

ORDINANCE NO. 29

Series 2004

AN ORDINANCE ADOPTING CHAPTER 10 OF TITLE 4 OF THE BRECKENRIDGE TOWN CODE CONCERNING ALCOHOLIC BEVERAGE TASTINGS

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BRECKENRIDGE, COLORADO:

Section 1. The Breckenridge Town Code is hereby amended by the addition of a new Chapter 10 of Title 4, to be entitled "Alcoholic Beverage Tastings", which shall read in its entirety as follows:

CHAPTER 10

ALCOHOLIC BEVERAGE TASTINGS

SECTION:

- 4-10-1: Authority; Purpose
- 4-10-2: Definitions
- 4-10-3: License Required
- 4-10-4: Application
- 4-10-5: Approval or Denial of Application
- 4-10-6: Annual License
- 4-10-7: Limitations on Tastings
- 4-10-8: Licensee Responsible
- 4-10-9: Suspension or Revocation of License
- 4-10-10: Proof of Qualifications of Persons Conducting Tastings

4-10-1: **AUTHORITY; PURPOSE:** This Chapter is adopted pursuant to the authority granted by Section 12-47-301(10)(a), C.R.S., and for the purpose of authorizing alcoholic beverage tastings pursuant to such statute.

4-10-2: **DEFINITIONS:** Terms used in this Chapter which are defined in the Colorado Liquor Code (Article 47 of Title 12, C.R.S.) or in the Colorado Beer Code (Article 46 of Title 12, C.R.S.) shall have the meanings provided in such statutes. Additionally, as used in this Chapter, the following words shall have the following meanings, unless the context clearly requires otherwise:

LIQUOR LICENSING
AUTHORITY:

The Town of Breckenridge Liquor Licensing Authority created pursuant to Chapter 5 of Title 2 of the Breckenridge Town Code.

TASTING:

The sampling of malt, vinous, or spirituous liquors on the premises of a retail liquor store or liquor-licensed drugstore.

TASTINGS LICENSE:

A separate license issued by the Liquor Licensing Authority pursuant to this Chapter authorizing tastings to be conducted by the licensee.

4-10-3: **LICENSE REQUIRED:** A retail liquor store or liquor-licensed drugstore licensee may conduct tastings only pursuant to a valid Tastings License.

4-10-4: **APPLICATION:** A retail liquor store or liquor-licensed drugstore licensee who wishes to conduct tastings shall submit an application to the Liquor Licensing Authority on forms supplied by the Liquor Licensing Authority. Such application shall be accompanied by a non-refundable annual fee of \$25.00 dollars.

4-10-5: **APPROVAL OR DENIAL OF APPLICATION:** If the applicant demonstrates that he or she is able to conduct tastings without violating the provisions of this Chapter or Section 12-47-

301(10)(a), C.R.S., and without creating a public safety risk to the neighborhood, the application shall be approved and the Tastings License issued. Otherwise, the application shall be denied.

4-10-6: ANNUAL LICENSE: A Tastings License shall be valid for one year, and shall run concurrently with the retail liquor store or liquor-licensed drugstore license of the holder of the Tastings License; provided, however, that the first Tastings License issued to a retail liquor store or liquor-licensed drugstore licensee shall be valid only until the expiration of the then-current retail liquor store or liquor-licensed drugstore license.

4-10-7: LIMITATIONS ON TASTINGS: Tastings conducted by the holder of a Tastings License shall be subject to the limitations and requirements set forth in Section 12-47-301(10)(c), C.R.S., as amended from time to time. Compliance with the limitations and requirements set forth in Section 12-47-301(10)(c), C.R.S., shall be a term and condition of any Tastings License, whether expressly set forth in the Tastings License or not.

4-10-8: LICENSEE RESPONSIBLE: A violation of the provisions of this Chapter 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.

4-10-9: SUSPENSION OR REVOCATION OF LICENSE: Any violation of the terms and conditions of a Tastings License may result in the suspension or revocation of the Tastings License, as well as the licensee's retail liquor store or liquor-licensed drugstore license. The suspension or revocation of the retail liquor store or liquor-licensed drugstore license of the holder of a Tastings License shall automatically operate to suspend or revoke such Tastings License.

4-10-10: PROOF OF QUALIFICATIONS OF PERSONS CONDUCTING TASTINGS: Upon the request of any peace officer, the holder of a Tastings License shall provide proof that tastings are to 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 of the State of Colorado, and who is either the retail liquor store licensee or a liquor-licensed drugstore licensee, or an employee of such licensee.

Section 2. Except as specifically amended hereby, the Breckenridge Town Code, and the various secondary codes adopted by reference therein, shall continue in full force and effect.

Section 3. The Town Council hereby finds, determines and declares that this Ordinance is necessary and proper to provide for the safety, preserve the health, promote the prosperity, and improve the order, comfort and convenience of the Town of Breckenridge and the inhabitants thereof.

Section 4. The Town Council hereby finds, determines and declares that it has the power to adopt this Ordinance pursuant to the provisions of Section 12-47-301(10)(a), C.R.S., and the powers possessed by home rule municipalities in Colorado.

Section 5. This Ordinance shall be published and become effective as provided by Section 5.9 of the Breckenridge Town Charter.

INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED
PUBLISHED IN FULL this 13th day of July, 2004. A Public Hearing shall be held at the regular meeting of the Town Council of the Town of Breckenridge, Colorado on the 20th day of July, 2004, at 7:30 P.M., or as soon thereafter as possible in the Municipal Building of the Town.

ATTEST:

TOWN OF BRECKENRIDGE



Mary Jean Loufek, CMC, Town Clerk



Ernie Blake, Mayor

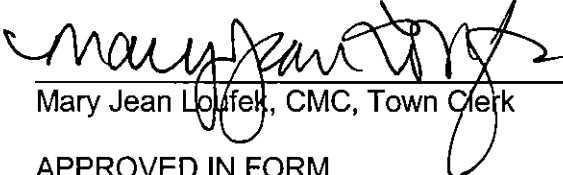
This Ordinance was published in full in the Summit County Journal, a newspaper of general circulation within the Town of Breckenridge, on July 23, 2004.

The public hearing on this ordinance was held on July 27, 2004.

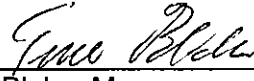
READ, ADOPTED ON SECOND READING AND ORDERED PUBLISHED BY TITLE ONLY, this 27th day of July, 2004. A copy of this Ordinance is available for inspection in the office of the Town Clerk.

ATTEST:

TOWN OF BRECKENRIDGE




Mary Jean Loufek, CMC, Town Clerk

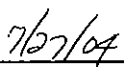


Ernie Blake, Mayor

APPROVED IN FORM



Town Attorney



Date

This ordinance was published by title only in the Summit County Journal, a newspaper of general circulation within the Town of Breckenridge, on August 6, 2004.