

**CITY OF GRAND JUNCTION, COLORADO
LOCAL LICENSING AUTHORITY
(LIQUOR-BEER)**

**RULES OF PROCEDURE
(NEW LOCATIONS)**

The City Council of the City of Grand Junction, Colorado, has appointed a Liquor and Beer Hearing Officer as its Local Licensing Authority for all liquor and beer applications. The Local Licensing Authority meets the first and third Wednesday of each month at 9:00 a.m. in the Municipal Hearing Room, 250 North 5th Street.

The City Clerk assists the Local Licensing Authority by receiving all applications, requesting investigations by the various agencies, and scheduling public hearings.

In the preparation of the application for a liquor or beer license, the applicant shall:

Make application for City Sales Tax License, City Hall
250 North 5th Street.

Make application for State Sales Tax License, State
Office Building, 6th and Ute.

Make application for Federal Special (Occupational) Tax.

1. Prior to the filing of an application for hotel-restaurant, tavern, beer and wine, or 3.2% fermented malt beverage on-premise license, the applicant shall file an application with the City Planning Commission for a Conditional Use Permit.

Filing Fee: \$350.00 base plus costs associated with review.

Applications for a conditional use permit are obtained in the Planning Department, City Hall Building. In the event that the Planning Manager waives the requirement for the Conditional Use Permit hearing and assures that the zoning is appropriate for this use, the applicant shall obtain in writing from the Planning Manager a letter stating this fact and the applicant shall file the letter with the application for the license with the City Clerk.

2. The applicant shall fill out the application in all material details. The application and all required documentation shall be filed in duplicate. Incomplete application forms shall be rejected.
3. Submit with the application the following fees:
 - A. An application fee of \$750.00 payable by either **certified check or bank money order** to The City of Grand Junction. The application fee shall be collected to cover the costs of the preliminary investigation made by the City, administrative checks, publication and posting costs, and other incidental expenses.
 - B. A license fee shall be paid to the City by **certified check or bank money order**. This fee is in addition to the application fees.

The application and license fees payable to The City of Grand Junction are as follows:

	<u>License Fee</u>	<u>Application Fee</u>	<u>Total</u>
Retail Liquor Store	\$22.50	\$750.00	\$772.50
Liquor Licensed Drug Store	\$22.50	\$750.00	\$772.50
Beer and Wine License	\$48.75	\$750.00	\$798.75
Hotel-Restaurant License	\$75.00	\$750.00	\$825.00
Hotel-Restaurant License w/Optional Premises	\$75.00	\$750.00	\$825.00
Each Add'l. Opt. Premise	\$75.00		
Tavern License	\$75.00	\$750.00	\$825.00
Club License	\$41.25	\$750.00	\$791.25
Arts License	\$41.25	\$750.00	\$791.25
Race Track License	\$75.00	\$750.00	\$825.00
3.2% Beer (On-Off Premise)	\$ 3.75	\$750.00	\$753.75
Brew Pub	\$75.00	\$750.00	\$825.00

(Note: The above amounts are the amounts to be included on checks payable to the City. The City license fee is actually 85% greater, but that amount is to be included in the check to the State for ultimate payment to the State Old Age Pension Fund.)

- C. A license fee, plus an application fee, payable to the Colorado Department of Revenue shall also be filed in the form of a **certified check or bank money order**.

The total amount payable to the State is as follows:

	<u>License Fee</u>	<u>Application Fee</u>	<u>Total</u>
Retail Liquor Store	\$227.50	\$1025.00	\$1252.50
Liquor Licensed Drug Store	\$227.50	\$1025.00	\$1252.50
Beer and Wine	\$351.25	\$1025.00	\$1376.25
Club License	\$308.75	\$1025.00	\$1333.75
Hotel-Restaurant	\$500.00	\$1025.00	\$1525.00
Hotel-Restaurant w/Optional Premises	\$500.00	\$1025.00	\$1525.00
Each Add'l. Optional Premise	\$100.00		
Tavern	\$500.00	\$1025.00	\$1525.00
Race Track	\$500.00	\$1025.00	\$1525.00
Arts	\$308.75	\$1025.00	\$1333.75
3.2% Beer (On-Off Premise)	\$ 96.25	\$1025.00	\$1121.25
Brew Pub	\$750.00	\$1025.00	\$1775.00
Concurrent Review	-0-	\$100.00	\$ 100.00

4. The licensee should have in his possession at all times a copy of the State of Colorado Department of Revenue Liquor and Beer Codes with Regulations. To obtain a copy of the code, contact: www.revenue.state.co.us/liquor under online Services - Publications and Info Pamphlets - Liquor and Beer Licensee Handbook.

5. Check list of documents:

A. License Application DR8404 - with the following attachments:

(1) Positive proof of possession of property:

- _____ Deed, Lease or Assignment of Lease. (Lease **must** cover the entire license period-minimum of fourteen (14) months.)
- _____ Properly executed and signed by all parties involved.
- _____ Consent and acceptance by owner on assignments.

(2) Floor diagram of premises to be licensed:

- _____ Must be on an 8 1/2 x 11" paper. Area to be licensed must be outlined in red. Orientated N/S/E/W. Give outside dimensions and the occupancy level. Show entryway, exits, and walls. Show where alcoholic beverages are stored in relation to service bar and other amenities. May be hand drawn. Include restrooms, bar, storage, office, if there is one, and kitchen, if kitchen is required. Indicate on the diagram seating capacity identifying number of seats for dining and number of seats for bar area/lounge as applicable. Show any other area that applicant would like to have licensed for the sale, service or consumption on the premises, such as swimming pool area, patio, etc. **Applicant should be aware when a diagram is accepted and approved, the premises cannot be changed until written permission is given by both the state and local licensing authorities.**

(3) Financial Documents: **Attach copies of all notes and/or loans**

- _____ Purchase Agreement or Stock Transfer Agreement
- _____ Copies of Promissory Notes or Loans (assumed, banks, previous owners. Applicants may not have any unlawful interest in any other licensed establishment).
- _____ **Notarized** Affidavit stating source of all funds invested in the business.

(4) Managers Registration:

- _____ Hotel-Restaurants and Taverns (if other than licensee listed as manager)
- _____ Complete Individual History Record DR 8404-I
- _____ Fingerprint Card - Submit **cashier's check or money order for \$38.50**

(5) Ownership Documents:

(a) If a corporation:

- _____ Certificate of Incorporation (or) Certificate of Good Corporate Standing (State of Colorado) (or) Certificate of Authorization (if foreign corporation).
- _____ Articles of Incorporation date stamped by the Secretary of State (Colorado).
- _____ Minutes of Corporate Meeting (showing election of current officers).
- _____ Copies of Stock Certificates (100%)
- _____ List of officers, stockholders and directors of parent corporation (if applicable). If there are stockholders holding over 10%, submit an organizational chart.

(b) If a Limited Liability Company:

- _____ Articles of Organization date stamped by the Secretary of State (Colorado).
- _____ Operating Agreement.
- _____ Minutes of Meeting showing acceptance of current members.

(c) If a Partnership:

- _____ Partnership Agreement, General or Limited. (Not needed if husband and wife.)
- _____ Dissolution of Partnership (if applicable).

(d) If a Sole Proprietorship, see (e) below.

(e) Individual History, use form DR8404-I.

- _____ **Each** individual listed **must** have a completed Individual History form along with a fingerprint card submitted with a **certified check or money order for \$38.50 each** made payable to the Colorado Bureau of Investigation (C.B.I.). Go to Mesa County Sheriff's Office, 215 Rice Street, 244-3500, for fingerprinting (\$5.00 fee). Their hours are Monday through Friday, 8:00 a.m. to 4:00 p.m.

(6) Supplemental documents required by Local Licensing Authority:

- _____ A **notarized** affidavit from the applicant stating the hours of operation for both food service and serving of alcoholic beverages or 3.2% Beer as applicable.
- _____ A current menu (for Tavern, Beer and Wine, and Hotel-Restaurant).
- _____ A letter from the City Planning Department stating the establishment is an allowed use in that zone district by virtue of existing zoning or by the issuance of a Conditional Use Permit.

The Local Licensing Authority **must** be notified in writing within thirty (30) days of any proposed change of hours of operation and/or change(s) to the menu, other than prices.

6. Concurrent Review. The local licensing authority, or a license applicant with local authority approval, can request the state licensing authority to conduct a concurrent review. Applications submitted for concurrent review must be accompanied by all applicable fees both state and local. For any applications which are later denied or withdrawn, only the license fees will be refunded.
7. Upon receipt of a completed application. The City Clerk shall set a hearing date before the Local Licensing Authority **not sooner than thirty (30) days after the receipt of a completed application.**
8. Notice of Hearing. When the City Clerk has set the date for the hearing, notice shall be given of the time and place in the following manner:
 - A. The applicant shall conspicuously post a sign provided by the City Clerk not less than ten (10) days prior to the date of the hearing on the application. The size of the sign and information contained on it shall be in compliance with the State Law, Section 12-47-311, C.R.S. 1999, as amended.
 - B. A public notice shall be published by the City Clerk not less than ten (10) days prior to the hearing on the application. The information required for the posting and publication of notice shall be supplied by the applicant at the time of filing the application.
9. Preliminary Investigation, Findings:
 - A. The City Clerk shall gather the evidence for the preliminary investigation as required by State Law, and as more particularly itemized below. The City Clerk shall make known her findings in writing to the Local Licensing Authority at least five (5) days prior to the date of the public

hearing, as well as to the applicant and, upon request, to other interested parties as they are defined by State Law. The investigation by the City Clerk on behalf of the Local Licensing Authority shall be with regard to the following matters:

- (1) Whether within two (2) years preceding the date of the receipt of the application the City has denied an application at the same location or within 500 feet of such location for the reason that the reasonable requirements of the neighborhood were satisfied by the existing outlets and that the desire of the inhabitants were that the license not be issued - one (1) year for 3.2% Beer outlets.
- (2) That it satisfactorily appears that the applicant is or will be entitled to possession of the premises for which application is made under a lease, rental agreement, or by virtue of ownership thereof.
- (3) That the sale of liquor or beer as contemplated by the application at the premises sought to be licensed is not in violation of the zoning, fire, building and other applicable laws of the City of Grand Junction.
- (4) That the building wherein the license is sought to be exercised is located more than 500 feet from any public or parochial school or the principal campus of any college, university or seminary (except for 3.2% Beer licenses). See below for additional exceptions.

[For the purpose of measuring the distance between the building wherein the license is sought to be exercised and said public or parochial school or the principal campus of any college, university or seminary, a measurement shall be made from the nearest property line to the premises in which liquor is to be sold, using a route of direct pedestrian access.]

[The City Council of the City of Grand Junction, Colorado, adopted Ordinance No. 3620 on May 5, 2004, which reduced the distance a Hotel and Restaurant Liquor Licensed premise must be removed from the principal campus of a college or university from 300 feet to zero feet. The City Council of the City of Grand Junction, Colorado adopted Ordinance No. 3803 on August 3, 2005, which reduced the distance a Brew Pub Liquor Licensed premise must be removed from the principal campus of a college or university from 500 feet to zero feet.

- (5) The reasonable requirements of the neighborhood for the type of license applied for and the desires of the adult inhabitants of the neighborhood regarding the issuance of the license.
- (6) The number and type of outlets of a nature similar to the applicant's within one (1) mile in any direction of the proposed location.
- (7) A report of all pertinent matters affecting the qualifications of the applicant for the conduct of the type of business proposed. This report shall specify any financial interests (including notes, mortgages, leases, etc.) in other licenses. This report shall include reports from appropriate law enforcement agencies of the applicants' previous criminal record, if any, and shall include all partners, principals or stockholders holding over ten percent (10%) of the outstanding and issued stock.

(8) Such other matters as the Local Licensing Authority shall direct.

B. Not less than five (5) days prior to the date of hearing upon the application, a copy of the Clerk's written report containing findings into the matters above investigated shall be mailed to the applicant. The original may be filed as a public record in the Clerk's office.

10. Petitions, Reports, Written Statements may be filed prior to Hearing.

A. In considering the issuance of a license, the Local Licensing Authority shall consider the reasonable requirements of the neighborhood and the desires of the adult inhabitants as evidenced by petitions, surveys, remonstrance's, or otherwise.

B. Petitions or surveys may be circulated by the applicant or by any person opposing the issuance of the license. A generic survey form is available from the Local Licensing Authority and may be used by any party wishing to submit a survey to the Local Licensing Authority for consideration at the hearing. Each person signing a petition may sign only his own name, and his address. The date when the signature is affixed to the petition shall be put on the petition by the party signing the same. No person may sign more than one petition. The City may verify any signatures appearing on any petition or survey submitted for consideration by the Local Licensing Authority. Any signatures added to the survey after the circulators affidavit has been completed shall be deemed invalid. Surveys must not be circulated by any means other than personally by a circulator in the neighborhood. Any survey that fails to conform to the established procedures or is circulated other than that permitted by the rules shall be invalid.

C. The City Clerk's report and investigation, as herein required, and all other petitions, remonstrances, surveys, or statements in writing offered by the proponents, opponents, or others interested in any application for a licensed outlet may be filed in the office of the City Clerk ten (10) days prior to the day on which the hearing upon the application shall be held before the Local Licensing Authority.

11. Public Hearing. On the date scheduled, a public hearing shall be held on the application. The applicant(s) or his counsel shall be present to introduce evidence with regard to the following:

A. Qualifications of the applicant(s) regarding his character and his qualifications relevant to the granting of the license.

B. Present Architect's drawings of the proposed outlet, if desired.

C. Additional evidence regarding the needs and desires of the neighborhood.

D. Respond to any questions the Hearing Officer may have.

12. Decision. At the conclusion of the public hearing, the Local Licensing Authority may take the application under advisement until the next regularly scheduled meeting at which time a resolution of findings and decision will be given.

In formulating a decision, the Local Licensing Authority shall consider all the facts and evidence adduced as a result of the investigation and hearing including:

A. The reasonable requirements and desires of the inhabitants of the neighborhood affected.

- B. The number, type and availability of outlets of similar nature located in or near the neighborhood under consideration.
 - C. Any other pertinent matters affecting the qualifications of the applicant to conduct the type of business proposed.
13. Appeal. An applicant or any interested party dissatisfied with the Local Licensing Authority's decision may file a written notice of appeal to the District Court within thirty (30) days.
14. Cost of Transcript on Appeal. Any person seeking review of the Local Licensing Authority's decision shall pay for the cost of preparing a transcript of the proceedings before the Local Licensing Authority whenever such transcript is demanded by the person seeking the review or furnished by the City of Grand Junction pursuant to an order of court.
15. If the Application is Approved. The decision of the Local Licensing Authority shall be sent to the State Licensing Authority along with a copy of the application, the State's fees, and such other supplementary materials as required by the State Licensing Authority. Allow three (3) weeks for processing by the State Authority after Local approval and submission of all required documents provided the building is ready for occupancy. The State license will be mailed to the Local Licensing Authority when issued. The City Clerk will then prepare the City License and forward both licenses to the licensee.
16. A written copy of the decision shall be sent by first class mail to the applicant.
- 17.
- A. Although the license may be approved by both Local and State Licensing Authorities, no license shall be issued by the City Clerk for a building to be constructed until such building is ready for occupancy with such furniture, fixtures, and equipment in place as is necessary, all as shown on the plans and specifications submitted by the applicant at the time of the application and verified by the building department.
 - B. Where an approved license is for a facility which has not been constructed and placed in operation within two (2) years of approval of the application, or construction has not commenced within one (1) year of such approval, the license may be revoked, or denied upon application for renewal.
 - C. Where a licensed location has been inactive for one (1) year it shall be presumed to be without good cause and the license may be revoked, or denied renewal.
18. License Renewal. The liquor or beer license is from date-of-issue to date-of-issue and is renewed annually. The State Licensing Authority mails the renewal application to the licensee approximately one hundred twenty (120) days prior to the expiration date of the license. Upon receipt of the renewal application, the licensee should fill out and sign the renewal application and **file it at least 45 days prior to the expiration date along with the appropriate fees in the Office of the City Clerk** for consideration by the Local Licensing Authority.

The fees are as follows:

<u>License</u>	<u>City of Grand Junction</u>			<u>CO. Dept of Revenue</u>
	<u>License Fee</u>	<u>Renewal Fee</u>	<u>City Total</u>	<u>State Fee</u>
Retail Liquor Store	\$22.50	\$100.00	\$122.50	\$227.50
Liquor Licensed Drug Store	\$22.50	\$100.00	\$122.50	\$227.50
Beer and Wine License	\$48.75	\$100.00	\$148.75	\$351.25
Hotel-Restaurant License	\$75.00	\$100.00	\$175.00	\$500.00
Tavern License	\$75.00	\$100.00	\$175.00	\$500.00
Club License	\$41.25	\$100.00	\$141.25	\$308.75
Arts License	\$41.25	\$100.00	\$141.25	\$308.75
Race Track License	\$75.00	\$100.00	\$175.00	\$500.00
3.2% Beer (On-Off Premise)	\$ 3.75	\$100.00	\$103.75	\$ 96.25
Brew Pub	\$75.00	\$100.00	\$175.00	\$750.00

Prior to the application for renewal being considered by the Local Licensing Authority, the City Clerk requests the Health Department and the Fire Department file reports that the licensed premises meet Health standards and Life Safety standards (for those licensees where the sales of liquor or beer are permitted by the drink on the premises), and reports from the Police Department (all licensees) as to the operation during the past licensing period and the City Sales Tax Division to verify compliance with the City Sales Tax Ordinance.

Upon approval by the Local Licensing Authority, the application with the State's fee is mailed to the State Licensing Authority. Allow three (3) to four (4) weeks for the State to process. The State license is mailed to the City Clerk's office for subsequent issuance of the City license.

19. Occupational Tax. In addition to the application fees and license fees required herein, there is levied an occupational tax as prescribed by Chapter 34, Article II, Grand Junction Code of Ordinances, as follows:

A. Classifications:

1. HOTEL-RESTAURANT/BREW PUB. Class "A" Operators. All operators who are licensed to sell malt, vinous and spirituous liquors for consumption on the premises either as hotels and/or restaurants. **\$300.00**
2. BEER AND WINE LICENSE. Class "A" Operators. All operators who are licensed to sell beer and wine for consumption on the premises either as hotels and/or restaurants. **\$300.00**
3. TAVERNS. Class "B" Operators. All operators licensed to sell malt, vinous or spirituous liquors only by the drink for consumption on the premises. **\$500.00**
4. RETAIL LIQUOR STORES. Class "C" Operators. All operators license as a retail liquor store to sell malt, vinous or spirituous liquors in original containers for consumption off the premises. **\$300.00**

5. DRUG STORES. Class "D" Operators. All operators licensed as drug stores to sell malt, vinous or spirituous liquors in original containers for consumption off the premises. **\$300.00**
6. CLUBS. Class "E" Operators. All operators licensed to sell malt, vinous or spirituous liquors as clubs. **\$150.00**
7. RACE TRACKS. Class "F" Operators. All operators who are licensed to sell beer, wine and spirituous liquors for consumption on the premises as Race Tracks. **\$300.00**
8. 3.2% BEER ON PREMISE. Class "G" Operators. All operators licensed to sell fermented malt beverages for consumption on the premises where such consumption is in a restaurant to customers of the restaurant and only if meals are actually and regularly served and provide not less than twenty-five percent (25%) of the gross income of the licensed premises. **\$100.00**
9. 3.2% BEER ON/OFF PREMISES. Class "H" Operators. All operators licensed to sell fermented malt beverages for consumption on the premises, or for both consumption on the premises and in the original package or container for consumption off the premises where the consumption on the premises is not to customers in a restaurant where meals are actually and regularly served and provided not less than twenty-five percent (25%) of the gross income of the licensed premises. **\$300.00**
10. 3.2% OFF PREMISE. Class "I" Operators. All operators licensed to sell only 3.2% beer or fermented malt beverages and who sell the same solely in the original package or container for consumption off the premises. **\$100.00**
11. ARTS. Class "J" Operators. All operators licensed to sell malt, vinous and spirituous liquor under an Arts license. **\$150.00**

- B. If any operator begins business subsequent to January first of any year, the tax required shall be prorated on a monthly basis for the remaining position of the year, but no refund shall be made to any licensee who discontinues said business during the year. All prorated taxes shall be due and payable upon the beginning of business and shall be delinquent ten (10) days thereafter.
- C. Renewal notices for the occupational tax licenses are mailed during the month of December. The tax imposed shall be due and payable on January first of each year and shall be delinquent on February first of the same year. Prepayment of said tax may be made during the month of December preceding the due date.
- D. The operator shall, at all times during said year, keep the licenses posted in a conspicuous place in his place of business.
- E. Interest shall accrue on all delinquent taxes from the day of delinquency until paid, or collected, at the rate of one (1) percent per month.

- F. No delinquency in payment of the tax herein provided for shall be grounds for suspension or revocation of any license granted to any such operator by any licensing authority pursuant to the statutes enacted by the General Assembly of Colorado, and in performance of any duties imposed upon the City Council shall exclude from consideration any delinquency in payment of the tax herein provided for.

- G. The City shall have the right to recover all sums due by the terms of this Article, by judgment and execution thereon in a civil action, in any court of competent jurisdiction; such remedy shall be cumulative with all other remedies provided herein for the enforcement of this Article.