

**TOWN OF TIMNATH, COLORADO
ORDINANCE NO. 2, SERIES 2025**

**AN ORDINANCE ADOPTING A LIQUOR TASTING FEE AND AMENDING
CHAPTER 6 OF THE MUNICIPAL CODE REGARDING LIQUOR APPLICATION
AND LICENSING FEES**

WHEREAS, the Town of Timnath (the “**Town**”) is a home rule municipality operating under the Timnath Home Rule Charter, adopted on November 7, 2006 and amended on November 3, 2015, April 5, 2022, November 8, 2022, and June 27, 2023, (the “**Charter**”), and the Town’s Municipal Code (the “**Code**”). Pursuant to the Charter, the Code, and the authority given home rule municipalities by the Colorado Constitution, the Town may adopt and amend ordinances; and

WHEREAS, the Town’s Code also outlines the application and renewal processes for liquor licenses and allows charging fees for liquor licenses; and

WHEREAS, the Colorado Beer and Wine Code, Sec. 44-4-101, *et seq.*, C.R.S., and the Colorado Liquor Code, Sec. 44-3-101, *et seq.*, C.R.S., were re-codified in 2018 and the Timnath Town Council would like to amend the Town’s Municipal Code to update statutory citations to reflect current state statutory citations; and

WHEREAS, state statutes on liquor license fees, contained in Section 44-3-505, C.R.S., allow local licensing authorities to issue liquor licenses and charge annual license fees, as well as application fees and renewal fees; and

WHEREAS, the Town’s Code outlines the authorization process for liquor tastings and allows charging a reasonable fee for liquor tasting applications; and

WHEREAS, state statutes on liquor tasting fees, contained in Section 44-3-301, C.R.S., allow local licensing authorities to impose a reasonable fee on retail liquor stores, liquor-licensed drugstores, or fermented malt beverage and wine retailer licensees who apply for liquor tasting authorization; and

WHEREAS, the Town Council would like to amend the Town Code to allow for the collection of a fee for liquor tasting applications; and

WHEREAS, the Town Council would also like to amend the Town Code to increase the fees for other liquor license and renewal applications, due to increases in administrative costs; and

WHEREAS, the Town Council finds that the application fee and renewal fee amounts are reasonable and needed to cover actual and necessary expenses; and

WHEREAS, the Town Council hereby finds, determines, and declares that this Ordinance is

promulgated under the general police power of the Town, that it is promulgated for the preservation of public health, welfare, peace, safety and/or property and that this Ordinance is necessary for the protection of public convenience and welfare.

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

1. Sections 6-2-10, 6-2-40(e)&(f), 6-2-90, 6-2-100(a)&(e) and 6-2-110(2) of Town Code are hereby amended to update statutory cites, with amendments as follows (*new additions are underlined and deleted items have a strikethrough*):

Sec. 6-2-10. - Definitions. Those terms which are defined in the Colorado Beer and Wine Code and the Colorado Liquor Code, Section 44-4-101 ~~12-46-101~~, et seq., C.R.S., and Section 44-3-101 ~~12-47-101~~, et seq., C.R.S., shall have the same meaning when used in this Article unless the context otherwise requires.

Sec. 6-2-40. - Application for liquor license; renewal application; application fee; license fee.

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(e) *Liquor license fee.* At the time of submitting an application for a new liquor license, liquor license renewal, transfer of ownership or change of location, the applicant shall pay two license fees: one fee to the Colorado Department of Revenue for state liquor license fees; and one fee to the Town for local liquor license fees. The state license fee is set forth in Sections ~~12-46-107 and 12-47-505~~ 44-3-501 and 44-4-104, C.R.S. The local license fee is set forth in Appendix 4-A to this Code.

(f) *Annual payment.* The local license fees prescribed by Sections ~~12-46-107 and 12-47-505~~ 44-3-505(1) and 44-4-107, C.R.S., shall be paid to the Town annually by the licensee. Such fees shall not be rebated or discounted on a proportionate basis for any license in existence or issued for less than a year. These fees shall be in addition to any license fees required to be paid directly to the State.

Sec. 6-2-90. - Optional premises standards.

(a) Pursuant to Section 44-3-415 ~~12-47-310(2)~~, C.R.S., the Town Council adopts the following specific standards concerning the issuance of optional premises licenses or for an optional premises for a hotel and restaurant license:

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Sec. 6-2-100. - Alcohol beverage 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 Town in accordance with Section ~~12-47-301~~ 44-3-301(10), C.R.S., and subject to the provisions of this Article.

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(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 Article. 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 years; if the applicant has not established the ability to conduct tastings in accordance with the provisions of this Article; 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~~ 44-3-311, C.R.S.

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Sec. 6-2-110. - Limitations on tastings.

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(2) The alcohol used in tastings shall be purchased through a licensed wholesaler, licensed brew pub or winery licensed pursuant to Section ~~44-3-403~~ 12-47-403, C.R.S., at a cost that is not less than the laid-in cost for such alcohol.

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2. The Town Code shall be amended to make the following changes to APPENDIX 4-A – Fee Schedule, Section 4-20:

<i>Code Section</i>	<i>Description</i>	<i>Amount of Fee</i>	
6-2-40	Local liquor license fees	As set forth in Sec. 44-3-505(1), C.R.S. and Sec. 44-4-107, C.R.S.	
	Liquor License	<i>Local Application Fees</i>	
		New or Transfer	Renewal
	Fermented Malt and Wine Beverages		
	Fermented malt beverage and wine retailer license	\$0	\$0
	For consumption of fermented malt beverage on licensed premises	\$0	\$0
	Temporary permit pending transfer	\$250.00	n/a
	Temporary license when expired	\$250.00	n/a
	Retail liquor store	\$750.00	\$100.00
	Liquor-licensed drug store	\$750.00	\$100.00
	Beer and wine	\$750.00	\$100.00
	Bed and breakfast permit	\$750.00	\$100.00
	Hotel and restaurant	\$750.00	\$100.00
	Tavern	\$750.00	\$100.00
Optional premises	\$750.00	\$100.00	

Club	\$750.00	\$100.00
Arts	\$750.00	\$100.00
Racetrack	\$750.00	\$100.00
Brew pub	\$750.00	\$100.00
Special event permit	\$100.00 per day	n/a
Vintner's restaurant license	\$750.00	\$100.00
Liquor tasting license	\$50.00	\$25.00
Retail establishment permit	\$200.00	\$100.00
Any other liquor applications	\$750.00	\$100.00

INTRODUCED, MOVED, ADOPTED ON FIRST READING AND ORDERED PUBLISHED BY TITLE BY THE TOWN COUNCIL OF THE TOWN OF TIMNATH, ON JANUARY 14, 2025, AND SET FOR PUBLIC HEARING AND SECOND READING AT 6 P.M. ON JANUARY 28, 2025, AT THE TIMNATH TOWN CENTER, 4750 SIGNAL TREE DRIVE, TIMNATH COLORADO.

MOVED, SECONDED, AND FINALLY ADOPTED ON SECOND READING FOLLOWING PUBLIC HEARING BY THE TIMNATH TOWN COUNCIL ON JANUARY 28, 2025.

TOWN OF TIMNATH, COLORADO

Robert Axmacher, Mayor

ATTEST:

Milissa Peters-Garcia, CMC
Town Clerk

