

**ORDINANCE NO. 521
SERIES 2015**

**AN ORDINANCE PROVIDING FOR TASTINGS AT LIQUOR STORES OR LIQUOR
LICENSED DRUGSTORES**

WHEREAS, Colorado State Statutes at C.R.S. 12-47-301 Licensing in General at (10)(a) through (f) authorizes tastings by liquor store licensees, specifically retail liquor stores and/or liquor licensed drugstores; and,

WHEREAS said tastings, according to Colorado Statute, shall only be allowed within a City or Municipality if the governing body of the City or Municipality adopts an ordinance or resolution authorizing tastings pursuant to C.R.S. 12-47-301 (10); and,

WHEREAS, Colorado statutes provide that the Municipality may impose stricter limits than Colorado Revised Statutes on the number of tastings per year, per licensee, the days on which tastings may occur or the number of hours each tasting may last; and,

WHEREAS, Colorado Statutes require a retail liquor store licensee who wishes to conduct tastings to submit an application or application renewal to the local licensing authority. Said local licensing authority may reject any application if the applicant fails to establish that he or she is able to conduct tastings without violating the provisions of this section and state law or creating a public safety risk to the neighborhood. A local licensing authority may establish its own application procedure and charge a reasonable application fee.

NOW THEREFORE, BE IT ORDAINED BY THE DOLORES TOWN BOARD OF TRUSTEES THAT: Chapter 5.24 of Title 5 Alcoholic Beverages of the Dolores Municipal Code is amended to add Section 5.24.140 Tastings.

Section 5.24.140 Tastings

1) A retail liquor store or liquor-licensed drugstore licensee who wishes to conduct tastings shall submit an application or application renewal to the Dolores Town Clerk on forms provided by the Town Clerk. The Dolores Town Board of Trustees, sitting as the local licensing authority, shall reject the application if the applicant fails to establish that he, she or it is able to conduct tastings without violating the provisions of this section or creating a public safety risk to the neighborhood. The neighborhood shall be the Town of Dolores. Town Board of Trustees shall establish its own application procedure and shall charge a reasonable application fee, set by annual resolution as part of the Town's annual budget process.

2) Tastings shall be subject to the following limitations:

a. Tastings shall be conducted only by a person or persons who have completed a server training program that meets the standards established by the Colorado Liquor Enforcement Division in the Colorado Department of Revenue and who is either a retail liquor store licensee or a liquor-licensed drugstore licensee, or an employee of a licensee. Tastings shall take place only on a licensee's licensed premises.

- b. The alcohol used in tasting shall be purchased through a licensed wholesaler, licensed brew pub, or winery licensed pursuant to C.R.S. 12-47-403 at a cost that is not less than the laid-in cost of such alcohol.
- c. The size of an individual alcohol sample shall not exceed one ounce of malt or vinous liquor or one-half of one ounce of spirituous liquor.
- d. Tastings shall not exceed a total of five hours in duration per day, which need not be consecutive.
- e. 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 11a.m. or later than 7p.m.
- f. The licensee shall prohibit patrons from leaving the licensed premises with an unconsumed sample.
- g. 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.
- h. The licensee shall not serve a person who is under twenty-one years of age or who is visibly intoxicated.
- i. The licensee shall not serve more than four individual samples to a patron during a tasting.
- j. Alcohol samples shall be in open containers and shall be provided to a patron free of charge.
- k. Tastings may occur on no more than four of the six days from a Monday to the following Saturday, not to exceed one hundred four days per year.
- l. 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.

3) A violation of a limitation specified in this section 5.24.140 of the Dolores Municipal Code or of section C.R.S. 12-47-801 by a retail liquor store or liquor-licensed drugstore licensee, whether by his or her employees, agents, or otherwise, shall be the responsibility of the retail liquor store or liquor-licensed drugstore licensee who is conducting the tasting.

4) A retail liquor store or liquor-licensed drugstore licensee conducting a tasting shall be subject to the same revocation, suspension, and enforcement provisions as otherwise apply to the licensee.

5) Nothing in this Section 5.24.140 Tastings of the Dolores Municipal Code shall affect the ability of a Colorado winery licensed pursuant to C.R.S. 12-47-402 or 12-47-403 to conduct a tasting pursuant to the authority of C.R.S. 12-47-402(2) or 12-47-403(2)(e).

6) A violation of this ordinance shall be punished as set forth in Section 10.04.060 of the Dolores Municipal Code now in affect or as may be amended from time to time.

REPEALER. All orders, bylaws, ordinances, and resolutions of the Town, or parts thereof, inconsistent or in conflict with this Ordinance, are hereby repealed to the extent only of such inconsistency or conflict.

SEVERABILITY. If any section, paragraph, clause, or provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect any of the remaining provisions of this Ordinance, the intent being that the same are severable.

RECORDING AND AUTHENTICATION. Upon adoption hereof, this Ordinance shall be recorded in a book kept for that purpose and shall be authenticated by the signatures of the Mayor and the Town Clerk.


EFFECTIVE DATE. This ordinance shall be effective upon signature.

PUBLIC HEARING. This ordinance shall be considered for second or final reading on the 11th day of May, 2015, at the hour of 6:30 p.m. in the Dolores Town Board Chambers in Town Hall, 420 Central Ave Dolores, Colorado, at which time and place all persons may appear and be heard concerning the same.

PASSED, ADOPTED AND APPROVED ON FIRST READING THIS 13th DAY OF April, 2015.

TOWN OF DOLORES

ATTEST:



LANA HANCOCK, TOWN CLERK


DUVALL TRUELSEN, MAYOR

PASSED, ADOPTED AND APPROVED ON SECOND AND FINAL READING THIS 11th DAY OF May, 2015.

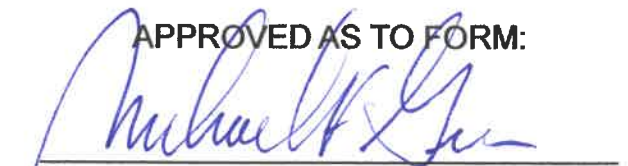
TOWN OF DOLORES

ATTEST:


LANA HANCOCK, TOWN CLERK


DUVALL TRUELSEN, MAYOR

APPROVED AS TO FORM:


MICHAEL F. GREEN, TOWN ATTORNEY

