

Chapter 3
Alcoholic Beverages

(Title 11, Chapter 3 adopted by ordinance 2014-21 effective October 7, 2014)

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Section 11-3-1. Definitions.

Unless the context clearly requires otherwise, as used in this Chapter, the terms shall have the definitions given in the Alcoholic Beverage Control Act of the Utah State Code.

Alcoholic beverage, beer, and liquor shall have the definitions given in the Alcoholic Beverage Control Act of the Utah State Code.

Section 11-3-2. License required to sell beer.

- A. It shall be unlawful for any person to engage in the business or sale of light beer at retail, and/or permit the consumption of beer on any business premises without a current beer license from the City, or without a current license required by State law.
- B. A separate license is required for each separate place of business.

Section 11-3-3. Qualifications for License.

- A. Applicants for licenses and the premises proposed to be licensed under this Chapter must meet the following qualifications:
 - 1. Each licensee must be over 21 years of age, and a citizen of the United States, or a lawful resident alien, or is otherwise lawfully residing within the United States.
 - 2. Each licensee must possess the qualifications required under the Alcoholic Beverage Control Act and other pertinent statutes;
 - 3. Each licensee, or in the case of a partnership, each partner, or in the case of a corporation each director or officer, shall not have been convicted of or forfeited bail on a charge of having committed a misdemeanor involving moral turpitude or a felony or any violation of any law or ordinance relating to intoxicating liquors or drunken driving or keeping a gambling or disorderly house;
 - 4. Each licensee shall not be delinquent in his financial obligations to the City;
 - 5. The licensed premises shall comply with the regulations issued by the Board of Health;
 - 6. No license shall be granted to allow on-premise consumption of alcoholic beverages:

- a. within 600 feet of any public or private school, church, public library, public playground, or park, as measured by the method established by State law, or
 - b. for any location with a vehicle entrance or exit within 200 feet of any public or private school, church, public library, public playground, or park, as measured in a straight line from the nearest entrance/exit of the proposed establishment to the nearest property boundary of the public or private school, church, public library, public playground, or park.
 - c. with respect to the establishment of an on-premise beer retailer license that does not operate as a tavern (as defined by State law) the City Council may authorize a variance to the proximity requirements of this subsection if:
 - i. the State also grants a variance;
 - ii. a public hearing has been held by the City Council after notice published twice in a locally distributed newspaper five to twenty-one days prior to the hearing; and
 - iii. the City Council determines that establishing a license would not be detrimental to the public health, peace, safety, and welfare of the community, after considering relevant facts, including the following: the location of the beer retailer relative to the location of the school, church, library, or park, whether and what kind of street is between them, the pedestrian flow of the area, the location of sidewalks, other geographical considerations, the respective hours of operation, the nature of the neighborhood, and other factors that may exist.
- B. The governing body reserves, for implementation at a future time, the right to require of establishments licensed under this Chapter, a bond to guarantee compliance with all laws and ordinances and which may be forfeited to the City upon such conditions as the governing body may, at a future time, adopt and specify by ordinance.
- C. The governing body reserves, for implementation at a future time, the right to restrict the number of establishments licensed under this Chapter and to adopt a system providing for the allocation of such licenses in the future.
- D. The license required by this Chapter shall be in addition to any other business or regulatory license or licenses required by the City or other regulatory authority.

Section 11-3-4. Applications for License.

All applications for licenses required by this Chapter shall be filed with the City Recorder and must state the applicant's name in full and contain all necessary information required to show that they have complied with the requirements and possesses the qualifications specified in the Alcohol Beverage Control Act and this Chapter. The Recorder or the Chief of Police may require the applicant to furnish other information to insure compliance with this Chapter. If the applicant is a partnership, association, or corporation, the same information must be obtained with respect to each partner, association member, corporate director or officer. All applications by individuals must be subscribed by such persons and state under oath that the facts set forth therein are true. Each applicant shall provide with his initial application a site plan and layout review, indicating all security measures and plans for ingress and egress to a public street.

Section 11-3-5. Referral to City Officials.

- A. The City Recorder shall refer all applications for a license under this Chapter to the Chief of Police and the Fire Marshal.
- B. The Chief of Police shall conduct a back ground investigation as to the applicant and report their findings within 10 days after receiving said application and their recommendation as to whether or not the application should be granted.

Section 11-3-6. Issuance of License.

- A. Upon receipt of the reports from the Chief of Police and other officials, the governing body may consider the application for license.
- B. The governing body has the sole discretion to grant or to refuse to grant a license under this Chapter.
- C. If the applicant has complied with all applicable laws, ordinances and regulations, the governing body may direct the City Recorder to issue a license to the applicant for the licensed premises.
- D. The issuance of a license pursuant to this Chapter shall grant only a revocable privilege as provided hereunder and under the laws of the State of Utah and shall not confer any vested rights of any kind or nature upon a licensee.
- E. If the license application is denied by the governing body, no new application shall be made for the premises until after the expiration of one year following the denial of the initial application.

Section 11-3-7. Licenses.

- A. A Class A retail beer license entitles the licensee to sell beer on the licensed premises only in original containers for off the premises consumption only, in accordance with the Alcoholic Beverage Control Act and Ordinances of the City.
- B. A Class B retail license entitles the licensee to sell beer on the licensed premises only in original containers for consumption on the premises with food, in accordance with the Alcoholic Beverage Control Act and Ordinances of the City.
- C. A Class C retail beer license entitles the licensee to sell beer on the licensed premises on draft and in original containers for on the premises consumption only, in accordance with the Alcoholic Beverage Control Act and Ordinances of the City.
- D. A Class D retail beer license entitles the licensee to sell beer at special events or at public owned facilities in accordance with the Alcoholic Beverage Control Act and Ordinances of the City.

Section 11-3-8. License Expiration and Renewal.

- A. All licenses issued under this Chapter shall expire on the 31st day of December of each year unless sooner canceled or revoked, except seasonal licenses which may be issued for a period of less than one year as may be determined by the governing body. No license shall be issued for a period longer than one year.
- B. Licenses may be renewed by making application for and paying the appropriate fee. All applications to renew licenses shall be filed by the licensee with the City Recorder at least 30 days, but no earlier than 90 days, prior to the expiration date of the license. The renewal application shall state whether or not the business is presently operating and if not, the date when it ceased daily operation, together with such other information as the

City Recorder may reasonably require to verify or to determine the status of the business. Any person who fails to file such application within the time limit shall, upon expiration of the license, cease the operations licensed under this Chapter on the premises and shall not resume such operations until a new license is issued upon order of the governing body. A licensee may apply for renewal of his license annually until suspended or revoked for cause or until said license is no longer current and actively used to operate a business authorized by the license; provided, however, the license may be renewed after termination of the authorized business activity during a licensing period for one additional year, if the licensee makes application within 45 days after the expiration of said license and if the licensee certifies under oath that he is not holding the license for speculative reasons and he is actively seeking a purchaser for his business premises and assets as provided above, or is actively seeking a new business location for which he will seek a transfer of said license as provided herein. No license renewal may be granted beyond one year of inactive status as provided above.

Section 11-3-9. License Conditions.

- A. All licensed premises shall be subject to inspection by any police officer.
- B. All employees handling and selling liquor must be at least twenty-one years of age.

Section 11-3-10. Unlawful Acts.

- A. It is unlawful for any licensee, by themselves or through their agent or employee, to violate or to fail to comply with any of the provisions of this Chapter or of the Alcoholic Beverage Control Act.
- B. It is unlawful for any person, by himself or through his agent or employee, to expose, keep for sale, or directly or indirectly or upon any pretense or upon any device, to sell or offer to sell any alcoholic beverages, except as provided in this Chapter and the Alcoholic Beverage Control Act.
- C. It is 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 he shall have lawfully purchased from a brewer or wholesaler licensed under the provisions of the Alcoholic Beverage Control Act.
- D. It is unlawful for any person in charge of any place of business knowingly to permit or allow customers, guests or any other person to possess liquor upon which the seal has been broken at the place of business unless the premises have been licensed under the Alcoholic Beverage Control Act.
- E. It is unlawful for any person to store any liquor in or on premises licensed under this Chapter unless appropriately licensed by the State of Utah to do so.
- F. It is unlawful for any licensee or any operator or employee of a licensee to hold, store or possess liquor on the premises licensed under this Chapter unless appropriately licensed by the State of Utah.
- G. It is unlawful for any person in charge of any place of business knowingly to permit or allow customers, guests, or any other person to consume alcoholic beverages at the place of business unless the premises have been licensed under this Chapter or the Alcoholic Beverage Control Act.

- H. It is unlawful for any person to consume alcoholic beverages in any place of business whose premises are not licensed under this Chapter or the Alcoholic Beverage Control Act.
- I. It is unlawful for any person to sell, possess or consume alcoholic beverages on premises licensed hereunder between the hours of 1:00 a.m. and 6:00 a.m.
- J. It is unlawful for any licensee by himself or his agent or employee to permit any customer, guest, or any other person to possess or consume any alcoholic beverages on the licensed premises between the hours of 1:00 a.m. and 6:00 a.m.
- K. It is unlawful for any person to sell or supply any alcoholic beverages or permit alcoholic beverages to be sold or supplied to any person under or apparently under the influence of liquor.
- L. It is unlawful for any person to sell any alcoholic beverages at any public dance.
- M. It is unlawful for any person to advertise the sale of alcoholic beverages except under such regulation as is made by the Utah Liquor Control Commission, except that a simple designation of the fact that beer is sold may be placed in or upon the window or front of the licensed premises.
- N. It is unlawful for any employee at licensed premises, while on duty, to consume an alcoholic beverage or be under the influence of alcohol.

Section 11-3-11. Bond required.

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 32B-6-705 of the Utah Code is in effect, or as it is there updated. 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.