



LOCAL LICENSING AUTHORITY

CITY OF EDGEWATER

RULES OF PROCEDURE

AMENDED AUGUST 4, 2011

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RULE I. APPLICABILITY OF RULES

In addition to any other rules or laws which may be applicable, these rules shall govern all proceedings before the City of Edgewater Liquor Licensing Authority. The terms “Chairperson” and “Vice-Chairperson” shall include their authorized designees.

RULE II. AUTHORITY CREATED

In accordance with the Edgewater Municipal Code, City Council shall serve as the Authority. The Mayor shall serve as the Authority’s Chairperson. The Mayor Pro Tempore shall serve as the Vice-Chairperson.

RULE III. AUTHORITY MEETINGS

A. All regular meetings of the Authority shall be held on the same date and at the same place as regularly scheduled City Council meetings. The Authority may, when it deems necessary, schedule special meetings. All meetings shall be conducted in compliance with these rules of procedure and Robert’s Rules of Order. These rules shall govern in the event of a conflict with Robert’s Rules of Order.

B. Order of Business

The following order of business will normally be used for meetings:

1. Call to Order
2. Roll Call
3. Approval of Agenda
4. Consent Agenda
5. Old Business
6. New Business
7. Public Hearings
8. Other Matters
9. Adjournment

C. The Authority may change the order of business to assist and facilitate the conduct of its meetings.

D. The agenda will be prepared by the City Clerk with input from the Chairperson, if necessary. Agenda packets will be available to the Authority members no later than 48 hours prior to the meetings.

E. Procedure for Meetings

1. The City Clerk will prepare the meeting room, and provide public hearing sign-up sheets to be placed in the hall prior to the meeting for the benefit of those persons wishing to speak on those matters on the agenda.
2. The Chairperson calls the meeting to order and reads the next order of business.

3. The Chairperson should request such information, evidence, and testimony as is appropriate for the item being considered.
4. At the conclusion of the evidence and testimony, the Chairperson should entertain a motion regarding the disposition of the item.
5. When a motion is made and seconded, the Chairperson should ask for and allow discussion of the motion by the Authority.
6. Upon completion of discussion, or a successful motion to vote on the motion, the Chairperson should request a vote by the Authority.
7. The City Clerk will record the vote.
8. The meeting may be adjourned by motion of an Authority member, or by order of the Chairperson following the completion of the Authority's business.

F. Minutes of the Meeting

The City Clerk shall prepare and keep the minutes of all regular and special meetings of the Authority. The minutes shall not be a verbatim transcript of the proceedings, provided tape recordings of all proceedings are retained in accordance with the Colorado Model Municipal Records Retention Schedule. The purpose of the minutes shall be to record the Authority's transactions rather than its deliberations; therefore, debates, arguments, and discussions among the Authority shall not be included. Specific direction to the support staff, the City Clerk, and the City Attorney shall be included in the minutes when such direction may affect the outcome of a decision to be made by the Authority.

The City Clerk shall include the following in the minutes of each meeting:

1. Name – Meeting of the Local Licensing Authority of Edgewater, Colorado.
2. Kind of meeting (regular, special, work session).
3. Place and date of meeting.
4. Officer presiding, Authority members and staff present.
5. The decision in each point of order arising.
6. A record of the Authority's informal directives and instructions which will, in most instances, be a motion reflecting the decision taken by the Authority.
7. A record of the applicant(s) and witnesses in attendance and the purpose of their presence.
8. Her signature upon approval of the minutes.
9. All motions, seconds, the vote thereon (including abstentions), and any subject matter reports given and disposition of same.

RULE IV. NEW APPLICATION HEARINGS AND PROCEDURES

A. The Chairperson or presiding member shall have full authority to control the proceedings, to admit or exclude testimony or other offers of evidence, and to rule upon all motions and objections.

B. A quorum (four) of the Authority members may overrule the Chairperson on any such rulings.

C. The Authority shall not be bound by strict rules of evidence prevailing in courts of law or equity; however, the right of cross-examination shall be preserved. Irrelevant, repetitive, and cumulative testimony and evidence may be excluded at the discretion of the Chairperson.

D. The following procedural guidelines apply to a public hearing on a new application;

1. Call the public hearing to order.
2. The preliminary investigation reports and findings of the City made in compliance with the Edgewater Municipal Code and Rule XV shall be ratified by this Authority. The City Clerk shall note for the record, whether publication of the notice has been accomplished.
3. Opening statement by the applicant or the applicant's attorney.
4. Opening statement of the City Attorney (if any).
5. Presentation of the applicant's evidence and witnesses. Prior to excusing applicant's witnesses, cross-examination shall be permitted in the following order.
 - a. Applicant's attorney.
 - b. Authority members.
 - c. Any other "interested" party as defined in C.R.S. 12-47-311.
6. Presentation of City's evidence and witnesses (if any). Prior to excusing any of the City's witnesses, cross-examination shall be permitted in the following order:
 - a. Applicant's attorney.
 - b. Authority members.
 - c. Any other interested party as defined in C.R.S. 12-47-311.
7. Presentation of witnesses and evidence by other interested parties. Prior to excusing witnesses, cross-examination of interested parties and their witnesses shall be permitted by applicant, City, and Authority members.
8. Applicant's rebuttal evidence.
9. City's rebuttal evidence (if any).
10. Applicant's closing statement.
11. City's closing statement.

12. Close the public hearing.
 13. Deliberation.
 14. Motion to grant or deny application for a new license, (with proposed findings related to qualifications of applicants, the requirements of the neighborhood, and the desires of the adult inhabitants of the neighborhood), second, discussion and vote.
- E. The applicant must submit evidence with regard to the following:
1. The requirements for publication and posting of notice, as set out by C.R.S. 12-47-311 have been met.
 2. Personal qualifications of the applicant, partners in a partnership, all directors and officers of a corporation, all managing members of a limited liability company, all stockholders of 10% or more interest, or other persons regarding character, reputation, legal residence, and other relevant matters.
 3. The reasonable requirements of the neighborhood for the type of license for which application has been made and the desires of the adult inhabitants of said neighborhood.
 4. Any other pertinent matters or information affecting the qualifications of the applicant and the needs or desires of the neighborhood.
 5. Whether the proposed use of the establishment is in compliance with the zoning and building ordinances and rules and regulations of the City.
- F. Any interested party, as defined by C.R.S. 12-47-311, wishing to participate in the hearing, must so inform the Authority at the onset of the hearing. That party may cross-examine witnesses and introduce evidence with regard to the following matters:
1. Reasonable requirements of the neighborhood and the number and type of existing outlets.
 2. Any other pertinent matters affecting the qualifications of the applicant, including but not limited to, the applicant's character, record, or reputation.
 3. Any other evidence which would indicate that the building or location proposed for the operation of the license is not suited for the intended purposes.
 4. Desires of the inhabitants in opposition to the issuance of the license expressed by witnesses or through petitions.
- G. Motions and objections made by parties during hearings shall be stated orally for the record.
- H. Petitions may be submitted to the Authority by the applicant, any person or firm retained by the applicant, or by persons opposing the issuance of the license in accordance with these rules, and shall be considered by the Authority when determining the "needs and desires" of the neighborhood.

I. All testimony shall be given under oath.

J. All exhibits shall be marked by the City Clerk and introduced as in civil cases.

K. The City Clerk may grant an applicant's request to continue a matter set for hearing to the next meeting, if such a request is made prior to the time that publication and posting of notice of hearing on the matter is to be made. Once a matter has been scheduled for public hearing and public notice thereof has been given, the matter may be continued only by the Authority. The Authority may, in its discretion, grant or deny an applicant's request for continuance, or it may condition the grant of a continuance upon the payment of costs or their expense reasonably caused by Applicant's request.

L. The Authority may hold an executive session on the limited topics allowed under Colorado's open meeting law.

M. It is within the discretion of the Authority, whether to make an immediate decision upon the conclusion of the hearing or to issue a decision within a reasonable time after the hearing, not to exceed 30 days.

N. Any findings of fact and any conclusions of law shall accompany the Authority's determinations which may be orally announced and recorded. Written findings of fact shall be prepared by the Authority and mailed by certified mail to the applicant within 30 days after the determination is made.

O. All decisions of the Authority are final, subject only to appeals made directly to a court of competent jurisdiction.

RULE V. SUSPENSION, REVOCATION, AND NON-RENEWAL HEARINGS AND PROCEDURES

A. The Authority has the power, after investigation and public hearing at which the licensee shall be afforded an opportunity to be heard, to suspend, deny renewal, or revoke any license issued by the Authority for violations by the licensee, or by any of its agents, servants, or employees of such licensee of the provisions of the Colorado Liquor or Beer Codes, or any of the rules, ordinances, and regulations authorized pursuant to such codes, or of any of the terms, conditions, or provisions of the license issued by the Authority.

B. Suspension and revocation proceedings shall be commenced by the Authority by issuing, and causing to be served, upon the licensee, by mail, to the licensee at the address contained in the license, a Notice of Hearing and Order to Show Cause why its license should not be suspended or revoked, whenever it shall appear to the Authority that there is probable cause to believe that the licensee or any of its agents, servants, or employees has violated the law, rule, or regulation of the state licensing authority, or any of the terms, conditions, or provisions of the license issued by the Authority. The notice shall inform the licensee of the charges or alleged grounds for suspension or revocation and will be prepared for the Authority by the City Attorney or his/her designee.

C. A hearing on any suspension, revocation, or non-renewal shall be held at a place, date, and time designated by the Authority as stated in the Notice of 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 of the charges, followed by the cross-examination of those testifying thereto. In the event the licensee is found to have committed the violation charged, evidence and statements in explanation, mitigation, and aggravation of the offense shall be permitted.

D. In the event the licensee is found not to have violated the law, rule, or regulation, the charges shall be dismissed. If the licensee is found to have violated some law, rule, or regulation, the license may be suspended, revoked, not renewed, or renewed with conditions.

E. The City Clerk shall mail the licensee the Authority's decision, to the address contained in such license within 30 days following the hearing.

F. In the event of revocation or suspension, no portion of the license fee shall be refunded.

G. No suspension of a license shall be for a period of longer than six months. Orders of suspension shall indicate the effective date of suspension. For suspensions of 14 days or less, the effective date shall be at least 10 business days after announcement of the suspension unless the Authority makes findings which indicate the need for an earlier effective date.

H. Where the Authority has reasonable grounds to believe, and finds a licensee guilty of deliberate and willful violation of any applicable law or regulation, or that the public health, safety, or welfare requires emergency action and incorporates, such findings in an order, the Authority may temporarily or summarily suspend the license for a period not to exceed 15 days pending proceedings for suspension or revocation, which shall be promptly instituted and determined.

I. A licensee wishing to petition the Authority to pay a fine in lieu of suspension of 14 days or less, as provided for by state statute, must submit a written petition.

1. The petition for payment of a fine in lieu of suspension shall include all information and documentation which the licensee desires the Authority to consider when acting on the petition. The petition shall include such information as indicates the licensee is eligible for the payment of a fine in lieu of suspension pursuant to state statute, and a calculation of the proposed fine as set out in state statute with sufficient financial documentation so as to permit the Authority to substantiate the amount of the proposed fine.

2. The City Clerk shall not accept for filing any petitions for payment of fine in lieu of suspension from any licensee who has had its license suspended or revoked, or had any suspension stayed by payment of a fine, during the two years preceding the complaint which resulted in the decision to suspend the license.

3. If the Authority denies the petition for payment of a fine in lieu of suspension, the Authority shall indicate the effective date of the suspension.

4. In the event that the licensee fails to pay the fine in lieu of suspension, that period of suspension will automatically become effective.

J. The public hearing for a revocation, suspension, or non-renewal shall be conducted in the following manner:

1. The Chairperson, or presiding member, shall have full authority to control the proceedings, to admit, or exclude testimony.
2. The Authority shall not be bound by strict rules of evidence prevailing in courts or law or equity; however, the right of cross-examination shall be preserved. Irrelevant, repetitive, and cumulative testimony and evidence shall be excluded at the discretion of the Chairperson.
3. The City has the burden of providing the violation(s) contained in the Notice of Hearing, the Order to Show Cause, or the Non-renewal Notice.
4. The Authority shall have the power to amend the Show Cause Order if evidence presented at the public hearing indicates probable cause of additional violations.

The Authority shall also have the power to request additional evidence related to the issues presented at the hearing. Upon either such occurrence, the Authority shall grant the licensee the opportunity to continue the public hearing to respond to such amendments or additional evidence upon request of the licensee.

5. Motions and objections made by the parties during hearings shall be stated orally for the record.
6. Every party to the proceedings shall have the right to present testimony and documentary evidence and to conduct cross-examination. Members of the Authority may question witnesses and evidence. All testimony shall be given under oath.
7. If the Authority finds that a violation occurred, the licensee may present evidence in mitigation or explanation, and the City may present evidence in aggravation prior to the Authority issuing its Order relating to the penalty, conditions, or sanctions to be imposed.
8. The Authority may hold an executive session on the limited topics allowed under Colorado's open meeting law.
9. It shall be within the Authority's discretion whether to issue an immediate decision at the conclusion of the hearing or to issue a decision within a reasonable time after the hearing, not to exceed 30 days.
10. The Authority shall have the power to continue a public hearing.
11. Any findings of fact and conclusions of law may be orally announced at the hearing. Written findings of fact shall be available within 30 days after a determination is made.
12. All decisions of the Authority are final subject only to appeals made directly to a court of competent jurisdiction.

RULE VI. APPLICATION AND FEES

A. All new applications for liquor and beer licenses shall be filed in accordance with state statutes and regulations in triplicate with the City Clerk. Incomplete applications will not be accepted.

B. Both state and local licensing fees shall be paid at the time of application. The investigation fee shall not be refunded. No rebate of any fees, for any license issued hereunder, shall be made except upon the affirmative vote of a majority of the Authority.

C. Upon receipt of a new application, the City Clerk shall cause to be conducted an investigation of the character and qualifications of the applicant; partners in a partnership, officers and directors of a corporation, managing members of a limited liability company, and any stockholders holding 10% or more interest.

D. Upon completion of an investigation by the Police Department, the City Clerk shall schedule a public hearing for the new application before the Liquor Licensing Authority.

RULE VII. ISSUANCE OF LICENSES

All licenses applied for shall be issued in accordance with the laws of the State of Colorado and the City of Edgewater. In no event shall any license be issued until it is satisfactorily established that:

A. The applicant, partners in a partnership, officers and directors of a corporation,; managing members of a limited liability company, and stockholders owning 10% or more interest meet the personal qualifications for holding a liquor license.

B. The applicant is, or will be, entitled to possession of the premises for which the application is made under a lease, or by virtue of ownership thereof, and that the use of the premises at the proposed location does not violate the zoning ordinances or any other ordinances, laws, rules, or regulations of the City of Edgewater and the State of Colorado.

C. The building in which the license is sought to be exercised is ready for occupancy and has received a Certificate of Occupancy as is necessary to comply with the provisions of these rules, and ordinances, rules, and regulations of the City of Edgewater and laws of the State of Colorado, and then only after inspection of the premises has been made by the City's building official to determine that the applicant has complied in every material detail with the plans and specifications submitted at the time of the filing of the application. The building official shall provide notice to the City Clerk that the applicant is in compliance with the plans and specifications.

D. The applicant shall not operate the establishment upon issuance of a license under these rules without first having obtained a City sales & use tax license.

RULE VIII. CHANGES IN OWNERSHIP

A. Changes in Corporate Structure or Financial Interest of a Liquor License

A licensee shall report each transfer or change of financial interest in the license and any transfer of controlling interest, regardless of size, to both the state and local licensing authority on forms prepared and furnished by the state within 30 days after the transfer or change.

1. A report shall be required for transfers of capital stock of a public corporation, except that a report shall not be required for transfers of such stock totaling less than 10% in any one year.
2. A report shall be filed for any change in the officers or directors of a corporation, or managing members of a limited liability company which involves the addition or substitution of an individual not previously approved.
3. Upon receipt of an application for a change in corporate structure or financial interest in the license, the City Clerk shall cause to be conducted, an investigation of the character and qualifications of the new officers, directors, managing members, and stockholders holding 10% or more shares.
4. Based upon the Police Department's recommendation of approval, the City Clerk shall have the authority to administratively approve the change of corporate structure or financial interest application and forward the application to the state licensing authority.
5. Based upon the Police Department's recommendation of denial, the City Clerk will set the application for public hearing at the next available meeting date. In the event the Authority denies the application, the Authority shall indicate the reasons for said denial within 30 days of said denial.

B. Transfer of Ownership Applications

1. All transfer of ownership applications for liquor and beer licenses shall file an application, in triplicate, with the City Clerk on forms provided by the state and local licensing authorities. Incomplete applications will not be accepted.
2. Both state and local licensing fees shall be paid at the time of application. The investigation fee shall not be refunded. No rebate of any fees, for any license issued hereunder, shall be made except upon the affirmative vote of a majority of the Authority.
3. Upon receipt of a new application, the City Clerk shall cause to be conducted an investigation of the character and qualifications of the applicant, officers and directors of a corporation, managing members of a limited liability company, and all stockholders holding 10% or more interest.
4. Based upon the Police Department's recommendation of approval, the City Clerk shall have the authority to administratively approve the transfer of ownership application and forward the application to the state licensing authority.
5. Based upon the Police Department's recommendation of denial, the City Clerk will set the application for public hearing at the next available meeting date. In the event the Authority denies the application, the Authority shall indicate the reasons for said denial within 30 days of said denial.

6. No transfer of ownership application shall be considered unless all City sales taxes have been paid.

C. Temporary Permit

The City Clerk may issue a temporary permit to a transferee of any class of liquor license. The temporary permit shall authorize the transferee to continue selling alcoholic beverages as permitted under the permanent license during the period in which the application to transfer ownership is pending. The following conditions must be met to issue a temporary permit.

1. The premises where alcoholic beverages are sold shall have been previously licensed, and the license must be valid at the time of application for transfer of ownership.
2. The applicant must file an application for a temporary permit concurrently with, or after, an application for transfer of ownership.
3. If granted, a temporary permit shall be issued within five working days after the receipt of such application and shall be valid until the application to transfer ownership of the license is granted or for 120 days, whichever comes first. However, for good cause shown, the City Clerk, on behalf of the Licensing Authority, may extend the validity of the permit for an additional period not to exceed 60 days.
4. A temporary permit shall also be authorized in the event of a transfer of possession of the licensed premises by operation of law, a petition in bankruptcy, the appointment of a receiver, a foreclosure action, or a court order dispossessing the prior licensee of all rights of possession pursuant to Article 40 of Title 13, C.R.S.

Rule IX. CHANGE OF LOCATION

A. No license issued by the Authority shall be transferred to another location without the approval of the Authority. The policies and procedures for granting a new license application shall apply, except as specifically provided otherwise.

- B. A public hearing shall be held on all applications for a change of location.

Rule X. CHANGE OF MANAGER

A. An application for a change of manager shall be filed with the City Clerk on forms provided by the state and local licensing authorities. The City Clerk shall not begin to process such an application until the application is deemed complete and all appropriate fees paid.

B. To process an application for a change of manager, the City Clerk shall cause to be conducted an investigation of the character and qualifications of the proposed new manager.

C. Based on the Police Department's recommendation of approval, the City Clerk shall have the authority to administratively approve the change of manager application and forward the application to the state licensing authority.

D. Based on the Police Department's recommendation of denial, the City Clerk will set the application for public hearing at the next available meeting date. In the event the Authority

denies the application, the Authority shall indicate the reasons for said denial within 30 days of said denial.

Rule XI. RENEWAL OF EXISTING LICENSE

A. An application for the renewal of an existing license shall be filed with the City Clerk no less than 45 days prior to the date of expiration stated on the license along with the appropriate renewal and license fees. The Authority, for good cause, may waive this requirement.

B. The City Clerk, upon receipt, shall forward a copy of the renewal application to the Police Department for their review and recommendation of approval or denial.

C. The City Clerk shall have the authority to administratively approve liquor license renewal applications unless the following conditions exist:

1. Two or more liquor violations during the licensing period.
2. Outstanding sales tax.

D. A licensee whose license has expired not more than 90 days may file a late renewal application. The City's nonrefundable late renewal application fee is \$500 due at the time of filing the late renewal application. A licensee who files a late renewal application may continue to operate until final action has been completed to approve or deny license renewal.

Rule XII. CHANGING, ALTERING, OR MODIFYING LICENSED PREMISES

A. Applications for approval of a proposed change, alteration, or modification of existing liquor or beer licensed outlet shall be on forms issued by the state and provided by the City Clerk. The application shall be filed prior to any modification accompanied by plans and specifications showing the present premises and the proposed change, alteration, or modification outlined in red ink. The plans and specifications shall be adequate to advise the Licensing Authority of the scope and nature of the proposed request.

B. Upon receipt of a completed application, the City Clerk shall place the matter on the agenda for a public hearing.

C. In making its decision, with respect to any proposed changes, alterations, or modifications, the Authority shall consider the following factors:

1. The reasonable requirements of the neighborhood and the desires of its inhabitants.
2. The possession, by the licensee, of the changed premises by ownership, lease, or other arrangement.
3. Compliance with the zoning ordinance, rules and regulations of the City.
4. Compliance with the 500' distance prohibition in regard to public or parochial school, or the principal campus of any college, university, or seminary.

D. If permission to change, alter, or modify the licensed premises is denied, the Authority shall give notice in writing within 30 days of said denial and shall state grounds upon which the

application was denied. The licensee shall be entitled to a hearing on the denial if a request in writing is made to the Authority within 15 days after the date of notice.

Rule XIII. SPECIAL EVENT PERMITS

A. Application for a special event permit shall be made, under oath or affirmation, to the City Clerk, on such forms as are provided therefore by the state licensing authority and furnished by the City Clerk. Such applications shall be submitted not less than 45 days prior to the proposed event. The City Clerk, for good cause, may waive the time requirements set forth in this rule.

B. Public notice of the proposed permit, and the procedure for protesting issuance of the permit, shall be conspicuously posted at the proposed location for at least 10 days before consideration of the permit by the City Clerk.

C. Any protest shall be filed by affected persons within 10 days after the date of initial posting of the proposed event. Protests shall be filed with the City Clerk.

D. In the event that no protest is timely filed, the City Clerk shall have the authority to administratively approve or deny a special event permit application by applying the standards set forth in the state liquor regulations.

E. When exercising her administrative duties with respect to an application for a special event permit, the City Clerk shall comply with the requirements of Section 12-48-107(5), C.R.S., and shall do and perform all action required of the Liquor Licensing Authority by such statute.

F. In the event of a timely-filed protest, the City Clerk shall forward the special event permit application to the Authority and shall cause a public hearing to be conducted by the Authority on the application at the next available meeting date. Notice of the public hearing shall be provided to the applicant and to any person who filed a protest.

G. As authorized by C.R.S. § 12-48-107(5)(a), the decision of the City Clerk or the Authority, as applicable, to approve or deny a special event permit application shall constitute the final required action on such application under the Colorado Liquor Code. The City has elected not to notify the state licensing authority to obtain said authority's approval or disapproval of special event permit applications.

Rule XIV. NEIGHBORHOOD DETERMINATION - SCHEDULING OF PUBLIC HEARINGS, POSTING, AND PUBLICATION OF NOTICE, SUBPOENAS

A. Any application for a new license, or other applications upon which the Authority may be required to make findings and determination as to the reasonable requirements and desires of the inhabitants of the neighborhood, shall be scheduled for a public hearing.

B. The City Clerk shall cause a public notice of the hearing to be published, not less than 10 days prior to such hearing, as required by C.R.S. 12-47-311.

C. For purposes of this rule, the boundaries of the "neighborhood" shall be established as the area encompassed within the City's boundaries.

D. Subpoenas for the attendance of witnesses, or the production of evidence at public hearings, shall be issued by the City Clerk. The City Clerk shall issue subpoenas upon the written request of any party who is entitled to present evidence at a public hearing. The issuance of such subpoenas shall be obtained by filing an affidavit which states the name and address of the proposed witness; if applicable, specifies the items sought to be produced, and the materiality thereof in detail so the issues involved; and states that the witness has said items in his or her possession or under his or her control.

E. Service of subpoenas shall be completed as in civil proceedings. All subpoenas shall be served a reasonable time before the hearing. Service of a subpoena within 96 hours of the hearing shall be presumed to be unreasonable in the absence of good cause shown.

Rule XV. PETITIONS

A. Petitions circulated by the applicant, any person or firm retained by the applicant, or by persons opposing the issuance of a license, shall be submitted to the City Clerk no less than seven days prior to the public hearing. The Authority may continue any hearing where the City Clerk has not been provided sufficient time to verify the accuracy of the petitions. The Authority may waive the seven-day requirement upon a majority vote.

B. Petitions are to be circulated within the designated affected area. Petitions must be signed with the full given name. No signatures will be accepted where the wife or husband has signed for both unless accompanied by a proper and sufficient Power of Attorney for the non-signing spouse.

C. All signatures shall be identifiable with a residence or business address stated on the petition, together with the age of the person signing the petition, and the date signed. Each individual signing a petition shall indicate his/her relationship to the affected areas (e.g. resident, business owner, manager, etc.).

D. Each petition shall contain a verified statement signed by the circulator of the petition that the circulator personally witnessed each signature appearing on the petition, that each signature thereon is the signature of the person whose name it purports to be, that the address given opposite that person's name is the true business or residence address of the person signing the petition.

E. All petitions shall be in substantial conformity to the format furnished by the City Clerk.

F. All petition signers for or against the issuance of a liquor or beer license must be 21 years of age or older.

Rule XVI PRELIMINARY INVESTIGATION AND FINDINGS

A. New License. Upon receipt of a completed application for a new liquor or beer license, the City Clerk shall cause to be conducted a preliminary investigation with regard to the following matters:

1. Whether an application has been denied at the location within two years because the reasonable requirements of the neighborhood and the desires of the adult inhabitants were satisfied by the existing outlets.

2. Whether the applicant is, or will be, entitled to possession of the premises by virtue of a deed or lease.
3. Whether the sale of liquor or beer is in compliance with the zoning codes, building codes, rules, and regulations of the City of Edgewater.
4. Whether the proposed licensed premises is within 500' of any public or parochial school, the principal campus of any college, university, or seminary. If questions arise, an applicant may be required to submit documentation regarding the method of measurement.
5. The number and type of liquor or beer outlets located within the neighborhood.
6. Any criminal history information regarding the applicant, partner in a partnership, officers and directors of a corporation, managing members of a limited liability company; or stockholders of 10% or more interest.

Rule XVII. CITY CLERK AUTHORITY TO REFER

Notwithstanding any authority delegated to the City Clerk to administratively approve or deny an application pursuant to these Rules, the City Clerk may, at her discretion, refer any licensing decision authorized to her under these Rules to the Authority if, in the City Clerk's opinion, the matter should be presented to the Authority.