



## TOWN OF FAIRPLAY Tastings Permit Policies and Guidelines

These policies and guidelines have been established to assist you with the application process and to ensure that your tasting event is run in an efficient and organized manner. Note that it is unlawful for any person or licensee to conduct tastings within the Town unless a permit has been obtained.

There are two types of tasting permits that can be applied for by businesses located in Fairplay. One is issued by the State and the other is issued by the Town. These are not dual-licensing permits.

### State

The State issues **WINE TASTING PERMITS**. Only Limited Wineries or Distilleries licensed in Colorado may obtain a State wine tasting permit. A Limited Winery or Distillery is a business that has received a liquor license after submitting Form DR 8409 (Public Transportation, Wholesale, Manufacturer, Importer License Application). For more information, see C.R.S.44-3-403.

**The purpose of a wine tasting permit is to allow the winery to sell wine outside of its normal liquor licensed premises.**

In order to apply for a State wine tasting permit, the applicant must fill out Form DR 8057 (Application for Colorado Vinous or Spirituous Liquor Manufacturer Sales Room). When submitting the application, be sure to include all required documentation including a letter from the owner of the premises where the wine tasting will occur that gives the applicant permission to hold a wine tasting on the property (per question 8 on the form); and a diagram of the area where the wine will be sold that includes notations regarding where doors or barriers will be located that will ensure control of the area (per question 10 on the form).

The premises where the wine tasting will occur CANNOT already be a liquor licensed premises. For example, if the wine tasting is to be held in an art gallery, the art gallery cannot already have its own liquor license.

The wine tasting permit application (DR 8057) must be submitted directly to the State at least 10 days in advance of the event. Before issuing the permit, the State will contact the Town to see if there is any reason the Town objects to the issuance of the permit.

### Town

The Town issues **LIQUOR TASTING PERMITS**. Only Retail Liquor Stores and Liquor-Licensed Drugstores may obtain a Town liquor tasting permit in accordance with the Fairplay Municipal Code Section 6-2-90 and C.R.S. Section 44-3-301. Tastings can 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 Department of Revenue.

Applications for Town tasting permits must be submitted to the Town Clerk, or designee, who may reject the application if the applicant fails to establish that the licensee is able to conduct tastings without violating the provisions of the Town's regulations and procedures or if it is determined that the applicant is creating a public safety risk to the neighborhood.

**The purpose of a tasting permit is to allow the retail liquor store or liquor-licensed drugstore to conduct tastings on the licensee's liquor licensed premises.**

The State law governing wine tastings is Code of Colorado Regulations 47-313.

## Applicant Qualifications

In order to qualify for a tasting permit, an applicant must be a person who has completed a server training program that meets the standards established by the Liquor Enforcement Division of the Department of Revenue **AND** be one of the following:

- A Retail Liquor Store Licensee or an employee of a Retail Liquor Store Licensee
- A Liquor-Licensed Drugstore Licensee or an employee of a Liquor-Licensed Drugstore Licensee

## Steps in the Application Process

1. Obtain a tastings permit application packet from Town Hall located at 901 Main Street. Staff will explain the application process and fees. If you are starting the application process from out of town, please call the Clerk's Office at 719-836-2622. You may also download an application packet off the Town's website at [www.fairplayco.us](http://www.fairplayco.us).
2. Complete the application. Use the document checklist included on the application to gather all the required documentation.
3. Obtain a Certificate of Training for the individual(s) who will conduct the tastings.
4. Complete an Oath of Applicant (included in this packet).
5. Submit the completed application, all the attachments and the **\$25.00 permit fee** made payable to the Town of Fairplay to the Town Clerk at least thirty (30) days prior to the first date you anticipate conducting a tasting.

## Regulations and Procedures

The alcohol used in tastings shall be purchased through a licensed wholesaler, licensed brew pub, 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 beverage. Laid-in cost is defined as "the cost incurred by a wholesaler or supplier to place the goods in inventory, consisting of such costs as manufacturer's invoice price, freight, and state and local taxes."

The size of an individual alcohol sample shall not exceed one ounce of malt or vinous liquor or one-half of one ounce of spirituous liquor.

Tastings shall not exceed a total of five (5) hours in duration per day, which need not be consecutive.

Tastings shall be conducted only during the operating hours in which the licensee on whose premises the tasting occurs is permitted to sell alcohol beverages, and in no case earlier than 11:00 am or later than 9:00 pm.

Tastings may occur on no more than four (4) of the six (6) days from a Monday to the following Saturday, not to exceed one hundred fifty-six (156) days per year.

A log book must be maintained of all tastings and this book must be made available to the Town immediately upon request. It is recommended that training certificates for all servers involved in tastings be maintained in this log book.

The Licensee shall prohibit patrons from leaving the licensed premises with an unconsumed sample.

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.

The Licensee shall not serve a person who is under twenty-one (21) years of age or who is visibly intoxicated.

The Licensee shall not serve more than four individual samples to a patron during a tasting.

Alcohol samples shall be in open containers and shall be provided to a patron free of charge.

No manufacturer of spirituous or vinous liquors shall induce a Licensee through free goods or financial or in-kind assistance to favor the manufacturer's products being sampled at a tasting. The Licensee shall bear the financial and all other responsibility for a tasting.

A violation of any of the limitations specified herein by a retail liquor store or liquor-licensed drugstore licensee, whether by his or her employees, agents, or otherwise, shall be the responsibility of the retail liquor store or liquor-licensed drugstore licensee who is conducting the tasting and shall be subject to the same revocation, suspension and enforcement provisions as otherwise apply to the licensee.

### **Permit Renewal**

Tasting Permits must be renewed annually subject to the same criteria as issuance of the initial license.

### **Alcohol Beverage Selling/Serving Guidelines**

The dispensing of alcohol beverages is a highly regulated venture. Event organizers must promote responsible alcohol consumption and help ensure that excessive consumption does not occur. The two key areas of concern are **serving to underage individuals** and **serving to intoxicated individuals**. The following describes two important selling/serving guidelines for alcohol beverages:

- **DO NOT SERVE A PERSON WHO IS UNDER THE AGE OF 21 YEARS**

Anyone appearing to be under the age of 21 years should be asked for picture identification, preferably a valid driver's license, before being served.

- **DO NOT SERVE A PERSON WHO APPEARS TO BE INTOXICATED**

Responsible consumption is encouraged and event organizers should not knowingly allow guests to enter the event if obviously intoxicated, or allow a guest to become intoxicated at the event. Serving an intoxicated person is illegal and can subject the licensee and server to civil and criminal liability.

Those responsible for selling/serving should monitor the amount of alcohol consumed by guests and should be aware of any behavior changes that may occur as a result of drinking alcohol. Some reactions to watch for include slurred speech, poor coordination, dazed/glassy look in the eyes, aggressiveness, inability to complete sentences, swaying or drowsiness, spilling drinks or food, walking into people, inability to sit up straight, stumbling into objects, bloodshot eyes, inappropriate laughter, and inappropriate volume of speech.

**IT IS THE RESPONSIBILITY OF THE LICENSE HOLDER FOR A TASTING EVENT AND ALL SERVERS TO OBEY ALL STATE AND LOCAL LAWS REGARDING THE SERVICE OF ALCOHOL. THE ABOVE-MENTIONED INFORMATION IS MEANT ONLY AS A GUIDELINE PROVIDED AS A COURTESY BY THE TOWN OF FAIRPLAY. IT DOES NOT RELIEVE THE LICENSE HOLDER AND SERVERS FROM ANY RESPONSIBILITY OF OBEYING ALL APPLICABLE LIQUOR CODES, STATUTES, OR REGULATIONS.**

We wish you every success with your event! Should you have any questions or need additional information, feel free to contact the Town of Fairplay, 901 Main Street, Fairplay, CO 80440. (719) 836-2622 / [www.fairplayco.us](http://www.fairplayco.us)



**TOWN OF FAIRPLAY**

**TASTINGS PERMIT  
APPLICATION**

**FEE: \$25.00**

DATE: \_\_\_\_\_

Licensee Name: \_\_\_\_\_

DBA: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Mailing Address (if different): \_\_\_\_\_

State License Number: \_\_\_\_\_ Business Phone Number \_\_\_\_\_

The above Licensee hereby requests a permit to conduct tastings at the location specified above. Licensee hereby acknowledges receipt of a copy of the Town of Fairplay Regulations and Procedures for the Conduct of Tastings by a Retail Liquor Store or Liquor-Licensed Drugstore and agrees to the provisions contained therein.

The following documents must be attached to this application for a permit to be issued:

\_\_\_\_\_ Application Fee

\_\_\_\_\_ Certificate(s) of Training — for individuals who will conduct the tastings

\_\_\_\_\_ Oath of Applicant

\_\_\_\_\_  
Authorized Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name and Title

**APPROVAL OF LOCAL LICENSING AUTHORITY**

\_\_\_\_\_  
Town Clerk

\_\_\_\_\_  
Date

\_\_\_\_\_  
Chief of Police

\_\_\_\_\_  
Date



## TOWN OF FAIRPLAY

### TASTINGS PERMIT OATH OF APPLICANT

\_\_\_\_ I understand that any server working a tasting must have *already* completed a server training program that meets the standards established by the Liquor Enforcement Division of the Colorado Department of Revenue.

\_\_\_\_ I understand that a log book must be maintained of all tastings and that this log book must be accessible to Town of Fairplay personnel at all times. We recommend that training certificates for all servers involved in tastings be maintained in this log book.

\_\_\_\_ I have received an excerpt of the tastings regulation but acknowledge that it is my responsibility to keep current on State and Town rules and regulations.

I declare under penalty of perjury that this application and all attachments are true, correct, and complete to the best of my knowledge. I also acknowledge that it is my responsibility and the responsibility of my agents and employees to comply with the provisions of the Colorado Liquor and Beer Codes and all Town of Fairplay rules, regulations and codes which affect my license.

\_\_\_\_\_  
Authorized Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name & Title

**LOG OF TASTINGS HELD AT:**

PAGE: \_\_\_\_\_

- Tastings must not exceed five (5) hours in a day. The hours do not have to be consecutive.
- Tastings will not begin before 11:00 a.m. or after 9:00 p.m.
- Tastings may only occur on four days in a week (Monday to Saturday).
- Tastings are limited to 156 tasting days per year.

DATE OF TASTING	SERVER	START	STOP	TOTAL HOURS

We recommend that training certificates for servers who have completed the required training class be maintained in this logbook for all servers associated with your event.