



CITY OF BLACK HAWK NEW LIQUOR LICENSE APPLICATION AND PROCESS

INTRODUCTION

Under state law, it is a privilege, not a right, to hold a liquor license in the City of Black Hawk and the State of Colorado. The Colorado Legislature has determined that the issuance and supervision of liquor licenses shall be closely regulated. In Colorado, liquor licenses must be reviewed and issued by both the state and the municipality. No one can obtain a liquor license without review by both jurisdictions.

The City Council of the City of Black Hawk, Colorado, is the "Local Liquor Licensing Authority" for all licenses issued within the City of Black Hawk and is thus charged with carrying out these state-delegated duties. The liquor licensing procedures are designed to promote the efficient, prompt, and responsible performance of these important duties by the City Council. General information can also be obtained from the Colorado Division of Liquor Enforcement Division's website <https://www.colorado.gov/pacific/enforcement/liquor>.

The information contained in this packet is intended to serve as an outline for applicants applying for a liquor license in the City of Black Hawk, Colorado. It is not intended to be a complete listing or outline of all laws in the City of Black Hawk or State of Colorado related to liquor licensing.

For answers to questions not contained in this packet, please contact the Deputy City Clerk, Michele Martin, at 303-582-2221, or by email cityclerk@cityofblackhawk.org.

I. NEW LICENSE

Obtaining a new liquor license will typically take three to four months. The steps to obtaining your liquor license are outlined below. Nearly all of these rules are set by state law and regulation.

Step One: Completion of Application Form

The state has prescribed certain forms to be used for different aspects of a liquor license application and for different types of applications. There are many different types of licenses; see the state's website for details.

The City Clerk's office distributes such forms upon request and will maintain a checklist and be your main point of contact. **The Clerk may not accept incomplete applications.** The Clerk cannot provide legal advice; therefore, an applicant should consult a private attorney for any legal questions concerning the application.

The State of Colorado application serves as the application for both the state and the City review process. A link to the application is contained in this packet. The application lists the specific documentation that should accompany it. The applicant should read it, fill it out carefully, and tender to the City Clerk's office in one packet all information required, together with all fees in the appropriate amounts. **The applicant must complete and submit all pages of the application, including the page titled "Application Documents Checklist and Worksheet."** An application will not be considered "received" until ALL required application forms, necessary information, and applicable fees are received by the City Clerk's office. Delay in the receipt of an application can cause a delay in the entire process and thus delay the decisions of the liquor licensing authorities.

The contents of a "complete application" will vary depending on the type of license sought.

Application: Applicants seeking a new Retail Liquor License shall apply on one of the following State of Colorado prescribed forms:

- *DR8403 Colorado Fermented Malt Beverages (previously known as 3.2% beer) license application*
- *DR8404 Colorado Liquor Retail License Application.*

Local and State Fees: Every application must be accompanied by two different kinds of fees: *application fees and license fees*. Local application fees are set by the Local Liquor Licensing Authority and are meant to cover the actual and necessary expenses associated with the processing and review of licensing actions. State application fees appear on the state application form and fee schedule. Application fees are non-refundable.

License fees are set by State Statute and are uniform statewide. License fees are recurring fees and are due when an initial application is made. License fees are also due each year at the renewal of the license. License fees may be refunded only if an application is withdrawn or no license will be issued. A current fee schedule should be consulted to determine the appropriate amounts that are due at the time of application. The fees are to be paid either in cash or in the form of two separate checks or certified funds, one payable to the City of Black Hawk and the other payable to the State of Colorado Department of Revenue.

Concurrent Review: While the local review of a license application typically precedes the state review, concurrent application review can be requested by the applicant. There is an additional fee that applies and the applicant must check the appropriate box on the application form to request a concurrent review at the time of initial application. The City Clerk's office will forward all elements of the application to the State Liquor Authority prior to local consideration, and the state will review the application while the local process is in progress. This may result in quicker receipt of a liquor license.

Fingerprints: At the time that an application for a new license is submitted, the applicant(s), all corporate officers, directors, and stockholders with more than 10% interest, partners, and managers are required to be fingerprinted. The City has contracted with Idemia Identity and Security USA as our third-party contractor. Please visit the link on our website to proceed with the process. You will need liquor code 25YQ6K for Idemia to get started. Also, the City has its own Background Investigation Form to be filled out, link provided in this packet. The fee for a fingerprint analysis made through Idemia is \$48.50 per analysis, please refer to the City of Black Hawk Fee Schedule.

An exception to this rule exists for chain stores or other entities that have multiple liquor licenses located throughout the state and are already on a Master File List, which the State Liquor Enforcement Division will then investigate.

Individual History Form: At the time that an application for a new license is submitted, the applicant(s), all corporate officers, directors, and stockholders with more than 10% interest, partners, and managers are required to submit form *DR8404-I Individual History Record*. The information provided on this form will be kept on file and used for the background investigation.

Manager Registration: If the manager of a Tavern or Hotel/Restaurant establishment will be someone other than the owner, that person is required to file form *DR8404-I Individual History Record*, and a \$30.00 additional fee is required. If a management agreement has been made, a copy of the document is also required.

Plans and Specifications: At the time that an application for a new license is submitted, the applicant is required to file a diagram of the premises proposed for licensure. All plans, specifications, and drawings shall be 8 1/2" x 11" in size with the proposed area outlined in BOLD BLACK. The diagram shall include dimensions, entrances, exits, windows, drive-thru windows, bar location, storage, seating, and kitchen areas.

Proof of Possession of Premises: Each application for a new license shall be accompanied by a deed, lease, or other documentation supporting the applicant's right to occupy the premises where the license will be exercised. The document shall be in effect for the entire liquor licensed period.

List of All Notes and Loans: At the time that an application for a new license is submitted, the applicant is required to file a list of all notes and loans pertaining to the operation of the business.

Corporate Applicants: Corporate applicants are also required to file the following documents:

- Articles of Incorporation (date stamped by Colorado Secretary of State)
- Certificate of Good Corporate Standing (State of Colorado)
- List of all officers, directors & stockholders of parent corporation (with at least 10% financial interest)

Partnership Applicants: Partnership applicants are also required to file the following documents:

- Partnership Agreement
- Management Agreement if other than a member of partnership

L.L.C. Applicants: Limited liability applicants are also required to file the following documents:

- Articles of Incorporation (date stamped by Colorado Secretary of State)
- Acknowledgment from Secretary of State
- Operating Agreement
- Certificate of Authority (if foreign country)

Step Two: Inspections and Background Checks Conducted

Review by City Departments and inspections will be conducted to determine that the premises proposed for licensure are ready for occupancy and comply with all zoning, building, and fire codes. The detailed diagram provided by the applicant will also be considered for accuracy. If the premises are under construction at the time of consideration, a license may be issued contingent upon successful inspections when construction is complete.

The City Clerk's office will notify the applicant of the preliminary findings of the background check and Department review as soon as possible. If the applicant needs to remedy any concerns raised by any of the above, the Clerk's office may need to postpone this item on a City Council agenda.

Step Three: Request to set the Public Hearing Date and Publication of Notice

Once the background investigation is complete and an application packet is deemed complete, the City Clerk's office will schedule the application before City Council to request the public hearing date and set the boundaries of the neighborhood. City Council regular meetings are scheduled on the 2nd and 4th Wednesdays of each month at 3:00 p.m. The request may not be less than four days and no more than 30 days from receipt of a *completed* application. State law mandates that the public hearing date cannot be set less than 30 days from the date of the request.

The City Clerk's office will publish the Notice of Public Hearing and will post a Legal Notice of Public Hearing at the location of proposed licensure, not less than 10 days prior to the hearing date.

Step Four: Determination of Neighborhood Needs and Desires

Under state law, the applicant has the burden of proof to demonstrate the needs and desires of the adult inhabitants of the neighborhood and may provide evidence of that through petitions, remonstrance letters, or other means. Although the law does not require that an applicant petition the neighborhood, it is the most common form of evidence presented. Signatures obtained from petitioning should be from residents of the neighborhood and/or owners/managers of businesses within the designated neighborhood boundaries. All petition signers must be at least 21 years of age.

Step Five: Public Hearing Held

A public hearing will be held before the Local Liquor Licensing Authority. At that time, the City Council, acting as the Local Liquor Licensing Authority, will hear testimony and vote to approve or deny the application. The applicant is required to attend the public hearing. Once the public hearing is closed, the Local Liquor Licensing Authority may vote on the application or may table the issue until a future meeting. A decision shall be made within 30 days of the public hearing. In formulating a decision, the Authority shall consider all facts and evidence presented as a result of the investigation and hearing, including:

- The reasonable requirements and desires of the adult inhabitants of the neighborhood affected.
- The qualifications of the applicant to hold a liquor license.
- The number and type of liquor outlets located in or near the neighborhood under consideration.
- Any other pertinent matters affecting the qualifications of the applicant for the conduct of the type of business proposed.

Step Six: Findings of Fact Report Issued

Once a decision is made by the Local Liquor Licensing Authority, the Findings of Fact Report is issued within 30 days after the public hearing. This is the report that states the outcome of the Authority's decision and supplies reasons for any denial or conditions. A copy of the Findings of Fact Report will be mailed to the applicant.

Step Seven: Application Forwarded to the State for Consideration, if an applicant has not chosen Concurrent Review

If the license is approved, the Mayor and City Clerk will sign the application and forward it to the State Department of Revenue for review. It may take **up to six weeks** for that department to review and issue the license. Upon approval, the state returns the license information to the City of Black Hawk. The applicant may not purchase, sell, or serve alcohol until the state has approved the license and issued a license number.

The State Licensing Authority may request more information from the local authority or the applicant in order to process the application. The applicant is encouraged to provide the requested information as promptly as possible. Upon approval, the State Liquor Authority will mail the state license to the local authority. The City Clerk's office will then issue both the State of Colorado Liquor License and the City of Black Hawk Liquor License to the applicant. Licensees must post the state and local licenses in a conspicuous area in the licensed premises so that the general public may see them.

II. LICENSE RENEWAL PROCESS

All applications for renewal of liquor licenses are required to be on forms mailed to the licensee by the State Licensing Authority. Applications for renewal shall be submitted to the City Clerk's office no later than forty-five (45) days prior to the license expiration date with the appropriate fees. Once the completed application is received by the City Clerk's office, the expiration date of the license will be extended until the state completes its processing of the application. The City Clerk's office will request review and consideration from the Black Hawk Police Department and Fire Department for a recommendation. The City Clerk's office has the authority to renew before sending to the state, but if a recommendation comes back with concerns, the City Clerk's office may refer a renewal to the Local Liquor Licensing Authority for approval. Upon approval, the state and local liquor licenses will be mailed to the applicant.

Late Renewal / Expired License: A licensee may submit a late renewal application and remain in operation while the renewal is pending. The licensee must submit the late renewal application ***no later than ninety (90) days after the license has expired*** and must pay a ***non-refundable late-renewal fee of \$500*** to the City and the state. If the licensee fails to submit an application for renewal within the ninety (90) day late renewal period, then the license is deemed expired, and the licensee must cease operations and apply for a new license.

**III. FOR ANY FUTURE CHANGES TO THE LICENSEE, MANAGER, OR PREMISES
PLEASE CONTACT THE CITY CLERK'S OFFICE**

IV. IMPORTANT LINKS

City of Black Hawk Links:

Fee Schedule:

[master fee schedule amended 8.9.23 final.pdf \(cityofblackhawk.org\)](#)

Municipal Code:

[City Charter/Municipal Code | Black Hawk, CO \(cityofblackhawk.org\)](#)

Fingerprinting through Idemia:

[https://uenroll.identogo.com/](#)

[Liquor Licensure Service Code](#)

[Background Investigation Form](#)

Colorado Department of Revenue Liquor Enforcement Division Links:

Retail License Packet:

[https://www.colorado.gov/pacific/enforcement/retail-license-packet-liquor-enforcement](#)

DR8404-I Form:

[DR_8404I.pdf \(colorado.gov\)](#)

Fee Schedule:

[Liquor Enforcement Division Fee Schedule, DR 8500 \(colorado.gov\)](#)

Laws, Rules, and Regulations:

[https://www.colorado.gov/pacific/enforcement/liquor-enforcement-laws-rules-regulations](#)