

ORDINANCE NO. 1002

AN ORDINANCE ESTABLISHING THE PROCEDURES AND STANDARDS FOR THE CONDUCT OF TASTINGS OF ALCOHOLIC BEVERAGES IN THE TOWN OF BERTHOUD, LARIMER AND WELD COUNTIES, STATE OF COLORADO

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF BERTHOUD, LARIMER AND WELD COUNTIES, COLORADO:

Section 1.

Pursuant to Section 12-47-301(10) of the *Colorado Revised Statutes*, the Town of Berthoud hereby establishes the following procedures and standards for conducting the tasting of alcoholic beverages:

a. Applications for tastings may only be submitted by licensed retail liquor stores on an application provided by the Town of Berthoud. 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 ordinance or that it may create a public safety risk to the neighborhood.

b. The Town shall prepare an application form, with the application fee for the tastings to be \$150.00.

c. 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.

d. The alcohol used in tastings shall be purchased through a licensed wholesaler, licensed brew pub, or winery licensed pursuant to §12-47-403 of the *Colorado Revised Statutes* at a cost that is not less than the laid-in cost of such alcohol.

e. The size of an individual alcohol sample shall not exceed one (1) ounce of malt or vinous liquor or one-half (1/2) of one (1) ounce of spirituous liquor.

f. Tastings shall not exceed a total of five (5) hours in duration per day, which need not be consecutive.

g. 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 1:00 P.M. or later than 7:00 P.M. Tastings may occur on no more than four (4) of the six (6) days from a Monday to the following Saturday, not to exceed one hundred four (104) days per year.

h. The licensee shall prohibit patrons from leaving the licensed premises with an unconsumed sample.

i. 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.

j. The licensee shall not serve a person who is under twenty-one (21) years of age or who is visibly intoxicated.

k. The licensee shall not serve more than four (4) individual samples to a patron during a tasting.

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

m. 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.

Section 2. Effective Date

The Board of Trustees of the Town of Berthoud herewith finds, determines and designates that this Ordinance shall take effect and be in force thirty (30) days after publication.

At its meeting January 11, 2005, a public hearing was set by the Board of Trustees of the Town of Berthoud for its meeting held on the 25th day of January, 2005. After the public hearing, this Ordinance was read, passed and ordered published by the Board of Trustees at its meeting this 25th day of January, 2005.

ATTEST:

Mary K. Cowdin
Mary K. Cowdin - Town Clerk

TOWN OF BERTHOUD:

Milan Karspeck
Milan Karspeck - Mayor

Published: Jan. 20, 2005