

## ORDINANCE NO. 314

### AN ORDINANCE PROVIDING FOR TASTINGS AT LIQUOR STORES WITHIN THE TOWN OF IGNACIO, COLORADO

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,

WHEREAS said tastings, according to Colorado Statute, shall only be allowed within a Municipality if the governing body of the 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 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 TOWN OF IGNACIO BOARD OF TRUSTEES THAT: Chapter 9 Business Regulations of the Town of Ignacio Municipal Code is amended to add Section 9-4-10 Tastings.

#### Section 9-4-10 Tastings

1) A retail liquor store licensee who wishes to conduct tastings shall submit an application or application for renewal to the Town of Ignacio Town Clerk on forms provided by the Town Clerk. Having a current retail liquor store license within the Town of Ignacio is a pre-requisite to obtaining a tasting license within the Town of Ignacio. A tasting license shall be issued by the Town Clerk administratively on behalf of the local licensing authority, and without notice or public hearing, provided the application for a tasting license is properly completed, fees are paid, and there is a current retail liquor store license within the Town of Ignacio. The Town Board shall establish its own application procedure and shall charge a reasonable application fee of \$100.00 for the initial application and \$50.00 for annual renewal applications.

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 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 9-4-10 of the Town of Ignacio Municipal Code or of section C.R.S. 12-47-801 by a retail liquor store licensee, whether by his or her employees, agents, or otherwise, shall be the responsibility of the retail liquor store or licensee who is conducting the tasting.

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

5) A violation of this ordinance shall be punished as set forth in Ordinance 83, Amended by Ordinance 284, Penalties, of the Town of Ignacio Municipal Code now in affect or as may be amended from time to time.

PASSED, APPROVED AND ORDERED PUBLISHED THIS 18th DAY OF JUNE, 2014.

TOWN OF IGNACIO

ATTEST:

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STELLA COX, MAYOR

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GEORGANN VALDEZ, TOWN CLERK