

TOWN OF GILCREST

ORDINANCE NO. 2023-04

TITLE: AN ORDINANCE AMENDING ARTICLE V OF CHAPTER 6 OF THE GILCREST MUNICIPAL CODE TO PERMIT ALCOHOLIC BEVERAGE TASTINGS

WHEREAS, C.R.S. § 44-3-301(10) previously authorized a local licensing authority to receive and approve applications for tastings by a retail liquor store or a liquor-licensed drugstore, or to prohibit tastings altogether;

WHEREAS, on March 1, 2023, Proposition 125 amended the above-mentioned statutory section to add fermented malt beverage and wine retailers to the list of licensees that are permitted to conduct tastings; and

WHEREAS, the Town now desires to amend Article V of Chapter 6 of the Gilcrest Municipal Code to allow Section 6-140 of the Gilcrest Municipal Code to include fermented malt beverage and wine retailers as licensees that may apply for tastings.

BE IT ORDAINED BY THE BOARD OF TRUSTEES FOR THE TOWN OF GILCREST, COLORADO, THAT:

Section 1. A new Division 3 of Article V of Chapter 6 of the Gilcrest Municipal Code is hereby enacted to read as follows:

Division 3 – Alcoholic Beverage Tastings.

Sec. 6-140. – Alcoholic beverage tastings.

(a) Pursuant to Sections 12-47-301(10) and 44-3-301(10), C.R.S., the Town authorizes alcoholic beverage tastings for licensed retail liquor stores, liquor-licensed drug stores and fermented malt beverage and wine retailers within the Town. The Town shall not require a further application prior to allowing licensees to conduct alcoholic beverage tastings, and elects not to impose additional limitations on such tastings beyond those limitations set forth in Section 12-47-301, C.R.S., as listed below:

(b) 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 Colorado Department of Revenue and who is a retail liquor store licensee, a liquor-licensed drugstore licensee or a fermented malt beverage and wine retailer 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 of such alcohol.
- (3) The size of an individual alcohol sample shall not exceed one (1) ounce of malt or vinous liquor or one half (½) 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 alcohol beverage samples from the licensed premises or shall destroy the sample immediately following the completion of the tasting.
- (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) 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 (4) of the six (6) days from a Monday to the following Saturday, not to exceed one hundred 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) A violation of a limitation specified in this Subsection (b) or of Section 2-47-801, C.R.S., by a licensee, whether by its employees, agents or otherwise, shall be the responsibility of the licensee who is conducting the tasting.
- (14) A licensee conducting a tasting shall be subject to the same revocation, suspension and enforcement provisions as otherwise apply to the licensee.

Section 2. Safety Clause. The Board of Trustees hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the Town of Gilcrest,

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 Board of Trustees further determines that the Ordinance bears a rational relation to the proper legislative object sought to be attained.

Section 3. Severability. If any clause, sentence, paragraph, or part of this Ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect application to other persons or circumstances.

Section 4. Effective Date. This Ordinance shall become effective thirty (30) days after final publication.

INTRODUCED, READ IN FULL, AND ADOPTED this 15th day of May, 2023.

PASSED by a vote of 10 for and 0 against, AND ORDERED PUBLISHED ONCE BY TITLE this 5th day of June, 2023.

TOWN OF GILCREST, COLORADO

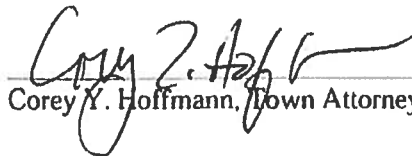



Steve Nothem, Mayor

ATTEST:


Brenda Joseph, Town Clerk

APPROVED AS TO FORM:


Corey Y. Hoffmann, Town Attorney