

COMMISSION POLICY

POLICY #2.6

SUBJECT: Establishment of Public Hearings for Alcoholic Beverage Licenses

DATE ADOPTED
February 7, 2012

AGENDA ITEM
EA6

OBSOLETE VERSIONS (Can be found in the Inactive Policy Book.)

DATE ADOPTED	PAGE (BCC MINUTES)
July 5, 1995	Book 16, pg. 247
March 16, 2004	Book 34, pg. 388
February 19, 2008	Page 26
March 17, 2009	Page 11
March 16, 2010	Page 10-11

POLICY STATEMENT

This policy outlines the method for establishing public hearings, which are heard by the County Commission, in order to allow consideration of alcoholic beverage licenses and allow for input from interested citizens of the County.

PROCEDURAL REQUIREMENT

In order to carry out this policy, all license applications concerning alcoholic beverages, whether new, renewals, transfers or otherwise, as presented to the Baldwin County Commission for approval, shall be subject to the following procedure as a prerequisite to such approval:

1. The Alcoholic Beverage Control Board (ABC) will provide the applicant a *Baldwin County Commission Location Verification Request Form (LVF)* to fill out.
2. The ABC Board or the applicant will submit the filled out LVF to the Planning & Zoning Department.
3. Based on the information provided by the applicant in the LVF, the Planning & Zoning Department will:
 - a) Determine exact location of said property and verify whether the property is inside or outside the unincorporated area of Baldwin County; and

b) Upload the completed form to the County’s Internal Liquor License Application Management Program (Sharesite) and provide a copy of the completed form to the ABC Board via email or fax;

4. After the determination of the property location, the applicant will provide County staff a copy of the completed *State ABC License Application* form and County Commission staff will provide the applicant a *Baldwin County Alcohol License Application* to complete and have notarized along with a *Consent for Inspection*, which allows an employee of the Planning & Zoning Department to post a public notice sign on the property. Commission staff will inform the applicant of the County procedures and requirements related to ABC applications.

5. The applicant will take copies of the County and State Alcohol License Applications to the Baldwin County Sheriff’s Office for review. The Sheriff’s Office will provide comments in writing to the Commission related to the application. If the comments obtained from the Sheriff’s Office indicate that said business is outside the Baldwin County Sheriff’s Office’s policing jurisdiction, Commission staff will submit copies of the filled out Baldwin County Alcohol License Application, Sheriff’s Office Comment letter and the State ABC License Application Form to the appropriate municipality for their written comment back to the Commission.

6. Commission staff coordinates with the Sales and Use Tax Department, the License Inspection Division, the Building Official and the Health Department related to the following information and the Sharesite is updated accordingly:

a) The Sales and Use Tax Department investigates and notifies the County Commission staff as to whether the applicant has a current Sales and Use Tax Account and whether there are any delinquent taxes/fees owed to the County.

- If the applicant does not have a current Sales and Use Tax Account or there are delinquent taxes/fees owed to the County, County Commission staff will inform the applicant that the application process has been halted until such time staff receives notification from the Sales and Use Tax Department that the applicant has obtained an account and/or delinquent taxes/fees are paid in full.

b) The License Inspection Division investigates and notifies the County Commission as to whether the required business/other applicable licenses are in order.

- If the business/other licenses are not found to be in order, County Commission staff will inform the ABC applicant that the application process has been halted until such time staff receives notification from the License Inspection Division that the licenses are in order.

- c)** If a building will be constructed, County Building Permit(s) must be obtained.
- d)** Any establishment serving food/drinks or an establishment which has a septic tank on the premises must be inspected and approved by the Baldwin County Health Department.
 - If written confirmation from the Health Department is not provided, County Commission staff will inform the ABC applicant that the application process has been halted until such time staff receives notification that a Health Food Permit has been obtained or is not needed for the establishment and/or septic tank inspection has been made and approved for commercial use.

7. At such time Commission staff receives all required documentation and verifications, a public hearing date will be scheduled for the purposes of both conducting an open Commission discussion and for allowing input from the interested citizens of the County concerning the license at hand and any related information.

8. Once Commission staff has established a public hearing date, staff will inform the applicant of the hearing date in writing (by email, fax, or U.S. Mail, whichever is preferred by the applicant) and upload the correspondence to the Sharesite.

9. Planning & Zoning Department staff will place a public notice sign on the property. Planning and Zoning Department staff will take site photographs of the location and develop GIS maps of the property, which will be uploaded to the Sharesite.

10. The announcement of the public hearing required by this policy shall be advertised by the applicant, for three (3) consecutive weeks in a local newspaper of general circulation within Baldwin County and an original, sealed proof of publication (affidavit) shall be presented to the Commission on or before the public hearing date by the applicant.

11. Commission staff shall attach to the Agenda Action Form, which will be submitted to the County Commission for review:

- a)** The State ABC License Application Form;
- b)** The County Alcoholic License Application Form;
- c)** A comment letter from the Sheriff's Office and if applicable, a comment letter from the municipality with police jurisdiction;
- d)** The Baldwin County Commission Location Verification Request form;
- e)** Verification of current County Business License and any reports from the Building Official, Health Department, or any other department/agency;
- f)** Letter to the applicant setting public hearing date;

g) Maps and site pictures of the area in question; and

h) Consent for Inspection form.

12. Once formal County Commission action is taken on the application, Commission staff will submit a letter via email to the ABC Board (email is to be copied to all involved in reviewing the application) and send a copy of the letter to the applicant via U.S. Mail or email if preferred.

The procedures required by this policy are implemented to encourage open debate and for the benefits of the health, safety and general welfare of the general public of Baldwin County, and they shall in no way limit the County Commission's discretionary ability to approve or disapprove any subject application for any reason.

FORMS/ATTACHMENTS/EXHIBITS

1. Baldwin County Alcohol License Application
2. Baldwin County Commission Location Verification Request
3. Consent for Inspection Form

Has any person(s) with any interest, including manager, whether sole applicant, officer, member, or partner been charged (whether convicted or not) of ANY law violation(s)? Yes* No

*If yes, please list person(s) and charge/violation: _____

Please list three (3) reputable references with mailing addresses (non-resident applicants or residents of less than one year must provide references from former place of residence):

Name	Address	Telephone Number	Relationship

Has a County Business License pertaining to this business been obtained? Yes No*

*If no, please explain _____
 (Applicant must provide proof of current County business license to Commission Administration Office)

PLEASE NOTE: The applicant is responsible for obtaining a county business license, a sales and use tax account, Health Department approval if applicable, and any and all permits, if necessary, PRIOR to the Administration Office setting a public hearing date for this license request.

The undersigned _____, applicant for the Alcoholic Beverage License Application requested hereby, acting as the _____ (title) of the business/entity subject hereto, swears and affirms that he/she has read all statements therein and the facts set forth are true and correct and understands that any incorrect information may lead to either denial of the license request or the rescinding of any approvals gained hereby.

Sworn to and subscribed before me this _____ day of _____, 20_____.

_____/_____
 Signature of **Applicant** Date

 Signature of **Notary**

NOTARY SEAL

Notary Public, State at Large
 My Commission expires: _____

**Baldwin County Commission
Location Verification Request
Baldwin County Planning and Zoning Department**

Main Office Mailing Address
PO Box 220, Silverhill, AL 36576
Phone: (251) 580-1655 Fax: (251) 580-1656

Main Office Physical Address
22070 Hwy 59, Robertsdale, AL 36567
Phone: (251) 580-1655 Fax: (251) 580-1656

Foley Satellite Courthouse
201 East Section Street, Foley, AL 36535
Phone: (251) 972-8523 Fax: (251) 972-8520

Applicant Information	
Name: _____	D/B/A: _____
Mailing Address: _____	
City: _____	State: _____ Zip code: _____
Telephone: (____) ____ - ____ Fax: (____) ____ - ____ e-mail: _____	

<input type="checkbox"/> <i>ABC License Application</i>	Site Information
Business Name: _____	
E-911 Address of Site: _____	
Parcel ID Number: 05-____ - ____ - ____ - ____ - ____ - ____ - ____ - ____	
<i>*parcel information must be completed</i>	
Proposed Use: _____	
<i>*Parcel ID number is listed on property tax receipts, or may be obtained from the Baldwin County Revenue Commission at its web site (www.revcomm.co.baldwin.al.us) or by calling (251)937-0245.</i>	

 Signature of Applicant **Date**
 City _____ **County**

Please be advised that this location verification is for informational purposes only. Specific uses for the zoning classification should be verified through the Baldwin County Zoning Ordinance and associated maps or through consultation with the Planning and Zoning staff at 580-1655.

Office Use Only	
P&Z Verified By: _____	Date: _____
Case No. ZV - _____ <input type="checkbox"/> Unzoned <input type="checkbox"/> Zoned Zoning Classification: _____	
<input type="checkbox"/> City Limits: _____	Planning District _____
<input type="checkbox"/> Permitted Use <input type="checkbox"/> Not Permitted Use	Fire District: _____
Comments: _____	

BALDWIN COUNTY COMMISSION

CONSENT FOR INSPECTION

I, _____, the owner or authorized agent for the
owner of the premises located at _____
_____ ,

do hereby consent to the inspection of said premises and the posting of a public notice
sign, by an employee of the Baldwin County Planning Department, Baldwin County,
Alabama, in conjunction with application for an alcohol license, without further
notice. I understand that the public signs are the property of the Baldwin County
Commission and are only to be removed by an employee of the Baldwin County
Commission.

Dated this _____ day of _____, 20_____.

Signature of Owner or Authorized Agent

Telephone number