

CITY OF AURORA
LOCAL LICENSING AUTHORITY
HEARING PROCEDURES
(Revised 11-28-16)

The Local Licensing Authority (the "Authority") conducts public hearings to determine whether or not a new liquor license will be issued. The Authority acts or exercises "quasi-judicial" authority in making a decision on a new license application and an appellate court will uphold the Authority's decision unless the Authority's decision is not supported by testimony or evidence placed on the record during the hearing.

Published and posted notice of the public hearing must be given at least 10 days prior to a public hearing on new license application. The notices must state the type of license applied for, the date the application was received, the name and address of the applicant and the date, time and location of the public hearing.

The burden of proof is on the applicant to demonstrate that the existing liquor license locations do not adequately address the needs and desires of the adult inhabitants of the relevant neighborhood. The applicant will usually survey the relevant neighborhood prior to the public hearing to determine the needs and desires of the adult inhabitants. The survey results will be considered at the public hearing by the Authority. The Authority may also consider any other evidence the applicant may chose to present to satisfy their burden of proof.

If you oppose the granting of the proposed alcohol beverage outlet you may attend the public hearing as well. Protesters may address the Authority with information they deem relevant to the issue. Only those persons that live in the relevant neighborhood, or the owner or manager of a business in the relevant neighborhood, or are a representative of a registered neighborhood organization, including business associations in the relevant neighborhood, or are a principal or a representative of a school in the relevant neighborhood have "standing" to present evidence at the public hearing. The relevant neighborhood is presumptively the surrounding area most likely to be affected by the proposed alcohol beverage outlet. The relevant neighborhood is a distance of 2,000 feet from all sides of the proposed alcohol beverage outlet squared to the nearest street. The applicant may cross-examine any Protestant after they have testified. The applicant may present evidence to rebut the evidence offered by Protestants.

At the conclusion of the hearing, the Authority shall consider if the requirements of the neighborhood are not being met by existing liquor establishments in the neighborhood, the desires of the adult inhabitants in the neighborhood, the number, type and availability of alcohol beverage outlets located in or near the neighborhood. The Authority shall also determine if the applicant's character, record and reputation is satisfactory to the Authority. Based on the evidence presented at the hearing the Authority shall decide to grant or deny the application for the proposed alcohol beverage outlet.