

September 30, 2014
From the Office of John Suchy
Director of Liquor Control

OBJECTIONS TO A REMOVAL APPLICATION

This memo will clarify questions regarding the objections to a removal application.

May someone file an objection to a removal? If so, under what statute and/or regulation is being relied on?

What would be the date by which an objection must be received by the department?

The analysis of this issue centers around relevant sections of three statutes, Connecticut General Statute § § 30-16 and 30-39, and 30-6-A16 of the Regulations of Connecticut State Agencies, which address the removal of a permit to another location; applications for permits and renewals and remonstrance; and removal of permit premises, respectively.

Sec. 30-52. Permit to specify location and revocability. Removal to another location. *(a) Every permit for the sale of alcoholic liquor shall specify the town and the particular building or place in such town in which such liquor is to be sold, and shall not authorize any sale in any other place or building. Such permit shall also be made revocable in terms for any violation of any of the provisions of this chapter. Notwithstanding the existence of any local zoning ordinance or general statute prohibiting or affecting the establishment or removal to a new location of an alcoholic liquor use within certain specified distances of other alcoholic liquor uses of the same or different kinds, the Department of Consumer Protection, in cases of hardship and in cases caused by reason of the commencement of an eviction action against such permittee from the particular building or place in such town specified in such permit, may endorse upon such permit permission to the permittee to remove from one building or place in any zone to another building or place in a proper business or industrial zone, and the permittee shall thereupon be authorized to remove to such new location with such permit. The applicant for such permission shall specify the building or place to which he wishes to remove, and such new location shall comply with all other provisions of the local zoning ordinances or general statutes except as hereinbefore provided; and such permittee shall be allowed to move such permit premises only within a radius of seven hundred fifty feet of the old permit premises. The removal of the permit premises from the particular building or place specified in the permit without the approval of the department shall be grounds for the suspension or revocation of the permit. In such cases an appeal from an order refusing permission to remove may be taken in accordance with the provisions of section 30-60. If the site of any permit premises is taken or threatened to be taken in the exercise of the power of eminent domain, the department may authorize the relocation of such permit premises to a new location, any local ordinance or general statute notwithstanding, provided such new location is zoned for business use and is within a radius of seven hundred fifty feet from the point, on the boundary of the overall site of the proposed taking, nearest to the site of such permit premises*

(b) Nothing in subsection (a) of this section or section 30-14a, shall be construed as prohibiting the department from permitting the removal of such permit premises to any location, including a location in another town, for any reason, provided: (1) Removal to the proposed location complies with local zoning laws as required by section 30-44, (2) the proposed location is not found to be unsuitable or prohibited by any other provision of this chapter, except that a removal to a location in another town may be authorized only if such removal complies with the provisions of section 30-14a provided, in any case in which the department finds that the permittee has provided evidence satisfactory to the department that the permittee is unable to secure a renewal or extension of his lease and that the premises are to be demolished by their owner, and that the permittee is unable to find, after reasonable efforts, a suitable location for removal of the permit premises within the town in which the permit premises are located, have created a hardship, the department may waive the maximum permit limit provided by said section 30-14a and allow the removal of the permit premises to an adjacent town.

Sec. 30-39. Applications for permits, renewals. Fees. Publication, remonstrance, hearing.

*(c) Any ten persons who are at least eighteen years of age, and are residents of the town within which the business for which the permit or renewal thereof has been applied for, is intended to be operated, or, in the case of a manufacturer's or a wholesaler's permit, any ten persons who are at least eighteen years of age and are residents of the state, may file with the department, within three weeks from the last date of publication of notice made pursuant to subdivision (3) of subsection (b) of this section for an initial permit, **and in the case of renewal of an existing permit, at least twenty-one days before the renewal date of such permit, a remonstrance containing any objection to the suitability of such applicant or proposed place of business.***

Sec. 30-6-A16. Removal of permit business

The department may require a waiting period of twenty-one days before any decision is made on any request for the removal of a retail or wholesale permit business. (a) Any permittee who desires to move his permit business from the present location to another shall make application on forms prescribed by the department and, in addition, shall publish this request, on forms which shall be provided, in a newspaper having circulation in the town in which such business is located, once a week for two successive weeks, the first publication to be not more than seven days after the receipt of the placard. The applicant shall affix, not later than the day following its receipt, a placard, provided by the department, upon the outer door of the building wherein such place of business is to be located, clearly readable from the public highway, and shall maintain the same in legible condition. Whenever an application is filed for a building which has not been constructed, or if the outer door of the proposed premises is more than twenty-five feet from the public sidewalk or the edge of the highway, the applicant shall, not later than the day following the date of receipt of the placard, cause to be erected on the proposed location a sign, at least six feet by four feet in size.

The placard shall be attached to such sign. The following form and elements are required for such sign:

**THE DEPARTMENT OF CONSUMER PROTECTION
LIQUOR PERMIT REMOVAL REQUESTED FOR THESE PREMISES**

DATE: . . .

TYPE OF PERMIT: . . .

PERMITTEE: . . .

BACKER-OWNER: . . .

REMOVAL FROM: . . .

TYPE OF ENTERTAINMENT, IF ANY:

OBJECTIONS MUST BE RECEIVED BY DCP BY _____ AT LIQUOR CONTROL DIV., 165 CAPITOL AVE.,
HARTFORD, CT 06106

Such sign shall consist of black letters of a minimum height of four inches on a white background. It shall be placed in close proximity to the street or highway with a clear and unobstructed visibility to the passing public, and shall be maintained on the premises for twenty-one days. The attached placard shall be protected from the weather. The applicant shall make a return to the department, under oath, of compliance with the foregoing requirements. (b) A return shall be made to the department, under oath, of compliance with the foregoing requirements, on forms prescribed by the department. (c) Every application for the removal of any on-premises permit other than a boat permit, caterer permit, railroad permit, military permit, or airline permit shall be accompanied by a diagram, sketch, plan or blueprint of the layout of the proposed new premises. Measurements shall be indicated thereon. (d) Every application for the removal of a permit, other than a caterer, transporter, boat permit, railroad permit, out-of-state shipper's permit for beer only, out-of-state shipper's permit for alcoholic liquors, military permit, airline permit, temporary liquor permit, or temporary beer permit shall be accompanied by one photograph of the exterior of the proposed premises. The photograph shall be eight inches by ten inches in size. (Effective November 3, 1978; Amended October 1, 2001)

When a permittee files for a removal application, a removal placard is prepared and sent to the permittee as outlined in Sec. 30-6-A16 (see above) of the Regulations of Connecticut State Agencies. Persons wishing to file an objection to the issuance of this existing permit to another location should follow the remonstrance procedure (see Sec. 30-39 (c) CGS).

The date by which objections must be filed is 21 days before the expiration date of the existing permit and should be reflected on the placard and in the newspaper publishings required in Sec. 30-6-A16 of the Regulations of Connecticut State Agencies.