

**Town of Basalt  
Ordinance No. 16  
Series of 2018**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BASALT,  
COLORADO, AMENDING CHAPTER 6, ARTICLE II (ALCOHOLIC BEVERAGES) OF  
THE MUNICIPAL CODE TO DELEGATE AUTHORITY TO THE TOWN CLERK FOR  
CERTAIN LIQUOR LICENSING MATTERS AND AMEND EDUCATIONAL  
REQUIREMENTS FOR LICENSEES**

RECITALS

- A. The Town of Basalt ("Town"), acting by and through its Town Council ("Town Council"), has the power to amend the Municipal Code of the Town of Basalt ("Town Code") pursuant to the Home Rule Charter for the Town of Basalt and Section 1-58, Town Code, and all such amendments shall become a part of the Town Code;
- B. The Town of Basalt possesses the authority to license and regulate, concurrently with the State of Colorado, the service and sale of alcohol beverages and fermented malt beverages;
- C. The Town Council of the Town of Basalt acts as the Liquor Licensing Authority, and certain functions of the authority may be delegated to the Town Clerk pursuant to C.R.S. § 12-47-103(17);
- D. Retail liquor stores have the ability to hold "tastings" in the store; however, a separate tastings permit is required pursuant to C.R.S. § 12-47-301(10);
- E. Town Council wishes to delegate to the Town Clerk the authority to issue such tasting permits, as it will provide for more efficient review without adversely affecting the meaningfulness of such review;
- F. In addition, owners, managers, and employees of liquor licensees are required to complete an educational liquor seminar every 2 years; however, to lessen the burden on licensees without adversely affecting the effectiveness of the education requirement, Town Council wishes to amend that period to 4 years.

**NOW, THEREFORE, BE IT ORDAINED** by the Town Council of the Town of Basalt, Colorado as follows:

- 1. Recitals. The foregoing recitals are incorporated herein as findings of Town Council.
- 2. Section 6-38. Tastings. Section 6-38 contained in Chapter 6, Article II – Alcoholic Beverages of the Basalt Municipal Code is hereby amended to read as

follows, with additions shown in **bold, underlined text** and ~~strike-through~~ language deleted:

**Sec. 6-38. Tastings.**

(a) Definition. Tasting means the sampling of malt, vinous or spirituous liquors that may occur on the premises of a retail liquor store licensee or liquor-licensed drugstore licensee by adult patrons of the licensee pursuant to the provisions of Section 12-47-301(10), C.R.S.

(b) Authorization. The Town hereby authorizes tastings to be conducted by retail liquor store or liquor-licensed drugstore licensees in accordance with this Section and pursuant to Section 12-47-301(10)(a), C.R.S., and subject to approval by the **Town Clerk or Local Licensing Authority**. It is unlawful for any person or licensee to conduct tastings without first having obtained a permit to do so in accordance with this Section.

(c) Application for permit. A retail liquor store or liquor-licensed drugstore licensee who wishes to conduct tastings shall submit an application for a permit to the Basalt Liquor Licensing Authority on forms supplied by the Town Clerk. Such application shall be accompanied by a nonrefundable annual fee as set.

(d) Term. The tastings permit shall be valid for a period of one (1) year, and shall run and expire concurrently with the license of the retail liquor store or liquor-licensed drugstore; provided however, that the first tastings permit issued to a retail liquor store or liquor-licensed drugstore licensee shall be valid only until the expiration of the current liquor license. First-year tastings permits shall be prorated as to the permit fee based on an average of two (2) tastings events per week.

(e) Limitations. Tastings shall be subject to the limitations set forth in Section 12-47-301(10), C.R.S.; and tastings shall be subject to the limitations set forth by the Local Licensing Authority as may be created or amended from time to time.

3. **Section 6-40. Delegation of Authority to Town Clerk to Issue Licenses and Permits.** Section 6-40(b) contained in Chapter 6, Article II – Alcoholic Beverages of the Basalt Municipal Code are hereby amended to read as follows, with additions shown in **bold, underlined text** and ~~strike-through~~ language deleted:

**Sec. 6-40. Delegation of Authority to Town Clerk to Issue Licenses and Permits.**

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(b) As set forth below, the Town Clerk is hereby granted authority to administratively review and approve applications for liquor license renewals; transfers of ownership, including corporate and trade name changes, and reports of changes for corporations,

limited liability companies and partnerships; changes of a manager of a licensee; and special event permits; and tastings permits.

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(4) Tastings Permits. The Town Clerk is hereby authorized to review and approve an application for a tasting permit where, after reasonable investigation and consultation with appropriate administrative personnel, the Town Clerk finds that the requirements of Sec. 6-38 are satisfied.

4. Section 6-33. Conditions of License. Section 6-33(b) contained in Chapter 6, Article II – Alcoholic Beverages of the Basalt Municipal Code is hereby amended to read as follows, with additions shown in **bold, underlined text** and strike-through language deleted:

**Sec. 6-33. - Conditions of license.**

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(b) Every owner and manager of a business possessing a liquor license as described in Subsection (a) above filed with the Town ("licensed business") shall ensure that every owner and manager, and employee responsible for the sale or serving of malt, vinous or spirituous liquors or fermented malt beverages has successfully completed an approved educational liquor seminar, except for certain holders of fermented malt beverage licenses which sales are of packaged 3.2 fermented malt beverages intended for off-premises consumption only.

An approved educational liquor seminar ("approved seminar") shall mean a program approved by the Town Council acting as the local licensing authority and the Chief of Police. An approved educational seminar shall include, but is not limited to, developing the awareness and training of individuals in the laws and responsibilities of liquor licensed establishments under the State Liquor and Beer Codes, teaching techniques to check the identification of patrons, recognizing illegal identification and handling of intoxicated individuals.

Every owner and manager of the licensed business and all employees of the licensed business responsible for the sale and/or serving of malt, vinous or spirituous liquors or fermented malt beverages ("alcoholic beverages") shall obtain a certificate evidencing successful completion of an approved seminar within six (6) months of the passage of the ordinance codified herein. Said persons shall reattend such seminar once every ~~two~~ **four (4)** years thereafter. Persons newly hired after the passage of the ordinance codified herein shall obtain a certificate evidencing successful completion of an approved seminar within four (4) months of their hiring by the licensed business. The completion certifications for such approved seminar shall be valid for a period of ~~two~~ **four (4)** years. Any holder of a liquor license required to obtain approved seminar completion certificates under this Section shall produce such certificates for each person for which such certification is required upon the request, oral and written, of the

Town Clerk, the Chief of Police or other appropriate Town officials.

5. Severability. If any provision of this Ordinance is found to be unconstitutional or unlawful, such finding shall only invalidate that part or portion found to violate the law. All other provisions shall be deemed severable and shall continue in full force and effect.
6. Effective Date. This Ordinance shall be effective 14 days after final publication in accordance with the Town of Basalt Home Rule Charter.

READ ON FIRST READING, ORDERED PUBLISHED AND SET FOR PUBLIC HEARING AND SECOND READING to be held on September 11, 2018, by a vote of 5 to 0 on August 28, 2018.

READ ON SECOND READING AND ADOPTED, by a vote of 4 to 0 on Sept 11, 2018.

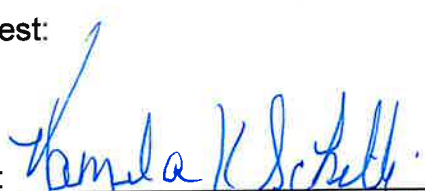
TOWN OF BASALT, COLORADO

By:

  
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Jacquie R. Whitsitt, Mayor

Attest:

By:

  
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Pamela Schilling, Town Clerk



First Publication: Thursday, September 6, 2018  
Final Publication: Thursday, SEPT 20, 2018  
Effective Date: Thursday, OCT 4, 2018