



SYRACUSE CITY ALCOHOL LICENSE APPLICATION
 1979 West 1900 South Syracuse, UT 84075
 Phone: 801-614-9627 www.syracuseut.com

Business Location Information

Business Name:	
Business Address:	Phone:
Business Mailing Address:	City, State, Zip:

Business Owner Contact Information

Business Owner(s):	
Business Owner Home Address:	City, State, Zip
Driver License No:	DL State:
Social Security No:	DOB (mm/dd/yyyy):

Alternate Contact Information

Alternate Contact Name:	Phone:
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NOTE: For a partnership or corporation, please list same information as above for all partners, Principal officers, and directors on separate sheet and attach.

License Type:

<input type="checkbox"/>	Class "A" License (Off-Site Consumption)	<input type="checkbox"/>	Class "B" License (On-Site Consumption)
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Applicant to read and check box to acknowledge all requirements:

- Applicant shall furnish a scaled floor plan of the business clearly indicating areas of the business where alcohol will be consumed and where alcohol will be sold, kept, and stored.
- Alcohol Licenses expire on December 31 of each year. Renewal forms and fees are due on or before December 31. Failure to meet the renewal requirements shall result in automatic forfeiture of the license effective on the date the existing license expires.
- Upon annual renewal, any restaurant business licensee with a Class "B" license shall be required, at the time of renewal, to submit a certified financial statement for the calendar year prior to the application date for renewal. This statement shall clearly identify:
 - (a) gross receipts for all alcohol sales for the licensee's restaurant business for the prior year; and
 - (b) gross receipts for all food sales for the licensee's restaurant business for the prior calendar year.

I have read and understand the conditions, requirements, and restrictions as outlined in this application and in the Syracuse City Ordinance relative to Alcohol Beverage Regulations. I understand that all employees who sell beer or directly supervise the sale of beer must complete the statewide alcohol training and education as required by current Utah State Code and be certified within thirty (30) days of the date they are hired. I understand that I must abide by all the current laws and regulations of the Utah Beverage Control Act and all current Syracuse City Ordinances relative to Alcohol Beverage Regulations.

Business Owner Signature: _____ **Date:** _____

State of Utah)
 County of Davis)

On this ____ day of _____ 20 ____, personally appeared before me, _____ the signer of the above instrument who duly acknowledged to me that he/she executed the same.

 Notary Public

FOR OFFICIAL USE ONLY

Application Date Received:	Received by:	Fee Paid:
Police Clearance Date:	City Council Approval Date:	

**Chapter 5.20
ALCOHOLIC BEVERAGES**

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Article I. Administration

5.20.010 Authority.

The provisions of this chapter are enacted pursuant to the authority set forth in Section 10-8-42, Utah Code Annotated 1953, as amended, and applicable provisions of the Utah Alcoholic Beverage Control Act, as set forth in Section 32B-1-101, et seq., Utah Code Annotated 1953, as amended. The provisions and regulations set forth in this chapter are an exercise of the police powers of the City for the protection of public health, safety and welfare. [Ord. 11-08 § 1 (Exh. A); Code 1971 § 6-4-010.]

5.20.020 Definitions.

All words and phrases used in this chapter shall have the following meanings, unless a different meaning clearly appears from the context:

“Alcoholic beverages” means “beer” and “liquor” as the terms are defined in this section.

“Beer” means a product that (1) contains at least one-half percent alcohol by volume, but not more than four percent alcohol by volume or 3.2 percent alcohol by weight, and (2) is obtained by fermentation, infusion, or decoction of malted grain. Moreover, the term “beer” applies to products that contain alcohol in the specified percentages and are referred to as beer, ale, porter, stout, lager, or a (nonflavored) malt beverage.

“Brew pub” means any restaurant that has within or contiguous to its premises a brewer which manufactures alcoholic beverages for on-premises sale and consumption.

“Brewer” means any person or facility engaged in manufacturing beer, malt liquor, or malted beverages.

“Church” means a building set apart primarily for the purpose of worship in which religious services are held and with which clergy is associated, and the main body of which is kept for that use and not put to any other use inconsistent with its primary purpose and which is tax exempt under the laws of this state.

“City” means Syracuse City.

“Club” and/or “private association” means any nonprofit corporation operating as a social club, dining club, recreational, fraternal or athletic association, or kindred association, whether incorporated or not, which maintains facilities which are restricted to a clientele or group other than the general public and which sells or dispenses alcoholic beverages.

“Commission” means the State of Utah Alcoholic Beverage Control Commission.

“Community location” means a public or private school, a church, a public library, a public playground or a public park.

“Licensee” means any person(s) holding any beer, liquor or private club license in connection with the operation of a place of business or private club in the City. This term shall also include any employee of the licensee.

“Licensed premises” means any room, house, building, structure or place occupied by any person licensed to sell beer on any premises under this title; provided, that in any multiroomed establishment, an applicant for a Class B license shall designate a room or portion of the building of such business for the sale of beer, which portion so specifically designated in the application and in the license issued pursuant thereto shall be the licensed premises. Multiple dining facilities located in one building and owned or leased by one licensed applicant shall be deemed to be only one licensed premises.

“Liquor” means alcohol, or any alcoholic, spiritous, vinous, fermented, malt, or other liquid, or combination of liquids, a part of which is spiritous, vinous, or fermented, and all other drinks, or drinkable liquids that contain more than one-half percent of alcohol by volume and is suitable to use for beverage purposes. “Liquor” does not include any beverage defined as a beer, malt liquor, or malted beverage that has an alcohol content of less than four percent alcohol by volume.

“Package agency” means a retail liquor location operated under an agreement with the department by a person other than the state who is authorized by the commission in accordance with Chapter 2, Part 6, of the Alcoholic Beverage Control Act to sell packaged liquor for consumption off the premises of the package agency.

“Park” means a piece of public, private or neighborhood ground within the City boundaries that is set apart for the use of the public, whether developed or undeveloped, and that is usually, or may be, planted with trees, lawns, or other shrubbery. The park may include within its boundary facilities for sport, entertainment, dancing, recreation, swimming or a park may be planned for such future use of any and all other facilities.

“Person” means any individual, partnership, firm, corporation, association, business trust, or other form of business enterprise including the receiver or trustee, and the plural as well as the singular number, unless the intent to give a more limited meaning is disclosed by the context.

“Playground” means any public, private or neighborhood area which may or may not include play equipment where children go for physical activity and/or to play.

“Restaurant” means any business establishment, engaged primarily in serving complete meals to the general public, where a variety of foods are prepared, located on a premises having adequate culinary fixtures for food preparation and dining accommodations with sufficient seating to concurrently serve a minimum of 25 customers.

“Retailer” means any person engaged in the sale or distribution of alcoholic beverages to the consumer.

“School” means any building used primarily for the general education of minors. “School” does not include nursery schools, infant day care centers, or trade or technical schools.

“Sell,” “sale,” or “to sell” means any transaction, exchange, or barter whereby, for any consideration, an alcoholic beverage is either directly or indirectly transferred, solicited, ordered, delivered for value, or by any means or under any pretext is promised or obtained, whether done by a person as a principal, proprietor, or as an agent, servant, or employee, unless otherwise defined in this chapter or the rules made by the Commission.

“Single event” means a convention, civic, or community enterprise conducted by a bona fide corporation, nonprofit organization, church, political organization, or association or a recognized subordinate lodge, chapter, or other local unit thereof.

“State store” means a facility for the sale of package liquor located on premises owned or leased by the state and operated by state employees. “State store” does not apply to any licensee, permittee, or to package agencies.

“Tavern” means any business establishment engaged primarily in the retail selling or distribution of beer to public patrons for consumption on the establishment’s premises. “Tavern” includes beer bars, parlors, lounges, cabarets, and night clubs where the revenue from the sale of beer exceeds the revenue of the sale of food, although food need not be sold in such establishments.

“Trail” means a linear corridor of property which is planned as part of the parks and trails master plan or recognized as a City facility by the parks and trails master plan, although not classified as a park, and maintained by the City for the purpose of recreation and alternate transportation as a part of the transportation system, thus not designed or intended for use by unaccompanied small children. A trail is not a park for purposes of the ordinance codified in this chapter. [Ord. 11-08 § 1 (Exh. A); Code 1971 § 6-4-020.]

5.20.030 General restrictions.

(A) Manufacturer/Brewer. Except as set forth in Section 32B-11-202, Utah Code Annotated 1953, as amended, a person may not manufacture any alcoholic beverage in the City unless an alcoholic beverage manufacturing license has been issued by the Commission. A separate license is required for each place of manufacture, storage, and sale of alcoholic

beverages. Whether independent or associated with a restaurant, a brewer requires local consent from the City Council. Violation of this subsection is a Class B misdemeanor.

(B) Advertising. It shall be unlawful to advertise the sale of alcoholic beverages in violation of the Utah Alcoholic Beverage Control Act. Permitted signage shall comply with requirements contained in Chapter 10.45 SCC, the Syracuse City sign ordinance. There shall be no advertising within the City that in any manner attempts to promote or increase the sale or consumption of alcoholic beverages. [Ord. 11-08 § 1 (Exh. A); Code 1971 § 6-4-030.]

5.20.040 Licensee compliance with other laws.

(A) Each licensee shall comply with all applicable federal, state and local laws. Failure to do so may result in the suspension or revocation of the licensee's license, permit or consent.

(B) If any licensee neglects, fails or refuses to pay the amount assessed for any license renewal when it becomes due and payable, such licensee shall be subject to all additional penalties as set forth in this title or in the business licensing ordinances of Syracuse City and the same shall be collected as other licenses are collected, paid and enforced. [Ord. 11-08 § 1 (Exh. A); Code 1971 § 6-4-040.]

Article II. Liquor License Local Consents

5.20.050 Local consent for package agency.

The City shall not issue or grant local consent to a state package agency. Package agencies shall not conduct business at a location within the City. [Ord. 11-08 § 1 (Exh. A); Code 1971 § 6-4-200.]

5.20.060 Local consent for private club liquor licenses.

The City shall not grant local consent for a state private club liquor license for businesses located within Syracuse City. [Ord. 11-08 § 1 (Exh. A); Code 1971 § 6-4-210.]

5.20.070 Local consent for alcoholic beverage manufacturing licenses.

The City may not grant local consent for alcoholic beverage manufacturing licenses, except for brew restaurants. Alcoholic beverage manufacturers shall only be allowed in conjunction with a brew restaurant within the City. The City's grant or denial of a license application for a brew restaurant shall be deemed either denial or approval, respectively, of any required local consent. [Ord. 11-08 § 1 (Exh. A); Code 1971 § 6-4-220.]

5.20.080 Local consent for liquor warehousing license.

The City shall not issue local consent for any liquor warehousing license for any business located in the City. Liquor warehousing businesses shall not conduct business from a location within the City. [Ord. 11-08 § 1 (Exh. A); Code 1971 § 6-4-230.]

Article III. Restaurant Liquor License Local Consent

5.20.090 The City's power to grant local consent – Limitations.

(A) The City may issue local consent for a state full-service restaurant liquor license or for a state limited-service restaurant liquor license for businesses located in the City. Local consent will not be granted until the applicant has met all applicable City and state requirements.

(B) A person may not sell or offer for sale in a restaurant any alcoholic beverage subject to liquor licensure unless a restaurant liquor license has been issued by the state, following local consent. A separate grant of local consent is required for each place of business and for each premises having different ownership. Separate business licenses shall be required for each business name utilized. Violation of this section is a Class B misdemeanor.

(C) The City may only grant local consent for a state restaurant liquor license when the applicant is in compliance with all provisions of the Syracuse City Code. [Ord. 11-08 § 1 (Exh. A); Code 1971 § 6-4-300.]

5.20.100 Application and renewal requirements.

(A) Each person seeking a restaurant liquor license consent under this article shall file a written application with the Community Development Director, in a form prescribed by the City. It shall be accompanied by:

- (1) A nonrefundable application fee in an amount as set forth in the City's consolidated fee schedule;
- (2) A statement of the purpose for which the applicant has applied for the consent to a restaurant liquor license;
- (3) A signed consent form granting an irrevocable license to the City permitting any authorized representative of the City or any Law Enforcement Officer unrestricted right to enter and inspect the premises; and
- (4) Any other documents and evidence the City may require by rule or policy to allow complete evaluation of the application.

(B) Each application shall be signed and verified by oath or affirmation by an executive officer or any person specifically authorized by the corporation or association to sign the application, to which shall be attached written evidence of said authority.

(C) Prior to operating under the authority of this chapter, each approved applicant must obtain and provide to the business License Administrator proof of:

- (1) Respective state licensure immediately upon state approval (not more than one year from approval of the original local consent);
- (2) A surety compliance bond in the amount of \$5,000;
- (3) Respective federal licensure immediately upon federal approval, if any.

(D) All City restaurant liquor consents expire on December 31st of each year. Persons desiring to renew their consent shall submit a renewal fee and a completed renewal application to the City no later than October 31st of the year the consent expires. Failure to meet the renewal requirements results in an automatic forfeiture of the consent effective on the date the existing consent expires. Renewal applications shall be in a form prescribed by the City and shall be accompanied by:

- (1) Proof of a surety compliance bond in the amount of \$5,000;
- (2) The consent application/renewal fee; and
- (3) Copies of current state and federal licenses.

(E) If any restaurant liquor consent holder does not immediately notify the City of any change in the ownership of the entity holding the consent, or in the case of a Utah corporate owner of any change in the corporate officers or directors, the City may suspend or revoke that license. [Ord. 11-08 § 1 (Exh. A); Code 1971 § 6-4-310.]

5.20.110 Duties of the City before granting consents.

Before any restaurant liquor license consent may be granted by the administrator, the City may conduct investigations and hold on-site inspections of the premises by license review authorities as directed by the administrator for the purpose of gathering information and making recommendations to the administrator to aid in the determination regarding local consent. Reviews and inspections conducted by license review authorities include, but are not limited to:

(A) Conformance with all appropriate building codes, as inspected and verified by the Building Inspection Division of the Community Development Department;

(B) Police and criminal background check and clearance by the City Police Department;

(C) Zoning and planning review by the Community Development Department to address issues of locality, proximity, building design and conformance with relative code;

(D) Fire Department inspections of premises and determination of code compliance;

(E) Reviews and inspections by various health officers, including City and state representatives making determinations regarding hazardous waste, solid waste, environmental health, pretreatment requirements, and other health issues which may be presented;

(F) The City review for state and federal identification of business, including identification of the business ownership and entity structure, employer's withholding account number, federal employer identification number, state sales and use tax number, workers' compensation insurance carrier policy number and expiration date, business name registration number, Utah corporate identification number or limited liability company identification number (when applicable), and proof of bonding with the City as the named insured;

(G) The City review for complete information on the application, including the provision of:

- (1) Authorized signature on the application and written evidence of said authority;
- (2) Appropriate application and license fees; and
- (3) Any other documentation considered necessary to render a determination. [Ord. 11-08 § 1 (Exh. A); Code 1971 § 6-4-320.]

5.20.120 Grant of consent.

The Community Development Director shall grant local consent for the issuance of a restaurant liquor license to any applicant that meets all conditions, criteria and restrictions as set forth in this title and the Alcoholic Beverage Control Act. [Ord. 11-08 § 1 (Exh. A); Code 1971 § 6-4-330.]

5.20.130 Qualifications.

If any person to whom a consent has been issued under this chapter no longer possesses the qualifications required by this chapter and Title 32B, Utah Code Annotated 1953, for obtaining that consent, the business License Administrator may suspend or revoke that consent. [Ord. 11-08 § 1 (Exh. A); Code 1971 § 6-4-340.]

5.20.140 Bond.

Restaurant liquor consentees shall acquire and maintain a surety compliance bond in the amount of \$5,000 prior to operating under the authority of the license. Evidence of such bonding shall be provided to the City annually with each consent renewal submission. [Ord. 11-08 § 1 (Exh. A); Code 1971 § 6-4-350.]

5.20.150 Operational restrictions.

Each person granted local consent for a restaurant liquor license shall conform to all the operational restrictions assigned by this title and the Alcoholic Beverage Control Act, including the following conditions:

- (A) Transfers will not be granted from one person, partnership or corporation to another person, partnership or corporation.
- (B) There shall be no transfer of a restaurant liquor license consent from one location to another without prior written approval of the administrator. Transfers may be granted for a change of location within the City by the original consentee providing all qualifying conditions are met.
- (C) Each separate location must be separately licensed.
- (D) Each location with more than one type of operation, more than one business name, or more than one specific ownership must have a separate license/consent for each and must submit applications for licensure which includes

diagrams depicting the boundaries of the premises for each as well as defining the distinctive operations. [Ord. 11-08 § 1 (Exh. A); Code 1971 § 6-5-360.]

Article IV. Special Use Permits

5.20.160 Single event permits.

(A) Permit Required. Before any operator, participant or sponsor of a single event may sell beer at retail for on-premises consumption at the event, a single event permit must be obtained from the City.

(B) Application. An applicant seeking a single event permit to sell beer within the City for consumption on the premises of a single event shall provide a written application on forms provided by the City. The application shall be accompanied by:

- (1) The City fee for a single event permit as set forth in the City's consolidated fee schedule and evidence of necessary regulatory approvals to conduct the single event;
- (2) Evidence of proximity to any community location;
- (3) A site plan of the location of the single event, including clear depiction of consumption areas and areas where the applicant proposes to keep, store and sell beer;
- (4) A statement of the purpose of the association, corporation, church or political organization or its local lodge, chapter, or other local unit;
- (5) A signed consent form stating that authorized representatives of the City, including any City Law Enforcement Agency, will have unrestricted right to enter the premises during the event;
- (6) Proper verification evidencing that the person signing the application is authorized to act on behalf of the association, corporation, church or political organization conducting the single event; and
- (7) Any other information the City may require to accurately evaluate the merits of the application.

(C) Operational Restrictions. Each person granted a single event permit and the employees, management and personnel of the permittee shall abide by the following conditions and requirements. Failure to comply may result in suspension or revocation of the permit or other criminal or civil action taken against individual employees or management personnel.

- (1) A single event permit shall entitle the licensee to sell beer on the premises described therein, in containers of a size not to exceed one liter capacity, for consumption on the permitted premises.
- (2) Each permittee shall retain all invoices, vouchers, sales slips, receipts and other records of commodity purchases from all suppliers. Such records shall be available for inspection and audit by the City license official at any time following the close of the semi-annual period, and for 18 months thereafter. Failure to properly maintain such records for such inspection and audit shall be cause for revocation of the single event permit.

- (3) No person under the age of 21 years shall sell or serve beer for a single event permit.
- (4) Beer purchased at a single event shall not be removed from the single event premises.
- (5) No person shall be allowed to bring any alcoholic beverages onto the premises of the single event. Officers, managers, employees or agents of the permittee shall not allow a person to bring onto the single event premises any alcoholic beverage for on-premises consumption or allow consumption of any such alcoholic beverage on the premises. If any permittee or any of its officers, managers, employees or agents violates this subsection, the City may immediately suspend or revoke the single event permit.
- (6) No person engaged in the service of alcohol on the premises of a single event, while on duty, shall consume any alcoholic beverages or be under the influence of any alcoholic beverages.
- (7) A permittee may not charge more than the maximum amount set forth in the permit for any alcoholic beverage.
- (8) Each permittee shall post in a prominent place in the area in which alcohol is being sold, served and consumed:
- (a) A copy of the permit;
 - (b) A list of the operational restrictions and requirements of single event permittees set forth in this section;
and
 - (c) A sign in large letters stating:

WARNING

THE CONSUMPTION OF ALCOHOLIC BEVERAGES PURCHASED IN THIS ESTABLISHMENT MAY BE
HAZARDOUS TO YOUR HEALTH AND THE SAFETY OF OTHERS.

- (d) A sign in large letters stating:

WARNING

DRINKING ALCOHOL DURING PREGNANCY HAS BEEN LINKED TO BIRTH DEFECTS AND IS THE
LEADING KNOWN PREVENTABLE CAUSE OF MENTAL RETARDATION.

- (9) Alcohol purchased for the event may not be stored in any place other than that described in the application and designated on the permit.
- (10) Alcohol purchased for the event may not be sold or served in any place other than the site described in the application and designated on the permit.

(11) Alcohol may not be sold, served, or otherwise furnished on the day of any regular general election, regular primary election, or statewide special election until after the polls are closed.

(12) Public advertising of the event may not include reference to the availability of any alcoholic beverage at the event. However, the permittee may use signs or similar displays at the site of the event to inform attendees of the locations where alcoholic beverages are being dispensed.

(13) Single event permittees shall be subject to all the restrictions set forth in Sections 32B-9-304 and 32B-9-305, Utah Code Annotated 1953.

(14) A single event permittee may not engage in or allow any form of gambling, or have any video gaming device as defined and proscribed by Title 76, Chapter 10, Part 11, Gambling, Utah Code Annotated 1953, on the premises serviced by the single event permittee.

(15) A single event permit shall not authorize the storage, sale or consumption of alcoholic beverages at an event for any period exceeding 72 hours.

(D) Monetary Value of Permit.

(1) A person having been granted a single event permit shall not sell, exchange, barter, give or attempt in any way to dispose of the permit whether for monetary gain or not.

(2) A single event permit has no monetary value for purpose of any type of disposition.

(E) Restriction on Permits. No person or entity may be issued more than two single event permits in any calendar year.

[Ord. 11-08 § 1 (Exh. A); Code 1971 § 6-4-400.]

Article V. Beer Retailer Licenses

5.20.170 General restrictions.

(A) It is unlawful for any person to engage in the business of the sale of light beer at retail in bottles or draft within the corporate limits of the City without first having procured a license from the City as provided in this chapter. A separate license shall be required for each place of sale and the license shall at all times be conspicuously displayed in the place to which it shall refer or for which it shall be issued. All licensees shall comply with the UABC and use of City licenses granted under this chapter shall not be allowed until the required state and federal licenses have been authorized and are in effect.

(B) Except as set forth in Section 32B-11-202, Utah Code Annotated 1953, as amended, it is unlawful for any person within the corporate limits of the City to malt, ferment or manufacture homebrew or for any person to have in his possession, keep or store for the purpose of sale, giving away or exchanging homebrew containing one-half of one percent or more alcohol by weight.

(C) It is unlawful for any person to have in her or his possession within the corporate limits of the City any beer which has not been manufactured by a regularly licensed brewer.

(D) No person shall sell light beer at any public dance or to any person intoxicated or under the influence of an intoxicating beverage. No person shall sell, serve or give beer to any person under the age of 21 years.

(E)(1) It is unlawful to sell, serve or give away light beer or any other alcoholic beverage except during hours allowed by state law.

(2) No licensee shall violate the terms of the license issued. No licensee shall permit light beer or any other alcoholic beverages to be consumed on licensed premises at any time it is unlawful to sell the same.

(F) Violation of this section is a Class B misdemeanor. Should the City be required to take action to suspend a license on more than one occasion within a three-year period, the beer retailer license shall be revoked for a period of not less than one year. [Ord. 11-08 § 1 (Exh. A); Code 1971 § 6-4-500.]

5.20.180 The City's power to grant licenses – Limitations.

(A) The City may issue beer retailer licenses and brew restaurant licenses to businesses located in this City, and may regulate the sale, service, distribution and consumption of alcoholic beverages for each type of license provided by this chapter in conformance with state laws and City codes.

(B) The type of licenses issued under this chapter are known as off-premises beer retailer, on-premises beer retailer/restaurant and brew restaurant licenses.

(C) A person may not sell at retail any beer beverage unless a beer retailer license has been issued by this City and state. A separate license is required for each place of business and for each premises having different ownership. A separate business license is required for each business name used. One business name (DBA) may be used for each premises and the most appropriate City alcoholic beverage license may be applied for on behalf of each premises. The applicant shall not misrepresent either the boundaries of the premises, the ownership of the business operation, the type of business conducted nor the business name(s) used. Violation of this subsection is a Class B misdemeanor.

(D) The City may prescribe by policy, directive, or rule, consistent with this chapter, the general operational requirements of licensees relating to:

(1) Physical facilities;

(2) Other matters considered appropriate by the City as they are allowed by state law.

(E) The City may grant licenses to beer retailers, with the following limitations:

(1) On-premises beer retailer/restaurant licenses shall be limited to one per 2,000 population.

(2) Off-premises beer retailer licenses shall not be limited in number.

(3) Brew restaurant licenses shall be limited to one per 5,000 population. [Ord. 11-08 § 1 (Exh. A); Code 1971 § 6-4-510.]

5.20.190 Applications and renewal requirements.

(A) Each person seeking a beer retailer license of any kind under this chapter shall file a written application with the Community Development Director, in a form prescribed by the City. The application shall be accompanied by:

- (1) A nonrefundable application fee in the amount set forth in the City's consolidated fee schedule;
- (2) A statement of the purpose for which the applicant has applied for the beer retailer license;
- (3) A signed consent form granting an irrevocable license to the City permitting any authorized representative of the City or any Law Enforcement Officer unrestricted right to enter and inspect the premises; and
- (4) Any other documents and evidence the City may require by rule or policy to allow complete evaluation of the application.

(B) Each application shall be signed and verified by oath or affirmation by an executive officer or any person specifically authorized by the corporation or association to sign the application, to which shall be attached written evidence of said authority.

(C) Prior to operating under the authority of this chapter, each approved applicant must obtain and provide to the License Administrator proof of:

- (1) Respective state licensure immediately upon state approval (not more than one year from approval of the original local consent);
- (2) A surety compliance bond in the amount of \$5,000;
- (3) Respective federal licensure immediately upon federal approval.

(D) All City beer retailer licenses expire on December 31st of each year. Persons desiring to renew their license shall submit the renewal fee and completed renewal application to the City no later than October 31st of the year the license expires. Failure to meet the renewal requirements results in an automatic forfeiture of the license effective on the date the existing license expires. Renewal applications shall be in a form prescribed by the City and shall be accompanied by:

- (1) Proof of a surety compliance bond in the amount of \$5,000;
- (2) The license renewal fee; and

(3) Copies of current state and federal licenses.

(E) If any beer retailer licensee does not immediately notify the City of any change in the ownership of the entity holding the license, or, in the case of a Utah corporate owner, of any change in the corporate officers or directors, the City may suspend or revoke that license. [Ord. 11-08 § 1 (Exh. A); Code 1971 § 6-4-520.]

5.20.200 Qualifications.

(A) No beer retailers, including all allowed on- premises retailers and off-premises retailers, shall be established within 600 feet of any community location, as measured from the nearest entrance of the outlet by following the shortest route of either ordinary pedestrian traffic or, where applicable, vehicular travel along public thoroughfares, whichever is the closer, to the property boundary of the community location. No beer retailers licensee premises shall be established within 200 feet of any community location, measured in a straight line from the nearest entrance of the proposed outlet to the nearest property boundary of the community location.

(B) The City may not grant a beer retailer license to any sole proprietor, partner, managing agent, officer, director, or stockholder who holds at least 20 percent of the total issued and outstanding stock of an applicant corporation that is unqualified to acquire the respective state license because that person has been convicted of any offense identified in UABC Section 32B-1-304 or does not qualify for state licensure for any other reason.

(C) If a proprietor, employee, partner, managing agent, officer, director, or stockholder, who holds at least 20 percent of the total issued and outstanding stock of a corporation that has been granted a beer retailer license, is convicted of any offense provided in UABC Section 32B-1-304, the City may take emergency action by immediately revoking the license without further notice to the licensee. The state will be notified of City action regarding the local license(s). A letter may be sent to the licensee confirming the action taken by the City.

(D) Upon the arrest of any beer retailer licensee on any charge set forth in Utah Alcoholic Beverage Control Act Section 32B-1-304, the administrator or chief of police or their designee may take emergency action by immediately suspending the operation of the licensee according to the procedures and requirements set forth in Title 63G, Chapter 4, Section 46B, Utah Code Annotated 1953, as amended from time to time, for the period during which the criminal matter is being adjudicated. Any such action taken by the City will be communicated to the Department of Alcoholic Beverage Control and a letter confirming those actions may be sent to the licensee.

(E) If any person to whom a license has been issued under this chapter no longer possesses the qualifications required by this chapter and Title 32B, Utah Code Annotated 1953, for obtaining that license, the License Administrator may suspend or revoke that license or consent. [Ord. 11-08 § 1 (Exh. A); Code 1971 § 6-4-530.]

5.20.210 Duties of the City before granting licenses.

Before any beer retailer license may be granted by the License Administrator, the City may conduct investigations and hold on-site inspections of the premises by license review authorities as directed by the License Administrator for the

purpose of gathering information and making recommendations to the License Administrator as to whether or not a license should be granted. This information shall be forwarded to the License Administrator to aid in the determination regarding licensure. Reviews and inspections conducted by license review authorities include, but are not limited to:

(A) Conformance with all appropriate building codes, as inspected and verified by the Building Inspection Division of the Community Development Department;

(B) Police and criminal background check and clearance by the City Police Department;

(C) Zoning and planning review by the Community Development Department to address issues of locality, proximity, building design and conformance with relative code;

(D) Fire Department inspections of premises and determination of code compliance;

(E) Reviews and inspections by various health officers, including City and state representatives making determinations regarding hazardous waste, solid waste, environmental health, pretreatment requirements, and other health issues which may be presented;

(F) City review for state and federal identification of business, including identification of the business ownership and entity structure, employer's withholding account number, federal employer identification number, state sales and use tax number, workers' compensation insurance carrier policy number and expiration date, business name registration number, Utah corporate identification number or limited liability company identification number (when applicable), and proof of bonding with the City as the named insured;

(G) City review for complete information on the individual owner, or any partner, managing agent, officer, director, or stockholder, who holds at least 20 percent of the total issued and outstanding stock of a corporation, including the provision of:

(1) Social Security Administration number;

(2) Number on driver's license or nondriver identification issued by the state of Utah;

(3) Home address and home telephone number;

(4) Date of birth, including month, day and year;

(5) Complete personal name, including first, middle and last names;

(6) Status as either a United States citizen or valid United States work authorization;

(7) Statement under perjury of the accuracy and completeness of the application, the licensee's agreement to notify the City immediately of any changes to the ownership or other qualifying criteria, and granting permission to authorized representatives of the City and state to enter the premises;

(8) Authorized signature on the application and written evidence of such authority;

(9) Appropriate application and license fees;

(10) Compliance with distance and proximity requirements equal to those specified by the Alcoholic Beverage Control Act for alcoholic beverage retailer categories; and

(11) Any other documentation considered necessary to render a determination. [Ord. 11-08 § 1 (Exh. A); Code 1971 § 6-5-540.]

5.20.220 Bond.

(A) Off-premises beer retailer licensees shall acquire and maintain in force a surety compliance bond in the amount of \$5,000 prior to operating under the authority of the license. Evidence of such bonding shall be provided to the City annually with each license renewal submission.

(B) On-premises beer retailer licensees shall acquire and maintain in force a surety compliance bond in the amount of \$5,000 prior to operating under the authority of the license. Evidence of such bonding shall be provided to the City annually with each license renewal submission. [Ord. 11-08 § 1 (Exh. A); Code 1971 § 6-4-550.]

5.20.230 Operational restrictions.

Each person granted a beer retailer license shall conform to all the operational restrictions assigned by the Alcoholic Beverage Control Act, including the following conditions:

(A) Transfers will not be granted from one person, partnership or corporation to another person, partnership or corporation.

(B) There shall be no transfer of a beer retailer license from one location to another without prior written approval of the administrator. Transfers may be granted for a change of location within the City by the original licensee, providing all qualifying conditions are met.

(C) Each separate location must be separately licensed.

(D) Each location with more than one type of operation, more than one business name, or more than one specific ownership must have a separate license for each and must submit applications for licensure which includes diagrams depicting the boundaries of the premises for each as well as defining the distinctive operations. [Ord. 11-08 § 1 (Exh. A); Code 1971 § 6-4-560.]

5.20.240 On-premises beer retailer/restaurant.

(A) An on-premises beer retailer/restaurant license shall entitle the licensee to sell light beer for consumption on the retailer's premises and to all of the privileges granted by local ordinances to the holder of an on-premises beer retailer license and in accordance with the Alcoholic Beverage Control Act.

(B) Beer sales may not exceed 40 percent of total sales. If the gross sales of the business enterprise during any quarter of a calendar year develop so that the primary revenue resource becomes beer, the on-premises beer retailer/restaurant license shall be automatically suspended until the appropriate revenue basis is regained. Should the City be required to take action on more than one such noncompliance within a three-year period, the on-premises beer retailer/restaurant license shall be revoked for a period of not less than one year. The on-premises beer retailer/restaurant shall be required to report to the City on a quarterly basis the gross revenue from beer sales and gross revenue from all other sales and may be audited to determine compliance at any point.

(C) If any portion of relative code is not complied with, all City licenses for the premises may be revoked or suspended. [Ord. 11-08 § 1 (Exh. A); Code 1971 § 6-4-570.]

5.20.250 Brew restaurant.

(A) A brew restaurant license shall entitle the licensee to manufacture and sell light beer for consumption on the retailer's premises and to all of the privileges granted by local ordinances to the holder of a brew restaurant retailer license and in accordance with the Alcoholic Beverage Control Act.

(B) Beer sales may not exceed 40 percent of total sales. If the gross sales of the business enterprise during any quarter of a calendar year develop so that the primary revenue resource becomes beer, the brew restaurant license shall be automatically suspended until the appropriate revenue basis is regained. Should the City be required to take action on more than one such noncompliance within a three-year period, the brew restaurant license shall be revoked for a period of not less than one year. The brew restaurant shall be required to report to the City on a quarterly basis the gross revenue from beer sales and gross revenue from all other sales and may be audited to determine compliance at any point.

(C) If any portion of an applicable code is not complied with, all City licenses for the premises may be revoked or suspended. [Ord. 11-08 § 1 (Exh. A); Code 1971 § 6-4-580.]

5.20.260 On-premises beer retailer/tavern.

The City shall not grant any license for an on-premises beer retailer/tavern. [Ord. 11-08 § 1 (Exh. A); Code 1971 § 6-4-590.]

5.20.270 Off-premises beer retailer.

(A) An off-premises beer retailer license shall entitle licensee to sell beer on the licensed premises in original containers for consumption off the premises in accordance with state and local law.

(B) Off-premises beer retailer licenses shall be granted only to those applicants whose business enterprise at the proposed location is one which would typically be classified as primarily a grocery or convenience store and which sells a variety of food items and other items typically found in a grocery store. Beer sales shall not exceed 40 percent of the total revenue for any off-premises beer retailer. If the gross sales of the business enterprise during any quarter of a calendar year develop so that the primary revenue resource becomes beer, the off- premises beer retailer license shall be automatically suspended until the appropriate revenue basis is regained. Should the City be required to take action on more than one such noncompliance within a three-year period, the off-premises beer retailer license shall be revoked for a period of not less than one year. The off-premises beer retailer shall be required to report to the City on a quarterly basis the gross revenue from beer sales and gross revenue from all other sales and may be audited to determine compliance at any point.

(C) Off-premises beer retailers must post a clearly visible sign approved by the City Business License Division, no less than one square foot in size, which warns customers of the penalty consequent to the sale or distribution of alcoholic beverages to minors (persons under 21 years of age). [Ord. 11-08 § 1 (Exh. A); Code 1971 § 6-4-595.]

Article VI. Beer Wholesaling License Local Consents

5.20.280 Local consent for beer wholesaling license.

(A) The City may grant local consent to state beer wholesaling licenses for businesses which are located in this City. Beer wholesaling license issuance shall be determined by the DABC and shall entitle the licensee to only those privileges they may have by virtue of having been issued a state license and shall thereafter exercise the privileges granted them under the UABC only as they are in harmony with the state license(s) issued and with City Code. Such local consent will not be granted until the applicant has met all applicable City and state requirements.

(B) A person may not wholesale beer unless a beer wholesaling local consent has been issued by the City and any appropriate license has been issued by the state and federal governments. A separate consent is required for each beer wholesale location. A separate business license is required for each business name used. One business name (DBA) may be used for each premises and the most appropriate City alcoholic beverage license may be applied for on behalf of each premises. The applicant shall not misrepresent either the boundaries of the premises, the ownership of the business operation, the type of business conducted nor the business name(s) used. Violation of this subsection is a Class B misdemeanor.

(C) The City may prescribe by policy, directive, or rule, consistent with this chapter, the general operational requirements of consentees relating to:

(1) Physical facilities;

(2) Other matters considered appropriate by the City as they are allowed by state law.

(D) Violation of this section is a Class B misdemeanor. [Ord. 11-08 § 1 (Exh. A); Code 1971 § 6-4-600.]

5.20.290 Application and renewal requirements.

(A) Each person seeking a beer wholesaling local consent under this chapter shall file a written application with the City, in a form prescribed by the City. It shall be accompanied by:

- (1) A nonrefundable application fee in an amount as set forth in the City's consolidated fee schedule;
- (2) A statement of the purpose for which the applicant has applied for the consent to a beer wholesaling license;
- (3) A signed consent form granting an irrevocable license to the City permitting any authorized representative of the City or any Law Enforcement Officer unrestricted right to enter and inspect the premises; and
- (4) Any other documents and evidence the City may require by rule or policy to allow complete evaluation of the application.

(B) Each application shall be signed and verified by oath or affirmation by an executive officer or any person specifically authorized by the corporation or association to sign the application, to which shall be attached written evidence of said authority.

(C) Prior to operating under the authority of this chapter, each approved applicant must obtain and provide to the Business License Administrator proof of:

- (1) Respective state licensure immediately upon state approval (not more than one year from approval of the original local consent);
- (2) A surety compliance bond in the amount of \$5,000;
- (3) Respective federal licensure immediately upon federal approval.

(D) All City beer wholesaling consents expire on December 31st of each year. Persons desiring to renew their consent shall submit a renewal fee and a completed renewal application to the City no later than October 31st of the year the consent expires. Failure to meet the renewal requirements results in an automatic forfeiture of the consent effective on the date the existing consent expires. Renewal applications shall be in a form prescribed by the City and shall be accompanied by:

- (1) Proof of a surety compliance bond in the amount of \$5,000;
- (2) The consent renewal fee; and
- (3) Copies of current state and federal licenses.

(E) If any consentee does not immediately notify the City of any change in ownership of the business, or, in the case of a Utah corporate owner, of any change in the corporate officers or directors, the City may suspend or revoke that consent. [Ord. 11-08 § 1 (Exh. A); Code 1971 § 6-4-610.]

5.20.300 Duties of the City before granting consents.

Before any beer wholesaling consent may be granted by the administrator, the City may conduct investigations and hold on-site inspections of the premises by license review authorities as directed by the administrator for the purpose of gathering information and making recommendations to the administrator as to whether or not local consent should be granted. This information shall be forwarded to the administrator to aid in the determination regarding local consent.

Reviews and inspections conducted by license review authorities include, but are not limited to:

(A) Conformance with all appropriate building codes, as inspected and verified by the Building Inspection Division of the Community Development Department;

(B) Police and criminal background check and clearance by the City Police Department;

(C) Zoning and planning review by the Community Development Department to address issues of locality, proximity, building design and conformance with relative code;

(D) Fire Department inspections of premises and determination of code compliance;

(E) Reviews and inspections by various health officers, including City and state representatives making determinations regarding hazardous waste, solid waste, environmental health, pretreatment requirements, and other health issues which may be presented;

(F) City review for state and federal identification of business, including identification of the business ownership and entity structure, employer's withholding account number, federal employer identification number, state sales and use tax number, workers' compensation insurance carrier policy number and expiration date, business name registration number, Utah corporate identification number or limited liability company identification number (when applicable), and proof of bonding with the City as the named insured;

(G) City review for complete information on the application, including the provision of:

(1) Authorized signature on the application and written evidence of such authority;

(2) Appropriate application and consent fees; and

(3) Any other documentation considered necessary to render a determination. [Ord. 11-08 § 1 (Exh. A); Code 1971 § 6-4-620.]

5.20.310 Qualifications.

If any person to whom a consent has been issued under this chapter no longer possesses the qualifications required by this chapter and Title 32B, Utah Code Annotated 1953, for obtaining that license, the Business License Administrator may suspend or revoke that consent. [Ord. 11-08 § 1 (Exh. A); Code 1971 § 6-4-630.]

5.20.320 Bond.

Beer wholesaling consentees shall acquire and maintain in force a surety compliance bond in the amount of \$5,000 prior to operating under the authority of the consent. Evidence of such bonding shall be provided to the City annually with each consent renewal submission. [Ord. 11-08 § 1 (Exh. A); Code 1971 § 6-4-640.]

5.20.330 Operational restrictions.

Each person granted a beer wholesaling consent shall conform to all the operational restrictions assigned by the UABC with the following amendment:

(A) Transfers will not be granted from one person, partnership or corporation to another person, partnership or corporation.

(B) There shall be no transfer of a beer wholesaling consent from one location to another without prior written approval of the administrator. Transfers may be granted for a change of location within the City by the original consentee, providing all qualifying conditions are met.

(C) Each separate location must be separately licensed.

(D) Each location with more than one type of operation, more than one business name, or more than one specific ownership must have a separate license/consent for each and must submit applications for licensure which includes diagrams depicting the boundaries of the premises for each as well as defining the distinctive operations. [Ord. 11-08 § 1 (Exh. A); Code 1971 § 6-4-650.]

Prior legislation: Ords. 02-07, 05-10, 06-26, 08-02 § 25 and 09-01.

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