

**SUBJECT: APPROVAL OF RESOLUTION NO. 15, SERIES 2024 – A
RESOLUTION AUTHORIZING APPLICATIONS FOR
TEMPORARY MODIFICATIONS OF LIQUOR LICENSED
PREMISES TO BE ADMINISTRATIVELY APPROVED**

DATE: MARCH 19, 2024

PRESENTED BY: GENNY KLINE, DEPUTY CITY CLERK

SUMMARY:

A restaurant cannot extend its liquor service area outside of its defined premises without approval from both the Local Licensing Authority and the State Liquor Enforcement Division. This is done through a Temporary Modification of Premise (TMOP) Application and a Revocable License Agreement between the licensee and the City.

Under normal circumstances for either a street closure or the installation of street patios, the TMOP application is submitted to the City Clerk's Office 1-2 months prior to the implementation of the change and scheduled for the next Local Licensing Authority (LLA) meeting. Once the application has been approved by the LLA, it is sent to the State for approval.

City Council's consideration of possibly closing Main Street this year has created a timing issue as restaurants have not submitted applications as they wait for a decision to be made and they know what modification to request. Should a decision be made on March 19, there is not enough time in the schedule for liquor license holders along Main Street to get final permissions prior to the suggested opening day of April 22 as the earliest TMOP applications can be scheduled for LLA consideration is April 22. If approved, the applications would then be sent to the State for approval. While the State does turn this type of application faster than other applications, in 2023 it took more than a week to issue approvals, meaning a Main Street licensee may not be able to serve alcohol in their outdoor areas for 7 days or more.

The proposed resolution would change this process to allow the Secretary to the LLA (the Deputy City Clerk) to approve TMOP applications administratively without a vote from the LLA. Should the Secretary deny an application, the applicant may request a hearing in front of the LLA. This would significantly shorten the time it takes to get local approvals for these applications and hopefully facilitate a licensee being able to serve alcohol in the outdoor area on April 22.

The City enacted this same procedure in 2020 during COVID to allow for summer dining changes to be made quickly.

SUBJECT: RESOLUTION NO. 15, SERIES 2020

DATE: MARCH 19, 2024

PAGE 2 OF 2

It should be noted that all permanent modification of premise applications will continue to require a vote by the LLA.

RECOMMENDATION:

Approval of Resolution No. 15, Series 2024.

ATTACHMENT(S):

1. Resolution No. 15, Series 2024

STRATEGIC PLAN IMPACT:

☐	 Financial Stewardship & Asset Management	☒	 Reliable Core Services
☒	 Vibrant Economic Climate	☐	 Quality Programs & Amenities
☐	 Engaged Community	☐	 Healthy Workforce
☐	 Supportive Technology	☐	 Collaborative Regional Partner

**RESOLUTION NO. 15
SERIES 2024**

**A RESOLUTION AUTHORIZING APPLICATIONS FOR TEMPORARY
MODIFICATIONS OF LIQUOR LICENSED PREMISES TO BE ADMINISTRATIVELY
APPROVED**

WHEREAS, the City Council is considering taking action to authorize the closure of certain portions of Main Street to vehicular traffic in order to encourage and allow food and beverage establishments to utilize portions of the City right-of-way for outdoor dining areas; and

WHEREAS, an establishment wishing to serve liquor within an outdoor dining is required to submit an application to temporarily modify its premises with both the State and local licensing authorities; and

WHEREAS, the Louisville Local Licensing Authority (the "Authority") typically acts on applications for temporary modifications of premises, but the Authority meets only once a month and waiting for the Authority to act on applications at a regularly scheduled meeting would delay the start of the liquor service in outdoor dining areas; and

WHEREAS, in order to efficiently and expeditiously process applications for temporary modifications of premises, the City Council desires to authorize the Secretary of the Authority to administratively approve said applications, as set forth herein.

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

Section 1. The Secretary of the Authority, or the Secretary's designee, is hereby authorized to administratively approve applications for temporary modifications of liquor licensed premises, including communal outdoor dining area modification of premises applications. If an application is denied by the Secretary, the licensee may request a hearing before the Authority pursuant to 1 CCR 203-2, Regulation 47-302. Applications for permanent modifications of liquor licensed premises shall continue to be referred to and acted on by the Authority.

Section 2. If any portion of this resolution is held to be invalid for any reason, such decision shall not affect the validity of the remaining portions hereof.

Section 3. This resolution shall become effective upon adoption and continue in effect until June 1, 2024 unless rescinded or extended by the Louisville City Council.

PASSED AND ADOPTED this 19th day of March, 2024.

Christopher M. Leh, Mayor

ATTEST:

Meredyth Muth, City Clerk