

**TOWN OF FREDERICK, COLORADO  
ORDINANCE NO. 1124**

**AN ORDINANCE OF THE TOWN OF FREDERICK, COLORADO,  
ENACTING CHAPTER 6, ARTICLE III, SECTION 6-76, OF THE  
FREDERICK MUNICIPAL CODE, ENTITLED "ALCOHOL BEVERAGE  
TASTINGS."**

**NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF  
THE TOWN OF FREDERICK, AS FOLLOWS:**

WHEREAS, pursuant to C.R.S. §12-47-301(10), the Town of Frederick has authority to authorize beverage tastings for licensed retail liquor stores and liquor- licensed drug stores within the Town; and

WHEREAS, the Frederick Board of Trustees desires to authorize alcohol beverage tastings at licensed retail liquor stores and liquor licensed drug stores, pursuant to the provisions of this ordinance.

**Section 1:** Chapter 6, Article III, Section 6-76 of the Frederick Municipal Code is hereby enacted to read as follows:

**Sec. 6-76. Alcohol beverage tastings.**

(a) A retail liquor store or liquor-licensed drug store licensee who wishes to conduct tastings may submit an application or application renewal to the local licensing authority. The application form shall be provided by the Town Clerk, and a reasonable licensing fee shall be paid, as established by the local licensing authority. The local licensing authority may reject the application if the applicant fails to establish that he or she is able to conduct tastings without violating the provisions of this section or creating a public safety risk to the neighborhood. In addition, the local licensing authority may reject an application if the applicant has a history of liquor related violations, has failed to comply with conditions on his or her license as ordered by the local licensing authority, or for good cause as specified by the local licensing authority.

(b) Tastings shall be subject to the following limitations:

(1) Tastings shall be conducted only by a person who has completed the server training program offered by the Frederick Police Department within a year prior to the schedule tasting, and who is either a retail liquor store licensee or a liquor-licensed drug store licensee, or an employee of such licensee, and only on the licensee's licensed premises.

(2) The alcohol used in the tastings shall be purchased through licensed wholesaler, licensed brew pub, or winery licensed pursuant to C.R.S. §12-47-403, as amended, 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 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 a.m. or later than 7 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 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) Tastings may occur on no more than four of the six days from a Monday to the following Saturday, not to exceed one hundred 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.
  - (b) A violation of a limitation specified in this Section or of C.R.S. §12-47-801 by a retail liquor store or liquor-licensed drug store licensee, whether by his or her employees, agents, or otherwise, shall be the responsibility of the retail liquor store or liquor-licensed drug store licensee who is conducting the tasting.
  - (c) A retail liquor store or liquor-licensed drug store licensee who is conducting a tasting shall be subject to the same revocation, suspension and enforcement provisions as otherwise apply to the licensee.

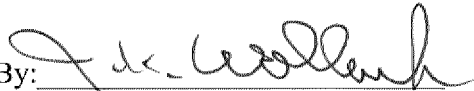
**Section 2:** Severability. If any part, section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining sections of the ordinance. The Town Board hereby declares that it would have passed the ordinance including each part, section, subsection, sentence, clause or phrase thereof, irrespective of the fact that one or more parts, sections, subsections, sentence, clauses or phrases

be declared invalid.

**Section 3:** Repealer. All ordinances or resolutions, or parts thereof, in conflict with this ordinance are hereby repealed, provided that such repealer shall not repeal the repealer clauses of such ordinance nor revive any ordinance thereby.

INTRODUCED, READ, PASSED, ADOPTED AND ORDERED PUBLISHED THIS  
22nd day of January, 2013.

TOWN OF FREDERICK

By:   
~~Tony Carey, Mayor~~  
Jim Wollack, Mayor Pro Tem

ATTEST:

By:   
Meghan C. Martinez, Town Clerk

