

**CITY OF WHEAT RIDGE, COLORADO
INTRODUCED BY COUNCIL MEMBER DITULLIO
Council Bill No. 12
Ordinance No. 1327**

Series of 2004

TITLE: AN ORDINANCE PERMITTING ALCOHOL BEVERAGE TASTINGS

WHEREAS, the Colorado General Assembly has enacted C.R.S. 12-47-301(10), permitting alcohol beverage tastings on the premises of a retail liquor store licensee or liquor-licensed drugstore licensee by the adult patron of the licensee, by local option only; and

WHEREAS, the City Council has authority pursuant to C.R.S. 12-47-301(10)(a) to permit alcohol beverage tastings; and

WHEREAS, the Council has determined that alcohol beverage tastings may be allowed within the City, subject to the limitations contained herein.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WHEAT RIDGE, COLORADO:

Section 1. Code Sec. 11-56 Adopted

The Wheat Ridge Code of Laws is hereby amended by the addition of a new section 11-56, to read:

Sec. 11-56 Alcohol beverage tastings

(a) Subject to the limitations of this section, alcohol beverage tastings are permitted within the City. For the purposes of this section "tastings" means the sampling of malt, vinous, or spirituous liquors that may occur on the premises of a retail liquor store licensee or liquor-licensed drugstore licensee by adult patrons of the licensee pursuant to the provisions of this section and Section 12-47-301 (10), C.R.S.

(b) A retail liquor store or liquor-licensed drugstore licensee who wishes to conduct tastings may submit an application or application renewal for that purpose to the Liquor Licensing Authority. The applicant for a tastings permit shall state on the application the days and times that tastings will occur. The applicant shall give at least 24 hours' prior notice to the Police Department of any deviations in the

tastings schedule as set forth in the application. The Liquor Licensing Authority may grant, grant with restrictions, or reject the application if the applicant fails to establish that he or she is able to conduct tastings without violating the provisions of this section, Section 12-47-310(10), CRS, or creating a public safety risk to the neighborhood. The Liquor Licensing Authority shall establish its own application procedure and shall charge a reasonable application fee. The Liquor Licensing Authority may delegate review and decision on the application to its clerk or administrative official.

(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 in the department of revenue and who is either a retail liquor store licensee or a 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 brewpub, or winery licensed pursuant to Section 12-47-403 CRS.
3. The size of an individual alcohol sample shall not exceed one ounce of malt or vinous liquor or one-half 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 alcoholic 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 four 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. A violation of a limitation specified in this section, Section 12-47-301(10) CRS or Section 12-47-801 (CRS) by a retail liquor store or liquor licensed drug 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.
14. 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.

Section 2. Review. The City Council shall meet with the Liquor Authority on or before February 1, 2005, to review the history and effectiveness of this Ordinance.

Section 3. Safety Clause. The City Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the City of Wheat Ridge, that it is promulgated for the health, safety, and welfare of the public and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The City Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be attained.

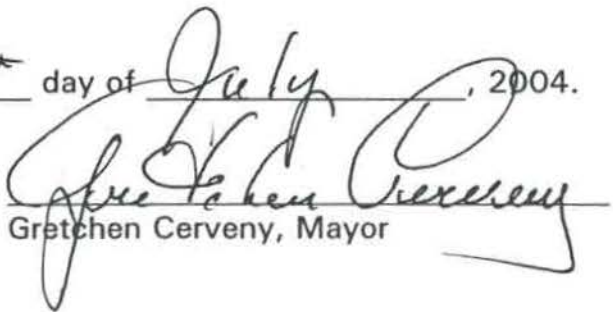
Section 4. Severability; Conflicting Ordinances Repealed. If any section, subsection or clause of this ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections and clauses shall not be affected thereby. All other ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 5. Effective Date. This Ordinance shall take effect 15 days after final publication.

INTRODUCED, READ, AND ADOPTED on first reading by a vote of 8 to 0 on this 28th day of June, 2004, ordered published in full in a newspaper of general circulation in the City of Wheat Ridge and Public Hearing and consideration on final passage set for July 12, 2004, at 7:00 o'clock p.m., in the Council Chambers, 7500 West 29th Avenue, Wheat Ridge, Colorado.

READ, ADOPTED AND ORDERED PUBLISHED on second and final reading by a vote of 7 to 1, this 12th day of July, 2004.

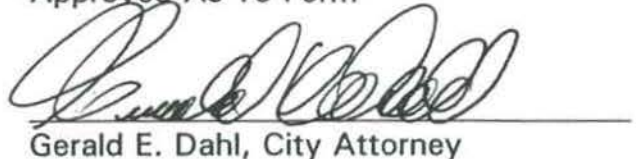
SIGNED by the Mayor on this 15th day of July, 2004.


Gretchen Cerveny, Mayor

ATTEST:


Pamela Anderson, City Clerk

Approved As To Form


Gerald E. Dahl, City Attorney

First Publication: July 1, 2004
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