

ORDINANCE NO. 5

Series 2011

June 7, 2011: Introduced as Council Bill 7, Series 2011 by Councilor LaMair, seconded by Councilor Roswell, and considered in full text on first reading. Passed by a vote of 6 yes and 0 no.

June 21, 2011: Considered in full text on second reading. Passed by a vote of 5 yes and 0 no.

**A BILL FOR AN ORDINANCE
OF THE CITY OF CHERRY HILLS VILLAGE
AMENDING CHAPTER 6 OF THE CHERRY HILLS VILLAGE MUNICIPAL CODE,
CONCERNING BUSINESS LICENSES AND REGULATIONS,
TO ADOPT STANDARDS, PROCEDURES, AND FEES FOR
APPLICATIONS FOR LIQUOR TASTINGS**

WHEREAS, the City of Cherry Hills Village is a home rule municipal corporation organized in accordance with Article XX of the Colorado Constitution; and

WHEREAS, pursuant to C.R.S. 12-47-301(10), the City may authorize liquor tastings at retail liquor stores and liquor-licensed drugstores and may adopt certain standards, procedures and fees for applications for liquor tastings; and

WHEREAS, the City Council has determined to amend the City of Cherry Hills Village Municipal Code ("Municipal Code") to allow retail liquor store and liquor-licensed drugstore licensees within the City to conduct liquor tastings subject to the limitations set forth in this ordinance; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CHERRY HILLS VILLAGE, COLORADO, ORDAINS:

Section 1. That Section 6-2-10 of the Municipal Code is hereby amended to add the following in alphabetical order:

Sec. 6-2-10. Definitions.

Liquor Tastings means the sampling of malt, vinous, or spirituous 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 both this Article and applicable provisions of Section 12-47-301(10), C.R.S. and 1 C.C.R. 203-2 of the Colorado Code of Regulations.

Section 2. That Section 6-2-20 of the Municipal Code is hereby amended to read as follows:

Sec. 6-2-20. License and permit required.

No person shall manufacture, sell or possess for sale any alcoholic beverage or conduct Liquor Tastings within the City unless such person holds a valid and effective license and, if applicable, a Liquor Tastings Permit issued in accordance with both this Article and applicable provisions of Articles 46, 47 and 48 of Title 12, C.R.S., and all applicable fees and taxes have been paid in full.

Section 3. That Section 6-2-110 of the Municipal Code is hereby added to read as follows and that subsequent Sections be re-numbered accordingly:

Sec. 6-2-110. Liquor Tastings Permit.

(a) The City Clerk shall receive all applications for Liquor Tastings Permits and permit renewals, and shall issue permits granted by the Licensing Authority in accordance with this Article, upon receipt of such permit fees as are required by law and this Article.

(b) A retail liquor store or liquor-licensed drugstore licensee that wishes to conduct Liquor Tastings shall submit an application for a Liquor Tastings Permit to the Licensing Authority. The application shall be in the form required by the City Clerk. The Licensing Authority may reject the permit application if the applicant fails to establish that the licensee is

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able to conduct Liquor Tastings without violating the provisions of this Article, applicable provisions of Article 47 of Title 12, C.R.S., or 1 C.C.R. 203-2 of the Colorado Code of Regulations, or creating a public safety risk to the neighborhood. The Licensing Authority and the City Clerk may establish application procedures for Liquor Tastings Permits.

(c) Each new or renewal application for a Liquor Tastings Permit shall be accompanied by an application fee as set forth by the City Clerk pursuant to Section 6-2-150 of this Article.

(d) A Liquor Tastings Permit shall be valid for the period of the then-existing liquor license. The permit may be renewed at the time of any liquor license renewal or at any time within twelve (12) months of the permit's expiration. If a Liquor Tastings Permit has been expired for more than twelve (12) months, then an applicant must submit a new application and pay the initial application fee.

(e) Liquor Tastings shall be subject to the following limitations:

(1) Liquor 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 or 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 of such alcohol.

(3) 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.

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

(5) Liquor 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.

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

(7) 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 Liquor Tasting.

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

(9) The licensee shall not serve more than four individual samples to a patron during a Liquor Tasting.

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

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

(12) 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 Liquor Tasting. The licensee shall bear the financial and all other responsibility for a Liquor Tasting.

(f) A violation of a limitation specified in this Article or of Sections 12-47-301(10) or 12-47-801, C.R.S., by a retail liquor store or liquor-licensed drugstore licensee, whether by the licensee, the licensee's employees or agents, or otherwise shall be the responsibility of the licensee who is conducting the Liquor Tasting.

(g) A retail liquor store or liquor-licensed drugstore licensee conducting a Liquor Tasting shall be subject to the same revocation, suspension, and enforcement

provisions as otherwise apply to the licensee and are imposed by the Licensing Authority.

Section 4. That Section 6-2-150 of the Municipal Code is hereby amended to read as follows:

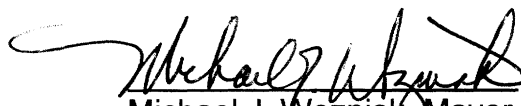
Sec. 6-2-150. License fee and application fee.

(a) There shall be levied and assessed for each year an annual City liquor license fee upon the business of selling alcoholic beverages in the City based on the type of license held by the licensee. The license fee shall be levied in an amount as set forth in 12-47-505, C.R.S.

(b) There shall be levied and assessed an application fee for all applications submitted to the City for a license, Liquor Tastings Permit, or other form of approval pursuant to the Colorado Liquor Code. The amount of such application fee shall be the maximum authorized by the State. In the event that no maximum fee is specifically established by the State, the application fee shall be administratively established by the City Clerk based on the actual and necessary expenses associated with the City's processing of the application. In no event shall the application fee be less than the amount indicated below for the following license or permit applications:

License Application	License Application Fee
New liquor license	\$500.00
Liquor license renewal	50.00
Modification of premises	100.00
Transfer of ownership	500.00
Transfer of location	500.00
Change of corporate structure	100.00
Special events permit (malt, vinous, spirituous liquors)	25.00
Special events permit (malt beverage)	10.00
Temporary liquor license permit	100.00
Manager's registration	75.00
Late liquor license renewal	500.00
<u>Liquor Tastings Permit</u>	50.00
<u>Liquor Tastings Permit renewal</u>	25.00

Adopted as Ordinance No. 5, Series 2011, by the City Council of the City of Cherry Hills Village, Colorado, on the 21st day of June, 2011.



Michael J. Wozniak, Mayor

ATTEST:

APPROVED AS TO FORM:



Laura Smith, City Clerk



Kenneth S. Fellman, City Attorney

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**CITY OF CHERRY HILLS VILLAGE
ADOPTION OF ORDINANCE
ORDINANCE 5, SERIES 2011**

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Copies of the Ordinances are on file at the office of the City Clerk and may be inspected during regular business hours.

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