



February 12, 2024

To: Mayor Kudron & Board of Trustees

From: Alayna Carrell, Town Clerk

RE: Resolution 15-2024, Authorizing Tasting at Retail Liquor Stores and at Liquor-Licensed Drugstores in Grand Lake, Colorado Pursuant to C.R.S. 44-3-301(10)

Recently I received a request from Mountain Market, to have “wine tastings” at their establishment. Currently, they hold a Fermented Malt Beverage “Off Premise” liquor license that does not allow them to consume on the premises to hold these events. For Mountain Market and other businesses in the Town of Grand Lake that hold these specific licenses to have “tastings” the Board must approve a Resolution stating they can do so.

Town Staff recommends you approve Resolution 15-2024, authorizing tastings at retail liquor stores and at liquor-licensed drugstores in Grand Lake, Colorado pursuant to C.R.S. 44-3-301(10).

**TOWN OF GRAND LAKE
BOARD OF TRUSTEES
RESOLUTION NO. 15-2024**

**A RESOLUTION AUTHORIZING TASTING AT RETAIL LIQUOR STORES AND AT
LIQUOR-LICENSED DRUGSTORES IN GRAND LAKE, COLORADO PURSUANT TO
C.R.S. § 44-3-301(10)**

WHEREAS, the Board of Trustees of the Town of Grand Lake, Colorado (the “Board”) pursuant to Colorado Statute is vested with the authority of administering the affairs of the Town of Grand Lake, Colorado (the “Town”); and

WHEREAS, Colorado Revised Statutes § 44-3-301(10) allows the governing body of a municipality to adopt a resolution authorizing tasting at retail liquor stores, liquor-licensed drugstores, and fermented malt beverage and wine retailers pursuant to the parameters set forth in C.R.S. § 44-3-301(10); and

WHEREAS, the Board is the governing body of Grand Lake and has determined there is a desire for tasting within the Town and that it is in the best interest of the health, safety, and welfare to adopt regulation and procedures for the conduct of tasting by a retail liquor store, liquor-licensed drugstore, and fermented malt beverage and wine retailer.

**NOW THEREFORE BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE
TOWN OF GRAND LAKE AS FOLLOWS:**

Section 1. Pursuant to C.R.S. § 44-3-301(10), the Board of Trustees of the Town of Grand Lake, Colorado hereby authorizes the Town Board or their designee to authorize tasting at retail liquor stores, liquor-licensed drugstores, and fermented malt beverage and wine retailers in the Town of Grand Lake pursuant to the following regulations and procedures:

1. “Tastings” means the sampling of malt, vinous, or spiritous liquors that may occur on the premises of a retail liquor store, liquor-licensed drugstore, and 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).
2. Tasting 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 a fermented malt beverage and wine retailer licensee, or an employee of a licensee, and only on a licensee’s licensed premises. A certificate of training shall be provided to the local licensing authority with the application form.
 - b. The alcohol used in tasting shall be purchased through a licensed wholesaler, licensed brew pub, distillery or winery licensed pursuant to C.R.S. § 44-3-403, 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 ounce of spiritous 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 tasting occur is permitted to sell alcohol beverages, and in no case earlier than 11 A.M. or later than 7 P.M.
- f. Tasting may occur on no more than four of the six days from a Monday to the following Saturday, not to exceed on hundred four (104) days per year.
- g. Licensee shall provide the local licensing authority with a schedule of dates and times the tastings will be conducted. Such notice shall be at least 72 hours prior to the tasting.
- h. The Licensee shall prohibit patrons from leaving the licensed premises with an unconsumed sample.
- i. 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, 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 conducted at a later time or date.
- j. The Licensee shall not serve a person who is under twenty-one years of age or who is visibly intoxicated.
- k. The Licensee shall not serve more than four individual samples to a patron during a tasting.
- l. Alcohol samples shall be in open containers and shall be provided to a patron free of charge.
- m. No Manufacturer of spirituous or vinous liquors shall induce a licensee through free goods or financial or in-kind assistance to favor the manufacture's products being sampled at a tasting. The Licensee shall bear the financial and all other responsibility for a tasting conducted on its licensed premises.
- n. A violation of any of the limitations specified herein by a retail liquor store or liquor-licensed drugstore licensee, or a fermented malt beverage and wine retailer licensee, whether by his or her employees, agents, or otherwise, shall be the responsibility of, and C.R.S. § 44-3-801 applies to, the retail liquor store or liquor-licensed drugstore licensee or fermented malt beverage and wine retailer licensee who is conducting the tasting and shall be subject to the same revocation, suspension and enforcement provisions as otherwise apply to the licensee.

- o. An application form, as approved by the Town of Grand Lake, must be submitted to the Grand Lake Town Clerk. Upon receipt of the application an annual application fee of \$100.00 and any other documentation required by the Town, a permit may be issued.

Section 2. Severability: If any section, paragraph, sentence, clause, or phrase of this Resolution is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this Resolution. The Board of Trustees declares that it would have passed this Resolution and each part or parts thereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

Section 3. Repeal: Existing resolutions or parts of resolutions covering the same matters as embraced in this Resolution are hereby repealed and all resolutions or parts of resolutions inconsistent with the provisions of this Resolution are hereby repealed.

INTRODUCED, PASSED AND ADOPTED AT A REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE TOWN OF GRAND LAKE AND SIGNED THIS 12TH DAY OF FEBRUARY, 2024.

(S E A L)

Votes Approving:
Votes Opposed:
Absent:
Abstained:

ATTEST:

**BOARD OF TRUSTEES OF THE
TOWN OF GRAND LAKE, COLORADO**

Alayna Carrell, Town Clerk

By: _____
Stephan Kudron, Mayor