

## TOWN OF SILT NEW APPLICATION CHECKLIST

	Complete Colorado License Application and <b>all</b> required documents (DR 8403 or DR 8404)  <b>Colorado Liquor Forms- <a href="#">Liquor Forms by Number/Title   DOR SBG (colorado.gov)</a></b>
	Include State and Town Fees
	State Sales Tax License
	Obtain letter from Town Planner stating alcohol sale/service is an allowed use for the proposed location (Must be at least 500 feet from school property)
	Schedule fingerprinting appointment for each person completing an Individual History Record (DR 8404-I) include a money order or business check made payable to Colorado Bureau of Investigation (CBI). (personal checks will not be accepted)  <b>Contact the Silt Police Department for fingerprinting. Available hours are Monday through Friday, 8:00 a.m. to 5:00 p.m.</b>
	Apply for a Town Business License
	If new location, approval from the Public Works Department regarding food service impact.
	Contact Garfield County Health Department for applicable food requirements GCHD - <a href="http://www.garfield-county.com/environmental-health/food-safety">www.garfield-county.com/environmental-health/food-safety</a> Phone: 970-945-6614
	Include Hours of Operation for food and Alcohol service
	Include Menu, if applicable
	Needs and Desires Survey Petition
	Notice of Hearing Posting & Notice of Hearing Publication
	Manager/Owner Server Responsibility Certificates

The applicant must be present at the hearing. The Local Licensing Authority is the Board of Trustees. They generally meet on the 2<sup>nd</sup> and 4<sup>th</sup> Monday of each month at 231 N. 7<sup>th</sup> Street at 7:00 p.m.

Upon approval by the Local Licensing Authority, the completed application, with the State's fees will be mailed to the Colorado Department of Revenue-Liquor Licensing Division. Allow 6-8 weeks, unless a concurrent review is requested, for the State to process. The State license will be sent to the Local Licensing Authority when issued. The Town Clerk will then prepare the Town License and forward both licenses to the licensee.

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**TOWN OF SILT  
LOCAL LICENSING AUTHORITY  
RULES OF PROCEDURE  
(NEW LICENSES)**

The Board of Trustees of the Town of Silt, Colorado also serves as the Local Liquor Licensing Authority for all liquor and beer applications. The Town Clerk assists the Local Licensing Authority by receiving all applications, requesting investigations by the various agencies, and scheduling public hearings. The Board of Trustees generally meets on the 2<sup>nd</sup> and 4<sup>th</sup> Monday of every month.

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

Make an application for State Sales Tax License through the Department of Revenue.

1. The applicant shall fill out the application in all material details. The application and all required documentation shall be filed with the Town Clerk. Incomplete application forms shall be rejected.
2. Submit with the application the following fees:
  - a. An application fee and license fee for the local authority payable to the Town of Silt.
  - b. A licensing fee, and application fee, payable to the Colorado Department of Revenue shall also be filed with the Town Clerk.
  - c. A business check or money order payable to the Colorado Bureau of Investigation (CBI) for \$38.50 for each background investigation.
3. The State of Colorado Department of Revenue Liquor and Beer Codes with Regulations can be downloaded from their website at <https://sbg.colorado.gov/liquor-enforcement-laws-rules-regulations>.
4. Checklist of documents for license application DR8404:
  - a. Positive proof of possession of property:  
\_\_\_\_\_ Deed, Lease or Assignment of Lease. (Lease **must** cover the entire license period-minimum of (12) twelve months.)  
\_\_\_\_\_ Properly executed and signed by all parties involved.  
\_\_\_\_\_ Consent and acceptance by owner on assignments.
  - b. Floor diagram of premises to be licensed:  
\_\_\_\_\_ Must be on an 8 ½ x 11" paper. Area to be licensed must be outlined in BOLD. Oriented 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 areas, office, 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 additional levels of facility, patio, etc. **Applicant**

**should be aware when a diagram is accepted and approved, the premises cannot be changed until a Modification of Premises is submitted & approved by both the state and local licensing authorities.**

- c. 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.

- d. Managers Registration:  
\_\_\_\_\_ Hotel-Restaurants and Taverns (if other than licensee listed as manager)  
\_\_\_\_\_ Complete Individual History Record DR 8404-I  
\_\_\_\_\_ Fingerprint Card – Submit a **business check or money order to CBI**

- e. Ownership Documents:

- I. If a corporation:

\_\_\_\_\_ Certificate of Incorporation (or) Certificate of Good Corporate Standing (if incorporated more than 2 years ago) (or) Certificate of Authorization (if foreign corporation).

\_\_\_\_\_ Articles of Incorporation date stamped by the Colorado Secretary of State.

\_\_\_\_\_ 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).

- II. If a Limited Liability Company:

\_\_\_\_\_ Articles of Organization date stamped by the Colorado Secretary of State.

\_\_\_\_\_ Operating Agreement

\_\_\_\_\_ Minutes of Meeting showing acceptance of current members.

- III. If a Partnership:

\_\_\_\_\_ Partnership Agreement, General or Limited. (Not needed if husband and wife.)

\_\_\_\_\_ Dissolution of Partnership (if applicable).

- IV. If a Sole Proprietorship, see (V) below.

- V. Individual History, use form DR 8404-I

\_\_\_\_\_ **Each** individual listed **must** have a completed Individual History form along with a fingerprint card submitted with a **business check or money order in the amount of \$38.50** each made payable to the Colorado Bureau of Investigation (C.B.I.). Contact the Silt Police Department for fingerprinting. Available hours are Monday through Friday, 8:00 a.m. to 5:00 p.m.

- f. Supplemental documents required by Local Licensing Authority:

\_\_\_\_\_ A letter from the 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.

5. 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.

6. Upon receipt of a completed application. The Town Clerk shall set a hearing date before the Local Licensing Authority **not sooner than thirty (30) days after the receipt of a completed application.**

7. Notice of Hearing. When the Town 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 Town 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 Town Clerk not less than ten (10) days prior to the hearing on the application. The information required for the posting and publication of the notice shall be supplied by the applicant at the time of filing the application.

8. Preliminary Investigation, Findings:

- a. The Town Staff shall gather the evidence for the preliminary investigation as required by State Law, and as more particularly itemized below. The Town Staff shall make known their 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 Town Clerk, Silt Police Chief, Town Treasurer, Community Development Director, Town Attorney, and Public Works Director, on behalf of the Local Licensing Authority shall be with regard to the following matters:
  - I. Whether within two (2) years preceding the date of the receipt of the application the Town 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.
  - II. 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.
  - III. 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 Town of Silt.

- IV. That the building wherein the license is sought to be exercised is located more than 500 feet from any existing retail liquor store, public or parochial school, or the principal campus of any college, university, or seminary.

(The applicant may contact the Town Clerk to clarify distance considerations)

- V. Consider 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, as evidenced by petitions.
- VI. That the proposed location and type of license is the required distance from other establishments of similar nature.
- VII. 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.
- VIII. 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.

9. 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, 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 their own name and their 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 Town 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 circulator's 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 Town Clerk's report and investigation, as herein required, and all other petitions, remonstrance, 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 Town Clerk ten (10) days prior to the day on which the hearing upon the application shall be held before the Local Licensing Authority.

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

11. Decision: In formulating a decision, the Local Licensing Authority shall consider all the facts and evidence resulting from the investigation and hearing. At the conclusion of the public hearing, the Local Licensing Authority will make their decision or may take the application under advisement until the next regularly scheduled meeting at which time a resolution of findings and decision will be given.

12. 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.

13. 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 Town of Silt pursuant to an order of court.

14. 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. Unless a concurrent review was requested, allow at least 6-8 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 sent to the Local Licensing Authority when issued. The Town Clerk will then prepare the Town License and forward both licenses to the licensee.