

BROOMFIELD LOCAL LICENSING AUTHORITY
RULES OF PROCEDURE

CHAPTER I
BUSINESS PROCEDURES

- A. The Broomfield Local Licensing Authority, hereinafter referred to as the “Authority” shall meet once a month.
- B. Special meetings may be called by the Chairperson when requested by a majority of the Authority.
- C. Alternate members may take part in all proceedings and discussions, but may vote only when serving in place of an absent regular member. If only one alternate is appointed by council, that alternate may serve in the absence of a regular citizen or city council member.
- D. The order of business at Authority meetings shall be as follows:
1. Roll Call
 2. Pledge of Allegiance
 3. Disposition of Minutes
 4. Authority Business
 5. Petitions and Communications
 6. Police Department Report
 7. City Attorney’s Report
 8. Adjournment

CHAPTER II
HEARING PROCEDURES

- A. General Hearing Procedures.

The following procedures shall govern all public hearings before the Authority.

1. All proceedings shall be recorded through auditory reproduction.
2. All testimony shall be given under oath or affirmation.

3. The rules of evidence shall conform to the extent practical to those in civil, non-jury cases, but the Authority may receive and consider evidence not so admissible if the evidence has probative value. The Authority may receive all or part of the evidence in written form if it will expedite the hearing.

4. Any person desiring to speak or question a witness must be recognized by the chairperson and state their name and address for the record.

5. The consultant, applicant and any other person who gives testimony shall be subject to cross examination by City staff, the Authority, or by a party in interest. Any person who is cross-examined may offer rebuttal evidence at the conclusion of such cross examination.

6. Decisions of the Authority

a. The Authority may continue any hearing to receive additional evidence.

b. After all evidence is presented, the Authority must determine whether the applicant has proven their case or, in the case of a show cause hearing, whether the charges have been proven.

c. After deliberation, the Authority may continue the hearing to the next meeting for the purpose of adopting findings and issuing its decision, or the Authority may close the hearing and adopt its findings and issue its decision at that time. No further evidence may be introduced or considered by the Authority after the hearing is closed.

d. The Authority's final determination shall be made in open session.

e. The decision of the Authority shall be in writing and shall be supported by written findings.

B. New License Hearings.

1. The order of presentation during the hearing shall be as follows:

a. The applicant and/or the applicant's representative shall introduce themselves for the record.

b. City staff shall present the City's preliminary report.

c. The applicant and/or the applicant's representative makes their presentation.

d. After the applicant's presentation, comments will be requested from any persons appearing in favor of the application and then from those opposed to the application.

e. The applicant and city staff shall be given the opportunity to make summations.

f. Final questions by the Authority.

g. Authority findings and decision. The Authority's findings and decision shall be made in accordance with the procedures set forth in Paragraph A.5 of the General Hearing Procedures.

C. Suspension or Revocation Hearings.

1. Procedures for the suspension or revocation of liquor licenses shall be governed by C.R.S. 44-3-601 *et seq.* and the regulations promulgated thereunder, and the general hearing procedures, where applicable.

2. Procedures for the suspension or revocation of beer licenses shall be governed by the Colorado Liquor or Beer Codes or the regulations promulgated thereunder, and the general hearing procedures, where applicable.

3. Training.

a. In addition to any other penalties imposed by the Authority, if the licensee is found to have violated the provisions of the Colorado Liquor, Beer, or Special Event Codes or the Regulations promulgated thereunder, then the managers and current staff directly involved in the sale of alcoholic beverages of the licensee shall be required to attend a Colorado Liquor Enforcement Division approved Responsible Vendors training or such other equivalent program as the Authority may allow, and to pay the actual cost thereof.

b. The failure of the licensee to timely complete the training shall result in the imposition of further penalties, including any period of suspension held in abeyance at the time of the finding or such further penalty as the Authority may impose.

4. Fine in Lieu of Suspension.

a. If any suspension of 14 days or less is imposed by the Authority, the licensee may petition to pay a fine in lieu of suspension in accordance with State statutes and regulations. The licensee shall petition the Authority upon a finding or at the time of admission that a violation has occurred.

b. The licensee shall provide to the Authority appropriate records of the gross sales of alcoholic beverages for the 90 days preceding the date of the finding of violation. Such records shall be provided within 7 days of the finding.

c. Failure of the licensee to timely provide the records shall result in the imposition of the period of suspension.

D. License Renewal Hearings.

1. The Authority may, for good cause, refuse to renew a beer or liquor license. A hearing shall be scheduled and the procedures governing suspension or revocation hearings shall be followed.
2. Whenever an application for renewal of a beer or liquor licenses is not subject to a good cause objection, no hearing shall be scheduled. The city clerk shall review the application and any citizen complaints and investigative reports from the Police Department or other agencies. If the application is complete, all applicable fees are paid, and the investigation shows no substantial violations, the city clerk shall approve the renewal. If the city clerk determines in the clerk's sole discretion that grounds exist for a possible non-renewal, the matter shall be referred to the Licensing Authority.
3. The following shall constitute substantial violations, a finding of which would necessitate review by the Authority of an application for renewal:
 - a. Sale of alcoholic beverage to an apparently intoxicated person.
 - b. Sale of alcoholic beverages to a minor.
 - c. Gambling violations.
 - d. After hours sales or consumption.
 - e. Failure to conduct the premises in a decent, orderly and respectable manner, or where a pattern of conduct by the licensee exists such as fighting or disturbances on the premises or adjacent parking areas and failure to make reasonable efforts to prevent such offenses.
 - f. Failure to report a disturbance.
 - g. Failure to conduct the premises in a decent, orderly and respectable manner where the conduct involved the use, distribution, or sale of illegal substances.
 - h. Failure to regulate the attire and conduct of employees and patrons to prevent violation of provisions of Chapter 9-16 of the Broomfield Municipal Code, or to participate or encourage such attire and conduct.
 - i. Unlawful financial interest.
 - j. Failure to complete training required under any stipulation.

k. Any other violations which, in the judgment of the city clerk, should be referred to the Authority for its consideration.

4. The following are not considered substantial violations, and the city clerk may renew the license if all other requirements of city ordinance and state statute are met. However, the clerk, in the clerk's discretion, may refer any of the following to the Authority and not renew the license until the Authority has considered the matter.

- a. Contaminated liquor.
- b. Signs not properly posted.
- c. Business license not timely renewed.
- d. Failure to timely report or apply for approval of change of manager, manager registration, change of corporate officers or corporate structure, modification of premises, and change of trade name.
- e. Any alleged violation which is not listed in this subsection shall be referred to the Authority.

**CHAPTER III
TRANSFER OF OWNERSHIP AND CHANGE OF LOCATION**

A. The Authority may approve the application for Transfer of Ownership or Change of Location after all necessary documents have been presented and reviewed.

B. If the Authority does not desire to approve the application for Transfer of Ownership or Change of Location, the matter shall be continued and scheduled for a public hearing before the Local Licensing Authority at its next regularly scheduled meeting.

**CHAPTER IV
CHANGING, ALTERING OR MODIFYING LICENSED PREMISES**

A. The Authority hereby assigns to the City Clerk all of its functions relating to changing, altering or modifying licensed premises.

B. If the City Clerk denies a request to change, alter, or modify a licensed premise, the licensee may request that the denial be reviewed by the Authority by submitting a written request to the City Clerk no later than 10 days after issuance of the denial which shall be by electronic and certified mail. The review hearing shall be scheduled at the next Authority meeting or as soon as practicable thereafter.

**CHAPTER V
MANAGER REGISTRATION, CHANGE OF MANAGER OR CHANGE OF
CORPORATE STRUCTURE**

- A. The Authority hereby assigns to the City Clerk all of its functions relating to manager registration, change of manager, and change of corporate structure.
- B. If the city clerk determines in the clerk's sole discretion that grounds exist to deny a manager registration, change of manager, or change of corporate structure, the matter shall be referred to the Licensing Authority.

**CHAPTER VI
SPECIAL EVENTS AND TEMPORARY PERMITS**

- A. The Authority hereby assigns to the City Clerk all of its functions relating to special event permits subject to the exception in Paragraph B, below.
- B. Hearings held on protests to the issuance of a special events permit shall be held before the Authority and shall be conducted in accordance with the general and new license hearing procedures.
- C. The Authority hereby assigns to the City Clerk all of its functions relating to temporary permits.

**CHAPTER VII
AMENDMENTS**

Any amendments to these Procedures shall require a vote of the majority (three members) of the Authority.

**CHAPTER VIII
NEW LICENSES**

- A. Needs and Desires of the Neighborhood.
 - 1. The size and location of the neighborhood to be considered shall be established by the Authority and a map shall be created depicting that neighborhood and the location of every liquor license of the same class as that applied for which is located within such neighborhood.
 - 2. Any person, including any consultant hired by the applicant, who conducts any survey regarding an application for a new license to determine the needs and desires of the established neighborhood shall present to each person contacted a copy of the map created by the

Authority setting forth the location of every other liquor license of the same class as that applied for which is located within that neighborhood.

B. Petitions.

If an applicant or protestant of a license issuance circulates petitions in favor of or in opposition to the issuance, it shall be done in the following manner:

1. No petition may be circulated until the premises for the proposed license has been posted for 48 hours.

2. Each person circulating a petition must be at least 21 years of age.

3. Each person signing the petition must be 21 years of age or older, must be a resident of the affected neighborhood or the owner or manager of a business within that neighborhood, and must indicate their name, age, address, the date signed, and relationship (resident/business owner or manager) to the neighborhood.

4. Petitions must be signed with the full given name (not Mrs. John Doe, but Jane Doe or Ms. Jane Doe), and no person may sign for another person.

5. Every petition must on the same form provide for signers to indicate their support or opposition to the issuance of the license, and all eligible persons contacted shall be given the opportunity to signify their position whether for or against the issuance of the license.

6. Each petition shall contain a verified statement signed by the circulator that the circulator personally witnessed each signature appearing on the petition, that each signature is the signature of the person whose name it purports to be, that the address given opposite each signature is the true address of the person signing the petition, and that each eligible person contacted was given an opportunity to sign the petition.

7. All petitions shall be in substantial conformity with the format furnished by the City Clerk which shall contain the following information:

a. The name of the applicant and the trade name and proposed address of the business.

b. The date, time, and location of the public hearing on the application.

c. The following warning prominently displayed:

DO NOT SIGN THIS PETITION UNLESS:

1. You are at least 21 years of age.

2. You are a resident within the designated neighborhood (see attached map).
3. You are the owner or manager of a business located within the designated neighborhood (see attached map).
4. You sign your name only (first, middle and last name).
5. You have not signed another petition concerning the same application.
6. You have read the petition in its entirety and understand its meaning.
7. The petition circulator witnesses your signature.

**CHAPTER IX
PREVIOUS RULES OF PROCEDURE**

These Rules of Procedure shall supersede all Rules of Procedures previously adopted by the Authority.

ADOPTED the 5th day of February, 1991.
AMENDED the 1st day of April, 1992.
AMENDED the 3rd day of June, 1992.
AMENDED the 2nd day of September, 1992.
AMENDED the 6th day of April, 1994.
AMENDED the 4th day of October, 1995.
AMENDED the 3rd day of April, 1996.
AMENDED the 4th day of November, 2009.
AMENDED the 1st day of July 2015 and
Ratified the 6th day of December, 2017.
AMENDED the 6th day of March 2019.
AMENDED the 2nd day of October 2019.



Chairperson



Deputy City Clerk

