ALCOHOL BEVERAGE PETITION

Received:

Pursuant to Rule 8 of the Liquor and Beer Rules and Regulations of the City of Colorado Springs, this Petition is being circulated to determine the reasonable requirements and the needs and desires of the neighborhood regarding a modification of premises, change of location, or a new application to sell and/or serve malt, vinous, spirituous liquors, or Fermented Malt Beverage ("FMB") as defined by Colorado Revised Statutes, as amended, for (check license type):

- ☐ Hotel/Restaurant/Resort/Campus
- ☐ Hotel/Restaurant w/Optional
- ☐ Tavern
- ☐ Brew Pub
- ☐ Distillery Pub
- ☐ Vintner's Restaurant
- ☐ Beer and Wine
- ☐ Optional Premises
- ☐ Retail Liquor Store
- ☐ Liquor Licensed Drugstore
- ☐ Racetrack
- ☐ Arts
- ☐ Lodging and Entertainment
- ☐ FMB On Premises
- ☐ FMB Off Premises

Applicant: _____

Proposed Name of Establishment: _____

Proposed Location: _____

Application Type: ☐ New License ☐ Modification of Premises ☐ Change of Location

A public hearing on this matter will be held before the Hearing Officer, in **Division 2 in the Municipal Court Building**, located at **224 E. Kiowa Street, Colorado Springs, CO, 80903, at 9:00 A.M. on** _____, 20____.

INSTRUCTIONS:

To sign this petition, you must be **21 years of age**, and **(1) a resident (owner or tenant) of the neighborhood; or (2) the owner or manager of a business in the neighborhood** (**see attached map of approved defined neighborhood**).

If you believe you have been unduly influenced by the Petition Circulator or have questions or comments concerning the proposed application or survey method, please call the City Clerk's Office at 385-5112.

SIGN: *Your name only* (first and last names, middle initial), your address, and indicate your age. No person can sign for another.

ISSUE:

*** If you feel that your needs are not being met by existing similar outlets and it is your desire that the license should be granted, indicate by placing an (X) or (√) in the "YES" column.**

**** If you feel that your needs are being met by existing similar outlets and it is your desire that the license should not be granted, indicate by placing an (X) or (√) in the "NO" column.**

***** If you have no opinion regarding this application, indicate by placing an (X) or (√) in the "NO OPINION" column.**

BY SIGNING BELOW, YOU ARE INDICATING THAT YOU HAVE READ THE INSTRUCTIONS AND ARE QUALIFIED TO SIGN

PETITION SIGNER/SIGNATURE Please sign your name on the top line and print your name on the second line - must be legible -	ADDRESS Please print clearly your house number and street name + apt # or business address+suite # (as applicable) - address must be legible - List Business Name (as applicable)	AGE	DATE SIGNED	YES*	NO**	NO OPINION***	RESIDENT	OWNER/MANAGER	WITHIN BOUNDARIES (Yes or No)
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ALCOHOL BEVERAGE PETITION CIRCULATOR'S AFFIDAVIT

I, _____, hereby state that I circulated the foregoing petition in the below manner:

THAT I explained to potential signers of the petition, the type of license being applied for; the proposed license location; the applicant's name and trade name (dba), the survey issue and the qualifications for signing the petition;

THAT I gave signers of the petition the opportunity to read, or have read to them, the petition in its entirety and understand its meaning;

THAT I personally witnessed each signature appearing on the attached petition;

THAT to the best of my knowledge, the information written and provided on the petition by the individual signing, is true and valid;

THAT any signature entry indicating a signer was not qualified to sign the petition, and/or missing information or improper execution, has been deleted from the petition;

THAT no promises, threats or inducements were made on my part in the presentation of this petition; and,

THAT each signature was voluntarily given.

_____
Circulator - signature

_____
Circulator - printed name

STATE OF COLORADO)
)
COUNTY OF EL PASO)

Subscribed and sworn before me this _____ day of _____, 20____.

(SEAL)

_____
Notary Public Signature

ALCOHOL BEVERAGE NEIGHBORHOOD NEEDS/DESIRES PETITIONS

OVERVIEW

Applicants for a new alcohol beverage license, modification of the premises, or a change of location (with the exception of club licenses) are required to demonstrate the needs and desires of the adult inhabitants of the neighborhood. If the applicant desires to offer proof of this element through a petition or survey of the neighborhood, the following procedures are required pursuant to Rules 6.01 and 8.01 of the Liquor and Beer Rules and Regulations for the City of Colorado Springs.

The neighborhood boundaries are established by the City Clerk's Office upon receipt of an application pursuant to the Liquor and Beer Rules and Regulations for the City of Colorado Springs. Applicants may object to the boundaries set by the City Clerk's Office. Objections will be scheduled for the next available meeting of the Local Licensing Authority. Note: The hearing of the new license, modification of premises, or change of location may be delayed as a result of such an objection.

A pre-approved petition form is available in the City Clerk's Office. Another petition format may be used provided it has been approved by the Local Licensing Authority prior to entry into evidence at the hearing. Petitions may be circulated by the applicant, a petition/survey company retained by the applicant, or any interested person opposing the issuance of the license such as an adult resident of the neighborhood, owner or manager of a business located in the neighborhood, or principal or representative of any school located within five hundred (500) feet of the premises to be licensed. A list of petition/survey companies that have previously appeared before the Local Licensing Authority is available upon request in the City Clerk's Office; however, applicants are not limited to using companies on the list and neither the City nor the Local Licensing Authority endorse or recommend any of the listed companies.

Petition circulators may be requested to testify before the Local Licensing Authority. If a circulator is not present at the hearing, the proceedings may be continued.

GUIDELINES FOR CIRCULATION

The following guidelines should be adhered to for ALL petitions conducted. In addition, a copy of the guidelines should accompany every petition packet and be made available for inspection upon request of anyone contacted. **If using the pre-approved petition form, do not dismantle the petition packet.** Note: Deviation from these guidelines may result in rejection of the petition.

The front page of each petition should include:

1. Type of alcohol beverage application and license requested (*i.e.*, new application, modification of premises, or change of location for a Tavern, Hotel/Restaurant, Retail Liquor Store, etc.)
2. Name of applicant
3. Proposed name of establishment (trade name / dba)
4. Address of the proposed location of the establishment
5. Date, time and location of the Local Licensing Authority hearing on the proposed application
6. A statement indicating that in order to be qualified to sign the petition, the signer **must be 21 years of age <u>and</u> either 1) a resident of the neighborhood <u>or</u> 2) the owner or manager of a business located within the neighborhood.** If a signer is both a resident and owner or manager of a business within the neighborhood, he/she may sign the petition once only.
7. All petitions shown to qualified signers should **<u>have a map attached</u>** of the established neighborhood boundary that details the proposed location of the establishment.

Qualified signers should:

1. Print **<u>and</u>** sign their first and last name
2. Print their address
3. List their age
4. List the date of signing
5. Indicate "yes" if they are in favor of the application; "no" if they are opposed; or "no opinion"
6. Mark whether they reside or own or manage a business within the designated boundary.

****** The signer of a petition MAY NOT sign for anyone else.**

****** Illegible names, signatures, and addresses will be disregarded or rejected.**

PETITION CIRCULATORS

Circulators should follow the above instructions and **circulate the petition in an unbiased manner**.

ANY EVIDENCE OF INFLUENCING A QUALIFIED SIGNER'S OPINION MAY RESULT IN THE DISQUALIFICATION OF THE PETITION BY THE LOCAL LICENSING AUTHORITY.

1) Circulate petitions ONLY within the established neighborhood boundary.

2) Attach the map provided by the City Clerk's Office of the established boundaries to the petition packet prior to circulation.

3) Sign and have notarized the affidavit attached to the petition.

CIRCULATORS SHOULD ENSURE PERSONS SIGNING THE PETITION MEET THE FOLLOWING CRITERIA:

- At least 21 years of age; and
- Resident or owner or manager of a business in the defined neighborhood.

CIRCULATORS SHOULD DIRECT ANY QUESTIONS TO THE CITY CLERK'S OFFICE ONLY – NOT TO THE APPLICANT OR ITS AGENT.

SUBMITTAL OF PETITION PACKETS

The following documents must be filed in the City Clerk's Office at or before NOON the Tuesday prior to the Local Licensing Authority hearing:

1) The **original, completed petition packet(s)** with applicable signed affidavit(s); and

2) **Three (3) copies** of the following:

   a) A computation/summary of the petition results. Include the percentage and number breakdown of all parties petitioned and the responses.

   b) A master map highlighting the streets where contacts were made.

Failure to submit any of the preceding documents by the deadline may result in disqualification of the petition by the Local Licensing Authority.

THE PRECEDING INFORMATION SHOULD NOT BE CONSTRUED AS LEGAL ADVICE OR AS A SUBSTITUTE FOR LEGAL COUNSEL. IF THERE ARE ANY DISCREPANCIES BETWEEN THE PRECEDING AND THE LAW OF THE STATE OF COLORADO, THE CODE OF THE CITY OF COLORADO SPRINGS 2001, AS AMENDED, OR THE LIQUOR AND BEER RULES AND REGULATIONS OF THE CITY OF COLORADO SPRINGS, THE STATE LAW, CITY CODE, AND RULES SHALL APPLY.