

**BOARD OF COUNTY COMMISSIONERS
OF GUNNISON COUNTY**

ORDINANCE NO. 12

**AN ORDINANCE ESTABLISHING REGULATIONS FOR CONTROL OF
ADULT-ORIENTED ESTABLISHMENTS WITHIN UNINCORPORATED
GUNNISON COUNTY, COLORADO**

WHEREAS, pursuant to C.R.S. 30-15-401(1)(c), the Board of County Commissioners of Gunnison County, Colorado (hereinafter referred to as "Board") has the authority to regulate the promotion or wholesale promotion of obscene material and obscene performances as defined in C.R.S. 18-7-101 *et seq.* within unincorporated Gunnison County; and

WHEREAS, pursuant to C.R.S. 30-15-401(1)(1)(I), the Board has the authority to regulate the operation of establishments open to the public in which persons appear in a state of nudity for the purpose of entertaining the patrons of such establishment; and

WHEREAS, the Board desires to adopt such regulations; and

WHEREAS, the adoption of such regulations is in the best interests of the citizens of Gunnison County;

THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF GUNNISON COUNTY, COLORADO:

SECTION 1. ADOPTION. There is hereby adopted by reference within unincorporated Gunnison County the following portions of the Gunnison County Land Use Resolution adopted on the same date as the effective date of this Ordinance No. 12 (hereinafter referred to as the "Gunnison County Land Use Resolution"): Article 2, Definitions, specifically including but not limited to the definitions of "adult-oriented use;" and Section 5.6.4., ADULT-ORIENTED USES; and Article 7, Enforcement.

SECTION 2. VIOLATIONS - PENALTY. In addition to each and all of the enforcement provisions provided for by the Gunnison County Land Use Resolution, any person who violates this Ordinance No. 12 commits a class 2 petty offense and, upon conviction thereof, shall be punished by a fine of not more than one thousand dollars for each separate violation. In addition, such person shall pay a surcharge of ten dollars to the clerk of the court pursuant to C.R.S. 30-15-402(2) as it may be amended.

SECTION 3. PUBLIC NUISANCE. Any establishment which engages in repeated or continuing violations of this Ordinance No. 12 shall constitute a public nuisance.

SECTION 4. ORDINANCE NECESSARY FOR THE IMMEDIATE PRESERVATION OF THE PUBLIC HEALTH AND SAFETY; ORDINANCE EFFECTIVE UPON ITS ADOPTION. This ordinance is necessary for the immediate preservation of public health and safety because the promotion of obscene material or wholesale promotion of obscene material, obscene performances, and unregulated adult-oriented establishments present an immediate, current and future danger to public health and safety. This Ordinance No. 12 takes effect upon its adoption.

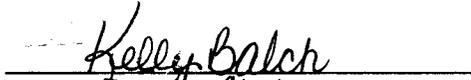
INTRODUCED, FIRST READ AND ORDERED PUBLISHED in full this 11th day of December, 2000.

BOARD OF COUNTY COMMISSIONERS
GUNNISON COUNTY, COLORADO



Fred Field, Chairperson

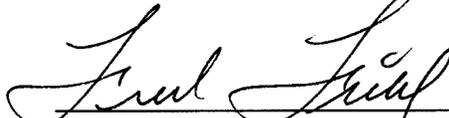
Attest:



Deputy Clerk

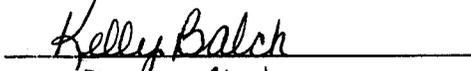
READ ON SECOND READING, ADOPTED AND ORDERED PUBLISHED in full this 8th day of ~~December, 2000.~~ January 2001

BOARD OF COUNTY COMMISSIONERS
GUNNISON COUNTY, COLORADO



Fred Field, Chairperson

Attest:



Deputy Clerk

CLERK'S CERTIFICATION

I, Joanne Reitingner, Clerk and Recorder of Gunnison County, Colorado, do hereby attest and certify that Ordinance 12 set forth above was introduced, read and ordered published at the special meeting of the Board of County Commissioners of Gunnison County, Colorado, on December 11, 2000. The Ordinance was then published in the Gunnison Country Times on December 18, 2000. It was thereafter it was passed at a regular meeting of the Board of County Commissioners of Gunnison County, Colorado, on January 8, 2001, and published in the Gunnison Country Times on January 18, 2001.


Joanne Reitingner, Clerk and Recorder