

ORDINANCE NO. 077, 2014
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING CHAPTER 3 OF THE CODE OF THE CITY OF FORT COLLINS
TO ALLOW SPIRITUOUS LIQUOR TASTINGS AND TO INCREASE
THE NUMBER OF DAYS TASTINGS ARE PERMITTED

WHEREAS, Section 12-47-301(10), C.R.S., authorizes local jurisdictions to allow retail liquor stores and liquor-licensed drugstores to conduct sample tastings of malt, vinous or spirituous beverages in their establishments without charging for such samples; and

WHEREAS, Section 12-47-301(10)(c)(XI), C.R.S. authorizes tastings to occur on no more than four of the six days from a Monday to the following Saturday, not to exceed 104 days per year; and

WHEREAS, on June 6, 2006, City Council adopted on second reading Ordinance No. 087, 2006, allowing beer and wine tastings only, and restricting the number of such tastings to two of the six days from a Monday to the following Saturday, not to exceed 52 days per year; and

WHEREAS, there is interest in the regulated community in a Code change to allow tastings of spirituous liquors and to increase the number of days tastings are permitted to match the maximum number allowed by state law; and

WHEREAS, City staff believes that allowing tastings of spirituous liquors and increasing the number of days such tasting is allowed, subject to the restrictions set forth in state law and City Code, will not adversely affect the health, safety or welfare of the public; and

WHEREAS, the City Council has determined that these proposed amendments to the City Code are desirable and in the best interests of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That Section 3-74(a)(10) of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 3-74. Application fees.

(a) Application fees shall be payable to the City as follows:

<i>Application</i>	<i>Fee</i>
(1) New license (including change of class of license)	\$500.
(2) Transfer of ownership or change of location of license	400.

(3) Late renewal	500.
(4) Temporary permit (to allow continued operation during period that an application for transfer of ownership is pending)	100.
(5) Renewal of license	50.
(6) Manager registration	75.
(7) Special events permit (per day)	50.
(8) Modification of premises	75.
(9) Change in corporate or limited liability company structure, per each required background investigation	100.
(10) Tastings permit	150.
(11) Art gallery permit	103.75

Section 2. That Section 3-87 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 3-87. Malt, vinous, and spirituous tastings authorized; permit required.

- (a) Tastings on the licensed premises of a retail liquor store licensee or of a liquor-licensed drugstore licensee are authorized to be conducted within the City in accordance with Section 12-47-301(10), C.R.S., and subject to the provisions of this Chapter.
- (b) The Authority is authorized to issue tasting permits in accordance with the requirements of this Chapter.
- (c) It shall be unlawful for any person to conduct tastings within the City without having first received a permit issued in accordance with this Section.
- (d) Retail liquor store licensees and liquor-licensed drugstore licensees desiring to conduct tastings shall submit a tasting permit application to the City.
- (e) The Authority shall establish procedures for obtaining a tasting permit, which procedures shall include, without limitation, conducting a noticed public hearing before the Authority at which hearing the applicant must establish that the applicant is able to conduct tastings without violating the provisions of this Chapter. The Authority may deny the application and any renewal application if it finds that the applicant has violated any provision of the Colorado Liquor Code, Colorado Code of Regulations, or Code pertaining to alcohol sales and service in the previous two (2) years, if the applicant has not established the ability to conduct tastings in accordance with the provisions of this

Chapter or if the Authority finds that the proposed tastings would create a public safety risk to the neighborhood. The notice required for the public hearing shall be the posted and published as required by Section 12-47-311, C.R.S.

(f) The forms for the tasting permit application, the renewal application and the tasting permit shall be prescribed by the Authority. These forms shall include, without limitation, a schedule of the dates and times of the tastings to be conducted on the licensed premises during the term of the permit. The licensee may deviate from the approved schedule, provided that:

(1) The licensee gives the City Clerk and the City's liquor enforcement officer seven (7) days' prior written notice of such deviation; and

(2) Such deviation does not violate any provision of this Chapter, the Colorado Liquor Code, Colorado Code of Regulations or any other state requirement or municipal ordinance or regulation. An applicant for a tasting permit must also include with the filing of the initial and any renewal application, and keep current with the City Clerk's office at all times, written proof that the licensee and each employee of the licensee who will be conducting tastings have completed a server training program for tastings that meets the standards required by state law.

(g) Renewal of tasting permits shall be concurrent with the renewal of licenses for retail liquor stores and liquor-licensed drugstores. A licensee's initial tasting permit shall expire on the same date as the date of the licensee's retail liquor store or liquor-licensed drugstore license expires. The initial tasting permit application fee shall not be prorated if the permit expires in less than a year. Tasting permit renewal forms shall be submitted to the City Clerk.

(h) Tasting permits shall be conspicuously and prominently posted by the licensee on the licensed premises at all times during business hours.

(i) A tasting permit shall only be issued to a retail liquor store or a liquor-licensed drugstore licensee whose license is valid, not subject to a current or pending enforcement action by the City or the State and in full force and effect.

Section 3. That Section 3-88 the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 3-88. Limitations on tastings.

Tastings within the City 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 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 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 for such alcohol;

(3) The size of an individual alcohol sample shall not exceed one (1) ounce of malt or vinous liquor, or one-half (1/2) ounce of spirituous liquor;

(4) Tastings shall not exceed a total of five (5) 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 11:00 a.m. or later than 7:00 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 beverage samples from the licensed premises or shall destroy the samples immediately following the completion of the tastings;

(8) The licensee shall not serve a person who is, under twenty-one (21) years of age or who is visibly intoxicated;

(9) The licensee shall not serve more than four (4) individual samples to a patron during a tasting;

(10) The alcohol samples used in a tastings shall be served in clear, open containers and shall be provided to a patron free of charge;

(11) Tastings may occur on no more than four (4) of the six (6) days from a Monday to the following Saturday, not to exceed one hundred four (104) days per year;

(12) The licensee shall maintain on the licensed premises a log of all tastings on forms prescribed by the Authority to be submitted to the City Clerk each year with the tasting permit renewal application, and during all business hours the log shall be subject to inspection by city and state officials authorized to enforce the Colorado Liquor Code and/or this Code upon request; and

(13) No manufacturer of spirituous or vinous liquor shall induce a licensee through free goods or financial or in-kind assistance to favor the manufacturer's products being sampled at a tasting, and the licensee shall bear the financial and all other responsibility for a tasting.

Section 4. That Section 3-89 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 3-89. Violations.

(a) A violation of a limitation specified in §§ 3-87 and 3-88 or a permit issued thereunder or in Section 12-47-301(10), C.R.S., by a retail liquor store or a liquor-licensed drugstore licensee, whether by the licensee's employees, agents or otherwise, shall be the responsibility of the retail liquor store or liquor-licensed drugstore licensee who is conducting the tasting.

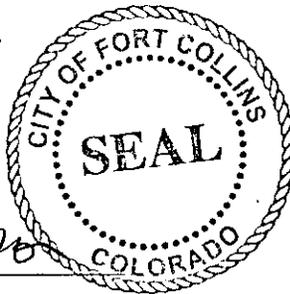
(b) Retail liquor store and liquor-licensed drugstore licensees conducting a tasting shall be subject to the same revocation, suspension and enforcement provisions as otherwise apply to those licensees by the Authority. The Authority shall conduct a hearing with regard to any violation of § 3-87 through § 3-88 in accordance with this Code, the Authority's rules, regulations and Section 12-47-601, C.R.S.

(c) Nothing in this Chapter shall affect the ability of a Colorado winery licensed pursuant to Section 12-47-402 or 12-47-403, C.R.S., to conduct a tasting pursuant to the authority of Section 12-47-402(2) or 12-47-403(e), C.R.S.

Introduced, considered favorably on first reading, and ordered published this 20th day of May, A.D. 2014, and to be presented for final passage on the 3rd day of June, A.D. 2014.

ATTEST:

Wanda Nelson
City Clerk



Karen Wittkenat
Mayor

Passed and adopted on final reading on the 3rd day of June, A.D. 2014.

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