

Chapter 13
Licenses *1

*1 As to power of city with respect to licenses, see U.C.A., 1953, Section 10-8-4, 10-8-39, 10-8-80. As to cabarets, see Sections 6- to 6- of this Code. As to food handling plants, see Section 13-. As to compliance with chapter providing for rat control before issuance of license, see Section 21-. As to granting license for use of building or lance in violation of chapter regulating subdivisions, see Section 25-. As to issuance of license in conflict with Zoning Ordinance, see Section 29-.

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Section 13-1. Public policy of city in regards to licenses

The public policy of the city, in regard to the licensing of businesses within its corporate limits, is that in all businesses wherein regulation is provided by the statutes of the state and delegated to cities, the license issued by the city is for the purpose of regulation; in all other cases wherein regulation is not provided or intended by state statute and has not been delegated to the city the licensing of businesses within the city is for the purpose of obtaining revenue for the city.

Section 13-2. Definitions.

The following words and phrases used in this ordinance shall have the following meaning unless a different meaning clearly appears from the context;

Beer: means any beverage containing not less than one-half of one percent of alcohol by weight and obtained by the alcoholic fermentation of an infusion, or decoction, or of any malted grain, or of any similar product, and which contains not more than 3.2 per cent alcohol by weight and may or may not contain hops or other vegetable products and includes ale, stout or porter.

Business: shall mean professions, trades, occupations, and all and every kind of calling carried on for a profit or livelihood and includes the rental or leasing of one or more

residential rental units.

Residential rental unit: means an apartment or place of residence and includes the appurtenances, grounds, and facilities held out for the use of a residential renter generally, and any other area or facility provided to the renter in a rental agreement. Residential rental unit also includes an apartment located in the home of the lessor. It does not include facilities contained in boarding, rooming house, or similar facility, mobile home lot, or recreational property rented on an occasional basis.

Retailer: means any person engaged in the sale or distribution of beer to the consumer.

Sell or to sell: when used in this act in any prohibition shall be construed to include, to solicit, or to receive an order for, to keep or expose for sale, to deliver for value or gratuitously, to peddle, to possess with intent to sell, to traffic in. For any consideration promised or obtained directly or indirectly or under any pretext or by any means whatsoever to procure or allow to be procured for any other person, and "sale" when so used shall include every act of selling as above defined.

Wholesaler: means any person other than a brewer or retailer engaged in the importation for sale or in the sale of beer in wholesale or jobbing quantities.

Business: shall mean professions, trades, occupations, and all and every kind of calling carried on for a profit or livelihood.

Place of business: as used in this chapter shall be deemed to include cafes, restaurants, public dining rooms, cafeterias, taverns, cabarets, fraternal organizations, clubs, and any other place where the general public is invited or admitted for business purpose. Multiple dining facilities located in on building and owned or leased and one "place of business" as herein defined. Occupied hotel and motel rooms are not open to the public and shall be exempt from this definition (R.O. 1955, Section 7-2.)

Section 13-3. Licenses required. *2

There are hereby imposed upon the businesses, trades, professions, callings and occupations specified in this chapter license taxes in the amounts prescribed in this chapter. It shall be unlawful for any person to transact and carry on any business, trades, profession, callings and occupations specified in this chapter without first having paid license taxes in the amounts prescribed in this chapter. It shall be unlawful for any person to transact and carry on any business, trade, profession, calling without first having procured a license from the City so to do or without complying with any and all applicable provisions of this chapter. (R.O. 1955, Section 9-1.)

*2 For similar state law, see state law as to doing business without license, U.C.A., 1953, Section 76-28-68.

Section 13-4. Branch establishments.

A separate license must be obtained for each branch establishment location of the business transacted and carried on and for each separate type of business at the same locations, and each license shall authorize the licensee to transact and carry on only the business licensed thereby, at the location or in the manner designated in such license; provided, that warehouses and distributing plants in connection with and incidental to a business licensed under the provisions of this chapter shall not be deemed to be separate places of business or branch establishments.

Section 13-5. Exemptions.

- a. Nothing in this chapter shall be deemed or construed to apply to any person transacting and carrying on any business exempt by virtue of the constitution or applicable Statutes of the United States or of the State from payment to municipal corporations of such taxes as are prescribed in this chapter.
- b. The provision of this chapter shall not be construed as requiring the procuring of any license for any fair, festival, bazaar, entertainment or enterprise given or conducted solely for the benefit of any church, for a period not to exceed one week, not to any exhibition or entertainment given for the benefit of any church, school or amateur dramatic or literary society.
- c. If any person shall furnish evidence sufficient to the City Council that he, be reason of misfortune or physical infirmities, merits exemption from the payment of any license fee upon recommendation of the City Council.* (*Amended 2-15-84 by Ordinance 84-2.)

Section 13-6. Exemption revocation.

The mayor may revoke any license granted pursuant to the provisions of 13-5 upon information that the licensee is not entitled to the exemption as provided in such section.

Section 13-7. Application for license; signing and attesting license; payment for license.

All applications for a license shall be made in writing to the city recorder. All certificates of license shall be signed by the mayor and attested by the city recorder under the seal of the city.

The application shall show:

1. The name of the person desiring a license;
2. The kind of license desired, stating the business, calling, trade or profession to be performed, practiced or carried on;
3. The class of license desired, if such licenses are divided into classes;
4. The place where such business, calling, trade or profession is to be carried on, giving the street number, if such business, trade or profession is to be carried on in any building or enclosure;
5. The period of time for which such license is desired to be issued.

The application shall also state any other matter or thing required by ordinances or statute.

The applications, with any accompanying statement and bonds, if any pertain thereto, shall be filed with the office of the city recorder. Thereafter the recorder shall furnish to the licensee, either personally, by mail or by leaving at his usual place of business, a bill showing the amount assessed. No officer except the city treasurer or his deputy is authorized to receive payment for any license and the city treasurer is authorized to receive such payment only when accompanied by the bill from the recorder. If any person neglects, fails or refuses to pay the amount assessed when it becomes due, the city treasurer shall proceed to enforce collection as provided by ordinance. (R.O. 1955, Section 9-2 and 9-3.)

Section 13-8. Affidavit. (Amended 5/05)

Before paying the license tax every person, firm or corporation requesting a business license shall be required to file with the City the necessary information which will enable the business to be properly

classified, using the form prepared and supplied by the City Recorder, which shall read substantially as follows:

Applications for business license

City of Grantsville

Tooele County , State of Utah

The Classification of business license applied for, based upon projected gross annual receipts for the license period.

Legal name of business.

Location and Mailing Address of business

City, State, and Zip Code

DBA (Doing Business As)

Business Phone

Business Fax

Tooele County Health Permit #

State Tax Exempt #

State License #

State License Type

Owner/Applicant

DOB

Street Address, City, State, Zip

Point of Contact

Owner, partners, or officers

Notice: To engage in the business for which this license is issued, you must comply with all Health and Safety Codes, as well as, State Licensing requirements and Grantsville City Ordinance. If now, or in the future, you do not comply with these codes, this license does not authorize you to engage in business.

I am aware of the requirements of the Grantsville City Ordinance and agree to comply with the same. I hereby make application for Grantsville City Business License and certify that the information is true and correct.

Signature of applicant.

Gross annual receipts	Classification
\$50,000 or less	Class A license

\$50,001 or more, or any other business for which gross receipts may not be applicable or cannot be calculated such as banks or other businesses that do not sell goods or services locally.

Class B license*

*Amended 3-6-89 by Ordinance

Section 13-9. Audit and verification.

No statement shall be conclusive as the matter set forth therein, nor shall the filing of the same preclude the city from collection by appropriate action such sum as is actually due and payable under this chapter. Such statement and each of the several items therein contained shall be subject to audit and verification by the recorder, his deputy, or authorized employees of the city, who are hereby authorized to examine, audit and inspect such books and records of any licenses or applicant for license, as may be necessary in their judgement, to verify or ascertain the amount of license fee due. All licensees, applicants for licenses and persons engaged in business are hereby required to permit an examination of such books and records for purposes aforesaid.

The information furnished or secured pursuant to this section or section 13-7 of this Code shall be confidential. Any unwarranted disclosure or use of such information by any officer or employee of the city shall constitute a misdemeanor and such officer or employee shall be subject to the penalty provisions of this code.

Section 13-10. Failure to file statement.

If any person fails to file any required statement within the time prescribed, or if after demand therefore made by the recorder, he fails to file a corrected statement the recorder may determine the amount of the license tax due from such person by means of such information as he may be able to obtain.

In case such a determination is made the recorder shall give a notice of the amount so assessed by serving it personally or by depositing it in the United States Post Office, postage prepaid, addressed to the person so assessed at his last-known address. Such person may, within ten (10) days after mailing or serving of such notice, make application in writing to the Recorder for a hearing on the amount of the license tax. If such application is made or if application is not made within the time prescribed, the recorder must cause the matter to be set for hearing within fifteen (15) days before the mayor. The recorder shall give at least ten (10) days notice to such person of the time and place of hearing in the manner prescribed above for the service of assessment. The mayor shall consider all evidence produced, and written notice of his findings thereon, which findings shall be final, shall be served upon the applicant in the manner prescribed above for service of notice of assessment.

Section 13-11. Right of appeal.

Any person aggrieved by any decision of any administrative officer or agency with respect to the issuance or refusal to issue a license may appeal to the council by filing a notice of appeal with the clerk of the council. The council shall thereupon fix a time and place for hearing such appeal. The clerk of the council shall give notice to such persons of the time and place of hearing by serving it personally or by depositing it in the United States Post Office, postage prepaid, addressed to such person at his last known address.

Section 13-12. Time for filing statements.

In addition to all other powers conferred upon him, the recorder shall have the power, for good cause shown, to extend the time for filing any required sworn statement for a period not exceeding thirty (30) days, and in such cause to waive any penalty that would otherwise have accrued and shall have the further power, with the consent of the mayor and city council, to compromise any claim as to amount of license tax due.

Section 13-13. Evidence of State contractor's licensed. *3

Whenever an application for a contractor's license is made, by either a general contractor or a specialty contractor, there shall be submitted with the application satisfactory evidence that the applicant possesses a state contractor's license in full force and effect, before such application shall be considered and a license issued.

*3 For state law as to contractor's license, see U.C.A., 1953, Sections 58-23-1 to 58-23-18.

Section 13-14. Action by city to recover license fee.

The fee for any license imposed by this chapter shall be deemed a debt to the

City, and any person carrying on any trade, calling, profession or occupation mentioned in this chapter without having a license from the city to do so shall be liable to an action in the name of the city in any court of competent jurisdiction, for the amount of the fee for the license by this chapter imposed on such trade, calling, profession or occupation; provided, that any suit for the collection of such debt shall not relieve the offender nor deny the city the right to prosecute the offender criminally for such violation.

Section 13-15. Contents of certificate of license

Every certificate of license issued shall bear upon its face:

1. The name of the person to whom such certificate has been issued;
2. The amount paid to the City Treasurer;
3. The kind of license and the class of such license, if such licenses are divided into classes;
4. The term of the license, with the commencing date and the date of its expiration;
5. The place where such business, calling, trade or profession is to be carried on.

Section 13-16. Posting license certificate.

Every certificate of license issued shall be posted by the licensee in a conspicuous place upon the wall of the building, room, office or place in which such licensed business, calling, trade or profession is carried on, so that the same may be easily seen. When such certificate of license shall have expired it shall be removed by the licensee from the place in which it has been posted and no certificate of license which is not in force and effect shall be permitted to remain posted upon the wall or any part of any room, store office or place of business after the period of such certificate of license has expired.

Section 13-17. Exhibition of license certificate upon request.

It shall be the duty of each person to whom a certificate of license has been issued to

show the same at any proper time when requested so to do by any police officer or license inspector.

Section 13-18. Assignment, transfer, etc., of license.

No license granted or issued under any of the provisions of this chapter, or otherwise, shall be in any manner assignable to or transferable or authorized any person other than the one therein mentioned or named to do business or authorize any other business, calling, trade or profession than is therein mentioned or named to be done or transacted at any place other than is there mentioned or named, unless by permission of the council as in this chapter provided and on the payment of fee of two dollars.

Section 13-19. Investigation of certain applications.

Applications for license in occupations by their nature affecting the public health, safety or the morals of the community, as herein named, shall be referred by the Recorder to the Chief of police for investigation, who shall, within a reasonable time, file a written report of such application with the city recorder, giving a report of his investigations with his recommendation for issuance or refusal of license. If such report were favorable, a license shall be issued in the usual course. If the report is unfavorable, then in that case no license shall be issued by the City Recorder but the applicant shall have the right to appeal to the council, which in its discretion, after a hearing thereon, may grant or reject such application. The applicant shall not engage in the business for which the application for a license is made pending the investigation by the chief of police or pending a hearing thereon by the council. For the purposes of this section, it is declared that carnival shows, circuses, menageries, theaters, picture shows, vaudevilles, side shows, tent shows, tent museums, fortune tellers, boxing contests, wrestling matches and all traveling performers and exhibits and concessions of every kind or nature affect the public health, safety and morals and are subjects for investigation as herein provided.

Section 13-20. Time of payment of license fee; fee prorated.

Unless otherwise specifically provided, all annual license taxes, under the provisions of this chapter, shall be due and payable in advance on the first day of January of each year; provided, that license taxes covering new operations, commenced after the first day of January, may be prorated for the balance of the license period. (R.O. 1955, Section 9-2.)

Section 13-21. No rebate of license fee, exception.

No rebate shall be allowed upon any license unless the licensee has been damaged by fire or other unavoidable accident; or unless incase of affliction or poverty. In all cases the council shall have discretionary power as to what, if any, amount shall be rebated. (R.O. 1955, Section 9-4)]

Section 13-22. Duplicate licenses; fee.

A duplicate license may be issued under the provisions of this chapter for license which has been lost or destroyed, upon the time of filing such affidavit, paying to the recorder a duplicate license fee of fifty cents (\$.50).

Section 13-23. License fees.

Except as otherwise provided in this chapter the annual license fee for each business required to be licensed in Grantsville City is as follows:

Class A	\$25.00
Class B	\$50.00*

*Amended 3-6-91 by Ordinance 91-2

Section 13-24. Peddlers, solicitors and vendors.

For the business of selling, offering for sale, or taking orders for or soliciting the sale or any goods, wares, merchandise, or other personal property, the subject of sale or trade, whether for present or future delivery, on any street, public place or vacant lot, or by house to house canvass, or by traveling from place to place in the city, including sales by sample and also including the soliciting of orders for future delivery of photographs, portraits, prints, pictures, newspapers, magazines, clothing fixtures, machines, appliances and all other articles or things to be made, produced, combined or manufactured, the license or things to be made, produced, combined or manufactured, the license shall be five dollars (\$5.00) per person, per month, if no fixed place of business in the city. If the licensee has a fixed place of business in the city, then the merchant's gross sales shall apply.

Section 13-25. Peddlers, solicitors and vendors; bond required.

Every person who operates, conducts, carries on or manages the business of selling or peddling as described in Section 13-24 of this Chapter, shall first secure a permit from the Chief of Police and a license therefore from the Recorder and shall post a surety bond as required by this Chapter. If the licensee has a fixed place of business in the city, the permit and bond requirements of this section shall not apply. (Amended 2-5-86 by Ordinance 86-1).

Section 13-26. Investigation of applicant; issuance or denial of permit; exception.

Upon receipt of an application, under the provisions of the preceding section, the Chief of Police shall conduct such investigation, as he may deem proper as the character and morals of the applicant and the character of the business to be conducted. No permit shall be issued to any person who has been convicted of a felony, petty theft or a crime involving moral turpitude. If the Chief of Police approves the granting of such permit, he may issue a permit to such applicant, which permit shall be serially numbered and shall expire on the last day of the calendar quarter year in which issued.

Section 13-27. Revocation of permit.

The Chief of Police may revoke any permit issued under the provisions of the preceding section when the permittee is violating or attempting to violate any law of the State, any ordinance of the City, any provision of the preceding sections or the rules and regulations issued by the Chief of Police governing the conduct or operations of the permittee. The Chief of Police shall forward written notice of such revocation to the recorder.

Section 13-28. Bond.

At the time of filing with the Chief of Police and application for permit and license under the provisions of the preceding sections, each applicant shall file and thereafter maintain with the recorder, a good and sufficient bond in the aggregate sum of two hundred fifty dollars (\$250.00) payable to the city for the use and benefit of interested person and parties, executed by the applicant and by two (2) or more responsible sureties, who are residents and householders of the city or a surety company authorized to do business in the state, to be approved by the tax collector.

Any person who sustains any injury covered by such bond may in addition to any other remedy that he may have, bring an action in his own name upon such bond for the recovery of any damage sustained by him. Upon such action being commenced, such bond shall not be void upon first recovery thereon, but may be sued upon from time to time until the whole of such penalty shall be exhausted. The recorder may in his discretion require the filing of a new bond. Such solicitor shall file a new bond and upon failure to file the same within ten (10) days in either case, the recorder shall forthwith suspend such solicitor's license.

Section 13-29. Newly established business licensable on basis of gross sales.

A newly-established business licensable under this chapter on the basis of gross sales shall pay the minimum license, and at the end of the year shall pay such additional amount for that year as the gross sales during the year shall determine to be due.

Section 13-30. Sale of Christmas trees.

It shall be unlawful for any person to sell or offer for sale any Christmas tree in the City, either at retail or wholesale, without first having obtained a license from the Recorder. Each tree must be tagged with the conservation tag provided by the forestry service. The license fee shall be the same as for every other business as provided in the Section 13-23 herein.* *Amended 2-15-84 by Ordinance 84-2.

Section 13-31. Circuses, menageries, etc.

For circuses, menageries, dog shows, wild west shows, animal shows and carnivals the license fee shall be as determined by the mayor for each day the show performs in the city, not to exceed the sum of three hundred dollars per day.

Section 13-32. Itinerant merchants.

The term "itinerant merchant", as used in this section, shall be construed to mean any person engaged in selling any commodity whatsoever from a room or store building within the corporate limits of the city but who does not conduct such business for a period of more than one year; provided, that any person who shall have conducted, pursued, carried on or operated a similar mercantile business or purchased a mercantile business which has been so conducted, pursued, carried on or operated in the city for one year immediately preceding, shall not be considered to be an itinerant merchant within the meaning of this section. The license fee hereby levied under this section shall be three hundred dollars.

The City Treasurer shall, upon receipt of such amount for the license, set aside the amount in an account to be known as "undistributed license" and hold the same in trust for one year from the date of receipt, whereupon, if the merchant shall still be, and shall have been continuously engaged in business in the city, the city treasurer shall, upon

written request, adjust such license fee and charge the merchant a license fee equal to that of other merchants in similar occupations within the city and pay to the merchant, his heirs or assigns, a sum equal to the difference between the adjusted fee and the sum of three hundred dollars. If the merchant shall discontinue business in the city within one year from the date of the license, the city treasurer shall thereupon immediately credit the three hundred dollars to the general fund and it shall be distributed in like manner as all other miscellaneous receipts.

Section 13-33. Tourist parks; camp grounds - mobile home parks - license fee.

It shall be unlawful for any person to operate, maintain or offer for public use any automobile tourist park, campgrounds, or other public places for camping, sleeping or lodging whether in tents, automobiles, trailer houses, cabins, huts or other vehicles or structures, or there automobile house cars or trailer houses may be parked or located, or occupied as living quarters, without first making an application to the recorder and obtaining a license so to do. The license fee shall be \$25.00 plus the sum of one dollar for each trailer space within the trailer court which it is issued, the recorder shall issue a license to operate the trailer court.

Section 13-34. License required to sell beer.

It shall be unlawful for any person to engage in the business of sale of light beer at retail, in the original containers or draft, within the corporate limits of Grantsville City without first having procured a license therefore from the City Council as hereinafter provided. Light beer for the purposes of this Chapter is the same as is defined in the alcohol Beverage Control Act of Utah and the regulations of the Alcohol Beverage Control Commission.* *Amended 4-10-91 by Ordinance 91-4).

Section 13-35. Applications. *4

All applications for licenses authorized by this chapter shall be verified and filed with the city council and shall state the applicant's name in full, and that he has complied with the requirements and possesses the full qualifications specified in the names and addresses of all partner's, and if a corporation, the names and addresses of all officers and directors, and must be subscribed by the applicant who must state under oath that the facts stated therein are true. Applicants must furnish such other information, including a certificate of at least five resident free holders of the city to the effect that the licensee bears a good moral character and is a fit and proper person to be granted a license, as and when the city council shall require. (R.O. 1955, Section 7-5).

*4 For state
law
authorizing
retail beer
licenses by
cities see
UCA 1953,
Section
32-4-17,
Section
32-4-3.

For other

provisions as
to the sale of
beer, see
Section 16 of
this code.

Section 13-36. Qualification of licensee. *5

No person shall be granted a retail license unless he shall be qualified as provided in the Liquor Control Act. (R.O. 1955, Section 7-7).

*5 For similar state law, see UCA 1953, Section 32-4-14.

Section 13-37. Bond required. *6

No on premise beer retail license shall be granted by the City council until such time as the applicant has presented evidence to the City, that the bond required by Section 32a-101-205 of the Utah Code is in effect. Failure of the licensee to maintain said bond during the entire time that the licensee operates in Grantsville City as an on-premise beer retailer may result in a suspension or termination of said beer license by the City.

Section 13-38. Board of Health approved.

No license shall be issued until the applicant therefore shall have first produced from the board of health a permit therefore, which permit shall show that the premises to be licensed are in a sanitary condition and that the equipment used in the storage or distribution or sale of such beer, complies with all health regulations of the city and of he State of Utah. (R.O. 1955, Section 7-8).

Section 13-39. Transfer of license.

Licenses issued under this ordinance shall not be transferable, and upon revocation thereof by the City Council the fee paid by the licensee to the city for said license shall be forfeited to said city. (R.O. 1955, Section 78-9).

Section 13-40. Fees.

The fees required for each class of license shall accompany applications provided for in this chapter. The fees hereinafter provided shall be paid in addition to all other City license fees on a yearly basis or any part thereof for the sale of beer:

Wholesale:	\$100.00
Retail:	
Class A - retail sale of beer for off-premises consumption only	\$100.00
Class B - retail sale of beer in original containers for consumption on premises with food	\$175.00
Class C - retail sale of beer for on-premises consumption only, may sell draft beer	\$250.00

Class D - sale of beer at special events or at public owned facilities
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\$50.00*

All licenses issued hereunder shall expire on the 31st day of December of each year, unless sooner cancelled or revoked and shall be issued for one year, or the remaining portion thereof, except for limited duration or seasonal license, which shall be issued for a specified number of days as determined by the City Council. * *Amended 4-10-91 by Ordinance 91-4.

Section 13-41. Purchase of beer for resale.

It shall be unlawful for any licensee to purchase or acquire or to have or possess for the purpose of sale or distribution any beer except that which shall have been lawfully purchased from a brewer or wholesaler licensed under the provisions of the Alcohol Beverage Control Act of Utah. * *Amended 4-10-91 by Ordinance 91-4.

Section 13-42. Restrictions.

No person shall sell beer at any public dance or to any person intoxicated, or under the influence of an intoxicating beverage. No license shall be granted to sell beer in any dance hall, theater, or in the proximity of any church or school. No off-premises beer retailer shall sell beer between the hours of 1a.m. and 7a.m. No person shall possess or consume beer or liquor on premises licensed hereunder, during the hours for which the sale of beer is prohibited. It shall be unlawful to advertise the sale of beer except as is allowed by State Law or regulation.

No license shall violate the terms of the licenses issued, and unless he shall be so licensed, he shall not sell beer for on or off-premises consumption, or permit any beer to be consumed on the premises. *Amended 4-10-91 by Ordinance 91-4.

Section 13-43. Inspection.

All licensed premises shall be subject to inspection by any officer, agent, or peace officer of Grantsville City or the Liquor Control Commission, or the State Board of Health, and every licensee shall at the request of the Board of Health of Grantsville City furnish to it samples of beer which he shall have for sale. (R.O. 1955, Section 7-11).

Section 13-44. License revocable; hearing before denial or revocation of license.

The City Council of Grantsville City may in accordance after hearing, at its discretion, refuse to grant any license applied for, and revoke the license at any time. No license shall be issued, and any license issued, shall be revoked if the applicant or licensee shall now possess, or shall cease to possess, all of the qualifications required by the Liquor Control Act, or fails to comply with the ordinances of the Grantsville City or rules, regulations and orders of the Board of Health, relating health matters. No license issued under the provisions of this chapter shall not be revoked, nor shall said application of the provision of this chapter, be denied, except after notice to and hearing of the licensee of the applicant. (R.O. 1955, Section 7-12.)

Section 13-45. Doing business after denial or revocation of license.

If a license under the provisions of this chapter is denied or revoked, it shall thereafter

be unlawful for any person to open, operate, maintain, manage or conduct any business, trade, profession or calling for the transaction or carrying on of which a license is required at the premises where the license was revoked or the application for a license was denied, until a new license shall be granted by the council.

Section 13-46. No license for six months after denial or revocation.

No person who has been denied a license, or whose license has been revoked under the provisions of this chapter, shall thereafter be granted a license under this chapter for a period of six months, and no person associated or connected with such business shall be granted a license under the provisions of this chapter for a period of six months after such denial or revocation has occurred.

Section 13-47. Liquor on premises.

It shall be unlawful for any "Place of business" as herein defined knowingly to permit or allow customers, guests, or any other person to possess liquor upon which the seal has been broken, or to consume liquor, as defined in the Title, at said place of business without first obtaining a license under this chapter. It shall be unlawful for any person to consume liquor in an unlicensed place a business as provided herein.

Section 13-48. Storing liquor in places of business.

It shall be unlawful for any person to store any liquor in or on places of business licensed by this chapter. It shall be unlawful for any licensee, or any operator or employee of a license, to hold, store, or possess liquor on premises licensed by this chapter. Persons other than the licensee may possess liquor on premises licensed by this chapter for their personal consumption. They shall not sell it to other patrons on the premises.

Section 13-49. Application for license.

Each application for an annual license provided for by this chapter for which the fee shall be twenty five dollars (\$25.00), shall be accompanied by a cashiers check in the amount of twenty five dollars (\$25.00), which annual fee shall be deposited in the city treasury if the license is granted, and returned to the applicant if denied. Application for this annual license shall be upon a form furnished by the city, signed under oath by the applicant, and addressed to the city council. The form shall require information showing applicant's age, citizenship, moral character and reputation, and conviction of felony or misdemeanor involving moral turpitude, if any. If applicant were a partnership, association, or corporation, the same information shall be obtained with respect to each partner, or association member or corporate director or corporate officer. Each licensee must be over the age of twenty-one (21) years, of good moral character and a citizen of the United States. No licenses shall be granted to any applicant who has been convicted of a felony or misdemeanor involving moral turpitude. If applicants be a partnership, association or corporation, each partner, association member, or corporate director or corporate office shall meet all of the foregoing qualifications.

Section 13-49a. Alcohol training and education seminar certificate.

Beginning June 1, 1989, no person shall be granted a license to operate or maintain a trade, profession or calling, the transaction or carrying on of which requires a license, with Grantsville City, if such person operates an establishment which as a part of its

business serves alcoholic beverages, as defined in Section 32A-1-5(1) Utah Code Annotated 1953, to the public for consumption on the premises, unless that person shall show be certificate(s) granted by the Utah Department of Alcoholic Beverage Control, or by adequate proof of the existence of such certificate(s), that each employee of the business engaging in the serving, selling, or furnishing of such alcohol on the premises has completed the Alcohol Training and Education Seminar, as required in Section 32A-17-3(1) Utah Code Annotated 1953. Every new employee, hired after the licensee has been licensed in compliance with the foregoing provision, which is required to complete the seminar within six months of commencing employment. Violation of this section will result in revocation of the license granted by Grantsville City, unless compliance with this ordinances is complete within two (2) months of the time that licensee first became aware that such violation occurred. * *Added 5-3-89 by Ordinance 89-5.

Section 13-50. Examination by Police Department.

The Police Department shall examine all applications and investigate all applicants for licenses under this chapter. Following such examination and investigation the recommendations of the police department shall be made in writing to the city council, who shall be the licensing authority. The police department shall be permitted to have access to all premises licensed or applying for license under this chapter, and shall make periodic inspections of said premises and report its findings to the city council. Any license issued pursuant to this chapter may, after a hearing, be suspended or revoked for he violation of the licensed premises of any provision of this or any other applicable ordinance or law relating to possession, consumption, storage or sale of liquor, or if it be determined longer a fit person to gold said license under he standards herein set forth. The city council shall hear and determine all suspension and revocation matters.

If at any time a license under chapter is denied, suspended, or revoked, it shall thereafter be unlawful for any person to possess of consume liquor on the premises described in said application or license until the old license is reinstated or a new one is issued by the City Council.

Each license issued pursuant to this chapter shall be displayed at all times on the licensed premises in a place readily visible to the public.

Section 13-51. Adoption of Utah Code Provisions.

Grantsville City hereby adopts the following sections of he Alcohol Beverage Control Act of Utah as per provisions of this Chapter; section 32A-10-102 General Restrictions; and Sections 32A-10-206 Operational Restrictions. Any violation of these Sections shall constitute a violation of the Grantsville City Ordinances. Grantsville City shall incorporate any amendments to these Utah Code provisions without any further action of the Grantsville City Council. * *Amended 4-10-91 by Ordinance 91-4.

Section 13-52. Minors.

Each said place of business granted a license under this chapter shall designate an area on said business premises where the consumption of liquor shall be permitted. It shall be unlawful for any person under the age of twenty-one (21) years to be present in said designated area while liquor is present or being consumed.

Section 13-53. Coin-operated devices: license required; separate license for distributor and proprietor. *7.

No person shall engage in the business of distributor or proprietor of coin-operated amusement devices, as the terms are defined in this article, without having first obtained the proper license therefore. All license fees payable hereunder shall be imposed for each business as herein defined and any person engaging in both the business herein defined shall pay the license fees applicable to both businesses. (Grantsville City Ordinance 68-9-1).

*7 For similar state law, see UCA 1953, Section 10-8-4.

Section 13-54. Fee for distributor's license; proration; refund.

The license fee for each distributor shall be fifty dollars per year. All distributors' license fees shall be payable annually in advance on January 1 of each year; provided, that when an application is made after the beginning of any portion of the year then remaining. In no case shall any portion of the license fee be refunded to the licensee after the license has been issued.

Section 13-55. Fee for proprietor's license; proration; refund.

The license fee for each proprietor, as herein defined, shall be fifty dollars per year for all devices used, played, or exhibited for use or play. The license issued shall show on its face the number of devices to be used, played or exhibited thereunder. All proprietors, license fees shall be payable annually in advance in January 1 of each year; provided, that when an application is made after the beginning of any regular license year, the full fee herein fixed shall be paid for any portion of the year then remaining. In no case shall any portion of the license fee be repaid to the licensee after the license has been issued.

Section 13-56. Application for license; report of chief of police; grant or denial of license.

Application for a license required under this article shall be filed in writing with the city recorder on form to be provided by the city and shall specify:

- a. The name and address of the applicant, and if a firm, corporation, partnership, association of club, the principal officers thereof and their addresses;
- b. If the applicant is a proprietor, the address of the premises where the licensed devices are to be operated, together with the character of the business as carried on at such place;
- c. The general description of the devices to be licensed and, if the applicant is a proprietor, the number of devices to be licensed;
- d. The name and address of the distributor of the devices, if other than the proprietor.

The proper license fee shall accompany such application. The application for a license, together with such information as is required by the city to be attached thereto, shall be referred to the chief of police for inspection and report. The chief of police shall, within five days after receiving such application, make report to the council of the general reputation and character of the persons who habitually frequent such place; the nature and kind of business conducted at such place by the applicant or by any other person or by the applicant at any other place; whether intoxicating liquors are or have been served or permitted to be drunk in such place or by the applicant at any other place; whether the place is or has been conducted in a lawful, quiet and orderly manner; the nature and kind of entertainment, if any, at the place; whether gambling is or has been permitted upon the premises or by the applicant at any other place; the proximity of the premises to any school or church. The chief of police shall add to the report his recommendation as to granting or denying the application. Upon receipt of the report, the council shall

act upon the application as it shall seem fair, just and proper, in regard to granting or denying the same.

Section 13-57. Increase in number of devices.

In case a proprietor licensed under the provisions of this article desires, after the expiration of any portion of any license year, to increase the number of devices to be used for pay or exhibit for use or play in his establishment, he shall surrender his license to the city recorder, who shall issue a new license showing the number of devices licensed thereunder, upon payment of the proper additional license fee therefore.

Section 13-58. Amusement devices - use by minors - hours.

No person or proprietor shall allow any person under the age of eighteen years to use or operate any coin operated amusement device which is required to be licensed under the foregoing provisions, from the hours of 8:00a.m. to 4:00p.m. on any day that the Tooele County School's are in session in Grantsville City.

*12-15-82 amendment enacted a new provision and repealed the prohibition on the location of amusement devices near schools.

Section 13-59. Gambling.

No distributor or proprietor, or any employee of any distributor or proprietor, shall permit, allow or condone any gambling, gaming, wagering or betting in any form in connection with the operation or play of any coin-operated amusement device.

Section 13-60. Cigarette vending machines.

It shall be unlawful for any person to operate a cigarette or other tobacco vending machine any place accessible to minors or where it is not under the constant supervision and control of said operator, his agents or employees.

Violation of this section shall, in addition to all other punishments and penalties, constitute cause for the revocation of the license to operate such machine or any similar vending machine on the premises. (R.O. 1955, Section 9-10).

Section 13-61. Public dance halls to be licensed.

It shall be unlawful to hold or conduct any public dance in any dance hall or other place within the limits of Grantsville City until such dance hall or other place in which the same may be held shall first have been duly licensed.

No license for a public dance hall shall be issued until it shall be found that the place for which it is issued complies with the conforms to all laws, ordinances, health, and fire regulations applicable thereto and is properly ventilated and supplied with separate and sufficient toilet conveniences for each sex and is a safe and proper place for which it shall be used. Every person to whom a dance hall license is issued shall post the same in a conspicuous place in the dance hall covered by such license.

It shall be unlawful to conduct a public dance in any dance hall or other place within the

limits of Grantsville City until such place is equipped with two or more exits, which exits must be three (3) feet or more in width, and which must be properly and adequately marked as exits. (Grantsville City Ordinance 68-5-12).

Section 13-62. Cabaret - license required - fee. *8

No cabaret, as herein defined, shall open for business without first obtaining a license, as herein provided, from the city. The license required for a cabaret license shall be \$10.00 per day or \$100.00 per year. (Grantsville City Ordinance sections 68-1-4 and 68-1-12).

*8 See for cross-reference chapter 6.

Section 13-62a. Sale of fireworks - annual license required - regulations.

Any person, firm, or corporation wishing to sell fireworks within the corporation limits of Grantsville City shall annually make application to the city for a special license to sell fireworks. This special license shall be in addition to the regular business license. Said application shall be on a form provided by the City and shall be accompanied by the license fee in the sum of \$25.00.

Prior to the approval of said license by the City Council, the following conditions must be complied with and specified on the application and license:

1. The applicant is aware of the Utah State Law and regulations regarding sale of fireworks and agrees to comply with the same as a condition of the issuance of the fireworks license.
2. That the City Fire Department has inspected the proposed site where the fireworks are to be sold and certifies that all applicable fire and safety regulations have been complied with.
3. That any violation of State Law, state regulations, or local fire or safety regulations may result in immediate suspension or revocation of the license to sell fireworks.

Any city officer charged with enforcement of State Law or City Ordinances, including all Fire Department officers, may upon making a determination that persons selling fireworks have violated State or Local laws or regulations may immediately order the suspension of further sales of fireworks under the license issued by the city until the matter is heard by the Grantsville City Council. The City Council may take such action as is necessary or as is provided in Section 13-64 of this Chapter. No immediate suspension issued under this section shall continue in effect for more than 15 days without City Council review. Any person who continues to sell fireworks after the license to sell fireworks has been suspended or revoked is guilty of a misdemeanor.

Section 13-63. Inspections - city marshal to make periodic inspections.

The Grantsville City Police Department, Code Enforcement Officer, Building Inspector or Zoning Administrator may make or cause to be made periodic inspections of all premises duly licensed under the City Licensing Ordinances. Any violations of Grantsville City ordinances or regulations, violations of Health Department Regulations, or State laws or regulations including the "Utah Fit Premises Act" as it relates to the residential rental units shall be reported to the City Licensing Department and Mayor. Any violation of these ordinances, regulations or laws may constitute a basis for the termination of a business license. The above listed Officers or employees of Grantsville City shall be permitted reasonable access to all premises duly licensed or as a condition of application for a license under any of the licensing ordinances of Grantsville City.

Section 13-64. Revocation of license for violation.

The City Council shall have power to revoke the license of any person, firm or corporation for cause as provided by law. Licenses issued under the provisions of this chapter may be revoked by action of the city council because of failure upon the part of licensee to comply with the conditions and requirements under which said license is granted or because of illegal activities thereunder.

No license shall be so revoked nor any application for license under the provisions of the chapter denied except after notice of hearing of the licensee or applicant.

If at any time a license under the provisions of this chapter is denied or revoked it shall thereafter be unlawful for any person to operate, manage or conduct any business, trade profession or coin-operated machine for the transaction or operation of which a license is required until a new license is granted by the city council.

Section 13-65. Failure to pay license timely; penalty.

If any person, firm, or corporation shall neglect, fail or refuse to pay the amount assessed when it becomes due on any license mentioned or provided in this chapter, for a period of 10 days after the date on which said license becomes due and payable, a penalty of 100 percent of the amount of such license shall be added to the original amount, and the same shall be collected and the payment thereof enforced by the City Treasurer.

Section 13-66. Penalty.

Any person, firm, or corporation convicted of violating any provision of this chapter shall be guilty of a Class "C" Misdemeanor and may punished by a fine in any sum not exceeding seven hundred fifty dollars (\$750.00) or by imprisonment in the County Jail for a period not longer than ninety (90) days or by both such fine and imprisonment.

Section 13-67. Effective Date.

In the opinion of the City Council it is necessary for the immediate preservation of the peace, health, safety and welfare of Grantsville City and the inhabitants thereof that this ordinance shall take effect immediately upon posting the same in three public places in Grantsville City.

*Sections 13-63 through 13-67 amended 3-21-84 by Ordinance 84-3.