

TITLE 17

ALCOHOL BEVERAGE CONTROL AND USES

CHAPTER 1

GENERAL PURPOSE AND DEFINITIONS

SECTION:

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17-1-1: PURPOSE:

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

17-1-2: POLICY GOALS:

The city 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 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 business entities subject to this title shall strictly comply with Utah Code Title 32B and administrative rules of the Utah Department of Alcoholic Beverage Services (DABS). (Ord. 21-31, 8-25-2021)

17-1-6: DEFINITIONS:

All terms listed in this chapter shall use the definitions found in the Utah Alcoholic Beverage Control Act (Utah Code Title 32B) or successor provisions.

CHAPTER 2 PERMITS AND APPLICATIONS

SECTION:

17-2-1: Alcohol Permitting Authority

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

17-2-3: Permits Nontransferable

17-2-4: Expiration And Renewal

17-2-5: Permit Application And Contents

17-2-1: ALCOHOL PERMITTING AUTHORITY:

Alcohol permits shall be conducted through the Community Development Department. Alcohol permitting shall be established in conjunction with the business license authority in the city. A permit issued under the authority of this title is the local consent required by the Utah Alcoholic Beverage Control Act. 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: PERMIT OFFICIAL, POWERS AND DUTIES:

A. The business license authority shall assess a fee, according to the fee schedule approved by the city council, for each alcohol permit issued under this title. The business license official may prosecute a suspension or revocation administratively as provided in title 16 of this code.

17-2-3: PERMITS NONTRANSFERABLE:

Permits issued under this title are not transferable. (Ord. 21-31, 8-25-2021)

17-2-4: EXPIRATION AND RENEWAL:

A. All alcoholic beverage permits, except for single event permits and temporary beer event permits, shall expire 12 months after they are issued.

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

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

2. Required Documentation. The permittee, shall certify that all current employees have received training on the written policies, procedures and laws relating to the marketing and sale of alcoholic beverages.

C. Alcohol permits become null and void if not renewed 30 days after the expiration date.

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

75 **17-2-5: PERMIT APPLICATION AND CONTENTS:**

76 A. All applications for permits must include the following items:

- 77 1. The name, current address, and telephone number of the applicant.
- 78 2. Present business address and telephone number (if applicable).
- 79 3. Social security number if applicant is an individual, or EIN if the applicant is a
80 business.
- 81 4. Proof of age to show that the applicant is at least 21 years of age.
- 82 5. The state sales and use tax number for the business.
- 83 6. A drawing or rendering indicating the area for alcohol sales, storage areas and
84 consumption areas.
- 85 7. A map or evidence of the proposed retail licensee's proximity to any community
86 location or sexually oriented business with proximity requirements being governed by
87 State law.
- 88 8. A signed consent form stating that the applicant will allow any representative of
89 the city, including a law or code enforcement officer, the unrestricted right to enter the
90 premises of the applicant for an inspection or enforcement purpose.
- 91 9. A sworn statement signed by the applicant that all the facts included in the
92 application are true.
- 93 10. Certification that the permitted premises shall comply with the provisions of this
94 title.
- 95 11. Certification that all employees have been trained in the applicable policies,
96 procedures, and laws regarding the sale and distribution of alcoholic beverages.
- 97 12. Any other information that the Business License Official may require.

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

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103 **CHAPTER 3**

104 **SUSPENSION, REVOCATION, OR DENIAL OF PERMIT**

105 SECTION:

106 [17-3-1: Suspension Or Revocation Of Permit](#)

107 [17-3-2: Inspections](#)

108 [17-3-3: Penalties](#)

17-3-4: Administrative Regulations

17-3-1: SUSPENSION OR REVOCATION OF PERMIT:

Permits may be suspended or revoked by the Business License Official for any of the following reasons:

- A. Violation on the permitted premises of any provision of this title;
- B. Violation of any ordinance or law related to alcoholic beverages;
- C. The permittee does not now possess the qualifications required by this title and the statutes of the State of Utah;
- D. False or incomplete information given on an application;
- E. The permittee has obtained or aided another person in obtaining a permit by fraud or deceit;
- F. The permittee has failed to pay real or personal property taxes, utility taxes or sales taxes;
- G. Any criminal activity by the permittee or any employees of the permittee while on the premises, or relating to the business;
- H. Failure to pay the license fee when due;
- I. The permittee has been convicted of or entered a plea of nolo contendere to a crime involving moral turpitude;
- J. Any conduct or act of the permittee or 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;
- K. The 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;
- L. The permittee is not complying with a requirement or condition set by the planning commission or community development department under a conditional use permit, site plan review, or other approval; or
- M. Any other reason expressly provided for in this chapter. (Ord. 21-31, 8-25-2021)

17-3-2: INSPECTIONS:

Police department officials, code enforcement officials, fire department officials, community development officials, building and safety department officials, and the business license official shall be permitted to have access to all premises permitted or applying for permits under this chapter. They may also make periodic inspections of

such premises. Inspections by law enforcement or code enforcement may be made with or without prior notice and in uniform or plain clothes. (Ord. 21-31, 8-25-2021)

17-3-3: PENALTIES:

Citations issued under this title may be prosecuted criminally or civilly. If a civil citation is issued, the parties will follow the administrative citation process set forth in Title 16 of this Code. Penalties for civil violations of this Chapter shall be set forth in the city's comprehensive fee schedule. (Ord. 21-31, 8-25-2021)

17-3-4: ADMINISTRATIVE REGULATIONS:

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

CHAPTER 4 CLASSIFICATION OF PERMITS

SECTION:

17-4-1: Permits

17-4-2: Retail Permits-General Provisions

17-4-3: Single Event/Temporary Permits

17-4-4: Implementation

17-4-1: PERMITS:

Permits issued under the provisions of this title shall be classified into the types as listed in the Utah Alcoholic Beverage Control Act. Applicants are required to obtain a separate permit for each license type.

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

17-4-2: RETAIL PERMITS-GENERAL PROVISIONS:

A. License Required. 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 Permits. The licensing official may issue, and one or more permittees may hold, more than one type of permit for the same premises. Multiple permits require separate application and payment of separate fees for the permitted location.

C. Hours of Operation. It is unlawful for any permittee to sell or dispose of beer to any person or patron on the 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. In no case shall a permittee or any employee of the permitted premises sell, dispose of, or give away beer between the hours of 1:00 a.m. and 7:00 a.m.

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

17-4-3: 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.(Ord. 21-31, 8-25-2021)

17-4-4: IMPLEMENTATION:

This title applies to all new licenses, permits, or local consent on the date the ordinance takes effect. Current permittees shall be brought current at next renewal. (Ord. 21-31, 8-25-2021)

CHAPTER 5 ZONING REQUIREMENTS

SECTION:

17-5-1: Variances

17-5-2: Allowed Locations

17-5-1: 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)

17-5-2: 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 (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				
Hotel	P			P	P	P	P				P	P	P	
Liquor Warehouse								P	P	P				
Manufacturer (winery, distillery, brewery)								P	P	P				
Off-Premise Beer	P	P	P	P	P						P	P	P	P
Package Agency				P	P									
Reception Center					P						C	C		
Restaurant (Beer Only)	P	P	P	P	P	P	P				P	P	C	P
Restaurant (Full Service)	P	P	P	P	P	P	P				P	P	C	P
Restaurant (Limited Service)	P	P	P	P	P	P	P				P	P	C	P
Special Use (Scientific or Educational)					P	P	P	P	P	P				
Special Use (Industrial or Manufacturing)								P	P	P				
Special Use (Religious)														P
State Liquor Store				C	C									
Tavern (On-premise beer retailer)	P	P	P	P	P						P	C		P

* West Side Planning Area Mixed Use Zone (WSPA) (MU)

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233 TRANSIT STATION OVERLAY DISTRICT

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

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

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