

**NOTICE OF PUBLIC HEARING
ORDINANCE No. 1852, SERIES 2023**

**AN ORDINANCE AMENDING CHAPTER 5.08 OF THE LOUISVILLE
MUNICIPAL CODE CONCERNING LIQUOR TASTINGS**

**INTRODUCED, READ, PASSED ON FIRST READING, AND ORDERED
PUBLISHED this 7th day of March, 2023.**

Dennis Maloney, Mayor

ATTEST:
Meredyth Muth, City Clerk

APPROVED AS TO FORM:
Kelly PC, City Attorney

**PASSED AND ADOPTED ON SECOND AND FINAL READING this 4th day of
April, 2023.**

Dennis Maloney, Mayor

ATTEST:
Meredyth Muth, City Clerk

Published in the *Daily Camera* on April 9, 2023 with full ordinance.

Full copies available in the City Clerk's Office, 749 Main Street, Louisville CO 80027.

Second Reading Amendments

Ordinance No. 1852, Series 2023 is revised to read as follows (second reading
amendments are shown in **bold underline** and ~~**bold-strikeout**~~):

**ORDINANCE NO. 1852
SERIES 2023**

**AN ORDINANCE AMENDING CHAPTER 5.08 OF THE LOUISVILLE MUNICIPAL
CODE CONCERNING LIQUOR TASTINGS**

WHEREAS, City Council previously adopted Section 5.08.075 of the Louisville Municipal Code authorizing retail liquor stores to conduct liquor tastings under certain circumstances; and

WHEREAS, since that time, the Colorado Liquor Code has been amended to allow additional licensees, including liquor licensed drugstores and fermented malt beverage and wine retailers, to conduct liquor tastings; and

WHEREAS, City Council desires to amend Section 5.08.075 to reflect these amendments to the Colorado Liquor Code.

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

Section 1. Section 5.08.075 of the Louisville Municipal Code is hereby amended to read as follows (words to be added are underlined; words to be deleted are ~~stricken through~~):

Sec. 5.08.075. Liquor tastings.

A. The city hereby authorizes tastings to be conducted by retail liquor store licensees, liquor licensed drugstores, and fermented malt beverage and wine retailers in accordance with this section and pursuant to section 44-3-301, C.R.S. Within the city, it is unlawful for any person or licensee to conduct tastings unless a permit has been obtained in accordance with this section. The local licensing authority is authorized to issue tasting permits in accordance with the requirements of this section.

B. A ~~retail liquor store~~ licensee that wishes to conduct tastings shall submit an application for a tastings permit to the local licensing authority annually. The local licensing authority may reject the permit application if the applicant fails to establish that the licensee is able to conduct tastings without violating the provisions of this section or creating a public safety risk to the neighborhood. The local licensing authority shall establish application procedures for tastings permits.

C. Tastings 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 of the Colorado Department of Revenue and ~~who is a retail liquor store 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, licensed distillery pub or winery licensed pursuant to section 44-3-403, C.R.S., at a cost that is not less than the laid in cost of such alcohol. Such suppliers shall have licenses from the city to the extent required by this section and section 44-3-301, C.R.S.

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 9:00 p.m. ~~7:00 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 tasting.

8. The licensee shall not serve a person who is under 21 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. Tastings may occur on no more than ~~four of the six days from a Monday to the following Saturday, not to exceed 104~~ 156 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 tasting. The licensee shall bear the financial and all other responsibility for a tasting.

13. The applicant for a tastings permit shall certify on the application that all persons serving alcohol at tastings have completed a server training program that meets the standards established by the Liquor Enforcement Division of the Colorado Department of Revenue.

D. A violation of a limitation specified in this section or of section 44-3-301(10) or section 44-3-901, C.R.S., by a ~~retail liquor store~~ licensee, whether by the licensee, the licensee's employees or agents, or otherwise shall be the responsibility of the ~~retail liquor store~~ licensee who is conducting the tasting.

E. A ~~retail liquor store~~ licensee conducting a tasting shall be subject to the same revocation, suspension, and enforcement provisions as otherwise apply to the licensee and are imposed by the local licensing authority. The local licensing authority shall conduct a hearing with regard to any violations of this section in accordance with the requirements of this Code, the authority's bylaws and rules of procedure, and section 44-3-601, C.R.S.

Section 2. If any portion of this ordinance is held to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares it would have passed and approved this ordinance and each part hereof irrespective of the fact that any one part be declared invalid.

Section 3. The repeal or modification of any provision of the Municipal Code of the City of Louisville 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.

Section 4. All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

**INTRODUCED, READ, PASSED ON FIRST READING, AND ORDERED
PUBLISHED** this 7th day of March, 2023.

Dennis Maloney, Mayor

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Meredyth Muth, City Clerk

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