

## § 53-7. - Investigation.

The Town Clerk shall gather the evidence for the preliminary investigation as required by state law and as more particularly itemized below. At least five days prior to the date of the public hearing the Town Clerk shall make known its findings, in writing, to the authority, as well as to the applicant, and, upon request, to other interested parties as they are defined by state law. The investigation by the Town Clerk on behalf of the authority shall be with regard to the following matters:

- A. Whether within two years next preceding the date of the receipt of the application a licensing authority has denied an application at the same location for the reason that the reasonable requirements of the neighborhood and the desire of the inhabitants were satisfied by the existing outlets.
- B. That it satisfactorily appears that the applicant is or will be entitled to possession of the premises for which the application is made under a lease, rental agreement or other arrangement for possession of the premises or by virtue of ownership thereof.
- C. That the sale of liquor or beer as contemplated by the application at the premises sought to be licensed is not in violation of the zoning, fire, building and other applicable laws of the Town of Frisco.
- D. That the building wherein the license is sought to be exercised is located more than 250 feet from any public or parochial school or the principal campus of any college, university or seminary. For the purposes of measuring the distance between the building wherein the license is sought to be exercised and said public or parochial school or the principal campus of any college, university or seminary, a measurement shall be made from the nearest property line of the land used for the above school purposes to the nearest portion of the building in which liquor is to be sold, using a route of direct pedestrian access.
- E. The number and type of outlets of a nature similar to the applicant's within one mile in any direction of the proposed location.
- F. A report of all pertinent matters affecting the qualifications of the applicant for the conduct of the type of business proposed. This report shall specify any financial interests, including notes, mortgages, leases, etc., in other licenses. This report shall include reports from appropriate criminal justice agencies of the applicant's criminal history record, if any, and shall include all partners, principals or stockholders holding over ten percent of the outstanding and issued stock.
- G. Such other matters as the liquor licensing authority shall direct.
- H. Not less than five days prior to the date of hearing upon the application, a copy of the Town Clerk's written report containing findings into the matters investigated above, shall be mailed by certified mail with return receipt requested to the applicant. The original may be filed as a

public record in the Clerk's office.

(Ord. No. 89-28, 11-7-89)