella enteritidis*.

4 The phrase "potentially hazardous food" shall also include any food of animal origin
5 that is raw or heat-treated; any food of plant origin that is heat-treated or consists of
6 raw seed sprouts; cut melons; and garlic in oil mixtures that are not acidified or
7 otherwise modified at a food processing plant in a way that results in mixtures that do
8 not support growth as specified in paragraphs (a), (b), and (c) of this definition.

- 9 (28) *Pushcart* shall mean a nonself-propelled vehicle limited to serving commissary
10 prepared or prepackaged food and nonpotentially hazardous food, unless the
11 equipment is commercially designed and approved to handle food preparation and
12 service.
- 13 (29) *Restaurant* shall mean any retail food establishment primarily engaged in the sale of
14 prepared food, drink, or both for human consumption, and consumption is allowed on
15 the premises.
- 16 (30) *Retail food establishment* shall mean a retail operation that stores, prepares, or
17 packages food for sale for human consumption or serves or otherwise provides food
18 for sale for human consumption to consumers directly, or indirectly through a delivery
19 service, whether such food is consumed on or off the premises, unless such retail
20 operation is excluded from regulation and licensing by section 23-1 of this chapter 23.
- 21 (31) *Sanitization* shall mean the application of cumulative heat or chemicals on cleaned
22 food contact surfaces that, when evaluated for efficacy, is sufficient to yield a reduction
23 of five (5) logs, which is equal to a 99.999 percent reduction, of representative disease
24 microorganisms of public health importance.
- 25 (32) *Temporary retail food establishment* shall mean a retail food establishment, other than
26 a licensed mobile retail food establishment or pushcart, that is not intended to be
27 permanent and that operates at a fixed location for a period of time of not more than
28 fourteen (14) consecutive days in conjunction with a single event or celebration.
- 29 (33) *Utensil* shall mean any implement used in the storage, preparation, transportation or
30 service of food.
- 31 (34) *Ware washing* shall mean the cleaning and sanitizing of equipment and utensil food
32 contact surfaces."

33 * * *

34 **"Sec. 23-53. Temporary retail food establishments.**

- 35 (1) The director is authorized to issue an annual temporary retail food establishment license to
36 any person approved by the manager.
- 37 (a) In addition to the requirements of chapter 32, the application for each license shall
38 state what foods the applicant intends to sell.
- 39 (b) A list of approved foods shall be attached to each license and only those foods may
40 be served or sold.

1 (c) Persons selling only beverages or prepackaged ice cream, frozen milk, frozen dairy or
2 ice confection products can operate multiple facilities at a single event under a single
3 temporary retail food establishment license.

4 (2) The director is authorized to issue, without payment of fee, an annual temporary retail food
5 establishment charity license to any person approved by the manager. The manager may
6 approve such application if:

7 (a) The applicant is licensed as a retail food establishment by an ~~environmental~~
8 health public health and environment agency of the State of Colorado or a subdivision
9 of the State of Colorado, or is licensed as a retail food establishment pursuant to
10 chapter 23 of this Code;

11 (b) The applicant would otherwise qualify for a temporary retail food establishment license
12 pursuant to paragraphs number one (1) and two (2) of this section;

13 (c) The applicant will be participating in events or celebrations for the benefit of a not-for-
14 profit organization, as that term is defined by the laws of the State of Colorado;

15 (d) Each individual event or celebration will last no more than eight (8) consecutive hours;
16 and

17 (e) The applicant will not receive any of the proceeds of any of the events or celebrations,
18 including, but not limited to, proceeds or voluntary contributions from the sale of food
19 or beverages and proceeds or voluntary contributions from admission to any event or
20 celebration in which the applicant is a participant.”

21
22 **Section 14.** That Chapter 24, Sections 24-1, 24-2, 24-3, 24-4, 24-5, 24-9, 24-16, 24-17, 24-
23 18, 24-19, 24-20, 24-21, 24-22, 24-23, 24-38, 24-40, 24-41, 24-52, 24-53, 24-121, 24-131, 24-132,
24 24-133, 24-134, 24-135, 24-136, 24-137, 24-151, 24-152, 24-153, 24-157, 24-158, 24-161, 24-171,
25 24-172, 24-173, 24-181, 24-182, 24-183, 24-184, 24-185, 24-186, 24-187, 24-188, 24-189, 24-201,
26 24-217, 24-231, 24-232, 24-235, 24-236, 24-237, 24-248, 24-249, 24-250, 24-261, 24-316, 24-351,
27 24-352, 24-354, 24-373, 24-507, 24-602, 24-606, and 24-609, of the Denver Revised Municipal Code
28 shall be amended to add the underscored words and delete the stricken words as follows:

29 **“DIVISION 1. - AUTHORITY OF THE BOARD OF ~~ENVIRONMENTAL HEALTH~~PUBLIC HEALTH**
30 **AND ENVIRONMENT**

31 **Sec. 24-1. Appeal to board of ~~environmental health~~public health and environment.**

32 Any person aggrieved by a notice or order issued by the department of ~~environmental~~
33 health public health and environment, who believes the same to be factually or legally contrary to the
34 ordinances of the city, or the policies and regulations of the department of ~~environmental health~~public
35 health and environment, may appeal the notice or order to the board of ~~environmental health~~public
36 health and environment within thirty (30) days of the issuance of the order or notice in the manner
37 provided by rules of procedure of the board.

1 **Sec. 24-2. Variance on appeal.**

2 The board of ~~environmental health~~public health and environment may authorize, upon appeal in
3 specific cases, such variances from the terms of any ordinance enforced by the department of
4 ~~environmental health~~public health and environment or any rules and regulations adopted pursuant
5 thereto, subject to terms and conditions fixed by the board, as will not adversely affect public health
6 where, owing to exceptional and extraordinary circumstances, literal enforcement of the applicable
7 provision will result in unnecessary hardship. The burden of proof is upon the applicant to show by
8 clear and convincing evidence that:

- 9 (1) The applicant will suffer undue hardship if the variance is not granted; and
10 (2) The variance will be in harmony with the spirit and purposes of the applicable portions
11 of the Code from which the variance is being requested.

12 **Sec. 24-3. Hearing officer.**

13 The department of ~~environmental health~~public health and environment may, within the limits of
14 appropriations therefor, retain a hearing officer, stenographer, and such other persons as shall be
15 necessary to carry out the duties under this division 1. The hearing officer shall be appointed by the
16 manager, with the approval of the board of ~~environmental health~~public health and environment, and
17 shall serve at their pleasure. The board of ~~environmental health~~public health and environment may
18 delegate to the hearing officer the hearing of all matters, appeals and cases which the board can
19 hear under the provisions of this division 1. The hearing officer shall hear all testimony and prepare
20 a written statement of findings and recommendations to the board of ~~environmental health~~public
21 health and environment. The board shall review all matters contained in the record and considered
22 by the hearing officer as set forth in the written findings and thereupon make a final decision and
23 determination. The board is not bound by the written findings and recommendations of the hearing
24 officer.

25 **Sec. 24-4. Effect of appeal.**

26 Appeals to the board under this division 1 from any notice or order of the department shall stay
27 all proceedings, unless the manager of ~~environmental health~~public health and environment certifies
28 that, by reasons of facts stated in the certificate, a stay of the notice or order would, in the manager's
29 opinion, cause imminent peril to the health or safety of any person. When such certificate is filed,
30 proceedings shall not be stayed except by a restraining order granted, after due notice to the
31 department, by the board of ~~environmental health~~public health and environment or a court of proper
32 jurisdiction.

33 **Sec. 24-5. Administrative assessment of civil penalties.**

- 34 (a) Any person who violates any provision of chapter 8 (animals), excluding the provisions of
35 sections 8-48 (damaging property), 8-51 (dog attack or bite), 8-52 (dangerous dogs), 8-55 (pit
36 bulls prohibited), 8-131(a) (cruelty to animals prohibited), 8-134 (abandonment), and 8-135
37 (keeping place for fighting animals); chapter 11 (child care); chapter 17 (emergency vehicles);
38 article X (body art) of chapter 24 (health and sanitation); chapter 26 (boarding homes,
39 personal care boarding homes, and nongovernmental residential facilities for the treatment or
40 supervision of offenders); article II of chapter 27 (housing code); chapter 33 (lodging); chapter
41 35 (mobile homes and trailers); chapter 36 (noise control); article I of chapter 37 (health
42 nuisances); or chapter 51 (pools) is also subject to a civil penalty of not more than nine
43 hundred ninety-nine dollars (\$999.00) per violation.

- 1 (b) The board is hereby authorized to adopt regulations, in connection with a public rulemaking
2 hearing, to establish or modify a schedule of the amounts, or to specify a range of amounts,
3 of civil penalties to be assessed administratively.
- 4 (c) The manager of the department of ~~environmental health~~public health and environment may
5 issue an administrative citation for the assessment of civil penalties in particular cases in
6 accordance with the regulations adopted by the board.
- 7 (d) A civil penalty assessed by means of an administrative citation shall be payable directly to the
8 manager of finance. If not timely paid, a late fee of up to twenty-five dollars (\$25.00) may be
9 assessed and interest at the rate of ten (10) percent per annum. If the responsible party fails
10 to pay all penalties and charges assessed within thirty (30) days of assessment, the manager
11 may refer the matter for collection by any and all means available to the city.
- 12 (e) Any person who disputes a violation for which a civil penalty has been assessed by or on
13 behalf of the city pursuant to the authority of the manager, may petition the board of
14 ~~environmental health~~public health and environment for a hearing in accordance with article I
15 of chapter 24, D.R.M.C. and rules and regulations adopted and promulgated thereunder
16 except as provided in this section 24-5. If the hearing is conducted by a hearing officer, the
17 hearing officer's recommended decision shall be deemed to be the decision of the board
18 unless a petition to review the hearing officer's recommended decision is filed with the board
19 within ten (10) calendar days of service of the decision. If received five (5) working days before
20 the next regularly scheduled meeting of the board, review of the hearing officer's
21 recommended decision will be conducted at such meeting unless continued for good cause;
22 otherwise, the review will be conducted at the next following regularly scheduled meeting of
23 the board unless expedited or continued for good cause. The board's review will be on the
24 administrative record established at the underlying hearing. Compliance with the provisions
25 of this subsection shall be a jurisdictional prerequisite to any request for hearing or appeal
26 brought under the provisions of this section, and failure to comply shall forever bar any such
27 action.
- 28 (f) The decision of the board is the final decision which may be appealed to Denver district court
29 under the provisions of Colorado Rule of Civil Procedure 106(a)(4) within thirty (30) days of
30 the date the order becomes final.
- 31 (g) A stay of any order of the manager pending judicial review shall not relieve any person from
32 any liability under subsection (a) or (b).
- 33 (h) The city may also petition the district court for the issuance of a preliminary or permanent
34 injunction, or both, as may be appropriate, restraining any person from continued violation."

35 * * *

36 **"Sec. 24-9. Unlawful to swim in, bathe in, or befoul streams; exception.**

37 It shall be unlawful for any person to wade, swim or bathe in any river, creek, canal, lake, reservoir
38 or other stream or body of water; or in any manner to befoul any of the same; provided, however,
39 that wading or swimming in such streams or bodies of water shall be lawful:

- 40 (1) When the manager of ~~environmental health~~public health and environment declares
41 that such bodies of water as the manager may designate from time to time are those
42 wherein health control procedures are adequate to permit swimming; and

- 1 (2) When such wading or swimming is performed in such manner, to the extent, at the
2 times, and under the conditions prescribed in rules and regulations adopted by the
3 manager of parks and recreation, pursuant to section 39-20.”

4 * * *

5 **“ARTICLE II. - MANAGER OF ENVIRONMENTAL HEALTH PUBLIC HEALTH AND**
6 **ENVIRONMENT**

7 **Sec. 24-16. General powers and duties.**

8 The manager of ~~environmental health~~public health and environment, as provided under the
9 Charter, shall exercise a general supervision over the ~~environmental health~~public health and
10 environment of the city, and shall have full power:

- 11 (1) To take all measures necessary to promote the health and cleanliness of the city and
12 its inhabitants and visitors;
- 13 (2) To abate all nuisances related to ~~environmental health~~public health and environment
14 of every description on public and private property;
- 15 (3) To prevent the introduction or spreading within the city of malignant, contagious and
16 infectious diseases, and to remove, detain, isolate or quarantine any person attacked
17 by or having any such disease, or who has been exposed thereto;
- 18 (4) To adopt in reference to any such person, any rules, regulations, restrictions or
19 measures that may by the manager be deemed advisable;
- 20 (5) To procure suitable shelter in cases of ~~environmental health~~public health and
21 environment emergencies and to establish rules and regulations for the government of
22 the same; and
- 23 (6) To prevent, by such rules or regulations as the manager may deem expedient and
24 adopt, the introduction or the spreading of contagious or infectious diseases within the
25 city and its environs.
- 26 (7) It shall be unlawful for any person to violate a rule or regulation adopted by the
27 manager pursuant to this section.

28 **Sec. 24-17. Executive powers.**

- 29 (a) The manager of ~~environmental health~~public health and environment is hereby authorized and
30 empowered to execute, delegate, or otherwise carry out all existing laws, and such laws as
31 may hereafter be passed by the general assembly of the state or the city council, which confer
32 any power or require the performance of any in connection with functions within the purview
33 of Charter provisions relating to ~~environmental health~~public health and environment.
- 34 (b) The manager of ~~environmental health~~public health and environment is hereby constituted the
35 executive officer of the department of ~~environmental health~~public health and environment.

36 **Sec. 24-18. General supervisory powers and duties.**

- 37 (a) It shall be the duty of the manager of ~~environmental health~~public health and environment to
38 inspect as often as practicable the entire city, to superintend the work of any and all persons
39 acting or performing duty under the department of ~~environmental health~~public health and

1 environment, and to see that their duties are performed, and to keep a record of all inspections
2 made.

- 3 (b) The manager shall instruct all persons employed in the department as to their duties.
- 4 (c) The manager shall have power to inspect all meat, fowls, fish, vegetables, fruit, and canned
5 goods found for sale within the city and to condemn, seize and destroy such as may be
6 diseased, unsound, stale, or from any cause rendered unfit for food.
- 7 (d) The manager shall cause to be visited as often as practicable every green grocery, fruit or
8 vegetable market, meat market, fish market or other place within the city where articles of
9 food are kept for sale, and cause to be inspected all articles of food.
- 10 (e) The manager may appropriate, without charge, samples in sufficient quantity for examination
11 or analysis of all substances sold as medicines, food or drink, or in any way intended for
12 human consumption.
- 13 (f) The manager shall also have inspected from time to time all restaurants and the kitchens of
14 all hotels, inns or public boarding houses and shall see that the same are kept in a sanitary
15 condition and that the food served, cooked or kept therein is of proper quality and fit for human
16 consumption, and so kept that it shall not become contaminated.

17 **Sec. 24-19. Appointment of personnel.**

- 18 (a) The manager of ~~environmental health~~public health and environment shall have power to
19 appoint any and all necessary aides and assistants for the proper execution of the duties of
20 the office, and to empower any such assistant to act for the manager or as a representative
21 or deputy, and to carry into effect any rule adopted by the department of ~~environmental~~
22 ~~health~~public health and environment or any provision of this Code or ordinance of the city, or
23 law of the state in relation to ~~environmental health~~public health and environment.
- 24 (b) The manager shall supervise and control activities of the city regarding the inspection of
25 health and medical facilities, animal control, the Mayor's Office of HIV Resources
26 Coordination, consumer protection (excepting plan review), child-care licensing,
27 environmental services as described in the environmental services enterprise fund of the
28 fiscal code, and such other activities as are set forth in this Code to be under the manager's
29 purview.

30 **Sec. 24-20. Records and books.**

- 31 (a) The manager of ~~environmental health~~public health and environment shall cause to be kept in
32 suitable books a full and correct record of the manager's rules, acts and proceedings.
- 33 (b) The manager shall also cause to be kept a full and correct account of all expenses incurred,
34 specifying the amounts, why, when and how incurred and for what purposes applied, and also
35 a correct account of all moneys received by the manager, belonging to the city, over to the
36 manager of finance.

37 **Sec. 24-21. Disbursements and purchases.**

- 38 (a) Before any money is paid out, the accounts therefor shall be examined and signed and
39 approved by the manager of ~~environmental health~~public health and environment, and such
40 accounts, when so certified, shall be audited by the auditing committee in the same manner

1 as other accounts are audited, and the manager of finance shall issue payment for such
2 amount according to law.

- 3 (b) All articles of every kind and description that may be required in any and all of the institutions
4 and departments under the charge of the department of ~~environmental health~~public health
5 and environment shall be purchased as may be provided for by the Charter and ordinances
6 of the city.

7 **Sec. 24-22. Interference with duties.**

- 8 (a) It shall be unlawful for any person to molest, hinder, interfere with, or in any manner prevent
9 the manager of ~~environmental health~~public health and environment or any individual engaged
10 in the department of ~~environmental health~~public health and environment, from performing any
11 duty imposed upon the individual or made by any law or any rule of the manager.

- 12 (b) It is unlawful for any person to interfere with the manager in any acts done to prevent the
13 spread of contagious diseases, or with any employee of the department in carrying out any
14 directions of the manager in enforcing any of the laws and ordinances of the city in reference
15 to ~~environmental health~~public health and environment.

16 **Sec. 24-23. Rules and regulations.**

17 The manager of ~~environmental health~~public health and environment shall, from time to time, as
18 the manager may see fit, compile and publish, in pamphlet form, a full list of the rules and regulations
19 relating to the department.”

20 * * *

21 **“Sec. 24-38. Disconnection and removal.**

22 The department of ~~environmental health~~public health and environment is hereby authorized to
23 seal, disconnect or remove, summarily and without legal process, any unlicensed private water
24 supply system in order to protect public health and prevent danger to life and limb.”

25 * * *

26 **“Sec. 24-40. Recording of notice.**

27 With respect to each licensed private water supply system, the department of ~~environmental~~
28 ~~health~~public health and environment shall record, or ascertain that there has been recorded, with
29 the clerk a notice showing the lawful use to which such system may be put, and whether the same
30 delivers potable or nonpotable water. A notice shall also be recorded if the license is revoked,
31 suspended or not renewed, or if there is a material change in the lawful use of the system.

32 **Sec. 24-41. Rules and regulations.**

33 The board of ~~environmental health~~public health and environment is authorized to adopt, and the
34 department shall promulgate, rules and regulations consistent with the standards established by
35 ordinance for the construction, materials, location, maintenance and use of private water supply
36 systems which amplify and augment the provisions hereof. It shall be unlawful for any person to
37 violate a rule or regulation adopted by the board pursuant to this section.”

38 * * *

39 **“Sec. 24-52. Application.**

40 In addition to the requirements of chapter 32, the application for a license under this division shall
41 contain other information required by the director of excise and licenses and the department of

1 ~~environmental health~~public health and environment in respect to the private water supply system
2 proposed to be maintained for which a license is sought.

3 **Sec. 24-53. Issuance or denial.**

4 The director of excise and licenses shall submit all applications for licenses under the terms of
5 this division to the department of ~~environmental health~~public health and environment which shall
6 inspect the premises of the applicant with regard to the provisions of this article and rules and
7 regulations adopted and promulgated hereunder relative to the maintenance of private water supply
8 systems. The department shall return the application to the director of excise and licenses with its
9 endorsement of approval or disapproval, and the director shall issue or deny the license in
10 accordance with chapter 32.”

11 * * *

12 **“Sec. 24-121. Delegation.**

13 On behalf of the manager of ~~environmental health~~public health and environment, the city may
14 authorize the powers and functions of the manager of ~~environmental health~~public health and
15 environment under this article to be delegated to the Denver Health and Hospital Authority as the
16 manager's surrogate. References in this article to the manager shall be deemed to include the
17 manager's delegate or surrogate.”

18 * * *

19 **“Sec. 24-131. Protection of public health.**

20 (a) *Generally.* In order to protect persons in the city from the spread of sexually transmitted
21 infections, the department of ~~environmental health~~public health and environment is
22 empowered and authorized and the manager of ~~environmental health~~public health and
23 environment is directed to use every available means to ascertain the existence of and to
24 investigate immediately all suspected cases of sexually transmitted infections and to
25 determine the sources of such infections.

26 (b) *Examination.* Certain persons reasonably suspected to have a sexually transmitted infection
27 may be detained in jail, examined, and if determined to be so infected, treated, in accordance
28 with the provisions of this section. Persons charged with a violation of section 38-158 of the
29 Denver Revised Municipal Code may be detained in jail. All persons charged with a violation
30 of section 38-158(a)(1) or 38-158(a)(7) of the Denver Revised Municipal Code shall be
31 examined by the manager or the manager's delegate, and if determined to have a curable
32 sexually transmitted infection, treated in accordance with the provisions of this section. The
33 manager or the manager's delegate may order persons reasonably suspected to have a
34 sexually transmitted infection to be examined by a person licensed to practice medicine, and
35 to be treated medically for such infection, if necessary.

36 (c) *Categories of suspected persons.* A person in any of the following categories may be
37 reasonably suspected to have a sexually transmitted infection:

38 (1) Any person who is arrested and charged in the county court with an offense in the
39 nature of or involving prostitution, rape, a violation of this division, or another offense
40 related to sex and any person convicted of any such offense in the city; or

41 (2) Any person reasonably suspected to have had a contact with another individual
42 reasonably believed to have had a sexually transmitted infection at the time of such

1 contact and any person who is reasonably believed to have transmitted any such
2 infection to another individual; or

3 (3) Any person who has had any such infection or who has been convicted of any offense
4 of the kinds herein specified within twelve (12) months next past, and who is
5 reasonably believed to be engaged in any activity which might have occasioned
6 exposure to a sexually transmitted infection.

7 (d) *Detention in jail.* Suspected persons in the categories enumerated in subsection (c)(1) may
8 be detained in jail. When any person so detained is determined not to have a sexually
9 transmitted infection in communicable form, the manager of ~~environmental health~~public health
10 and environment shall release the individual from detention for health purposes. The
11 detention of any person in jail under the provisions hereof shall continue only for such time as
12 is reasonably necessary to examine such person and render treatment if such person is found
13 to have a curable sexually transmitted infection in a communicable form. The provisions
14 hereof shall not be utilized as, nor construed to be, a penalty or punishment. No person
15 detained for health under the provisions hereof shall be released from such detention even if
16 the person is otherwise eligible for release on bond or by reason of payment of fine, or
17 termination of sentence imposed.

18 (e) *Examination in jail.* Every suspected person detained in jail under the provisions of subsection
19 (d) shall be examined by the department or the manager's delegate for the purpose of
20 determining whether or not such person is, in fact, infected with a sexually transmitted
21 infection. Every such person shall submit to such examinations as are necessary and permit
22 specimens to be taken for laboratory analyses. The detention of each suspected person may
23 continue until the results of such examinations are known and the person found to be free
24 from any such curable infection, or, if infected, until the infection is no longer communicable.

25 (f) *Treatment in jail.* The department or the manager's delegate shall treat every person
26 suspected to have a curable sexually transmitted infection who has been detained and
27 examined in jail and found to have any such infection. The treatment shall continue until the
28 infection is no longer communicable.

29 (g) *Examination and treatment at department or by private physician.* Every suspected person in
30 the categories enumerated in subsection (c)(2) and (c)(3), and in the categories enumerated
31 in subsection (c)(1) who is not detained in jail shall be examined as determined in individual
32 instances by the manager or the manager's delegate. Each such person shall submit to
33 examinations as necessary and permit specimens to be taken for laboratory analyses and
34 shall comply with the directions of the manager or the manager's delegate with relation to
35 hospitalization on an in-patient basis or attendance at clinic on an out-patient basis, as the
36 case may be. Each such person shall continue to follow these directions until the results of
37 the examination are known and the person determined to be free from any such infection, or,
38 if infected, until the infection is no longer communicable. With the consent of the manager or
39 the manager's delegate, a suspected person may be, at the person's expense, examined by
40 a doctor licensed to practice medicine and treated medically for such infection, if necessary.
41 In these latter instances, the manager or the manager's delegate shall receive reports of
42 examinations and treatment and other information relative to the problems involved from the
43 medical doctor selected.

1 (h) *Violations.* It shall be unlawful to refuse to submit to examination or treatment provisions of
2 this section or to violate any order of detention. It shall be unlawful to refuse to obey any order
3 of the manager requiring examinations and treatment, if necessary, for such infection, or any
4 other order issued hereunder.

5 **Sec. 24-132. Duties of manager of safety and police officers.**

6 (a) *Generally.* The manager of safety and the officers of the police department of the city are
7 hereby authorized, empowered and directed to implement the purposes of section 24-131 in
8 accordance with the provisions of this section.

9 (b) *Manager of safety.* The manager of safety shall cause to be furnished to the department of
10 ~~environmental health~~public health and environment information pertinent to the enforcement
11 of section 24-131 with relation to persons who are arrested and charged or otherwise
12 imprisoned in any jail administered by the department of safety. The manager of safety is
13 directed to make available in such jails an area, room or place which may be used as a
14 detention for health facility and for examinations. The manager of safety, officers of the police
15 department, and employees of the department of safety shall cooperate in the execution of
16 such detention procedures as may be necessary, and shall assume custodial supervision of
17 persons detained under the provisions of section 24-131(d) and shall supply such personal
18 restraints as may be necessary to effectuate the purposes thereof.

19 (c) *Police department.* Officers of the police department shall furnish to the department of
20 ~~environmental health~~public health and environment information pertinent to the enforcement
21 of the provisions of section 24-131. Police officers shall have authority to detain suspected
22 persons in the categories enumerated in section 24-131(c)(1) for health purposes in jail in
23 accordance with the procedure set forth in section 24-131(d) for examination and treatment
24 under the provisions of section 24-131(e) and 24-131(f). Police officers shall have authority
25 to order suspected persons in the categories enumerated in section 24-131(c)(2) and in the
26 categories enumerated in section 24-131(c)(1) who are not detained in jail to report for
27 examination and treatment at the direction of the manager of ~~environmental health~~public
28 health and environment or the manager's delegate in accordance with the provisions of
29 section 24-131(g). They shall also have authority to order persons for examination and
30 treatment, as aforesaid, who have been held for investigation of offenses of the types
31 enumerated in section 24-131(c)(1) and who have been released without charges having
32 been filed and similarly persons who have been acquitted of any such charges and other
33 suspected persons who have been released on bond.

34 (d) *Violations.* It shall be unlawful to refuse to submit to examination or treatment under an order
35 as hereinabove provided or to violate any order of detention or to refuse to obey any order
36 requiring submittal to examination and treatment.

37 **Sec. 24-133. Duties of physicians.**

38 (a) All physicians in attendance at any hospital or institution, or who are prescribing for or
39 attending any private patient afflicted with any of the aforesaid venereal diseases, or any
40 physician having knowledge that any person not under medical treatment is suffering from
41 any of the aforesaid diseases, shall, within forty-eight (48) hours after obtaining such
42 knowledge, report to the manager of ~~environmental health~~public health and environment or
43 the manager's delegate all such cases, giving the following data:

(Town or City)	(Date)

- 1 (1) Physician's case no.;
- 2 (2) Diagnosis;
- 3 (3) Has diagnosis been confirmed by laboratory tests?
- 4 (4) Age;
- 5 (5) Sex;
- 6 (6) Color;
- 7 (7) Single, married, widow, widower or divorced;
- 8 (8) Name of municipality or health district in which patient resides;
- 9 (9) Occupation;
- 10 (10) Does patient handle dairy products or other foods?
- 11 (11) Has patient discontinued employment?
- 12 (12) Probable date of infection;
- 13 (13) Probable source of infection (if prostitute is probable source, give name and address);
- 14 (14) Is patient in an infectious stage?
- 15 (15) Is patient, by reason of circumstances, condition or habits, a menace and likely to infect
- 16 others?
- 17 (16) Is patient regularly under treatment by you?
- 18 (17) If previously examined, treated or reported by another, give name and address of
- 19 physician and approximate date when treated;
- 20 (18) Name of physician.
- 21 (b) In addition to the foregoing information, every physician, for the purpose of this article, shall,
- 22 upon the personal request of the manager of ~~environmental health~~public health and
- 23 environment or the manager's delegate, supply the name and address of any case reported
- 24 under a serial number, when, by reason of occupation, known circumstances, conditions, or
- 25 habits, such case is obviously a menace and likely to infect others.
- 26 (c) Every physician writing a prescription for medicines intended for treatment of a venereal
- 27 disease shall indicate the patient's serial number thereon, preceded by the words "Serial
- 28 Number."

29 **Sec. 24-134. Duty of infected person.**

30 All persons afflicted with any venereal disease shall, within forty-eight (48) hours after discovering
31 such affliction, place themselves under the treatment of a licensed physician, or shall make a report
32 of their condition to the manager of ~~environmental health~~public health and environment or the
33 manager's delegate, giving their name, address and occupation.

34

1 **Sec. 24-135. No medicine to be sold except on prescription.**

- 2 (a) No medicine, remedy or preparation of any kind intended to be used for the relief or cure of
- 3 venereal diseases shall be sold to anyone by a druggist or other person except upon the
- 4 original written prescription of a practicing physician licensed in the state, which prescription
- 5 shall bear the name and address of the prescribing physician, and a case number which shall
- 6 be identical with the number used by the physician reporting the case to the manager of
- 7 ~~environmental health~~ public health and environment or the manager's delegate.
- 8 (b) Such prescription shall not be refilled, nor copy thereof be given, except to a duly authorized
- 9 health officer, and all prescriptions in cases of venereal disease shall be subject to inspection
- 10 by authorized health officers.
- 11 (c) Any druggist or pharmacist, after filling a prescription for relief or cure of venereal disease,
- 12 shall report the transaction to the manager of ~~environmental health~~ public health and
- 13 environment or the manager's delegate within twenty-four (24) hours.
- 14 (d) Such report must be made on a blank form giving the following data:

(Town or City)	(Date)

- 15 (1) Name of druggist.
- 16 (2) Name of physician.
- 17 (3) Address.
- 18 (4) Case number on prescription.
- 19 (5) Date of prescription.
- 20 (6) Serial number used by druggist.

21 **Sec. 24-136. Hospitals, etc., to report cases.**

- 22 (a) All hospitals, sanitariums or other institutions, in which any patient is being treated for any
- 23 venereal disease, or is found to have the same, shall, within forty-eight (48) hours after such
- 24 disease is discovered, report the same according to the method described in section 24-133,
- 25 provided that a physician in attendance upon the patient has not already made such a report
- 26 according to law.
- 27 (b) Laboratory directors, or their designated representatives, of all clinical laboratories in the city
- 28 which perform laboratory tests for venereal diseases shall report all positive laboratory tests
- 29 of venereal disease to the manager of ~~environmental health~~ public health and environment or
- 30 the manager's delegate in such form and manner as the board of ~~environmental health~~ public
- 31 health and environment shall direct by rules and regulations adopted by the board. Such
- 32 report must be made within twenty-four (24) hours to the manager providing the following
- 33 data:

(Town or City)	(Date)

- 34 (1) Name of clinical laboratory.

- 1 (2) Name of physician.
- 2 (3) Address of physician.
- 3 (4) Identification or case number.
- 4 (5) Date of report to physician.

5 **Sec. 24-137. Reports confidential.**

6 All reports made to the manager of ~~environmental health~~public health and environment or the
7 manager's delegate under the provisions of this division shall be strictly confidential and shall not be
8 open to public inspection, nor shall the manager impart any information contained in any such report
9 to any person, except such information as shall be absolutely necessary to impart in carrying out the
10 provisions of this division.”

11 * * *

12 **“Sec. 24-151. Destruction of contaminated articles.**

- 13 (a) Whenever any bedding, rags or clothing; putrid or unsound meat, beef, pork, hides or skin of
14 any kind; fowls; or decayed or unsound vegetables or fruits are found within the limits of the
15 city, and are deemed by the manager of ~~environmental health~~public health and environment
16 to be dangerous to the health of the inhabitants of the city, the manager shall have the power
17 and authority to cause to be destroyed any and all such articles above named, in such manner
18 as the manager may direct.
- 19 (b) The manager may call upon the police department, as the manager may deem proper, to aid
20 in removing and destroying such articles.
- 21 (c) Every person who shall, in any manner, hinder or resist the manager, or any employees of
22 the department of ~~environmental health~~public health and environment designated by the
23 manager, or members of the police department, shall be guilty of a violation of this Code.

24 **Sec. 24-152. Notice to vacate infected building.**

25 Whenever it shall be decided by the manager of ~~environmental health~~public health and
26 environment that any building or part thereof is unfit for human habitation by reason of its being so
27 infected with disease, or from other causes as to be likely to cause sickness among the occupants,
28 notice of such decision shall be affixed conspicuously upon the building, or part thereof so decided
29 to be unfit for human habitation, and personally served upon the owner, agent, or lessee if the same
30 can be found in the state, requiring all persons therein to vacate the building, or part thereof, for the
31 reasons to be therein stated as aforesaid.

32 **Sec. 24-153. Agent to disclose identity of building owner.**

33 Any agent or other person having charge, control or management in any manner whatever, or
34 who collects or receives the rents of any lands, premises, or other property in the city limits, shall
35 disclose the name of the owner of such lands, premises or property, or the name of the person for
36 whom such agent or other person is acting, upon application made therefor by any inspector or
37 officer of the department of ~~environmental health~~public health and environment.”

38 * * *

39
40
41

1 **“Sec. 24-157. Registration of qualified needle exchange and treatment referral programs.**

2 The manager may register up to three (3) needle exchange and treatment referral programs that
3 the manager determines meet the requirements of state and local laws and the rules and regulations
4 adopted by the board of ~~environmental health~~public health and environment to govern needle
5 exchange and treatment referral programs. It shall be unlawful for any person to violate a rule or
6 regulation adopted by the board pursuant to this section. In order to qualify for registration, the needle
7 exchange and treatment referral programs shall:

- 8 (a) Be established in conformity with state law; operated by a nonprofit or governmental
9 organization which targets the injection drug using population; provides for exchange
10 of sterile syringes for used syringes; encourages injection drug users to seek treatment
11 for substance abuse; and provides referrals for substance abuse treatment and other
12 preventative health care services to participants in the program;
- 13 (b) Issue an identification card certifying that the person identified is either an employee
14 or volunteer worker for the registered program;
- 15 (c) Operate at least one thousand (1,000) feet from an elementary and/or secondary
16 school meeting all the requirements of the compulsory education laws of the state or a
17 licensed day care center, except for mobile outreach workers; and
- 18 (d) Operate in compliance with the board of ~~environmental health's~~public health and
19 environment's rules and regulations.

20 **Sec. 24-158. Revocation of registration.**

21 Upon the manager's own motion or upon complaint and after investigation and a show cause
22 hearing at which the registrant shall be afforded an opportunity to be heard, the manager may
23 suspend or revoke any registration previously allowed for any violation of any of the following
24 provisions, requirements, or conditions:

- 25 (a) The registrant has made false statements in the application for registration as to any
26 of the facts required to be stated in such application;
- 27 (b) The registrant has failed either to file the required reports or to furnish such information
28 as may be reasonably required by the manager under the authority vested in the
29 manager;
- 30 (c) The registrant, either knowingly or without the exercise of due care to prevent the
31 same, has violated any terms of the provisions pertaining to the registration or any
32 regulation or order lawfully made under the authority of the registration;
- 33 (d) Any fact or condition exists which, if it had existed or had been known to exist at the
34 time of the application for such registration, would have warranted the manager in
35 refusing originally to issue such registration;
- 36 (e) The registrant, or any of the agents, servants, or employees of the registrant, have
37 violated any rule or regulation promulgated by the board and the manager under the
38 Code;
- 39 (f) The registrant has failed to maintain the premises in compliance with the requirements
40 of the building inspection division of the department of public works or the fire or
41 ~~environmental health~~public health and environment departments;

1 (g) The registrant, or any of the agents, servants or employees of the registrant, have
2 violated any ordinance of the city or any state or federal law on the premises or have
3 permitted such a violation on the premises by any other person.”

4 * * *

5 **“Sec. 24-161. Delegation.**

6 On behalf of the manager of ~~environmental health~~public health and environment, the city may
7 authorize the powers and functions of the manager of ~~environmental health~~public health and
8 environment under this article to be delegated to the Denver Health and Hospital Authority as the
9 manager's surrogate. References in this article to the manager shall be deemed to include the
10 manager's delegate or surrogate.”

11 * * *

12 **“Sec. 24-171. Certification of deaths.**

13 (a) *Requirement of certification.* Any physician or professional adviser who has attended any
14 person at his or her last illness, or who has been professionally present at the death of any
15 person, shall make out two (2) certificates thereof.

16 (b) *Content of certificate.* Each certificate shall state the decedent's name, age, color, sex,
17 nativity, occupation and marital status; and the date and hour (if known), and the place, street
18 and number (if numbered) at which the death occurred; the cause of such death; and when
19 and where the disease or injury causing death was contracted or incurred (if known).

20 (c) *Disposition of certificates.* One (1) of the certificates shall be given to the undertaker of the
21 funeral, to be delivered by the undertaker, after presentation to the manager of ~~environmental~~
22 ~~health~~public health and environment, and the issuance by the manager of a burial permit, to
23 the person having control of the graveyard in which the body is to be buried; the other
24 certificate shall be filed within twenty-four (24) hours by the physician, or by the undertaker
25 acting for the physician, in the office of the manager, there to be copied into the official record
26 of deaths, if the manager of ~~environmental health~~public health and environment is satisfied
27 that the certificate is correct and truthful.

28 **Sec. 24-172. Registry of deaths and births.**

29 (a) It shall be the duty of every physician, professional adviser, or midwife who has attended any
30 person at that person's last illness, or has been professionally present at the death of any
31 person or has been professionally attendant at or upon the birth of any person to keep a
32 registry of the births and deaths so attended and to make for the manager of ~~environmental~~
33 ~~health~~public health and environment each month a copy of such registry, containing all the
34 facts required to be entered in such registry.

35 (b) Such copy of the registry shall be made at the close of each month, or within five (5) days
36 thereafter.

37 (c) If any practicing physician or midwife shall not be present at any birth or death during any
38 month, the physician or midwife shall nevertheless make and return a monthly statement to
39 the manager of ~~environmental health~~public health and environment showing that fact.

40 **Sec. 24-173. Coroner's duties.**

41 (a) The coroner or a deputy shall make to the manager of ~~environmental health~~public health and
42 environment, within three (3) days of each and every inquest, a written certificate of the same,

1 truthfully stating when, where, and upon whose body the inquest was held, and the actual
2 cause and date and place of death, if known.

3 (b) The certificate shall state whether the cause of death has been determined by a post mortem
4 examination conducted by a physician.

5 (c) In all cases in which there exists a reasonable doubt as to the truthfulness or accuracy of
6 such certificate, it shall be the duty of the coroner to institute such sufficient and thorough
7 inquiry, by post mortem examination or otherwise, as may be necessary to determine the
8 actual cause of death and whether it has been caused by any condition or disease which may
9 be contagious, infectious or dangerous to the public health.”

10 * * *

11 **“Sec. 24-181. Burial permit required.**

12 (a) It shall be unlawful at any place in the city to bury or to deposit in any vault (or cause or suffer
13 to be buried or deposited in any vault), any human body without presentation at the time of
14 such burial or deposit of a burial permit issued by the manager of ~~environmental health~~public
15 health and environment.

16 (b) Nothing herein contained shall authorize any such burial or deposit in any place wherein such
17 burial or deposit is prohibited by any law of this state or by any ordinance of this city.

18 **Sec. 24-182. Form of endorsement on death certificate showing burial permit issued.**

19 It shall be the duty of the manager of ~~environmental health~~public health and environment, upon
20 presentation of any certificate of death provided for in section 24-181, and satisfactory evidence that
21 all legal requirements of the state and of the city in such matter have been complied with, to endorse
22 thereon as follows:

23 "Burial permit No. _____ issued this _____ / _____ /
24 _____ day of _____ / _____ / _____ A.D., 19 _____
25 .

Manager of Environmental Health <u>Public Health and Environment</u>
BY _____ Clerk of Surrogate

26 (Properly filling all blanks therein).

27 **Sec. 24-183. Retention or exposure of dead body prohibited; shipment and interment.**

28 (a) It shall be unlawful to retain or expose, or to permit to be retained or exposed, the dead body
29 of any human being to the peril or probable injury to the life or health of any person within the
30 limits of the city, or within five (5) miles thereof.

31 (b) No body, dead of cholera, smallpox, typhus fever, scarlet fever, diphtheria, or other
32 contagious disease, shall be permitted to be brought into the city.

33 (c) No body, dead of any of the before-mentioned diseases, shall be shipped out of the city for
34 interment, except under the following circumstances:

- 1 (1) When the interment is proposed to be made in a cemetery not more than ten (10) miles
2 from the city, the body shall be transported in a funeral car constructed according to
3 the direction of the manager of ~~environmental health~~public health and environment and
4 used for no other purpose than the carriage of dead bodies; and
- 5 (2) The body shall have been previously embalmed, the cavities stopped and filled with
6 cotton soaked in a corrosive sublimate solution of a strength of one (1) in one hundred
7 (100), the whole body being then enclosed in a cerecloth soaked in a corrosive
8 sublimate solution of a strength of one (1) in one hundred (100); and
- 9 (3) The body thus prepared shall be in a zinc-lined, hermetically sealed casket.

10 **Sec. 24-184. Permit to ship body required.**

- 11 (a) When the shipment or removal of any human body beyond the corporate limits of the city is
12 desired, a certificate of death, duly issued and signed as provided for in section 24-181 shall
13 be presented to the manager of ~~environmental health~~public health and environment, and shall
14 be endorsed as required by section 24-182.
- 15 (b) Such certificate and permit shall be sufficient authority for the removal of any human body,
16 and being affixed to the box, case or coffin containing such body, together with the permit for
17 shipment provided by law of such human body beyond the corporate limits of the city;
18 provided, all other laws of the state, and ordinances of the city, and all rules of the department
19 of ~~environmental health~~public health and environment relating to the shipment or removal of
20 the dead have also been complied with.
- 21 (c) Any person, whether as principal, officer, agent or employee, who shall receive for shipment,
22 ship, transport, remove or assist in shipping, transporting or removing any human body
23 beyond the corporate limits of the city, without such certificate and permit, and, in case of
24 shipment, without having such permit attached to such box, case or coffin shall be guilty of
25 an offense hereunder.

26 **Sec. 24-185. Weekly report of interments.**

27 All overseers, sextons or other persons who have control over any graveyard, cemetery or
28 burying ground within the city, or ten (10) miles thereof, shall make a weekly report to the manager
29 of ~~environmental health~~public health and environment of all interments during the week in such place
30 whereof they are overseers or sextons, or in control, specifying the name and age of each person
31 interred; his sex, color, place of birth, and place of death; and the date and cause of death.

32 **Sec. 24-186. Post mortem examination.**

- 33 (a) Whenever, in the opinion of the manager of ~~environmental health~~public health and
34 environment, the cause of death of any person as given in the certificate of the physician,
35 coroner, or other professional attendant of the deceased person is incorrect, obscure or false,
36 and it is, in the manager's judgment, in the interest of the public health that such cause of
37 death shall more accurately, truthfully and correctly be ascertained, it shall be the duty of the
38 manager to make, or cause to be made, a *post mortem* examination of the body of such
39 deceased person.
- 40 (b) To this end, the manager is empowered to enter upon any premises in order to discover and
41 properly examine any dead body, or to cause any dead body to be disinterred, if it has been
42 already buried.

1 **Sec. 24-187. Funerals of persons dead of contagious diseases.**

2 The funerals of all persons dead of smallpox, cholera, typhus fever, scarlet fever, or diphtheria
3 shall be conducted in such manner and under such safeguards as shall be prescribed by the
4 manager of ~~environmental health~~public health and environment, and, if thought proper by the
5 manager, shall be under the direct supervision of the department of ~~environmental health~~public
6 health and environment.

7 **Sec. 24-188. Certified copies of birth, death or burial records.**

8 All persons who may require certified copies of the records of the department of ~~environmental
9 health~~public health and environment relating to the birth, death or burial of any person shall, before
10 receiving any such copy, pay in the manner provided by law, the sum of two dollars (\$2.00) for each
11 certified copy desired.

12 **Sec. 24-189. Territory within which burials are prohibited.**

13 (a) It shall be unlawful for any person or any of the agents, servants or employees thereof, to
14 bury or deposit in any vault, or to cause or permit to be buried or deposited in any vault, any
15 dead body, in any of the following described areas in the city:

- 16 (1) The northwest quarter of the southwest quarter of Section 1, Township 4 South, Range
17 68 West, of the Sixth Principal Meridian;
- 18 (2) The southwest quarter of the northeast quarter of Section 2, Township 4 South, Range
19 68 West of the Sixth Principal Meridian;
- 20 (3) The north one-half of the southeast quarter, Section 2, Township 4 South, Range 68
21 West of the Sixth Principal Meridian;
- 22 (4) A tract of land commencing at the southeast corner of the southeast quarter of the
23 northeast quarter, Section 27, Township 4 South, Range 68 West; thence running west
24 208.71 feet to a point; thence, at right angles, north 104.35 feet; thence at right angles,
25 east 208.71 feet to the eastern boundary line of the said Section 27; thence, at right
26 angles, south along said eastern boundary line 104.35 feet to the place of beginning;
- 27 (5) Any place in the city other than a "cemetery" legally established under former chapter
28 59 of the Denver Revised Municipal Code or the Denver Zoning Code.

29 (b) Each day that any body so unlawfully buried or deposited, or caused or permitted to be buried
30 or deposited, shall be allowed to remain interred within any of the areas hereinabove
31 described, after notice by the manager of ~~environmental health~~public health and environment
32 served upon the person or persons guilty of such unlawful interment, shall constitute a
33 separate violation of this Code."

34 * * *

35 **"Sec. 24-201. Permit required.**

36 No person shall engage in or conduct the business of undertaking, embalming or funeral directing
37 without having a permit therefor from the manager of ~~environmental health~~public health and
38 environment."

39 * * *

1 **“Sec. 24-217. Permit for cremations required.**

2 It shall be unlawful for any person to cremate or permit to be cremated any stillborn, newborn or
3 human body without first having obtained a permit therefor. The manager of ~~environmental~~
4 ~~health~~public health and environment shall issue all permits required hereunder prior to cremation.”

5 * * *

6 **“Sec. 24-231. Approval by manager of ~~environmental health~~public health and environment**
7 **required.**

8 It shall be unlawful for any person to construct, maintain or use, or cause or permit to be
9 constructed, maintained or used, any privy vault, septic tank or cesspool within the city, except by
10 approval of the manager of ~~environmental health~~public health and environment.

11 **Sec. 24-232. Inspection.**

12 No privy vault or cesspool shall be completed nor shall it be covered until the same has been
13 inspected by the manager of ~~environmental health~~public health and environment.”

14 * * *

15 **“Sec. 24-235. Temporary toilets.**

16 Chemical storage type toilets shall be provided on a temporary basis where conventional water
17 closets and urinals are not available, with the approval of the manager of ~~environmental health~~public
18 health and environment and in accordance with the terms and provisions of the building code.

19 **Sec. 24-236. Dry wells.**

20 Dry wells shall be constructed under and in accordance with terms and provisions of the building
21 code and shall be subject to approval by the manager of ~~environmental health~~public health and
22 environment.

23 **Sec. 24-237. Rules and regulations.**

24 The board of ~~environmental health~~public health and environment is empowered to adopt rules,
25 regulations and standards in connection with the construction and location of any and all privy vaults,
26 septic tanks and cesspools located within the city. Such regulations shall be designed to protect the
27 health and safety of the people of the city. It shall be unlawful for any person to violate a rule or
28 regulation adopted by the board pursuant to this section.”

29 * * *

30 **“Sec. 24-248. Receptacles to be treated with disinfectants.**

31 All putrid or offensive materials of any kind whatsoever and the contents of sinks, privies,
32 cesspools, septic tanks, grease traps and every receptacle of offensive matter shall be treated with
33 disinfectants of such kinds and at such times and in such manner as may be required by the manager
34 of ~~environmental health~~public health and environment.

35 **Sec. 24-249. Removal of contents.**

36 The contents of any privy, privy vault, privy box, sink, cesspool, septic tank or grease trap (except
37 inoffensive substances) within the limits of the city shall not be removed therefrom nor shall the same
38 be transported through any street, alley or public way or place within the city, except in or by means
39 of airtight vessels or apparatus approved by the manager of ~~environmental health~~public health and

1 environment which shall preserve such contents from sight or exposure during such process of
2 removal or transportation.

3 **Sec. 24-250. Discontinued cesspools, etc., to be disinfected and filled.**

4 (a) Whenever the use of any privy vault, cesspool, septic tank or grease trap is discontinued,
5 chloride of lime or other disinfectant approved by the manager of environmental health
6 health and environment, sufficient in quantity to thoroughly disinfect the same, must be placed
7 in the privy vault, cesspool, septic tank or grease trap, which must then be filled up with earth
8 or other suitable material. Such filling must be under the supervision of the manager.

9 (b) If such privy vault, cesspool, septic tank or grease trap be located near a well, or for any
10 similar reason the manager of environmental healthpublic health and environment shall so
11 determine, the privy vault, cesspool, septic tank or grease trap must be cleaned to the bottom,
12 before filling as above provided.”

13 * * *

14 **“Sec. 24-261. Definitions.**

15 When used in this article:

16 (1) ~~Medical staff shall mean all physicians, dentists and podiatrists employed full-time or part-~~
17 ~~time by the City and County of Denver, or volunteers who are providing their services in~~
18 ~~specific assignments as officers of the staff, committee members or in scheduled attending~~
19 ~~or teaching duties.~~

20 (12) *Board* shall mean board of environmental healthpublic health and environment of the City and
21 County of Denver.

22 (23) *Manager* shall mean the manager of environmental healthpublic health and environment of
23 the City and County of Denver.

24 (34) *Publication* shall mean posting near the principal entrances of the City and County Building.

25 (5) ~~Rules shall mean the staff bylaws and staff rules and regulations governing the medical staff~~
26 ~~of Denver Department of Environmental health, including but not limited to the appointment~~
27 ~~of medical staff, categories of medical staff, officers and committees of medical staff, meetings~~
28 ~~of medical staff, clinical department and divisions, corrective action and discipline of medical~~
29 ~~staff, and hearing and appellate review procedure. Personnel matters of career service~~
30 ~~employees are governed by the appropriate career service rules.~~

31 (46) *Rules, regulations, or rules and regulations* shall mean policies and procedures established
32 by the manager to ensure the delivery of services by the department of environmental
33 healthpublic health and environment.”

34 * * *

35 **“Sec. 24-316. Power of board of environmental healthpublic health and environment.**

36 The board of environmental healthpublic health and environment is hereby authorized to adopt,
37 and the manager of environmental healthpublic health and environment may promulgate, rules and
38 regulations deemed necessary for the proper and effective enforcement of the provisions of this
39 article.”

40 * * *

1 **“Sec. 24-351. Purpose and declaration of policy.**

- 2 (a) It is hereby declared as a matter of public policy that the protection of the health, safety, and
3 welfare of the public from the dangers of blood-borne pathogens present in the practices and
4 procedures of body art calls for the continual review, implementation, and utilization of the
5 latest scientific developments in safety precautions.
- 6 (b) The purpose of this article is to:
- 7 (1) Include all body art practices, including but not limited to tattooing and body-piercing,
8 that present legitimate health concerns under the same health regulations;
 - 9 (2) Allow adults to have control over the decision of whether to have various body art
10 techniques performed upon their own bodies, but to assure that body artists are
11 utilizing safe practices and techniques in safe and sanitary environments, so as to
12 minimize any risk of the transmission of blood-borne pathogens;
 - 13 (3) Provide for the review and inspection of proposed temporary special event facilities
14 and mobile body art vehicles, where body artists may provide their services outside of
15 permanent licensed facilities, so as to ensure safe and sanitary procedures and
16 environments;
 - 17 (4) Delegate to the manager of the department of ~~environmental health~~public health and
18 environment the duty of regulating the safety practices and procedures of the various
19 body art disciplines, the safety and sanitary conditions of the physical environment
20 where said procedures are practiced, the safety and sterilization of equipment utilized
21 in said procedures, and the minimum requirements in personal health and education
22 in the prevention of transmission of blood-borne pathogens for the licensure and
23 temporary permitting of body artists;
 - 24 (5) Delegate to the director of the department of excise and licenses the duty and authority
25 to license body artists, permanent body art establishments, and mobile body art
26 vehicles, and issue permits for temporary special event body art facilities, after
27 consultation with, and where appropriate the approval of, the department of
28 ~~environmental health~~public health and environment and other appropriate municipal
29 agencies;
 - 30 (6) To delegate to the manager of the department of ~~environmental health~~public health
31 and environment, and his or her duly authorized representatives, the duty and authority
32 to act quickly so as to prevent and abate imminent hazards to the health, welfare, or
33 safety of clients of body artists and the general public, including, but not limited to, the
34 authority to issue appropriate orders to the body artists, owners, or local managers of
35 body art establishments, mobile body art vehicles, and temporary body art facilities,
36 and to summarily suspend operations when and where reasonably necessary.

37 **Sec. 24-352. Definitions.**

38 The following words and phrases, when used in this article, shall have the meanings respectively
39 ascribed to them:

- 40 (1) *Board* means the board of ~~environmental health~~public health and environment.

- 1 (2) *Body art* means the practice of physical body adornment by establishments and artists
2 utilizing, but not limited to, the techniques of body piercing and tattooing. This definition
3 does not include, for the purposes of this Code, ear piercing.
- 4 (3) *Body art establishment* means any permanent building, place, premises, or structure,
5 whether private or public, where body art procedures are performed.
- 6 (4) *Body artist* means any person who conducts or practices body art procedures on
7 another living human being.
- 8 (5) *Body piercing* means puncturing or penetration of the skin of a person using needles
9 and the temporary insertion of jewelry or other adornment thereto in the opening, so
10 that the result is the jewelry or adornment can be easily, frequently, and reasonably
11 removed by the client without an additional procedure. This includes, but is not limited
12 to, the piercing of a navel, eyebrow, genitals, lip, nipple, nose, or tongue. Body piercing
13 does not, for purpose of this Code, include ear piercing.
- 14 (6) *Client* means the person having the body art procedure performed upon their body.
- 15 (7) *Department* means the department of ~~environmental health~~public health and
16 environment.
- 17 (8) *Director* means the director of the department of excise and licenses, or the director's
18 duly authorized representative.
- 19 (9) *Ear piercing* means the procedure or practice of puncturing of the outer perimeter or
20 lobe of the ear using a presterilized single-use stud ear piercing system, while following
21 the guidelines of the manager, the system's manufacturer's directions on use, and
22 applicable United States Food and Drug Administration requirements.
- 23 (10) *Equipment* means all machinery, including fixtures, containers, vessels, tools, devices,
24 implements, furniture, display and storage areas, sinks, and all other apparatus and
25 appurtenances used in connection with the operation of a permanent body art
26 establishment, mobile body art vehicle, or temporary special event body art facility.
- 27 (11) *Instruments* means hand pieces, needles, needle bars, needle tubs, forceps,
28 hemostats, tweezers, pliers, or other implements that may come in contact with a
29 client's body or possibly be exposed to bodily fluids during body art procedures.
- 30 (12) *License* means written approval by the director to either perform body art procedures
31 or to operate a body art establishment or mobile body art vehicle.
- 32 (13) *Local manager* means the individual who is primarily responsible for the management,
33 operation, and control of the licensed body art establishment, mobile body art vehicle,
34 or permitted temporary special event body art facility.
- 35 (14) *Manager* means the manager of the department of ~~environmental health~~public health
36 and environment and the manager's authorized representatives.
- 37 (15) *Mobile body art vehicle* means any motor vehicle, such as, but not limited to, any bus,
38 recreational vehicle, trailer, truck, or van, where body art procedures are performed.
- 39 (16) *Permit* means written approval by the director for a person, while at a special event, to
40 perform body art procedures or operate a temporary special event body art facility.

- 1 (17) *Physician* means a person holding a valid license to practice medicine, issued by the
 2 Colorado state board of medical examiners, pursuant to the Colorado Medical
 3 Practices Act.
- 4 (18) *Rules and regulations* means the rules and regulations of the board of ~~environmental~~
 5 health public health and environment concerning body art.
- 6 (19) *Special event* means any single event or celebration, such as festivals, fairs, carnivals,
 7 holiday celebrations, parades, public events, or similar gatherings of a temporary
 8 nature, for a period of time not more than fourteen (14) days, that occurs outside of a
 9 licensed body art establishment.
- 10 (20) *Tattoo, tattooed or tattooing* means inserting pigment under the surface of the human
 11 skin by pricking with a needle, or otherwise, to permanently change the color or
 12 appearance of the human skin or to produce an indelible mark or figure visible through
 13 the human skin. Examples of this technique include, but are not limited to, eyeliner, lip
 14 color, lip liner, camouflage, stencil designs, and free-hand designs.
- 15 (21) *Temporary special event body art facility* means any booth, building, room, shop, store,
 16 structure, or portion thereof, where body art procedures are temporarily performed
 17 during a trade show, product demonstration, educational seminar, or special event, for
 18 a period of time not more than fourteen (14) days.”

19 * * *

20 **“Sec. 24-354. Rules and regulations regarding body art.**

21 The board of ~~environmental health~~ is authorized to adopt, and the manager of the department of
 22 ~~environmental health~~ shall promulgate, rules and regulations, consistent with this article, relating to
 23 body art, including, but not limited to: specific safety procedures and techniques necessary in the
 24 practice of body art; required facilities, equipment, maintenance, records, sanitation, and general
 25 operation for body art establishments, mobile body art vehicles, and temporary special event body
 26 art facilities; and the minimum applicant qualifications for the issuance of licenses and temporary
 27 permits to body artists. It shall be unlawful for any person to violate a rule or regulation adopted by
 28 the board pursuant to this section.”

29 * * *

30 **“Sec. 24-373. Licensing and permits in general.**

- 31 (a) All licenses granted pursuant to this division shall be valid for a period of one (1) year from
 32 the date of issuance unless revoked or suspended pursuant to this article, or chapter 32 of
 33 this Code.
- 34 (b) All temporary special event body art facility permits shall be issued only for the purposes of
 35 product demonstration, industry trade shows, educational reasons, or a special event. Each
 36 permit shall list the specific date, time, and location of said event, and is not valid for any other
 37 date, time, or location. Each permit shall be valid for a period of not more than fourteen (14)
 38 consecutive days and, except for special events occurring on a public place, a period of at
 39 least ninety (90) days shall intervene between the termination of one (1) permit and the
 40 issuance of another permit for the same location.
- 41 (c) A license or a special event permit shall only be issued upon verification that the
 42 establishment, mobile body art vehicle, or temporary facility meets all requirements under this

1 Code and the rules and regulations of the manager. The licensee shall install the minimum
2 required equipment, personnel, and other facilities as indicated in the plans as approved or
3 modified by orders of the departments of ~~environmental health~~public health and environment,
4 building inspection division, or fire department.

5 (d) Application for a special event body art facility permit shall be made to the director not less
6 than thirty (30) days prior to the starting date of the event. The special event permit may issue
7 upon the manager's review and approval of plans, submitted by the applicant, for the
8 temporary facility. The director shall investigate each temporary body art permit application
9 and either approve or deny such application within twenty (20) days of the filing of the
10 completed application and appropriate permit fee. Approval of the ~~environmental health~~public
11 health and environment, building, fire, and zoning departments of the city shall be required
12 for the issuance of a temporary special event body art facility permit.

13 (e) Body art establishment and mobile body art vehicle licenses are not transferable. Any change
14 of ownership of a body art establishment or mobile body art vehicle shall require a new
15 application and license, payment of fees, and approval of the director. However, when a
16 license has been issued to a husband and wife, or to general or limited partners, the death of
17 a spouse or partner shall not require the surviving spouse or partner to obtain a new license,
18 and all rights and privileges granted under the original license shall continue in full force and
19 effect as to such survivors until the expiration date specified on the license. For the purposes
20 of this division, the transfer, sale, or assignment of more than ten (10) percent of the corporate
21 stock of a corporate licensee shall be conclusively presumed to be a change of ownership.

22 (f) No body art establishment license may be issued for a premises licensed for the sale of
23 fermented malt beverages, or the sale of vinous or spirituous liquors, under the provisions of
24 the Colorado Liquor Code or the Colorado Beer Code.

25 (g) No temporary body art facility permit shall be issued for a premises licensed for the sale of
26 fermented malt beverages, or the sale of vinous or spirituous liquors, under the provisions of
27 the Colorado Liquor Code or the Colorado Beer Code, unless the applicant is a bona fide
28 body art trade organization, the stated purpose for said permit is a regularly scheduled trade
29 show, and the location of the event holds a valid hotel and restaurant class liquor license. No
30 such permit shall be issued for the same location within ninety (90) days of a prior permit.

31 (h) A temporary body art facility permit may be issued to a premises licensed for the sale, by the
32 drink only, of fermented malt beverage or for the sale of, by the drink only, of malt, spirituous,
33 or vinous liquors under a special events permit issued pursuant to the laws of the State of
34 Colorado relating to special event permits for the sale of such beverages.”

35 * * *

36 **“Sec. 24-507. Licensing requirements—Provisions applicable to all licenses.**

37 (a) *Criteria for licensing.* The director shall consider and act upon all local license applications in
38 accordance with the standards and procedures set forth in the Colorado Medical Marijuana
39 Code and this article XII, and rules adopted pursuant thereto. The director shall deny any
40 application for a license that does not have a corresponding state license or that is not in full
41 compliance with the Colorado Medical Marijuana Code, this article XII, and any other
42 applicable state or city law or regulation. The director shall also deny any application that
43 contains any false or incomplete information.

- 1 (b) *Application forms and supplemental materials.* All applications for local licensing shall be
2 made upon forms provided by the state or local licensing authority, and shall include such
3 supplemental materials as required by this article XII, the Colorado Medical Marijuana Code
4 and rules adopted pursuant thereto, including by way of example: Proof of possession of the
5 licensed premises, disclosures related to ownership of the proposed business, fingerprints of
6 the applicants, building plans, floor plans designating the proposed licensed premises
7 outlined in red, and security plans. The director may, at the director's discretion, require
8 additional documentation associated with the application as may be necessary to enforce the
9 requirements of the Colorado Medical Marijuana Code and this article XII, and rules adopted
10 pursuant thereto.
- 11 (c) *Notice of applications to departments and agencies.* Upon receipt of an application for any
12 class of local license, the director shall give notice of the application to the department of
13 community planning and development, the department of finance, the department of
14 ~~environmental health~~ public health and environment, the Denver Police Department, and the
15 Denver Fire Department. Any applicant for a license under this article XII shall obtain any and
16 all necessary permits, licenses and other regulatory approvals from the other affected city
17 departments and agencies prior to the issuance of a license under this article XII.
- 18 (d) *Background checks and determination of good character.* Prior to the issuance of any local
19 license, the director shall make a finding and determination as to the good moral character of
20 the applicant in accordance with the standards and procedures set forth in the CMMC. In so
21 doing, the director may incorporate any findings as to good character previously made by the
22 state licensing authority, and shall not be required to perform a criminal background check if
23 the state licensing authority has already performed a criminal background check on the
24 applicant.
- 25 (e) *Expiration of applications.* Any application for local licensing submitted pursuant to this article
26 XII must be completed within one (1) year of the date the application is filed and the application
27 fee paid. Except as provided in this paragraph (e), applications that remain pending after the
28 expiration of the one-year time period shall be administratively closed and the director shall
29 deny the issuance of a local license. Once an application expires, the applicant must begin
30 the local licensing process anew. At the director's discretion, the director may extend the
31 application period or approve the issuance of a license for applications that remain pending
32 beyond the one-year time period if the applicant can produce, within thirty (30) days after the
33 expiration of the one-year time period, documentary or other empirical evidence to establish
34 good cause for the failure to complete the application process. For purposes of this subsection
35 (e), the term "good cause" means the failure to complete the application process occurred
36 due to circumstances outside the applicant's control.
- 37 (f) *Corresponding state license.* The director shall not issue a local license unless the applicant
38 produces a corresponding license duly issued by the state licensing authority under the
39 Colorado Medical Marijuana Code.
- 40 (g) *Pending license applications.* Applications for local licensing may not be transferred, and the
41 director shall deny any application for transfer of ownership or change of location of any
42 pending license application. At the director's discretion, the director may approve an
43 application for transfer of ownership or change of location of a pending application upon a
44 showing of good cause as defined in this section.

1 (h) *Records*. A licensee must provide on-demand access to on-premises records following a
2 request from the department during normal business hours or hours of apparent operation
3 and must provide access to off-premises records within three (3) business days following a
4 request from the department.”

5 * * *

6 **“Sec. 24-602. Definitions.**

7 The following words and phrases, when used in this article, have the meanings defined in this
8 section unless the context clearly requires otherwise:

9 (a) *Board* means the board of ~~environmental health~~public health and environment of the
10 City and County of Denver.

11 (b) *Graywater* means that portion of wastewater that, before being treated or combined
12 with other wastewater, is collected from fixtures within residential, commercial, or
13 industrial buildings or institutional facilities for the purpose of being put to beneficial
14 uses.

15 (c) *Graywater treatment works* means an arrangement of devices and structures used to:

16 (1) Collect graywater from within a building or a facility; and

17 (2) Treat, neutralize, or stabilize graywater within the same building or facility to the level
18 necessary for its authorized uses.

19 (d) *Graywater use program* means the administrative program implemented by the
20 department of ~~environmental health~~public health and environment, in coordination with
21 the department of community planning and development, to facilitate and regulate
22 graywater use within the City and County of Denver.

23 (e) *Manager* means the manager of the department of ~~environmental health~~public health
24 and environment of the City and County of Denver.”

25 * * *

26 **“Sec. 24-606. Implementation.**

27 The department of ~~environmental health~~public health and environment, in coordination with the
28 department of community planning and development, shall implement the graywater use program
29 which shall include, but not be limited to, design review, inspection, enforcement, tracking, and
30 review of complaints.”

31 * * *

32 **“Sec. 24-609. Searchable tracking mechanism.**

33 Upon implementation of the graywater use program, the department of ~~environmental~~
34 ~~health~~public health and environment will establish a searchable tracking mechanism which will
35 include:

36 (a) The legal address of each facility with graywater treatment works, allowed graywater
37 uses at each facility, and a graywater treatment works description;

38 (b) The legally responsible party associated with every graywater treatment works;

39 (c) Where required, the certified operator associated with every Graywater Treatment
40 Works; and

- 1 (d) Any changes to the legally responsible party, certified operator, and status of the
2 graywater treatment works will be updated within sixty (60) days.”

3
4 **Section 15.** That Chapter 26, Sections 26-2 and 26-5, of the Denver Revised Municipal
5 Code shall be amended to add the underscored words and delete the stricken words as follows:

6 **“Sec. 26-2. Required licenses and fees.**

7 (a) *License.* Any person operating a boarding home, or a personal care boarding home, shall first
8 obtain a license to operate such a facility from the director of excise and licenses pursuant to
9 chapter 32 of this Code. A separate license shall be obtained for each such location and
10 facility.

11 (b) *Application referrals.*

12 (1) Applications for a license to operate a boarding home, or personal care boarding home,
13 as provided for in chapter 32 of this Code shall be forwarded to all appropriate city
14 agencies, including but not limited to the department of ~~environmental health~~public
15 health and environment, department of zoning administration, department of safety,
16 division of community corrections, neighborhood inspection services, fire prevention
17 bureau, building inspection division, and the wastewater division of the department of
18 public works. Such city agencies shall investigate, inspect, and make
19 recommendations to the director of excise and licenses as provided for in section 32-
20 10 of this Code. Such agencies may recommend that conditions which are related to
21 the intent of this article or other ordinances and rules and regulations and to the
22 protection of the health and safety of the residents and employees of such home and
23 the residents of the city be included in any license issued by the director of excise and
24 licenses.

25 (2) No construction, modification or remodeling of any boarding home, or personal care
26 boarding home, shall commence until such construction is approved by the building
27 inspection division as being in compliance with the applicable rules and regulations
28 adopted by the department of ~~environmental health~~public health and environment.

29 (c) *Fees.* Application and license fees shall be paid as prescribed in chapter 32 of this Code.

30 (d) *Provisional licenses.*

31 (1) Upon recommendation from the department of ~~environmental health~~public health and
32 environment and payment of the fee established in section 32-54 of this Code, the
33 director of excise and licenses may issue a provisional license to an applicant for the
34 purpose of operating a personal care boarding home for a single ninety-day period.

35 (2) The department of ~~environmental health~~public health and environment may
36 recommend issuance of a provisional license if:

- 37 a. The applicant is temporarily unable to conform to all the minimum standards of
38 the department of ~~environmental health~~public health and environment’s rules
39 and regulations, except the issuance of a provisional license shall not be
40 recommended if the operation of the facility will adversely affect the health,
41 safety and welfare of the residents of such facility; and

1 materials that may serve as their food; or by poisoning, spraying, fumigating, trapping
2 or similar means.

3 (8) *Garbage* means the animal and vegetable waste resulting from the handling,
4 preparation, cooking or consumption of food.

5 (9) *Habitable room* means a room designed to be used for living, sleeping, eating or
6 cooking, excluding bathrooms, toilet compartments, closets, halls and storage places.

7 (10) *Hotel* means any dwelling, or that part of any dwelling, containing one (1) or more
8 rooming units in which space is let to three (3) or more persons who are transients or
9 permanent guests occupy a rooming unit.

10 (11) *Infestation* means the presence, within or around a dwelling, of insects, rodents, vermin
11 or other pests of such kind or in such numbers to cause a hazard to human health.

12 (11.5) *Manager* means, unless the context otherwise requires, the manager of the
13 department of ~~environmental health~~ public health and environment or the manager's
14 representative.

15 (12) *Multiple dwelling* means any dwelling containing more than two (2) dwelling units.

16 (13) *Occupant* means any natural person living, sleeping, cooking or eating in, or having
17 actual possession of, a dwelling unit or rooming unit.

18 (14) *Operator* means any person, whether the owner or not, who manages or controls any
19 dwelling, or part thereof, in which a person or persons other than an owner occupy a
20 dwelling unit or rooming unit.

21 (15) *Owner*, as used in this article, means any person who alone or with others:

22 (a) Has record legal or equitable title to any dwelling or dwelling unit, with or without
23 accompanying actual possession thereof;

24 (b) Acts as the agent or manager for the person who holds the record legal or
25 equitable title to any dwelling, dwelling unit in a multiple dwelling structure, or
26 common area or utilities servicing a single unit dwelling or dwelling unit in
27 multiple dwelling structure, or acts as an agent or manager for any group of such
28 owners;

29 (c) Is the personal representative, trustee, or fiduciary of an estate, trust, other
30 entity which holds record legal or equitable title to any single unit dwelling or
31 dwelling unit in a multiple unit structure, or common area or utilities servicing a
32 single unit dwelling or dwelling unit in multiple dwelling structure; or

33 (d) Controls access to any service, facility, equipment, or utility that is required
34 under this article and which is servicing any single unit dwelling or dwelling unit
35 in multiple dwelling structure.

36 (16) *Person* means a natural person for purposes of the occupancy standards hereof, and
37 for all other purposes it has the meaning set forth in subsection 1-2(12) of the Code.

38 (17) *Rooming house* means any dwelling, or that part of any dwelling, containing one (1) or
39 more rooming units in which three (3) or more persons who are permanent guests
40 occupy a rooming unit.

- 1 (18) *Rooming unit* means any room or group of rooms forming a single habitable unit used
 2 or intended to be used for living and sleeping, but no part of which is exclusively or
 3 occasionally appropriated to cookery.
- 4 (19) *Rubbish* means combustible and noncombustible waste materials, household and yard
 5 debris and ashes.
- 6 (20) *Supplied* means paid for, furnished, provided by, or under the control of the owner or
 7 operator.
- 8 (21) *Temporary housing* means any tent, trailer coach, or other structure used for human
 9 shelter that is designed to be transportable and that is not attached to the ground, to
 10 another structure, or to any utilities system.”

11 * * *

12 **“Sec. 27-28. Designation of unfit dwellings.**

- 13 (1) *Designation.* Whenever the manager finds any dwelling, or dwelling unit, or rooming unit,
 14 regardless of whether it is occupied, that does not conform to the standards established by
 15 this article, or does not conform with the rules and regulations adopted and promulgated under
 16 it, and that by reason of the nonconformity presents an imminent hazard to public health, or
 17 to the physical or mental health of current or future occupants, the manager may, without prior
 18 notice or hearing, designate this dwelling, dwelling unit, rooming house, or rooming unit as
 19 unfit for human habitation.
- 20 (2) *Placarding; order to vacate.* Any dwelling, dwelling unit or rooming unit designated as unfit for
 21 human habitation by the manager will be appropriately placarded as such and must be
 22 vacated by the occupants within the time specified in the placard. The placard constitutes an
 23 order directing vacating, and may serve as an order prohibiting access for any period of time
 24 as determined appropriate by the manager based on the nature of the hazard presented.
- 25 (3) *Correction of defects.* No dwelling, dwelling unit or rooming unit which has been designated
 26 as unfit for human habitation and placarded as such shall again be used for human habitation
 27 until written approval is secured from and the placarding removed by the manager. The
 28 manager shall remove the placard whenever the defects upon which the designation and
 29 placarding action were based have been eliminated and the dwelling, dwelling unit or rooming
 30 unit conforms to the standards established by this article and the provisions of the rules and
 31 regulations adopted and promulgated hereunder.
- 32 (4) *Unlawful to deface placard.* It is unlawful for any person to deface, move, remove or obscure
 33 any placard affixed under the provisions of this article.
- 34 (5) *Appeals.* Any person aggrieved by the designation of any dwelling, dwelling unit or rooming
 35 unit as unfit for human habitation who believes the designation to be factually or legally
 36 contrary to the ordinances of the city, or the policies and regulations of the department of
 37 ~~environmental health~~ public health and environment, may appeal the same to the board in
 38 accordance with article 1, chapter 24, D.R.M.C. The placarding of any dwelling, dwelling unit
 39 or rooming unit under the provisions hereof commences operation of the period of time in
 40 which an appeal must be perfected.
- 41 (6) *Modifications under special circumstances.* Whenever there are practical difficulties involved
 42 in carrying out the provisions of this article, the manager may grant modifications for individual

1 cases, provided he shall first notify the owner of the building, structure or utility and then find
2 that a special individual reason makes the strict letter of the article impractical, that the
3 modification is in conformity with the intent and purpose of this article and that such
4 modification does not lessen any health or safety, fire protection requirements, or any degree
5 of structural integrity. The details of any action granting modifications will be sent to the owner
6 and entered in the files of the department of ~~environmental health~~public health and
7 environment.”

8
9 **Section 17.** That Chapter 30, Section 30-6(7), of the Denver Revised Municipal Code shall
10 be amended to add the underscored words and delete the stricken words as follows:

11 **“Sec. 30-6. Procedure to authorize erection, construction, reconstruction, alterations to, or**
12 **demolition of structures.**

13 * * *

14 (7) *Remedying of dangerous conditions.* In any case where the building inspection division of
15 CPD, the department of ~~environmental health~~public health and environment or the fire
16 department or any other duly authorized officer or agency of the city orders or directs the
17 construction, reconstruction, alteration, repair or demolition of any improvement to a structure
18 for preservation or structure in a district for preservation, for the purpose of remedying
19 conditions determined by that department, agency or officer to be imminently dangerous to
20 life, health or property, said work may proceed without further delay imposed by reason of
21 this chapter, provided any such department, agency or officer shall give the commission
22 notice prior to issuance of any such order or directive. Nothing contained herein shall be
23 construed as making it a violation of this chapter for any person to comply with such order or
24 directive without receipt of a statement from the commission.”

25 * * *

26
27 **Section 18.** That Chapter 31, Sections 31-17, 31-18, 31-19, 31-24, 31-27, 31-30, 31-31, 31-
28 32, 31-44, 31-51, 31-52, 31-53, 31-54, 31-55, 31-56, 31-57, and 31-58, of the Denver Revised
29 Municipal Code shall be amended to add the underscored words and delete the stricken words as
30 follows:

31 **“Sec. 31-17. Definitions.**

32 The following words and phrases, when used in this article, shall have the meanings respectively
33 ascribed to them:

- 34 (1) *Closed systems* are those wherein the cleaning, drying and deodorizing processes are
35 completed entirely within one (1) unit requiring no manual transfer of materials between
36 stops of the process.
- 37 (2) *Coin-operated dry cleaning machine* shall mean any self-service device offered for
38 public use which, upon insertion of a coin, coins or token or by other means,
39 accomplishes dry cleaning.

- 1 (3) *Dipping* is construed to mean the immersion of materials, without mechanical agitation,
2 in a solution of organic solvents to impart some finish such as water repellency, moth
3 proofness or sizing.
- 4 (4) *Dry cleaning* is a process of removing dirt, grease, paints, oils or other stains from
5 materials by the use of organic solvents.
- 6 (5) *Dry cleaning establishment* is any place or premise where any person is engaged in
7 the business of operating coin-operated dry cleaning machines or engaged in the
8 business of dry cleaning, dyeing, spotting, pressing, dipping, spraying and finishing
9 any fabric or material, using organic solvents, but shall not include any place or premise
10 where materials or fabrics are received for pressing alone, or received for further
11 transportation to a dry cleaning establishment.
- 12 (6) *Dry dyeing* is a process of dyeing materials in a solution of dye colors and organic
13 solvents.
- 14 (7) *Excessive concentrations of solvent vapors* are those concentrations in the machine
15 service or public access area greater than the maximum allowable concentration
16 standard established pursuant to this article.
- 17 (8) *Inspection services* shall mean inspections, investigations or examination services
18 furnished by the manager of ~~environmental health~~public health and environment to dry
19 cleaning establishments that conform with the requirements of this article and rules
20 and regulations promulgated under the authority of this article.
- 21 (9) *Machine service area* means the space within a dry cleaning establishment other than
22 the public access area.
- 23 (10) *Materials* means fabrics, textiles, furs and leathers, and any items manufactured from
24 them, including but not limited to wearing apparel.
- 25 (11) *Maximum allowable concentration standards:*
- 26 a. Perchloroethylene, Trichloroethylene, one hundred (100) parts per million in
27 machine service area atmosphere average for eight (8) hour work day.
- 28 b. Perchloroethylene, thirty (30) parts per mill in public access area atmosphere,
29 at any time.
- 30 c. Maximum allowable concentration standards for solvents other than those listed
31 in subsections (11)a. and (11)b. shall be established by the manager of
32 ~~environmental health~~public health and environment, consistent with the
33 provisions of this article and generally accepted maximum allowable
34 concentration standards.
- 35 (12) *Public access area* means the space within a dry cleaning establishment available or
36 accessible to any person.
- 37 (13) *Semi-closed systems* are those wherein the cleaning and extracting processes are
38 performed in one (1) machine, from which the materials must be transferred manually
39 to another machine or to another part of the same machine for drying.

- 1 (14) *Soaking* is construed to mean the immersion of materials without mechanical agitation,
2 in a solution of a detergent and organic solvents for the purpose of removing soil and
3 stains.
- 4 (15) *Spotting* is the local application of solvents to spots of dirt, grease, oils, paints and
5 stains on materials and shall include brushing and scouring.
- 6 (16) *Spraying* is construed to mean the application to materials of organic solvents, or
7 solutions containing organic solvents, in finely dispersed particles by compressed air
8 or other means.

9 **Sec. 31-18. Solvents.**

- 10 (a) Solvents other than those listed in sections 31-17(11)a. and 31-17(11)b. may be used in dry
11 cleaning operations only upon approval of the manager of ~~environmental health~~public health
12 and environment pursuant to rules and regulations promulgated by the manager consistent
13 with this article. No dry cleaning establishment shall use any solvent having a maximum
14 allowable concentration of less than one hundred (100) parts per million or any mixture of
15 solvents which contain more than five (5) percent of any such compounds.
- 16 (b) Each dry cleaning machine shall bear a label of the manufacturer specifying the properties of
17 the solvent for which it is designed. The use of any dry cleaning unit and solvents with
18 properties other than those for which such unit is designed is prohibited.

19 **Sec. 31-19. Solvent and residue storage and handling.**

20 No solvent shall be received or stored in a dry cleaning plant except in containers bearing a
21 warning label, meeting the approval of the manager of ~~environmental health~~public health and
22 environment.”

23 * * *

24 **“Sec. 31-24. Instructions to workers.**

- 25 (a) All employees engaged in the operation or maintenance of dry cleaning machines shall be
26 instructed in the safe operation of such machines.
- 27 (b) Notices with instructions for safe operating methods for organic solvents in the establishment
28 shall be posted in a conspicuous place in the machine service area. Such notices shall be
29 provided by the manager of ~~environmental health~~public health and environment.
30 Manufacturers of dry cleaning machines sold or offered for sale in the city shall provide with
31 such machines written instructions for proper installation and safe operating methods.
- 32 (c) All employees shall be instructed in procedures to avoid excessive inhalation of solvent
33 vapors in the event of accidental discharge of such vapors into the atmosphere or solvent
34 spillage.
- 35 (d) Where coin-operated dry cleaning equipment is provided, notices with proper step-by-step
36 instructions for safe operating methods and procedures, shall be posted in a conspicuous
37 place in the public access area.
- 38 (e) Where semi-closed systems are provided, an attendant trained in safety and machine
39 operation shall be present at all times during the hours the dry cleaning establishment is open
40 for business and shall accomplish the manual transfer of materials from the cleaning unit to
41 the drying unit. Where closed systems are provided, an attendant trained in safety and

1 machine operation shall be immediately available during the hours the dry cleaning
2 establishment is open for business.”

3 * * *

4 **“Sec. 31-27. Vent piping.**

- 5 (a) Any vent pipes or ducts which conduct solvent vapors removed from dry cleaning machines
6 and processes, shall have vapor-proof joints and shall discharge outside unless a solvent
7 vapor reclaiming device is provided. They shall not discharge into any flue for combustion
8 products nor into any building ventilating duct.
- 9 (b) Solvent vapor discharged as in subsection (a) shall be so controlled that it shall not create a
10 health hazard or nuisance, as determined by the manager of ~~environmental health~~public
11 health and environment, to the occupants of the same or adjoining building or result in
12 excessive concentrations of solvent vapors pursuant to the maximum allowable
13 concentrations established for public access areas.
- 14 (c) Heating appliances lacking sealed combustion chambers and open flame heating appliances
15 shall not be located in the same room with the dry cleaning machine, unless it is physically
16 separated to prevent air containing more than five (5) parts per million solvent vapor coming
17 into contact with fire or open flame. Such heating equipment shall be fitted with a corrosion-
18 resistant flue and draft hood and shall convey products of combustion out-of-doors.”

19 * * *

20 **“Sec. 31-30. Plans and specifications.**

21 It shall be necessary to submit in triplicate to the zoning, building and fire departments and to the
22 manager of ~~environmental health~~public health and environment detailed plans and specifications
23 before any dry cleaning establishment is installed, constructed, modified, remodeled, extended or
24 enlarged. Before such work commences, such plans and specifications shall be approved by the
25 respective departments in respect to the following:

- 26 (1) Layout and arrangement of all areas in which operations are to be conducted;
27 (2) Equipment specification and mechanical controls;
28 (3) Materials to be used in construction.

29 **Sec. 31-31. Rules and regulations.**

30 The board of ~~environmental health~~public health and environment may promulgate, from time to
31 time, rules and regulations pertaining to adequacy of facilities, safety of equipment, construction of
32 equipment, sanitation and cleanliness as it affects and relates to the operation of dry cleaning
33 establishments.

34 **Sec. 31-32. Enforcement.**

- 35 (a) *Repair or cleaning order.* The manager of ~~environmental health~~public health and environment
36 or a duly authorized representative may order any person to whom inspection services are
37 accorded to effect such cleaning or repair operations as are necessary to place such dry
38 cleaning establishment in conformity with the requirements of this article and pertinent rules
39 and regulations adopted hereunder as follows:

1 (1) If the order involves a cleaning or repair operation which requires expenditures of
2 considerable time or money, such order shall be made in writing and delivered
3 personally or by registered mail to the person and shall specify a reasonable period
4 within which compliance shall be had.

5 (2) While cleaning and repair operations pursuant to an order under terms of this article
6 are being undertaken, the area of the dry cleaning establishment affected by such
7 order shall not be utilized in connection with the operations of such dry cleaning
8 establishment.

9 (3) The rules and regulations promulgated and adopted pursuant to the terms of this article
10 relating to construction, sanitation, equipment, maintenance, supervision and control
11 shall be applicable uniformly to all newly constructed dry cleaning establishments;
12 provided, however, that the board of ~~environmental health~~public health and
13 environment may in such rules and regulations provide for application of such rules
14 and regulations to the operation of any presently existing dry cleaning establishment,
15 whenever in the opinion and discretion of the manager the application of any rule or
16 regulation promulgated and adopted hereunder is necessary to maintain the existing
17 dry cleaning establishment in a safe condition, upon finding that the public health,
18 safety and welfare are adversely affected thereby. It shall be the duty of the manager
19 to show cause in writing the reasons for the necessity of requiring presently existing
20 dry cleaning establishments to comply with rules and regulations promulgated and
21 adopted under the provisions of this article. Provided, however, that all dry cleaning
22 establishments shall be required to comply with all rules and regulations adopted under
23 the provisions of this article within one (1) year from the effective date of this ordinance.

24 (b) *Right of entry.* For purposes of ascertaining violation of this article and conducting routine
25 inspections, the right of entry into the premises of any dry cleaning establishment during hours
26 the dry cleaners are conducting business and at other times during which activity is in
27 evidence is hereby granted to the manager of ~~environmental health~~public health and
28 environment to conduct a reasonable inspection or investigation. It shall be unlawful to hinder,
29 prevent or refuse to permit any lawful inspection or investigation authorized in pursuance of
30 this article.

31 (c) *Nuisance abatement.* If any order lawfully issued in pursuance of subsection (a) is not
32 complied with in such reasonable time as is specified, the particular instance of violation of
33 this article is hereby declared to be a nuisance and may be summarily abated by the manager
34 of ~~environmental health~~public health and environment, costs of such abatement may be
35 collected by an action at law.

36 (d) *Sampling.* Samples sufficient for air or vapor analysis may be taken by the manager of
37 ~~environmental health~~public health and environment whenever necessary for the efficient
38 conduct of inspection and investigatory procedures.”

39 * * *

40 **“Sec. 31-44. Issuance or denial.**

41 The director of excise and licenses shall submit all applications for licenses under the terms of
42 this section to the manager of ~~environmental health~~public health and environment who shall inspect
43 or cause to be inspected the establishment of the applicant with regard to the provisions of this

1 section relative to construction, equipment, cleanliness and sanitary facilities. The manager shall
2 return the application to the director of excise and licenses with endorsement of approval or
3 disapproval, and the director shall issue or deny the license.”

4 * * *

5 **“Sec. 31-51. Required.**

6 It shall be unlawful for any person to operate a dry cleaning establishment except as provided in
7 and authorized by this article and in accordance with applicable rules and regulations promulgated
8 under the authority of this article and without first having been accorded inspection services by the
9 manager of ~~environmental health~~public health and environment.

10 **Sec. 31-52. Application.**

11 The application for inspection services required by this division shall contain:

- 12 (1) The name of the person desiring such inspection services;
- 13 (2) The residence of such applicant, or of each of the individual members of such firm, or
14 of each of such firm, or of each of the directing officers of such corporation and its
15 principal place of operation;
- 16 (3) The street address, if any, where such dry cleaning establishment is to be located;
- 17 (4) Any other relevant information required by the manager of ~~environmental health~~public
18 health and environment in respect to the undertaking proposed to be conducted or the
19 facilities and equipment.

20 **Sec. 31-53. Accord or denial.**

- 21 (a) If the manager of ~~environmental health~~public health and environment shall find after
22 investigation that all conditions and specific requirements relating to a dry cleaning
23 establishment for which inspection services are sought have been met in accordance with the
24 terms of this article and applicable rules and regulations promulgated hereunder, the manager
25 shall thereupon accord inspection services to the applicant, evidencing such accord by an
26 appropriate certificate.
- 27 (b) If the manager shall not so find, the manager shall thereupon issue an order denying such
28 inspection services and notify the applicant of the denial. Upon request the manager shall
29 furnish the applicant a copy of the order and the reasons supporting the denial.

30 **Sec. 31-54. Contents of certificate evidencing accord.**

31 Every certificate evidencing accord of inspection services shall show upon its face:

- 32 (1) The name of the person to whom such inspection services are accorded;
- 33 (2) The nature and scope of dry cleaning operations to which inspection services
34 have been accorded;
- 35 (3) The street address, if any, where such dry cleaning establishment is located;
36 and
- 37 (4) Such other information as deemed necessary by the manager of ~~environmental~~
38 healthpublic health and environment.

1 **Sec. 31-55. Transfer.**

2 No certificate evidencing accord of inspection services may be transferred from one (1) person
3 to another or transferred from one (1) place to another without the written approval of the manager
4 of ~~environmental health~~public health and environment; no such certificate may be transferred in
5 derogation of the terms of the rules and regulations pertaining to dry cleaning establishments; no
6 such certificate may be transferred if the terms of the rules and regulations pertaining to a dry
7 cleaning establishment prohibit the same.

8 **Sec. 31-56. Revocation of accord.**

9 (a) The manager of ~~environmental health~~public health and environment shall, upon seven (7)
10 days' written notice to the person to whom the privilege of inspection services has been
11 accorded, state a contemplated action and in general the grounds therefor, and upon
12 reasonable opportunity to be heard, revoke the privilege of the accord of inspection services
13 if the manager finds that:

- 14 (1) The person to whom inspection services have been accorded, has failed to file required
15 reports or furnish such information as may be reasonably required by the manager
16 under the authority vested in the manager by the terms of this section and rules and
17 regulations relating to the specific kind of dry cleaning; or that
- 18 (2) The person to whom inspection services have been accorded, either knowingly or
19 without the exercise of due care to prevent the same, has violated any of the provisions
20 of this section or of the rules and regulations relating to the kind of dry cleaning
21 establishment for which inspection services have been accorded; or that
- 22 (3) Any fact or condition exists which if it had existed or had been known to exist at the
23 time of the application for inspection services, would have warranted the manager to
24 refuse originally to accord such inspection services.

25 (b) It shall be unlawful for any person to conduct or cause to be conducted any dry cleaning
26 business for which the privilege of inspection services has been suspended or revoked.

27 **Sec. 31-57. Emergency suspension.**

28 If the manager of ~~environmental health~~public health and environment or a duly authorized
29 representative finds that probable cause exists for the suspension of the privilege of inspection
30 services for a dry cleaning establishment and that the health and safety of those who utilize or work
31 in the dry cleaning establishment is menaced, the manager may enter an order for the immediate
32 suspension of the dry cleaning operation, pending further investigation, for a period not to exceed
33 ten (10) days.

34 **Sec. 31-58. Reinstatement.**

35 The manager of ~~environmental health~~public health and environment may reinstate suspended
36 inspection services certificates or issue new certificates to a person whose privilege of inspection
37 services has been revoked or surrendered if no fact or condition then exists which would warrant the
38 manager to refuse to accord inspection services to the dry cleaning establishment under the terms
39 of this section and the applicable rules and regulations.”

40

- 1 (1) Application fees: The number of employees considered for the determination of the
 2 appropriate license category shall be the full-time equivalent number of employees
 3 directly related to the processing, storing, handling or packaging of food intended for
 4 human consumption. The manager of ~~environmental health~~public health and
 5 environment shall certify to the department of excise and licenses the kinds and types
 6 of activities permissible under each license category, taking into account the number
 7 of full-time equivalent employees utilized in the operation.
- 8 (a) Nine (9) or less employees \$125.00
 9 (b) Ten (10) to twenty-nine (29) employees 150.00
 10 (c) Thirty (30) or more employees 175.00
- 11 (2) License fees, per year: The number of employees considered for the determination of
 12 the appropriate license category shall be the full-time equivalent number of employees
 13 directly related to the processing, storing, handling or packaging of food intended for
 14 human consumption. The manager of ~~environmental health~~public health and
 15 environment shall certify to the department of excise and licenses the kinds and types
 16 of activities permissible under each license category, taking into account the number
 17 of full-time equivalent employees utilized in the operation.

Food processing, wholesale, and warehouse	Annual fee 9 or less employees	Annual fee 10 to 29 employees	Annual fee 30 or more employees
(a) Basic license (packaged, bottled, and canned)	\$140.00	\$220.00	\$330.00
(b) Produce, bulk, or other unpackaged food; processed prepackaged meat products; dairy products processing, including butter, cheese, or ice cream yogurt, or dairy product specialties(also permits activities covered in (a) above)	195.00	295.00	445.00
(c) Fresh meats which includes cutting, grinding, smoking, curing, cooking or any processing operation (also permits activities covered in (a) and (b) above)	235.00	345.00	515.00
(d) Milk and dairy products (also permits activities covered in (a), (b), and (c) above)	260.00	400.00	600.00

- 18
 19 (3) Any wholesale license in category (a) through (d) will permit the secondary retail sales
 20 of food products in those categories. However, an establishment shall be licensed in
 21 the category of its principal and primary business function based upon the number of
 22 employees as defined in chapter 23.”

1
2 **“Sec. 32-106.5. Retail food establishments.**

3 Retail food establishments shall pay the following fees:

4 (1) Application fee:

- 5 (a) Unless otherwise stated in this section \$200.00
- 6 (b) Restaurants with a seating capacity of 1 to 25 patrons 150.00
- 7 (c) Restaurants with a seating capacity of 26 to 100 patrons 200.00
- 8 (d) Restaurants with a seating capacity of 101 to 500 patrons 250.00
- 9 (e) Restaurants with a seating capacity of more than 500 patrons 300.00
- 10 (f) Restaurant-type operation located on premises where the primary business is
- 11 not the operation of a restaurant, including the offering for sale of food or drink
- 12 for consumption on or off the premises, stand-up counters, prepared food items
- 13 sold with the aid of a pushcart, wagon, carriage or vehicle of any kind or
- 14 description, and similar food or drink sellers who do not provide seating
- 15 arrangements for patrons 150.00

16 (2) Restaurant license fees, per year:

- 17 (a) Restaurants with a seating capacity of 1 to 25 patrons \$125.00
- 18 (b) Restaurants with a seating capacity of 26 to 100 patrons 200.00
- 19 (c) Restaurants with a seating capacity of 101 to 500 patrons 300.00
- 20 (d) Restaurants with a seating capacity of more than 500 patrons 400.00
- 21 Plus \$50.00 per outlet

22 Outlet for purposes of this sub-section (d) shall mean a separate and distinct food
23 service area operating in conjunction with a commissary as determined by the director
24 of excise and licenses.

- 25 (e) Restaurants where patrons drive from the street onto a parking lot where "drive-
- 26 in service" is provided by such restaurant and no seating is provided inside the
- 27 restaurant 200.00
- 28 (f) Restaurant-type operation located on premises where the primary business is
- 29 not the operation of a restaurant, including the offering for sale of food or drink
- 30 for consumption on or off the premises, stand-up counters, prepared food items
- 31 sold with the aid of a pushcart, wagon, carriage or vehicle of any kind or
- 32 description, and similar food or drink sellers who do not provide seating
- 33 arrangements for patrons 125.00

34 (3) Temporary retail food establishment license fees, per year, shall be one hundred
35 dollars (\$100.00) plus ten dollars (\$10.00) per day for the first five (5) days of each
36 event. Temporary retail food establishments shall not pay application fees.

37 (4) Food peddlers license, per year, shall be fifty dollars (\$50.00) per year. Food peddlers
38 shall pay a twenty-five dollar (\$25.00) application fee.

- 1 (5) Ice cream vendor's license fees, in addition to applicable mobile food unit and pushcart
 2 fees, shall be twenty-five dollars (\$25.00) per year with a fifty-dollar (\$50.00)
 3 application fee.
- 4 (6) Other retail food establishment license fees, per year. The number of employees
 5 considered for the determination of the appropriate license category shall be the full-
 6 time equivalent number of employees directly related to the processing, storing,
 7 handling or packaging of food intended for human consumption. The manager of
 8 ~~environmental health~~ public health and environment shall certify to the department of
 9 excise and licenses the kinds and types of activities permissible under each license
 10 category, taking into account the number of full-time equivalent employees utilized in
 11 the operation.

Retail food	Annual Fee		
	1 to 9 employees	10 to 29 employees	30 or more employees
(a) Produce and other bulk or unpackaged food (covers activities in (a) above)	\$95.00	\$160.00	\$235.00
(b) Milk and dairy products and/or preprocessed, prepackaged meats (also permits activities covered in (a) above)	110.00	200.00	305.00
(c) Fresh meats which includes cutting, grinding and packaging (also permits activities covered in (a) and (b) above)	135.00	285.00	425.00
(d) Delicatessen and/or bakery (also permits activities covered in (a), (b) and (c) above)	200.00	295.00	445.00

(e) Multi-use allows two or more activities covered in (a), (b), (c) and (d) above, and may also provide seating capacity for patrons as set forth in section 32-106.5(2)	200.00	295.00	445.00
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1 Any retail license issued in category (a) through (e) will permit the secondary wholesale
2 sales of food products in those categories. However, an establishment shall be
3 licensed in the category of its principal and primary business function based upon the
4 number of employees as defined in chapter 23.”

5
6 **Section 20.** That Chapter 33.5, Sections 33.5-2 and 33.5-33, of the Denver Revised
7 Municipal Code shall be amended to add the underscored words and delete the stricken words as
8 follows:

9 **“Sec. 33.5-2. Definitions.**

10 Words and phrases used in this chapter shall have the following meanings ascribed to them:

- 11 (1) *Director* means the director of excise and licenses of the city.
- 12 (2) *Manager* means the manager of the department of ~~environmental health~~public health
13 and environment of the city or the authorized representative thereof.
- 14 (3) *Massage* means a method of treating the body for remedial or hygienic purposes or for
15 the purpose of infant stimulation; including, but not limited to, rubbing, stroking,
16 kneading, or tapping with the hand or an instrument or both.
- 17 (4) *Massage parlor* means an establishment providing massage, but it does not include
18 training rooms of public and private schools accredited by the state board of education
19 or approved by the division charged with the responsibility of approving private
20 occupational schools, training rooms or recognized professional or amateur athletic
21 teams, and licensed health care facilities. A facility which is operated for the purpose
22 of massage therapy performed by a massage therapist is not a massage parlor.
- 23 (5) *Massage therapist* means a person who has graduated from a massage therapy school
24 accredited by the state educational board or division charged with the responsibility of
25 approving private occupational schools, or from a school with comparable approval or
26 accreditation from another state with transcripts indicating completion of at least five
27 hundred (500) hours of training in massage therapy. For the purposes of this chapter,
28 a massage therapy school may include an equivalency program approved by the state
29 educational board or division charged with the responsibility of approving private
30 occupational schools.
- 31 (6) *Person* means a natural person, partnership, company, association, corporation,
32 organization, or managing agent, servant, officer or employee of any of them.”

33 * * *

34 **“Sec. 33.5-33. Rules and regulations.**

35 The manager of ~~environmental health~~public health and environment may issue and promulgate
36 rules and regulations to provide for the public health, safety and welfare in relation to massage

1 parlors. It shall be unlawful for any person to violate a rule or regulation adopted by the manager
2 pursuant to this section.”

3
4 **Section 21.** That Chapter 35, Sections 35-17, 35-19. 35-21. 35-26, 35-39, 35-51, 35-52, 35-
5 54, and 35-74, of the Denver Revised Municipal Code shall be amended to add the underscored
6 words and delete the stricken words as follows:

7 **“Sec. 35-17. Inspections.**

- 8 (a) It shall be the duty of the manager of ~~environmental health~~public health and environment to
9 make or cause to be made, with the assistance of the building inspection division, the fire
10 department and the police department, regular semi-annual inspections of each licensed
11 trailer park to determine whether the same is in compliance with this article.
- 12 (b) Additional inspections may be made prior to the renewal of any trailer park license and at
13 whatever time the manager, the building inspection division, the fire department or the police
14 department, acting independently or in conjunction, may deem proper.
- 15 (c) Inspectors appointed by any of the foregoing shall have the right to enter upon the premises
16 of any trailer park and any trailer coach thereupon for the purposes of this section.
- 17 (d) Such inspectors shall promptly report any violation or suspected violation of this article to their
18 respective departments and to the manager of ~~environmental health~~public health and
19 environment who shall take such action as may be appropriate to cause such violation to be
20 corrected and to enforce the provisions of this article.”

21 * * *

22 **“Sec. 35-19. Fire protection.**

23 For the purpose of protection against fire:

- 24 (1) No tow car or trailer coach shall at any time be parked, placed or allowed to remain in
25 any driveway or over any walk way of any trailer park, provided that a tow car or auto
26 may be parked parallel on one (1) side of a driveway which is a minimum of twenty-
27 five (25) feet in width, provided a clear passage of sixteen (16) feet is maintained at all
28 times and the parking side is so posted by operator of a trailer park.
- 29 (2) An identifying sign shall be placed on each entrance and each exit to every trailer park
30 and shall be lighted as provided in section 35-20(d).
- 31 (3) Every incinerator to be used in any trailer park shall be of an approved type and shall
32 conform to the building code.
- 33 (4) All rubbish containers used at any trailer park shall be constructed of metal with metal,
34 self-closing tops and shall be in such number and at such location as required by the
35 fire department and the department of ~~environmental health~~public health and
36 environment.
- 37 (5) There shall be provided at each trailer park at least one (1) standard fire alarm box
38 connected to the city fire alarm system, public telephone facilities available at all times.
- 39 (6) There shall be provided at each trailer park such fire extinguishers and yard hydrants
40 with hose attachments as may be required by the fire department.

- 1 (7) Open fires are prohibited in all trailer parks.
- 2 (8) No trailer coach shall be permitted to park at any trailer park unless such trailer coach
3 shall be equipped with at least one (1) approved, hand-operated fire extinguisher of a
4 type suitable for use on oil or gasoline fires which shall be fixed in a specific location,
5 preferably near the door and in no case in close proximity to the cooking or heating
6 stove.
- 7 (9) Whenever any trailer coach at any trailer park shall use auxiliary tanks for the storage
8 of liquid fuel, such tanks shall be so located as to require filling and draining on the
9 outside of the trailer coach. Tanks used by any trailer coach for the storage of liquefied
10 petroleum gas must be located outside of the trailer coach, and such tanks, the
11 appliances using the fuel thereof, and the installation of such tanks and appliances
12 shall conform to the requirements of this Code and all ordinances now or hereafter in
13 force concerning liquid fuel and liquefied petroleum gas, the rules and regulations of
14 the fire department, and all applicable statutes, laws and regulations of the state. All
15 fuel tanks shall be securely fastened in position in a place readily available for
16 inspection. If such tanks be installed in any enclosed compartments, such
17 compartments shall be ventilated at the bottom.
- 18 (10) Oil storage shall be permitted provided the container is approved by the chief of the
19 fire prevention bureau and does not exceed fifty-five (55) gallons in capacity. Such
20 container shall be vented and provided with a stopcock at the outlet of the container
21 and stopcock at the end of the fuel line. The supply line shall in no case be connected
22 directly to the heating unit but shall terminate in a supply reservoir attached at the unit
23 and in no case shall the reservoir exceed five (5) gallon capacity. The oil storage
24 container shall be mounted on an incombustible frame and shall be securely fastened
25 in place. Oil storage containers shall be located on the rear of the trailer coach lot and
26 not less than five (5) feet from the trailer.”

* * *

“Sec. 35-21. Sanitation requirements.

- 29 (a) *Health rules and regulations.* The manager of ~~environmental health~~public health and
30 environment shall supply operators of all trailer parks with copies of all health rules and
31 regulations promulgated by the manager, and of any changes that may be made from time to
32 time. Such rules and regulations shall be posted and kept posted by such operators in a
33 protected, conspicuous place within the trailer park. It shall be unlawful for any person to
34 violate a rule or regulation adopted by the manager pursuant to this section.
- 35 (b) *Water supply:*
 - 36 (1) *Adequate safe supply.* An adequate supply of water approved by the manager of
37 ~~environmental health~~public health and environment shall be made available at each
38 trailer park and shall be piped to all utility and all toilet buildings and all outlets under
39 pressure.
 - 40 (2) *Outlets.* At least one (1) water outlet furnishing a safe drinking supply shall be located
41 within one hundred (100) feet of every individual trailer coach lot on each trailer park,
42 and the use of common drinking cups is prohibited.

- 1 (3) *Unsafe water.* There shall be no physical connection between an approved water
2 supply and an unapproved supply, nor shall any provision for such a connection be
3 made at any trailer park.
- 4 (4) *Storage reservoirs.* Storage reservoirs at trailer parks shall be watertight and
5 constructed of impervious material. All openings into such reservoirs shall be
6 constructed so as to prevent the entrance of birds, insects or animals.
- 7 (c) *Toilet, shower and lavatory accommodations:*
- 8 (1) *Plumbing standard.* All plumbing in every trailer park shall comply with the rules and
9 regulations of the building inspection division, and all ordinances pertaining to
10 plumbing and to the disposal of sewage and other water-carried wastes.
- 11 (2) *Location of facilities.* In each trailer park, the walking distance from any trailer coach
12 lot to toilet and shower accommodations shall not exceed two hundred (200) feet.
- 13 (3) *Sanitation facilities.* In each trailer park, toilet, shower, lavatory and laundry facilities
14 shall be located in a well-constructed building or buildings having good natural and
15 artificial lighting, adequate ventilation and floors constructed of impervious materials
16 sloped to adequate drains. Toilet, shower and lavatory facilities shall not be located in
17 a basement more than one-half the height of which is below ground level. All such
18 buildings shall have concrete curbs, extending at least six (6) inches above the
19 floors.
- 20 (4) *Type of toilet and urinal.* Only water-flushed toilets and urinals approved under the
21 plumbing code and regulations shall be installed at any trailer camp.
- 22 (5) *Separate toilet facilities.* Separate toilet facilities for males and females, plainly marked
23 by appropriate signs, shall be provided in separate buildings or within separate rooms
24 in the same building. Each water closet shall be placed in a separate compartment, at
25 least three (3) feet wide, properly separated from other water closets. At least one (1)
26 urinal approved under the plumbing code, and regulations shall be provided in each
27 toilet room for males.
- 28 (6) *Number of toilets.* Water closets shall be provided on the basis of one (1) for every
29 thirty (30) females or less and one (1) for every forty (40) males or less. The number
30 of water closets required shall be computed on the basis of a minimum of three (3)
31 persons to each trailer coach lot. For the purpose of this computation, the number of
32 persons of each sex shall be considered equal.
- 33 (7) *Lavatory facilities.* Proper facilities for washing hands shall be provided in every toilet
34 room or within ten (10) feet of the entrance thereof. Separate facilities shall be provided
35 for males and for females. There shall be a minimum of one (1) lavatory or sink for
36 every two (2) water closets for females and three (3) lavatories or sinks for each two
37 (2) water closets for males. Such facilities may be located in the toilet rooms, the
38 shower rooms or in separate rooms or buildings especially designed for that purpose,
39 provided, that the distance from such facilities to an entrance to the toilet room shall
40 not exceed ten (10) feet.
- 41 (8) *Shower bath facilities.* Separate shower bath accommodations shall be provided for
42 both sexes. An adequate supply of hot and cold running water shall be available at all

1 reasonable hours in accordance with the needs of the trailer coach occupants. A
2 minimum of one (1) approved shower head in stall shall be provided for every forty (40)
3 persons or fraction thereof, based on the estimated population as computed under
4 subsection (c)(6). In combination with each such shower stall, there shall be provided
5 an individual dressing compartment not less than two and one-half (2½) by three (3)
6 feet in plan, so arranged as to insure privacy and be protected by a waterproof partition
7 or shower curtain. The floor of such compartment shall be waterproof and elevated
8 three (3) inches above the floor of the shower stall. Mats, grids and walkways
9 constructed of wood, cloth or other absorbent materials shall not be used in shower or
10 dressing compartments.

11 (9) *Laundry facilities.* A laundry building or room shall be provided, equipped with sufficient
12 laundry trays and furnished with an adequate supply of hot and cold running water to
13 accommodate the patrons of the trailer coach park. No laundry trays shall be located
14 in toilet or shower rooms. There shall be at least one (1) double laundry tray for every
15 thirty (30) trailer coach lots.

16 (10) *Cleaning of floors.* All floors, in toilet, shower, lavatory and laundry buildings shall be
17 cleaned daily with a strong solution of soap or detergent compound so that all dirt and
18 other organic material is washed away, and then carefully rinsed down and sprayed
19 with a suitable disinfectant.

20 (11) *Screening of doors and windows.* All windows, doors and other openings to the outside
21 in all permanent buildings in every trailer park shall be properly screened, or other
22 mechanical means shall be provided to prevent the entrance of flies. All screen doors
23 shall swing out and be self-closing. Screening shall be not coarser than sixteen (16)
24 mesh and should be wire cloth.

25 (d) *Sewage and other water-carried wastes:*

26 (1) *Type of sewage disposal system.* All sewage and other water-carried wastes of every
27 trailer park shall be disposed of into the city sewage system whenever available. When
28 outlet into the city sewage disposal system is not available, such sewage and wastes
29 shall be disposed of through a disposal system the capacity, method and design of
30 which shall be first approved by the manager of ~~environmental health~~ public health and
31 environment.

32 (2) *Trailer coach sewer connection.* Each trailer coach lot shall be provided with a sewer
33 trapped below the frost line for the combined liquid waste outlet or outlets of each trailer
34 coach. A watertight connection from each such outlet to the sewer connection shall be
35 installed. The owner, operator or attendant of the trailer park shall make or cause such
36 connections to be made and shall keep all occupied trailer coaches so connected so
37 long as they are located in the park. Sewer connections in unoccupied trailer coach
38 lots shall be so closed that they will not emit odors or become a breeding place for
39 flies. Water-flushed toilets shall not be used in trailer coaches unless connected to the
40 sewage system as herein provided.

41 (e) *Slop pail and garbage can cleaning facilities.* An accessible place of such a design and
42 arrangement as to be easily kept clean shall be provided where slop pails and empty garbage
43 cans may be cleaned. Water under pressure shall be available at such place with protection
44 provided to prevent any back siphonage. Such places shall be located within two hundred

1 (200) feet of each trailer lot. Facilities for emptying and cleaning slop pails may be located in
2 the toilet rooms, but garbage can cleaning facilities shall be located in separate rooms or
3 separate buildings designed for such purpose.

4 (f) *Garbage and rubbish storage and disposal:*

5 (1) *Garbage containers.* All garbage shall be segregated from other combustible or
6 noncombustible material and deposited in a covered flyproof and watertight metal
7 container which shall be provided at each trailer park for the storage of garbage. At
8 least one (1) such container of thirty (30) gallon capacity shall be provided for every
9 six (6) trailer lots.

10 (2) *Disposal of garbage.* Each such garbage can shall be placed at a station accessible to
11 the trucks of the city garbage collectors and shall not be filled to overflowing or allowed
12 to become foul smelling or a breeding place for flies. Each such can shall be thoroughly
13 cleaned in a place designed for that purpose, preferably each time after they are
14 emptied, but not less often than once each week. The depositing of any garbage in a
15 lake, stream or any other body of water is prohibited.

16 (3) *Burning of combustible waste material.* All combustible waste material and rubbish
17 shall be burned in an incinerator which shall comply with the requirements of section
18 35-19(3). The burning of garbage shall be prohibited.

19 (4) *Disposal of noncombustible waste material.* Noncombustible waste material shall be
20 collected and stored in a covered flyproof container and whenever such container is
21 full it shall be removed from the premises and the contents deposited in a city dump.

22 (g) *Community kitchens and dining rooms.* When community kitchens or dining rooms are
23 provided at any trailer park, all facilities and equipment thereof must be maintained in a clean
24 and sanitary condition at all times. The construction, operation and maintenance of the
25 building housing such kitchen and dining room, and all facilities and equipment installed
26 therein or used in connection therewith, and the preparation and handling of food and all other
27 operations conducted therein shall be in accordance with all applicable sections of this Code
28 and the ordinances of the city.

29 (h) *Communicable diseases.* It shall be the duty of every owner, operator or attendant of a trailer
30 park to report promptly to the manager of ~~environmental health~~public health and environment
31 the full name, age and address of every person who is affected or suspected of being affected
32 with any contagious or communicable diseases.

33 (i) *Miscellaneous:*

34 (1) *Undesirable practices.* No animal washing, car washing or other slop-creating
35 practices shall be carried on in any building, structure or other place not designed for
36 such purposes in any trailer park.

37 (2) *Animals and house pets.* No domestic animals or house pets shall be allowed to run at
38 large or commit any nuisances within the limits of the trailer park.”

39 * * *

1 police or their authorized representatives may seek from the county court a warrant for
2 inspection requiring that such person permit entry and free access without interference,
3 "restriction or obstruction, at a reasonable time, for the purpose of inspecting, testing or
4 measuring sound levels. The county court shall have power, jurisdiction and authority to
5 enforce all orders issued under the provisions of this chapter.

6 (b) It shall be unlawful for any person to refuse to allow or permit the manager of ~~environmental~~
7 ~~health~~public health and environment or the chief of police free access to any premises when
8 they or their authorized representative is acting in compliance with a warrant for inspection
9 and order issued by the county court.

10 (c) It shall be unlawful for any person to violate the provisions of any warrant or court order
11 requiring inspection, testing or measurement of sound levels and the possible sources
12 thereof.

13 (d) No person shall hinder, obstruct, delay, resist, prevent in any way, interfere, or attempt to
14 interfere with any authorized person while in the performance of their duties under this
15 chapter.

16 **Sec. 36-5. Misrepresentation to avoid compliance.**

17 It shall be unlawful for any person to misrepresent or give any false or inaccurate information or
18 in any way attempt to deceive the manager of ~~environmental health~~public health and environment
19 or the chief of police in order to avoid compliance with the provisions of this chapter.”

20 * * *

21 **“Sec. 36-7. Prohibited noise activities.**

22 The following activities are prohibited notwithstanding the sound pressure levels permitted
23 pursuant to sections 36-6 and 36-8:

24 (1) *Vehicle horns.* No person shall, at any time, sound any horn or other audible signal
25 device of a motor vehicle unless it is necessary as a warning to prevent or avoid a
26 traffic accident or reasonably inform or warn of a vehicle presence.

27 (2) *Alarms.* It is an unlawful nuisance for any alarm that is audible outside the premises or
28 vehicle in which it is installed or that it is intended to protect and for which there is not
29 a valid alarm user permit issued pursuant to section 42-106 of this Code, to be
30 activated: a) for a period exceeding fifteen (15) minutes; or b) three or more times
31 within a seven (7) day period when no emergency is found to exist by the city. Violation
32 of (a) or (b) or both constitutes separate offenses.

33 (3) *Delivery and delivery activities.* No person or persons shall make deliveries nor conduct
34 delivery activities between the hours of 10:00 p.m. and 7:00 a.m. that exceeds the
35 sound pressure limits of Table A. This prohibition excludes construction site deliveries,
36 which are governed by subsection 36-7(5) of this chapter.

37 (4) *Waste stream equipment and activities.* No person shall operate any waste stream
38 equipment nor conduct any waste stream activities on any premises adjoining to or
39 across the street or alley from a residential receptor premises between 10:00 p.m. and
40 7:00 a.m.

41 (5) *Construction equipment and activities.*

- 1 a. No person shall operate, or cause to be operated, any construction equipment
2 nor conduct any construction activities, including, without limitation, preparation
3 activities, job site deliveries, and job site pick-ups, on weekdays between the
4 hours of 9:00 p.m. and 7:00 a.m. in a manner that exceeds the sound pressure
5 limits of Table A.
- 6 b. No person shall operate, or cause to be operated, any construction equipment
7 nor conduct any construction activities, including, without limitation, preparation
8 activity, job-site deliveries, and job-site pick-ups, on weekends between the
9 hours of 5:00 p.m. and 8:00 a.m. in a manner that exceeds the sound pressure
10 limits of Table A.
- 11 c. Construction equipment must be properly maintained, used for the
12 manufacturer's intended purpose, and operated in compliance with any required
13 license. The board of ~~environmental health~~public health and environment, in
14 accordance with chapter 24, article I, may grant variances from the construction
15 restrictions if it can be demonstrated that a construction project will interfere with
16 traffic or jeopardize public safety if completed during daytime.”

17 * * *

18

19 **Section 23.** That Chapter 37, Sections 37-3, 37-4, 37-5, 37-6, and 37-18, of the Denver
20 Revised Municipal Code shall be amended to add the underscored words and delete the stricken
21 words as follows:

22 **“Sec. 37-3. Enforcement by health authorities.**

- 23 (a) It shall be the duty of the manager of ~~environmental health~~public health and environment to
24 ascertain and cause all health nuisances to be abated.
- 25 (b) The manager shall have authority at any reasonable time to enter upon any premises, or any
26 building, in order to make a thorough examination of cellars, vaults, sinks or drains; to enter
27 upon all lots or grounds; to cause all stagnant water to be drained off, and pools, sinks, vaults,
28 holes or low grounds to be cleansed, filled up or otherwise purified, and so cause all harmful
29 substances or conditions which may be detrimental to health, to be abated or removed as
30 provided by article I of this chapter and the ordinances of the city.

31 **Sec. 37-4. Police to observe and report to ~~environmental health~~public health and**
32 **environment any health nuisance or insanitary condition.**

33 It shall be the duty of all police officers to observe the sanitary conditions of the city and to report
34 promptly to the manager of ~~environmental health~~public health and environment any health nuisance
35 or accumulated filth found in any portion of the city.

36 **Sec. 37-5. Notice to abate; failure to comply.**

- 37 (a) Except as provided in section 37-6, whenever a health nuisance shall be found in any building,
38 or upon any ground or other premises within the jurisdiction of the city, a twenty-four (24)
39 hours' notice shall be given in writing, or other reasonable amounts of time not to exceed five
40 (5) days, signed by the manager of ~~environmental health~~public health and environment, to

1 the owner or occupant or persons in possession or in charge or in control of any vehicle, or
2 of such building or other premises to remove and abate such health nuisance.

3 (b) Before the filing of any charge relative to any health nuisance in the county court, it shall first
4 be the duty of the manager to investigate the condition of such ground, lot, lots or premises.

5 (c) Failure to comply with the order of the manager shall constitute a violation of this article.

6 (d) If any person shall neglect or refuse to abate the health nuisance in accordance with such
7 notice as provided in subsection (a), the manager may summarily abate the health nuisance
8 and assess costs of such abatement against the property or the owner thereof, to be collected
9 by suit or otherwise, in addition to the penalties for violation hereof.

10 **Sec. 37-6. Summary abatement of imminent hazards.**

11 Whenever any health nuisance shall be found on any premises within the city constituting an
12 imminent hazard, the manager of ~~environmental health~~public health and environment is hereby
13 empowered to cause the same to be summarily abated in such manner as the manager may direct.”

14 * * *

15 **“Sec. 37-18. Rules and regulations.**

16 The board of ~~environmental health~~public health and environment shall promulgate from time to
17 time, rules and regulations pertaining to the requirements of sanitation, cleanliness and public health
18 as they relate to the keeping and maintaining of domesticated pet animals, animal or fowl enclosures,
19 buildings, premises and other areas so as to avoid the creation of a health nuisance. It shall be
20 unlawful for any person to violate a rule or regulation adopted by the board pursuant to this section.”

21
22 **Section 24.** That Chapter 38, Section 38-158, of the Denver Revised Municipal Code shall
23 be amended to add the underscored words and delete the stricken words as follows:

24 **“Sec. 38-158. - Prostitution.**

25 (A) It shall be unlawful for any person:

26 (1) Knowingly to solicit, induce, entice, or otherwise engage another person for the
27 purpose of obtaining an offer or an agreement for any act of prostitution. Evidence of
28 such illegal conduct includes, but is not limited to, the following:

29 In the context of discussing sexual acts, money, or other things of value:

- 30 a. Inquiring about whether a person is a police officer;
- 31 b. Searching for articles that would identify a person as a police officer;
- 32 c. Requesting a person to perform acts to prove that the person is not a police
33 officer, including, but not limited to:
 - 34 (i) The touching or exposure of genitals or female breasts; or
 - 35 (ii) The consumption or use of alcohol, marijuana, or illegal controlled
36 substances;

37 (2) To arrange or offer to arrange a meeting of or to procure persons for the purpose of
38 prostitution;

- 1 (3) To direct another person to a place knowing such direction is for the purpose of
2 prostitution;
- 3 (4) Knowingly to arrange or offer to arrange a situation in which a person may practice
4 prostitution;
- 5 (5) To have or exercise or control the use of any facility, and:
6 a. Knowingly to grant or permit the use of such facility for the purpose of
7 prostitution; or
8 b. Knowingly to permit the continued use of such facility for the purpose of
9 prostitution, after becoming aware of facts or circumstances from which such
10 person should reasonably know that such facility is being used for purposes of
11 prostitution;
- 12 (6) To perform, offer or agree to any act of prostitution;
- 13 (7) To enter or remain in a house of prostitution with the intent to engage in an act of
14 prostitution.

15 (B) Persons convicted of violating and persons pleading guilty or nolo contendere to violation of
16 subsection (A) shall, in addition to any sentence of jail time, pay a fine of five hundred dollars
17 (\$500.00) for the first offense; seven hundred fifty dollars (\$750.00) for the second offense
18 within five (5) years; and nine hundred ninety-nine dollars (\$999.00) for the third and
19 subsequent offenses. No part of the minimum fine may be suspended, however, the court
20 may order a person convicted of violating subsection (A) to perform useful public service, and
21 credit the dollar amount earned through such public service toward payment of the minimum
22 fine owed. The person shall be paid at the standard hourly rate for such public service as
23 established by the rules and regulations of the court. Useful public service shall be considered
24 work which is beneficial to the public and which involves a minimum of public cost.

25 (C) The police shall immediately notify the manager of ~~environmental health~~public health and
26 environment of persons charged with violations of this section, and the manager shall order
27 a medical examination pursuant to section 24-131 of the Revised Municipal Code.”

28
29 **Section 25.** That Chapter 40, Sections 40-43, 40-44, 40-46, 40-47, 40-55, 40-56, and 40-
30 57, of the Denver Revised Municipal Code shall be amended to add the underscored words and
31 delete the stricken words as follows:

32 **“Sec. 40-43. Notice and hearing.**

33 (a) Upon the receipt of written notice from the manager of ~~environmental health~~public health and
34 environment, to the effect that there appears to be inadequate ratproofing or no ratproofing
35 and an immediate need for ratproofing, the owner of any building named, described or
36 specified in such notice or order shall take immediate steps to ratproof the building or
37 structure.

38 (b) Unless the work and improvements necessary to ratproof the building shall be completed by
39 the owner in the time specified in the notice, which in no event shall be less than thirty (30)

1 days, or within the time to which a written extension may have been granted by the manager,
2 then the owner shall be deemed guilty of an offense under the provisions of this article.

3 (c) If the owner contends that the building is adequately ratproofed, the owner may apply, in
4 writing, to the manager for a hearing, which shall be granted promptly, and a continuance
5 shall thereupon be granted as to the effective date of the notice or order to ratproof such
6 building so that such hearing may first be held by the manager.

7 (d) If the owner fails to comply with the written notice, then the manager is authorized and directed
8 to take such action as may be necessary to completely ratproof the building at the expense
9 of the owner.

10 (e) The manager shall submit bills for the cost thereof to the owner of the building.

11 (f) If the same are not paid, the manager shall certify the amount due to the treasurer, and the
12 charge shall then be and continue a lien against the property upon which such ratproofing
13 work has been done.

14 (g) The proper officials of the city are empowered to take such action as may be necessary for
15 the collection of such charges.

16 (h) The expense of such ratproofing shall include the cost of labor, materials and equipment.

17 (i) Whenever a condition or act prohibited by sections 40-50, 40-51 or 40-52 is observed in any
18 building, on any premises, land, place or waterway within the city, the manager shall sign and
19 give written notice which allows twenty-four (24) hours or other reasonable amounts of time
20 not to exceed fourteen (14) days ordering the owner, occupant or person committing the
21 prohibited act to eliminate the unapproved conditions.

22 **Sec. 40-44. Freeing premises of rats and the cost thereof.**

23 (a) Whenever the manager of ~~environmental health~~public health and environment notifies, in
24 writing, the occupant of any building theretofore ratproofed that there is evidence of rat
25 infestation of the building, the occupant shall immediately institute appropriate measures for
26 freeing the premises so occupied of all rats.

27 (b) Unless suitable measures for freeing the building of rats are instituted within five (5) days after
28 the receipt of notice and unless thereafter continued diligently until the building is free of rats,
29 the manager is hereby authorized and directed to free the building of rats at the expense of
30 the occupant thereof.

31 (c) The manager shall submit bills for the cost thereof to the occupants of the building, and if the
32 same are not paid, the manager shall certify that amount due from occupant to the treasurer,
33 and the city shall take such actions as may be necessary to collect the same.

34 (d) The failure of any occupant to take suitable measure for freeing their premises of rats after
35 receiving the notice described in this section shall constitute a violation under the provisions
36 of this article.

37 (e) The expense thereof shall include the cost of labor, materials and equipment necessary for
38 the rat eradication measures.”

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“Sec. 40-46. Inspection and cost thereof.

- (a) The manager of ~~environmental health~~public health and environment is empowered to make such inspections of the interior and exterior of any building as in the manager's opinion may be necessary to determine full compliance with this article, and the manager may make periodic inspections at intervals of not more than forty-five (45) days of all ratproofed business buildings, apartments, houses, dwellings and tenement houses to determine evidence of rat infestation and the existence of new breaks or leaks in the ratproofing.
- (b) When any evidence is found indicating the presence of rats or openings through which rats may enter such buildings again, the manager shall serve the owner or occupants with written notice to abate the condition found.
- (c) The manager is authorized and directed to take such action as is specified and set forth in sections 40-43 and 40-44 to abate the conditions described in this article, and to charge the expense of rat eradication against the owner, and such expense shall constitute a lien against the premises as above provided.

Sec. 40-47. Additional requirements.

Wherever conditions inside or under any building provide such harborage for rats that the manager of ~~environmental health~~public health and environment deems it necessary to eliminate such harborage, the manager may require the owner to install suitable concrete floors or its equivalent in basements, or to replace wooden first or ground floors, or require the owner to correct such other interior rat harborage as may be necessary in order to facilitate the eradication of rats in a reasonable time and thereby to reduce the cost of such eradication.”

* * *

“Sec. 40-55. Condemnation or abatement of unoccupied buildings.

Whenever conditions inside or under unoccupied buildings provide extensive harborage for rats, the manager of ~~environmental health~~public health and environment is empowered to require compliance with the provisions of sections 40-43 and 40-44, and if such conditions are not corrected in a period of sixty (60) days, or within the time to which the written extension may have been granted by the manager, the manager is empowered to institute condemnation proceedings with a view to the destruction of the building or other abatement of the nuisance.

Sec. 40-56. Abatement or injunction.

- (a) Whenever the manager of ~~environmental health~~public health and environment shall find that a public health emergency exists because of the infestation of a building, or dump, by rats which is likely to cause plague, typhus fever, rat-bite fever or other diseases within the city, the manager may summarily abate such condition of infestation by rats without prior notice to the owner or occupant.
- (b) If a danger to public health exists, but there does not appear to be immediate danger of infection of human beings with plague, typhus fever, rat-bite fever or other disease, the manager shall give not less than five (5) days' written notice to the owner or occupant of the building, or dump, of the hearing and shall not take summary steps to abate the infestation by rats until after such hearing following the notice referred to in this article.

1 (c) The manager is also authorized to apply to any court of record in this state for injunctive relief
2 against any person who endangers the public health by virtue of maintaining any building or
3 dump infested with rats.

4 **Sec. 40-57. Rules and regulations.**

5 The board of ~~environmental health~~public health and environment is empowered to adopt
6 rules, regulations and standards in aid of the construction and enforcement of this article which are
7 not inconsistent with the terms and provisions hereof.”

8
9 **Section 26.** That Chapter 48, Sections 48-43, 48-46, 48-103, and 48-104, of the Denver
10 Revised Municipal Code shall be amended to add the underscored words and delete the stricken
11 words as follows:

12 **“Sec. 48-43. Improper accumulation and storage; abatement.**

13 (a) The manager of ~~environmental health~~public health and environment, the manager of public
14 works, the manager of community planning and development, the manager of aviation, the
15 director of development services, or any of the authorized representatives of them or any of
16 them, may order the owner, occupant or agent of the owner of any premises upon which there
17 is an accumulation or storage of any trash to remove the same within a reasonable time if
18 such accumulation is:

- 19 (1) Offensive to sight;
- 20 (2) In a condition which fosters the propagation of rats or vermin or flies or other insects;
- 21 (3) Otherwise insanitary, prejudicial or in any manner hazardous to the public health; or
- 22 (4) Disposed in violation of any ordinance or regulation.

23 (b) Such order shall be made in writing, delivered whenever feasible, personally to the owner,
24 occupant or agent of the owner, or, where such personal delivery is not feasible, posted
25 conspicuously at the premises.

26 (c) Such order shall specify a reasonable period within which compliance shall be had.

27 (d) For purposes of ascertaining violations of this section and investigating complaints made
28 hereunder, whenever reasonable cause for investigation appears, the right of entry onto any
29 premises at any reasonable time to conduct a reasonable inspection or investigation is hereby
30 granted to the manager of ~~environmental health~~public health and environment, the manager
31 of public works, the manager of community planning and development, the manager of
32 aviation, the director of development services, and the authorized representatives of them or
33 any of them.

34 (e) If any order lawfully issued pursuant to subsection (a) is not complied within such reasonable
35 time as is specified therein, the manager of ~~environmental health~~public health and
36 environment, the manager of public works, the manager of community planning and
37 development, the manager of aviation, the director of development services, or the authorized
38 representatives of any of them may, after notice to persons of record interest in the property,
39 order the particular instance of improper accumulation or storage of trash removed by the city
40 and the persons of record interest shall be responsible for the costs and expenses of removal.

1 The procedures outlined in subsection (h) for the collection of the costs and expenses thereof
2 shall apply additionally to the penalty by this Code provided.

3 (f) It shall be unlawful to refuse to comply with any order lawfully issued in pursuance of
4 subsection (a).

5 (g) It shall be unlawful to hinder, prevent or refuse to permit any lawful inspection or investigation
6 authorized in pursuance of subsection (d).

7 (h) If the owner, occupant or agent of the owner shall fail within thirty (30) days after billing to pay
8 the costs and expenses of the removal of the improper accumulation or storage of trash by
9 the city, a lien may be assessed against the property for such costs. To initiate such a lien,
10 the manager of ~~environmental health~~public health and environment, the manager of public
11 works, the manager of community planning and development, the manager of aviation, the
12 director of development services, or the authorized representatives of any of them shall certify
13 a statement thereof to the manager of finance who shall record a notice of such lien with the
14 clerk and recorder. An action or other process provided by law may be maintained by the city
15 to recover or collect any amounts, including interest and administrative costs, owing under
16 this provision.”

17 * * *

18 **“Sec. 48-46. Enforcement.**

19 (a) The manager of ~~environmental health~~public health and environment, the manager of public
20 works, the manager of community planning and development, the manager of aviation, and
21 the director of development services, or any of the authorized representatives of them or any
22 of them, are hereby empowered to enforce the provisions of this article, including, but not
23 limited to, the power to issue legal process to enforce this article.

24 (b) Charges of violations of the provisions of this article may be filed by the manager of
25 ~~environmental health~~public health and environment, the manager of public works, the
26 manager of community planning and development, the manager of aviation, the director of
27 development services, or any other law enforcement officer of the city in the county court.

28 (c) The authorized representatives of the manager of public works, the manager of community
29 planning and development, the manager of aviation, the director of development services, or
30 any of them, are "enforcement officials" who may issue an administrative citation for violation
31 of this article or any order issued pursuant to this article in accordance with article XII of
32 chapter 2 of the Code and any implementing regulations.

33 (d) The manager of ~~environmental health~~public health and environment or his authorized
34 representatives may issue an administrative citation for violation of this article or any order
35 issued pursuant to this article in accordance with subsections 24-5(b) through (k) of the Code
36 and any implementing regulations.”

37 * * *

38 **“Sec. 48-103. Factors to be considered.**

39 In considering whether to approve a certificate of designation, the city council shall take into
40 account:

- 1 (1) The effect that the solid wastes disposal site and facility will have on the surrounding
2 property taking into consideration the types of processing to be used, surrounding
3 property uses and values and wind and climatic conditions;
- 4 (2) The convenience and accessibility of the solid wastes disposal site and facility to
5 potential users;
- 6 (3) The ability of the proposed facility to comply with the health standards and operating
7 procedures required by state law and such rules and regulations as may be prescribed
8 by the state department of health and by the department of ~~environmental health~~public
9 health and environment;
- 10 (4) Consistency of the proposed facility with the comprehensive plan of the City and
11 County of Denver.

12 **Sec. 48-104. Issuance of certificate.**

13 If the council deems that a certificate of designation should be granted, it shall issue the
14 certificate; and such certificate shall be displayed in a prominent place at the site and facility. The
15 council shall not issue a certificate of designation if the state department of health has recommended
16 disapproval of the facility pursuant to Section 30-20-103, C.R.S., or if the manager of ~~environmental~~
17 ~~health~~public health and environment has recommended disapproval. Except as provided in this
18 section, designation of approved solid wastes disposal sites and facilities shall be discretionary with
19 the council.”

20
21 **Section 27.** That Chapter 49, Section 49-577, of the Denver Revised Municipal Code shall
22 be amended to add the underscored words and delete the stricken words as follows:

23 **“Sec. 49-577. - Application for permit.**

24 An application for a permit hereunder shall include, but not be limited to the following information:

- 25 (1) Name and address of applicant;
- 26 (2) A general description of the goods to be offered for sale under such permit with
27 particular reference to types of food and drink;
- 28 (3) The period of time the activities are to be conducted under the permit, subject to the
29 approval of the manager of public works and of the manager of safety; the manager of
30 ~~environmental health~~public health and environment when food or drink is proposed to
31 be sold; and the director of excise and licenses when a special state license is required
32 for the sale of beer, wine or liquor;
- 33 (4) The location proposed for the street fair, festival or similar event;
- 34 (5) Such other information as the manager of public works may require.”

35
36 **Section 28.** That Chapter 51, Sections 51-1, 51-3, and 51-5, of the Denver Revised
37 Municipal Code shall be amended to add the underscored words and delete the stricken words as
38 follows:

1 **“Sec. 51-1. Definitions.**

2 The following words, when used in this chapter, shall have the following meanings respectively
3 ascribed to them:

- 4 (1) "Chemical feeder" means any device or equipment used to add or inject chemicals into the
5 water of a swimming pool.
- 6 (2) "Filter" means any device or equipment which is used to remove particulate matter from
7 swimming pool water.
- 8 (3) "Filtration rate" means the rate of flow of swimming pool water through the filter. It is normally
9 calculated as gallons per minute per square foot of filter media surface area.
- 10 (4) "Inlet" means a feature of the swimming pool which returns water to the pool from the filters
11 as a part of the recirculation system.
- 12 (5) "Limited access pool" means a swimming pool maintained in conjunction with a hotel-motel,
13 apartment house, condominium, health club, or similar facility, and which is not available for
14 use by the general public, but only by their occupants or members and their guests.
- 15 (6) "Main drain" means the fitting(s) located on the bottom of the swimming pool in the deepest
16 part which are connected by pipe to the recirculation equipment. Main drains allow water from
17 the bottom of the swimming pool to be filtered and chemically treated and may also serve to
18 drain or empty the swimming pool.
- 19 (7) "Manager" means the manager of the department of ~~environmental health~~public health and
20 environment or a duly authorized representative of the manager of ~~environmental health~~public
21 health and environment.
- 22 (8) "Natural swimming area" means a designated portion of a natural or impounded body of water
23 in which the designated portion is devoted to swimming, recreative bathing, or wading and for
24 which an individual is charged a fee for the use of such areas for such purposes.
25 Appurtenances used in connection with the natural swimming area shall be considered part
26 of the natural swimming area.
- 27 (9) "NSF" means National Sanitation Foundation.
- 28 (10) "Overflow gutter" means a feature of the swimming pool that skims the water and removes
29 surface film or floating debris and is normally a part of the recirculation system.
- 30 (11) "Skimmer" means a feature of the swimming pool that may be used in place of overflow
31 gutters as a means of skimming the water.
- 32 (12) "Swimming pool" means a body of water, other than a natural swimming area, maintained
33 exclusively for swimming or wading and includes appurtenances used in connection with the
34 swimming pool. It does not include private swimming pools used solely for family purposes or
35 natural swimming areas.
- 36 (13) "Turnover rate" means the time necessary to circulate the entire volume of the swimming pool
37 water through the filtration system.
- 38 (14) "Wading pool" means any artificial swimming pool of water equal to or less than eighteen (18)
39 inches deep and intended for wading purposes.”

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“Sec. 51-3. Basic requirements.

The following basic requirements shall apply to all swimming pools, unless otherwise specified. The board of ~~environmental health~~public health and environment is authorized to adopt and promulgate rules and regulations which will amplify and augment these basic requirements with respect to design criteria and health and safety standards in the following areas:

- (1) *Design criteria.* Swimming pools in existence on the effective date of rules and regulations promulgated pursuant to this chapter may be exempted from the minimum design criteria unless such exemption would cause or allow to exist an immediate hazard to health or safety. Swimming pools built or remodeled after the effective date of rules and regulations promulgated pursuant to this chapter shall conform to minimum design criteria governing the following:
 - (a) Materials;
 - (b) Shape, design, slopes;
 - (c) Deck areas;
 - (d) Overflow gutters;
 - (e) Skimmers;
 - (f) Inlets;
 - (g) Main drains;
 - (h) Steps, ladders, diving platforms, and diving towers;
 - (i) Hose bibs;
 - (j) Suction cleaners;
 - (k) Equipment rooms/recirculation systems/appurtenances;
 - (l) Disinfectant and chemical feeders;
 - (m) Sand filters;
 - (n) Diatomaceous earth filters;
 - (o) Cartridge filters;
 - (p) Make-up water facilities and cross connections;
 - (q) Piping system;
 - (r) Mechanical room;
 - (s) Lighting electrical requirements;
 - (t) Dressing rooms;
 - (u) Toilets;
 - (v) Shower facilities;
 - (w) Equipment.

1 (2) *Health and safety standards.* All swimming pools shall conform to minimum health and
2 safety standards governing the following:

- 3 (a) Disinfection;
- 4 (b) Storage and handling of chemicals;
- 5 (c) Fencing;
- 6 (d) Swimmer load;
- 7 (e) Swimmer safety;
- 8 (f) Swimming pool water supply;
- 9 (g) Water testing equipment;
- 10 (h) Bacterial quality;
- 11 (i) Chemical quality;
- 12 (j) Turbidity;
- 13 (k) Swimming pool operation;
- 14 (l) Heating and ventilation;
- 15 (m) Bather control;
- 16 (n) Waste disposal;
- 17 (o) Disease control;
- 18 (p) Facilities to be kept clean and in good repair.”

19 * * *

20 **“Sec. 51-5. Plans and specifications.**

21 Detailed plans and specifications for the construction, remodeling, or modification of any
22 swimming pool and the operation thereof shall be submitted to the manager of public works. No
23 construction work shall commence until such plans and specifications have been approved by the
24 manager of public works with respect to the rules and regulations adopted by the board of
25 ~~environmental health~~ public health and environment.”

26
27 **[THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK]**
28

1 COMMITTEE APPROVAL DATE: ***Committee Agenda Date*** **IF

2 CommitteeAgendaConsentYESORNO***

3 MAYOR-COUNCIL DATE: ***Mayor-Council Agenda Date***

4 PASSED BY THE COUNCIL: _____

5 _____ - PRESIDENT

6 APPROVED: _____ - MAYOR _____

7 ATTEST: _____ - CLERK AND RECORDER,
8 EX-OFFICIO CLERK OF THE
9 CITY AND COUNTY OF DENVER

10 NOTICE PUBLISHED IN THE DAILY JOURNAL: _____;

11 PREPARED BY: Lindsay S. Carder, Assistant City Attorney DATE: ***Date of Bill Filing***

12 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of
13 the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
14 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to
15 § 3.2.6 of the Charter.

16

17 Kristin M. Bronson, Denver City Attorney

18

19 BY: _____, Assistant City Attorney DATE: _____