

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

**INTRODUCTION**

The issuance and supervision of liquor licenses is closely regulated by the State of Colorado. The City Council of the City of Delta is the "Local Licensing Authority" for all licenses issued within the City of Delta, and is thus charged with carrying out a number of duties delegated by the State to the Local Licensing Authority. 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.revenue.state.co.us/liquor\\_dir/wrap.asp?incl=appforms](http://www.revenue.state.co.us/liquor_dir/wrap.asp?incl=appforms).

**APPLICATION FORMS AND FEES**

The State has prescribed certain forms to be filled out for different types of liquor license applications. The City Clerk provides forms upon request and will answer routine questions concerning the requirements. However, the Clerk cannot provide legal advice; therefore, an applicant should consult a private attorney for any legal questions concerning the application. The applicant may also wish to consult a tax consultant, a real estate broker, or other business advisor during the process of filling out the application forms.

The application provides for specific documentation that must accompany it. An applicant should read it and fill it out carefully and submit all information required in one packet, together with all fees in the appropriate amounts. The fees are shown on a separate handout, which is part of the application packet.

**SEQUENCE AND TIMING**

Completed applications and fees are submitted to the City Clerk. Once the application packet has been submitted and is deemed by the Clerk to be complete, a public hearing can be scheduled for not less than 30 days from the date of filing the application. The applicant is expected to attend the public hearing, which will be held at a regularly scheduled Delta City Council meeting. The Council meets twice per month, on the first and third Tuesdays. In the meantime, a background investigation will be conducted using the information provided on the application forms.

The City Council often makes a decision immediately following the public hearing. However, State law requires them to make a decision concerning an application within 30 days of the public hearing. Following the decision, the application is submitted to the Colorado Department of Revenue, where further processing can take from 30 to 45 days. Thus, from the time a complete application is submitted to the City, it can take from 60 to 90 days for the license to be issued by the State.

## **THE PUBLIC HEARING**

Before approving or denying an application for a new license, the City Council must consider, among other factors, 1) the reasonable requirements of the neighborhood for the type of license applied for; 2) the desires of the adult inhabitants of the neighborhood; and 3) the number, type and availability of liquor outlets already located in the neighborhood. At the public hearing, Council will receive information and testimony that will enable them to make a decision. The neighborhood is generally defined as the City limits of the City of Delta. However, the applicant may present evidence that the neighborhood boundaries are otherwise.

The burden of proof concerning the needs and desires of the neighborhood lies with the applicant, and the method used to prove needs and desires is left to your discretion. 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.

Generally, the public hearing is conducted in the following sequence:

- Applicant presentation. This is where you will present evidence that granting the application will meet the needs and desires of the neighborhood. This will include your petition, if you choose to use one, and any witness testimony, including your own, that you wish to present.
- Presentation by other members of the public who wish to speak in support of the application.
- Presentation by anyone in opposition to the granting of the application.
- Applicant rebuttal/closing comments.
- Council may question anyone who testifies.

The Mayor will close the public hearing, and Council may discuss the matter and make a decision, or may decide to delay the decision for up to 30 days.

# SAMPLE

## PETITION OF SUPPORT AND NEED

We, the undersigned, being residents, inhabitants, and/or owners or managers of businesses located in the City of Delta, being twenty-one years of age or over, hereby petition, represent and certify to the City Council of the City of Delta 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), Delta, Colorado.

The undersigned are familiar with said location and believe that the reasonable requirements of the neighborhood 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 Delta, 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>