

ORDINANCE NO. 714-15

AN ORDINANCE ESTABLISHING THE PROCEDURES AND STANDARDS FOR THE CONDUCT OF TASTINGS OF ALCOHOLIC BEVERAGES IN THE TOWN OF FOWLER, STATE OF COLORADO

WHEREAS, pursuant to C.R.S. §12-47-301(10), a municipality may authorize liquor tastings at retail liquor stores and liquor-licensed drugstores and may adopt certain standards, procedures and fees for applications for liquor tastings; and

WHEREAS, in order for such tastings to be authorized within municipalities, the Local Licensing Authority must consent to the application of the statutory amendments within its jurisdiction; and

WHEREAS, the Board of Trustees is the Local Licensing Authority for the Town of Fowler and desires to authorize tastings at licensed retail liquor establishments and liquor-licensed drugstore within the Town, subject to the limitations set forth in the statutory amendments referred to in this Ordinance;

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF FOWLER, COLORADO

1. Pursuant to Section 12-47-301(10), C.R.S, the Town of Fowler Board of Trustees establishes the following procedures and standards for conducting the tasting of alcoholic beverages:

Liquor tastings.

- a. The Town hereby authorizes tastings to be conducted by retail liquor store and liquor-licensed drugstore licensees pursuant to Section 12-47-301, C.R.S. It is unlawful for any person or licensee within Fowler Municipal limits to conduct tastings unless a permit has been obtained in accordance with this Ordinance. The Local Licensing Authority is authorized to issue tasting permits in accordance with the requirements of this Ordinance.
- b. A retail liquor store or liquor-licensed drugstore licensee that wishes to conduct tastings shall submit an application for a tastings permit to the Local Licensing Authority annually. The application shall be in the form required by the Town Clerk, and shall include a written control plan establishing how the applicant will conduct the tastings in compliance with the provisions of the Colorado Liquor Code and this Ordinance, and without creating a public safety risk to the neighborhood. The Local Licensing Authority may reject the permit application if the applicant fails to establish by a preponderance of the evidence that the licensee is able to conduct tastings without violating the provisions of this section or creating

a public safety risk to the neighborhood. The Local Licensing Authority and the Town Clerk may establish application procedures for tastings permits.

- c. Each application for a liquor tastings permit shall be accompanied by an initial liquor tastings application fee in the amount of \$100.00 and a \$50.00 annual renewal fee each year thereafter.
- d. Tastings shall be subject to the following limitations:
 - I. Tastings shall be conducted only by a person who has completed a server training program that meets the standards established by the Liquor Enforcement Division of the Colorado Department of Revenue and who is either a retail liquor store or liquor-licensed drugstore licensee, or an employee of a licensee, and only on a licensee's licensed premises.
 - II. The alcohol used in tastings shall be purchased through a licensed wholesaler, licensed brew pub, or winery licensed pursuant to Section 12-47-403, C.R.S., at a cost that is not less than the laid-in cost of such alcohol. Such suppliers shall have licenses from the Town to the extent required by this Ordinance and Section 12-47-301, C.R.S.
 - III. The size of an individual alcohol sample shall not exceed one ounce of malt or vinous liquor or one-half ounce of spirituous liquor.
 - IV. Tastings shall not exceed a total of five hours in duration per day which need not be consecutive.
 - V. Tastings shall be conducted only during the operating hours in which the licensee, on whose premises the tastings occur, is permitted to sell alcohol beverages, and in no case earlier than 11 a.m. or later than 7 p.m.
 - VI. The licensee shall prohibit patrons from leaving the licensed premises with an unconsumed sample.
 - VII. The licensee shall promptly remove all open and unconsumed alcohol beverage samples from the licensed premises or shall destroy the samples immediately following the completion of the tasting.
 - VIII. The licensee shall not serve a person who is under twenty-one years of age or who is visibly intoxicated.

- IX. The licensee shall not serve more than four individual samples to a patron during a tasting.
 - X. Alcohol samples shall be in open containers and shall be provided to a patron free of charge.
 - XI. Tastings may occur on no more than four of the six days from a Monday to the following Saturday, not to exceed fifty two (52) days per year.
 - XII. No manufacturer of spirituous or vinous liquors shall induce a licensee through free goods or financial or in-kind assistance to favor the manufacturer's products being sampled at a tasting. The licensee shall bear the financial and all other responsibility for a tasting.
 - XIII. The applicant for a tastings permit shall certify on the application that all persons serving alcohol at tastings have completed a server training program that meets the standards established by the Liquor Enforcement Division of the Colorado Department of Revenue.
- e. A violation of a limitation specified in this Ordinance or of Sections 12-47-301(10) or 12-47-801, C.R.S., by a retail liquor store or liquor-licensed drugstore licensee, whether by the licensee, the licensee's employees or agents, or otherwise shall be the responsibility of the licensee who is conducting the tasting.
 - f. A licensee conducting a tasting shall be subject to the same revocation, suspension, and enforcement provisions as otherwise apply to the licensee and are imposed by the Local Licensing Authority. The Local Licensing Authority shall conduct a hearing with regard to any violations of this section in accordance with the requirements of this Ordinance and Section 12-47-601, C.R.S.

PASSED, ADOPTED and ordered published the 26th day of January, 2015.

TOWN OF FOWLER

Charles R. Hitchcock, Mayor

ATTEST:

Kelly Lotrich, Town Clerk