

ORDINANCE NO. 167, 2023
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING CHAPTERS 3 AND 17 OF THE CODE OF THE CITY OF FORT COLLINS TO
UPDATE AND ALIGN CITY CODE REGARDING ALCOHOL BEVERAGES WITH STATE
LAW CHANGES AND ADDING MUNICIPAL CODE VIOLATIONS FOR CERTAIN
ALCOHOL-RELATED OFFENSES

WHEREAS, the Local Licensing Authority for the City of Fort Collins is the Municipal Judge who, in this capacity, issues licenses and permits for the sale or service of alcohol beverages; conducts hearings and investigations; suspends or revokes such licenses and permits; sets certain fees as provided by law; as well as many other responsibilities and duties set forth in Colorado Revised Statutes (“C.R.S.”) Articles 3, 4 and 5 of Title 44; and

WHEREAS, as of March 1, 2023, state law, through the voter-approved passage of Proposition 125 on November 8, 2022, modified a fermented malt beverage off-premises retailer license to also allow the sale of wine products; and

WHEREAS, as of August 7, 2023, state law, through the enactment of House Bill 23-1061, renamed the previously existing art gallery permit to the retail establishment permit where qualifying retail establishments, including but not limited to art galleries, may serve complimentary alcohol on a limited number of days per year to their customers; and

WHEREAS, City staff recommends adding alcohol-related criminal offenses to City Code, including the prohibition against the use of fake identification, the sale of alcohol to minors, and the misrepresentation of age for the purchase of alcohol to prevent recidivism and in response to concerns shared with City staff from licensees; and

WHEREAS, City staff recommends the removal of certain administrative application fees from City Code, because they are frequently modified by the state enforcement division; and

WHEREAS, these administrative application fees were historically included in Chapter 3 of the City Code because City Council was the local licensing authority until 1973 when a separate board was created which City Council oversaw that board’s committee members; and

WHEREAS, in 2000, City Council designated the Municipal Judge as the Local Licensing Authority, however the City Code was not modified to enable the new authority to set these administrative application fees; and

WHEREAS, currently, the application fees set forth in City Code are out of date and below the allowable amount set by the state for local licensing authorities and these administrative application fees are essential to aid the City’s ability to recoup the administrative costs for the oversight and issuance of liquor licenses; and

WHEREAS, these statewide amendments and City staff recommended changes provide an opportunity for a comprehensive review of Chapter 3 of the City Code related to Alcohol

Beverages, and to address some general housekeeping or ministerial-type changes to Chapter 3 to provide clarity throughout the Chapter.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. That Chapter 3 of the Code of the City of Fort Collins is hereby amended as follows:

CHAPTER 3 ALCOHOL BEVERAGES

ARTICLE I. IN GENERAL

Sec. 3-1. Definitions.

(a) The following words, terms and phrases, when used in this Chapter, shall have the meanings ascribed to them in this Section:

Alcohol beverage or *alcohol* shall mean any fermented malt beverage or malt, vinous, or spirituous liquors; except that *alcohol beverage* shall not include confectionary containing alcohol within the limits prescribed by C.R.S. § 25-5-410(1)(i)(II).

Applicant shall mean any person, partnership, corporation or other legally constituted entity or affiliation 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 alcohol beverages, but is not yet licensed or permitted as a licensee.

Bed and breakfast shall mean an overnight lodging establishment that provides at least one (1) meal per day at no additional charge other than a charge for overnight lodging and does not sell malt, vinous or spirituous liquors alcohol beverages by the drink.

City Clerk shall mean the City Clerk of the City or designated representative.

Employee shall mean any employee of a licensee involved in the sale, dispensing or serving of malt, special malt, vinous or spirituous liquors or fermented malt alcohol beverages.

Fermented malt beverage shall have the same meaning as “fermented malt beverage” defined in C.R.S. §44-4-103(1); except that *fermented malt beverage* does not include confectionary containing alcohol within the limits prescribed by C.R.S. § 25-5-410(1)(i)(II).

License shall mean an official grant of permission:

~~(1) — To sell fermented malt beverages, malt, special malt, vinous or spirituous liquors at retail or for on-premises consumption; or~~

~~(2) — To offer complimentary fermented malt beverages, malt, special malt, vinous or spirituous liquors for consumption by overnight guests on the premises of a bed and breakfast establishment within the City limits as evidenced by a City issued form, license, permit, insignia or tag; or~~

~~(3) — To offer complimentary malt, vinous or spirituous liquors for consumption by patrons on the licensed premises of an art gallery within the City limits as evidenced by a City issued form, license, permit, insignia or tag.~~

~~*Licensed premises* shall mean the premises specified in an approved application for a license under this Chapter which are owned or in the possession of the licensee within which such licensee is authorized to sell fermented malt beverages, malt, special malt, vinous or spirituous liquors at retail or to offer complimentary fermented malt beverages, malt, special malt, vinous or spirituous liquors for consumption by overnight guests of a bed and breakfast establishment. It includes all lands, structures, equipment, appurtenances connected to or used in the license premises and also any personal property which is either affixed to or is otherwise used in connection with business conducted on the premises.~~

~~*Licensee* shall mean a person issued a license by law to sell fermented malt beverages, malt, special malt, vinous or spirituous liquors at retail or for on-premises consumption or a person issued a permit to:~~

~~(1) — Offer complimentary fermented malt beverages, malt, special malt, vinous or spirituous liquors for consumption by overnight guests on the premises of a bed and breakfast establishment;~~

~~(2) — Offer complimentary malt, vinous or spirituous liquors for consumption by patrons on the licensed premises of an art gallery;~~

~~(3) — Sell fermented malt beverages, malt, special malt, vinous or other spirituous liquors for consumption during a special event; or~~

~~(4) — Sell or offer complimentary fermented malt beverages, malt, special malt, vinous or other spirituous liquors for on-premises consumption as authorized by law.~~

Licensed, Licensee and Licensed Premises shall mean persons or premises issued a license or permit pursuant to C.R.S. Title 44, articles 3, 4 and 5.

Local Licensing Authority or Authority shall mean the Liquor Licensing Authority as established by the City Council and as defined by the C.R.S. in and relating to the licensing of the alcohol beverages as authorized by C.R.S. Title 44, articles 3, 4 and 5, the rules and regulations of the State

licensing authority and this Code sale of fermented malt beverages and malt, special malt, vinous or spirituous liquor.

Malt liquor shall have the same meaning as “malt liquor” defined in C.R.S. § 44-3-103(30).

Manager shall mean and include those persons who manage, direct, supervise, oversee and administer the acts and transactions of the establishments governed by this Chapter and of their agents or employees.

Party-in-interest shall mean:

- (1) Any party-in-interest as defined in C.R.S. Section § 44-3-311(5)(b), C.R.S.;
- (2) Any representative of a bona fide organized neighborhood group which encompasses part or all of the neighborhood under consideration; or
- (3) Any member of the City staff, including, but not limited to, the City Manager, the City Attorney or the Chief of Police or representative thereof.

Premises shall mean a distinct and definite location, which may include a building, a part of a building, a room, or any other definite area as approved by the Authority.

Spirituos liquors shall have the same meaning as “spirituous liquors” defined in C.R.S. § 44-3-103(54).

Tastings shall mean the sampling of alcohol beverages that may occur on the premises of a retail liquor store licensee, liquor-licensed drugstore licensee, or a fermented malt beverage and wine retailer licensee by adult patrons of the licensee pursuant to the provisions of C.R.S. § 44-3-301(10).

Vinous liquors shall have the same meaning as “vinous liquors” defined in C.R.S. § 44-3-103(59).

- (b) All other words and phrases used in this Chapter shall have the meanings described by the C.R.S. (Colorado Liquor Code, Beer and Wine Code and Special Event Code) and the Code of Colorado Regulations (Colorado Liquor Rules) regulating the sale of liquor and fermented malt beverages or if not otherwise defined by law, the words shall be as used in their common, ordinary and accepted sense and meaning.

Sec. 3-2. Conflicts.

- (a) If any of the laws as established in this Chapter shall conflict with any provision of the laws of the State or the rules of the state licensing authority pertaining to the Colorado Liquor or Beer and Wine Codes, the provisions of state law or the rules of the state licensing authority shall govern.

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Sec. 3-3. Violations; penalty.

(a) Penalties for violations of this Chapter shall be as provided in § 1-15 and shall be in addition to any special penalty provided for in this Chapter or by the laws of the State.

(b) Notwithstanding any other penalty that may be levied, any licensee who violates, or any licensee whose employees violate, any of the terms of this Chapter or of C.R.S. Title 44, Articles 3, 4 and 5, ~~C.R.S.~~, or the rules and regulations related thereto, shall be subject to suspension or revocation of his or her license pursuant to the laws of the State, the imposition of a fine in lieu of suspension under the provisions of Section 44-3-601(3), C.R.S., written reprimand or such other penalty as the Authority deems appropriate. Monies received through the payment of fines in lieu of suspension shall be deposited into the general fund of the City.

**ARTICLE II.
ADMINISTRATION**

*Division 1
Generally*

Sec. 3-16. City Clerk duties.

(a) The City Clerk shall:

- (1) Issue all licenses granted by the Liquor Licensing Authority upon receipt of such license fees as are required by law;
- (2) Serve as the secretary of the Liquor Licensing Authority;
- (3) Establish a calendar of regular meetings for the Liquor Licensing Authority which calendar may be modified by the Authority;
- (4) Process all license renewal applications, including late renewal applications, on behalf of the Liquor Licensing Authority upon receipt of a completed application and such license fees as are required by law;
- (5) Process all applications for temporary, ~~art gallery and~~ bed and breakfast permits on behalf of the Liquor Licensing Authority pursuant to §§ 3-83 and 3-86, respectively, upon receipt of a completed form and such license fees as are required by law;
- (6) Process all forms for changes in corporate structure, trade name changes and corporate name change reports forms on behalf of the Liquor Licensing Authority upon receipt of a completed form and such license fees as are required by law; ~~and~~
- (7) Process all applications for transfer of ownership applications in which where no new principals are being added to the ownership, on behalf of the Liquor Licensing

Authority upon receipt of a completed application and such license fees as are required by law;

(8) Process all applications for special event permits on behalf of the Liquor Licensing Authority pursuant to § 3-83.5, upon receipt of a completed form and such license fees as are required by law; and-

(9) Process all applications for retail establishment permits on behalf of the Liquor Licensing Authority pursuant to § 3-90, upon receipt of a completed form and such license fees as are required by law.

*Division 2
Liquor Licensing Authority*

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Sec. 3-33. Functions.

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(b) The Authority shall have all the powers of the Local Licensing Authority as set forth in C.R.S. Title 44, Articles 3, 4 and 5 ~~Title 12, Articles 46, 47 and 48, C.R.S.~~

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Sec. 3-35. Minutes; annual report.

The Authority shall take and file minutes in accordance with the requirements of § 2-73~~75~~ of this Code. On or before January 31 of each year, the Authority shall file a report with the City Clerk setting forth the number of applications for licenses acted upon, the number of licenses granted and the number denied and any other actions taken by the Authority during the past year.

*Division 3
Hearings*

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Sec. 3-52. Public notice of hearings.

(a) The applicant shall cause to be posted the public notice required pursuant to C.R.S. Section § 44-3-311, C.R.S., for all hearings to be held on applications for the sale of malt, special malt, vinous or spirituous liquors and fermented malt alcohol beverages.

(b) The applicant shall provide to the City Clerk evidence of such posting, which shall consist of a photograph of the posted sign in place together with a signed statement evidencing posting.

Sec. 3-53. Hearings on new license and change of location applications.

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(c) As applicable, the applicant may introduce evidence with regard to the following:

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(5) The reasonable requirements of the neighborhood and the desires of its inhabitants for the type of license for which application has been made.

a. Petitions favoring or opposing the license applied for may be presented at the hearing.

b. Petitions may be circulated only within the neighborhood affected by the application.

c. Every person signing the petition shall sign only their own name, address and their age or otherwise indicate that such person is at least of legal age to purchase or consume the ~~malt, special malt, vinous or spirituous liquors or fermented malt~~ alcohol beverages which are the subject of the license applied for.

d. The date when the signature is affixed to the petition shall be put on the petition by the party signing the same.

e. No signatures will be considered which are dated prior to the date the application was received by the City Clerk.

f. Each petition shall contain a verified statement signed by the circulator of the petition indicating that the circulator personally witnessed each signature appearing on the petition and that, to the best of his or her knowledge, each signature is the signature of the person whose name it purports to be and that the address given opposite that person's name is the true business or residence address of the person signing the petition.

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(d) Any party-in-interest may introduce evidence ~~with regard to~~ regarding any pertinent matter affecting the application.

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Sec. 3-54. Show cause hearings.

- (a) When matters are brought to the attention of the Authority which, if substantiated, constitute a violation of this Chapter or of **C.R.S. Title 44, Articles 3, 4 and 5** ~~Title 12, Articles 46, 47 and 48, C.R.S.~~, or the rules and regulations relating thereto, the Authority shall promptly notify the licensee, in writing, by mail or personal delivery, of the date and time established for a show cause hearing at which time the licensee will be required to show cause why a penalty should not be levied if a violation is found.

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Sec. 3-55. Aggravating and mitigating factors considered at show cause hearings.

(a) In all cases where a violation(s) of the applicable state or local laws is found at a show cause hearing, the Authority shall consider evidence and statements in mitigation and in aggravation of the violation(s) prior to determining the appropriate penalty. Such evidence and statements may relate to and include, but not be limited to, the following factors:

- (1) Seriousness of the violation;
- (2) Corrective action taken by the licensee after the violation;
- (3) Prior violations at the licensed premises by the licensee or the licensee's employees and the effectiveness of prior corrective action;
- (4) Prior violations at the licensed premises by a prior licensee or the prior licensee's employees, and the sanctions imposed for such violations, if the current licensee or any of the current licensee's owners, partners, shareholders, directors, officers or managers held an ownership interest of five (5) percent or more in the entity holding such prior license;

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Sec. 3-56. Appeals.

The decisions of the Local Licensing Authority shall in all cases be final and conclusive. A decision of the Authority may only be reviewed by the District Court in accordance with the Colorado Rules of Civil Procedure. There shall be no stay of execution of the Authority's decision pending review by the District Court, except by court order.

ARTICLE III. LICENSES, TAXES, REGULATIONS AND PROCEDURES

Sec. 3-71. License required.

It shall be unlawful for any person within the City to manufacture, sell, offer, serve or possess for sale any ~~malt, special malt, vinous, spirituous liquors or fermented malt~~ alcohol beverages unless licensed or permitted to do so as provided by this Chapter and the applicable provisions of **C.R.S. Title 44, Articles 3, 4 and 5** ~~Title 12, Articles 46, 47 and 48, C.R.S.~~

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Sec. 3-73. Applications.

(a) All applications for ~~liquor or fermented malt~~ alcohol beverage licenses shall be filed with the City Clerk. Any person applying for such license shall file the state license application form and the local license application forms, if any, all of which shall be filled out and completed in all material detail, including all exhibits that may be required to be attached in accordance with any local requirements. Incomplete or erroneous applications shall be rejected. All application forms shall be typewritten or printed in black or blue ink. All other information or exhibits submitted shall be typewritten or printed in black or blue ink except plans and specifications which may be required.

(b) The City Clerk shall establish application filing deadlines ~~so as to~~ allow sufficient time for completion of investigations, posting and publishing notice of hearings, if applicable, and taking such other action as is necessary prior to the Authority’s consideration of the application.

Sec. 3-74. Application fees.

(a) ~~Application fees shall be payable to the City as follows:~~ Application fees shall be set by the Authority as expressly allowed in C.R.S. Title 44, Articles 3, 4 and 5 payable to and collected by the City Clerk on behalf of the City. The Authority shall provide to the City Clerk a true and correct copy of all application fees set by the Authority in advance of implementing said fees.

(b) These fees shall be nonrefundable. These fees shall be in addition to any fees imposed by the State.

<i>Application</i>	<i>Fee</i>
(1) New license (including change of class of license)	\$500.
(2) Transfer of ownership or change of location of license	400.
(3) Late renewal	500.
(4) Temporary permit (to allow continued operation during period that an application for transfer of ownership is pending)	100.
(5) Renewal of license	50.
(6) Manager registration	75.
(7) Special events permit (per day)	50.
(8) Modification of premises	75.
(9) Change in corporate or limited liability company structure, per each required background investigation	100.
(10) Tastings permit	150.
(11) Art gallery permit	103.75

(b) ~~The foregoing fees shall be nonrefundable. The foregoing fees shall be in addition to any fees imposed by the State.~~

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Sec. 3-76. Occupation tax.

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- (b) The following annual occupation taxes are hereby established and shall be paid by the applicant or licensee to the City:

<i>License</i>	<i>Occupation Tax</i>
(1) Retail liquor store license	\$ 750.
(2) Liquor-licensed drugstore license	750.
(3) Beer and wine license	800.
(4) Hotel and restaurant license	1,600.
(5) Tavern license	1,600.
(6) Brew pub license	1,600.
(7) Club license	800.
(8) Arts license	150.
(9) All licenses to sell fermented malt beverages for consumption both on and off the premises	750.
(10) All licenses to sell only fermented malt beverages by the drink for consumption on the premises	750.
(11) All licenses to sell only fermented malt beverages and vinous products in their original containers for consumption off the premises	750.
(12) Optional premises license (not associated with a hotel and restaurant license)	1,600.
(13) Vintner's restaurant license	1,600.
(14) Lodging and entertainment license	1,600.
(15) Distillery pub license	1,600.

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Sec. 3-78. Modification of premises.

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- (b) Requests for changes, alterations or modifications of the licensed premises shall be on such forms as are provided by the state licensing authority and, in addition, on such forms as may be provided by the City, if any. The request shall be accompanied by plans and specifications, on pages not larger than eight and one-half (8½) inches by eleven (11) inches, which shall be sufficient to advise the Authority of the scope and nature of the proposed request and must include the identification of areas where alcohol will be served and stored.

Sec. 3-79. Change of location.

No license issued by the Authority shall be transferred to another location howsoever proximate without the approval of the Authority. The policies and procedures for such transfer of location of licensed premises shall be the same as those for the issuance of new licenses, except information and investigation regarding the applicant shall not be required. An application fee as provided in § 3-75~~74~~ shall be charged.

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Sec. 3-81. Report of disturbances.

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(b) Each licensee and permit holder shall post and keep ~~at all times~~ visible **at all times** to the public in a conspicuous place on the premises, a sign with a minimum height of fourteen (14) inches and a minimum width of eleven (11) inches with each letter to be a minimum of one-half (½) inch in height, which shall read as follows:

“WARNING: Fort Collins Police Services must be notified of all disorderly acts, conduct or disturbances and all unlawful activities which occur on or within the premises of this licensed establishment.”

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Sec. 3-83. Temporary permit.

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(b) If the next regularly scheduled meeting of the Authority will not be held within five (5) working days of the receipt by the City Clerk of an application for a temporary permit under this Section, the City Clerk shall issue the temporary permit requested by such an application provided the Clerk first determines the following:

(1) That the applicant is in compliance with all applicable provisions of **C.R.S. Section** § 44-3-303, ~~C.R.S.~~; and

(2) That a preliminary background check conducted by Police Services of the applicant and its officers, directors and owners having a ten **(10)**-percent or more ownership interest indicates that such persons have not been convicted of a felony or an offense involving moral turpitude.

a. If either of these determinations cannot be made by the City Clerk with respect to any application that the Clerk has authority to consider under this Subsection (b), the Clerk shall not issue a temporary permit.

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Sec. 3-84. Optional premises licenses.

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

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- (3) A description of the provisions which have been made for storing ~~malt, vinous and spirituous liquors~~ alcohol beverages in a secured area on or off the optional premises for the future use on the optional premises.

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Sec. 3-85. Distance restrictions.

The distance restrictions imposed by ~~C.R.S. Section~~ § 44-3-313(1)(d)(I), ~~C.R.S.~~, prohibiting the sale of ~~malt, vinous or spirituous liquor~~ alcohol beverages within five hundred (500) feet of the principal campus of any college or university, are eliminated for any class of retail license except the retail liquor store license and the liquor-licensed drugstore license, but only with respect to the distance between the proposed licensed premises and the properties owned by the State Board of Agriculture for the benefit and use of Colorado State University. Except as said distance restrictions are hereby eliminated with respect to properties of Colorado State University, said distance restrictions shall continue in full force and effect as they pertain to any other public or parochial school or the principal campus of any other college, university or seminary.

Sec. 3-86. Bed and breakfast permit; exemptions.

(a) A person operating a bed and breakfast with not more than twenty (20) sleeping rooms that offers complimentary ~~malt, vinous or spirituous liquors~~ alcohol beverages for consumption only on the premises and only by overnight guests may be issued a bed and breakfast permit. A bed and breakfast licensee shall not sell alcohol beverages by the drink and shall not serve alcohol beverages for more than four (4) hours in any one (1) day.

(b) An applicant for a bed and breakfast permit is exempt from the provisions of Paragraphs 3-53(c)(4) and (5), but is subject to all other requirements of this Chapter.

Sec. 3-87. ~~Malt, vinous and spirituous~~ Tastings authorized; permit required.

(a) Tastings are authorized on the licensed premises of a retail liquor store licensee, ~~or of a~~ liquor-licensed drugstore licensee ~~or a fermented malt beverage and wine retailer licensee~~ are

~~authorized to be conducted~~ within the City in accordance with **C.R.S. Section § 44-3-301(10)**, **C.R.S. 1 CCR 203-2:47-313**, and subject to the provisions of this Chapter.

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(d) Retail liquor store licensees ~~and~~, liquor-licensed drugstore licensees **and fermented malt beverage and wine retailer licensees** desiring to conduct tastings shall submit a tastings permit application to the City.

(e) The Authority shall establish procedures for obtaining a tastings permit, which procedures shall include, without limitation, conducting a noticed public hearing before the Authority at which hearing the applicant must establish that the applicant is able to conduct tastings without violating the provisions of this Chapter. The Authority may deny the application and any renewal application if it finds that the applicant has violated any provision of the Colorado Liquor Code, Colorado Code of Regulations or this Code pertaining to alcohol sales and service in the previous two (2) years, if the applicant has not established the ability to conduct tastings in accordance with the provisions of this Chapter or if the Authority finds that the proposed tastings would create a public safety risk to the neighborhood. The notice required **prior to the issuance of the permit** ~~for the public hearing~~ shall be ~~the posted~~ **posted** and published as required by **C.R.S. Section § 44-3-311**, **C.R.S.**

(f) The forms for the tastings permit application, the renewal application and the tastings permit shall be prescribed by the Authority. These forms shall include, without limitation, a schedule of the dates and times of the tastings to be conducted on the licensed premises during the term of the permit. The licensee may deviate from the approved schedule, provided that:

(1) The licensee gives the City Clerk and the City's liquor enforcement officer seven (7) days' prior written notice of such deviation; and

(2) Such deviation does not violate any provision of this Chapter, the Colorado Liquor Code, Colorado Code of Regulations or any other state requirement or municipal ordinance or regulation. An applicant for a tastings permit must also include with the filing of the initial and any renewal application, and keep current with the City Clerk's office at all times, written proof that the licensee and each employee of the licensee who will be conducting the tastings have completed a server training program for tastings that meets the standards required by state law.

(g) Renewal of **a** tastings permits shall be concurrent with the renewal of licenses for retail liquor stores ~~and~~, liquor-licensed drugstores **and fermented malt beverage and wine retailers**. A licensee's initial tastings permit shall expire on the same date as the date of the licensee's retail liquor store, ~~or liquor-licensed drugstore,~~ **or fermented malt beverage and wine retailer** license expires. The initial tastings permit application fee shall not be prorated if the permit expires in less than a year. Tastings permit renewal forms shall be submitted to the City Clerk.

(h) **A** ~~T~~ tastings permits shall be conspicuously and prominently posted by the licensee on the licensed premises at all times during business hours.

- (i) A tastings permit shall only be issued to a retail liquor store, ~~or a liquor-licensed drugstore or a fermented malt beverage and wine retailer~~ 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.

Sec. 3-88. Limitations on tastings.

- (a) Tastings within the City 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 either a retail liquor store licensee, or a liquor-licensed drugstore licensee, or fermented malt beverage and wine retailer licensee,~~ or an employee of a retail liquor store, liquor-licensed drugstore, or fermented malt beverage and wine retailer licensee, or a representative, employee, or agent of the licensed wholesaler, brew pub, distillery pub, manufacturer, limited winery, importer, or vintner's restaurant promoting the alcohol beverages for the tasting licensee, ~~and only on a licensee's licensed premises,~~ and only offering tastings of the type of alcohol which that particular type of licensee is authorized to sell;

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- (3) The size of an individual alcohol sample shall not exceed one (1) ounce of malt or vinous liquor or one-half (1/2) of an ounce of spirituous liquor;

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- (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 tastings, or store any open containers of unconsumed alcohol beverages in a secure area outside the sales area of the licensed premises for use at a tasting at a later time or date;

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Sec. 3-89. Violations of tastings permit.

- (a) A violation of a limitation specified in §§ 3-87 and 3-88 of this Article or a permit issued thereunder or in C.R.S. Section § 44-3-301(10), ~~C.R.S.~~, by a retail liquor store, or a liquor-licensed drugstore licensee, or fermented malt beverage and wine retailer licensee whether by the licensee's employees, agents or otherwise, shall be the responsibility of the retail liquor store, ~~or liquor-licensed drugstore, or fermented malt beverage and wine retailer~~ licensee who is conducting the tasting.
- (b) Retail liquor store, ~~and liquor-licensed drugstore~~ and fermented malt beverage and wine retailer licensees conducting a tasting shall be subject to the same revocation, suspension

and enforcement provisions as otherwise apply to those licensees by the Authority. The Authority shall conduct a hearing with regard to any violation of § 3-87 and/or § 3-88 of this Article in accordance with this Code, the Authority's rules and regulations and **C.R.S. Section § 44-3-601, C.R.S.**

- (c) Nothing in this Chapter shall affect the ability of a Colorado winery licensed pursuant to **C.R.S. Section §§ 44-3-402 or 44-3-403, C.R.S.**, to conduct a tasting pursuant to the authority of **C.R.S. Section §§ 44-3-402(2) or 44-3-403, C.R.S.**

Sec. 3-90. Retail Establishment Permit

(a) A person operating a qualified retail establishment within the City may be issued a retail establishment permit to serve complimentary alcohol beverages for consumption on their premises in accordance with and subject to the provisions in C.R.S. § 44-3-424, the Colorado Liquor Rules and this Chapter.

(b) The Authority is authorized to issue retail establishment permits in accordance with the requirements of this Section.

(c) It shall be unlawful for any retail establishment to conduct alcohol beverage service within the City without having first received a permit issued in accordance with this Section.

(d) Retail establishments desiring to conduct complimentary alcohol beverage service within the confines of this permit limitations shall submit a retail establishment permit application to the City.

(e) The Authority shall establish procedures for obtaining a retail establishment permit. The Authority may deny the application and any renewal application if it finds that the applicant fails to establish that it is able to offer complimentary alcohol beverages without violating C.R.S. § 44-3-424, or creating a public safety risk to the neighborhood of the applicant's retail establishment.

(f) The forms for the retail establishment permit application, the renewal application and the retail establishment permit shall be prescribed by the Authority. These forms shall include, without limitation, a schedule of the dates and times of the complimentary alcohol service to be conducted on the premises during the term of the permit.

ARTICLE IV. ENTERTAINMENT DISTRICT

Division 1 General

Sec. 3-101. Purpose.

The purpose of this Article is to recognize the City Council’s authority to create entertainment districts in the City and to allow the Authority to approve and regulate promotional associations and common consumption areas within **the** entertainment districts.

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Sec. 3-103. Definitions.

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Entertainment district shall have the same meaning as “entertainment district” defined under C.R.S. § 44-3-103(15).

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Sec. 3-106. Application.

All applications for a common consumption area, certification and recertification of a promotional association, and attachment by a liquor license to a common consumption area of a certified promotional association shall be filed with the City Clerk. All forms must be complete, including all **requisite** exhibits ~~that may be required to be attached~~ in accordance with local requirements. Incomplete or erroneous applications will be rejected.

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*Division 2
Approved Entertainment Districts*

Sec. 3-120. Entertainment District No. 1.

(a) There is hereby created Entertainment District No. 1, comprised of approximately 4.68 acres of property located east of College Avenue, northwest of Pine Street, northeast of Jefferson Street, northwest of Linden Street and southwest of the Union Pacific railroad tracks, Larimer County, State of Colorado. A map showing the location of Entertainment District No. 1 is on file in the office of the City Clerk and shall be **made** available for public inspection **upon request**.

(b) No promotional association, nor any agent, manager or employee thereof, may serve, sell or consume any alcoholic beverage within Entertainment District No. 1 between the hours of **2:00** a.m. and **7:00** a.m.

Section 3. That Chapter 17, Article IV of the Code of the City of Fort Collins is hereby amended by the addition of a new Section 17-70 which reads in its entirety as follows:

Sec. 17-70. Fraudulent Identification Documents Prohibited.

(a) **No person shall:**

(1) Possess a lawfully issued driver's, minor driver's, or temporary driver's license or instruction permit, knowing that such license or permit has been falsely altered by means of erasure, obliteration, deletion, insertion of new matter, transposition of matter, or any other means so that such license or permit in its thus altered form falsely appears or purports to be in all respects an authentic and lawfully issued license or permit.

(2) Display or represent as being such person's own any driver's, minor driver's, or temporary driver's license or any instruction permit which was lawfully issued to another person.

(3) Permit any unlawful use of a driver's license issued to such person.

(4) Display, cause or permit to be displayed, or have in that person's possession any surrendered, fictitious, fraudulently altered, or fraudulently obtained identification card.

(5) Lend that person's identification card to another person or knowingly permit the use thereof by another.

(6) Display or represent any identification card to another not issued to that person as being that person's card.

(7) Permit any unlawful use of an identification card issued to that person.

(8) Photograph, photostat, duplicate, or in any way reproduce any driver's license or identification card or facsimile thereof in such a manner that it could be mistaken for a valid license, or to display or have in that person's possession any such photograph, photostat, duplicate, reproduction, or facsimile unless authorized by law.

(b) For the purposes of this Section, the following words, terms and phrases, shall have the meanings ascribed to them:

(1) *Driver's license, minor driver's license, or temporary driver's license or instruction permit* shall mean a document issued by any national, state or local government permitting a person to drive a motor vehicle.

(2) *Identification card or Identification documents* shall mean documents that were issued for the purpose of identifying the person to whom the document was issued. Such documents include, without limitation, documents issued by governmental agencies that contain identifying data such as the date and place of birth of the person identified;; and official identification cards.

(3) An identification document, driver's license, minor driver's license, or temporary driver's license or instruction permit is *of another person* if it was validly issued, but for a person other than the possessor.

(c) A liquor licensee, or an employee of a liquor licensee, may seize and hold for evidence any identification referenced in this Section if acting in good faith and upon probable cause to believe that the identification is possessed or displayed or presented in violation of this Section.

(d) An offense under subsection (a)(5), (a)(6), (a)(7) or (a)(8) of this Section is a petty offense punishable in accordance with § 1-15(h).

Section 4. That Section 17-141 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 17-141. Carrying or drinking alcohol or fermented malt beverages in certain places.

(a) No person shall carry or have any opened container of alcohol or fermented malt beverage on any street, sidewalk, alley or other public place, in any automobile or on the grounds or in the facilities of any public or private school, college or university except where authorized by the City Manager or their designee of such place or the governing authority of such institution.

...

(d) As used in this Section:

...

Opened container shall mean any container other than the original, closed container as sealed or closed for sale to the public by the manufacturer or the bottler of the alcohol, vinous liquor or fermented malt beverage. If an original container has been unsealed, undone or opened in any manner, it shall be considered an *opened container* for purposes of this Section, except, with regard to vinous liquors only, where the container has been opened and resealed in compliance with ~~Section 12-47-411(3.5), C.R.S.~~ C.R.S. §44-3-423(1), and such resealed container remains sealed and is not present in the front driver or passenger compartment of an automobile. Also, if any alcohol or fermented malt beverage has been transferred from its original container into another container, whether that other container is closed or sealed in any way, the container into which the alcohol or fermented malt beverage has been transferred shall be deemed to be an *opened container* under this definition, unless otherwise authorized by law.

Section 5. That Chapter 17, Article IX of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 17-161. Definitions.

For the purposes of this Article, the following words, terms and phrases shall have the meanings ascribed to them in this Section indicated:

Ethyl alcohol shall mean any substance which is or contains ethyl alcohol and includes fermented malt beverage, malt liquor, vinous liquor and spirituous liquor as defined in the Colorado Liquor Code, Colorado Beer and Wine Code and the Colorado Liquor Code Rules.

Marijuana shall have the same definition as in Section § 17-190 of this Code.

...

Private place shall have the same definition as in Section § 17-130 of this Code.

...

Sec. 17-167. Underage possession or consumption of alcohol prohibited.

...

(3) The person was a student who tasted but did not imbibe an alcohol beverage only while under the direct supervision of an instructor. Such instructor must have been at least twenty-one (21) years of age and employed by a post-secondary school. Such student shall have been enrolled in a university or a post-secondary school accredited or certified by an agency recognized by the United States Department of Education, or a nationally recognized accrediting agency or association, or the "Private Occupational Education Act of 1981", C.R.S. Article 59-64 of Title 12-23, C.R.S. Such student must have participated in a culinary arts, food service, or restaurant management degree program, and must have tasted but not imbibed the alcohol beverage for instructional purposes as a part of a required course in which the alcohol beverage, except the portion the student tasted, remained under the control of the instructor;

(g) The Municipal Court shall report violations of this Section and the failure to complete an alcohol education program to the Colorado Department of Revenue pursuant to C.R.S., 42-2-131 Part 1 in Title 42 of Article 2.

...

Sec. 17-168. Social host for ethyl alcohol or marijuana possession or consumption by persons under twenty-one years of age.

(3) A person who consumed ethyl alcohol was a student who tasted but did not imbibe an alcohol beverage only while under the direct supervision of an instructor. Such instructor must have been at least twenty-one (21) years of age and employed by a post-secondary school. Such student shall have been enrolled in a university or a post-secondary school accredited or certified by an agency recognized by the United States Department of Education, or a nationally recognized accrediting agency or association, or the "Private Occupational Education Act of 1981", C.R.S. Article 59-64 of Title 12-23, C.R.S. Such student must have participated in a culinary arts, food service, or restaurant management degree program, and must have tasted but not imbibed the alcohol beverage for instructional purposes as a part of a required course in which the alcohol beverage, except the portion the student tasted, remained under the control of the instructor;

...

Sec. 17-169. Underage Sales Prohibited.

No person may sell, serve, deliver, exchange, give away, or cause or permit the sale, serving, delivering, giving, or procuring of, any ethyl alcohol to a person under twenty-one (21) years of age.

Sec. 17-170. Misrepresentation of Age Prohibited.

(a) No person may obtain or attempt to obtain any ethyl alcohol by misrepresentation of their age or by any other method in any place where ethyl alcohol is sold when a person is under twenty-one (21) years of age.

(b) A liquor licensee, or an employee of a liquor licensee, may seize and hold for evidence any identification if acting in good faith and upon probable cause to believe that the identification is possessed or displayed or presented in violation of this section.

Introduced, considered favorably on first reading and ordered published this 5th day of December, 2023, and to be presented for final passage on the 19th day of December, 2023.

Mayor

ATTEST:

City Clerk

Passed and adopted on final reading this 19th day of December, 2023.

Mayor

ATTEST:

City Clerk