

**CITY OF FORT MORGAN
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 Fort Morgan, Colorado, is the "Local Licensing Authority" for all licenses issued within the City of Fort Morgan, 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, acting as the Local Licensing Authority. General information and forms may also be obtained from the Colorado Division of Liquor Enforcement at www.revenue.state.co.us/liquor_dir/toc.htm.

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 the application, fill it out carefully and tender it to the City Clerk in one packet complete with 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. It will generally take two to three months to receive a new license.

The advisement of public hearing procedures is to inform the applicant that it is his 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 reference. Because use of a petition is not specifically required by law, there is no wording that is required to use, nor is there a recommended number of signatures to obtain. This sample is provided as a reference tool to customize for the applicant's 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 _____:

Acceptance by City Council	_____
Public Hearing	_____
Decision	_____
License in Hand	_____

ACTION	RESPONSIBLE PARTY	TIME TO PROCESS	DESCRIPTION
Preliminary conference with City Clerk	Applicant and City Clerk	1 hour	The applicant schedules a meeting with the City Clerk to review the application process and documents.
Completion and submittal of application forms	Applicant	Determined by the Applicant	Applicants are encouraged to consult their attorney, tax consultant, real estate broker, and any other business advisor during this process.
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.
Formal acceptance of application; preliminary conference, and scheduling of the public hearing	City Council	2 to 3 weeks	The neighborhood is presumed to be the City Limits unless the applicant has requested otherwise. Council ensures that the applicant is aware of hearing procedure. Council sets the date for the public hearing no sooner than 30 days from the date of the acceptance.
Background investigation	City Clerk submits the fingerprint cards and check to the CBI to the Police Department for mailing. An investigation from the Police Department is requested	2 to 3 weeks	Using the information provided on the application documents and the fingerprint cards, a criminal history investigation will be completed by the Police Department. The process may take longer if the person(s) investigated have lived out of the state within the past five years.
Submittal of petitions	Applicant	Wednesday before hearing	Applicants to present Petition to the City Clerk Wednesday before the Public Hearing. The Clerk will review the petition and submit a report to the Applicant and the Council at the Hearing.
Publish legal notice and post property	City Clerk and Police Dept.	At least 10 days prior to the 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 of the meeting following the public hearing. Council may waive this procedure by a majority vote.
Submittal of the approved (denies) application for concurrent review	City Clerk	1 day	The City Clerk sends the approved application with the Findings and Order by FAX to the Colorado Department of Revenue
Submittal of Application to State	City Clerk	1 Day	The City Clerk sends the approved application with the Findings and Order by Regular Mail to the Colorado Department of Revenue.
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 FORT MORGAN
Liquor License Applicant's Written Advisement
Public Hearing Procedures

You will be appearing before the City of Fort Morgan City Council, acting as the Local Licensing Authority, for a public hearing to determine whether or not your liquor license application should be granted or denied.

Upon the formal acceptance of your application, Council will set the matter for a public hearing. 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 first class mail. The hearing will take place in the Fort Morgan Council Chambers in City Hall, 110 Main Street in Fort Morgan, and will be conducted according to the laws of the State of Colorado and the ordinances and procedures of the City of Fort Morgan.

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 your 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. You may either accept the presumptive neighborhood, or provide evidence that the neighborhood boundaries are something other than the presumptive neighborhood. 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 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 these criteria 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.
- If there is opposition, the applicant will have the opportunity for rebuttal.
- Regardless of whether or not opposition is presented, the applicant may make closing comments to Council, acting as the Local Licensing Authority
- Council may ask questions of anyone who testifies.

This is not a trial, and is not subject to courtroom rules of procedure. However, a verbatim record is kept to allow the opportunity to have the record 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. Upon request of the applicant during the hearing, Council may consider waiver of the normal procedural rule, and take action on the application the same night.

* * * * *

I verify that I have been made aware of and received a copy of this written advisement regarding the public hearing procedures before the City Council of Fort Morgan, acting as the Local Licensing Authority.

Signature _____

Printed Name _____

Business Name _____

Date _____

**CITY OF FORT MORGAN
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	\$500.00
Transfer of Ownership	500.00
Concurrent Review	500.00
Change of Location	500.00
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.	
Annual Renewal Application	50.00
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)	\$25.00
Special Events Permit (3.2% Beer)	10.00
Temporary Permit	100.00
Bed & Breakfast Permit	25.00
Mini Bar Permit	325.00

Make check payable to: City of Fort Morgan

**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 Fort Morgan

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

PETITION TO THE CITY OF FORT MORGAN LIQUOR LICENSING AUTHORITY

I, the undersigned, am aware that an application for a _____ liquor license has been filed with the City of Fort Morgan Liquor Licensing Authority by: _____ dba _____ and proposed to be located at _____. I am at least 21 years of age and am a resident or the manager of a business located within the City of Fort Morgan, Colorado. I have indicated below whether I consider the granting of the above-mentioned liquor license to be desirable and necessary for the reasonable requirements of the neighborhood:

<i>Signature</i>	<i>Printed Name</i>	<i>Address</i>	<i>Business Owner, Business Manager, Resident?</i>	<i>Date Signed</i>	<i>Yes</i> ✓	<i>No</i> ✓
1.						
2.						
3.						
4.						
5.						
6.						
7.						
8.						
9.						
10.						
11.						
12.						
13.						
14.						
15.						
16.						
17.						
18.						
19.						
20.						
21.						
22.						
23.						
24.						
25.						

26						
27						
28						
29						
30						
31						
32						
33						
34						
35						
36						
37						
38						
39						
40						
41						
42						
43						
44						
45						
46						
47						
48						
49						
50						
51						
52						
53						
54						
55						
56						
57						
58						
59						
60						

**AFFIDAVIT
CIRCULATOR**

I, _____, do hereby certify that I was the circulator of the attached petitions and further, that I personally witnessed each signature appearing on the petitions. To the best of my knowledge, each signature thereon is the signature of the person whose name it purports to be, each address given opposite each name is the true address of the person that signed, that each person who signed the petition represented themselves to be 21 years of age or older, and that each person who signed the petition had the opportunity to read, or have read to them, the petition in its entirety and understands its meaning. I also hereby affirm that no promises, threats, or inducements were employed whatsoever in connection with the presentation of this petition and that every signature appearing hereon was completely free and voluntarily given.

Circulator

STATE OF COLORADO)
) **SS.**
COUNTY OF MORGAN)

Subscribed and sworn to before me this _____ day of _____, 2007.

Notary Public

My commission expires

**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 Fort Morgan

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