

**A BILL FOR AN ORDINANCE AMENDING ARTICLE 2 OF CHAPTER 6 OF
THE FOXFIELD MUNICIPAL CODE TO PERMIT TASTINGS AT
FERMENTED MALT BEVERAGE AND WINE RETAILERS**

WHEREAS, C.R.S. § 44-3-301(10) previously authorized a local licensing authority to receive and approve applications for tastings by a retail liquor store or a liquor-licensed drugstore, or to prohibit tastings altogether;

WHEREAS, on March 1, 2023, Proposition 125 amended the above-mentioned statutory section to add fermented malt beverage and wine retailers to the list of licensees that are permitted to conduct tastings; and

WHEREAS, the Town now desires to amend Section 6-2-610 of the Foxfield Municipal Code to include fermented malt beverage and wine retailers as licensees that may apply for tastings.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF FOXFIELD, COLORADO:

Section 1. Section 6-2-70 of the Foxfield Municipal Code is hereby repealed in its entirety.

Section 2. Section 6-2-610 of the Foxfield Municipal Code is hereby amended to read as follows:

Sec. 6-2-610. Alcoholic beverage tastings authorized.

(a) Pursuant to Sections 12-47-301(10) and 44-3-301(10), C.R.S., the Town authorized alcoholic beverage tastings for licensed retail liquor stores, liquor-licensed drugstores and fermented malt beverage and wine retailers within the Town. The Town shall not require a further application prior to allowing licensees to conduct alcoholic beverage tastings, and elects not to impose additional limitations on such tastings beyond those limitations set forth in Chapter 47 of Title 12, C.R.S., as listed below:

(b) Tastings 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 in the Colorado Department of Revenue and who is a retail liquor store licensee, 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.

* * *

(13) A violation of a limitation specified in this Subsection (b) or of Section 2-47-801, C.R.S., by a retail liquor store, liquor-licensed drugstore or fermented malt beverage and wine retailer licensee, whether by its employees, agents or otherwise, shall be the responsibility of the licensee who is conducting the tasting.

(14) A licensee conducting a tasting shall be subject to the same revocation, suspension and enforcement provisions as otherwise apply to the licensee.

Section 3. The Town Board of Trustees hereby finds, determines, and declares that this Ordinance is promulgated under the general police powers of the Town of Foxfield, that it is promulgated for the health, safety, and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare.

Section 4. If any clause, sentence, paragraph, or part of this Ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect application to other persons or circumstances.

Section 5. This ordinance shall become effective thirty (30) days after final publication.

Adopted as Ordinance No. 02 Series of 2023, by the Board of Trustees of Foxfield, Colorado, and signed and approved by its Mayor or presiding officers this 15th day of June, 2023.



Lisa Jones, Mayor

ATTEST:



Kathleen Schmitz, Town Clerk

Town Seal


Corey Y. Hoffmann, Town Attorney

(Approved as to Form)

