

CHAPTER 2

ALCOHOLIC BEVERAGES

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3-2-1: **LICENSE REQUIRED TO SELL BEER:** It shall be unlawful for any person to engage in the business of the sale of beer at retail, in bottles, cans, or in original containers, or draft, within the corporate limits of the city without first having procured a license therefor from the city. 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. On premises beer retailers shall also be licensed by the state alcoholic beverage control commission (ABCC). All licensees shall comply with state law and the regulations of the ABCC, the laws and ordinances of the city, and all rules and regulations of the county health department relating to health matters. (11-8-2001, eff. 11-8-2001)

3-2-2: **CLASSIFICATION OF LICENSES:** Retail licenses issued by the city shall be of the following classes and carry the following privileges:

- A. Class A off premises beer retailer licenses shall entitle the licensee to sell beer on the licensed premises in the original container for consumption off the premises.
- B. Class B on premises beer retailer licenses shall entitle the licensee to sell beer on the licensed premises for consumption on the premises and to all of the privileges granted to the holder of an off premises beer retailer license. (11-8-2001, eff. 11-8-2001)

3-2-3: APPLICATION FOR LICENSE:

- A. **Verified Application:** All applications for licenses authorized by this chapter shall be verified and filed with the zoning administrator and shall state the applicant's name in full, that the applicant has complied with the requirements and possesses the qualifications specified in the state alcoholic beverage control act and if the applicant is a copartner, the names and addresses of all partners, and if a corporation or limited liability company, the names and addresses of all officers and directors of the corporation or members of the limited liability company, and must be subscribed by the applicant who must state under oath that the facts stated therein are true.
- B. **Distance To Church Or School:** Licenses shall not be granted to sell beer within five hundred feet (500') of any church or school.
- C. **Minors Prohibited From Obtaining License:** A minor shall not be granted a beer retailer license. (11-8-2001, eff. 11-8-2001)

3-2-4: FEE FOR LICENSE: Fees for each class of license shall accompany all applications and shall be in the amount as designated from time to time by resolution of the city council. (11-8-2001, eff. 11-8-2001)

3-2-5: RESTRICTIONS:

- A. **Advertising:** It shall be unlawful to advertise the sale of beer except under such regulations as are made by the state alcoholic beverage control commission (ABCC); and provided, that a simple designation that beer is sold may be placed in or upon the window or front of the licensed premises. (11-8-2001, eff. 11-8-2001)
- B. **Violations:** No licensee shall violate the terms of the license issued, nor, unless so licensed, shall the licensee sell beer for consumption on the premises, or permit any beer to be consumed on the premises. (11-8-2001, eff. 11-8-2001; amd. 2006 Code)
- C. **Lawful Purchases:** A beer retailer may not purchase, acquire, possess for the purpose of resale, or sell any beer except that which has been lawfully purchased from a wholesaler licensed under the alcoholic beverage control act or from a small brewer that

manufactured the beer. All purchases made of beer by any beer retailer from a licensed wholesaler shall be from that wholesaler who is authorized by the ABCC to sell beer in the geographical area in which the beer retailer is located, unless an alternate wholesaler is authorized by the commission to sell to the beer retailer.

- D. **Size Of Containers For Off Premises Consumption:** Beer may not be sold, provided or possessed for off premises consumption in containers larger than two (2) liters.
- E. **Sales By Minors:** A minor may not sell beer on the premises of an off premises beer retailer except under the supervision of an employer twenty one (21) years of age or older who is on the premises.
- F. **Malt Beverages:** If malt beverage coolers or malt liquor is sold by an off premises beer retailer, the off premises beer retailer shall display a sign at the location on the premises where malt beverages or malt liquor is sold stating: "Many malt beverages contain alcohol. Please read the label."
- G. **Compliance With State Laws:** On premises beer retailers shall comply with all the state beer retailer licenses provisions, Utah Code Annotated sections 32A-10-101 through 32A-10-206. (11-8-2001, eff. 11-8-2001)

3-2-6: TRAINING AND EDUCATION:

- A. **Required:** 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, within the city if such person operates an establishment which as part of its business serves alcoholic beverages, as defined in Utah Code Annotated section 32A-1-105, to the public for consumption on the premises, unless that person shall show by certificates granted by the alcoholic beverage control commission 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 Utah Code Annotated section 62A-15-401.
- B. **New Employees:** Every new employee hired after the licensee has been licensed in compliance with subsection A of this section, who is required to complete this seminar, shall complete the seminar within six (6) months of commencing employment. Violation of this section will result in revocation of the license granted under this chapter,

unless compliance with this section is completed within two (2) months of the time that licensee first became aware that such violation occurred.

- C. Penalty: Any person who violates any provision of this section is guilty of a class B misdemeanor and, upon conviction thereof, shall be subject to penalty as provided in section 1-4-1 of this code. (Ord., 9-1-1987; amd. 2006 Code)