

Petition Guidelines

These guidelines are intended to assist an applicant for an alcohol beverage license in petitioning the relevant neighborhood most likely to be affected by the applicant's proposed establishment. Applicants are strongly encouraged to review Chapter 3 of the Code of the City of Fort Collins and/or consult a private attorney.

These guidelines should not be construed as legal advice. The city of Fort Collins and its employees assume no responsibility for the acceptance or rejection of petitions or the denial of an application by the Fort Collins Liquor Licensing Authority based upon the applicant's reliance on these guidelines. The applicant should not rely solely on the information provided in these guidelines.

It is the applicant's responsibility to insure that petitioning is done correctly.

Before granting a license, the Fort Collins Liquor Licensing Authority must consider the reasonable requirements of the neighborhood and the desires of the adult inhabitants as evidenced by petitions, remonstrances, or other evidence. The burden of producing such evidence is placed upon the applicant. Although the law does not require that an applicant petition the neighborhood, it is the most common form of evidence presented.

Applicants may conduct a petition survey themselves, or may contract with a professional survey firm. The following firms have appeared before the Authority in the last few years:

Esquire Petition Services, LLC
639 Ivanhoe Street
Denver CO 80220
303.331.8600

Oedipus, Inc.
P.O. Box 0038
Louisville CO 80027
303.661.0638

There may be other firms in Colorado who conduct such surveys, but none are known to the City Clerk's office at this time. The City does not recommend one firm over the other or even recommend using such firms. The decision to use such firms rests entirely with the applicant.

Petition Circulation Instructions

Petitions may be circulated only within the neighborhood affected by the application. The City Clerk's Office sets the presumed neighborhood boundaries according to the requirements of the City Code. Signatures should be obtained only from residents of the neighborhood, and owners or managers of businesses within the neighborhood boundaries. All persons signing a petition must be at least 21 years of age and must indicate their age after their signature.

There is no required number of signatures that an applicant must obtain from petitioning. An applicant should collect at least enough signatures to provided the Authority with sufficient evidence to support its findings that:

- (1) the reasonable requirements of the neighborhood for the type of license being sought are not currently being met; and
- (2) the adult inhabitants of the neighborhood desire the issuance of the license.

Typically applicants submit petitions to the Authority containing 300-500 signatures concerning their application.

Each petition packet must contain a verified statement signed by the circulator indicating that the circulator **personally witnessed** each signature appearing on the petition and that, to the best of his/her knowledge, each signature is the signature of the person whose name it purports to be and that the address given opposite that person's name is the true business or residence address of the person signing the petition, as well as the cover page indicating where and when the hearing is.

Failure to affix a completed verified statement (including notarization) and cover page both at the time the petition signatures are gathered and at the time the petitions are submitted to the City Clerk's Office may cause the petitions to be invalidated, or postpone your hearing.

Petition Summary

Upon completion of the survey, the applicant should review the petition(s) and may strike (using a red pen or marker) any signature which the applicant does not believe to be valid for whatever reason. The applicant should also be prepared to provide information regarding any statements made to the petition circulator(s) by the signatories about their reasons for being for or against the issuance of the license.

The applicant should tabulate the petitions results, noting the total number of signatures obtained, the total number of signatures in support of the application and the total number of signatures in opposition to the application and the total number of signatures stricken from the petition and the reasons therefor.

City Attorney Review

Prior to or during the hearing on the license application, the Assistant City Attorney will review the petitions and may object to the admissibility of the petitions as evidence. Any flaws in the petition format or petitioning process may cause the petitions to be ruled inadmissible by the Authority.

Sample Petitions

A sample petition is available from Aimee Jensen, Deputy City Clerk if you intend to circulate your own petitions. It is suggested that a map of the designated neighborhood be included with each petition packet to assist the circulator and signatories in determining whether each signatory resides, or owns or manages a business, within the designated neighborhood. The petition must comply with the provisions of 3-53(5) of the City Code.

Common Mistakes

Following is a list of the most common reasons for rejecting individual signatures:

- ▶ No age listed.
- ▶ No manager or owner designated on the business petitions.
- ▶ Address is outside the 1 miles radius.
- ▶ Address listed is illegible.

It has been my experience, after reviewing many petitions, that an applicant (or designee) must go door to door for the 'cleanest' petition. The worst petitions are where the petition is left on the counter of the business, unattended.

Petitions **MUST** be submitted to the City Clerk's Office at least 10 days prior to the hearing date.

Your petitions are due in Aimee Jensen's office on: _____

for your hearing scheduled on: _____.