

TITLE 17

ALCOHOL BEVERAGE CONTROL AND USES

CHAPTER 1

GENERAL PURPOSE AND DEFINITIONS

SECTION:

17-1-1: Purpose

17-1-2: Policy Goals

17-1-3: Utah Alcoholic Beverage Control Act Adopted

17-1-4: Preemption And Local Control

17-1-5: Compliance With State Law Required

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17-1-1: PURPOSE:

~~This title consolidates all alcohol licensing and zoning ordinances for the city regarding alcoholic beverage control and uses. The purposes of this title are to regulate the sale and distribution of alcohol and to simplify alcoholic beverage control regulation by not duplicating state regulations intent of city policy regarding the location of businesses is to treat similarly situated businesses in the varied zones in a similar manner, to provide consistency in applying city standards, and to encourage economic development in appropriate areas of the city.~~ (Ord. 21-31, 8-25-2021)

17-1-2: POLICY GOALS:

The city ~~licenses and~~ regulates the sale of alcoholic products in a manner that reasonably protects the public interest, including the rights of citizens who do not wish to be involved with alcoholic products. The city administers this ordinance in a neutral manner. (Ord. 21-31, 8-25-2021)

17-1-3: UTAH ALCOHOLIC BEVERAGE CONTROL ACT ADOPTED:

The city adopts Utah Code Title 32B, Alcoholic Beverage Control Act in its entirety by reference. The provisions of this code are used to carry out city regulations regarding alcohol. (Ord. 21-31, 8-25-2021)

17-1-4: PREEMPTION AND LOCAL CONTROL:

The ~~state~~ State of Utah, through the alcoholic beverage control act, maintains exclusive control of alcoholic beverages, unless where permitted or delegated to the city. The city regulates the sale, storage, or consumption of alcoholic beverages to the extent that regulation does not conflict with the provisions of the Utah Code or applicable administrative rules. (Ord. 21-31, 8-25-2021)

17-1-5: COMPLIANCE WITH STATE LAW REQUIRED:

All ~~persons or~~ businesses entities subject to this title shall strictly comply with Utah Code Title 32B and administrative rules of the Utah Department of Alcoholic Beverage ~~Control Services~~ (DABSG). (Ord. 21-31, 8-25-2021)

17-1-6: DEFINITIONS:

~~For all terms not~~All terms listed in this chapter, shall use the definitions found in the Utah ~~alcoholic~~Alcoholic ~~b~~Beverage ~~c~~Control Act (Utah Code Title 32B) ~~shall apply or successor provisions~~. ~~License types and descriptions are described in city code title 4, business and license regulations. Due to the specific terms used under alcohol laws and rules and to keep definitions consistent for the regulation of alcohol the following apply:~~

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| ALCOHOLIC BEVERAGE, BANQUET AND CATERING: | An entity operating under and holding the required Department of Alcoholic Beverage Control license issued in accordance with Utah Code Annotated Title 32B, Chapter 6, Part 6, On-Premise Banquet License, and corresponding city liquor license. |
| ALCOHOLIC BEVERAGE, BAR ESTABLISHMENT: | An entity operating under and holding the required Department of Alcoholic Beverage Control license issued in accordance with Utah Code Annotated Title 32B, Chapter 6, Part 4, Bar Establishment License, and corresponding city liquor license. |
| ALCOHOLIC BEVERAGE, BEER RETAILER: | An entity operating under and holding the required Department of Alcoholic Beverage Control license issued in accordance with Utah Code Annotated Title 32B, Chapter 6, Part 7, On-premise Beer Retailer License, and corresponding city beer license. |
| ALCOHOLIC BEVERAGE, BEER WHOLESALER: | An entity operating under and holding the required Department of Alcoholic Beverage Control license issued in accordance with Utah Code Annotated Title 32B, Chapter 13, Beer Wholesaling License Act, and corresponding city beer license. |
| ALCOHOLIC BEVERAGE, BREWPUB: | A restaurant that prepares handcrafted natural beer as an accessory use intended for consumption on the premises. Production capacity shall be limited to less than two thousand (2,000) barrels (1 barrel equals 31 gallons) per year. The area used for brewing and/or bottling shall not exceed thirty percent (30%) of the total floor area of the restaurant space. |
| ALCOHOLIC BEVERAGE, HOTEL: | An entity operating under and holding the required Department of Alcoholic Beverage Control license issued in accordance with Utah Code Annotated Title 32B, Chapter 8b, Hotel License Act, and corresponding city liquor license. |
| ALCOHOLIC BEVERAGE, LIQUOR WAREHOUSE: | An entity operating under and holding the required Department of Alcoholic Beverage Control license issued in accordance with Utah Code Annotated Title 32B, Chapter 12, Liquor Warehousing License Act, and corresponding city liquor license. |
| ALCOHOLIC BEVERAGE, LOCAL INDUSTRY REPRESENTATIVE: | An entity operating under and holding the required Department of Alcoholic Beverage Control license issued in accordance with Utah Code Annotated Title 32B, Chapter 11, Part 6, Local Industry Representative License Act, and corresponding city liquor license. |
| ALCOHOLIC BEVERAGE, MANUFACTURER: | An entity operating under and holding the required: (A) Department of Alcoholic Beverage Control license issued in accordance with Utah Code Annotated Title 32B: |

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| | 1. Chapter 11, Part 3, Winery Manufacturing License. 2. Chapter 11, Part 4, Distillery Manufacturing License, or 3. Chapter 11, Part 5, Brewery Manufacturing License; and (B) Corresponding city liquor license. |
| ALCOHOLIC BEVERAGE, MICROBREWERY, RETAIL: | A commercial business that manufactures on premises fermented malt beverages and handcrafted beer which are sold for consumption on premises or off premises in a manner allowed by Utah State law. |
| ALCOHOLIC BEVERAGE, OFF-PREMISE BEER: | An entity operating under and holding the required Department of Alcoholic Beverage Control license issued in accordance with Utah Code Annotated Title 32B, Chapter 7, Off-Premise Beer Retailer Act, and corresponding city beer license, and only as a component of a convenience store, general retail, or Manufacturer Alcoholic Beverage Use. |
| ALCOHOLIC BEVERAGE, PACKAGE AGENCY: | An entity other than the state operating a retail liquor location to sell packaged liquor for consumption off the premises of the package agency under (a) an agreement with the Department of Alcoholic Beverage Control, as authorized by the Alcoholic Beverage Control Commission in accordance with Utah Code Annotated Title 32B, Chapter 2, Part 6, Package Agency, and (b) corresponding city liquor license. |
| ALCOHOLIC BEVERAGE, RECEPTION CENTER: | An entity operating under and holding the required Department of Alcoholic Beverage Control license issued in accordance with Utah Code Annotated Title 32B, Chapter 6, Part 8, Reception Center License, and corresponding city liquor license. The term "alcoholic beverage, reception center" shall not include uses whose primary function is a type of restaurant or tavern. |
| ALCOHOLIC BEVERAGE, RESTAURANT (BEER ONLY): | An entity operating under and holding the required Department of Alcoholic Beverage Control license issued in accordance with Utah Code Annotated Title 32B, Chapter 6, Part 9, Beer-Only Restaurant License, and corresponding city beer license. |
| ALCOHOLIC BEVERAGE, RESTAURANT (LIMITED SERVICE): | An entity operating under and holding the required Department of Alcoholic Beverage Control license issued in accordance with Utah Code Annotated Title 32B, Chapter 6, Part 3, Limited-service Restaurant License, and corresponding city liquor license. |
| ALCOHOLIC BEVERAGE, RESTAURANT (FULL SERVICE): | An entity operating under and holding the required Department of Alcoholic Beverage Control license issued in accordance with Utah Code Annotated Title 32B, Chapter 6, Part 2, Full-service Restaurant License, and corresponding city liquor license. |
| ALCOHOLIC BEVERAGE, SINGLE EVENT/TEMPORARY EVENT: | An entity operating under this type of license is allowed to sell alcohol, with the on-premises consumption of any alcohol (including beer) being allowed. These licenses are available to a bona fide partnership, corporation, limited liability company, church, political organization, or incorporated association or to a recognized subordinate lodge, chapter or other local unit |

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| | thereof that is conducting a civic or community enterprise or convention. Multiple single event permits may be obtained per calendar year, limited to the number of events permitted by the Utah Department of Alcoholic Beverage Control. This type of license shall be issued by the city in accordance with Utah Code Annotated Title 32B, Chapter 9, Event Permit Act. |
| ALCOHOLIC BEVERAGE, SPECIAL USE (EDUCATIONAL): | An entity operating under and holding the required Department of Alcoholic Beverage Control educational use permit issued in accordance with Utah Code Annotated Title 32B, Chapter 10, Special Use Permit Act, and corresponding city special-use license. |
| ALCOHOLIC BEVERAGE, SPECIAL USE (INDUSTRIAL/MANUFACTURING): | An entity operating under and holding the required Department of Alcoholic Beverage Control industrial, or manufacturing use permit issued in accordance with Utah Code Annotated Title 32B, Chapter 10, Part 4, Industrial or Manufacturing Use Permit, and corresponding city special-use license. |
| ALCOHOLIC BEVERAGE, SPECIAL USE (RELIGIOUS): | An entity operating under and holding the required Department of Alcoholic Beverage Control religious wine use permit issued in accordance with Utah Code Annotated Title 32B, Chapter 10, Part 6, Religious Use of Alcoholic Products, and corresponding city special-use license. |
| ALCOHOLIC BEVERAGE, SPECIAL USE (SCIENTIFIC): | An entity operating under and holding the required Department of Alcoholic Beverage Control scientific use permit issued in accordance with Utah Code Annotated Title 32B, Chapter 10, Special Use Permit Act, and corresponding city special-use license. |
| ALCOHOLIC BEVERAGE, STATE LIQUOR STORE: | A facility established by the Alcoholic Beverage Control Commission in accordance with Utah Code Annotated Title 32B, Chapter 2, Part 5, State Store, the for the sale of packaged liquor located on premises owned or leased by the state and operated by a state employee. This term does not include any other Alcoholic Beverage Use. |
| ALCOHOLIC BEVERAGE, TAVERN: | An entity operating under and holding the required Department of Alcoholic Beverage Control license for a tavern, issued in accordance with Utah Code Annotated Title 32B, Chapter 6, Part 7, On-premise Beer Retailer License, and corresponding city beer license. |
| ALCOHOLIC BEVERAGE USES: | Any of the definitions starting with the words "alcoholic beverage," which are listed in section 17-1-6 or which are listed as permitted or conditional uses in section 17-10-4. |
| COMMUNITY LOCATION: | A public or private school, a church, a public library, a public playground, or a public park. |
| OUTLET: | State store, package agency, or retail licensee. Outlet location does not include an airport lounge or restaurant. |
| RESTAURANT: | A full-service restaurant licensee, a limited-service restaurant licensee; or a beer-only restaurant licensee. (Ord. 21-31, 8-25-2021) |

CHAPTER 2

LICENSING PERMITS AND APPLICATIONS

SECTION:

17-2-1: Alcohol Licensing Permitting Authority

17-2-2: License Permit Official, Powers And Duties

17-2-3: Licenses Required

17-2-417-2-3: Licenses Permits Nontransferable

17-2-517-2-4: Expiration And Renewal

17-2-6: License Fees

17-2-717-2-5: License Permit Application And Contents

17-2-8: Criminal Background Check

17-2-9: Disqualifying Criteria

17-2-10: Application Processing

17-2-11: Vested Rights

17-2-1: ALCOHOL LICENSING PERMITTING AUTHORITY:

Alcohol permits shall be conducted through the Community Development Department. An alcohol license official (also known as a license official) is established to authorize the licensing of alcohol in the city. the _ aAlcohol license officialpermitting shall be established in conjunction with the business license authority in the city. All licenses or permitsA permit issued under the authority of this title is the local consent required by the Utah alcoholicAlcoholic beverageBeverage controlControl actAct. It is prohibited for any person or company to sell or serve alcohol without the appropriate permit. (Ord. 21-31, 8-25-2021)

17-2-2: LICENSE PERMIT OFFICIAL, POWERS AND DUTIES:

A. The license officialbusiness license authority shall assess a fee, according to the fee schedule approved by the city council, for each type or classification of license in accordance with the provisions of this title and the applicable statutes of Utah and shall receive all license fees required herein to be paidalcohol permit issued under this title. The business license official may prosecute a suspension or revocation administratively as provided in title 16 of this code.

—B.— The license official shall process the applications and receive all bonds as required under this chapter, and determine compliance with all applicable ordinances and statutes before issuing a license or permit, and shall review and notify any applicant of license, permit, or bond denial, suspension or revocation. (Ord. 21-31, 8-25-2021)

17-2-3: LICENSES REQUIRED:

81 ~~—A.— Any entity desiring to engage in any activity governed by this title must have: a~~
82 ~~city business license that is separate from the alcohol license; a city alcohol license as~~
83 ~~issued under this title; and the appropriate license issued by the Utah department~~
84 ~~of alcoholic beverage control.~~

85 ~~—B.— A separate license shall be required for each place of sale, or place of business,~~
86 ~~or separate establishment.~~

87 ~~—C.— The license shall identify the specific premises covered by the license.~~

88 ~~—D.— The licensee shall conspicuously display the license in the place for which it is~~
89 ~~issued. (Ord. 21-31, 8-25-2021)~~

90 **17-2-43: LICENSES PERMITS NONTRANSFERABLE:**

91 ~~Licenses Permits~~ issued under this ~~article title~~ are not transferable.

92 ~~An alcoholic beverage licensee selling its business is not entitled to a refund of the~~
93 ~~license fee paid. (Ord. 21-31, 8-25-2021)~~

94 **17-2-54: EXPIRATION AND RENEWAL:**

95 A. All alcoholic beverage ~~licenses issued by the city permits~~, except for single event
96 permits and temporary beer event permits, shall expire ~~on December 31 each year~~12
97 months after they are issued.

98 ~~—B.— In the event that the renewal fees and all renewal documentation are not received~~
99 ~~by the license official by 5:00 p.m. on December 31 (or the last business day of the~~
100 ~~year, whichever occurs first), the licensee must cease and desist all operations related~~
101 ~~to alcohol sales, and may not permit the consumption of alcohol on the premises until all~~
102 ~~outstanding fees, any applicable penalties and appropriate documentation is filed with~~
103 ~~the license official and a new license is issued.~~

104 GB. Renewal fees and all renewal documentation must be delivered to and received
105 by the Business License Official within 30 days after the expiration date.

106 1. If the renewal fees and documentation are not received within 30 days of the
107 due date, the ~~licensee permittee~~ shall pay a penalty of 25 percent of the original fees
108 due in addition to the original fee and renewal documentation.

109 2. Required Documentation. ~~In addition to the requirement of this Title, The The~~
110 ~~licensee permittee, during the yearly renewal of each beer license,~~ shall certify that all
111 current employees have received training ~~as approved by the state department of public~~
112 ~~safety~~ on the written policies, procedures and laws relating to the marketing and sale
113 of alcoholic beverages.

114 ~~DC.~~ If the renewal fees and all renewal documentation are not received by the
115 license official within forty-five (45) days of the date that the fees are due, the licensee
116 shall pay a penalty of seventy-five percent (75%) of the original fee due in addition to
117 the original fee and renewal documentation Alcohol permits become null and void if not
118 renewed 30 days after the expiration date. -

119 ED. Single event and temporary beer event permits shall indicate specific expiration
120 dates and are not subject to renewal.

121 ~~—F. Every license and local consent issued under this title, with the exception of single~~
122 ~~event and temporary beer event permits, shall be renewed only if the applicant can~~
123 ~~affirmatively state that the qualifications and standards as previously set forth and upon~~
124 ~~which the original license was granted shall have been and shall be complied with~~
125 ~~continually.~~

126 ~~—G. Closure Or Cessation of Business: Any city alcoholic beverage license will expire~~
127 ~~no later than ten (10) days following the continuous closure or cessation of the business~~
128 ~~operations for which the license was issued, except when cessation or closure is~~
129 ~~required to repair damages caused by flood, fire, earthquake or other natural disaster.~~
130 ~~(Ord. 21-31, 8-25-2021)~~

131 **17-2-6: LICENSE FEES:**

132 ~~—A. The license fee shall be based upon the fee schedule established by the city~~
133 ~~council.~~

134 ~~—B. Proration of Fees Not Permitted: The established license fees shall not be~~
135 ~~prorated for any portion of a year, but shall be paid in full regardless of the portion of the~~
136 ~~year the license is applied for. (Ord. 21-31, 8-25-2021)~~

137 **17-2-75: LICENSE PERMIT APPLICATION AND CONTENTS:**

138 A. ~~Application by Individual: All applications for licenses~~permits~~, for renewal or re-~~
139 ~~issuance of licenses or, requests for local consent shall be reviewed by and filed with~~
140 ~~the license official and shall~~must ~~include the following items:~~

141 1. The name, current address, and telephone number of the applicant.

142 ~~—2. Any other names or aliases used by the individual.~~

143 ~~—3. The age, place of birth, and date of birth of the applicant.~~

144 ~~—4. The height, weight, color of hair, color of eyes of the applicant.~~

145 ~~52.~~ Present business address and telephone number (if applicable).

146 ~~—6. Utah driver's license or identification number.~~

147 ~~73.~~ Social security number if applicant is an individual, or EIN if the applicant is a
148 business.

149 ~~—8. The citizenship and/or place of legal permanent residency of the applicant.~~

150 ~~94.~~ Acceptable written proof that an individualProof of age to show that the
151 applicant is at least ~~twenty-one (21)~~ years of age.

152 ~~—10. A statement of the business, occupation, and employment history of the~~
153 ~~applicant for three (3) years immediately preceding the date of the filing of the~~
154 ~~application.~~

155 ~~—11. A statement detailing the license and permit history of the applicant for the five~~
156 ~~(5) year period immediately preceding the date of the filing of the application, including:~~

~~157 a. Whether such applicant previously operated or was seeking to operate a~~
~~158 business authorized to allow consumption of alcohol on the premises in this or any other~~
~~159 county, city, state or territory.~~

~~160 b. Whether such applicant has ever had a license, permit or authorization to do~~
~~161 business denied, revoked, or suspended.~~

~~162 c. In the event of any such denial, revocation or suspension, a statement of the~~
~~163 date, the name of the issuing or denying jurisdiction, and the reasons for the denial,~~
~~164 revocation or suspension. A copy of any order of denial, revocation or suspension shall~~
~~165 be attached to the application.~~

~~166 125.~~ The ~~State~~ state sales and use tax number for the business.

~~167 136.~~ A drawing or rendering indicating the area for alcohol sales, storage areas
~~168 and consumption areas.~~

~~169 147.~~ A map or evidence of the proposed retail licensee's proximity to any
~~170 community location or sexually oriented business with proximity requirements being~~
~~171 governed this Titleby State law.~~

~~172 15. For retail licenses under this title the applicant must provide evidence that the~~
~~173 retail licensee carries dram shop insurance coverage of at least:~~

~~174 a. One million dollars (\$1,000,000) per occurrence and two million dollars~~
~~175 (\$2,000,000) in the aggregate;~~

~~176 b. If the retail licensee is a hotel licensee or a resort licensee, one million dollars~~
~~177 (\$1,000,000) per occurrence and two million dollars (\$2,000,000) in the aggregate to~~
~~178 cover both the principal license and all accompanying sublicenses.~~

~~179 816.~~ A signed consent form stating that the ~~licensee applicant~~ will ~~permit allow~~ any
~~180 authorized~~ representative of the city, including ~~and a~~ law or code enforcement officer, ~~to~~
~~181 have the~~ unrestricted right to enter the premises of the ~~retail licensee applicant~~ for ~~any an~~
~~182 inspection or enforcement purpose.~~

~~183 179.~~ A sworn statement signed by the applicant that all the facts included in the
~~184 application are true.~~

~~185 1810.~~ All ~~Certification that licensthe permitteded~~ premises shall ~~also~~ comply with
~~186 the provisions of this title.~~

~~187 1911.~~ Copies of the written policies, procedures, training materials and other
~~188 methods which the applicant uses to ensure compliance with the laws relating to the~~
~~189 marketing and sale of alcoholic beverages. The applicant must also certify~~ Certification
~~190 that all employees have been trained in these the applicable policies, procedures, and~~
~~191 laws regarding the sale and distribution of alcoholic beverages.~~

~~192 2012.~~ Any other information that the City Business License Official may require.

~~193 21.~~ Proof of bond as required by this Title.

~~194 22.~~ Payment of Non-refundable application fee.

~~—B.— Applications by business entities: If the applicant is a partnership, association, group, corporation, limited liability company, trust or other similar entity, the above information shall be provided with respect to each individual officer, partner, member and director having twenty percent (20%) or more ownership in the establishment or entity, and each individual officer, partner, member, owner and director having twenty percent (20%) or more ownership must be listed on the application form as an applicant. The application must be subscribed by the applicant, who shall state under oath that the facts therein contained are true.~~

~~CB.~~ Changes to Applicants: If there are any changes made in the names of the applicants ~~and/or~~ the operator and managers of the ~~licensed-permitted~~ premises, an update to the ~~license permit~~ application must be filed within ~~thirty (30)~~ days of the change. (Ord. 21-31, 8-25-2021)

17-2-8: CRIMINAL BACKGROUND CHECK:

~~—A.— Application for an alcoholic beverages business license shall constitute a waiver of disclosure of any criminal conviction or plea of no contest for the purposes of any proceeding involving the business or employee license.~~

~~—B.— Each applicant will be required to provide an original or certified copy of criminal history from Utah BCI and the applicants home state if different.~~

~~—C.— The License Official may complete additional background checks through the Utah Courts System (exchange or successor system) or Commercial Background Service provider to ensure all charges and convictions are discovered. (Ord. 21-31, 8-25-2021)~~

17-2-9: DISQUALIFYING CRITERIA:

~~—A.— Criminal Convictions: No alcoholic beverage license under this Title shall be granted to any applicant who has been convicted of:~~

~~——1.— A felony under any federal or state law within seven (7) years of the date of application.~~

~~——2.— Any violation of any federal or state law or local ordinance concerning the sale, manufacture, distribution, warehousing, adulteration or transportation of alcoholic beverages or any crime involving moral turpitude within 4 years of the date of application.~~

~~——3.— Driving under the influence of alcohol, drugs, or the combined influence of alcohol and drugs on two or more occasions within the five (5) years within the date of the application.~~

~~——4.— If the applicant is a partnership, corporation, or limited liability company, the disqualification also applies to a partner, a managing agent, a manager, an officer, a director, a stockholder who holds at least twenty percent (20%) of the total issued and~~

~~outstanding stock of the corporation; or a member who owns at least twenty percent (20%) of the limited liability company.~~

~~—B. Previous Revocations.~~

~~—1. No alcoholic beverage license under this Title shall be granted to any applicant who has had any type of agency, license, or permit within the last three years.~~

~~—2. No alcoholic beverage license under this Title shall be granted to a partnership, corporation, or limited liability company if a partner, managing agent, manager, officer, director, stockholder who holds at least twenty percent (20%) of the total issued and outstanding stock of the corporation, or member who owns at least twenty percent (20%) of the limited liability company is or was:~~

~~—a. A partner or managing agent of a partnership that had any type of agency, license, or permit issued under this title revoked within the last three years;~~

~~—b. A managing agent, officer, director, or stockholder who holds or held at least twenty percent (20%) of the total issued and outstanding stock of any corporation that had any type of agency, license, or permit issued under this title revoked within the last three years; or~~

~~—c. A manager or member who owns or owned at least twenty percent (20%) of a limited liability company that had any type of agency, license, or permit issued under this title revoked within the last three years.~~

~~—3. No alcoholic beverage license under this article shall be granted to a partnership, corporation, or limited liability company if a partner or managing agent of a partnership, a managing agent, officer, director, or stockholder who holds at least twenty percent (20%) of the total issued and outstanding stock of a corporation; or a manager or member who owns at least twenty percent (20%) of a limited liability company had any type of agency, license, or permit issued under this title revoked while acting in that person's individual capacity within the last three years:~~

~~—4. No alcoholic beverage license under this article shall be granted to a to a person acting in an individual capacity if that person was a partner or managing agent of a partnership that had any type of agency, license, or permit issued under this title revoked within the last three years, a managing agent, officer, director, or stockholder who held at least twenty percent (20%) of the total issued and outstanding stock of a corporation that had any type of agency, license, or permit issued under this title revoked within the last three years, or a manager or member who owned at least twenty percent (20%) of the limited liability company that had any type of agency, license, or permit issued under this title revoked within the last three years.~~

~~—C. Minors Are Prohibited~~

~~—1. The license official may not issue a package agency, license, or permit to a minor.~~

~~—2. The license official may not issue a package agency, license, or permit to a partnership, corporation, or limited liability company if any of the following is a minor:~~

- ~~—— a. A partner or managing agent of the partnership;~~
- ~~—— b. A managing agent, officer, director, or stockholder who holds at least twenty percent (20%) of the total issued and outstanding stock of the corporation; or~~
- ~~—— c. A manager or member who owns at least twenty percent (20%) of the limited liability company.~~
- ~~—D. No alcoholic beverage license under this article shall be granted to any applicant who is not United States Citizen or a permanent resident of the United States (Alien or Permanent Residency registration card required).~~
- ~~—E. Other Requirements. Failing to meet any other licensing requirement under this title. (Ord. 21-31, 8-25-2021)~~

17-2-10: APPLICATION PROCESSING:

~~—A. Review by other entities: The License Official shall submit copies of the application to the Planning Division, Building and Safety Division, Fire Department, Salt Lake Valley County Department, Police Department and any other federal, state, or local agencies as deemed necessary to provide a recommendation as to whether a business license, alcoholic beverage license and Local Consent should or should not be issued.~~

~~—B. The City reserves the right to deny any application for a license permit. The License Official shall deny the application.~~

~~—— 1. If, on an application or a renewal for a license, the License Official finds that any applicant does not meet the requirements of or is disqualified under any section of this chapter, or~~

~~—— 2. If the License Official finds that the application is deficient in any way or any of the facts provided thereon are false or in question. (Ord. 21-31, 8-25-2021)~~

17-2-11: VESTED RIGHTS:

~~A license or permit issued by the City under the provisions of this chapter shall not be considered or deemed a right and, if granted, shall inure to the benefit of the licensee only as a privilege temporarily granted. (Ord. 21-31, 8-25-2021)~~

CHAPTER 3 BONDS

SECTION:

17-3-1: Cash Bond For Businesses With Alcohol Sales And Consumption

17-3-1: CASH BOND FOR BUSINESSES WITH ALCOHOL SALES AND CONSUMPTION:

~~Every applicant for a license or permit under this title shall post a cash bond in the amount of two thousand dollars (\$2,000.00), which is to remain in effect during the entire period alcohol is sold or consumed on the premises:~~

~~—A. The bond is in addition to all other licensing fees, bonds, or insurance required by this Title. The cash bond shall be forfeited, according to procedures in this title, in the event of a violation:~~

~~—1. By the licensee or an employee of the licensee;~~

~~—2. Related to the operation of the business for which the license was issued; and~~

~~—3. Of any laws or ordinances relating to any of the following: alcoholic beverages (except selling alcohol to a minor), controlled substances, gambling, committing or maintaining a nuisance, keeping a disorderly house, for grave offenses permitted on the licensed premises or if the license is revoked.~~

~~—B. Bond Forfeiture:~~

~~—1. After forfeiture of the two thousand dollars (\$2,000.00) cash bond, the licensee shall not sell or permit the consumption of alcohol on the premises until the City has received a new cash bond in the amount of five thousand dollars (\$5,000.00).~~

~~—2. The five thousand dollars (\$5,000.00) bond shall be forfeited according to procedures in this Article.~~

~~—3. After forfeiture of the five thousand dollars (\$5,000.00) bond, the licensee shall not sell or permit the consumption of alcohol on the premises until the City has received a new cash bond in the amount of ten thousand dollars (\$10,000.00).~~

~~—4. The bond must be posted within ten days of the notice of forfeiture of the five thousand dollars (\$5,000.00) bond.~~

~~—5. The ten thousand dollars (\$10,000.00) cash bond shall be forfeited according to procedures in this Article, and the City License Official will make a determination if the business license, alcoholic beverage license or Local Consent should be suspended or revoked.~~

~~—6. If the licensee is permitted to continue to operate an establishment to sell alcohol or allow the consumption of alcohol on the premises, after the suspension has expired or after reapplying for a license after a revocation, the licensee shall post a new ten thousand dollars (\$10,000.00) cash bond, which is to remain in effect during the entire period alcohol is sold or consumed on the premises. Any additional violations will result in a revocation of Local Consent and may result in the revocation of the business license~~

~~—7. The applicant may petition the City License Official for a reduction in the amount of the ten thousand dollars (\$10,000.00) bond, after two years, if there are no further violations by the licensee or an employee of the licensee related to the business for which the license was issued. In no case will the amount of the bond be reduced to an amount less than two thousand dollars (\$2,000.00).~~

~~—8. After forfeiting a bond, and prior to posting a new bond, the licensee shall present to the City License Official a plan concerning the operational practices to be implemented. The plan must specifically address the violations for which the bond was forfeited.~~

351 — 9. Failure of the licensee to post the bond within ten days after delivery of notice
352 requiring the new bond may result in the suspension or revocation of the city-issued
353 licenses, including, but not limited to, the business license and local consent.

354 — 10. The forfeiture of three bonds posted pursuant to this section may result in the
355 suspension or revocation of city-issued license, including, but not limited to, the
356 business license and local consent.

357 — 11. All monies received by the city from the forfeitures of bonds shall be deposited
358 in an account to be used for alcoholic beverage enforcement purposes.

359 — 12. Forfeiture of bonds will be in addition to any penalties as may be prescribed by
360 the State of Utah.

361 — C. Selling beer to a minor. In addition to the general cash bond required pursuant to
362 this section, a separate cash bond shall be required if the licensee or any employee of
363 the licensee violates any ordinance or law concerning the selling of beer to a minor.

364 — 1. If any licensee herein or any employee of a licensee commits a violation of any
365 ordinance or law concerning selling beer to a minor or comparable violation, the
366 licensee, within ten days of receipt of written notice from the City, shall post a cash bond
367 in the amount of one thousand dollars (\$1,000.00).

368 — 2. The cash bond for selling beer to a minor shall be forfeited, according to
369 procedures in this Article, in the event of a violation:

370 — a. By the licensee or the employee of the licensee;

371 — b. Related to the operation of the business for which the license was issued;

372 — c. Of any laws or ordinances relating to the selling of alcohol to a minor or
373 comparable charge; and

374 — d. Within two years of posting the bond.

375 — 3. After forfeiture of the one thousand dollars (\$1,000.00) bond, the licensee shall,
376 within ten days after delivery of written notice from the City, post a new cash bond in the
377 amount of two thousand five hundred dollars (\$2,500.00).

378 — 4. The two thousand five hundred dollars (\$2,500.00) bond shall be forfeited
379 according to procedures in this Article. City-issued licenses and local consent may be
380 suspended for a period of ten to thirty (30) days.

381 — 5. Following the forfeiture of the two thousand five hundred dollars (\$2,500.00)
382 bond, the licensee shall, within ten days after delivery of written notice from the City,
383 post a new cash bond in the amount of five thousand dollars (\$5,000.00).

384 — 6. The five thousand dollars (\$5,000.00) cash bond shall be forfeited according to
385 this section and the City-issued licenses and Local Consent may be suspended or
386 revoked.

— 7. After forfeiting a bond, and prior to posting a new bond, the licensee shall present to the City a plan concerning the operational practices to be implemented to avoid future violations of laws related to sales of alcoholic beverages to minors.

— 8. If a licensee is required to post bonds for sale of alcohol to a minor or comparable violation, and if neither the licensee nor any employee of the licensee violates any ordinances or laws related to selling alcohol to a minor or comparable violation within two years following the posting of the bond, the most recently posted bond shall be returned to the licensee by the City upon receipt by the City of a written request and verification by the City that no such violations have occurred.

— 9. Failure of the licensee to post the bonds within ten days after delivery of notice requiring the new bond may result in suspension or revocation of City-issued licenses, including, but not limited to, the business license and Local Consent.

— 10. The forfeiture of three bonds posted pursuant to this section may result in the suspension or revocation of city-issued licenses, including, but not limited to, the business license and local consent.

— 11. All monies received by the city from the forfeitures of bonds shall be deposited in an account to be used for alcoholic beverage enforcement purposes.

— 12. Forfeiture of bonds for sale of alcohol to a minor or similar violation will be in addition to any penalties as may be prescribed by the State of Utah. (Ord. 21-31, 8-25-2021)

CHAPTER 43 SUSPENSION, REVOCATION, OR DENIAL OF LICENSEPERMIT OR BOND FORFEITURE

SECTION:

17-43-1: Suspension Or Revocation Of Licenses, Permits, Local Consent, Or BondsPermit

17-43-2: Operation in Conformity with LawsInspections

17-3-3: Penalties

17-3-4: Administrative Regulations

17-43-1: SUSPENSION OR REVOCATION OF LICENSES, PERMITS, LOCAL CONSENT, OR BONDSPERMIT:

Licenses, permits, local consent, or bondsPermits may be suspended or revoked by the Business License eOfficial for any of the following reasons:

- A. Violation on the licensed-permitted premises of any provision of this Titletitle;
- B. Violation of any other ordinance or law related to alcoholic beverages;

C. The licensee-permittee does not now possess the qualifications required by this Title title and the statutes of the State of Utah;

D. False or incomplete information given on an application;

E. The licensee-permittee has obtained or aided another person in obtaining a license permit by fraud or deceit;

F. The licensee-permittee has failed to pay real or personal property taxes, utility taxes or sales taxes;

G. Any illegal-criminal activity by the licensee-permittee or any employees of the licensee-permittee of any City ordinance or state or federal statute, except minor traffic offenses, while on the premises, or relating to the business;

H. Failure to pay the license fee or post bonds when due;

~~I. Violation of City ordinance, including this Article, or federal or state statute relating to the business, alcoholic beverage, consumption, entertainment or agency licenses and resulting from the conduct of such business or activity;~~

~~J. The applicant permittee has been convicted of or entered a plea of nolo contendere for to a crime involving moral turpitude;~~

~~1. Any felony involving controlled substances, alcohol, sex crimes, contributing to the delinquency of a minor or any violent felony or has completed serving a sentence for such felony (whichever is most recent) within five years; or~~

~~2. A misdemeanor involving controlled substances, alcohol, sex crimes or contributing to the delinquency of a minor within three years;~~

KJ. Any conduct or act of the licensee-permittee or his-their employees or any act committed by them on the premises or any act by the patrons where such business is conducted tending to render such business or such premises where the same is conducted a public nuisance or a menace to the health, peace or general welfare of the city or its residents;

LK. The licensee-permittee has refused to allow authorized representatives of the city to make an inspection or has interfered with such representatives while in the performance of their duty in making such inspection;

ML. The licensee-permittee is not complying with a requirement or condition set by the planning commission or community development department, if applicable, under a conditional use permit, site plan review, or other approval; or

NM. Any other reason expressly provided for in this chapter. (Ord. 21-31, 8-25-2021)

17-4-2: OPERATION IN CONFORMITY WITH LAWS:

~~The licensee shall be responsible for the operation of the business in conformity with the ordinances of the City and the laws of the state and it shall be grounds for suspension or revocation of the license or local consent if a violation occurs through an act of a licensee, operator, employee, agent, or person who is allowed to perform for~~

patrons of the business, whether or not said person is paid by the licensee for said performance, or any person who violates said ordinances or laws with the consent or knowledge of the licensee or her agents or employees or operator of the business. (Ord. 21-31, 8-25-2021)

CHAPTER 5

HEARINGS FOR DENIALS, SUSPENSIONS, REVOCATIONS, OR BOND FORFEITURE

SECTION:

17-5-1: Due Process

17-5-2: Evidentiary Standards

17-5-3: Other Hearing Standards

17-5-4: Application After Suspension or Revocation

17-5-1: DUE PROCESS:

The city shall follow appropriate due process as outlined prior to the denial, suspension, revocation of a license or permit or bond forfeiture. This shall include the following:

—A. Notice Required. The license official shall cause written notice to be given to the applicant or licensee (“respondent”) of the license official’s recommendation of denial, suspension or revocation of a city-issued license, local consent or bond forfeiture.

—B. Required Information in Notice: The notice shall include:

—1. The reason for the recommendation of denial, suspension, revocation or bond forfeiture; and

—2. The respondent’s right to have a hearing concerning the License Official’s determination.

—C. Method of Service: Written notice shall be given by personal service or by registered mail to the address given by the respondent on the most recent application or renewal of the license.

—D. Request for Hearing. A hearing may be requested by the respondent by filing a written request for hearing with the city recorder’s office within ten working days of receipt of the notice of the recommendation for denial of any application, suspension or revocation of a city-issued license or permit, or bond forfeiture.

—1. The written request for hearing shall include a statement of reasons why the license or permit should not be denied, suspended, revoked, or the bond should not be forfeited.

—2. Untimely filings are jurisdictional and forfeit any right to a hearing.

—E. Hearing. The hearing shall be before an administrative law judge designated by the mayor or city administrator, and shall be at a time, place and day set by the

497 ~~administrative law judge, but not later than twenty (20) working days after receipt of the~~
498 ~~written request for hearing.~~

499 ~~— 1. At the hearing, the city shall present the reasons and evidence for the~~
500 ~~recommendation to deny, suspend, or revoke the license, local consent or forfeit the~~
501 ~~bond.~~

502 ~~— 2. At the hearing, the respondent shall have the opportunity to be represented by~~
503 ~~counsel, present evidence and witnesses and cross-examine any of the city's witnesses.~~

504 ~~— 3. All witnesses shall be sworn to testify truthfully. Either party is entitled to~~
505 ~~confront, and cross-examine any witnesses.~~

506 ~~— 4. The administrative law judge, after hearing and considering all the evidence,~~
507 ~~shall:~~

508 ~~— a. Deny, suspend or revoke the license, local consent, or order the bond to be~~
509 ~~forfeited;~~

510 ~~— b. Approve or reinstate the license or local consent with conditions; or~~

511 ~~— c. Approve or reinstate the license or local consent without conditions.~~

512 ~~— F. The administrative law judge shall issue a written decision within ten days after~~
513 ~~the hearing and send the same, by personal service or by registered mail, postage~~
514 ~~prepaid, to the respondent.~~

515 ~~— G. In a hearing regarding suspension of a license or local consent, if good cause for~~
516 ~~the suspension is established at the hearing, the suspension order may be continued for~~
517 ~~up to one year in duration.~~

518 ~~— H. In a hearing regarding revocation, if good cause for the revocation of the license~~
519 ~~or local consent is established, the respondent may not reapply for a new license or~~
520 ~~request local consent for a minimum of one year after the administrative law judge's~~
521 ~~final decision.~~

522 ~~— I. The decision of the administrative law judge may be appealed by the respondent to~~
523 ~~the district court within thirty (30) calendar days from when the written decision is made.~~

524 ~~— J. If the respondent fails to file a request for a hearing within the prescribed date, the~~
525 ~~determination of the license official shall be upheld and the denial, revocation,~~
526 ~~suspension or bond forfeiture shall be effective immediately. (Ord. 21-31, 8-25-2021)~~

527 **~~17-5-2: EVIDENTIARY STANDARDS:~~**

528 ~~The following are evidentiary standards for hearings held under this article:~~

529 ~~— A. The city has the burden of proof to suspend, revoke, deny a license or forfeit a~~
530 ~~bond. The burden of proof in the preponderance of evidence standard.~~

531 ~~— B. If the licensee of a hearing under this article asserts an affirmative defense, the~~
532 ~~licensee has the burden of proof to establish the affirmative defense by the~~
533 ~~preponderance of the evidence.~~

534 —C. Any oral or documentary evidence may be received, but the administrative law
535 judge may exclude all privileged, irrelevant, immaterial, or unduly repetitious evidence.

536 —D. If the recommendation for denial, suspension, revocation, or forfeiture is based on
537 a finding by the community development department, fire department, health
538 department or police department that the business was or would be in violation of
539 applicable ordinances or regulations, then this determination shall be conclusive and the
540 final decision may be based only on whether the city acted properly in recommending
541 denial, suspension or revocation of the license or local consent or bond forfeiture
542 because of said department's determination. (Ord. 21-31, 8-25-2021)

543 **17-5-3: OTHER HEARING STANDARDS:**

544 —A. Any hearing under this article is a civil action, notwithstanding whether at issue in
545 the adjudicative proceeding is a violation of statute that can be prosecuted criminally.

546 —B. In a hearing under this article, to find a violation of this article the administrative
547 law judge:

548 —1. Is required to determine whether the conduct that constitutes the violation
549 occurred; and

550 —2. Is not required to make a finding of knowledge or intent unless knowledge or
551 intent is expressly made an element of the violation by statute. (Ord. 21-31, 8-25-2021)

552 **17-5-4: APPLICATION AFTER SUSPENSION OR REVOCATION:**

553 —A. Suspensions

554 —1. A suspension shall be for a period not exceeding one year.

555 —2. After the expiration of the suspension period, the license or local consent may
556 be reinstated, if the licensee otherwise complies with all licensing requirements.

557 —3. If the license would have otherwise expired during the period of the suspension,
558 the licensee will not be entitled to apply for a renewal license until after the period of
559 suspension has expired and will be required to pay the full license fee.

560 —4. The Utah Department of Alcoholic Beverage Control will be notified by the
561 License Official of a suspension and the suspension period.

562 —B. Revocation:

563 —1. A revocation shall be for a period of no less than one year. Upon revocation of
564 the license, the licensee shall forfeit to the city the following:

565 —a. The remaining license fee paid.

566 —b. The bond posted to insure compliance with the law; and

567 —c. Any bond posted as a result of sale of alcohol to a minor.

568 —2. A licensee shall not be entitled to reapply for a new license or request local
569 consent during the period of revocation.

570 —3. ~~The Utah department of alcoholic beverage control will be notified by the license~~
571 ~~official of the revocation and the revocation period.~~

572 —C. ~~New Owner. If the licensed business is sold to a new party, not previously~~
573 ~~associated with the licensee who is under suspension or revocation, the new owner of~~
574 ~~the business may apply for and may be granted a new license under this chapter,~~
575 ~~notwithstanding the current revoked or suspended status of the former licensee. (Ord.~~
576 ~~21-31, 8-25-2021)~~

577 CHAPTER 6 578 GENERAL ENFORCEMENT

579 SECTION:

580 17-6-1: Inspections

581 17-6-2: Criminal Penalties

582 17-6-3: Administrative Regulations

583 17-63-12: INSPECTIONS:

584 ~~The city's p~~Police department officials, code enforcement officials, fire department
585 officials, community development officials, building and safety department officials, and
586 the business license official shall be permitted to have access to all premises licensed
587 permitted or applying for licenses-permits under this chapter. ~~., and t~~They shall may also
588 make periodic inspections of such premises. Inspections by law enforcement or code
589 enforcement may be made with or without prior notice and in uniform or plain clothes.
590 (Ord. 21-31, 8-25-2021)

591 17-63-23: CRIMINAL PENALTIES:

592 ~~In addition to revocation or suspension of a license and bond forfeiture, any entity or~~
593 ~~individual who violates any provision~~Citations issued under this title may be prosecuted
594 criminally or civilly. If a civil citation is issued, the parties will follow the administrative
595 citation process set forth in Title 16 of this Code. Penalties for civil violations of this
596 Chapter shall be set forth in the city's comprehensive fee schedule of this article or the
597 offenses listed in Utah Code section 32B-4, criminal offenses and procedure act shall
598 be guilty of a class B misdemeanor. (Ord. 21-31, 8-25-2021)

599 17-63-34: ADMINISTRATIVE REGULATIONS:

600 The mayor or city administrator may prepare and promulgate such administrative forms
601 and regulations, not inconsistent with the provisions of this article~~title~~, as are necessary
602 to carry out the purposes of this article~~title~~. (Ord. 21-31, 8-25-2021)

604 CHAPTER 74 605 CLASSIFICATION OF ~~LICENSES AND PERMITS~~

606 SECTION:

607 17-74-1: Licenses~~Permits~~

17-7-2: Table of Licenses and Explanations

17-74-32: Retail LicensesPermits-General Provisions

17-74-43: Single Event/Temporary Permits

17-7-5: Single Event Permit-Specific Provisions

17-74-64: Temporary Beer Event-Specific ProvisionsImplementation

17-74-1: LICENSESPERMITS:

~~Licenses and p~~Permits issued under the provisions of this ~~chapter title~~ shall be classified into the types as listed in the Utah Alcoholic Beverage Control Act.

~~—A.—~~Applicants are required to obtain a separate license permitand local consent (if required) for each license type.

~~—B.—~~Establishments that hold any of the following licenses or permits shall comply with all provisions of the Utah Code and this code applicable to the license or permit type, including, but not limited to, hours of operation and limitations on minors. (Ord. 21-31, 8-25-2021)

17-7-2: TABLE OF LICENSES AND EXPLANATIONS:

~~The following are licenses and permits that may be issued under local consent authority. These license types are listed based on Utah alcoholic beverage control act and are only allowed if listed as a permitted use or conditional use in the tables in section 17-10-4.~~

| <u>License Type</u> | <u>Utah Code Reference</u> | <u>City Description</u> |
|---|-----------------------------------|--|
| State Liquor Store | 32B-2, Part 5 | Retail outlet owned and operated by the State of Utah Department of Alcoholic Beverage Control. |
| Package Agency | 32B-2, Part 6 | A retail establishment under a contractual agreement with the State of Utah Department of Alcoholic Beverage Control, or by a person other than the State, who is authorized by the Utah Alcoholic Beverage Control Commission to sell packaged alcoholic beverages for consumption off the premises of the package agency. |
| Restaurant (Full Service) License | 32B-6, Part 2 | Full service restaurant licenses are required for the storage, sale, service, and consumption of beer and liquor on the premises of a restaurant that is engaged primarily in serving meals to the general public. |
| Restaurant (Limited Service) License | 32B-6, Part 3 | Limited service restaurant licenses are required for the storage, sale, service, and consumption of wine, heavy beer, and beer on the premises of a restaurant that is engaged primarily in serving meals to the general public. |

| | | |
|--------------------------------|----------------|--|
| Bar Establishment License | 32B-6, Part 4 | On-premises beer license shall entitle the licensee to sell beer for consumption on the licensed premises in open containers and on draft not exceeding two liters. Includes dining, social, fraternal, equity clubs, recreational facility in conjunction with a club house. Minors under 21 are generally prohibited to enter. |
| Airport Lounge | 32B-6, Part 5 | Lounges specifically at airports that serve alcohol. |
| Banquet and Catering License | 32B-6, Part 6 | An on-premises banquet and catering license is required for the storage, sale, service, and consumption of liquor, wine, heavy beer, or beer for contracted banquet activities on the premises of a hotel, resort facility, sports center, or convention center. It also allows for room service in hotels and resorts. |
| Beer Retailer License | 32B-6, Part 7 | On premise beer retailers operate as a beer bar, a parlor, a lounge, a cabaret, or a nightclub. Also includes taverns. If not a tavern this establishment is tied to recreational activities. |
| Reception Center License | 32B-6, Part 8 | A reception center license is required for the storage, sale, service, and consumption of liquor, wine, heavy beer, and beer for banquet or event functions on the premises of a reception center which must be at least 5,000 square feet and have culinary facilities on the premises or under the control of the center that are adequate to prepare full meals. Its primary purpose must be leasing its facility to third parties for the third parties' event. |
| Restaurant (Beer Only) License | 32B-6, Part 9 | A beer-only restaurant license shall entitle the licensee to sell beer for consumption on the premises of a licensed restaurant in open containers and on draft in any size not to exceed two liters capacity, in conjunction with an order of food. |
| Hospitality Amenity License | 32B-6, Part 10 | This applies to hotels with more that 150 rooms. This is for hotels and resorts |
| Off-Premise Beer License | 32B-7 | An off-premises beer retailer license shall entitle the licensee to sell beer in original containers (not to exceed two liters) for consumption off the premises. |
| Resort License | 32B-8 | Not authorized at present time |
| Hotel License | 32B-8b | Available on a limited basis from the Utah Department of Alcoholic Beverage Control consisting of a general hotel license and three or more sublicenses. One sublicense must be a restaurant license and one must be an on-premises banquet |

| | | |
|--------------------------------------|----------------|---|
| | | license. Hotels with more than one club must apply for separate sublicenses and may not combine multiple clubs into one sublicense. Sublicenses include all the various restaurant licenses, taverns, club licenses and on-premises beer retailer. Licenses are subject to size and location restrictions as described by the Utah Department of Alcoholic Beverage Control. |
| Arena License | 32B-8c | Not authorized at present time |
| Single Event/ Temporary Event | 32B-9 | A single event permit allows the licensee to sell and allows the on-premises consumption of any alcohol (including beer) at a temporary event. The licenses are available to a bona fide partnership, corporation, limited liability company, church, political organization, or incorporated association or to a recognized subordinate lodge, chapter or other local unit thereof that is conducting a civic or community enterprise or convention. Multiple single event permits may be obtained per calendar year, limited to the number of events permitted by the Utah Department of Alcoholic Beverage Control. Or Temporary beer event permits are required to sell beer for on-premises consumption at a temporary event. Multiple temporary beer event permits may be obtained per calendar year, limited to the number of events permitted by the Utah Department of Alcoholic Beverage Control. |
| Public Service Permit | 32B-10, Part 3 | For hospitality rooms tied to public conveyances such as airplanes, trains, buses, boats or other public conveyance. |
| Industrial/ Manufacturing Use Permit | 32B-10, Part 4 | A license that permits industrial or manufacturing licensee to produce and sell vinegar, preserved nonintoxicating cider, a food preparation, a United States Pharmacopoeia or national formulary preparation, or wood and denatured alcohol. |
| Scientific or Educational Use Permit | 32B-10, Part 5 | A permit that allows the licensee to use alcohol in either scientific or educational purposes. |
| Religious Use Permit | 32B-10, Part 6 | For religious use of wine. This permit allows a religious organization to purchase wine at DABC with limited markup |
| Manufacturing (Winery) License | 32B-11, Part 3 | A winery license is required to manufacture, store, transport, import or export wines. |

| | | |
|---------------------------------------|----------------|--|
| Manufacturing (Distillery) License | 32B-11, Part 4 | A distillery license is required to manufacture, store, transport, import or export liquor. |
| Manufacturing (Brewery) License | 32B-11, Part 5 | A brewery license is required to manufacture, brew, store, transport, or export beer and heavy beer. |
| Local Industry Representative License | 32B-11, Part 6 | License that allows individual to represent a manufacturer, supplier, or importer |
| Liquor Warehousing License | 32B-12 | A license that permits the warehousing of alcohol in the city. |
| Beer Wholesaler License | 32B-13 | A license that permits wholesale sale of alcohol in the city. |

(Ord. 21-31, 8-25-2021)

17-74-32: RETAIL LICENSESPERMITS-GENERAL PROVISIONS:

A. License Required. ~~Before a person may store, sell, offer for sale, furnish, or permit consumption of an alcoholic product on licensed premises as a retail licensee, the person shall first obtain a retail license under this Article.~~ A permit is necessary prior to a permittee storing, selling, offer for sale, furnishing, or permitting the consumption of an alcoholic product on permitted premises as a retail permittee.

B. Multiple LicensesPermits. The licensing official may issue, and one or more licensees permittees may hold, more than one type of license permit for the same premises, ~~if two or more restaurants share an area of each licensee's licensed premises designated for alcohol consumption, or licensees share a kitchen or culinary facilities.~~ Multiple licenses permits require separate application and payment of separate fees for ~~each the licensed permitted~~ location.

C. Hours of Operation.

~~1.~~ 1. It is unlawful for any ~~off-premises beer retailer~~permittee to sell or dispose of beer to any person or patron on the licensed permitted premises contrary to the hour of operation limits prescribed by a conditional use granted by the planning commission and the Utah Alcoholic Beverage Control Act, or successor provision. ~~and in~~ no case shall a licensee permittee or any employee of the licensed permitted premises sell, dispose of, or give away beer between the hours of 1:00 a.m. and 7:00 a.m.

~~2.~~ 2. It is unlawful for any ~~other licensee to sell, dispose of, give away or serve any alcoholic beverages to any person on the licensed premises contrary to the hour of operation limits prescribed by a conditional use of the planning commission and/or the Utah alcoholic beverage control act (Utah Code section 32B-1-101 et seq.).~~

D. Identification: ~~The All~~ purchasers of alcoholic beverages ~~will be expected are~~ required to produce identification. (Ord. 21-31, 8-25-2021)

17-74-43: SINGLE EVENT/TEMPORARY PERMITS:

A. Required: A city-issued special event alcohol permit is required for all events which are required to obtain from the Utah Alcoholic Beverage Services Commission a single

event permit or temporary special event beer permit under title 32A, Utah Code or its successor provisions, allowing alcohol to be stored, sold, served and consumed for short term events.

B. Application Requirements: In addition to the application requirements set forth in this title, the following information is required:

1. The time, dates, and location of the event.
2. A description of the nature and purpose of the event.
3. A description of the control measures to be imposed by the DABS and where alcohol will be stored, served and sold.

4. A signed consent form stating that law enforcement and authorized city representatives shall have the unrestricted right to enter and inspect the premises during the event to ensure compliance with state law and city ordinance.

C. Operational Restrictions: The permittee is subject to all operational restrictions imposed by the DABS under its state license. No alcohol may be served at any special event unless the city permittee also obtains the appropriate state license.

D. Nontransferable: Special event alcohol permits are not transferable.

E. Time Limits: Special event alcohol permits are subject to the time limitations applicable to DABC single event permits and temporary special event beer permits.

F. Fees: Special event alcohol permits are subject to the fees set forth in the consolidated fee schedule. The following general rules apply to single/event/temporary permit:

—A.—Single event or temporary beer event permits and corresponding local consent are issued only in conjunction with a community or private event, where a city business license or permit, and single event or temporary beer event permit has been obtained.

—B.—A temporary beer event or single event permit requires alcoholic beverages to be sold in containers, or transferred to containers for consumption on the premises, and in containers that are visibly distinct from containers that contain non-alcoholic beverages.

—C.—All holders of a temporary beer event or single event permit must provide controlled access to the alcohol consumption area. Plans for such access must be provided to the license official at the time of application.

—D.—All holders of temporary beer event or single event permits must provide security personnel for the facility or location.

—E.—Each person seeking a temporary beer event or single event permit shall submit to the license official a cash deposit, payable to the city, or a bond in the amount of one thousand dollars (\$1,000.00), to assure compliance with the provisions of this section.

—F.—A temporary beer event or single event permit applicant shall abide by all applicable state and local laws, ordinances and regulations

—G.—Applicants for a temporary beer or special event permit shall provide to the license official at the time of application, the event title, location, licensing jurisdiction and dates of operation for other temporary alcohol permits issued for the applicant's preceding three events, whether the event occurred in Utah or in another state. (Ord. 21-31, 8-25-2021)

~~17-7-5: SINGLE EVENT PERMIT-SPECIFIC PROVISIONS:~~

~~—A. A single event permit allows a qualifying organization to sell and allows the consumption of all alcoholic beverages, for temporary time periods not to exceed those permitted by the Utah department of alcoholic beverage control.~~

~~—B. A single event permit authorizes the holder to sell beer in the original container or on draft for on premises or off premises consumption for a temporary period of time not to exceed thirty (30) days in connection with a special event. Each temporary license shall expire at 11:59 p.m. on the last day stipulated for the temporary license.~~

~~—C. Single event permits shall be approved or denied by the mayor. A denial by the mayor of a single event permit is immediately appealable to District Court. (Ord. 21-31, 8-25-2021)~~

~~17-7-6: TEMPORARY BEER EVENT-SPECIFIC PROVISIONS:~~

~~—A. Temporary beer event permit allows for the sale and consumption of beer and shall be valid for a period of time not to exceed thirty (30) consecutive calendar days.~~

~~—B. A series of temporary beer event permits issued to the same person may not exceed ninety (90) days in any one calendar year.~~

~~—C. The city reserves the right to, suspend, and revoke a temporary permit to sell, offer for sale, or furnish beer for on-premise consumption at an event.~~

~~—D. Suspension or revocation of a temporary beer event permit issued under by the city under this section prohibits the temporary beer event permittee who has a permit suspended or revoked by either the DABC commission or the city from continuing to operate under any other state or local permit. (Ord. 21-31, 8-25-2021)~~

CHAPTER 8

OFF-PREMISE BEER RETAILER ENFORCEMENT

SECTION:

~~17-8-1: Adjudicative Record To Be Maintained~~

~~17-8-2: Expungement Of Records~~

~~17-8-3: Penalties Involving A Retailer With No Penalties Relating To Minors~~

~~17-8-1: ADJUDICATIVE RECORD TO BE MAINTAINED:~~

~~When the city adjudicates an administrative penalty for a violation of a law involving the sale of an alcoholic product to a minor under this article, the city's license official shall:~~

~~—A. Maintain a record of an adjudicated violation until the record is expunged. The record shall include the name of the individual who committed the violation, the name of the off-premise beer retailer for whom the individual is a staff member at the time of the violation, and the date of the adjudication of the violation; and~~

~~—B. Provide the information to the department of public safety within thirty (30) days of the date on which a violation is adjudicated by the administrative law judge. (Ord. 21-31, 8-25-2021)~~

~~17-8-2: EXPUNGEMENT OF RECORDS:~~

~~For determining future administrative penalties, the city shall expunge from the records any administrative penalties if the individual has not been found in violation of any law involving the sale of an alcoholic product to a minor for a period of thirty-six (36) consecutive months from the day on which the individual is last adjudicated as violating a law involving the sale of an alcoholic product to a minor. (Ord. 21-31, 8-25-2021)~~

~~17-8-3: PENALTIES INVOLVING A RETAILER WITH NO PENALTIES RELATING TO MINORS:~~

~~For determining future administrative penalties, the city shall expunge from the records any administrative penalties if the off-premise beer retailer any staff of that off-premise beer retailer has not been found in violation of any law involving the sale of an alcoholic product to a minor for a period of thirty-six (36) consecutive months from the day on which the off-premise beer retailer or staff of the off-premise beer retailer is last adjudicated as violating a law involving the sale of an alcoholic product to a minor. (Ord. 21-31, 8-25-2021)~~

CHAPTER 9 IMPLEMENTATION

SECTION:

17-9-1: Implementation

~~17-94-14: IMPLEMENTATION:~~

~~This title applies to all new licenses, permits, or local consent on the date the ordinance takes effect. Current licensees-permittees shall be brought current at next license renewal. ~~Since all licenses renew at the end of the calendar year, this section is obsolete after March, 01, 2022.~~ (Ord. 21-31, 8-25-2021)~~

CHAPTER 105 ZONING REQUIREMENTS

SECTION:

17-10-1: Proximity To Community Locations

17-10-2: Proximity Exception For Hotels

17-10-317-5-1: Variances

17-510-42: Allowed Locations

~~17-10-1: PROXIMITY TO COMMUNITY LOCATIONS:~~

~~Certain establishments are prohibited if minimum distances between community locations are not met.~~

~~—A.— Outlet Locations (Proximity Requirement A): Outlet locations are not permitted if there is a community location:~~

~~—1. Within six hundred (600) feet of the proposed outlet, as measured from the nearest patron entrance of the proposed outlet by following the shortest route of ordinary pedestrian travel to the property boundary of the community location; or~~

~~—2. Within two hundred (200) feet of the proposed outlet, measured in a straight line from the nearest patron entrance of the proposed outlet to the nearest property boundary of the community location.~~

~~—B. Restaurant Locations (Proximity Requirement B): Restaurants are not permitted if there is a community location:~~

~~—1. Within three hundred (300) feet of the proposed restaurant, as measured from the nearest patron entrance of the proposed restaurant by following the shortest route of ordinary pedestrian travel to the property boundary of the community location; or~~

~~—2. Within two hundred (200) feet of the proposed restaurant, measured in a straight line from the nearest patron entrance of the proposed restaurant to the nearest property boundary of the community location.~~

~~—C. License May Continue: If, after an outlet, a restaurant, or other licensee obtains a license under this title, a person establishes a community location on a property that puts the outlet, restaurant, or other licensee in violation of the proximity requirements in effect at the time the license is issued that outlet or restaurant, or an outlet or a restaurant with the same type of license as that outlet or restaurant, may operate at the premises under the conditions outlined in Utah Code 32B-1-202. (Ord. 21-31, 8-25-2021)~~

~~17-10-2: PROXIMITY EXCEPTION FOR HOTELS:~~

~~The license authority may issue a hotel license that does not meet the proximity requirements:~~

~~—A. If the proposed hotel is:~~

~~—1. Within six hundred (600) feet of two community locations, as measured from the nearest patron entrance of the proposed hotel by following the shortest route of ordinary pedestrian travel to the property boundary of each community location;~~

~~—2. Not within three hundred (300) feet of a community location, as measured from the nearest patron entrance of the proposed hotel by following the shortest route of ordinary pedestrian travel to the property boundary of the community location; and~~

~~—3. Not within two hundred (200) feet of a community location, as measured in a straight line from the nearest patron entrance of the proposed hotel to the nearest property boundary of the community location;~~

~~—B. The proposed sublicensed premises of a bar establishment sublicense under the hotel license:~~

~~—1. Is on the second or higher floor of a hotel;~~

~~—2. Is not accessible at street level; and~~

~~3. Is only accessible to an individual who passes through another area of the hotel in which the bar establishment sublicense is located; and~~

~~C. The applicant meets all other criteria under this title for the hotel license. (Ord. 21-31, 8-25-2021)~~

17-~~105~~-31: VARIANCES:

Variances are not permitted for the proximity standards. Proximity standards are expressly addressed in the Utah alcoholic beverage control act and may not be modified by the city. (Ord. 21-31, 8-25-2021)

17-~~510~~-42: ALLOWED LOCATIONS:

A. Uses that are allowed in zones are listed in the table below. Zones listed are those that allow for commercial enterprises and similar uses, including but not limited to the PC zone and the west side planning area mixed use designation.

B. Those uses identified as "permitted" (P) are allowed by right; provided, that they comply with all other requirements of this article, and all other applicable requirements of city ordinance and state law. Uses identified as "conditional" (C) must be approved by the planning commission pursuant to sections [13-7E-1](#) et seq.

C. The standards and procedures for conditional uses shall comply with all other applicable requirements of city ordinance and state law. Any license not specifically listed in this section for a zone shall not be allowed in that zone.

D. Table of Permitted and Conditional Uses (for alcoholic beverage uses).

| Alcoholic Beverage Use | CG | CM | SC1 | SC2 | SC3 | PO | BRP | MP | M-1 | M-2 | CCC | CCF | CCR | PCH (NC) |
|--|----|----|-----|-----|-----|----|-----|----|-----|-----|-----|-----|-----|----------|
| Banquet and Catering (on-premise) | | | | P | P | | | | | | | | | |
| Bar | C | P | | P | P | | | | | | C | C | | |
| Beer Retailer (on-premise) | P | P | P | P | P | | | | | | P | P | P | P |
| Beer Wholesaler | | | | | | | | P | P | P | | | | |
| Brewpub | | | | | | | | | | | € | | € | |
| Hotel | P | | | P | P | P | P | | | | P | P | P | |
| Liquor Warehouse | | | | | | | | P | P | P | | | | |
| Manufacturer (winery, distillery, brewery) | | | | | | | | P | P | P | | | | |
| Microbrewery | | | | | | | P | | | | | | | |
| Off-Premise Beer | P | P | P | P | P | | | | | | P | P | P | P |
| Package Agency | | | | P | P | | | | | | | | | |
| Reception Center | | | | | P | | | | | | C | C | | |
| Restaurant General (Beer Only) | P | P | P | P | P | P | P | | | | P | P | C | P |

| | | | | | | | | | | | | | | |
|---|---|---|---|---|---|----------|----------|----------|----------|----------|---|---|---|---|
| Restaurant General (Full Service) | P | P | P | P | P | P | P | | | | P | P | C | P |
| Restaurant General (Limited Service) | P | P | P | P | P | P | P | | | | P | P | C | P |
| Special Use (<u>Scientific or Educational</u>) | | | | | P | <u>P</u> | <u>P</u> | P | P | P | | | | |
| Special Use (Industrial <u>or</u> Manufact-uring) | | | | | | | | P | P | P | | | | |
| Special Use (Scientific) | | | | | | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | | | | |
| Special Use (Religious) | | | | | | | | | | | | | | P |
| State Liquor Store | | | | C | C | | | | | | | | | |
| Tavern (<u>On-premise beer retailer</u>) | P | P | P | P | P | | | | | | P | C | | P |
| * West Side Planning Area Mixed Use Zone (WSPA) (MU) | | | | | | | | | | | | | | |

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| Alcoholic Beverage Use | West Jordan City Center Station | Jordan Valley | Gardner Village Station | Bagley Station |
|--|---------------------------------|---------------|-------------------------|----------------|
| Bar | C | C | C | C |
| Beer Retailer (<u>on-premise</u>) | P | P | P | P |
| Brewpub | | <u>C</u> | | <u>C</u> |
| Hotel | P | P | P | |
| Off-Premise Beer | P | P | P | P |
| Reception Center | C | | C | |
| Restaurant General (Beer Only) | P | P | P | P |
| Restaurant General (Full Service) | P | P | P | P |
| Restaurant General (Limited Service) | P | P | P | P |
| State Liquor Store | | C | | |
| Tavern (<u>on-premise beer retailer</u>) | P | P | P | |

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834 (Ord. 21-31, 8-25-2021)

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