

TOWN OF SUPERIOR  
ORDINANCE NO. O-2  
SERIES 2023

AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF  
SUPERIOR AMENDING SECTION 6-2-80 OF THE SUPERIOR  
MUNICIPAL CODE TO PERMIT ALCOHOLIC BEVERAGE 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 6-2-80 of the Superior Municipal Code to include fermented malt beverage and wine retailers as licensees that may apply for tastings.

**NOW BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF SUPERIOR, COLORADO, as follows:**

**Section 1.** Section 6-2-80 of the Superior Municipal Code is hereby repealed in its entirety and reenacted as follows:

**Section 6-2-80 – Alcoholic beverage tastings.**

- (a) A licensed retail liquor store, a liquor-licensed drug store or a fermented malt beverage and wine retailer in the Town may apply to permit tastings of alcoholic beverages subject to the limitations set forth in C.R.S. § 44-3-301(10), as amended. The application shall be made on a form provided by the Town Clerk accompanied by the fee established by resolution of the Board of Trustees.
- (b) The Authority may grant the application for alcohol beverage tastings unless the licensee fails to establish its ability to comply with the law or granting the application would create a public safety risk to the neighborhood.
- (c) The approval for alcohol beverage tastings will run concurrent with the annual term of the licensee's liquor license.
- (d) The licensee shall maintain records and documentation of the servers, their training and the dates and hours of each alcohol beverage tasting. Such records and documentation shall be provided to the Town upon request.

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

**Section 3.**      **Safety.**      This Ordinance is deemed necessary for the protection of the health, welfare and safety of the community.

**INTRODUCED, READ, PASSED AND ORDERED PUBLISHED this 24<sup>th</sup> day of April, 2023.**



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Mark Lacis, Mayor

**ATTEST:**



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Lydia Yecke, Town Clerk

