

1 **BY AUTHORITY**

2 ORDINANCE NO. _____
3 SERIES OF 2023

COUNCIL BILL NO. CB23-0551
COMMITTEE OF REFERENCE:

4 Business, Arts, Workforce & Aviation Services

5
6 **A BILL**

7 **For an ordinance repealing and reenacting chapter 32 of the Denver Revised**
8 **Municipal Code to modernize the City’s licensing code and make conforming**
9 **changes throughout the Code.**

10 **BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF DENVER:**

11 **Section 1.** Article I of Chapter 32 shall be repealed and reenacted to read as follows:

12 **ARTICLE 1. – IN GENERAL**

13 **Sec. 32-1. - Enforcement by director of excise and licenses to have exclusive licensing**
14 **powers; hearing officers.**

15 (a) *Director of the Department of Excise and Licenses – authority.* The director shall have full
16 power to grant, renew, suspend during investigation, and suspend or revoke after notice and
17 hearing, any license issued under authority of this chapter 32.

18 (b) *Designation of authority.* The director may designate a hearing officer or other such
19 person to carry out the duties of this chapter. The hearing officer shall be appointed by the director
20 and shall serve at the director's pleasure. The director may delegate to the hearing officer the
21 hearing of all matters, appeals, and cases which the director may hear. The director or hearing
22 officer shall have the power to control the hearing including, but not limited to: ruling upon motions
23 and offers of proof, receiving and admitting evidence, limiting the presentation of evidence and
24 cross-examination so as to prevent repetitive and cumulative evidence or examination, and ordering
25 any person to be removed from the hearing. If so delegated, a hearing officer shall hear all testimony
26 and prepare a written statement of findings and recommendations to the director. The director shall
27 review all matters contained in the record and considered by the hearing officer as set forth in the
28 written findings and thereupon make a final decision and determination. Unless stated otherwise,
29 the director is not bound by the written findings and recommendations of the hearing officer.

30 **Sec. 32-2. - Effective date; no vested rights.**

31 (a) *Effect on existing licenses and pending applications.* All applications currently pending
32 before the department will continue to be processed subject to provisions applicable at the time the
33 application was received by the department.

1 (b) *No entitlement or vested right to licensing.* No person shall be deemed to have any
2 entitlement or vested right to local licensing under this article by virtue of having applied for or having
3 received any prior license or permit from the city or the state.

4 **Sec. 32-3. – Definitions.**

5 The following definitions apply unless more specific provisions are applicable for the license
6 type:

7 (1) *Applicant* means any person applying for a business or individual license issued
8 by the department, or any transaction relating thereto.

9 (2) *Department* means the Denver Department of Excise and Licenses.

10 (3) *Director* means the director of the Denver Department of Excise and Licenses.

11 (4) *Good moral character* means having a criminal background or licensing history
12 that demonstrates honesty, fairness, and respect for the rights of others and for local, state, and
13 federal law.

14 (5) *Identification card* means a card or badge issued to an individual licensee or
15 permittee to conduct or engage activity for which a license is required.

16 (6) *Law enforcement officer* has the meaning set forth in section 38-116 of this Code.

17 (7) *License* means a license granted to a person to engage in or conduct activities for
18 which a license is required pursuant to state or local law. The term “license” is synonymous with the
19 term “permit” and all general license provisions of this Code shall equally apply to any permit granted
20 by the department.

21 (8) *Licensed premises* means the premises specified in an application for a license
22 pursuant to this Code, that is owned or in possession of the licensee, and within which the licensee
23 is authorized to conduct activities permitted by such license.

24 (9) *Licensee or permittee* means any person holding a valid license or permit issued
25 by the department.

26 (10) *Person* has the meaning set forth in section 1-2 of this Code.

27 **Sec. 32-4. – License required.**

28 It shall be unlawful for any person, whether or not they are licensed in another jurisdiction, to
29 engage in an activity for which a license issued by the department is required without first having
30 obtained such license from the department.

31 **Sec. 32-5. – Application Requirements.**

32 (a) *Application requirements—generally.* The application for every license required by and
33 issued under the authority of this chapter 32 shall be made to the department in the manner provided

1 by the director. Applications shall be deemed incomplete and will not be acted upon if the
2 department does not receive the requisite application fee and the application does not contain:

- 3 (1) The information required by this Code;
- 4 (2) Any other information required pursuant to an applicable statutory authority; or
- 5 (3) Any other information required by the director.

6 (b) *Administrative closure of applications—failure to complete application within one (1) year.*
7 Pending applications shall be administratively closed, without a hearing, one (1) year after the date
8 of application. Once an application is administratively closed the applicant must begin the licensing
9 process anew. At the director's discretion, the director may reopen an application that has been
10 administratively closed if the applicant can produce, no later than thirty (30) days after administrative
11 closure, documentary, or other empirical evidence to establish good cause for the failure to complete
12 the application process.

13 (c) *Application withdrawal.* An applicant may request that their application be withdrawn in a
14 form or manner provided by the director. The director, in the director's discretion, may approve or
15 deny the withdrawal request. Upon approval of the request, the application shall be administratively
16 closed and the applicant must begin the licensing process anew.

17 (d) *Refund of application fees.* The director may refund application fees for administratively
18 closed or withdrawn applications upon a showing of good cause.

19 (e) For purposes of this section, the term "good cause" means the failure to complete the
20 application process occurred due to circumstances outside of the applicant's control.

21 **Sec. 32-6. – Fees and bond requirements.**

22 (a) *License fees.* The license fee for every license required by and issued under the authority
23 of the city shall be payable in advance and shall accompany the application. The fee shall be
24 payable to the manager of finance who shall endorse on the license such payment. If the license is
25 not granted, the fee tendered hereunder shall be refunded, and the manager of finance may initiate
26 the refund procedure.

27 (b) *Waiver of license fees.* The director may waive the local licensing fees for licenses granted
28 by the department as provided in rules promulgated by the department.

29 (c) *Proration of fees.* The director may prorate the license fee if a license is issued for a period
30 shorter than the full term of the license. If authorized, the license fee shall be calculated by
31 multiplying the number of months that the license or permit will be effective by 1/12 of the annual
32 license fee. The number of months includes the month in which the license is issued and the month
33 in which the license expires.

1 (d) *Partial payments—prohibited.* Unless provided otherwise, no partial payments for any
2 fees shall be accepted by the department.

3 (e) *Rebate of fees—taking of property.* If the property on which the licensed premises is
4 situated is taken for public use the licensee may surrender the license and receive a rebate in the
5 amount set forth in this section.

6 (f) *Rebate of fees—destruction of property.* If the property on which the licensed premises is
7 destroyed by fire or natural disaster to such an extent that the continuation of the business is
8 impractical the licensee may surrender the license and receive a rebate in the amount set forth in
9 this section.

10 (g) *Rebate of fees—uncontrollable circumstances.* If the director, in the director's discretion,
11 determines that the licensee's business has been involuntarily terminated due to circumstances
12 occurring outside of the licensee's control, the licensee may surrender the license and receive a
13 rebate in the amount set forth in this section.

14 (h) *Calculation of rebate.* The rebate provided for in this section shall be calculated by
15 multiplying the number of months remaining in the license term, beginning with the first month after
16 termination, by 1/12 of the annual license or permit fee.

17 (i) *Rebate of fees prohibited for suspended and revoked licenses.* Licenses shall not be
18 eligible for a rebate of the license fee if the license has pending disciplinary action, is currently
19 subject to license suspension, or if the director determines that the license should be revoked or
20 otherwise subject to disciplinary action.

21 (j) *Bond requirements.* When the terms of this Code or any other applicable statutory authority
22 set out bond requirements, no license shall be issued until the licensee or applicant furnishes the
23 requisite and required bond with a surety to be approved by the director. The following conditions
24 shall be attached to the bond:

25 (1) The applicant or licensee shall comply with all applicable provisions of this Code
26 and any other applicable statutory authority;

27 (2) The Applicant shall pay all fines, penalties and costs that may be imposed against
28 the licensee or applicant for any and all violations of this Code and any other applicable statutory
29 authority; and

30 (3) Any other conditions reasonably required by the director.

31 **Sec. 32-7. Approval by other officials.**

32 Upon receipt of any application, the director may give notice of the application to any other
33 city agency or department. The applicant shall obtain any and all necessary permits, licenses, and

1 other regulatory approvals from the city departments and agencies prior to the issuance,
2 modification, or renewal of the license.

3 **Sec. 32-8. – Provisions applicable to all licenses.**

4 (a) *Contents of license.* Every license shall show upon its face:

5 (1) The name of the person to whom such license has been issued;

6 (2) The name of the licensed business, if different from the name of the person to
7 whom such license has been issued;

8 (3) The type of license(s);

9 (4) The date the license was issued and the date on which the license expires;

10 (5) The location, if any, of the licensed premises; and

11 (6) Such other information as deemed necessary and pertinent by the director.

12 (b) *Separate license for each location.* A separate license shall be required, where applicable,
13 for each location of a business licensed under this chapter.

14 (c) *Posting.* Every license issued by the city for a business to be conducted at a particular
15 location shall be posted on the licensed premises during the period such license is valid. Such
16 license shall be conspicuously posted on the licensed premises so it can be seen by the public or
17 in such other manner required by the director. When such license expires it shall be removed.

18 (d) *Presentation of license to city officials.* It shall be the duty of each and every person to
19 whom a license has been issued to exhibit the same upon the request of any law enforcement officer
20 city inspector, or city investigator.

21 (e) *Duplicate license or identification card.* When a license or identification card is lost, the
22 department may replace the license or identification card. The replacement fee shall be waived for
23 the first lost license or identification card. Subsequent replacement fees shall be determined by the
24 department.

25 **Sec. 32-9. – Transferability.**

26 (a) Unless provided otherwise in this Code or by department rule, no license shall be
27 transferable from one (1) person to another, or from one (1) location or another.

28 (b) *Administrative changes to addresses.* The department may amend license addresses so
29 long as the physical location of the premises is not changing, and the director determines such
30 change is necessary for implementation of this Code.

31 **Sec. 32-10. – Term of licenses; renewals.**

32 (a) *Term of license.* Unless provided otherwise, no license shall extend beyond one (1) year
33 from the date of its issuance and shall expire on the date specified on the license.

1 (b) *Renewal—when and how to apply.* A licensee seeking to renew a license shall submit a
2 renewal application and requisite license fee to the department no more than ninety (90) days prior
3 to the expiration date of the license.

4 (c) *Late renewal.* A licensee whose license has been expired for not more than ninety (90)
5 days may file a late renewal application upon the payment of the requisite license fee and a penalty
6 fee of twenty (20) percent of the amount of the license fee if the application for renewal is filed less
7 than thirty (30) days after the date upon which the license expires, or the requisite license fee and
8 a penalty fee of fifty (50) percent of the amount of the license fee if the application for renewal is
9 filed more than thirty (30) days after the date upon which the license expired. The director may
10 waive or adjust any and all of such penalty and additional fee whenever, in the director's judgment,
11 the delinquency in the prompt receipt of such application and fee is not the fault of the licensee and
12 to collect or require the payment thereof would be an injustice.

13 (d) *Restrictions on renewal.* Except where the applicant has submitted a complete renewal
14 application and paid the requisite fee, a license that has been expired for more than ninety (90) days
15 shall not be renewed.

16 (e) *Cease of operations after expiration.* A licensee shall cease operations upon the
17 expiration date of the license. Upon filing a complete application and paying the requisite fee, the
18 licensee may continue operating in compliance with all applicable provisions of this Code and any
19 other applicable statutory authority until final agency action on the renewal. However, the director
20 may require that operations cease if the license is subject to disciplinary action, pending final agency
21 action on the renewal application, or the licensee has not received any required approvals,
22 inspections, or permits from another agency.

23 (f) *Renewal hearing.* The director may, upon the director's own motion or upon complaint,
24 hold a hearing concerning any application for license renewal if there are grounds for denial or
25 suspension of the license.

26 (g) *Standards for denial of renewal application.* In addition to any other grounds specified in
27 this Code, the director may deny a renewal application if:

28 (1) There are causes for denial as provided in 32-11;

29 (2) There are grounds for suspension, revocation or other licensing sanctions as
30 provided in section 32-15;

31 (3) Any fact or condition exists which, if it had existed or had been known to exist at
32 the time of the application for such license, would have warranted the director in refusing originally
33 to issue such license; or

1 (4) The application fails to comply with any provisions required for by this Code or any
2 other applicable statutory authority.

3 **Sec. 32-11. – Causes for denial; hearings; and license conditions.**

4 (a) *Causes for denial.* No license authorized under this Code shall be issued or renewed if:

5 (1) The issuance of a license to the applicant or licensee would not comply with any
6 applicable state or local law, or any rules and regulations adopted pursuant thereto;

7 (2) The applicant or licensee has not paid or is in arrears in any administrative or court
8 fines, assessments, or fees owed the City and County of Denver, including any required application
9 fees, licensing fees, or bond;

10 (3) The proposed licensed premises does not conform to the requirements of the
11 Denver Zoning Code, Former Chapter 59, the Denver Building and Fire Code, the electrical code of
12 the City and County of Denver, the rules and regulations promulgated by the department of public
13 health and environment, or any other state or local law or rule promulgated thereto;

14 (4) The applicant or licensee has an outstanding warrant(s) for their arrest in any
15 jurisdiction;

16 (5) The application contains fraudulent, misrepresented, or false statement(s) of
17 material or relevant fact(s); or

18 (6) The applicant is not of good moral character, has previously operated a similar
19 establishment in an unlawful manner, or has a license history that does not warrant the confidence
20 of the director that the license will be lawfully operated.

21 (b) *Denial appeal procedure.* If it shall come to the attention of the director that one (1) or
22 more of the above grounds exists, the application shall be denied. In the event that the application
23 is denied, the director shall furnish the applicant a copy of the order and the reasons supporting the
24 denial upon the written request of the applicant. Any applicant whose application has been denied
25 without a hearing shall be entitled to a hearing on his application upon written request to the director,
26 except as provided in section 32-5. Except as otherwise provided by the specific terms or provisions
27 pertaining to a license, a written request for a hearing must be submitted within ten (10) days of the
28 mailing date of the order of denial. The director may require the payment of a filing fee which shall
29 accompany the request for an appeal hearing. A request for an appeal hearing without the
30 accompanying fee shall not be accepted.

31 (c) *License conditions.* The director may place conditions on a license to ensure that the
32 licensee will operate lawfully or to incorporate the specific and enforceable provisions of a good
33 neighbor agreement. Where possible, the director may alter specific provisions requested to be

1 placed as conditions on the license, while keeping the intent of the parties to the agreement, to
2 make those provisions legal and enforceable by the department. All such conditions attached to the
3 license shall continue to apply to renewed or transferred licenses until the conditions are removed
4 or modified by the director.

5 **Sec. 32-12. – Unlawful acts.**

6 (a) *Failure to comply with license conditions.* It shall be unlawful for any licensee, or its
7 agents, servants, independent contractors, or employees, to fail to comply with all conditions printed
8 or attached to the license issued.

9 (b) *Failure to comply with license provisions.* It shall be unlawful for any licensee, or its
10 agents, servants, independent contractors, or employees, to fail to comply with any licensing
11 provisions applicable to the particular license under state or local law, including the provisions of
12 this article.

13 (c) *Failure to post license.* It shall be unlawful for any licensee, or its agents, servants,
14 independent contractors, or employees, to fail to post the license as required in section 32-9(c).

15 (d) *Posting an invalid or expired license.* It shall be unlawful for a licensee to post a license
16 that is suspended, revoked, expired, invalid, or otherwise not in full force and effect.

17 (e) *Failure to exhibit license.* It shall be unlawful for any licensee, or its agents, servants,
18 independent contractors, or employees, to fail to present the license or identification badge upon
19 the request of any law enforcement officer, city inspector or investigator as required in section 32-
20 9(d).

21 (f) *Hindering an investigation.* It shall be unlawful for any licensee, or its agents, servants,
22 independent contractors, or employees, to refuse, on any part of the licensed premises, the
23 investigation, visitation, or inspection of the licensed premises by a city inspector or investigator or
24 to hinder the same.

25 (g) *Failure to comply with subpoena.* It shall be unlawful for any person, except for
26 government officials acting in the course of their duties, to refuse to obey a subpoena issued by the
27 director.

28 (h) *Failure to comply with rules and regulations.* It shall be unlawful for any person to violate
29 a rule or regulation adopted by the director.

30 **Sec. 32-13. – Investigations, records, subpoenas, and administrative warrants.**

31 (a) *City access to licensed premises.* City inspectors and investigators shall be permitted to
32 have access to licensed premises at all times, in the course of their duties, concerning the
33 enforcement of the Charter, ordinances of the city and rules and regulations promulgated pursuant

1 and thereto.

2 (b) *Department records.* The director shall keep a record of all licenses issued, setting forth:
3 the name of every licensee; the place of business licensed, if any; the residence of the licensee or
4 of each of the individual members of the licensee firm, or of each of the directing officers of the
5 licensee corporation; the kind and grade of license issued; the date the license was issued; and the
6 date on which the license expires.

7 (c) *Administrative subpoenas.* The director shall have the authority to issue subpoenas to
8 compel the attendance and testimony of witnesses, with or without documentary evidence, at a
9 hearing and compel the production of books and documents necessary for the parties' preparation
10 for a hearing, or to delegate said authority. The department may petition the county court to enforce
11 the subpoena upon non-compliance by the responsive party in the manner identified in the City
12 Charter § 4.2.9.

13 (d) *Service of administrative subpoenas.* The director may serve the subpoena by personal
14 service as provided in C.R.C.P. 4(e) or by certified mail to the subpoenaed party at the last known
15 address provided to the department.

16 (e) *Administrative warrants.* The department may seek an administrative warrant from the
17 county court in circumstances in which the department makes a proper showing that:

18 (1) A licensee has refused entry of city inspectors or investigators during business
19 hours or times of apparent activity;

20 (2) A licensee subject to an administrative hold or summary suspension has failed to
21 comply with applicable rules; or

22 (3) A licensee otherwise has acted in a manner demonstrating disregard for this Code
23 or rules and regulations adopted pursuant thereto or that threatens the public health, safety, and
24 welfare.

25 **Sec. 32-14. – Summary Suspension.**

26 Where the director has objective and reasonable grounds to believe and finds, upon a
27 reasonable ascertainment of the underlying facts, that the licensee has been guilty of deliberate and
28 willful violation or that the public health, safety, or welfare imperatively requires emergency action
29 and incorporates the findings in its order, the director may summarily suspend the license pending
30 proceedings for suspension or revocation which shall be promptly instituted and determined as
31 provided in section 32-15.

32 **Sec. 32-15. – Disciplinary actions; sanctions, penalties.**

33 (a) *Disciplinary action—generally.* The director may, on the director's own motion or upon

1 complaint, and after investigation and a show-cause hearing at which the licensee shall be afforded
2 an opportunity to be heard, impose penalties on any license for any of the following circumstances:

3 (1) Any fact or condition exists which would qualify for the denial of the license;

4 (2) The licensee has failed either to file the required reports or to furnish such
5 information as may be reasonably required by the director under the authority vested in the director
6 by the terms of the provisions relating to the specific license;

7 (3) The licensee, either knowingly or without the exercise of due care to prevent the
8 same, has violated any of the conditions required for the license as specified in this Code or rules
9 and regulations adopted pursuant thereto;

10 (4) The licensee has failed to maintain the licensed premises in compliance with the
11 requirements of the Denver Building and Fire Code, the electrical code of the City and County of
12 Denver, the Denver Zoning Code, Former Chapter 59, rules and regulations issued by the
13 department of public health and environment, or any other state or local law; or

14 (5) The licensee, or any of the agents, servants or employees of the licensee, have
15 violated any ordinance of the city or any state or federal law or have permitted such a violation by
16 any other person.

17 (b) *Notice.* Notice of suspension or revocation, as well as any required notice of a show-
18 cause hearing, shall be given by mailing the same in writing to the licensee at the licensee's last
19 address of record with the director.

20 (c) *Licensee actions.* For purposes of suspending or revoking any license, the licensee shall
21 be deemed to have permitted an act or condition if a reasonable licensee would have been aware
22 of the act or condition and taken action to stop the act or eliminate the condition.

23 (d) *Actions of licensee employees, agents, and independent contractors.* Any act or omission
24 committed by any person that occurs in the course of the person's employment, agency, or contract
25 with the licensee shall be imputed to the licensee for purposes of imposing any suspension,
26 revocation or other sanction on the licensee. This subsection (d) shall equally apply to the acts or
27 omissions committed by independent contractors that occur in the course of the independent
28 contractor's agreement with the licensee.

29 (e) *Penalties.* In addition to any other penalties prescribed by this Code or other applicable
30 statutory authority, the director may impose any of the following penalties or combination of such
31 penalties on the license: suspension, revocation, fine, fine in lieu of suspension, or placement of
32 conditions on the license. The director may also hold penalties in abeyance upon compliance with
33 terms and conditions identified by the director.

1 (f) *Fines and fines in lieu of suspension.* Unless provided for otherwise, the director may
2 assess an administrative fine or fine in lieu of suspension against the licensee not to exceed five
3 thousand dollars (\$5,000.00) per violation. If the fine is not paid by that date set by the director, the
4 director may suspend the license or permit until the fine is paid without a hearing.

5 (g) *License conditions as a result of disciplinary action.* In addition to, or in the alternative to,
6 any suspension, revocation, or administrative fine imposed for any violation, the director may
7 impose new or additional terms, requirements, conditions, or limitations on any license or permit
8 issued or under this Code.

9 (h) *Restrictions on applications for new license(s).* No application for the issuance of any
10 license issued by the department shall be received or acted upon if, within two (2) years preceding
11 the date of the application, the applicant has had a similar license revoked by the director. For
12 purposes of this section, the term "applicant" shall include any person who was an officer, director
13 or shareholder holding over ten (10) percent of the stock in any corporate licensee which has had
14 a similar license revoked; any corporation any of whose officers, directors or shareholders holding
15 over ten (10) percent of the stock has had a similar license revoked; or any partnership any of whose
16 partners has had a similar license revoked.

17 **Sec. 32-16. – Termination and surrender of license; effect of termination, surrender, or**
18 **suspension.**

19 (a) *License surrender.* Any licensee may request that their license be surrendered. The
20 director, in the director's discretion may approve or deny the surrender request. However, any
21 surrender shall not affect the civil or criminal liability for acts committed prior thereto, nor entitle the
22 licensee to a refund of the license fee for any remaining portion of the license term.

23 (b) *Effect of surrender or termination.* Upon the expiration, revocation, surrender or other
24 termination of a license, for whatever reason, the license shall be deemed null and void, together
25 with all the privileges associated with it. During the period that a license is suspended, no licensee
26 shall exercise any of the privileges associated with the license.

27 **Sec. 32-17. – Injunctions.**

28 The department may petition the district court for issuance of a preliminary or permanent
29 injunction, or both, as may be appropriate, restraining any person from continued violation of this
30 article or the particular provisions of an applicable licensing code.

31 **Sec. 32-18. – Effect on contracts.**

32 No provision of this chapter nor any provision pertaining to any license shall be construed to
33 affect liability under any contract, the terms and provisions of any contract, or to avoid such contract.

1 **Sec. 32-19. – Rules and regulations.**

2 The director may make such reasonable rules and regulations as may be necessary for the
3 purpose of administering and enforcing the provisions of this article and any other ordinances or
4 laws relating to and affecting the licensing of businesses and individuals that operate in the city.

5
6 **Section 2.** Article II of Chapter 6 shall be amended by adding the language underlined and
7 deleting the language stricken to read as follows:

8 **Sec. 6-19. Disciplinary actions; sanctions; penalties.**

9 (b) *Civil penalties in lieu of fine.* In lieu of the maximum fine for license violations set forth in
10 chapter 32 ~~section 32-30(e)~~ of the Denver Revised Municipal Code, the director is hereby authorized
11 to impose civil penalties for license violations to the same extent and according to the same
12 standards as are utilized by the Colorado Liquor Enforcement Liquor Code and any and all
13 applicable rules and regulations adopted pursuant thereto.

14
15 **Section 3.** Division 2 of Article III of Chapter 6 shall be amended by adding the language
16 underlined and deleting the language stricken to read as follows:

17 **Sec. 6-53. - Notice; posting; hearing.**

18 (c) In addition to the restriction on applications for new licenses provided in chapter 32 ~~section~~
19 ~~32-29~~ of this Code, no application shall be received or acted upon for either a new license or for
20 changing or modifying a presently licensed premises if, within two (2) years next preceding the date
21 the application is tendered to the department of excise and licenses, the director denied an
22 application for any class of cabaret at either:

23
24 **Section 4.** Article V of Chapter 6 shall be amended by adding the language underlined and
25 deleting the language stricken to read as follows:

26 **Sec. 6-225. Disciplinary actions; sanctions; penalties.**

27 (c) *Civil penalties in lieu of fine.* In lieu of the maximum fine for license violations set forth in
28 chapter 32 ~~section 32-30(e)~~, the director is hereby authorized to impose civil penalties for license
29 violations in the same amount as the Colorado Marijuana Enforcement Division in imposing fines
30 for state license violations under the Colorado Marijuana Code.

31
32 **Section 5.** Article I of Chapter 7 shall be amended by adding the language underlined and
33 deleting the language stricken to read as follows:

1 **Sec. 7-2. Powers of director of excise and licenses.**

2 (c) The director shall have the right to require the inspection, as provided in chapter 32
3 ~~section 32-17~~, of premises at which any of the amusements subject to this chapter are conducted.

4
5 **Section 6.** Division 2 of Article III of Chapter 7 shall be amended by adding the language
6 underlined and deleting the language stricken to read as follows:

7 **Sec. 7-73. Causes for denial.**

8 (8) The applicant, or any person holding a ten (10) percent or more interest in the applicant
9 entity, has committed or permitted any act in connection with any public dance hall or public dance
10 which is cause for suspension or revocation under section 7-76 or chapter 32 ~~section 32-22~~ within
11 three (3) years preceding the application.

12 **Sec. 7-76. Suspension or revocation of public dance hall license or public dance**
13 **permit.**

14 (8) Commits any act or omission or meets any condition which is cause for suspension or
15 revocation under chapter 32 ~~section 32-22~~;

16
17 **Section 7.** Division 2 of Article IV of Chapter 7 shall be amended by adding the language
18 underlined and deleting the language stricken to read as follows:

19 **Sec. 7-105. Causes for denial.**

20 (9) Has committed or permitted any act in connection with any social room or after hours
21 restaurant license which is cause for suspension or revocation under section 7-76 or chapter 32
22 ~~section 32-22~~ within three (3) years preceding the application.

23 **Sec. 7-109. Suspension or revocation of license.**

24 (7) Commits any act or omission or meets any condition which is cause for suspension or
25 revocation under chapter 32 ~~section 32-22~~.

26
27 **Section 8.** Chapter 9 shall be amended by adding the language underlined and deleting the
28 language stricken to read as follows:

29 **Sec. 9-15. Revocation or suspension of a license.**

30 In addition to the grounds contained in chapter 32 ~~section 32-22 and 32-23~~, any grounds
31 sufficient for a denial of a license under this chapter shall be sufficient grounds for suspension,
32 revocation or nonrenewal of a license.

33 **Sec. 9-18. Bond.**

1 Every person licensed under this chapter as an auctioneer shall furnish and deliver to the
2 director of excise and licenses a bond as provided in chapter 32 ~~section 32-9~~ in the penal sum of
3 two thousand dollars (\$2,000.00) and further conditioned upon the payment of damages to any
4 person injured by any violation of this chapter as amended or by any fraudulent or negligent act on
5 the part of such auctioneer, arising from any sale or offer to sell by auction, whether acting by virtue
6 of a permit for the sale of jewelry by auction or otherwise. Such bond or undertaking shall also
7 provide that the sureties may be sued directly either by the city or by any person injured as aforesaid
8 without joining the auctioneer in such suit. Such bonds or undertakings shall be continuing and shall
9 cover not only the original period of the auctioneer's license but also the period of any subsequent
10 renewals of such license. A new bond or undertaking may be required in the case of death or
11 insolvency of any surety thereon. Such undertaking or bond shall contain an endorsement requiring
12 a fifteen-day written notice to the director in the event of the cancellation thereof.

13
14 **Section 9.** Division 2 of Article X of Chapter 24 shall be amended by adding the language
15 underlined and deleting the language stricken to read as follows:

16 **Sec. 24-365. Issuance or denial.**

17 (b) If the applicant for a license is found acceptable to the director and all the provisions of
18 chapter 32 ~~section 32-11~~ of the Revised Municipal Code have been met, the license shall be
19 granted. If the license is denied, upon the written request of the applicant, the director shall issue a
20 written order stating the reasons supporting the denial of the license and a copy of this order shall
21 be sent to the applicant at the applicant's last known address. Any applicant whose application has
22 been denied and who has requested a written order of the denial of license shall be entitled to a
23 hearing on the denial upon written request to the director made within thirty (30) days of the date
24 the order was issued. Such hearing shall be held within thirty (30) days of receipt of the written
25 request for hearing by the director.

26
27 **Section 10.** Division 3 of Article X of Chapter 24 shall be amended by adding the language
28 underlined and deleting the language stricken to read as follows:

29 **Sec. 24-375. Grounds for denial.**

30 (d) If the applicant is found acceptable to the director and all the provisions of chapter 32 ~~section~~
31 ~~32-11~~ of the Revised Municipal Code have been met, the license or permit shall be granted. If the
32 license is denied, upon the written request of the applicant, the director shall issue a written order
33 stating the reasons supporting the denial of the license and a copy of this order shall be sent to the

1 applicant at the applicant's last known address. Any applicant whose application has been denied
2 and who has requested a written order of the denial of license shall be entitled to a hearing on the
3 denial upon written request to the director made within thirty (30) days of the date the order was
4 issued. Such hearing shall be held within thirty (30) days of receipt of the written request for hearing
5 by the director.

6
7 **Section 11.** Division 1 of Article I of Chapter 26 shall be amended by adding the language
8 underlined and deleting the language stricken to read as follows:

9 **Sec. 26-2. Required licenses and fees.**

10 (b) *Application referrals.*

11 (1) Applications for a license to operate a boarding home, or personal care boarding
12 home, as provided for in chapter 32 of this Code shall be forwarded to all appropriate city agencies,
13 including but not limited to the department of public health and environment, department of zoning
14 administration, department of safety, division of community corrections, neighborhood inspection
15 services, fire prevention bureau, building inspection division, and the wastewater division of the
16 department of transportation and infrastructure. Such city agencies shall investigate, inspect, and
17 make recommendations to the director of excise and licenses as provided for in chapter 32 ~~section~~
18 ~~32-10~~ of this Code. Such agencies may recommend that conditions which are related to the intent
19 of this article or other ordinances and rules and regulations and to the protection of the health and
20 safety of the residents and employees of such home and the residents of the city be included in any
21 license issued by the director of excise and licenses.

22
23 **Section 12.** Article VIII of Chapter 27 shall be amended by adding the language underlined and
24 deleting the language stricken to read as follows:

25 **Sec. 27-194. Application.**

26 (b) *Referral to other agencies.* Applications for a residential rental property license may be
27 referred to other appropriate city agencies, including, but not limited to, the department of public
28 health and environment, department of zoning administration, fire prevention bureau, building
29 inspection division, and the wastewater division of the department of public works. The applicant
30 shall obtain any and all necessary permits, licenses, or other regulatory approvals as provided for
31 in chapter 32 of this Code ~~section 32-10~~.

32
33 **Section 13.** Article VIII of Chapter 33 shall be amended by adding the language underlined and

1 deleting the language stricken to read as follows:

2 **Sec. 33-29. Causes for denial or revocation of license.**

3 (a) In addition to the grounds stated in Chapter 32 of this Code for denial of a license, no lodging
4 license shall be issued when:

5 (1) The applicant, or any person with a financial interest of twenty-five (25) percent or
6 greater in the facility stated in the application, has been convicted of a felony, a misdemeanor, or a
7 nontraffic city ordinance violation for which jail is a possible penalty, within the five (5) years
8 immediately preceding the date of the application. If an applicant is entitled to a hearing pursuant to
9 chapter 32 ~~section 32-11~~ of this Code, upon proof by the applicant of rehabilitation and a finding by
10 the director of excise and licenses that the applicant, at the time of the hearing, has been
11 rehabilitated and is ready to accept the responsibilities of a law-abiding and productive member of
12 society, the director may issue a license.

13 (2) Within the five (5) years previous to the date of application, the applicant, or any
14 person with a financial interest of twenty-five (25) percent or greater in the facility stated in the
15 application, has committed or allowed acts to occur while operating any hotel, rooming house, or
16 similar facility outside the city which, if the facility had been located within the city, would justify
17 revocation of any license pursuant to paragraph (b) of this section. If an applicant is entitled to a
18 hearing pursuant to chapter 32 ~~section 32-11~~ of this Code, upon proof by the applicant of
19 rehabilitation and a finding by the director of excise and licenses that the applicant, at the time of
20 the hearing, has been rehabilitated and is ready to accept the responsibilities of a law-abiding and
21 productive member of society, the director may issue a license.

22 (3) Within the five (5) years previous to the date of application, the applicant, or any
23 person with a financial interest of twenty-five (25) percent or greater in the facility stated in the
24 application, committed or allowed acts to occur while operating any hotel, rooming house, lodging
25 house, or similar facility, which would justify suspension or revocation of a license pursuant to
26 paragraph (b) of this section. If an applicant is entitled to a hearing pursuant to chapter 32 ~~section~~
27 ~~32-11~~ of this Code, upon proof by the applicant of rehabilitation and a finding by the director of
28 excise and licenses that the applicant, at the time of the hearing, has been rehabilitated and is ready
29 to accept the responsibilities of a law-abiding and productive member of society, the director may
30 issue a license.

31 **Sec. 33-30. Restrictions on licenses.**

32 In approving a lodging facility license, the director of excise and license may impose
33 reasonable restrictions on the license, including, but not limited to, requirements for security,

1 lighting, fencing, and prohibiting violations of law by guests. Prior to imposing such restrictions, the
2 director of excise and licenses may conduct an investigation to determine if such restrictions are
3 necessary. The director shall issue a written report enumerating the conditions that make such
4 restrictions necessary, and a copy of this report shall be given to the applicant. All such
5 restrictions shall be in writing, shall be attached to the license, and shall continue to apply to
6 renewed or transferred licenses until the restrictions are canceled by the director of excise and
7 licenses. In addition to the grounds stated in chapter 32 ~~section 32-22 and 33-29~~ of this Code,
8 violations of restrictions on the license shall be grounds to suspend or revoke any license issued
9 under this chapter.

10
11 **Section 14.** Article III of Chapter 45 shall be amended by adding the language underlined and
12 deleting the language stricken to read as follows:

13 **Sec. 45-71. Transferability.**

14 The director of excise and licenses may permit the license of a secondhand dealer, automobile
15 parts recycler, or junk dealer to be transferred from one (1) person to another or from one (1) location
16 to another pursuant to chapter 32 ~~section 32-18~~ of the Revised Municipal Code. Junk wagon
17 licenses shall not be transferable.

18
19 **Section 15.** Division 2 of Article VI of Chapter 45 shall be amended by adding the language
20 underlined and deleting the language stricken to read as follows:

21 **Sec. 45-152. Application.**

22 A person desiring to do business in the City and County of Denver as an automobile parts
23 recycler shall make application therefor to the director of excise and licenses, in writing, on forms
24 provided by the director of excise and licenses. The applicant shall further:

25 (2) Be of good moral character. In making such determination the director of excise
26 and licenses shall consider:

27 e. If the applicant is found acceptable to the director and all the provisions of
28 chapter 32 ~~section 32-11~~ of the Revised Municipal Code have been met, the license shall be
29 granted. If the license is denied, upon the written request of the applicant, the director shall issue a
30 written order stating the reasons supporting the denial of the license and a copy of this order shall
31 be sent to the applicant at the applicant's last known address. Any applicant whose application has
32 been denied and who has requested a written order of the denial of license shall be entitled to a
33 hearing on the denial upon written request to the director made within thirty (30) days of the date

1 the order was issued. Such hearing shall be held within thirty (30) days of receipt by the director of
2 the written request for hearing.

3
4 **Section 16.** Division 1 of Article VIII of Chapter 55 shall be amended by adding the language
5 underlined and deleting the language stricken to read as follows:

6 **Sec. 55-241. Revocation or suspension of a license.**

7 In addition to the grounds contained in chapter 32 ~~sections 32-22 and 32-23~~, any grounds
8 sufficient for denial of a license under this section or any violations of the zoning ordinance, fire
9 code, or building code which are not corrected within the time provided in any order issued to correct
10 a violation shall be sufficient grounds for suspension, revocation or nonrenewal of a license.

11
12 **Section 17.** Article XV of Chapter 55 shall be amended by adding the language underlined and
13 deleting the language stricken to read as follows:

14 **Sec. 55-427. Suspension or revocation of valet operator license or valet location license;
15 administrative fines against licensees.**

16 (a) After notice and an administrative hearing at which the city submits proof by a
17 preponderance of the evidence, or upon stipulation of the parties, or upon failure of the licensee to
18 appear at such a hearing after notice has been given, the director may suspend or revoke the valet
19 location license of any person or entity who:

20 (7) Commits any act or omission or meets any condition which is cause for suspension
21 or revocation under chapter 32 ~~section 32-22~~.

22 (b) After notice and an administrative hearing at which the city submits proof by a
23 preponderance of the evidence, or upon stipulation of the parties, or upon failure of the licensee to
24 appear at such a hearing after notice has been given, the director may suspend or revoke the valet
25 operator license of any person or entity who:

26 (4) Commits any act or omission which is cause for suspension or revocation of the
27 license under chapter 32 ~~section 32-22~~; or

28
29 [BALANCE OF PAGE INTENTIONALLY LEFT BLANK]

1 COMMITTEE APPROVAL DATE: May 10, 2023

2 MAYOR-COUNCIL DATE: May 16, 2023

3 PASSED BY THE COUNCIL: June 5, 2023 _____

4  _____ - PRESIDENT

5 APPROVED: _____ - MAYOR _____

6 ATTEST: _____ - CLERK AND RECORDER,
7 EX-OFFICIO CLERK OF THE
8 CITY AND COUNTY OF DENVER

9 NOTICE PUBLISHED IN THE DAILY JOURNAL: _____; _____

10 PREPARED BY: Reginald Nubine, Assistant City Attorney DATE: May 18, 2023

11 Pursuant to section 13-9, D.R.M.C., this proposed ordinance has been reviewed by the office of the
12 City Attorney. We find no irregularity as to form and have no legal objection to the proposed
13 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to §
14 3.2.6 of the Charter.

15 Kerry Tipper, Denver City Attorney

16 BY:  _____, Assistant City Attorney DATE: May 18, 2023 _____