

ORDINANCE NO. 4907

AN ORDINANCE AMENDING GRAND JUNCTION MUNICIPAL CODE TITLE 3 CHAPTER 4 PERTAINING TO LIQUOR LICENSE OCCUPATIONAL TAX AND BUSINESS LICENSE CLASSIFICATIONS AND TITLE 5 CHAPTER 12 PERTAINING TO DISTANCE REQUIREMENTS OF LICENSES NEAR COLLEGE OR UNIVERSITY CAMPUSES AND THE TASTING OF ALCOHOLIC BEVERAGES

RECITALS:

In 2018, amendments were made to State law regarding the business classifications for liquor license occupational taxes. State law removed the business classification for 3.2% beer (on or off premises). New classifications were included for campus liquor complex, lodging and entertainment and fermented malt beverage (on or off premises).

This ordinance regarding business license classifications proposes amendments to the City's Code to conform with State law.

In 2018, State law was also amended to expand certain tastings laws and limitations. Specifically, tastings are now allowed to be conducted earlier and later in the day (from 11:00 a.m. until 9:00 p.m.) and more days per year (156 days, any day of the week).

This ordinance regarding tasting of alcoholic beverages proposes amendments to the City's Code to conform with State law.

This ordinance also changes some of the requirements of the application procedure, specifically the inclusion of an affidavit of compliance in place of a schedule of the planned tasting(s) and proof of training of the persons conducting the tasting(s) and a log which includes the dates and times of each tasting and the persons conducting the tastings and their training documentation.

Lastly, Colorado Revised Statutes § 44-3-313(1)(d)(III) allows cities and counties to eliminate or reduce the distance restrictions imposed for licensees relating to the proximity of certain liquor licenses to be sold near college or university campuses. A rise in applications for lodging and entertainment and fermented malt beverage (off premise) licenses have been submitted to the City Clerk for businesses near the principal campus of Colorado Mesa University. The Code currently waives distance requirements for hotel and restaurant, beer and wine, brew pub and optional premise licenses near Colorado Mesa University's principal campus. This ordinance amends the Code to include lodging and entertainment and fermented malt beverage (off premise) licenses

in the list of licenses where the distance requirement is waived near the college or university.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT:

Chapter 4 of Title 3 Sections 020 and 040 shall be revised as follows (additions are shown in **bold print** and deletions marked with strike-through notations):

3.04.020 Businesses classified.

The business of selling at retail any malt, vinous or spirituous liquor, other than medicinal liquors, for beverage purposes is hereby defined and separately classified as such occupation for the purpose of this chapter as follows:

(a) Class A Operators. All operators who are licensed to sell ~~beer, wine~~ **malt or, vinous** and spirituous liquors for consumption on the premises either as **campus liquor complex**, hotels or restaurants **or lodging and entertainment** ~~or under a beer and wine~~ licenses shall be class A operators.

(b) Class B Operators. All operators licensed to sell malt or, vinous **or spirituous** liquors only by the drink for consumption on the premises as taverns shall be class B operators.

(c) Class C Operators. All operators licensed as retail liquor stores **or liquor licensed drug stores** to sell malt, vinous or spirituous liquors in original containers for consumption off the premises shall be class C operators.

(d) Class D Operators. All operators licensed as **beer and wine** ~~drugstores~~ to sell malt **and** vinous ~~or spiritous~~ liquors for consumption on the premises shall be class D operators.

(e) Class E Operators. All operators licensed to sell malt, vinous or spirituous liquors as clubs are class E operators.

(f) Class F Operators. All operators who are licensed to sell ~~beer, wine~~ **malt, vinous** and spirituous liquors for consumption on the premises as racetracks shall be class F operators.

(g) Class G Operators. All operators licensed to sell fermented malt beverages for consumption on the premises ~~where such consumption is in a restaurant to customers of the restaurant and only if meals are actually and regularly served and provide not less than 25 percent of the gross income of the licensed premises~~ are class G operators.

(h) Class H Operators. ~~All operators licensed to sell fermented malt beverages for consumption on the premises, or for both consumption on the premises and in the original package or container for consumption off the premises where the consumption on the~~

~~premises is not to customers in a restaurant where meals are actually and regularly served and provide not less than 25 percent of the gross income of the licensed premises are class H operators.~~ **All operators licensed to sell malt, vinous and spirituous liquors on optional premises or related facilities shall be class H operators. If the operators are a campus liquor complex or hotel and restaurant with an optional premises or related facility, such operator shall be classified under this section.**

(i) Class I Operators. All operators licensed to sell only ~~3.2 percent beer~~ fermented malt beverages and who sell the same solely in the original package or container for consumption off the premises shall be class I operators.

(j) Class J Operators. All operators licensed to sell malt, vinous and spirituous liquors under an arts license shall be class J operators.

(k) Class K Operators. All operators licensed to sell malt, vinous and spirituous liquors under a brew pub or distillery pub license shall be class K operators.

(l) Class L Operators. All operators licensed to sell malt, vinous and spirituous liquors under a retail sales room license shall be class L operators.

3.04.040 Tax levied.

There is hereby levied and assessed for the year 1977 and for each year thereafter an annual occupation tax upon the business is selling fermented malt beverages or ~~3.2 percent beer~~, malt, vinous or spirituous liquors, except medicinal liquors, in the City, as such occupation has been classified in this chapter, as follows:

(a) For all class A operators, the sum of \$300.00.

(b) For all class B operators, the sum of \$500.00.

(c) For all class C operators, the sum of \$300.00.

(d) For all class D operators, the sum of \$300.00.

(e) For all class E operators, the sum of \$150.00.

(f) For all class F operators, the sum of \$300.00.

(g) For all class G operators, the sum of \$100.00.

(h) For all class H operators, the sum of \$300.00 **for establishments with 1-5 optional premises/related facilities, \$400.00 for establishments with 6-10 optional premises/related facilities and \$500.00 for establishments with 11 or more optional premises/related facilities.**

(i) For all class I operators, the sum of \$100.00.

(j) For all class J operators, the sum of \$150.00.

(k) For all class K operators, the sum of \$300.00.

(i) For all class L operators, the sum of \$300.00

Chapter 12 of Title 5 Sections 220 and 320 shall be revised as follows (additions are shown in **bold print** and deletions marked with ~~strike-through~~ notations):

5.12.220. Distance restrictions.

Under the provisions of § 44-3-313(1)(d)(III), C.R.S., the distance that a hotel and restaurant liquor license premises must be separated from the principal campus of a college or university in the City is reduced to zero feet. The distance that optional premises permits issued in conjunction with hotel and restaurant liquor licenses must be separated from the principal campus of a college or university in the City is also reduced to zero feet.

Under the provisions of § 44-3-313(1)(d)(III), C.R.S., the distance that a brew pub liquor licensed premises must be separated from the principal campus of a college or university in the City is reduced to zero feet.

Under the provisions of § 44-3-313(1)(d)(III), C.R.S., the distance that a beer and wine licensed premises must be separated from the principal campus of a college or university in the City is reduced to zero feet.

Under the provisions of § 44-3-313(1)(d)(III), C.R.S., the distance that a lodging and entertainment licensed premises must be separated from the principal campus of a college or university in the City is reduced to zero feet.

Under the provisions of § 44-3-313(1)(d)(III), C.R.S., the distance that a fermented malt beverage (off premises) licensed premises must be separated from the principal campus of a college or university in the City is reduced to zero feet.

The distance shall be determined in accordance with § 44-3-313(1)(d)(II), C.R.S., and Colorado Liquor Regulation 47-326.

5.12.320. Permit Required.

(a) The City hereby authorizes tastings to be conducted by retail liquor store or liquor-licensed drugstore licensees in accordance with this section and pursuant to Section 44-3-301, C.R.S., as the term "tastings" is defined in said Section 44-3-301, C.R.S.

(b) It is unlawful for any person or licensee to conduct tastings within the City unless a tastings permit has been obtained in accordance with the article. The local

licensing authority for the City is authorized to issue tasting permits in accordance with the requirements of this article.

(c) A retail liquor store or a liquor-licensed drugstore licensee that wishes to conduct tastings shall submit an application for a tastings permit to the local licensing authority. The application shall be accompanied by an application fee of \$100.00.

(d) The local licensing authority may deny the application if the applicant fails to establish that the licensee is able to conduct tastings without violating the provisions of this article or creating a public safety risk.

(e) The local licensing authority shall establish the application procedure. Application forms will be proscribed by the local licensing authority and will include **an affidavit of compliance**, ~~a schedule of the planned tastings, a list of the names of the persons conducting the tastings and documentation that the person conducting the tasting has completed the required training, a written control plan and other such information as the local licensing authority may require. Any change to the information submitted must be submitted to the local licensing authority one week prior to the change being made.~~ **The local licensing authority must be notified in writing if any information on the application is changed.** Failure to do so constitutes a violation.

(f) Renewal of the tastings permit shall be concurrent with renewal of the retail liquor store or liquor-licensed drugstore license. The initial tastings permit shall expire on the date of the retail liquor store or liquor-licensed drugstore license and the initial fee will not be prorated.

(g) Tastings shall be subject to the limitations set forth in Section 44-3-301(10)(c), C.R.S., as amended from time to time. Compliance with the limitations and requirements set forth in Section 44-3-301(10)(c), C.R.S., shall be a term and condition of any tasting permit, whether expressly set forth in the tasting permit or not. Additionally, the following conditions shall apply to all tasting permits issued within the corporate limits of the City of Grand Junction:

1. No more than four individual samples of up to one ounce each of beer, ~~or malt or wine, vinous liquors~~ **or up to one-half of one ounce of spirituous liquors** may be provided to a customer. The samples must be provided free of charge.
2. Tastings may occur on **days** ~~no more than three of the six days (Monday through Saturday)~~ that the licensee may be open for business and shall not exceed ~~404~~ **156** days per year.
3. Tastings shall not exceed 5 consecutive hours per day.

4. Tastings shall be conducted during the licensee's operating hours and in any event no earlier than ~~4 p.m.~~ **11 a.m.** or later than ~~7 p.m.~~ **9 p.m.**
5. Samples to be tasted shall be served ~~only in single use, disposable cups or containers of a size that contains a one ounce serving~~ **in open containers.**
6. Each licensee shall maintain a log that shall be subject to the review of the Licensing Authority and shall include (but is not limited to) the dates and times of each tasting, the names of the persons conducting the tastings and documentation that the person conducting the tasting has completed the required training.

(h) Tastings authorized pursuant to this section shall be allowed only for a retail liquor store or liquor licensed drug store operating within the City whose license is valid, in good standing and in full force and effect.

ALL OTHER PROVISIONS OF TITLE 3 CHAPTER 4 AND TITLE 5 CHAPTER 12 SHALL REMAIN IN FULL FORCE AND EFFECT. THIS ORDINANCE SHALL AMEND ORDINANCE 4345 AND AS NECESSARY REPEAL ANY PART INCONSISTENT THEREWITH.

Introduced on first reading the 5th day of February, 2020 and ordered published in pamphlet form.

Adopted on second reading this 19th day of February 2020 and ordered published in pamphlet form.

ATTEST:



Duke Wortmann
Mayor Pro Tem



Wanda Winkelmann
City Clerk



I HEREBY CERTIFY THAT the foregoing Ordinance, being Ordinance No. 4907 was introduced by the City Council of the City of Grand Junction, Colorado at a regular meeting of said body held on the 5th day of February, 2020 and the same was published in The Daily Sentinel, a newspaper published and in general circulation in said City, in pamphlet form, at least ten days before its final passage.

I FURTHER CERTIFY THAT a Public Hearing was held on the 19th day of February, 2020, at which Ordinance No. 4907 was read, considered, adopted and ordered published in pamphlet form by the Grand Junction City Council.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said City this 21st day of February, 2020.


Deputy City Clerk

Published: February 7, 2020
Published: February 21, 2020
Effective: March 22, 2020