

Community Guide to Liquor Licensing:

A guide to the liquor licensing process in the City and County of Denver



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Introduction

Well managed establishments with a liquor license can be a beneficial asset to the community and the city. They can create jobs and contribute to the economic health and positive energy of neighborhoods and make them more enjoyable places for those who live there. Poorly managed establishments, however, can have the opposite effect, creating security, safety, noise, litter, parking and other quality-of-life issues for the surrounding neighborhoods.

In the interest of facilitating strong relationships between neighborhoods and businesses and minimizing common

concerns associated with the sale of liquor, the City and County of Denver ensures that all key stakeholders have a voice in the liquor licensing process. Liquor licenses are a privilege, not a right, and residents, business owners, school officials, property owners and others affected by license applications all have the opportunity to express their opinions about the impacts of proposed alcohol outlets in their neighborhoods.

This guide provides neighborhood groups and residents with information and strategies to minimize the potential challenges of having alcohol outlets in their community.

Liquor License Fast Facts

- An alcohol outlet includes all commercial businesses that sell and serve alcohol, including bars, restaurants, clubs, liquor stores, convenience stores, and large retail establishments.
- Any establishment that sells liquor, even if only for a special event, must obtain a liquor license.
- Legal requirements for liquor licenses are established by the City and County of Denver AND the State of Colorado.
- There are 3 main types of liquor licenses issued in Denver:
 - Liquor
 - 3.2 Beer
 - Cabaret

Steps for Neighborhood Involvement

Notification — Steps neighbors can take to be notified of new liquor license applications in neighborhoods.

According to the Denver Department of Excise and Licenses, if the boundaries of a Registered Neighborhood Association (RNO) are within five blocks in any direction of a proposed liquor license application, the Department must notify a RNO via email when an establishment applies for a liquor license in a neighborhood.

Denver's Inter-Neighborhood Cooperation (INC), which informs and advocates for Denver residents, is also advised of every liquor license application. For more information about INC, please visit www.denverinc.org. Finally, Excise and Licenses also notifies the City Council member in whose district the proposed license is located. For a list of districts and elected council members, please contact www.denvergov.org/citycouncil.

RNOs will receive approximately 20 days' notice before a public hearing of the proposed liquor license. Upon written request from an RNO, the posting may be extended for an additional 25 days and the hearing will be rescheduled accordingly. This time allows for neighborhood groups to evaluate and organize their position on the proposed license. (City and County of Denver Department of Excise and Licenses Policies and Procedures Pertaining to Liquor and 3.2 beer Licenses, June 15, 2013. Section F.4.a)



If a neighborhood association is not registered with the city, or there is need to create a new RNO, neighbors may file with the Community Planning and Development division of the City and County of Denver (www.denvergov.org/planning).



Taking Action — What to do if a neighbor is concerned about a proposed liquor license.

The opportunity to express concern about a liquor license is at the public hearing for the proposed license. Twenty days before the hearing, the license applicant must post a notice on the premises to notify the public of the hearing. This notice must be plainly visible to the public. The Department of Excise & Licenses also must publish the notice of the hearing in a newspaper of general circulation (generally The Daily Journal).



RNOs may request evening hearings through the Department of Excise and Licenses. They must file their request at least 15 days before the scheduled hearing date. (For more information refer to Policies and Procedures Pertaining to Liquor and 3.2 beer Licenses, June 15, 2013. Section F.2.b)

Liquor License Application and Evaluation Process

The Public Hearing

The public hearing is conducted before a Department of Excise and Licenses Hearing Officer and an Assistant City Attorney. The purpose of a public hearing is to gather facts (through testimony, petitions and letters) to determine the neighborhood's "need and desire" for a liquor license at the proposed location.

What the applicant needs to prove or provide:

- Notice of the hearing was properly posted and published
- There is a need and desire in the neighborhood for the establishment
- Existing similar licenses in the neighborhood do not presently satisfy the needs of the neighborhood for the sale of alcoholic beverages
- The applicant is of good character
- The applicant has possession of the property
- The premises are suitable for the requested license

If the applicant does not prove these conditions are satisfied, the license is not granted. If the applicant does claim to satisfy these legal requirements, those opposing the application may present arguments contesting those claims and demonstrating why the license should be denied.



Neighborhood Needs and desires.

The liquor license applicant must prove that the neighborhood **needs** the proposed liquor establishment. The applicant must establish "thirst need" by showing that the neighborhood has an unmet need for the type of alcoholic beverages to be sold.

The **desires** of the adult inhabitants of the neighborhood also must be examined. Proving the absence of desires can be based on anything except the belief that alcohol is evil and should be banned.



Guidelines for Protest

- Need and desire in the neighborhood
- Undue concentration of licenses
- Existing similar licenses in the neighborhood

Supporting documentation for protests:



Petitions

May be circulated and presented as evidence in opposition to the application for a liquor license. For a list of petition guidelines, please refer to Section F.8 of Policies and Procedures.



Letters

Are permissible as documentation for protest.



Testimony

A maximum of three witnesses may testify regarding the needs and desires of the neighborhood.



Registered Neighborhood Organizations and/or Coalitions

May present the position taken by the organization but are not allowed to present individual opinions or cross-examine witnesses.

The applicant also has the right to present petitions, letters and witnesses supporting the application.

Liquor License Decisions

The Hearing Officer will issue a Recommended Decision to the Director of Excise and Licenses within five business days after the public hearing. If you are a “party in interest” in the hearing, you will receive an email with the Recommended Decision. The Director of Excise and Licenses will then review the Recommended Decision and issue a Final Decision based upon all considerations involved.

If the license application is uncontested, the Director of Excise and Licenses may issue a Final Decision as soon as one business day after reviewing the Recommended Decision. If the license application is contested, however, the Director will wait ten days after the Recommended Decision is issued before issuing a Final Decision, to allow any party of interest to file written objections. In addition, the Director may grant a party of interest five calendar days from the date the objections are filed to reply to them in writing.

If the license is ultimately approved, it will be issued only after all requisite inspections are conducted, and the State of Colorado and the Department complete the administrative steps necessary for the license to issue. In accordance with applicable law, Final Decisions are subject to judicial review by the Denver District Court.



A “party in interest” can be the liquor license applicant, an adult resident of the designated area, the owner or manager of a business in the designated area, individuals who manage or own property in the designated area and/or the principal (or representative) of any school within 500 feet of the proposed liquor license



Good Neighbor Agreements

The Department of Excise and Licenses encourages regular communication between Registered Neighborhood Organizations and applicants/licensees to prevent or resolve issues of concern to the community.

Many neighborhood organizations have negotiated “Good Neighbor Agreements” with applicants and licensees to facilitate a good working relationship and spell out how they will work together to address identified or anticipated problems. These agreements generally demonstrate good intentions to problem solve collaboratively and cooperatively.

The types of issues typically addressed in Good Neighbor Agreements include:

- Music/noise levels
- Hours of operation
- Outdoor patios

- Trash and recycling issues
- Transfer of the license to a new owner

Good Neighbor Agreements remain on file with the Department, but are not incorporated into or attached to the license. However, if the licensee consents, up to four provisions of a Good Neighbor Agreement may be issued as conditions on the license if they are legal and enforceable and can be displayed on the face of the license. (Policies and Procedures Pertaining to Liquor and 3.2 beer Licenses, June 15, 2013 - Section F.9).

A Good Neighbor Agreement is also a great way to ensure that the terms the neighborhood and the original applicant agreed upon transfer to new business owners who take over the license.

Concerns about Existing Liquor Licenses

If you have a complaint or concern about a liquor license in Denver, you may pursue any of the following steps, or a combination of them.

- **Find liquor licenses in your neighborhood** – To find what establishments in your neighborhood hold a liquor license, visit www.denvergov.org/businesslicenses for an up-to-date Liquor License Map.
- **File a general complaint** – Complete the Business License Complaint Form, which can be found online at www.denvergov.org/businesslicensing. Once completing, return it to the Denver Department of Excise and Licenses if your complaint involves loitering, quality-of-life and other general, non-emergency issues. This department investigates complaints regarding any business licenses issued for the City and County of Denver.
- **Participate in the license renewal process** - Liquor licenses are renewed every year and community members may get involved in the Department of Excise and Licenses' evaluation renewing a liquor license. Although the Department does not automatically notify RNOs of yearly renewals, anyone can contact the Department to find out when a particular liquor license is up for renewal. The Department will consider any complaint that affects the health, safety and welfare of the neighborhood. Written complaints must be received by the Department at least 45 days prior to the expiration date for the license in question.
- **File a noise or public safety complaint, as warranted** - If your complaint with a liquor license establishment is noise

specific, call 3-1-1. Follow up on your call the next day by calling Environmental Health at (720) 865-5410. Environmental Health will ensure that your call to 3-1-1 was assigned a tracking number and will monitor your complaint. If your complaint involves imminent public safety issues or threats, call 9-1-1.

Submit an anonymous tip - Anyone may submit an anonymous tip to the Colorado Liquor Enforcement Division. This form can be found at www.colorado.gov and can be used to report information regarding suspected violations of State liquor laws, including serving alcohol to anyone under the age of 21.



If enough evidence exists to show a pattern of problems, the Department may have “Good Cause” to hold a renewal hearing that could lead to the denial of a license renewal. For more information on renewal hearings please refer to City and County of Denver Department of Excise and Licenses Policies and Procedures Pertaining to Liquor and 3.2 beer Licenses, June 15, 2013 – Section IV.D).



Helpful Contacts

Denver Department of Excise and License

Website: www.denvergov.org/businesslicensing
Email: Licenses@denvergov.org
Phone: Dial 3-1-1 (or 720-913-1311 if outside Denver)

Denver City Council

Website: www.denvergov.org/citycouncil

Denver City Attorney

Website: www.denvergov.org/city_attorney

The Inter-Neighborhood Cooperation (INC)

Website: www.denverinc.org

The Cornerstones of Our Community campaign/ Denver Office of Drug Strategy

Website: www.denverdrugstrategy.org
Email: nachshon.zohari@denvergov.org
Phone: 720.944.6375

This guide was created by the Cornerstones of our Community campaign to inform residents about the Liquor License process. The Cornerstones of our Community believes that communities should be built on solid foundations that empower youth to live safe and healthy lives. Schools, businesses, faith-based organizations, families and community organizations can work together to create safe and affirming neighborhoods in which children live and play. The Cornerstones campaign extends a special thank you to Project Extra Mile (Nebraska) and The Denver Department of Excise and Licenses for their assistance with this guide, and to the Colorado Prevention Partners for Success grant for funding support.

The **CORNER** stones
of Our Community



Prevention — Harm Reduction — Treatment — Research
DenverGov.org/DrugStrategy