

Title 8

ALCOHOL BEVERAGES

Chapters:

- 8.02 General Provisions**
- 8.04 Local Licensing Authority**
- 8.06 Optional Premises Liquor Licenses**
- 8.08 Alcohol Beverage Tastings**

Chapter 8.02

GENERAL PROVISIONS

Sections:

- 8.02.010 State law applicable.**
- 8.02.020 Definitions.**

8.02.010 State law applicable.

If any of the laws established in this Title 8, or any of the rules, regulations, or procedures established in accordance with this Title 8, conflict with the Colorado Beer Code, the Colorado Liquor Code, or Article 48 of Title 12, C.R.S., or the rules and regulations of the state licensing authority pertaining thereto, the provisions of state law or the rules and regulations of the state licensing authority shall govern. Notwithstanding the foregoing, if state law and the rules and regulations of the state licensing authority are silent on a matter addressed in this Title 8, then this Title 8 shall govern.

8.02.020 Definitions.

- A. When used in this Title 8, the following words and phrases shall have the meanings ascribed to them in this section:
1. "Applicant" shall mean any person who is applying for or has applied for a license or permit to sell, dispense, or serve malt, vinous, or spirituous liquors or fermented malt beverages, but is not yet licensed by the local licensing authority.
 2. "Colorado Beer Code" shall mean the laws set forth in Article 46 of Title 12, C.R.S., as amended.
 3. "Colorado Liquor Code" shall mean the laws set forth in Article 47 of Title 12, C.R.S., as amended.
 4. "License" shall mean the local licensing authority's grant to a licensee to sell, dispense, or serve malt, vinous, or spirituous liquors or fermented malt beverages as evidenced by a city-issued license or permit.
 5. "Licensed premises" shall mean the premises specified in an application for a license approved by the local licensing authority that is owned or is in the possession of the licensee within which such licensee is authorized to sell, dispense, or serve malt, vinous, or spirituous liquors or fermented malt beverages.
 6. "Licensee" shall mean a person licensed by the local licensing authority to sell, dispense, or serve malt, vinous, or spirituous liquors or fermented malt beverages.
 7. "Local licensing authority" shall mean the local licensing authority established by the city council in Section 8.04.010 pursuant to state law.
 8. "Secretary" shall mean the city clerk of the City of Loveland, or his or her designee.
 9. "Tasting(s)" shall mean 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 C.R.S. Section 12-47-301(10), except as otherwise required by the provisions of this title.

10. "Tasting permit" shall mean a separate permit issued to a retail liquor store licensee or a liquor-licensed drugstore licensee by the local licensing authority to allow tastings to occur on a licensee's licensed premises pursuant to the provisions of this title.
- B. All other words and phrases used in this Title 8 shall have the meanings ascribed to them in the Colorado Beer Code, the Colorado Liquor Code, Article 48 of Title 12, C.R.S., or other rules and regulations of the state licensing authority pertaining thereto.

Chapter 8.04

LOCAL LICENSING AUTHORITY

Sections:

- 8.04.010** **Local licensing authority established.**
- 8.04.020** **Secretary of the local licensing authority.**
- 8.04.030** **Local rules and regulations; conduct of hearings.**
- 8.04.040** **Local fees.**

8.04.010 **Local licensing authority established.**

There is established a local licensing authority consisting of the municipal judge. The duties and functions of the local licensing authority shall be to serve as the local licensing authority under the Colorado Beer Code, the Colorado Liquor Code, Article 48 of Title 12, C.R.S., and in all other matters involving the licensing of the sale, manufacture, and consumption of beverages containing alcohol. The local licensing authority shall have the authority to impose those penalties and sanctions as specified in Articles 46, 47, and 48 of Title 12, C.R.S., including the imposition of a fine in lieu of suspension under the provisions of C.R.S. Section 12-47-601(3). The local licensing authority shall have the authority, through the secretary, to issue subpoenas to require the presence of persons and the production of papers, books, and records necessary to the determination of any hearing which the local licensing authority is authorized to conduct. It is unlawful for any person to fail to comply with any subpoena issued by the secretary on behalf of the local licensing authority.

8.04.020 **Secretary of the local licensing authority.**

The city clerk shall serve as the secretary of the local licensing authority.

The secretary shall:

- A. Receive and process all applications for licenses;
- B. Issue all licenses granted by the local licensing authority upon receipt of such fees and taxes required by state law and Chapter 3.20 of the City Code;
- C. Establish a calendar of regular meetings for the local licensing authority, which calendar may be modified by the local licensing authority;
- D. Set the agenda for meetings of the local licensing authority, and remove requests for new licenses, license renewals, modifications, or transfers from the agenda when the secretary, in consultation with the city attorney, determines that such applications are incomplete or information included in such applications lacks legal sufficiency;
- E. Keep a record of all meetings of the local licensing authority; and
- F. Issue subpoenas to require the presence of persons and the production of papers, books, and records necessary to the determination of any hearing which the local licensing authority is authorized to conduct.

8.04.030 Local rules and regulations; conduct of hearings.

The local licensing authority shall have the power to adopt rules and regulations concerning the application process, procedures for hearings before it, and the presentation of evidence at such hearings. All hearings before the local licensing authority shall be public and shall be conducted in accordance with the rules and regulations concerning the procedures for hearings adopted by the local licensing authority.

8.04.040 Local fees.

All local fees permitted or required by the Colorado Beer Code, the Colorado Liquor Code, or Article 48 of Title 12, C.R.S., shall be set by the local licensing authority.

Chapter 8.06

OPTIONAL PREMISES LIQUOR LICENSES

Sections:

- 8.06.010 Optional premises licenses.**
- 8.06.020 Eligible facilities.**
- 8.06.030 Minimum size.**
- 8.06.040 Number.**
- 8.06.050 Application.**

8.06.010 Optional premises licenses.

The local licensing authority shall have the authority to issue optional premises licenses and optional premises for hotel and restaurant licenses pursuant to the provisions of the Colorado Liquor Code and the provisions of this chapter. The provisions of this chapter shall be considered in addition to all other standards applicable to the issuance of licenses under the Colorado Liquor Code for optional premises license or for optional premises for a hotel and restaurant license. These two types of licenses for optional premises shall collectively be referred to as “optional premises” unless otherwise specified.

8.06.020 Eligible facilities.

An optional premises may only be approved when that premises is located on or adjacent to an outdoor sports and recreational facility as defined in C.R.S. Section 12-47-103.

8.06.030 Minimum size.

There shall be no minimum size requirement for the outdoor sports and recreational facilities which may be eligible for the approval of an optional premises license. However, the local licensing authority may consider the size of the particular outdoor sports or recreational facility in relationship to the number of optional premises requested for the facility.

8.06.040 Number.

There are no restrictions on the number of optional premises which any one licensee may have on the outdoor sports or recreational facility. However, any applicant requesting approval of more than one optional premises shall demonstrate the need for each optional premises in relationship to the outdoor sports or recreational facility and its guests.

8.06.050 Application.

When submitting a request for the approval of an optional premises, an applicant shall also submit the following information:

- A. A map or other drawing illustrating the outdoor sports or recreational facility boundaries and the approximate location of each optional premises requested.
- B. A legal description of the approximate area within which the optional premises shall be located.
- C. A description of the method which shall be used to identify the boundaries of the optional premises when it is in use.
- D. A description of the provisions which have been made for storing malt, vinous, and spirituous liquors in a secured area on or off the optional premises for the future use on the optional premises.
- E. Advance notification. No alcohol beverages may be served on the optional premises until the licensee has provided written notice to the state and local licensing authorities twenty days prior to serving alcohol beverages on the optional premises. Such notice must contain the specific days and hours on which the optional premises are to be used. In this regard, there is no limitation on the number of days which a licensee may specify in each notice. However, no notice may specify any date of use which is more than one hundred eighty days from the notice date.

Chapter 8.08

ALCOHOL BEVERAGE TASTINGS

Sections:

- 8.08.010 Tastings authorized.**
- 8.08.020 Tastings permit required.**
- 8.08.030 Limitations on tastings.**
- 8.08.040 Violations.**
- 8.08.050 Licensed wineries.**

8.08.010 Tastings authorized.

Tastings on the licensed premises of a retail liquor store licensee or of a liquor-licensed drugstore licensee are authorized to be conducted within the city in accordance with C.R.S. Section 12-47-301(10) and subject to the provisions of this chapter.

8.08.020 Tasting permit required.

- A. The local licensing authority is authorized to issue tasting permits in accordance with the requirements of this chapter.
- B. It shall be unlawful for any person to conduct tastings within the city without having first received a tasting permit issued in accordance with this chapter.
- C. Retail liquor store licensees and liquor-licensed drugstore licensees desiring to conduct tastings shall submit a tasting permit application to the secretary accompanied by the required application fee.
- D. The local licensing authority shall establish the procedures for obtaining a tasting permit, which procedures shall include, without limitation, conducting a noticed public hearing before the local licensing authority at which hearing the applicant must establish that the applicant is able to conduct tastings without violating the provisions of this chapter. The local licensing authority may deny the application if it finds that the applicant has not established the ability to conduct tastings in accordance with the provisions of this chapter or if the local licensing authority finds that the proposed tastings would create a public safety risk to the neighborhood. The notice required for the public hearing shall be the posted and published notices required by C.R.S. Section 12-47-311.
- E. The forms for the tasting permit application, the renewal application, and the tasting permit shall be those proscribed by the local licensing authority. These forms shall include, without

limitation, a schedule of the proposed, and in the case of the permit the approved, schedule of dates and times of the tastings to be conducted on the licensed premises. The licensee may deviate from the approved schedule provided that: (1) the licensee gives the secretary seven days prior written notice of such deviation; and (2) such deviation does not violate any provision of this chapter. An applicant for a tasting permit must also include with the filing of the initial and any renewal application, and keep current with the secretary at all times, written proof that the licensee and each employee of the licensee who will be conducting the tastings has completed a server training program for tastings that meets the standards required by state law.

- F. Renewal of tasting permits shall be concurrent with the renewal of licenses for retail liquor stores and liquor-licensed drugstores. A licensee's initial tasting permit shall expire on the same date as the date that the licensee's retail liquor store or liquor-licensed drugstore license expires. The initial tasting permit application fee shall not be prorated if the permit expires in less than a year. Tasting permit renewal forms shall be submitted to the secretary accompanied by a renewal fee.
- G. Tasting permits shall be conspicuously and prominently posted by the licensee on the licensed premises at all times during business hours.
- H. A tasting permit shall only be issued to a retail liquor store or a liquor-licensed drugstore licensee whose license is valid, not subject to a current or pending enforcement action by the city or the state, and in full force and effect.

8.08.030 Limitations on tastings.

Tastings within the city shall be subject to the following limitations:

- A. 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 licensee or a liquor-licensed drugstore licensee, or an employee of a licensee, and only on a licensee's licensed premises;
- B. The alcohol used in tastings shall be purchased through a licensed wholesaler, licensed brew pub, or winery licensed pursuant to C.R.S. Section 12-47-403 at a cost that is not less than the laid-in cost of such alcohol;
- C. 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;
- D. Tastings shall not exceed a total of five hours in duration per day, which need not be consecutive;
- E. 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.;
- F. The licensee shall prohibit patrons from leaving the licensed premises with an unconsumed sample;
- G. 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 tastings;
- H. The licensee shall not serve a person who is under twenty-one years of age or who is visibly intoxicated;
- I. The licensee shall not serve more than four individual samples to a patron during a tasting;
- J. Alcohol samples shall be in open containers and shall be provided to a patron free of charge;
- K. Tastings may occur on no more than two of the six days from a Monday to the following Saturday, not to exceed fifty-two days per year;
- L. The licensee shall maintain on the licensed premises a log of all tastings on forms proscribed by the local licensing authority to be submitted to the secretary each year with the tasting permit renewal application and at all business hours the log shall be subject to inspection by city and

state officials authorized to enforce the Colorado Liquor Code and/or the Loveland Municipal Code; and

- M. No manufacturer of spirituous or vinous liquor shall induce a licensee through free goods or financial or in-kind assistance to favor the manufacturer's products being sampled at a tasting and the licensee shall bear the financial and all other responsibility for a tasting.

8.08.040 Violations.

- A. A violation of a limitation specified in Section 8.08.030 or in C.R.S. Section 12-47-301(10) by a retail liquor store or a liquor-licensed drugstore licensee, whether by the licensee's employees, agents, or otherwise, shall be the responsibility of the retail liquor store or liquor-licensed drugstore licensee who is conducting the tasting.
- B. Retail liquor store and liquor-licensed drugstore licensees conducting a tasting shall be subject to the same revocation, suspension, and enforcement provisions as otherwise apply to those licensees.

8.08.050 Licensed wineries.

Nothing in this chapter shall affect the ability of a Colorado winery licensed pursuant to C.R.S. Section 12-47-402 or 12-47-403 to conduct a tasting pursuant to the authority of C.R.S. Section 12-47-402(2) or 12-47-403(2)(e). (Ord. 5376 § 9, 2008)