

**TOWN OF PONCHA SPRINGS
RESOLUTION #2013-4**

**A RESOLUTION AUTHORIZING RETAIL LIQUOR STORES TO CONDUCT
ALCOHOL BEVERAGE TASTINGS IN THE TOWN OF PONCHA SPRINGS,
COLORADO**

WHEREAS, the Town of Poncha Springs, acting as the local liquor licensing authority, is empowered to grant, suspend, revoke and otherwise regulate liquor licenses within the Town; and

WHEREAS, Section 12-47-301(10), C.R.S. provides that if a municipality so chooses, it may authorize beverage tastings in accordance with the provisions outlined therein; and

WHEREAS, the Town desires to authorize limited alcohol tastings, as outlined in Section 12-47-301(10), C.R.S.

**NOW BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN
OF PONCHA SPRINGS, COLORADO:**

Section 1. As used in this Resolution, *Tastings* means the sampling of malt, vinous, or spirituous liquors that may occur on the premises of a retail liquor store licensee by adult patrons of the licensee pursuant to 12-47-301(10) of the *Colorado Revised Statutes* (C.R.S.)

Section 2. Pursuant to Section 12-47-301(10), C.R.S., the Town of Poncha Springs hereby establishes the following procedures and standards for conducting the tasting of alcoholic beverages.

A. Permit Required

A retail liquor store that wishes to conduct tastings shall submit an application for tastings on an application provided by the Town of Poncha Springs and must be submitted at least 30 days prior to the first tasting or at time of renewal, whichever occurs first. The application may be rejected if the application fails to establish that the applicant is able to conduct tastings without violating the provisions of this resolution or that it may create a public safety risk to the neighborhood.

- (1) Alcohol beverage tastings on the licensed premises of a retail liquor store are authorized to be conducted within the Town in accordance with 12-47-301(10) C.R.S. and subject to the provisions of this Section.
- (2) The Local Licensing Authority is authorized to issue tasting permits in accordance with the requirements of this Section.
- (3) It shall be unlawful for any person to conduct tastings within the Town without having first received a permit issued in accordance with this Section.
- (4) Submittal requirements. The initial application and any renewal applications shall be submitted on a Tasting Permit Application form obtained from the Town Clerk's office. This form shall include the following:
 - (a) Licensee information including but not limited to name, address, contact information, and license number.
 - (b) Verification that the licensee and employee(s) who will be conducting the tastings have completed a seller/server training program that meets the standards established by the Liquor Enforcement Division in the

- Department of Revenue.
- (c) The appropriate initial or renewal fee as established by Resolution.
 - (d) Diagram of the premises where tastings will be conducted.
 - (e) Oath of applicant.
- (5) Tasting Schedule modification. If the licensee wishes to cancel or change the date of a pre-scheduled tasting or add an unscheduled tasting the licensee must provide written notice to the Poncha Springs Town Clerk's Office at least five (5) days prior to conducting said tasting. Such notice shall contain the specific days and hours on which the tasting will occur. There is no limitation on the number of days, which a licensee may specify in each notice.
- (6) Renewal of tasting permits shall be concurrent with the renewal of licenses for Retail Liquor Stores. A licensee's initial tasting permit shall expire on the same date as the date of the licensee's underlying liquor license. The initial tastings permit application fee shall not be prorated if the permit expires in less than one year. Renewal permits shall be issued for a period of time concurrent with the underlying license.
- (7) Tasting permits shall be conspicuously and prominently posted by the licensee on the licensed premises at all times during business hours.
- (8) A tasting permit shall only be valid when issued to a Retail Liquor Store licensee whose license is valid and is in full force and effect.

B. Limitations

Tastings within the Town of Poncha Springs shall be subject to the following limitations:

- (1) 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 a retail liquor store licensee or an employee of a licensee, and only within 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 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) Tastings shall not exceed a total of five hours in duration per day, which need not be consecutive.
- (5) 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 11:00 A.M. or later than 7:00 P.M. 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.
- (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 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 tasting.
- (10) Alcohol samples shall be in open containers and shall be provided to a patron free of charge.
- (11) 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.

C. Violations

- (1) A violation of this Resolution, whether by the licensee's employees, agents, or otherwise, shall be the responsibility of the licensee who is conducting the alcohol tasting.
- (2) Licensees conducting a tasting shall be subject to the same revocation, suspension and enforcement provisions as otherwise apply to those licenses and are imposed by the Town. The local licensing authority shall conduct a hearing with regard to any violations of this Resolution in accordance with the requirements of Section 12-47-601 C.R.S.

RESOLVED, APPROVED AND ADOPTED THIS 8th DAY OF APRIL 2013.

Richard Furton
Mayor

ATTEST:

Diana K. Heeney
Town Clerk