

**ORDINANCE NO. 757**

**AN ORDINANCE AMENDING CHAPTER 6 OF THE DACONO MUNICIPAL CODE TO AUTHORIZE LIQUOR TASTINGS AND ADOPT STANDARDS AND PROCEDURES FOR ISSUING TASTINGS PERMITS.**

**WHEREAS**, pursuant to C.R.S. § 12-47-301 (10), the City 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**, the City Council desires to amend the Dacono Municipal Code to allow retail liquor store and liquor-licensed drugstore licensees within the City to conduct liquor tastings pursuant to certain statutory requirements and application procedures to be set by the Dacono Local Licensing Authority;

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DACONO, COLORADO:**

**Section 1.** Chapter 6 of the Dacono Municipal Code is hereby amended by the addition of a new section 6-67.5, to read as follows:

**6-67.5 Liquor tastings.**

(a) Tastings may be conducted by retail liquor store and liquor-licensed drugstore licensees in accordance with this Section and C.R.S. § 12-47-301. It is unlawful for any person or licensee to conduct tastings within the City unless a permit has been obtained in accordance with this Section.

(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 Secretary and pay such fee for the permit as may be established by resolution of the City Council. The application shall be in the form required by the Authority Secretary, and shall include a written control plan establishing how the applicant will conduct the tastings in compliance with the provisions of the Liquor Code and this Section, and without creating a public safety risk to the neighborhood. The permit application shall be denied if the applicant fails to establish 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 Authority Secretary may establish application procedures for tastings permits.

(c) Tastings shall be subject to the following limitations:

(1) 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 a retail liquor store or liquor-licensed drugstore licensee, or an employee of a licensee, and only on a licensee's licensed premises.

(2) The alcohol used in tastings 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. Such suppliers shall have licenses from the City to the extent required by this Section and C.R.S. § 12-47-301.

(3) 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.

(4) Tastings shall not exceed a total of five hours in duration per day, which need not be consecutive.

(5) 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.

(6) The licensee shall prohibit patrons from leaving the licensed premises with an unconsumed sample.

(7) 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.

(8) The licensee shall not serve a person who is under twenty-one years of age or who is visibly intoxicated.

(9) The licensee shall not serve more than four individual samples to a patron during a tasting.

(10) Alcohol samples shall be in open containers and shall be provided to a patron free of charge.

(11) Tastings may occur on no more than four of the six days from a Monday to the following Saturday, not to exceed one hundred and four (104) days per year.

(12) 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.

(13) 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.

(d) A violation of a limitation specified in this Section or of C.R.S. §§ 12-47-301(10) or 12-47-801 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.

(e) 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 Code and C.R.S. § 12-47-601.

(f) Tastings permits shall be valid for one year, and shall run concurrently with the retail liquor store or liquor-licensed drug store license of the holder of the tastings permit; provided, however, that the initial tastings permit issued to a retail liquor store or liquor-licensed drugstore licensee shall be valid only until the expiration of the then-current retail liquor store or liquor-licensed drug store license.

**Section 2.** Section 6-96(b) of the Dacono Municipal Code is hereby amended to read as follows (words to be deleted ~~stricken~~; words to be added underlined):

**Sec. 6-96 City Clerk – Licensing duties – Duties as Authority Secretary.**

(b) The Secretary may approve ~~an~~ applications for tastings permits and for renewal of liquor licenses when the licensee has not, within the preceding two (2) years, had its license suspended or paid a fine in lieu thereof. All other applications ~~for renewal~~ shall be approved by the Authority.

**Section 3.** If any article, section, paragraph, sentence, clause, or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

**Section 4.** All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

**INTRODUCED, READ, ADOPTED ON FIRST READING, AND ORDERED PUBLISHED BY TITLE AND POSTED IN FULL this 23<sup>rd</sup> day of May, 2011.**

**PUBLIC HEARING AND SECOND READING WILL BE THE 13<sup>th</sup> day of June, 2011, AT 6:00 P.M. AT DACONO CITY HALL, 512 CHERRY STREET, DACONO, CO.**

**READ, ADOPTED ON SECOND READING, APPROVED, SIGNED, AND ORDERED PUBLISHED BY TITLE this \_\_\_\_ day of \_\_\_\_\_, 2011.**

CITY OF DACONO, COLORADO

\_\_\_\_\_  
Charles Sigman, Mayor

ATTEST:

\_\_\_\_\_  
Valerie Elliott, City Clerk

Summary of Ordinance No. 757, “**AN ORDINANCE AMENDING CHAPTER 6 OF THE DACONO MUNICIPAL CODE TO AUTHORIZE TASTINGS AND ADOPT STANDARDS AND PROCEDURES FOR ISSUING LIQUOR TASTINGS PERMITS**” Authorizes retail liquor stores and liquor licensed drug stores to conduct tastings by obtaining a permit from the City, and establishes standards and procedures for issuing such permits.