

**NOTICE OF PUBLIC HEARING  
ORDINANCE No. 1855, SERIES 2023**

NOTICE IS HEREBY GIVEN that at a regular meeting of the City Council of the City of Louisville, Colorado, to be held on August 15, 2023 at the hour of 6:00 p.m., at Louisville City Hall, 749 Main Street, Louisville, Colorado 80027 or in an electronic meeting, the City Council will hold a Public Hearing on the final passage and adoption of a proposed **AN ORDINANCE AMENDING CHAPTER 5.08 OF THE LOUISVILLE MUNICIPAL CODE CONCERNING ART GALLERY PERMITS.**

Published in the *Daily Camera* on August 6, 2023 with full ordinance.

Full copies available in the City Clerk's Office, 749 Main Street, Louisville CO 80027.

**ORDINANCE NO. 1855  
SERIES 2023**

**AN ORDINANCE AMENDING CHAPTER 5.08 OF THE LOUISVILLE MUNICIPAL  
CODE CONCERNING ART GALLERY PERMITS**

WHEREAS, City Council previously adopted Section 5.08.076 of the Louisville Municipal Code authorizing the Louisville Local Licensing Authority to issue art gallery permits to art galleries serving complimentary alcohol beverages; and

WHEREAS, the Colorado Legislature recently enacted House Bill 23-1061, which broadened the art gallery permit to allow most retail establishments to obtain the permit if the establishment conducts business at a physical building in Colorado, sells goods or services to the public at the location, and derives less than fifty percent of the establishment's gross sales of goods and services from the sale of food; and

WHEREAS, the retail establishment permit is not available to retail establishments that sell firearms, motor vehicles, marijuana, gasoline or diesel fuel; educate students from kindergarten to twelfth grade or provide child care; or are convenience stores; and

WHEREAS, City Council desires to amend Section 5.08.076 to reflect the changes set forth in House Bill 23-1061.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOUISVILLE, COLORADO:

**Section 1.** Section 5.08.076 of the Louisville Municipal Code is hereby amended to read as follows (words to be added are underlined; words to be deleted are ~~stricken through~~):

**Sec. 5.08.076. ~~Art gallery~~ Retail establishment permits.**

A. The local licensing authority is authorized to issue a retail establishment ~~an art gallery~~ permit to a person operating a retail establishment ~~an art gallery~~ that offers and serves complimentary alcohol beverages for consumption only on the premises in accordance with the requirements and limitations set forth in section 44-3-424, C.R.S. A retail establishment ~~An art gallery~~ that wishes to offer complimentary alcohol beverages shall submit an application for a retail establishment ~~an art gallery~~ permit to the local licensing authority annually. The local licensing authority may reject the permit application if the applicant fails to establish that it is able to offer complimentary alcohol beverages without violating the provisions of section 44-3-424, C.R.S. or creating a public safety risk to the neighborhood.

B. A retail establishment ~~An art gallery~~ permit may be suspended or revoked if the permittee violates any of the provisions of section 44-3-424, C.R.S. or any rule adopted thereunder. The local licensing authority shall conduct a hearing with regard to any such alleged violations in accordance with the requirements of this Code, the authority's bylaws and rules of procedure, and section 44-3-601, C.R.S.

**Section 2.** If any portion of this ordinance is held to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares it would have passed and approved this ordinance and each part hereof irrespective of the fact that any one part be declared invalid.

**Section 3.** The repeal or modification of any provision of the Municipal Code of the City of Louisville by this ordinance shall not release, extinguish, alter, modify, or change in whole or in part any penalty, forfeiture, or liability, either civil or criminal, which shall have been incurred under such provision, and each provision shall be treated and held as still remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings, and prosecutions for the enforcement of the penalty, forfeiture, or liability, as well as for the purpose of sustaining any judgment, decree, or order which can or may be rendered, entered, or made in such actions, suits, proceedings, or prosecutions.

**Section 4.** All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

**INTRODUCED, READ, PASSED ON FIRST READING, AND ORDERED  
PUBLISHED** this 1<sup>st</sup> day of August, 2023.

Dennis Maloney, Mayor

ATTEST:  
Meredyth Muth, City Clerk

APPROVED AS TO FORM:  
Kelly PC  
City Attorney

**PASSED AND ADOPTED ON SECOND AND FINAL READING**, this \_\_\_\_ day of \_\_\_\_\_, 2023.

Dennis Maloney, Mayor

ATTEST:  
Meredyth Muth, City Clerk