

1 **BY AUTHORITY**

2 ORDINANCE NO. _____

3 SERIES OF 2023

COUNCIL BILL NO. CB23-

COMMITTEE OF REFERENCE:

5 **A BILL**

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

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

10 **Section 1.** Article I of Chapter 32 shall be repealed and reenacted to read as follows:

11 **ARTICLE 1. – IN GENERAL**

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

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

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

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

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

33 (b) No entitlement or vested right to licensing. No person shall be deemed to have any

entitlement or vested right to local licensing under this article by virtue of having applied for or having received any prior license or permit from the city or the state.

Sec. 32-3. – Definitions.

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

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

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

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

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

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

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

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

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

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

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

Sec. 32-4. – License required.

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

Sec. 32-5. – Application Requirements.

(a) Application requirements—generally. The application for every license required by and issued under the authority of this chapter 32 shall be made to the department ~~director of excise and licenses~~ in the manner provided by the director. Applications shall be deemed incomplete and will

not be acted upon if the department does not receive the requisite application fee and the application does not contain:

(1) The information required by this Code;

(2) Any other information required pursuant to an applicable statutory authority; or

(3) Any other information required by the director.

(b) Administrative closure of applications—failure to complete application within one (1) year.

Pending applications shall be administratively closed, without a hearing, one (1) year after the date of application ~~or thirty (30) days after the applicant's failure to submit additional documents requested by the director.~~ Once an application is administratively closed the applicant must begin the licensing process anew. At the director's discretion, the director may reopen an application that has been administratively closed if the applicant can produce, no later than thirty (30) days after administrative closure, documentary, or other empirical evidence to establish good cause for the failure to complete the application process.

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

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

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

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

(a) License fees. The annual license fee for every license required by and issued under the authority of the city shall be payable in advance and shall accompany the application. The fee shall be payable to the manager of finance who shall endorse on the license such payment. ~~If the director of excise and licenses disapproves the application for the license. If the license is not granted, the fee tendered hereunder shall be refunded, and the manager of finance shall may initiate the refund procedure. In cases of licenses with a two-year license cycle, the director shall have discretionary authority to defer payment of the annual license fee for the second year, making the second year's fee due and payable on the anniversary date of the license.~~

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

(c) Proration of fees. The director may prorate the license fee if a license is issued for a period

1 shorter than the full term of the license. If authorized, the license fee shall be calculated by
2 multiplying the number of months that the license or permit will be effective by 1/12 of the annual
3 license fee. The number of months includes the month in which the license is issued and the month
4 in which the license expires.

5 ~~(b) Except as provided in section 32-107 of this chapter and in subsection (b) of this section,~~
6 ~~if the license expires on December thirty-first of the year in which it is issued and the license is~~
7 ~~issued after January second of the year it expires, the license fee shall be prorated at a rate of 1/365~~
8 ~~of the amount of the annual license fee, times the number of days remaining in the calendar year.~~

9 ~~—— (c) The provisions of subsection (b) shall not apply to license fees for seasonal businesses~~
10 ~~nor in any instance or case where the annual license fee is twenty-five dollars (\$25.00) or less, and~~
11 ~~nothing in such section contained is intended or shall be construed as applicable or intended to be~~
12 ~~applicable to licenses issued for the manufacture, import or sale of fermented malt beverages or of~~
13 ~~malt, vinous or spirituous liquors pursuant to the general laws of the state.~~

14 ~~(d) Partial payments—prohibited. Unless provided otherwise, no partial payments for any~~
15 ~~fees shall be accepted by the department. No partial payments shall be received by any officer upon~~
16 ~~any license fee, and all officers are hereby prohibited from receiving any less sum than the amount~~
17 ~~required by the terms of the provisions pertaining to the particular license sought, provided,~~
18 ~~however, in cases of licenses with a two-year license cycle, the director shall have discretionary~~
19 ~~authority to defer payment of the annual license fee for the second year, making the second year's~~
20 ~~fee due and payable on the anniversary date of the license.~~

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

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

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

32 ~~(h) Calculation of rebate. The rebate provided for in this section shall be calculated by~~
33 ~~multiplying the number of months remaining in the license term, beginning with the first month after~~

1 termination, by 1/12 of the annual license or permit fee.

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

6 ~~If property whereon a licensed business is situated is taken for public use or the~~
7 ~~improvements thereon destroyed by fire to such an extent that continuation in business is~~
8 ~~impractical, or if any other such involuntary termination of such business occurs, the license may~~
9 ~~terminate upon the election of the licensee and the license fee may be rebated in proportionate part~~
10 ~~to such fee as the number of months remaining the license period, beginning with the first day of~~
11 ~~the month next following such termination, bear to twelve (12); provided, however, if any license is~~
12 ~~suspended or revoked, no such rebate shall be returned.~~

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

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

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

22 (3) Any other conditions reasonably required by the Director.

23 ~~When the terms of the provisions applicable to the particular license sought set out bonding~~
24 ~~requirements, no license shall be effective and no license shall be issued until the licensee or~~
25 ~~applicant shall furnish a good and sufficient bond with a surety to be approved by the director of~~
26 ~~excise and licenses in the prescribed sum, conditioned for the faithful observance of all the terms~~
27 ~~of the provisions pertaining to the particular kind of business or trade so licensed. Such bond shall~~
28 ~~also be conditioned for the payment of all fines, penalties and costs that may be adjudged against~~
29 ~~such licensee for the any and all violations of the terms of the provisions pertaining to the license~~
30 ~~and be further conditioned as 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) ~~or licenses~~;

9 ~~(4) The grade of the license, if such licenses are divided into grades;~~

10 ~~(45) The date of the license was issued and the date on which the license expires;~~

11 ~~(56) The street address location, if any, of the licensed premises where such business~~
12 ~~is to be carried on; and~~

13 ~~(67) Such other information as deemed necessary and pertinent by the director of~~
14 ~~excise and licenses.~~

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

17 (c) *Posting.* Every license issued by the city for a business to be conducted at a particular
18 ~~street address location shall be posted on the licensed premises during the period such license is~~
19 ~~valid. Such license shall be posted upon the wall of the principal room or office of the business~~
20 ~~conspicuously posted on the licensed premises so it can be seen by the public or in such other~~
21 ~~manner required by the director. When such license expires it shall be removed. No license not in~~
22 ~~full force and effect shall to remain posted.~~

23 (d) *Presentation of license to city officials.* It shall be the duty of each and every person to
24 whom a license has been issued to exhibit the same upon the request of any law enforcement officer
25 ~~of the city, license city inspector, or city investigator. It shall be unlawful for any person so licensed,~~
26 ~~or for any agent, servant, or employee of the person licensed, to fail to comply with this section.~~

27 (e) *Duplicate license or identification card.* When a license or identification card is lost ~~within~~
28 ~~one (1) year after its issuance or renewal, the department may director of excise and licenses is~~
29 ~~hereby authorized to replace the license or identification card. The replacement fee shall be waived~~
30 ~~for the first lost license or identification card. Subsequent replacement fees shall be determined by~~
31 ~~the department. upon payment of a five-dollar fee for the first replacement card, and a fifty-dollar~~
32 ~~fee for every replacement card thereafter.~~

33 **Sec. 32-9. – Transferability.**

(a) Unless provided otherwise in this Code or by department rule, no license shall be transferable from one (1) person to another, or from one (1) location or another. No license shall be transferred unless approved by the director of excise and licenses and unless a transfer of fee of twenty dollars (\$20.00) is paid. The director may permit a license to be transferred from one (1) person to another, or from one (1) location or another, only if he finds that the proposed person or location complies with the terms of the chapter, article or regulations pertaining to the particular license sought.

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

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

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

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

~~Any licensee may apply make application to renew a license prior to the expiration date of the license by submitting the renewal application and requisite license fee to the department upon payment of a licensing fee no more than ninety (90) days prior to the expiration date of the license.~~

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

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

(e) Cease of operations after expiration. A licensee shall cease operations upon the expiration date of the license. Upon filing a complete application and paying the requisite fee, the

licensee may continue operating in compliance with all applicable provisions of this Code and any other applicable statutory authority ~~subject to the provisions of the particular license~~ until final agency action on the renewal. However, the director may require that operations cease if the license is subject to disciplinary action, pending final agency action on the renewal application, or the licensee has not received any required approvals, inspections, or permits from another agency.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4 ~~(7) The applicant has violated or has failed to comply with any applicable regulatory~~
5 ~~or administrative provisions of state or local laws related to the operation of the particular license~~
6 ~~type, or rules and regulations adopted pursuant thereto.~~

7 (b) Denial appeal procedure. If it shall come to the attention of the director ~~of excise and~~
8 ~~licenses~~ that one (1) or more of the above grounds exists, the application shall be denied. In the
9 event that the application is denied, the director shall furnish the applicant a copy of the order and
10 the reasons supporting the denial upon the written request of the applicant. Any applicant whose
11 application has been denied without a hearing shall be entitled to a hearing on his application upon
12 written request to the director, except as provided in section 32-2. Except as otherwise provided by
13 the specific terms or provisions pertaining to a license, a written request for a hearing must be
14 submitted within ten (10) days of the mailing date of the order of denial. The director may require
15 the payment of a filing fee which shall accompany the request for an appeal hearing. A request for
16 an appeal hearing without the accompanying fee shall not be accepted.

17 (c) License conditions. The director may place conditions on a license to ensure that the
18 licensee will operate lawfully or to incorporate the specific and enforceable provisions of a good
19 neighbor agreement. Where possible, the director may alter specific provisions requested to be
20 placed as conditions on the license, while keeping the intent of the parties to the agreement, to
21 make those provisions legal and enforceable by the department. All such conditions attached to the
22 license shall continue to apply to renewed or transferred licenses until the ~~restrictions~~ conditions are
23 removed or modified by the director.

24 **Sec. 32-12. – Unlawful acts.**

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

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

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

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

3 (e) Failure to exhibit license. It shall be unlawful for any licensee, or its agents, servants,
4 independent contractors, or employees, to fail to present the license or identification badge upon
5 the request of any law enforcement officer, city inspector or investigator as required in section 32-
6 9(d).

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

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

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

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

17 (a) City access to licensed premises. City inspectors and investigators shall be permitted to
18 have access to licensed premises at all times, in the course of their duties, concerning the
19 enforcement of the Charter, ordinances of the city and rules and regulations promulgated pursuant
20 and thereto.

21 ~~(b) Any refusal on the part of any licensees, permittees, etc., or any officer, agent or employee~~
22 ~~thereof, to submit to or permit such investigation, visitation or inspection, or any hindrance thereof~~
23 ~~by any person shall constitute a violation hereof.~~

24 ~~(c) If the provisions pertaining to any license provide for inspection or promulgation of rules~~
25 ~~and regulations or supervisory activity by any officer, agency or employee other than the director of~~
26 ~~excise and licenses, and if such officer, agency or employee shall find violation of any provisions~~
27 ~~relating to such license or any such rule or regulation, such officer, agency or employee shall~~
28 ~~forthwith certify to the director, in writing, a statement particularizing such violation, and the director~~
29 ~~shall thereupon initiate proceedings for revocation or suspension of the license as provided~~
30 ~~elsewhere in this chapter.~~

31 ~~(d) In the event of such proceedings, the director of excise and licenses may, in the director's~~
32 ~~discretion, nominate such other officer, agency head or employee to sit as a hearing commissioner,~~
33 ~~to conduct the hearing relative to revocation and make recommendations concerning the matter,~~

1 ~~but no revocation or other action shall be taken except by the director until after the director reviews~~
2 ~~the said recommendations and record of the proceedings.~~

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

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

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

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

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

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

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

26 (h) ~~It shall be unlawful for any person to refuse to obey a subpoena issued by the director.~~

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

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

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

2 (a) Disciplinary action—generally. ~~In addition to any other penalties prescribed by this Code~~
3 ~~or other applicable statutory authority,~~ The director may, on ~~his or her~~ the director's own motion or
4 upon complaint, and after investigation and a show-cause hearing at which the licensee shall be
5 afforded an opportunity to be heard, impose penalties, ~~suspend, revoke, fine, fine in lieu of~~
6 ~~suspension, or place conditions~~ on any license for any of the following circumstances:

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

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

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

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

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

21 (b) Notice. ~~No suspension under this section shall be for a longer period than six (6) months.~~
22 Notice of suspension or revocation, as well as any required notice of a show-cause hearing, shall
23 be given by mailing the same in writing to the licensee at the licensee's last address of record with
24 the director.

25 (c) Licensee actions. For purposes of suspending or revoking any license ~~or permit~~, the
26 licensee ~~or permittee~~ shall be deemed to have permitted an act or condition if a reasonable licensee
27 ~~or permittee~~ would have been aware of the act or condition and taken action to stop the act or
28 eliminate the condition.

29 (d) Actions of licensee employees, agents, and independent contractors. Any act or omission
30 committed by any person that occurs in the course of the person's employment, agency, or contract
31 with the licensee shall be imputed to the licensee ~~or permittee~~ for purposes of imposing any
32 suspension, revocation or other sanction on the licensee ~~or permittee~~. This subsection (d) shall
33 equally apply to the acts or omissions committed by independent contractors that occur in the course

1 of the independent contractor's agreement with the licensee.

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

7 (f) Fines and fines in lieu of suspension. ~~In lieu of any license or permit suspension, Unless~~
8 ~~provided for otherwise, the director may assess an administrative fine or fine in lieu of suspension~~
9 ~~against the licensee or permittee not to exceed one five thousand dollars (\$51,000.00) per violation.~~
10 ~~Whether a fine should be assessed in lieu of suspension, and the amount of such fine shall be~~
11 ~~determined by the director in his or her discretion, based upon the nature of the offense, the~~
12 ~~licensee's or permittee's record, whether the violation presents a threat to public health, safety or~~
13 ~~welfare, the duration of the violation, and any other mitigating or aggravating circumstances present.~~
14 ~~In the event that the director imposes an administrative fine under this section, the director's order~~
15 ~~shall state a deadline for payment of the fine, not to exceed thirty (30) days. In the event that If the~~
16 ~~fine is not paid by that date set by the director, the director may suspend the license or permit until~~
17 ~~the fine is paid without a hearing.~~

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

22 (h) Restrictions on applications for new license(s). No application for the issuance of any
23 license issued by the department shall be received or acted upon if, within two one (21) years
24 preceding the date of the application, the applicant has had a similar license revoked by the director.
25 For purposes of this section, the term "applicant" shall include any person who was an officer,
26 director or shareholder holding over ten (10) percent of the stock in any corporate licensee which
27 has had a similar license revoked; any corporation any of whose officers, directors or shareholders
28 holding over ten (10) percent of the stock has had a similar license revoked; or any partnership any
29 of whose partners has had a similar license revoked.

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

32 (a) License surrender. Any licensee may request that their license be surrendered. ~~the~~
33 ~~license by delivering it to the The director of excise and licenses with a written notice of its surrender,~~

1 in the director's discretion may approve or deny the surrender request. ~~but such~~ However, any
2 surrender shall not affect the civil or criminal liability for acts committed prior thereto, nor entitle the
3 licensee to a refund of the license fee for any remaining portion of the license term ~~licensing year~~.

4 (b) Effect of surrender or termination. Upon the expiration, revocation, surrender or other
5 termination of a license, for whatever reason ~~under this chapter~~, the license shall be deemed null
6 and void, together with all the privileges associated with it. During the period that a license is
7 suspended, no licensee shall exercise any of the privileges associated with the license.

8 **Sec. 32-17. – Injunctions.**

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

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

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

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

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

19
20 **Section 2.** Article II of Chapter 6 shall be amended by adding the language underlined and
21 deleting the language stricken to read as follows:

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

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

28
29 **Section 3.** Division 2 of Article III of Chapter 6 shall be amended by adding the language
30 underlined and deleting the language stricken to read as follows:

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

32 (c) In addition to the restriction on applications for new licenses provided in section 32-2915
33 of this Code, no application shall be received or acted upon for either a new license or for changing

1 or modifying a presently licensed premises if, within two (2) years next preceding the date the
2 application is tendered to the department of excise and licenses, the director denied an application
3 for any class of cabaret at either:
4

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

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

8 (c) *Civil penalties in lieu of fine.* In lieu of the maximum fine for license violations set forth in
9 chapter 32 ~~section 32-30(c)~~, the director is hereby authorized to impose civil penalties for license
10 violations in the same amount as the Colorado Marijuana Enforcement Division in imposing fines
11 for state license violations under the Colorado Marijuana Code.
12

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

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

16 (c) The director shall have the right to require the inspection, as provided in chapter 32
17 ~~section 32-17~~, of premises at which any of the amusements subject to this chapter are conducted.
18

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

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

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

26 **Sec. 7-76. Suspension or revocation of public dance hall license or public dance**
27 **permit.**

28 (8) Commits any act or omission or meets any condition which is cause for suspension or
29 revocation under chapter 32 ~~section 32-22~~.
30

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

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

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

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

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

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

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

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

Sec. 9-18. Bond.

Every person licensed under this chapter as an auctioneer shall furnish and deliver to the director of excise and licenses a bond as provided in section 32-96 in the penal sum of two thousand dollars (\$2,000.00) and further conditioned upon the payment of damages to any person injured by any violation of this chapter as amended or by any fraudulent or negligent act on the part of such auctioneer, arising from any sale or offer to sell by auction, whether acting by virtue of a permit for the sale of jewelry by auction or otherwise. Such bond or undertaking shall also provide that the sureties may be sued directly either by the city or by any person injured as aforesaid without joining the auctioneer in such suit. Such bonds or undertakings shall be continuing and shall cover not only the original period of the auctioneer's license but also the period of any subsequent renewals of such license. A new bond or undertaking may be required in the case of death or insolvency of any surety thereon. Such undertaking or bond shall contain an endorsement requiring a fifteen-day written notice to the director in the event of the cancellation thereof.

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

Sec. 24-365. Issuance or denial.

(b) If the applicant for a license is found acceptable to the director and all the provisions of chapter 32 section 32-11 of the Revised Municipal Code have been met, the license shall be granted. If the license is denied, upon the written request of the applicant, the director shall issue a

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

7
8 **Section 10.** Division 3 of Article X of Chapter 24 shall be amended by adding the language
9 underlined and deleting the language stricken to read as follows:

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

11 (d) If the applicant is found acceptable to the director and all the provisions of chapter 32 ~~section~~
12 ~~32-11~~ of the Revised Municipal Code have been met, the license or permit shall be granted. If the
13 license is denied, upon the written request of the applicant, the director shall issue a written order
14 stating the reasons supporting the denial of the license and a copy of this order shall be sent to the
15 applicant at the applicant's last known address. Any applicant whose application has been denied
16 and who has requested a written order of the denial of license shall be entitled to a hearing on the
17 denial upon written request to the director made within thirty (30) days of the date the order was
18 issued. Such hearing shall be held within thirty (30) days of receipt of the written request for hearing
19 by the director.

20
21 **Section 11.** Division 1 of Article I of Chapter 26 shall be amended by adding the language
22 underlined and deleting the language stricken to read as follows:

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

24 (b) *Application referrals.*

25 (1) Applications for a license to operate a boarding home, or personal care boarding
26 home, as provided for in chapter 32 of this Code shall be forwarded to all appropriate city agencies,
27 including but not limited to the department of public health and environment, department of zoning
28 administration, department of safety, division of community corrections, neighborhood inspection
29 services, fire prevention bureau, building inspection division, and the wastewater division of the
30 department of transportation and infrastructure. Such city agencies shall investigate, inspect, and
31 make recommendations to the director of excise and licenses as provided for in section 32-107 ~~of~~
32 this Code. Such agencies may recommend that conditions which are related to the intent of this
33 article or other ordinances and rules and regulations and to the protection of the health and safety

1 of the residents and employees of such home and the residents of the city be included in any license
2 issued by the director of excise and licenses.
3

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

6 **Sec. 27-194. Application.**

7 (b) *Referral to other agencies.* Applications for a residential rental property license may be
8 referred to other appropriate city agencies, including, but not limited to, the department of public
9 health and environment, department of zoning administration, fire prevention bureau, building
10 inspection division, and the wastewater division of the department of public works. The applicant
11 shall obtain any and all necessary permits, licenses, or other regulatory approvals as provided for
12 in section 32-107.
13

14 **Section 13.** Article VIII of Chapter 33 shall be amended by adding the language underlined and
15 deleting the language stricken to read as follows:

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

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

19 (1) The applicant, or any person with a financial interest of twenty-five (25) percent or
20 greater in the facility stated in the application, has been convicted of a felony, a misdemeanor, or a
21 nontraffic city ordinance violation for which jail is a possible penalty, within the five (5) years
22 immediately preceding the date of the application. If an applicant is entitled to a hearing pursuant to
23 section 32-1112 of this Code, upon proof by the applicant of rehabilitation and a finding by the
24 director of excise and licenses that the applicant, at the time of the hearing, has been rehabilitated
25 and is ready to accept the responsibilities of a law-abiding and productive member of society, the
26 director may issue a license.

27 (2) Within the five (5) years previous to the date of application, the applicant, or any
28 person with a financial interest of twenty-five (25) percent or greater in the facility stated in the
29 application, has committed or allowed acts to occur while operating any hotel, rooming house, or
30 similar facility outside the city which, if the facility had been located within the city, would justify
31 revocation of any license pursuant to paragraph (b) of this section. If an applicant is entitled to a
32 hearing pursuant to section 32-1112 of this Code, upon proof by the applicant of rehabilitation and
33 a finding by the director of excise and licenses that the applicant, at the time of the hearing, has

1 been rehabilitated and is ready to accept the responsibilities of a law-abiding and productive
2 member of society, the director may issue a license.

3 (3) Within the five (5) years previous to the date of application, the applicant, or any
4 person with a financial interest of twenty-five (25) percent or greater in the facility stated in the
5 application, committed or allowed acts to occur while operating any hotel, rooming house, lodging
6 house, or similar facility, which would justify suspension or revocation of a license pursuant to
7 paragraph (b) of this section. If an applicant is entitled to a hearing pursuant to section 32-11-12 of
8 this Code, upon proof by the applicant of rehabilitation and a finding by the director of excise and
9 licenses that the applicant, at the time of the hearing, has been rehabilitated and is ready to accept
10 the responsibilities of a law-abiding and productive member of society, the director may issue a
11 license.

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

13 In approving a lodging facility license, the director of excise and license may impose
14 reasonable restrictions on the license, including, but not limited to, requirements for security,
15 lighting, fencing, and prohibiting violations of law by guests. Prior to imposing such restrictions, the
16 director of excise and licenses may conduct an investigation to determine if such restrictions are
17 necessary. The director shall issue a written report enumerating the conditions that make such
18 restrictions necessary, and a copy of this report shall be given to the applicant. All such
19 restrictions shall be in writing, shall be attached to the license, and shall continue to apply to
20 renewed or transferred licenses until the restrictions are canceled by the director of excise and
21 licenses. In addition to the grounds stated in chapter 32 ~~section 32-22 and 33-29~~ of this Code,
22 violations of restrictions on the license shall be grounds to suspend or revoke any license issued
23 under this chapter.

24
25 **Section 14.** Article III of Chapter 45 shall be amended by adding the language underlined and
26 deleting the language stricken to read as follows:

27 **Sec. 45-71. Transferability.**

28 The director of excise and licenses may permit the license of a secondhand dealer, automobile
29 parts recycler, or junk dealer to be transferred from one (1) person to another or from one (1) location
30 to another pursuant to section 32-189 of the Revised Municipal Code. Junk wagon licenses shall
31 not be transferable.

32
33 **Section 15.** Division 2 of Article VI of Chapter 45 shall be amended by adding the language

underlined and deleting the language stricken to read as follows:

Sec. 45-152. Application.

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

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

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

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

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

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

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

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

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

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

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

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

COMMITTEE APPROVAL DATE:

MAYOR-COUNCIL DATE:

PASSED BY THE COUNCIL: _____, 2023

_____ - PRESIDENT

APPROVED: _____ - MAYOR _____, 2023

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

NOTICE PUBLISHED IN THE DAILY JOURNAL: _____, 2023; _____, 2023

PREPARED BY: Reginald Nubine, Assistant City Attorney

DATE: _____, 2023

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

Kerry Tipper, Denver City Attorney

BY: _____, Assistant City Attorney DATE: _____, 2023