



TO: FRUITA CITY COUNCIL AND MAYOR

FROM: DEBRA WOODS, DEPUTY CITY CLERK

DATE: SEPTEMBER 20, 2022

AGENDA TEXT: ART GALLERY PERMIT – A request to approve an Art Gallery Permit application for Garrett A. Day dba Orbit Artspace located at 138 S. Park Square, #102

BACKGROUND

On June 2, 2022, Garrett A. Day dba Orbit Artspace submitted an Art Gallery Permit application and all applicable fees to the City Clerk's Office, as well as a business license application and fee. A copy of the Art Gallery Permit application is attached.

Pursuant to **Section 44-3-424., C.R.S. Art gallery permit - definition.** (1) A person operating an art gallery that offers complimentary alcohol beverages for consumption only on the premises may be issued an art gallery permit, which shall be renewed annually. An art gallery permittee shall not, directly or indirectly, sell alcohol beverages by the drink, shall not serve alcohol beverages for more than four hours in any one day, and shall not serve alcohol beverages more than fifteen days per year of licensure. The applicant must give the state and local licensing authorities 15 days' notice of any changes to the dates.

As used in this section, "art gallery" means an establishment whose primary purpose is to exhibit and offer for sale works of fine art as defined in Section 6-15-101, C.R.S. or precious or semiprecious metals or stones as defined in Section 18-16-102, C.R.S.

There are no further state or local requirements to be met by the applicant, which varies from other types of liquor licenses that require the City to conduct background checks and obtain fingerprints, needs of the neighborhood surveys, and Individual History Records, for example.

Also attached is an excerpt of the rules for Art Gallery Permits pursuant to Section 44-3-424, C.R.S.

FISCAL IMPACT

N/A

APPLICABILITY TO CITY GOALS AND OBJECTIVES

The City of Fruita is charged with protection of the public health, safety and welfare. The review and renewal of liquor licenses ensures that licensed establishments are operating by the rules and regulations adopted by the City and State concerning the sale or service of beer and alcoholic beverages.

OPTIONS AVAILABLE TO THE COUNCIL

- 1) Approve the Art Gallery Permit Application for Garrett A. Day dba Orbit Artspace
- 2) Choose not to approve the Art Gallery Permit Application for Garrett A. Day dba Orbit Artspace

RECOMMENDATION

- **APPROVE THE ART GALLERY PERMIT APPLICATION FOR GARRETT A. DAY DBA ORBIT ARTSPACE LOCATED AT 138 S. PARK SQUARE, #102**