



**LOCAL LICENSING AUTHORITY  
CITY OF LONGMONT, COLORADO**

**RULES OF PROCEDURE**

Adopted February 23, 2017

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**CHAPTER 1     APPLICABILITY AND EFFECTIVE DATE**

Section 1-1     Applicability

In addition to any other rules or laws, which may be applicable, these rules shall govern all applications and proceedings before the Local Licensing Authority (“Local Licensing Authority”, “LLA” or “Authority”) of the City of Longmont.

Section 1-2     Effective Date

These rules of procedure shall be effective as of the date of adoption or amendment.

Section 1-3     Organization and Titles of Rules of Procedure

These rules shall be organized and referred to by chapter, section and subsection. Chapter, section, and subsection titles shall be used for convenience only and shall not be used as catchwords to construe the meaning of any provision of these rules of procedure.

**CHAPTER 2     JURISDICTION, ORGANIZATION, AND MEETING PROCEDURES**

Section 2-1     Municipal Judge Shall Serve as Local Licensing Authority

The Municipal Judge shall serve as the Local Licensing Authority pursuant to Chapter 2.68.020 of the Longmont Municipal Code. The Judge may designate substitute(s) as necessary. The terms “Hearing Officer” or “Judge” may be used interchangeably for purposes of the Authority.

Section 2-2     City Clerk Shall Serve as Secretary to the Local Licensing Authority

The City Clerk shall serve as the Secretary for the Authority pursuant to Chapter 2.68.030 of the Longmont Municipal Code and shall receive all applications and fees and issue all licenses granted by the Authority. The Secretary’s duties may be delegated to staff other than the City Clerk. The Secretary shall be the Authority’s agent for all purposes specified by state or local law, including administrative processing of applications and other actions necessary or desirable under these rules of procedure.

Section 2-3     Jurisdiction

The Authority shall have jurisdiction to hear and take final action upon all alcohol beverage license applications or actions for which responsibility is delegated to the Authority by state or local law.

Section 2-4     Regular Meetings

The Authority shall hold hearings at such times as may be required to consider licensing functions or matters relating to the establishment of rules and regulations, procedural considerations or other matters permitted of the Local Licensing Authority by state law.

The City Clerk shall schedule hearings by notifying the Authority as to any matter requiring the Authority to act pursuant to law. Otherwise, the Authority may schedule meetings at the Authority's discretion and initiative in accordance with procedures established for the licensing Authority.

The Authority may prescribe any date, time or place for any such regular meeting or call special meetings as deemed appropriate.

**Section 2-5 Meetings to be Open and Public**

All meetings of the Authority shall be open to the public pursuant to Colorado Open Meetings Laws.

**Section 2-6 Proceedings and Records**

The Secretary shall keep proceedings of all meetings and shall be the official record keeper of all liquor licensing transactions on behalf of the Authority.

**Section 2-7 Amending Rules of Procedure and Supplemental Rules**

The Rules of Procedure may be amended at any time by the Authority after compliance with the applicable rules and public notice. The Authority may from time to time adopt supplemental rules not in conflict with these Rules of Procedure.

**CHAPTER 3 GENERAL APPLICATION REQUIREMENTS**

**Section 3-1 Forms**

All applications and requests to the Authority shall be on forms promulgated by the state or City of Longmont, as applicable, and shall be filed with the City Clerk's Office, or other designated office, of the City of Longmont. All information supplied on applications and requests, except for drawings, plans and specifications, if any, shall be typewritten or clearly printed. Applicants shall submit all required documentation with their application as set forth in the Required Documents Checklist for each application type.

**Subsection 3-1-1 Incomplete Applications**

Applications shall not be deemed filed or accepted unless and until they are determined to be complete by the Secretary or Authority. The applicant may request a hearing before the Authority to establish the completeness of the application should the applicant disagree with the Secretary's determination and such request for hearing shall be submitted in writing to the City Clerk's Office.

**Section 3-2 Fees**

No application shall be deemed complete unless it is accompanied by the fees prescribed by the Authority and any fees payable to the Colorado Department of Revenue pursuant to state law.

The Secretary may request certified funds for any fees payable to the City of Longmont. The City's application fee shall be non-refundable and shall cover costs of the preliminary investigation made by the Authority, fingerprinting fees, all administrative checks, publication and posting costs, and any other associated costs.

### Section 3-3 Plans & Specifications

At the time of application, the applicant shall file a detailed diagram or sketch of the premises to be licensed, outlining the premises with a **bold black line**, in accordance with state and local requirements. All plans, specifications and detailed sketches or drawings for permanent licenses shall be on 8-1/2" x 11" paper and shall include, but are not limited to:

- A. A separate page for each level or floor to be licensed;
- B. Walls, partitions, entrances and exits;
- C. Dimensions of the premises;
- D. Indicate the North direction;
- E. Clearly identify the bar(s);
- F. Clearly identify where alcohol shall be stored;
- G. Clearly identify any patio(s), if applicable;
- H. Identify the type of barrier surrounding the patio, if applicable;
- I. All tables and chairs and total seating capacity;
- J. Any other information deemed relevant by the Authority.

If a hotel-restaurant license is applied for, plans and specifications shall, in addition to the above, show the following:

- A. The total floor area where meals shall be served;
- B. Location of all bar counters;
- C. Size and dimension of the kitchen and other food preparation areas;
- D. Location, number and kinds of ranges, stoves or ovens, refrigerators, food lockers, dishwashers, sinks and restrooms; and
- E. 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.

If a permit is applied for, a detailed diagram or drawing of the premises to be licensed outlined in **bold black** shall clearly identify the following:

- A. Dimensions of the premises;
- B. Entrances and exits;
- C. The nearest cross streets;
- D. The North direction or other point of geographic reference;
- E. The bar(s) or areas of alcohol service;
- F. Area(s) where alcohol shall be stored;
- G. The type of barrier surrounding the premises, if held outdoors, or walls and partitions, if indoors.

### Section 3-4 Fingerprints

At the time of application, fingerprints shall be submitted for all applicants requiring a background check as set forth in the required documents checklist provided by the Secretary to the applicant. Fingerprints taken at the Longmont Police Department will be provided at no additional cost to the applicant. If the person is fingerprinted elsewhere, any associated fees shall be paid by said person.

## CHAPTER 4 ADMINISTRATIVE APPROVAL

### Section 4-1 Secretary Has Authority to Administratively Review and Approve

The Secretary is authorized to administratively review and approve certain application types listed below based on specified criteria as stated below. Any application of those noted herein under Chapter 4, Section 4-2 may be scheduled for hearing before the Authority and not approved administratively. There are no procedural or due process rights to administrative review and approval. The Authority, City Attorney's Office, City Manager's Office, and/or Police Department may notify the Secretary of a need to set an application for hearing and not have administrative review and approval for any reason.

### Section 4-2 Types of Applications to Be Reviewed Administratively

The Secretary is authorized to administratively review and approve the following application types in accordance with the criteria set forth in this Chapter:

1. *Renewals* of licenses with no violations in the previous 12 months
2. *Change in Corporate Structure* where officers are reorganized or an officer is removed or for licensees with a master file or to add new officers when the new officers have no adverse background
3. *Change of Trade Name*
4. *Manager Registration* where the new manager has no adverse background and has completed an approved server training program in the past two years
5. *Special Event Permit* that has been posted for ten days and no opposition has been received from the Longmont Police Department or the public
6. *Tasting Permit* for licensees with no violations in the previous 12 months
7. *Temporary Permit Pending Transfer of Ownership* where the Longmont Police Department does not object to the issuance of the Temporary Permit
8. *Art Gallery Permit* that has been posted for ten days and no opposition has been received from the Longmont Police Department or the public
9. *Bed and Breakfast Permit* that has been posted for ten days and no opposition has been received from the Longmont Police Department or the public

#### Subsection 4-2-1 Renewals

Upon receipt of a timely renewal for a liquor license, art gallery permit, or bed and breakfast permit, the Secretary is authorized to:

- (A) Verify the application is complete in all sections and filed 45 days prior to expiration;
- (B) Verify that the appropriate City and State fees accompany the application;
- (C) Verify that the licensee maintains possession of the premises;
- (D) For hotel & restaurant, lodging & entertainment, and tavern licensees, verify that the manager listed is the registered manager on record;
- (E) For art gallery and bed and breakfast permittees, verify that they continue to meet the requirements for their respective permit types;
- (F) Verify that the licensee had no violations in the previous 12 months.
- (G) Require any other information deemed relevant by the Authority.

If the renewal application meets all of the criteria listed above, the Secretary is authorized to approve the renewal and forward it to the State for processing, and otherwise the renewal application shall be scheduled for hearing before the Authority. The Authority has the discretion to accept late renewal applications (renewals filed less than 45 days prior to expiration and renewals filed after expiration) in accordance with Colorado statutes.

Subsection 4-2-2 Change in Corporate Structure (re-organize or remove officers and licensees with a master file)

Upon receipt of an application for a reorganization of a corporation or the removal of officers, the Secretary is authorized to:

- (A) Verify the application is complete in all sections;
- (B) Verify the appropriate documentation has been filed with the application:
  - a. Certificate of Good Standing issued within past two years
  - b. Certificate of Incorporation OR Articles of Incorporation (date-stamped by Secretary of State) OR Partnership Agreement (for limited and general partnerships)
  - c. Certificate of Authority (if foreign corporation)
  - d. Copies of minutes of meetings by the Corporation, Limited Liability Company or Partnership supporting the changes reflected on the application
  - e. Letters of resignation (if applicable)
  - f. Verify that the Police Department has no objections.
- (C) Require any other information deemed relevant by the Authority.

If the application meets all of the criteria listed above, the Secretary is authorized to approve the application and forward it to the State and otherwise the application shall be scheduled for hearing before the Authority.

Subsection 4-2-3 Change in Corporate Structure (addition of new officers)

Upon receipt of an application for the addition of new officers, the Secretary is authorized to:

- (A) Verify the application is complete in all sections;

- (B) Verify that the appropriate City, State (if any), and background check fees accompany the application;
- (C) Verify the appropriate documentation has been filed with the application:
  - a. Certificate of Good Standing issued within past two years
  - b. Certificate of Incorporation OR Articles of Incorporation (date-stamped by Secretary of State) OR Partnership Agreement (for limited and general partnerships)
  - c. Certificate of Authority (if foreign corporation)
  - d. Copies of minutes of meetings by the Corporation, Limited Liability Company or Partnership supporting the changes reflected on the application
  - e. Letters of resignation (if applicable).
  - f. DR8404-I (Individual History Record) for each new officer listed
  - g. City of Longmont Authorization to Release Information (notarized)
  - h. Fingerprints for each new officer listed
- (D) Submit the fingerprints to CBI for background investigation and await the results of the investigation.
- (E) If the applicant has no criminal history and the criteria established in (A) through (C) has been met, the Secretary is authorized to approve the application and forward it to the State.
- (F) If the applicant has any criminal history, the Secretary should forward the applicant's background to the Police Liaison for determination of whether or not the applicant's background results warrant scheduling them for hearing before the Authority, or are immaterial to the application based on their nature or age of the event.
  - a. If the background results are such that the police liaison recommends a hearing be set, the Secretary will notify the applicant and set the application for hearing before the Authority.
  - b. If the background results are such that the police liaison approves the applicant, the Secretary is authorized to approve the application and forward it to the state.
- (G) Require any other information deemed relevant by the Authority.

#### Subsection 4-2-4 Change of Trade Name

Upon receipt of an application for Change of Trade Name, the Secretary is authorized to:

- (A) Verify the application is complete in all sections;
- (B) Verify that the appropriate City and State (if any), fees accompany the application;
- (C) Verify the appropriate documentation has been filed with the application:
  - a. Certificate of Amendment filed with the Secretary of State, or
  - b. Statement of Change filed with the Secretary of State, and
  - c. Minutes of Corporate meeting, Limited Liability Members meeting, Partnership agreement.
- (D) Verify that the Police Department has no objections.
- (E) Require any other information deemed relevant by the Authority.



If the application meets all of the criteria listed above, the Secretary is authorized to approve the application and forward it to the State and otherwise the application shall be scheduled for hearing before the Authority.

**Subsection 4-2-5 Manager Registration**

Upon receipt of an application for Manager Registration for a Hotel and Restaurant, Lodging & Entertainment, or Tavern licensee, the Secretary is authorized to:

- (A) Verify the application is complete in all sections;
- (B) Verify that the appropriate City, State (if any), and background check fees accompany the application;
- (C) Verify the appropriate documentation has been filed with the application:
  - a. DR 8404-I Individual History Form
  - b. Fingerprints
  - c. City of Longmont Authorization to Release Information (notarized)
  - d. Proof of completion of a seller server training class approved by the Director of the Liquor Enforcement Division of the Department of Revenue
- (D) Submit the fingerprints to CBI for background investigation and await the results of the investigation.
- (E) If the applicant has no criminal history and the criteria established in (A) through (C) has been met, the Secretary is authorized to approve the application and forward it to the State.
- (F) If the applicant has any criminal history, the Secretary should forward the applicant's background to the Police Liaison for determination of whether or not the applicant's background results warrant scheduling them for hearing before the Authority, or are immaterial to the application based on their nature or age of the event.
  - a. If the background results are such that the police liaison recommends a hearing be set, the Secretary will notify the applicant and set the application for hearing before the Authority.
  - b. If the background results are such that the police liaison approves the applicant, the Secretary is authorized to approve the application and forward it to the state.
- (G) Require any other information deemed relevant by the Authority.

**Subsection 4-2-6 Special Event Permit**

Upon receipt of an application for a Special Event Permit, the Secretary shall review and verify that:

- (A) The application is complete in all sections;
- (B) The appropriate fees accompany the application;
- (C) The licensee, exactly as named on the application, will have possession of the premises during the date(s) and time(s) noted on the application as

- demonstrated by a lease, rental agreement, letter of permission, permit for use of public property, or other such document;
- (D) The applicant has filed a detailed diagram of the premises outlined in bold black as described in Section 3-3.
  - (E) The applicant is a qualified organization as defined in C.R.S.12-48-102
  - (F) The applicant has filed a Certificate of Good Standing (non-profit) from Secretary of State, issued within past two years
    - a. If not incorporated, a copy of the non-profit Charter shall be filed
    - b. If a political candidate, reports and statements of their candidacy that were filed with the Secretary of State or the Longmont City Clerk shall be filed
  - (G) The applicant has filed an acceptable alcohol service and control plan
  - (H) The Police Department has no objections to the application
  - (I) The organization has not exceeded the maximum number of allowed permits in the current calendar year.
  - (J) Require any other information deemed relevant by the Authority.

Once the application has been deemed complete by the Secretary (complies with items (A) through (G)), the location shall be posted in accordance with C.R.S. 12-48-107.

- (A) If no public comment or objection of any kind is received, the Secretary is authorized to issue the permit and notify the State of its issuance,
- (B) If any public objection is received, or at any time it is deemed necessary by the Secretary, City Officials or the Authority, the application may be set for hearing and either approved or denied by the Authority.

#### Subsection 4-2-7 Tasting Permits

Upon receipt of an application for a Tastings Permit, the Secretary is authorized to review and verify that:

- (A) The application is complete in all sections;
- (B) That the appropriate fees accompany the application;
- (C) A tastings schedule accompanies the application and that tastings as proposed comply with C.R.S. 12-47-301 (10)(a)
- (D) That the applicant has filed an acceptable alcohol service and control plan;
- (E) That the applicant has provided a list of individuals who will conduct the tastings as well as their proof of completion of a State approved server training program
- (F) That the Police Department has no objections to the application.
- (G) Require any other information deemed relevant by the Authority.

If the application meets all of the criteria listed above, the Secretary is authorized to approve the application and issue the permit. If the application does not meet all of the criteria or if the Secretary, City Officials or the Authority have any concerns or questions, the application may be set for hearing and either approved or denied by the Authority.

#### Subsection 4-2-8 Temporary Permits Pending Transfer of Ownership

Upon receipt of an application for a Temporary Permit, the Secretary is authorized to review and verify that:

- (A) The application is complete in all sections with all required documentation;
- (B) That the appropriate fees accompany the application;
- (C) That the Police Department has no objections to the issuance of the temporary permit;
- (D) Require any other information deemed relevant by the Authority.

If the criteria listed above is met, the Secretary is authorized to issue the temporary permit. If the criteria is not met or if the Secretary, City Officials or the Authority have any concerns or questions, the application shall be forwarded to the Authority for consideration of the request for a temporary permit pending transfer of ownership.

**Subsection 4-2-9 Art Gallery or Bed and Breakfast Permit**

Upon receipt of an application for an Art Gallery Permit, the Secretary shall review and verify that:

- (A) The application is complete in all sections;
- (B) That the appropriate fees accompany the application;
- (C) That the licensee, exactly as named on the application, will have possession of the premises during the date(s) and time(s) noted on the application as demonstrated by a lease, rental agreement, letter of permission, permit for use of public property, or other such document;
- (D) That the applicant has filed a detailed diagram of the premises as described in Section 3-3;
- (E) That the applicant is a qualified organization as defined in C.R.S.12-47-422 (or 12-47-410 if a Bed and Breakfast permit);
- (F) That the applicant has filed an acceptable alcohol service and control plan;
- (G) That the Police Department has no objections to the application;
- (H) Require any other information deemed relevant by the Authority.

Once the application has been deemed complete by the Secretary (complies with items (A) through (G)), the location shall be posted in accordance with C.R.S. 12-48-107.

- (A) If no public comment or objection of any kind is received, the Secretary is authorized to forward the permit to the State for issuance,
- (B) If any public objection is received, or at any time it is deemed necessary by the Secretary, City Officials or the Authority, the application may be set for hearing and either approved or denied by the Authority, and forwarded to the State for issuance.

**CHAPTER 5 PUBLIC HEARINGS**

**Section 5-1 Neighborhood Boundaries**

The Authority shall determine the appropriate proposed neighborhood boundaries for any application. Boundaries may be established on a case-by-case basis but generally are expected to be approximately a one-half mile radius around the proposed location.

## Section 5-2 Petitions

### Subsection 5-2-1 Petitions Permitted

Petitions may be circulated to establish the reasonable requirements of the neighborhood and the desires of the adult inhabitants but they are not the only means of establishing these. Petitions must be on 8 ½ by 11 paper and may be circulated by the applicant, firm or corporation retained by the applicant, or any Party in Interest (*see Section 5-4*) opposing or supporting the issuance of the license. One (1) original copy of any petitions shall be submitted to the Secretary no later than seven (7) calendar days prior to the public hearing. Only door-to-door petitions will be considered by the Authority. Counter petitions, and petitions provided to customers of the establishment, will not be considered by the Authority. Petitions should be a representative sample of the Parties in Interest in the defined neighborhood.

### Subsection 5-2-2 Restricted to Approved Neighborhood Boundaries

Petitions must be circulated within the Neighborhood Boundaries established by the Authority. Petitions circulated outside such neighborhood may not be considered by the Authority.

### Subsection 5-2-3 Persons Eligible to Sign Petitions

Each person signing a petition shall sign only his own first and last name, address, and date petition was signed. No person shall sign more than one petition. A person is qualified to sign such petition upon attaining the age of twenty-one (21). No petitions will be considered unless the party or parties submitting them have first designated alongside each signature on the petition whether the party signing resides, or owns or manages a business, within the Neighborhood.

### Subsection 5-2-4 Legibility

Each signature and accompanying address must be clearly legible in order to be entered into the record and considered by the Authority. The Authority may strike and disregard illegible signatures or signatures accompanied by illegible or ineligible addresses or parties at any time prior to the conclusion of the applicable public hearing.

## Section 5-3 Notice of Hearing

Upon receipt of complete state and local applications, the Secretary shall schedule a public hearing upon the application. Any public hearing shall be set for the next regular meeting of the Authority, occurring not less than thirty (30) days from the date of the application, or any other date as directed by the Authority. Public notice of a public hearing shall be given by posting a sign in a conspicuous place on the premises that are the subject of the application, and by

publication in the Longmont paper of record. Notice given by posting and publication shall conform to requirements set forth in Section 12-47-311, C.R.S.

**Section 5-4 Party in Interest**

"Party in Interest" as used in these Rules of Procedure means any of the following:

- (A) the applicant;
- (B) an adult resident of the Neighborhood under consideration;
- (C) the owner or manager of a business located in the Neighborhood under consideration; or,
- (D) the principal or representative of any school located within five hundred (500) feet of the premises for which the license is sought. (Section 12-47-311(5)(b), C.R.S.).

Any interested party as defined herein, may introduce evidence with regard to the following matters:

- (A) Reasonable requirements of the neighborhood and the number and type of existing outlets.
- (B) Any other pertinent matters affecting the qualifications of the applicant for the conduct and the type of business proposed.
- (C) Any other evidence which would indicate that the building or location proposed for the operation of the license is not suited for the intended purpose.
- (D) Desires of the inhabitants in opposition to the issuance of the licenses expressed by witnesses or through petitions.

**Section 5-5 Preliminary Investigations**

After setting the public hearing date and time, the Secretary shall conduct a preliminary investigation with regard to the following matters:

- (A) For applications for a malt, vinous, or spirituous liquor license, whether within two (2) years, preceding the date of the application, either the state or Authority has denied an application for the same class of license at the same location or within 500 feet of the same location, for the reason that the reasonable requirements of the neighborhood and the desires of the inhabitants were satisfied by the existing outlets.
- (B) For applications for fermented malt beverages at retail, whether within one year preceding the date of the application, either the state or Authority has denied an application at the same location for the reason that the reasonable requirements of the neighborhood or the desires of the inhabitants were satisfied by the exiting outlets.
- (C) Whether the building in which the liquor is to be sold is located within five hundred (500) feet of any public or parochial school or the principal campus of any college, university or seminary. This requirement is not applicable to

applications for Bed and Breakfast Permits nor for license types for which the distance requirement has been removed in Longmont Municipal Code.

- (D) 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 Longmont, and within any applicable State laws, rules or regulations, or regulations for restaurants of Boulder County and of the State Board of Health;
- (E) The number and type of outlets located within the Neighborhood designated by the Authority as the neighborhood affected by the license applied for;
- (F) Whether the sale of liquor, or fermented malt beverages as contemplated by the applicant is in compliance with the building and fire code of the City of Longmont; and
- (G) Whether it satisfactorily appears that the applicant is or shall be entitled to possession of the premises for which application is made under a lease or by virtue of ownership;
- (H) Whether it satisfactorily appears that the applicant has the legal capacity to engage in the licensed business;
- (I) Whether the applicants are of satisfactory character and background;
- (J) Any other matters as the Authority may direct.

The results of the Secretary's Preliminary Investigations shall be delivered to the applicant or counsel for the applicant no later than seven (7) days prior to the public hearing.

#### Subsection 5-5-1 Transfer of Ownership

Upon receipt of a complete application for a transfer of ownership of an existing license, the Secretary shall conduct a preliminary investigation with regard to only those matters set forth in Subsection 5-1-1(E) through (J) above; and Subsection 5-5-3, "Change, Alteration, or Modification of Premises or Usage."

#### Subsection 5-5-2 Change of Location

Upon receipt of a complete application for a change of location of an existing license, the Secretary shall conduct a preliminary investigation with regard to all matters set forth in Subsection 5-1-1 above, except that the character of the applicant shall not be considered.

#### Subsection 5-5-3 Change, Alteration, or Modification of Premises or Usage

Upon receipt of a complete application for a change, alteration or modification of premises or usage, the Secretary shall conduct a preliminary investigation with regard to those matters set forth in Subsection 5-1-1 (D), (F) and (G) above.

#### Section 5-6 Witnesses under Oath

All testimony shall be given under oath.

**Section 5-7 Ability to Present Evidence and Cross-Examine**

All Parties in Interest shall be allowed to present evidence and to cross-examine witnesses.

**Section 5-8 Exhibits**

Exhibits shall be marked and introduced as in civil cases. All exhibits shall be on 8-1/2" x 11" paper and in electronic format. For hearing purposes, exhibits may be enlarged and mounted on cardboard or similar material for demonstrative purposes, but the mounted exhibits shall not be accepted or retained by the Authority and shall not become a part of the record.

**Section 5-9 Time Limits**

The Authority may limit the presentation of evidence and cross-examination, so as to prevent repetitive and cumulative evidence or examination.

**Section 5-10 Preparation of Record**

Summary minutes shall be created by the Secretary, approved by the Authority, and retained permanently. An audio recording shall be made of the proceedings and retained according to the City's adopted Records Retention Schedule. Any cost of preparing a transcript or of a stenographic reporter would be provided upon request of the applicant and on the condition that all costs of same (including a copy for the Authority) be paid by the applicant.

**Section 5-11 Burden of Proof**

During an application hearing, the applicant shall have the burden of proving that they are qualified to hold a license, have sufficient financial sources, that the reasonable requirements of the neighborhood are not being met by existing liquor or fermented malt beverage outlets and that the neighborhood needs and desires the applicant's particular outlet. In all other hearings before the Authority, except show cause hearings, the applicant shall have the burden of proving that they have met all the requirements of the state law and local ordinance governing the particular application.

**Section 5-12 Presence of Applicant and Representation by Counsel**

Applicants or other Parties in Interest may appear in person or be represented by counsel, except that the applicant or licensee, as the case may be, shall personally appear before the Authority unless a corporation or LLC in which case a representative of the Applicant may appear. Representation by a third party, neither the applicant nor counsel, shall be authorized in writing by the applicant or legal counsel and filed with the Secretary at least 24 hours prior to a hearing.

**Section 5-13 Continuances**

The Secretary or Authority may grant an applicant's 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. After a matter has been scheduled for public hearing and public notice thereof has been given, the matter may be continued only by the Authority for good cause. The Authority may continue a hearing on its own initiative for good cause.

**CHAPTER 6 DECISIONS AND APPEALS**

Section 6-1 Decisions

The decision of the Authority approving an application or request after a public hearing or public meeting shall be documented by the Authority's signature and approval on the application itself. The decision of the Authority denying an application or request shall state the grounds for the decision and made no later than thirty-five (35) days after the date of the public hearing.

Section 6-2 Appeals

Appeals of decisions of the Authority shall be to the District Court in the manner specified by the Colorado Rules of Civil Procedure.

**CHAPTER 7 LICENSE ISSUANCE**

Section 7-1 Confirmation of Conditions

Although the license may be approved by both the Authority and State Licensing Authorities, no license shall be issued by the Secretary until all Authority-approved conditions and all Authority directed contingencies are met and the building in which the business is to be conducted is ready for occupancy, with any necessary furniture, fixtures, and equipment in place, and then only after the building and fire inspection of the premises has been made to determine that the applicant has complied with the drawings, plans and specifications submitted with the application.

**CHAPTER 8 VIOLATIONS AND SUSPENSIONS**

Section 8-1 Cause for Violation or Suspension

Any violation of local, state or federal laws concerning the sale of liquor or the operation of an establishment which sells liquor in any fashion may constitute cause for suspension or revocation of the license. The Local Licensing Authority considers all representations made to it concerning the proposed character of the establishment, the method of sale and the personal, financial and substantive qualifications of the applicant to be material and directly affecting the decision by the Local Licensing Authority to issue a license. Any proved misrepresentations or significant deviations from such representations concerning these matters may be cause for suspension or revocation of said license. In addition, any violation of the rules and regulations of the Secretary of State of the State of Colorado may give rise to the suspension or revocation of the license.



**Section 8-2 Orderly Conduct of Employees and Patrons**

It is the intent of the Local Licensing Authority to place full and complete responsibility upon the licensee for the maintenance of orderly conduct of all employees and patrons on the premises of any licensed outlet, and failure of any licensee or his employee to make all reasonable efforts to this effect shall be grounds for the revocation or suspension of a license.

**Section 8-3 Probable Cause**

When matters are brought to the attention of the Local Licensing Authority which, if substantiated, could be grounds for a suspension or revocation of the license concerned, the Authority shall determine by investigation or otherwise, the probable truth of such matters.

**Section 8-4 Notice of Hearing and Order to Show Cause**

If it shall appear therefrom or shall otherwise come to the attention of the Authority that there is probable cause to believe that a licensee has violated any such law, rule or regulation, the Authority shall issue and cause to be served upon such licensee a notice of hearing and order to show cause why his license should not be suspended or revoked not less than ten (10) days prior to such hearing. Said hearing shall be held at a place and time designated by the Authority on the day stated in the notice, or upon such other day as may be set for good cause shown.

**Section 8-5 Posting of Location**

Every licensee who has been served by the Local Licensing Authority with a Notice of Hearing and Order to Show Cause why his license should not be suspended or revoked shall post a notice in a conspicuous place, giving notice of the impending hearing. Said notice shall be provided by the licensing Authority and posted for a period no longer than fifteen days and shall remain posted until completion of the hearing.

**Section 8-6 Interpreter Services Not Provided**

It shall be the responsibility of the licensee to provide an interpreter for any of the licensee's witnesses who are unable to speak English.

**Section 8-7 Automatic Stay of Suspensions Less Than 15 days**

Any suspension of less than fifteen (15) days shall be automatically stayed if the Licensee requests paying for a fine in lieu of suspension. If the Licensee is eligible for a fine in lieu of suspension per 12-47-601(3), such stay shall remain in effect for 17 days from the date of the show cause hearing.

**Section 8-8 Request for Continuance of Show Cause Hearing**

Requests for continuance of show cause hearings must state a good cause for continuing the hearing and such requests must be submitted to the City Clerk's Office at least 10 days prior to the scheduled show cause hearing. Requests submitted after that period will not be considered

absent a showing of extreme and undue hardship or severe emergency. The Authority shall review all requests for continuance and shall have the Authority to grant or deny such requests.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Local Licensing Authority  
City Of Longmont, Colorado

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Robert J. Frick  
Municipal Judge