

RULES OF PROCEDURE  
CITY OF LOUISVILLE  
LOCAL LICENSING AUTHORITY  
(Revised Effective March 26, 2007)

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**RULES OF PROCEDURE**  
**CITY OF LOUISVILLE**  
**LOCAL LICENSING AUTHORITY**

**RULE 1**

**APPLICABILITY OF RULES.** In addition to any other rules, laws, ordinances or regulations which may be applicable, these rules shall govern all proceedings before the Local Licensing Authority of the City of Louisville.

**RULE 2**

**EFFECTIVE DATE.** The effective date of these rules shall be July 29, 1996.

**RULE 3**

**APPLICATIONS AND REQUESTS TO THE AUTHORITY.**

**Regarding All Liquor and 3.2% Beer Applications in the City of Louisville**

1. Read all materials contained in this packet before requesting further information or forms.
2. Refer to the Required Document Checklist and prepare all required forms/documents.
3. Application must be submitted in accordance with the following criteria:
  - a. All forms and other documents must be submitted in **duplicate**, i.e.: in two parts. Part One should contain all originals of forms and other documents; Part Two should contain photocopies (with SINGLE SIDED COPIES) of each item in Part One.

- b. All documentation is to be submitted on 8-½" x 11" paper.
  - c. Remove all staples from documents in Part Two.
  - d. All information must be typewritten or legibly printed in black ink.
  - e. Arrange all documents in order listed on the Required Documents Checklist.
  - f. **Check all forms and verify that all applicable questions have been answered as required or with N/A.**
4. When an application is complete, the applicant must schedule an appointment with the Authority Secretary to review the application. The applicant or a representative must be present for this one-half hour review session. To schedule this appointment, call 666-6565, ext. 141. The statutes provide that upon "receipt of an application" for a new license, the local authority must schedule a public hearing upon the application not less than 30 days from the date of the application. The Authority must receive a complete application before scheduling the public hearing. Late applications will be scheduled for the next subsequent scheduled hearing.
5. At the time applications, except for renewal or transfer of ownership, are submitted to the Secretary to the Authority, dates will be set for you regarding the "Preliminary Findings & Report", posting requirements, neighborhood petition surveys or showing that the reasonable requirements of the neighborhood establish a need for issuance of the particular license, the Outline of Hearing Procedures, and the hearing agenda. The Authority Secretary is hereby authorized to conduct investigations and issue preliminary findings on behalf of the Authority. The Local Licensing Authority shall, at least five days prior to the date of the public hearing, make its preliminary findings known, in

writing, to the applicant and other interested parties. The report gives you the status of the application and confirms the date and time of the hearing before the Authority.

6. Submit **all** fees with the application. Checks should be made payable to: CITY OF LOUISVILLE and COLORADO DEPARTMENT OF REVENUE. Returned checks will be assessed an additional collection fee, and the hearing date may also be postponed.
7. The applicant or the applicant's representative must be present at the hearing to formally submit the application to the Authority. Failure to appear, or to request a continuance, may result in delay or denial of the application.
8. Should your application be approved, allow 3 to 5 weeks for processing and issuance. Both the City of Louisville **and** State of Colorado licenses will be issued from the Office of the Secretary to the Authority.

**The following is an outline of the order of events/procedures for liquor and 3.2% beer**

**licensing:**

- A. Complete and compile all required documentation (incomplete application forms will not be accepted).
- B. Schedule appointment with Secretary to the Authority in accordance with Schedule of Hearings and Application Deadlines.
- C. Submit both copies of completed application to the Secretary to the Authority at the one-half hour review session and set hearing date.
- D. On the date set by the Secretary to the Authority, the applicant for a new license or change of location of an existing license must pick up a poster from the Secretary to the

Authority's office and post same on the subject property in a conspicuous location on site (this must be posted on the site for a minimum of 10 days prior to hearing date).

- E. Any summary of survey results for an application on which a "Needs and Desires Petition Survey" is prepared must be submitted to the Secretary to the Authority's office no later than 5 days prior to the hearing. A survey is not mandatory.
- F. On the Friday prior to the hearing, the applicant may pick up the Outline of Hearing Procedures, Hearing Agenda, and the Preliminary Finding and Report from the Secretary to the Authority's office.
- G. On the date of hearing, the applicant (or applicant's representative) presents the application to the Authority members. The Authority decides whether to grant, deny or continue the application.
- H. Should the application be approved, allow 3 to 5 weeks for processing and issuance. Both the City of Louisville **and** State of Colorado licenses will be issued from the Office of the Secretary to the Authority.
- I. The licensee may begin the sale of liquor or 3.2% beer as soon as the state and local licenses have been posted in compliance with State Liquor Code (in a location visible to the public) on the licensed premises.
- J. Licensee must also post the following "WARNING" notices (all notices are available from the office of the Secretary to the Authority):
  - 1. That it is illegal to sell/serve alcohol to anyone under the age of twenty-one;
  - 2. That the police must be notified of all disturbances in the licensed establishment and on the grounds which are a part of the establishment; and
  - 3. That it is illegal to serve/sell alcohol to any visibly intoxicated person.

**THE CITY AND THE STATE OF COLORADO PROVIDE TRAINING CLASSES FOR LICENSE HOLDERS, THEIR MANAGERS AND EMPLOYEES. PLEASE ASK THE SECRETARY TO THE AUTHORITY WHEN THE NEXT TRAINING SESSION WILL BE HELD.** Managers of licensed premises are encouraged to attend the next scheduled training session provided by the Authority following the grant of a new license or the transfer of ownership of a liquor license. All employees involved with sales or service of alcoholic beverages are encouraged to attend at least one training session provided by the Authority per year. Managers and employees who attend training sessions should file proof of such attendance with the Secretary to the Authority, as attendance at training sessions may be considered by the Authority in connection with any suspension or revocation proceedings .

**FOR YOUR INFORMATION:** Pursuant to Colorado Liquor Code, applications for liquor and 3.2% beer licenses must address the following issues to the satisfaction of the City and State liquor authorities.

<b>APPLICATION FOR:</b>	<b>New License</b>	<b>Transfer of Ownership</b>	<b>Change of Location</b>
Qualifications, character and reputation of the applicant(s).	<b>X</b>	<b>X</b>	
Needs of the neighborhood	<b>X</b>		<b>X</b>
Desires of the inhabitants of the neighborhood	<b>X</b>		<b>X</b>

**NOTE:** Information regarding the qualifications, character and reputation is addressed in the packet materials. Documentation/proof regarding the needs of the

neighborhood, and the desires of the inhabitants of the neighborhood are the responsibility of the applicant. There are no prescribed methods for documenting needs of the neighborhood. The methods most frequently used are as follows:

- \* Written and/or verbal testimony from parties of interest within the affected neighborhood (presented at the hearing).
- \* A "needs and desires petition survey" is prepared for presentation with the application.

**NOTE:** **The applicant is responsible for familiarity and compliance with the Liquor and 3.2% Beer Codes. Copies of these codes are available for public inspection in the City's Central Files. You may purchase copies of the State Liquor and 3.2% Beer Code from the State of Colorado Central Stores Division, 4200 Garfield, Denver, CO 80216; Phone (303) 321-2200.**

#### **RULE 4**

**NEW LICENSE - CONTENTS OF LOCAL APPLICATION.** All local applications for a new local license shall be made under oath to the Authority Secretary, on forms provided by the Secretary.

#### **RULE 5**

**TRANSFER OF OWNERSHIP OF LICENSED ESTABLISHMENT.**

- (a) The applications and procedure for obtaining approval for the transfer of a license shall conform to the application and procedure set forth in these Rules for the granting of a new license, except as specifically provided otherwise in these Rules.
- (b) The transferee shall provide an assent from the current license holder. No transfer will be approved until substantial, competent evidence is presented to the Authority demonstrating such assent. A notarized statement by the current license holder requesting that the Authority transfer the license to the transferee is such evidence.
- (c) Applications for the transfer of a license will be submitted to the Authority Secretary and scheduled for review before the Authority at the next available meeting.
- (d) If all of the transferee licensees are current licensees, as in the reduction of the number of partners in a partnership, the Secretary shall have the authority to grant the application or to refer the application to the Authority.
- (e) A temporary permit to authorize the applicant to continue selling alcoholic or fermented malt beverages, during the period in which an application to transfer the ownership of the license is pending, may be issued by the Authority Secretary upon application by the transferee licensee on forms provided by the Authority Secretary and accompanied by the appropriate fee. The Authority Secretary shall issue a temporary permit within five working days from the date of application provided that all requirements of the Colorado Liquor and Beer Code § 12-47-303, have been met by the applicant. The temporary permit shall be good for not more than one hundred twenty days or until such time as the application to transfer ownership of the license is granted or denied, whichever shall occur first. In the event the application to transfer the ownership is denied by the Authority, the temporary permit is immediately void and the license remains in the name of the transferor licensee.

## **RULE 6**

**CHANGE OF LOCATION.**

(a) The application and procedure for obtaining approval for a change of location for a liquor or fermented malt beverage license shall conform to the application and procedure set forth in these Rules for the granting of a new license, except as specifically provided otherwise in these Rules and C.R.S. § 12-47-301(9). In addition, the reason for requesting the change shall be stated with the application.

(b) A public hearing shall be held in all cases where a transfer of location is desired. Posting and public notice of such hearing, as provided in Rule 14, shall be given.

**RULE 7**

**RENEWAL OF EXISTING LICENSE.**

(a) An application for the renewal of an existing license shall be filed with the Authority Secretary not less than 45 days prior to the date of expiration stated on the license. The Authority, for good cause, may waive this time requirement. Local applications for renewal shall be on the forms provided by the Authority Secretary's office.

(b) The Authority Secretary shall forward all renewal applications, as received, to the Local Licensing Authority. No public hearing shall be required on a renewal application (except for a renewal of a license transferred to a financial institution by virtue of foreclosure); provided, however, that the Authority may cause a hearing on the application for renewal to be held, and a hearing shall be held prior to any denial of a renewal application. Notice of and the conduct of any such hearing shall comply with the provisions of these Rules regarding applications for a new license.

**RULE 8**

**CHANGING, ALTERING OR MODIFYING LICENSED PREMISES.** Requests for proposed change, alteration or modification of an existing outlet licensed to sell liquor or fermented malt beverages shall be on forms as are provided by the Authority Secretary of the City of Louisville. Said request shall be accompanied by adequate plans and specifications including dimensions (reference Rule 10) which shall be sufficient to advise the Authority of the scope and nature of the proposed request. The request shall be filed with the Authority Secretary and the Authority Secretary shall set the application for review by the Authority.

**RULE 9**

**FINGERPRINTS/BACKGROUND INVESTIGATION.**

- (a) Pursuant to the Bylaws of the Local Licensing Authority, fingerprint/background investigations are done through the Colorado Bureau of Investigation and the Federal Bureau of Investigation shall be required for any application under the Colorado Beer Code or Colorado Liquor Code which requires a determination of the character or reputation of any person.
- (b) At such time as the application is complete, with the exception of any fingerprint reports, action on the application may proceed at the request of the applicant if the Authority finds:
  - (1) The fully executed license application and each individual history record required as part of the application indicates that no applicant, partner, officer, stockholder or director of applicant, and no person lending financial support to the applicant,

the manager, or employees, has ever been convicted of a crime, excluding minor traffic violations.

- (2) No other reliable information has been provided to the Authority contrary to that described in paragraph (b)(1) above.
- (3) The applicant agrees that the Authority may revoke the applicant's license if granted by the Authority and if the fingerprint results contain information contrary to that described in paragraph (b)(1), above.

## **RULE 10**

### **PLANS AND SPECIFICATIONS.**

- (a) All plans, specifications and drawings shall be an appropriate size to be legible, and shall show the floor plan and layout of the interior of the building and all exterior areas with dimensions of the building where the license is sought to be exercised. The exterior boundary of the entire premises to be licensed, and the location where alcoholic beverages will be stored, shall be clearly shown.
- (b) If a liquor or on-premises fermented malt beverage license is applied for, the plans and specifications shall in addition show the overall seating capacity of the premises.
- (c) If a hotel-restaurant liquor license is applied for, plans and specifications shall, in addition, show the following:
  - (1) The total floor area where meals will be served;
  - (2) Location of all bar counters;
  - (3) Size and dimension of the kitchen and other food preparation areas;

- (4) Location, number and kinds of ranges, stoves or ovens, refrigerators, food lockers, dishwashers, sinks, and restrooms;
- (5) Location and dimension of food storage areas, and any other fixtures and equipment to be installed and used in connection with the preparation and serving of meals.

## **RULE 11**

### **RIGHT TO POSSESSION.**

Each application for a new license, renewal of existing license, transfer of ownership of an existing license, change of location for a liquor or fermented malt beverage license and request for modification of licensed premises shall be accompanied by a deed, lease or other documentation supporting the applicant's right to occupy the premises where the license will be exercised. Length of lease, etc. must be for the entire length of the liquor license or the license will be subject to revocation per statutes.

## **RULE 12**

### **BED AND BREAKFAST PERMIT.**

(a) The application and procedure for obtaining approval for a Bed and Breakfast permit shall conform to the application and procedure set forth in these Rules for the granting of a new license (see Rule 15).

(b) A public hearing shall be held in all cases where a Bed and Breakfast permit is desired. Posting and public notice of such hearing, as provided in Rule 14, shall be given.

### **RULE 13**

#### **SPECIAL EVENTS PERMIT.**

(a) Applications for a special events permit shall be made under oath or affirmation to the Authority Secretary, on forms provided by the State Licensing Authority and furnished by the Authority Secretary. Such applications shall be submitted not less than 30 days prior to the proposed event.

(b) Public notice of the proposed permit and of the procedure for protesting issuance of the permit shall be conspicuously posted at the proposed location for at least ten days before approval of the permit by the Local Licensing Authority.

(c) Any protest shall be filed by affected persons within ten days after the date of initial posting of the proposed event. Protests shall be filed in duplicate, with the Authority Secretary of the City of Louisville, Colorado.

(d) Pursuant to § 12-48-107(4), C.R.S., the Authority assigns all its functions under Article 48 of Title 12, C.R.S. (Special Events Permits) to the Authority Secretary.

### **RULE 14**

#### **NECESSITY OF PUBLIC HEARINGS: POSTING AND PUBLICATION OF NOTICE.**

Upon receipt of complete state and local applications, except in the case of an application for renewal of a license, alteration or modification of licensed premises (unless requested by the licensee), or an application for a special events permit, the Authority Secretary shall schedule a public hearing upon the application. The hearing shall be set for the next regular meeting of the

Authority, occurring not less than 30 days from the date of the application. The Authority Secretary shall cause to be posted and shall publish public notice of the hearing not less than 10 days prior to such a hearing. Public notice shall be given by the posting of a sign in a conspicuous place on the premises for which application has been made, and by publication in the Louisville Times or other newspaper of general circulation in the City. Notice given by posting and publication shall conform to requirements set forth in C.R.S. § 12-47-311, as applicable.

## **RULE 15**

### **PRELIMINARY INVESTIGATION AND FINDINGS.**

(a) New License. Upon receipt of complete application for a new license, the local licensing authority shall conduct a preliminary investigation with regard to the following matters:

- (1) For liquor applications, whether within two years, and for fermented malt beverages, whether within one year, next preceding the date of the application, either the state or local licensing authority has denied an application at the same location or within 500 feet of the location, for the reason that the reasonable requirements of the neighborhood and the desires of the inhabitants were satisfied by the existing outlets (shall not apply to applications for Bed and Breakfast Permits);
- (2) Whether it satisfactorily appears that the applicant is or will be entitled to possession of the premises for which application is made under a lease or by virtue of ownership;

- (3) Whether the sale of liquor or fermented malt beverages as contemplated by the applicant is in compliance with the zoning laws of the City of Louisville, and within any applicable laws, rules or regulations for restaurants of the State Board of Health;
  - (4) For liquor applications, whether the building in which the liquor is to be sold is located within five hundred feet of any public or parochial school or the principal campus of any college, university or seminary (shall not apply to applications for Bed and Breakfast Permits);
  - (5) The number and type of outlets located within the neighborhood designated by the applicant as the neighborhood affected by the license applied for;
  - (6) Any criminal history information on the applicant which has been brought to the attention of the Authority;
- (b) Transfer of Ownership. Upon receipt of complete state and local applications for a transfer of ownership of an existing license the Local Licensing Authority shall conduct a preliminary investigation with regard to only those matters set forth in Rule 15(a)(2), (3), and (6) above.
- (c) Change of Location. Upon receipt of complete state and local applications for a change of location of an existing liquor or fermented malt beverage license, the local licensing authority shall conduct a preliminary investigation with regard to only those matters set forth in Rule 15(a)(1), (2), (3), (4) and (5) above.
- (d) Alteration of Premises. Upon receipt of a request for permission to materially or substantially change, alter or modify the premises licensed to sell liquor or fermented malt

beverages, the local licensing authority shall conduct a preliminary investigation only with regard to those matters set forth in Rule 15(a)(2), (3), (4) and (5) above.

(e) The local licensing authority shall, at least five days prior to the date of the public hearing, make its preliminary findings known, in writing, to the applicant and other interested parties. The Authority Secretary is hereby authorized to conduct investigations and issue preliminary findings on behalf of the Authority.

## **RULE 16**

### **TASTINGS PERMITS**

(a) Liquor licensees who desire to conduct tastings at their licensed establishments must obtain a Tasting Permit from the Authority in accordance with this Rule. An application for a Tastings Permit may be obtained from the City Clerk's Office.

(b) The following will be required to be considered for a Tastings Permit (all documents must be typed or legibly printed):

- (1) Application Form - Information includes: Licensee / Trade Name / Address of Licensed Premises / License # / Business Phone #.
- (2) Fee - \$50 Application/Permit Fee to City of Louisville.
- (3) Control Plan - Attach a written Control Plan to establish how the applicant will conduct the tastings in compliance with the provisions of Colorado statutes and the Louisville Municipal Code, and without creating a public safety risk to the neighborhood. Include diagrams if needed.
- (4) Server Training - Tastings shall be conducted only by a person who has completed a server training program that meets the standards established by the Liquor Enforcement

Division of the Colorado Department and who is either a retail liquor store licensee, or an employee of a licensee, and may be conducted only on a licensee's licensed premises.

The applicant must complete the server training list on the application form and attach documentation of the training to the application. It is the licensee's responsibility to ensure that all future employees complete the servers training for tastings and to update promptly the list maintained by the City.

(c) A complete application including associated materials must be submitted to the City Clerk's Office no less five business days prior to the next meeting of the Authority for consideration at that meeting.

(d) Tastings can be conducted for no more than 5 hours per tasting day between 11:00 a.m. and 7:00 p.m.; no more than 4 of the 6 days from a Monday through Saturday; and no more than 104 days per year.

## **RULE 17**

### **PROCEDURAL ASPECTS OF PUBLIC HEARINGS; REGULAR MEETINGS.**

(a) **Public Meetings.** All hearings before and meetings of the Authority shall be open to the public in accordance with Section 1. Meetings. of LLLA Bylaws. Regular meetings shall be held monthly, as scheduled by the Authority at its first regular meeting in December of each year, beginning at 7:00 p.m., in the Louisville City Hall, unless otherwise posted and unless there are no items for the Authority's consideration. All other meetings of the Authority shall be special meetings upon the call of the Chairperson, or in the absence of the Chairperson, the Vice-Chairperson, or on the call of at least two (2) members of the Authority. All meetings of the Authority, whether regular or special, shall be open to the public.

(b) **Notice of meetings.** Notice of all regular and special meetings shall be posted at least twenty-hour hours in advance on the bulletin board at the east entrance of the Louisville City Hall or at such other public place as determined by the Authority at its first regular meeting in January of each year.

(c) Each Authority member shall be personally notified in writing in advance of any special meeting. The notice may be served personally or be left at the usual place of residence of the member at least 48 hours prior to the time set for the meeting, or be mailed not less than five calendar days prior to the time set for the meeting by U.S. mail, first class postage prepaid. No such notice to an individual Authority member is necessary if action is taken at a preceding regular meeting of the Authority, at which the Authority member is present, setting the date and time for a special meeting. A member may waive notice of the special meeting, in writing, before, at, or after the special meeting is held. Attendance by a member of the Authority at a special meeting constitutes waiver of the notice of the special meeting, unless the member attends the special meeting for the express purpose of objecting to the transaction of business because the special meeting was unlawfully convened or called.

(d) At a public hearing, any party in interest shall be allowed to present evidence and to cross-examine witnesses. A party in interest shall mean the applicant, a resident of the neighborhood under consideration, or the owner or manager of a business located in the neighborhood. At a meeting other than a public hearing the public shall be afforded an opportunity to comment on any matter relevant to the Authority's responsibilities, subject to the discretion of the Chair on the time and length of such comment. At a show cause hearing, any Authority member may question any witness, including the Licensee.

- (e) The Authority, in its discretion, may limit the presentation of evidence and cross-examination, so as to prevent repetitive and cumulative evidence or examination.
- (f) Questions concerning the competency of witnesses to testify on behalf of or in opposition to the issuance of the license, the materiality, relevancy, or competency of their testimony, and other evidentiary matters will be determined by the Authority as said questions arise. No testimony shall be offered unless given under oath.
- (g) Recording. All proceedings shall be recorded through stenographic or verbatim reproductions.
- (h) Transcriptions. Any person seeking judicial review of a decision of the Authority shall pay to the City of Louisville the cost of preparing a transcript of the proceedings before the Authority whenever a transcript is demanded by the person seeking the review, or furnished by the City pursuant to Court order. If members of the City staff prepare the transcription, the amount of the charge shall be as determined by the City Administrator.
- (i) Except as otherwise provided in these rules, all action by the Authority relating to an application set for a public hearing or public meeting shall be preceded by a formal motion stating the proposition to be determined by the Authority. Each such motion shall be seconded by not less than one member of the Authority other than the movant before submission of the proposition to a vote of the members. A motion to instruct the City Attorney to draft findings denying the application takes precedence over the motion to grant the application. If such motion passes, the action on the motion to grant is stayed for no more than 29 days, during which time a meeting must be held, at which time the main motion shall be voted upon.
- (j) All exhibits shall be marked and introduced by the applicant as in civil cases.

(k) All exhibits must be on 8½" x 11" size paper unless otherwise admitted by the chairperson. For demonstration purposes at the hearing, exhibits may be enlarged and mounted on cardboard or similar material, but the mounted exhibits will not be accepted by the Authority and will not become a part of the record.

(l) The Authority Secretary may grant an applicant's written request to continue a matter set for hearing to the next following regular meeting, if such request is made prior to the time that publication and posting of notice of hearing on the matter has been made. Once a matter has been scheduled for public hearing and public notice thereof has been given, the Authority Secretary may grant an applicant's written request for a continuance prior to the hearing date only for good cause shown. Good cause includes but is not limited to unavailability of witnesses and inadequate time to prepare, and may not result from neglect on the part of the applicant. The Authority may, by motion, grant an applicant's request for a continuance, upon a showing by the applicant of good cause. For good cause, the Authority may, by motion, continue a hearing on its own initiative; provided, however that the applicant is given an opportunity to state his position on the proposed continuance before a vote thereon is taken.

(m) Any decision of the Authority approving or denying an application or request after a public hearing or public meeting shall be in writing, shall state the reason therefor, and shall be made no later than 30 days after the date of the public hearing. A copy of the decision shall be sent by certified mail, to the applicant at the address shown in the application.

## **RULE 18**

### **SUSPENSION AND REVOCATION; HEARINGS AND PROCEDURE.**

(a) The local licensing authority has the power, on its own motion or on complaint, after investigation and public hearing at which the licensee shall be afforded an opportunity to be heard, to suspend or revoke any license issued by the Authority for any violation by the licensee, or by any of the agents, servants or employees of such licensee of the provisions of the Colorado Liquor or Beer Code, or any of the rules, City ordinances or regulations authorized pursuant to such Codes or of any of the terms, conditions or provisions of the license issued by the Authority.

(b) Proceedings to suspend or revoke a license shall be initiated as follows:

- (1) Whenever a written complaint shall be filed with the Authority, charging the licensee with a violation of any provisions of the Colorado Liquor or Beer Code, or of the rules, City ordinances or regulations promulgated thereunder, or any of the provisions of the license issued, or
- (2) By motion of the Authority, when information has been received from the Louisville Police Department or the State Department of Revenue which, if substantiated, could be grounds for a suspension or revocation of license. In determining whether such proceedings shall be initiated by such motion, the Authority shall consider the relevant circumstances of the alleged violations, the number of alleged violations concerning the licensee, and the severity of the violations alleged. If information is received by the Authority, which if substantiated, could be grounds for suspension or revocation of the license, but the Authority determines not to initiate formal suspension or revocation proceedings, notification regarding the alleged violation shall be mailed, by first

class mail, to the licensee. The notification shall be in the form of a letter, and shall contain such information as the Authority deems appropriate.

(c) If suspension or revocation proceedings are initiated, the Licensing Authority shall determine, by investigation, the probable truth of the charges against the licensee. The Authority Secretary is hereby authorized to conduct such investigation on behalf of the Authority.

(d) If it shall appear upon such investigation, or otherwise come to the attention of the Authority, that there is probable cause to believe that grounds for revocation or suspension exists, the Authority shall issue a notice of hearing and order to show cause why the license should not be suspended or revoked, and shall appoint counsel to represent the City at the hearing. Such notice and order shall be sent by certified mail to the licensee at the address contained in the license, and shall contain such information as will reasonably notify or inform the licensee of the charges or alleged grounds for suspension or revocation.

(e) The hearing shall be held at the place and time designated in the notice, or upon such other day as may be set for good cause shown. At the hearing, evidence in support of the charges shall be given first, followed by cross-examination of those testifying thereto. The licensee, in person or by counsel, shall then be permitted to give evidence in defense and in explanation, and shall be allowed to give evidence and statements in mitigation of the charges. In the event the licensee is found to have committed the violation charged, or any other violation, evidence and statements in aggravation of the offense shall also be permitted.

(f) At such hearing, the Local Licensing Authority has the power to administer oaths. The Authority has the power to issue subpoenas to require the presence of persons and the production of all papers, books and records necessary to its determination.

- (g) If the evidence presented at the hearing does not support the charges stated in the notice and order served upon the licensee, but standing alone establishes a violation of some other law, rule or regulation, the licensee shall be permitted to give evidence and statements in defense, explanation and mitigation if then prepared to do so. If such evidence is not then available, but can be obtained by the licensee, the licensee shall state the substance thereof and upon his request, the hearing may be recessed for not more than 10 days and shall continue under the same procedure as though no recess had occurred.
- (h) In the event the licensee is found not to have violated any law, rule or regulation, the charges against him will be dismissed. If the licensee is found to have violated some law, rule or regulation, his license may be suspended or revoked.
- (i) The Licensing Authority shall furnish the licensee its decision, in writing, within 60 days following the hearing. Such notice shall be certified mailed to the licensee at the address contained in such license.
- (j) In the event of revocation, or suspension, no portion of the license fee or occupation tax shall be refunded.
- (k) If a license has been suspended, the Authority has the power to order the posting of notices of suspension on the premises.
- (l) No suspension of a license shall be for a period longer than six months.
- (m) Where the Authority has reasonable grounds to believe and finds that a licensee has been guilty of a deliberate and willful violation of any applicable law or regulation or that the public health, safety or welfare imperatively requires emergency action and incorporates such findings in an order, the Authority may temporarily or summarily suspend the license pending proceedings for a suspension or revocation hearing, which shall be promptly instituted and

determined. A temporary suspension of a license without notice pending any prosecution, investigation or public hearing, shall be for a period not to exceed 15 days.

(n) The following suspension penalties represent guidelines only and are not binding on the Authority. The Authority reserves the right to impose any penalty authorized by law.

LICENSE TYPE	1st Offense		2 <sup>nd</sup> Offense	
	Minimum*	Maximum	Minimum**	Maximum
Retail Liquor Store	1 day	3 days	2 days	5 days
3.2% Beer – Off Premises	3 days	5 days	7 days	21 days
On Premises Hotel-Restaurant Beer & Wine Tavern Club 3.2% Beer – On Premises Bed & Breakfast	3 days	5 days	7 days	21 days

\*Service of a one day suspension is required for first offense

\*\*Service of the listed minimum suspension period required for second offense

- (o) The Authority may consider the following among other things, in imposing suspension periods:

Mitigating Facts

- √Training programs (initial & on-going)
- √Written policies
- √Supervision procedures
- √Self-check programs
- √Use of birthdate-input cash registers

Aggravating Facts

- √Prior violations in past five years
- √Irresponsible advertising policies
- √Failure to accept responsibility
- √Failure to institute corrective measures/policies
- √Prior police reports or other reports of disturbances on the licensed premises

- (p) Any period of suspension imposed by the Authority, or agreed to by the Licensee in a stipulated settlement of a hearing, must be served within thirty (30) days of the hearing at which the suspension is imposed or the stipulation approved.

The Authority will consider requests for the abeyance of imposition of all or any part of the suspension period and requests to pay a fine-in-lieu of suspension on a case-by-case basis. The Authority may also require managers and/or all employees involved with sales or service of alcoholic beverages to attend a training program if the Licensee has been found guilty of a violation.

In addition to the foregoing penalties, the Authority may revoke any future permits for special events or tastings where a violation has occurred at a special event or at a tasting.

## **RULE 19**

### **POST APPROVAL INSPECTION.**

If any application is approved before the building in which the business is to be conducted is ready for occupancy in compliance with law, the Authority Secretary shall make further inspections to determine if the approved plans have been complied with before issuing the license. The secretary may delegate that task of inspection to any other government employee (building officials), and may act upon the report of such person.

## **RULE 20**

### **PETITIONS.**

Petitions, if any, circulated by the applicant or its agents shall be submitted to the City Clerk no later than five days before the public hearing. Petitions submitted to establish the desires of the inhabitants of the neighborhood shall contain signatures only of adult residents of the neighborhood. Petitions shall contain the signature, address and age of each signatory, and an

indication of approval or denial of the application. In addition, the Authority recommends that applicants submit information indicating whether or not the address of the signatory is a business address or residential address, and any other pertinent information. In the case of all applications, persons **twenty-one** years of age or older are adults.

**RULE 21**

**CONFLICT OF LAW.**

Where any conflict exists between any provisions of these rules and the Bylaws of the Local Licensing Authority, City ordinance or state statute, such Bylaws, ordinances, or statutes shall control over the provisions of these rules and these rules shall be deemed to have been amended to conform to such Bylaws, ordinance and statutes.

Approved effective the 26<sup>th</sup> day of March, 2007.

LOCAL LICENSING AUTHORITY  
CITY OF LOUISVILLE, COLORADO

By: \_\_\_\_\_  
Cecilia Wilson, Chairperson