

## ORDINANCE NO. 3716

### AN ORDINANCE ENACTING A NEW ARTICLE IV WITHIN CHAPTER 4, CONCERNING ALCOHOLIC BEVERAGES, IN THE GRAND JUNCTION CODE OF ORDINANCES PERTAINING TO THE TASTING OF ALCOHOLIC BEVERAGES

#### Recitals.

The City of Grand Junction ("City") regulates the possession and consumption of alcoholic beverages within the City pursuant to Chapter 4 of the City Code of Ordinances ("Code").

The state legislature has recently enacted House Bill 04-1021 that authorizes local jurisdictions to adopt an ordinance allowing retail liquor stores or liquor-licensed drug stores to conduct sample tastings of alcoholic beverages in their establishments without charging for such samples.

The legislation requires that an ordinance be enacted by any local jurisdiction that wishes to allow such tastings.

The City Council has duly considered adopting such an ordinance authorizing tasting of alcoholic beverages at retail liquor stores or liquor-licensed drug stores in the City.

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

1. A new Article IV, Chapter 4 of the Code is hereby enacted to read as follows:

#### **Article IV. Alcoholic Beverage Tastings**

**Sec. 4-57. Definitions.** Terms used in this article which are defined in the Colorado Liquor Code (Article 47 of Title 12, C.R.S.) or in the Colorado Beer Code (Article 46 of Title 12, C.R.S.) shall have the meanings provided in such statutes. Additionally, as used in this article, the following words, terms and phrases shall have the meanings ascribed to them in this section.

*Tasting permit* means a separate permit issued by the local licensing authority pursuant to this article authorizing tastings of beer and wine to be conducted by the licensee.

**Sec. 4-58. 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 12-47-301, C.R.S, as the term "Tastings" is defined in said Section 12-47-301, 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.

(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 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. 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 12-47-301(10)(c), C.R.S., as amended from time to time. Compliance with the limitations and requirements set forth in Section 12-47-301(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 wine may be provided to a customer. The samples must be provided free of charge.

2. Tastings may occur on no more than three of the six days (Monday through Saturday) that the licensee may be open for business and shall not exceed 104 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 1 p.m. or later than 7 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.

(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.

#### **Sec. 4-59. Violations.**

(a) A violation of a limitation specified in Section 12-47-301, C.R.S. by a retail liquor store or liquor-licensed drugstore licensee, whether by his or her employees, agents, or otherwise, shall be the responsibility of the retail liquor store or liquor-licensed drugstore licensee who is conducting the Tasting.

(b) A retail liquor store or liquor-licensed drugstore licensee conducting a Tasting shall be subject to the same revocation, suspension, and enforcement provisions as otherwise apply to the licensee for a violation of any of Section 12-47-301, C.R.S.

#### **Sec. 4-60. Severability.**

If any portion of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the constitutionality or validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each part hereof irrespective of the fact that any one part be declared unconstitutional or invalid.

#### **Sec. 4-61. Repeal of conflicting provisions.**

(a) All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portions hereof are hereby repealed to the extent of such inconsistency or conflict.

(b) The repeal or amendment of any provision of the Code by this ordinance shall not release, extinguish, alter, modify or change in whole or in part any penalty, forfeiture or liability, either civil or criminal, which shall have been incurred under such provision and each provision shall be treated and held as still remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings, and prosecutions for the enforcement of the penalty, forfeiture, or liability, as well as for the purpose of sustaining any judgment, decree, or order which can or may be rendered, entered, or made in such actions, suits, proceedings, or prosecutions.

INTRODUCED, READ, PASSED on first reading and ordered published by the City Council of the City of Grand Junction, Colorado, this 19<sup>th</sup> day of January 2005.

PASSED AND ADOPTED on second reading this 2<sup>nd</sup> day of February, 2005.

CITY OF GRAND JUNCTION, CO

/s/: Bruce Hill  
President of the Council

ATTEST:

/s/: Stephanie Tuin  
City Clerk

\*"any" added by editor after adoption