

# CITY COUNCIL COMMUNICATION



**MEETING DATE:** June 25, 2024

**ITEM NUMBER:** 9.C

**SECOND READING:** July 09, 2024

{{customfields.ResoOrdNumber}}

**TYPE OF ITEM:** Consent

**PRESENTED BY:**

Dawn Quintana, City Clerk's Office, dawn.quintana@longmontcolorado.gov

## **SUBJECT/AGENDA TITLE:**

A Bill For An Ordinance Amending Chapter 6.65 Of The Longmont Municipal Code On Sexually Oriented Business Regulation

## **EXECUTIVE SUMMARY:**

Staff has provided presentations regarding licensing updates on October 24, 2023, January 9, 2024, and April 30, 2024. Council directed staff to bring back these changes to code that will align code with current practices related to how background checks are obtained for applicants for sexually oriented business licenses.

## **COUNCIL OPTIONS:**

1. Approve the code changes on first reading and set public hearing for July 9, 2024.
2. Amend and approve the code changes on first reading and set public hearing for July 9, 2024.
3. Provide other direction to staff.

## **RECOMMENDED OPTIONS:**

1. Approve the code changes on first reading and set public hearing for July 9, 2024

## **FISCAL IMPACT & FUND SOURCE FOR RECOMMENDED ACTION:**

N/A

## **BACKGROUND AND ISSUE ANALYSIS:**

The regulations under Chapter 6.65 – Sexually Oriented Businesses of the Longmont Municipal Code were last updated in 2002 and include outdated practices. Staff recommends updates to the following sections for the identified reasons:

1. Remove requirement in 6.65.040(B)(4) for applicants to file a set of fingerprints. Fingerprinting services are now done digitally by a third-party vendor and applicants do not file any fingerprints with the City.
2. Remove requirement in 6.65.040(B)(4) for applicants to provide social security number. Protection of personally identifiable information is increasingly important in this age of cyber-attacks and identity theft, and, because the City does not need the

SSN to conduct a search, staff recommends we no longer collect that information and alleviate the need to protect it for the lifetime of that record.

3. Add requirement for applicants to provide a full print out of a background check obtained from the Colorado Bureau of Investigation dated within the past 30 days. The City does not have statutory authority to conduct a background search for this purpose. Although the City, under its home rule authority, has the right to require information needed to properly vet the application, we cannot require them to be fingerprinted using the third-party vendor. Thus, staff recommends changing this section to require the applicant to conduct and provide their background results to us as part of their application.

**ATTACHMENTS:**

Att 1 - Ordinance