

RESOLUTION *68-44*
OF THE COUNCIL OF THE CITY OF FORT COLLINS, SETTING FORTH
POLICIES AND PROCEDURES TO BE FOLLOWED IN CONNECTION WITH
APPLICATIONS FOR FERMENTED MALT BEVERAGE LICENSES AND
HEARINGS THEREON

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FORT COLLINS

Article 1 Applications and Hearings for License

Acting as the local licensing authority, and pursuant to the provisions of Ordinance No 17, 1968, the City Council hereby establishes the following procedures and policies to apply in the City of Fort Collins in connection with all applications for fermented malt beverage licenses

Section 1 Application Forms

a Applications for licenses to sell fermented malt beverages shall be made on forms to be supplied by the City

b Applicants shall answer all questions on the application and shall attach exhibits if more space is required. In addition, all exhibits required herein shall be attached to the application

Section 2 New Licenses

In the case of applications for a new license the following policies and procedures shall apply

a Three letters of recommendation concerning the background for any individual named in the application as being the sole owner, co-partner, corporation officer, owner of 10% or more of the stock of the corporation, and any manager of the premises must be filed with the application

b Applicants shall submit information concerning management associations and financial interests of other persons in the business

c An applicant shall submit full information concerning the basis on which the applicant will occupy the premises for which the license is desired, including if applicable, proof of ownership of premises, copy of lease, copy of contract, or such other document as may apply

d If the applicant is a partnership, a copy of the Articles of Co-Partnership shall be filed with the application. If the applicant is a corporation, a certified copy of the Articles of Incorporation shall be filed with the application

In addition, if the applicant is a corporation, the applicant shall submit the names and addresses of all persons holding more than 10% of the outstanding and issued capital stock of the corporation. Limited partnerships shall be treated in the same manner as corporations.

e Each person reported on the application as having an interest in the business shall submit to an investigation in order to determine his suitability for a license. The investigation shall determine citizenship, residence, good character and reputation, felony convictions or other information as to the character of the applicant.

f An application fee of \$300 shall be submitted with the application. The fee shall be used to defray the expense incurred by the City for the review, investigation, supplies, publications and posting of premises, reporter and transcript of proceedings and all other services of personnel of the City which pertain to the application.

g All applications shall be filed with the Director of Finance and upon receiving the same, the Director of Finance shall cause a preliminary hearing on the application to be set on the agenda for a City Council meeting to be held no less than 11 nor more than 30 days after the receipt of the application. The Director of Finance shall further submit copies of the application with all exhibits thereto, to the City Attorney and the Police Department. The Director of Finance shall further advise the applicant of the date for preliminary hearing and the applicant shall appear at such hearing. At the preliminary hearing, the City Council shall determine whether the application is in compliance with the requirements of law and if it so complies, the City Council shall set a date for hearing the application and may impose special requirements on the applicant not inconsistent with this Resolution, the Ordinances of the City or State Law.

h The City Council hereby determines and establishes that the immediate neighborhood most likely to be affected in connection with the fermented malt beverage license is an area 2,000 feet in each direction from the address of the applicant squared to the nearest street and to include both sides of the streets which are indicated as the boundaries. In the event the proposed location is such that the aforedefined neighborhood does not appear reasonable, the City Council

shall at the preliminary hearing set the boundaries of the neighborhood. The applicant shall be presumed to have agreed to the boundaries so established unless he shall file a written protest as to such boundaries with the Council not less than five days after the date of the preliminary hearing.

i The City shall furnish the applicant and any protestant with maps showing the neighborhood, which maps shall also show the existing license locations.

j The City of Fort Collins shall be responsible for posting the property and publishing the legal notice.

k In cases where the building for the proposed license location is not in existence, the license application shall include the plans and specifications for the building to be constructed. In cases where the building is in existence, the license application shall include exhibits showing the floor plan of the existing building and any alterations to be made in the building. Although a license may be approved, no license shall be issued until all construction work or remodeling work shown in the license application has been completed and the building is constructed and ready for occupancy and then only after inspection of the premises has been made to determine that the building substantially complies with the application.

l At the public hearing on the application, any party in interest shall be allowed to present evidence and to cross-examine witnesses.

(1) Party in interest as used in this subsection means any of the following:

(a) The applicant or his authorized representative.

(b) A resident of the neighborhood under consideration.

(c) The owner or manager of any business located in the neighborhood under consideration.

(d) The owner of any real property located in the neighborhood under consideration.

(2) The Council may at the public hearing limit the presentation of evidence and cross-examination, so as to prevent repetitive and cumulative evidence or examination.

m Presentation of evidence at a public hearing may be by petition. No

petition shall be accepted which has been circulated prior to the posting of the property. Each signature on any petition shall be the actual signature of the person indicated. Each signature shall be identifiable with an address stated on the petition, together with the age of the person signing the petition. Each petition shall contain a verified statement signed by the circulator of the petition that the circulator personally witnessed each signature appearing on the petition and that each signature thereon is the signature of the person whose name it purports to be, and the date or dates on which the petition was circulated.

n The City Council may make such independent investigation as it deems necessary or advisable in connection with any application for a license.

o Before entering any decision approving or denying any application, the City Council shall consider the facts and evidence obtained as the result of the investigation, as well as any other facts presented at the hearing or obtained as a result of an independent investigation by the members of the Council, the reasonable requirements of the neighborhood for the type of license for which the application has been made, the number, type and availability of other licensed outlets located in or near the neighborhood under consideration and any other pertinent matters affecting the qualifications of the applicant for the conduct and the type of business proposed.

p The decision of the Council approving or denying the application shall be in writing, stating the reasons therefor and shall be announced within 30 days after the date of the public hearing. A copy of such decision shall be sent by certified mail to the applicant at the address as shown on the application.

Section 3 Ownership Change of Licensed Premises

In the case of a change of ownership of the licensed premises, the following policies and procedures shall apply:

a Applications for change of ownership shall be made on forms to be supplied by the City.

b Change of ownership of licensed premises shall include the following types of changes of existing licenses:

(1) Sale of licensed premises

(2) Transfer of 10% or more of the capital stock of any corporation holding a license, except a corporation whose stock is traded on a recognized exchange.

(3) Transfer of possession of the licensed premises by operation of law (bankruptcy, receivership, foreclosure, eviction, etc)

c In the case of the transfer of 10% or more of the capital stock of any corporation holding a license, such change shall be reported not less than 10 days prior to such transfer and approval shall be obtained from the City Council before such transfer is made

d Three letters concerning the background of any individual named in the application as being the sole owner, co-partner, corporation officer and any manager of the premises must be filed with the application In addition, if the applicant is a corporation, or if a change of ownership of a corporation holding a license is involved, the names and addresses of all new stockholders who will hold more than 10% of the outstanding issued capital stock of the corporation shall be submitted, along with three letters for each such individual concerning the background of such individual

e An applicant shall submit full information concerning the basis on which the applicant will occupy the premises for which the license is desired, including, if applicable, proof of ownership of premises, copy of lease, copy of contract, or such other documents as may apply

f If the applicant is a partnership, a copy of the Articles of Co-Partnership shall be filed with the application If the applicant is a corporation, a certified copy of the Articles of Incorporation shall be filed with the application

g A copy of any contract or agreement regarding the sale of the licensed premises shall be filed with the application

h A transfer fee of \$20 00 shall be deposited with the application the same to cover the work of investigation and review by the Director of Finance and Police Department

i This type of change does not require a public hearing to be conducted by the City Council, but must be presented to the City Council for recommendation to the State Licensing Authority It shall not be necessary to post notice on the premise or to publish legal notice of the proposed transfer in connection with this type of change

j No preliminary hearing shall be held in connection with this type

of application but the Director of Finance upon receiving such application shall set the matter for hearing on the agenda of the City Council at a date not less than 11 days nor more than 30 days from the date of receipt of the application

Section 4 Transfer of Location of Licensed Premises or Expansion of Licensed Premises

In the case of an application for transfer of the licensed premises for an existing license, the following policies and procedures shall apply

a Transfer under this section shall include enlargement of the existing premises so as to occupy more space than originally authorized and shown on the original license application

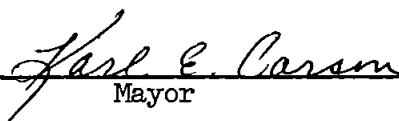
b The policies and procedures for such change of licensed premises shall be the same as those set forth in Section 2 hereof, except information and investigation regarding the applicant shall not be required The application fee of \$300 shall be charged, provided, however, that in the case of an enlargement of the premises amounting to an increase in size of the premises not exceeding 25% of the original licensed premises, the fee charged shall be \$20 and publication and posting of the premises and a reporter at the hearing shall not be required, unless otherwise ordered by the City Council

c Applications for change under this section shall be made on forms to be provided by the City and application shall be filed with the Director of Finance as in applications under Section 2 hereof

Article 2 Effective Date

This Resolution shall become effective as of the effective date of Ordinance No 17, 1968

Passed and adopted at a regular meeting of the City Council held this 23rd day of May, A D , 1968



Mayor

ATTEST



City Clerk