

**CITY OF ALAMOSA
PROCEDURE FOR NEW
LIQUOR LICENSE APPLICATION PROCESSING**

INTRODUCTION

The Colorado Legislature has determined that the issuance and supervision of liquor licenses shall be closely regulated. City Council of the City of Alamosa, Colorado, is the "Local Licensing Authority" for all licenses issued within the City of Alamosa, and is thus charged with carrying out these State-delegated duties. The following procedure is designed to enhance the efficient, prompt and responsible performance of these important duties by the City Council. General information and forms may also be obtained from the Colorado Division of Liquor Enforcement at www.colorado.gov/revenue/liquor.

APPLICATION FORMS

The State has prescribed certain forms to be filled out for different aspects of a liquor license application and for different types of applications. The City Clerk distributes such forms upon request and will provide a checklist and routine information concerning the requirements. The Clerk cannot provide legal advice; therefore, an applicant should consult a private attorney for any legal questions concerning the application.

The application provides for specific documentation that should accompany it. An applicant should read it and fill it out carefully and tender to the City Clerk in one packet all information required, together with all fees in the appropriate amounts.

SEQUENCE AND TIMING

The attached chart shows the steps and anticipated time requirements for the process. Getting a new license will generally take three to four months.

The advisement of public hearing procedures informs the applicant of your burden of proof regarding needs of the neighborhood to be affected and desires of the adult inhabitants of that neighborhood. (See comment in the Public Hearing Procedures). The method used to prove needs and desires is at the discretion of the applicant. Because a petition is a popular choice, sample wording is included for your reference. Because use of a petition is not specifically required by law, there is no wording that you are required to use, nor is there a recommended number of signatures to obtain. This sample is provided as a reference tool for you to customize to suit your particular needs.

Although many factors may affect the timing and process, here is an example (but not a guarantee) of what to expect if the City Clerk receives the completed application no later than _____:

Public Hearing _____

Decision _____

License in hand With concurrent review: _____

Without concurrent review: _____

Review of documents for completeness	City Clerk and City Attorney	1 to 5 days	The applicant will be notified of any insufficiencies on the documents.
Background investigation	City Clerk initiates the investigation and mails fingerprint cards to CBI	2 to 3 weeks	Using the information provided on the application documents and the fingerprint cards, a criminal history investigation will be initiated by staff. This process may take longer if the persons investigated have lived out of state within the past five years.
Review of results of background investigation	City Clerk and City Attorney	1 to 5 days	If the investigation produces no record, this step is not necessary.
Formal acceptance of application; preliminary conference; and scheduling the public hearing	City Clerk	1 hour	The neighborhood is presumed to be the City limits plus a one mile radius, unless the applicant has requested otherwise. The City Clerk may notify the applicant of any concerns raised on the application documents and background investigation results that may be discussed at the hearing. The public hearing date will be set no sooner than 30 days from the date of acceptance.
Publish legal notice and post property	City Clerk	at least 10 days prior to hearing	
Public Hearing	Applicant, City Council, staff, and public	no sooner than 30 days from the date of acceptance	The hearing will be conducted as described on the Written Advisement document
Decision	City Council	2 - 3 weeks	Normal procedure requires Council make a decision at the meeting following the public hearing.
Submittal of application to state	City Clerk	1 day	The City Clerk send the approved application by regular mail to the Colorado Department of Revenue. A concurrent review process may be available to speed up this part of the process. See Clerk for details.
State approval	Colorado Department of Revenue	2 - 3 weeks	Upon approval by the Colorado Department of Revenue, the state license will be mailed to the City Clerk by regular mail.
Issuance of licenses	City Clerk	1 - 5 days	The City Clerk issues the local license, and sends both licenses to the applicant by regular mail.

City of Alamosa
Liquor License Applicant's Written Advisement
Public Hearing Procedures

You will be appearing before the Alamosa City Council, which serves as the Local Liquor Licensing Authority, for a public hearing to determine whether or not your liquor license application should be granted or denied.

Colorado Liquor Code stipulates that this hearing must be no sooner than 30 days after acceptance of your application. You will be notified of the hearing date by regular mail. The hearing will take place in the Alamosa Council Chambers in City Hall, 300 Hunt Avenue in Alamosa, and will be conducted according to the laws of the State of Colorado and the ordinances and procedures of the City of Alamosa.

The purpose of the hearing is to receive information, data, and testimony by interested parties, in order to enable the Council to make findings and reach the conclusions required to be made by state law as to whether or not the application should be approved or denied. The statutory criteria that Council will be concerned with throughout the hearing are the reasonable requirements of the neighborhood and the desires of the adult inhabitants of that neighborhood with respect to the business proposed. The City Council has designated a presumptive neighborhood as the City limits plus a one-mile radius. You may either accept the presumptive neighborhood, or provide evidence that the neighborhood boundaries are something other than the presumptive neighborhood prior to hearing. Those persons who will be heard during the hearing are *parties in interest*, who are defined by the Colorado Liquor Code as being the applicant, adult residents of the neighborhood, and owners/managers of businesses located in the defined neighborhood.

If the results of the background investigation produce items that give Council cause to question the moral character, record, or reputation of the applicant, the applicant will be notified in accordance with state law, and will have the opportunity to present evidence and respond to questions from Council during the hearing regarding these issues.

The hearing sequence is summarized as follows:

- The applicant has the burden of going forward and the burden of persuading City Council with sufficient evidence to indicate that the reasonable requirements of the neighborhood and the desires of the adult inhabitants of the neighborhood would be met by granting the application. Because you have the burden of proof, you will present your evidence, testimony, and witnesses first to support granting of the application.
- Other members of the public who want to speak in favor of the application will then be given an opportunity.
- Those who want to speak in opposition to the granting of the application will then be given an opportunity.
- The applicant will have the opportunity for rebuttal to any opposition.
- Regardless of whether or not opposition is presented, the applicant may make closing comments to Council.
- Council may ask questions of anyone who testifies.

This is not a trial, and is not subject to courtroom rules of procedure. However, a sufficient record is kept to prepare a transcript if necessary to allow the record to be examined by District Court to verify that there was sufficient evidence to support the findings. Anyone who testifies must come to the microphone, identify themselves, and be sworn in. There are no formal rules of evidence, but the hearing officer has the

duty to ensure that everyone gets a full, fair, and impartial hearing. The hearing officer reserves the right to limit testimony that is repetitive, inapplicable, or given by someone who is not a party in interest.

Council's normal procedure is to make a decision at the meeting following the public hearing.

* * * * *

I verify that I have been made aware of and received a copy of this written advisement regarding the public hearing procedures before the Alamosa City Council.

Signature _____

Printed Name _____

Business Name _____

Date _____

SAMPLE

PETITION OF SUPPORT AND NEED

We, the undersigned, being residents, inhabitants, and/or owners or managers of businesses located in the City of Alamosa or within a one-mile radius thereof, being over twenty-one years of age, hereby petition, represent and certify unto the City Council of the City of Alamosa as follows:

(Name of applicant), doing business as (name of business) are known to be persons of honest and moral character, have applied for a (type of license) license for the location at address of premises), Alamosa, Colorado.

The undersigned are familiar with said location and believe that the neighborhood has reasonable requirements for such an outlet that will be met by the granting of said license.

NOW THEREFORE, the undersigned endorse the application of (name of applicant) and petition, desire and request that a (type of license) be granted unto name of business for operation of a business as stated above.

Signed at Alamosa, Colorado, on the respective date hereinafter stated.

<u>Name</u>	<u>Address</u>	<u>Date</u>	<u>Age</u>	<u>Yes, I'm in favor of granting the license</u>	<u>No, I'm not in favor of granting the license</u>
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CITY OF ALAMOSA
LIQUOR LICENSE APPLICATION FEES

STATE FEES:

State fees are indicated on the application form. Fees are dependent on the type of license desired.

Make the check payable to: Colorado Department of Revenue.

LOCAL FEES:

Application Fees:

New License	\$1,000.00
Transfer of Ownership	750.00
Change of Location	750.00
H/R Optional Premises (each)	75.00
Resort Complex Permit (each)	100.00
Manager Registration (H/R and Tavern)	75.00
Corp/LLCO Change (per person)*	100.00
*May be charged by City <u>OR</u> State - not both; local fee does not apply to Club Licenses	
Annual Renewal Application	100.00
Late Renewal Application	500.00

License Fees:

Hotel/Restaurant	\$75.00
Hotel/Restaurant w/optional premises	75.00
Tavern	75.00
Racetrack	75.00
Optional Premises	75.00
Arts	41.25
Club	41.25
Drugstore	22.50
Liquor Store	22.50
Beer & Wine	48.75
Brew Pub	75.00
3.2% Beer	3.75
Brew Pub	75.00

Permit Fees:

Special Events Permit (Liquor)	\$100.00 per day
Special Events Permit (3.2% Beer)	100.00 per day
Temporary Permit	100.00
Bed & Breakfast Permit	25.00
Mini Bar Permit	325.00
Tastings Permit	100.00

Make check payable to: City of Alamosa

Worksheet for Determining
Total Payment

Check made payable to the Colorado Department of Revenue

Application Fee	_____
License Fee	_____
Other: _____	_____
TOTAL	_____

Check made payable to the City of Alamosa

Application Fee	_____
License Fee	_____
Corporate/LLC background fee	_____
Other: _____	_____
TOTAL	_____