

**TOWN OF TIMNATH, COLORADO  
ORDINANCE NO. 12, SERIES 2014**

**AN ORDINANCE AMENDING CHAPTER 6, ARTICLE III OF THE TIMNATH  
MUNICIPAL CODE**

WHEREAS, the Town Council ("Council") of the Town of Timnath ("Town") is authorized to adopt and enforce ordinances for the protection of public health, safety and welfare; and

WHEREAS, pursuant to Section 12-47-301(10) of the Colorado Liquor Code, the Town has authority to establish a local licensing authority, administer the issuance and renewal of liquor licenses, and permit to the holders of such licenses ("Licensees") to host liquor tastings on their premises; and

WHEREAS, in order to establish a procedure to permit tastings on the premises of Licensees, the Council desires to amend Chapter 6, Article III of the Timnath Municipal Code ("Code").

NOW THEREFORE, THE COUNCIL OF THE TOWN OF TIMNATH, COLORADO, ORDAINS:

**Section 1.** The above and foregoing recitals are incorporated herein by reference and adopted as findings and determinations of the Council.

**Section 2.** Chapter 6, Article III is hereby amended by the addition of the provisions attached herein as **Exhibit A**.

**Section 3.** Severability. 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 Council hereby declares that it would have passed this Ordinance and each part or parts hereof irrespective of the fact that any one or parts be declared unconstitutional or invalid.

**Section 4.** Repealer. All ordinances or resolutions, or parts thereof, in conflict with this Ordinance are hereby repealed, provided that such repealer shall not repeal the repealer clauses of such ordinance nor revive any ordinance thereby.

**Section 5.** Effective Date. This Ordinance shall take effect upon adoption at second reading, as provided by Section 3.5.5 of the Charter.

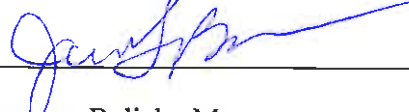
**INTRODUCED, MOVED, AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN  
OF TIMNATH ON FIRST READING, SET FOR PUBLIC HEARING AND SECOND  
READING AT 6:00 P.M. ON OCTOBER 14, 2014, AT THE TIMNATH**

✓  
**Please Return to:**  
Town of Timnath  
4800 Goodman Street  
Timnath, CO 80547

ADMINISTRATION BUILDING, 4800 GOODMAN STREET, TIMNATH, COLORADO,  
AND PUBLISHED BY TITLE THIS 24th DAY OF SEPTEMBER, 2014.

MOVED, SECONDED AND FINALLY ADOPTED IN SECOND READING  
FOLLOWING PUBLIC HEARING BY THE TIMNATH TOWN COUNCIL ON  
OCTOBER 14, 2014.

TOWN OF TIMNATH, COLORADO



Jill Grossman-Belisle, Mayor

ATTEST:



Milissa Peters, Town Clerk



## EXHIBIT A

### AMENDMENT TO CHAPTER 6, ARTICLE III OF THE TIMNATH MUNICIPAL CODE [TO FOLLOW SECTION 6.3.9]

6.3.10: Alcohol beverages tastings authorized; permit required (Ord. 12-2014)

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 Town in accordance with Section 12-47-301(10), C.R.S., and subject to the provisions of this Chapter.

B. The local licensing 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 Town without having first received a permit issued in accordance with this Section 6.3.10.

D. Retail liquor store licensees and liquor-licensed drugstore licensees desiring to conduct tastings shall submit a tasting permit application to the Town Clerk.

E. The local licensing authority shall establish procedures for obtaining a tasting permit, and may, in connection with such procedures, charge a reasonable application fee. The procedures shall include, without limitation, conducting a noticed public hearing before the local licensing authority at which hearing the applicant must establish that the applicant is able to conduct tastings without violating the provisions of this Chapter. The local licensing 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 this 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 local licensing authority finds that the proposed tastings would create a public safety risk to the neighborhood. The notice for the public hearing shall be 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 local licensing 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 Town Clerk and the Town'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.

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 Town Clerk.

H. Any applicant for a tasting permit must also include with the filing of the initial and any renewal application, and keep current with the Town Clerk's office at all times, written proof that the licensee and each employee of the licensee who will be conducting the tastings have completed a server training program for tastings that meets the standards established by the Liquor Enforcement Division in the Colorado Department of Revenue.

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

J. 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 Town or the State, and in full force and effect.

#### 6.3.11: Limitations on tastings (Ord. 12-2014)

Tastings within the Town 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 (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;

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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 tasting 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; and
  12. 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.