

**BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF GUNNISON, COLORADO
RESOLUTION NO. 2011- 43**

**A RESOLUTION AUTHORIZING AND ADOPTING REGULATIONS REGARDING THE
CONDUCT OF ALCOHOLIC BEVERAGES TASTING BY RETAIL LIQUOR LICENSEES IN
UNINCORPORATED GUNNISON COUNTY, COLORADO**

WHEREAS, pursuant to C.R.S. §12-47-301(10), the Board of County Commissioners of the County of Gunnison, Colorado may authorize retail liquor store licensees in unincorporated Gunnison County, Colorado to conduct on premises alcoholic beverages tastings within certain specified limits; and

WHEREAS, the Board of County Commissioners of the County of Gunnison, Colorado desires to adopt a resolution authorizing and adopting regulations regarding the conduct of tastings of alcoholic beverages by licensed retail liquor licensees in unincorporated Gunnison County, Colorado.

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of the County of Gunnison, Colorado that:

- A. **AUTHORITY – PURPOSE:** This Resolution 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.
- B. **DEFINITIONS:** Terms used in this Resolution which are defined in the Colorado Liquor Code (Article 47, Title 12, C.R.S.) or in the Colorado Beer Code (Article 47, Title 12, C.R.S.) shall have the meanings provided in such statutes. Additional, as used in this Resolution, the following words shall have the following meanings, unless the content clearly requires otherwise:

**LOCAL LIQUOR LICENSING
AUTHORITY**

Gunnison County Board of County
Commissioners

TASTINGS

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 valid for one year issued
by the Local Liquor Licensing Authority
pursuant to this Resolution authorizing
tastings to be conducted by the licensee

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



- D. APPLICATION: A retail liquor store or liquor-license drugstore licensee who wishes to conduct tastings shall submit an application to the Local 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.
- E. APPROVAL OR DENIAL OF APPLICATION: If the applicant demonstrated that he or she is able to conduct Tastings without violating the provision of the Resolution 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.
- F. ANNUAL LICENSE: A Tastings License shall be valid for one year, and shall run concurrently with the retail liquor store or liquor-licensed drugstore of the holder of the Tastings License; provided, however, that the first Tasting License issued to a retail liquor store or liquor-licensed drugstore licensee shall be valid only until the expiration of the then-current retail store or liquor-licensed drugstore license.
- G. LIMITATIONS ON TASTINGS: Tastings conducted by the holder of a Tasting License shall be subject to the limitations and requirements set forth in Section 12-47-301(10)(a) C.R.S., as amended from time to time. Compliance with the limitations and requirements set forth in Section 12-47-301(10)(a) C.R.S., shall be a term and condition of any Tastings License, whether expresslu set forth in the tastings License or not.
- H. LICENSEE RESPONSIBILITY: A violation of the provisions of the Resolution 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.
- I. 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.
- J. 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.
- K. SEVERANCE: All provisions of this Resolution are intended to be severable. If a court or administrative body declares any provision or its application to be invalid or unenforceable, in whole or in part, such determination shall not affect, impair or

invalidate any other provision of this Resolution. If a court or administrative body determines a provision or its application to be valid or enforceable, only its application shall be limited as required to most fully implement its purpose.

- L. REPEALER: All resolutions, or parts thereof, in conflict with this Resolution are hereby repealed, provided that this repealer shall not repeal the repealer clauses of such resolutions nor revive any resolution thereby.
- M. EFFECTIVE DATE: This Resolution shall be in full force and effect immediately upon adoption by the Board of County Commissioners of the County of Gunnison, Colorado.

INTRODUCED by Commissioner Swenson, seconded by Commissioner Chamberland, and adopted this 1st day of November 2011.

BOARD OF COUNTY COMMISSIONERS
OF GUNNISON COUNTY, COLORADO

By [Signature]
Hap Channell, Chairperson

By [Signature]
Paula Swenson, Vice Chairperson

By [Signature]
Phil Chamberland, Commissioner

ATTEST:

[Signature]
Deputy County Clerk

