

EXPLANATORY COVER SHEET

COUNCILMAN'S BILL NO. CB-1558

SPONSOR: COUNCIL MEMBER PAIZ

TITLE: A BILL FOR AN ORDINANCE AMENDING SECTION 18-2-2(c) OF THE CITY OF NORTHGLENN MUNICIPAL CODE BY ADDING LANGUAGE TO PERMIT "TASTINGS" AT LICENSED RETAIL LIQUOR STORES AND LIQUOR-LICENSED DRUG STORES

PURPOSE: TO ALLOW THE CITY'S LIQUOR LICENSING AUTHORITY TO GRANT LICENSES TO RETAIL LIQUOR STORES AND LICENSED DRUG STORES TO CONDUCT TASTINGS.

ADDITIONAL EXPLANATORY REMARKS:

IN 2004, THE COLORADO GENERAL ASSEMBLY ENACTED HOUSE BILL 04-1021 TO ENABLE LOCAL GOVERNMENTS TO ALLOW FOR LIQUOR TASTINGS IN RETAIL LIQUOR STORES AND DRUG STORES THAT ARE LICENSED TO SELL LIQUOR. THE BILL PROVIDES THAT THE LOCAL GOVERNMENT MUST ADOPT AN ORDINANCE OR RESOLUTION EXPRESSLY ALLOWING FOR SUCH TASTINGS. CURRENTLY, NORTHGLENN DOES NOT ALLOW FOR SUCH TASTINGS. IN ADOPTING THIS ORDINANCE, CITY COUNCIL WILL ALLOW THE NORTHGLENN LIQUOR LICENSING AUTHORITY TO ISSUE LICENSES FOR SUCH TASTINGS, PURSUANT TO THE TERMS OF THE C.R.S. § 12-47-301.

SPONSORED BY: COUNCIL MEMBER PAIZ

COUNCILMAN'S BILL

ORDINANCE NO.

No. CB-1558
Series of 2006

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A BILL FOR AN ORDINANCE AMENDING SECTION 18-2-2(c) OF THE CITY OF NORTHGLENN MUNICIPAL CODE BY ADDING LANGUAGE TO PERMIT "TASTINGS" AT LICENSED RETAIL LIQUOR STORES AND LIQUOR-LICENSED DRUG STORES

WHEREAS, the 2004 Colorado General Assembly enacted House Bill 04-1021 which allows local governments to allow tastings and places limitations on such tastings; and

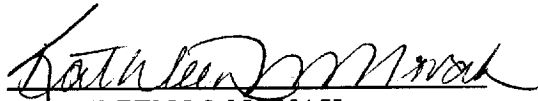
WHEREAS, the City Council wishes to allow tastings subject to the limitations imposed by House Bill 04-1021.

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

Section 1. Section 18-2-2(c) of the Northglenn Municipal Code is hereby amended to read as follows:

The Authority shall have and is vested with the authority to grant or refuse licenses for the sale at retail of malt, vinous or spirituous liquors and fermented malt beverages, as provided by law, to conduct investigations as are required by law, to allow "tastings," as that term is defined in C.R.S. § 12-47-103(37.5), at licensed retail liquor stores and liquor-licensed drug stores subject to the requirements and limitations contained in C.R.S. § 12-47-301, and to suspend or revoke such licenses for cause in the manner provided by law. Such Authority shall have all the powers of the local liquor licensing authority as set forth in Articles 46 and 47 of Title 12, C.R.S.

INTRODUCED, READ AND ORDERED POSTED this 23rd day of March, 2006.


KATHLEEN M. NOVAK
Mayor

ATTEST:


DIANA L. LENTZ, CMC
City Clerk

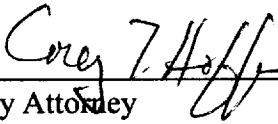
PASSED ON SECOND AND FINAL READING this ____ day of _____,
2006.

KATHLEEN M. NOVAK
Mayor

ATTEST:

DIANA L. LENTZ, CMC
City Clerk

APPROVED AS TO FORM:



City Attorney

Colorado Revised Statutes:

12-47-103(37.5) "Tastings" means the sampling of malt, vinous, or spiritous liquors that may occur on the premises of a retail liquor store licensee or liquor-licensed drugstore licensee by adult patrons of the licensee pursuant to the provisions of section 12-47-301 (10).

12-47-301(10) (a) The provisions of this subsection (10) shall only apply within a county, city and county, or municipality if the governing body of the county, city and county, or municipality adopts an ordinance or resolution authorizing tastings pursuant to this subsection (10). The ordinance or resolution may provide for stricter limits than this subsection (10) on the number of tastings per year per licensee, the days on which tastings may occur, or the number of hours each tasting may last.

(b) A retail liquor store or liquor-licensed drugstore licensee who wishes to conduct tastings may submit an application or application renewal to the local licensing authority. The local licensing authority may reject the application if the applicant fails to establish that he or she is able to conduct tastings without violating the provisions of this section or creating a public safety risk to the neighborhood. A local licensing authority may establish its own application procedure and may charge a reasonable application fee.

(c) Tastings shall be subject to the following limitations:

(I) 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 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.

(II) The alcohol used in tastings shall be purchased through a licensed wholesaler, licensed brew pub, or winery licensed pursuant to section 12-47-403 at a cost that is not less than the laid-in cost of such alcohol.

(III) The size of an individual alcohol sample shall not exceed one ounce of malt or vinous liquor or one-half of one ounce of spirituous liquor.

(IV) Tastings shall not exceed a total of five hours in duration per day, which need not be consecutive.

(V) 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 a.m. or later than 7 p.m.

(VI) The licensee shall prohibit patrons from leaving the licensed premises with an unconsumed sample.

(VII) The licensee shall promptly remove all open and unconsumed alcohol beverage samples from the licensed premises or shall destroy the samples immediately following the completion of the tasting.

(VIII) The licensee shall not serve a person who is under twenty-one years of age or who is visibly intoxicated.

(IX) The licensee shall not serve more than four individual samples to a patron during a tasting.

(X) Alcohol samples shall be in open containers and shall be provided to a patron free of charge.

(XI) Tastings may occur on no more than four of the six days from a Monday to the following Saturday, not to exceed one hundred four days per year.

(XII) 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.

(d) A violation of a limitation specified in this subsection (10) or of section 12-47-801 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.

(e) 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.

(f) Nothing in this subsection (10) shall affect the ability of a Colorado winery licensed pursuant to section 12-47-402 or 12-47-403 to conduct a tasting pursuant to the authority of section 12-47-402 (2) or 12-47-403 (2) (e).