

ORDINANCE NO. 2 13 1991

AN ORDINANCE AMENDING THE CITY CODE PERTAINING TO
ALCOHOLIC BEVERAGES

BE IT ORDAINED BY THE GOVERNING BODY AS FOLLOWS:

ARTICLE I

That the City Code pertaining to alcoholic beverages and liquor be repealed in its entirety.

ARTICLE II

That the City Code pertaining to alcoholic beverages shall provide as follows:

Section 1 - Definitions.

(1) "Alcoholic beverages" means "beer" and "liquor" as the terms are defined in this Section

(2) "Beer," "light beer," "malt liquor," or "malted beverages" means all products that contain 63/100 of 1% of alcohol by volume or ½ of 1% of alcohol by weight, but not more than 4% of alcohol by volume or 3.2% by weight, and are obtained by fermentation, infusion or decoction of any malted grain. Beer may or may not contain hops or other vegetable products.

(3) (a) "Beer retailer" means any business establishment engaged, primarily or incidentally, in the retail sale or distributing of beer to public patrons, whether for consumption on or off the establishment's premises, and that is licensed to sell beer by the City.

(b) "On-premise beer retailer" means any beer retailer engaged, primarily or incidentally, in the sale or distributing of beer to public patrons for consumption on the beer retailer's premises. It includes "taverns."

(c) "Off-premise beer retailer" means any beer retailer engaged, primarily or incidentally, in the sale or distributing of beer to public patrons for consumption off the premise.

(d) "Tavern" means any business establishment engaged

primarily in the retail sale or distributing of beer to public patrons for consumption on the establishment's premises and that it is licensed to sell beer under this Article. "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.

(4) "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.

(5) "Club" and "private club" mean any nonprofit corporation operating as a social club, recreational, fraternal or athletic association or kindred association organized primarily for the benefit of its stockholders or members.

(6) "Commission" means the Alcoholic Beverage Control Commission of the State of Utah.

(7) (a) "Liquor" means alcohol, or any alcoholic, spiritus, vinous, fermented, malt or other liquid or combination of liquids, a part of which is spiritus, vinous or fermented, and all other drinks or drinkable liquids that contain more than $\frac{1}{2}$ of 1% of alcohol by volume and is suitable to use for beverage purposes.

(b) "Liquor" does not include any beverage defined as a beer, malt liquor or malted beverage that has an alcohol content of less than 4% alcohol by volume.

(8) "Minor" means any person under the age of 21 years.

(9) "City" or "town" means this municipal corporation.

(10) "Person" means any individual, partnership, firm, corporation, association, business trust, or other form of business enterprise, including a 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.

(11) "Premises" means any building, enclosure, room or equipment used in connection with the sale, storage, service, manufacture, distribution or consumption of alcoholic beverages, unless otherwise defined in this Ordinance.

(12) "Restaurant" means any business establishment where a variety of foods is prepared and complete meals are served to the general public, located on a premises having adequate culinary fixtures for food preparation and dining accommodations, and that is engaged primarily in serving meals to the general public.

(13) "Retailer" means any person engaged in the sale or distribution of alcoholic beverages to the consumer.

(14) "Sell," "sale" and "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 Ordinance.

(15) (a) "School" means any building used primarily for the general education of minors.

(b) "School" does not include nursery schools, infant day care centers or trade or technical schools.

(16) The definitions of words and phrases contained in the State Alcoholic Beverage Control Act not specifically enumerated in this chapter are hereby adopted by reference.

Section 2 - General.

(1) The City may issue, grant, deny, suspend or revoke the following beer licenses for the retail sale of beer:

- (a) Off-premise beer retailer licenses.
- (b) On-premises restaurant beer retailer licenses.
- (c) On-premise private club beer retailer licenses.
- (d) On-premise tavern beer retailer licenses.
- (e) Single event permits.

Section 3 - Separate Business License Required

A beer retailer license may not be issued to a person or business that is not also licensed to do business in the City.

Section 4 - Transfer of License

There shall be no transfer of a beer retailer license from one location to another without prior written approval by the City.

Section 5 - License has No Property Value

A beer retailer license has no monetary value for the purpose of any type of disposition.

Section 6 - City Beer License Requires State Liquor License

An on premise beer retailer license is issued by the City only in conjunction with a State on premise liquor or beer license, except as specifically provided otherwise. During any period, a State liquor or beer license is not in effect for a given premise, whether by reason of suspension, revocation or any other reason, the City's on premise beer retailer license shall automatically cease to have any effect, notwithstanding the City may not have pursued any administrative action or criminal proceedings regarding the license. Upon presentation of written proof, the Commission has reinstated or otherwise re-validated the State liquor or beer license, the City beer retailer license shall be deemed to be valid and in full force and effect. Nothing in this subsection shall be construed to prohibit the City from enforcing State law or City ordinance, as allowed by law, regarding beer retailer sales and licensing in the City.

Section 7 - License Subject to Civil and Criminal Proceedings

A beer retailer license may be administratively suspended or revoked for any violation of this Chapter or any provision of the State Alcoholic Beverage Control Act committed on the licensed premises. Criminal conviction for the same violation(s) is not a prerequisite to the instigation of the civil administrative action regarding the beer license. Nothing in this Chapter shall be construed to restrict the discretion of the City to pursue any or all available civil and criminal proceedings against a beer retailer licensee, its employees and agents, for violations occurring on the licensed premises.

Section 8 - Display of Licenses

On-premise beer retailer licenses issued by the City and by the Department shall be conspicuously displayed in the licensed premises.

Section 9 - Licenses to Conform to City Zoning

The City may not grant a beer retailer license to sell beer in any area of the City not zoned for such use.

Section 10 - Licenses Issued in Name of Individual

All City beer licenses shall be issued only in the name of an individual who is acting as proprietor or who is acting in

behalf of a business entity which operates the licensed premises. Each specific premises shall require a separate license. The address of each premises shall be designated on each license.

Section 11 - General Qualifications

(1) (a) The City may not grant a beer retailer license to any person, if the person has been convicted of:

(i) a felony under any federal or state law;

(ii) any violation of any federal or state law or local ordinance concerning the possession, consumption, sale, manufacture, distribution, warehousing, adulteration or transportation of alcoholic beverages;

(i) any crime involving moral turpitude; or,

(ii) any crime involving controlled substances.

(b) In the case of a partnership or corporation, the proscription under subsection (a) applies if any partner, managing agent, officer, director or stockholder who holds at least 20% of the total issued and outstanding stock of an applicant corporation has been convicted of any offense as provided in this subsection.

(2) (a) If any beer retailer licensee or employee or agent of a beer retailer licensee is convicted on any offense designated in Subsection (1), the City may take administrative action to suspend or revoke the license according to the procedures and requirements of the City Code.

(b) In the case of a partnership or corporation that has been granted a beer retailer license, if any partner, managing agent, officer, director or stockholder who holds at least 20% of the total issued and outstanding stock of a corporation is convicted of any offense designated in Subsection (1), the City may take administrative action to suspend or revoke the license according to the procedures and requirements of the City Code.

(3) Upon the arrest of any beer retailer licensee, or any employee or agent working on the premises, on any charge set forth in Subsection (1), the City may take emergency action by immediately suspending the operation of the licensee according to the procedures and requirements of the City Code.

(4) (a) The City may not grant a beer retailer license to any person who has had any type of federal, state or local license, agency or permit regarding the possession, consumption, sale, manufacture, distribution, warehousing, adulteration or transportation of alcoholic beverages or controlled substances revoked within the previous three years.

(b) A corporation or partnership applicant may not be

granted a beer retailer license, if any partner, managing agent, officer, director or stockholder who holds at least 20% of the total issued and outstanding stock of the corporate applicant who has had any type of federal, state or local license, agency or permit regarding the possession, consumption, sale, manufacture, distribution, warehousing, adulteration or transportation of alcoholic beverages or controlled substances revoked within the previous three years.

(c) A person acting in an individual capacity may not be granted a beer retailer license, if that person was a partner or managing agent of a partnership or a managing agent, officer, director or stockholder who held at least 20% of the total issued and outstanding stock of a corporation that has any type of federal, state or local license, agency or permit regarding the possession, consumption, sale, manufacture, distribution, warehousing, adulteration or transportation of alcoholic beverages or controlled substances revoked within the previous three years.

(5) If a person to whom a beer retailer license has been issued, or his/her employee or agent working on the premises, no longer possesses the qualifications required by this Ordinance for obtaining that license, the City may suspend or revoke that license.

(6) No beer retailer license may be granted to a minor.

(7) An employee or agent shall at all times have the same qualifications as the holder of any license granted under the provisions of this Ordinance.

Section 12 - Distance Requirements

(1) Restaurant, private club or tavern on premise beer retailer licensee premises may not be established within five hundred (500) feet of any public or private school, church, public library, public playground or park, measured in a straight line from the nearest entrance of the proposed outlet to the nearest property boundary of the public or private school, church, public library, public playground or park.

(2) Restaurant, private club or tavern on premise beer retailer licensee premises may not be established within six hundred (600) feet of any public or private school, church, public library, public playground or park, 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 proposed boundary of the public or private school, church, public library, public playground, school playground or park.

(3) With respect to the establishment of restaurant,

private club or tavern licensee in any location, the City may, after giving full consideration to all the attending circumstances, following a public hearing in the City, reduce the proximity requirements in relationship to a church, if the local governing body of the church in question gives its written approval. If the Commission reduces the proximity requirement under State law, the applicant need not apply separately to the City for an exception.

Section 13 - Operating without a Beer Retailer License

(1) A person may not operate a restaurant, private club or on premise beer retailer license, or conduct any event open to the general public, that allows patrons, customers, members, guests, visitors or other persons to purchase or consume beer on the premise, except as provided by this Ordinance.

(2) A person may not sell, offer to sell or otherwise furnish or supply beer to the general public for off-premise consumption, except as provided by this Ordinance.

(3) A violation of this Ordinance is a Class B Misdemeanor.

Section 14

Public Beer Licenses/Restaurant On-Premise Beer License

(1) Before any restaurant may sell or allow the consumption of beer on its premises in the City, it shall first obtain a restaurant on premise beer license from the City, as provided in this Ordinance.

(2) The City may issue seasonal restaurant on premise beer licenses in areas and for periods it considers necessary. A seasonal restaurant on premise beer license may not be operated for a period longer than nine consecutive months, subject to the following restrictions:

(a) Licenses issued for operation during summertime periods are known as "Seasonal A" restaurant beer licenses. The period of operation for a "Seasonal A" restaurant beer license may begin as early as February 1 and may continue until October 31.

(b) Licenses issued for operation during wintertime periods are known as "Seasonal B" restaurant on premise beer licenses. The period of operation for a "Seasonal B" restaurant beer license may begin as early as September 1 and may continue until May 31.

Section 15 - Application and Renewal Requirements

(1) A person seeking a restaurant on premise beer retailer license, including application for renewal of a license, if previously issued, shall file a written application with the City setting forth the information required for a State restaurant liquor license in Section 32A-4-102 of the State Alcoholic Beverage Control Act, as amended. If the person has applied to the State for a restaurant liquor license, the person may submit a copy of the license application setting forth the required information in lieu of a separate written application to the City.

(2) The application shall be accompanied by:

(a) a non-refundable \$20.00 application fee.

(b) an initial license fee of \$50.00, if the person is not presently licensed as a beer retailer in the City.

(c) an annual license fee of \$50.00, if the person is seeking renewal of an existing restaurant on premise beer license.

(3) All restaurant on premise beer retailer licenses expire twelve (12) months from date of issue, provided that after January 1, 1991, if the licensee is also licensed by the State Commission for on premise liquor sale, the beer retailer license will expire on the same day the State liquor license for the premises expires. The City license officer shall give credit toward the new license fee, prorated on a monthly basis, to the licensee for any unused portion of the existing license term as of January 1, 1991.

Section 16 - Operational Restrictions

Restaurants

(1) Beer may not be sold except in connection with an order of food prepared, sold and served at the restaurant.

(2) Beer may not be sold, delivered or furnished to any:

(a) minor;

(b) person actually, apparently or obviously drunk;

(c) known habitual drunkard; or,

(d) known interdicted person.

(3) Beer may not be sold at discount prices on any date or at any time.

(4) Beer may be sold in open container, in any size not exceeding two liters, and on draft for on premise consumption.

(5) Beer may not be purchased by the licensee, or any employee or agent of the licensee, for patrons or guests of the restaurant.

(6) Beer purchased in a restaurant may not be served or consumed at any bar or similar structure.

(7) Beer purchased from the restaurant may not be removed from the restaurant premises.

(8) A restaurant beer retailer licensee, while on the licensed premises, or an employee or agent of the licensee while on duty, may not consume any alcoholic beverage or be under the influence of alcoholic beverages.

(9) Minors may not be employed by a restaurant on premise beer licensee to sell, dispense or serve beer to patrons or guests of the restaurant.

(10) Each restaurant on premise beer retailer licensee shall maintain an expense ledger showing in detail quarterly expenditures made separately for beer and food. Each expenditure shall be supported by delivery tickets, invoices, receipted bills, canceled checks, petty cash vouchers, or other sustaining data or memoranda. Falsification of such records is grounds for suspension or revocation of the license. The City may annually audit the licensee's compliance with this Subsection (10) and the licensee shall pay to the City an audit fee of \$50.00 within thirty (30) days of the completion of the audit and upon written billing from the City. Failure to pay the audit fee is grounds for suspension or revocation of the license.

Section 17 - Public Beer Licenses - Private Club On-Premise Beer Retailer License - License Required

Before any private club may sell or allow the consumption of beer on its premises in the City, it shall first obtain a private club on premise beer retailer license from the City, as provided in this Ordinance.

Section 18 - Application and Renewal - Fees - Duration

(1) A person seeking a private club on premise beer retailer license, including application for the renewal of a license, shall file a written application with the City setting forth the information required for a State private club liquor license in Section 2A-4-102 of the State Alcoholic Beverage Control Act. If the person has applied to the State for a private club liquor license, the person may submit a copy of that application setting forth the required information in lieu of a separate written application to the City.

(a) a non-refundable \$20.00 application fee.

(b) an initial license fee of \$50.00, if the person is not presently licensed as a beer retailer in the City.

(c) an annual license fee of \$50.00, if the person is seeking renewal of an existing on premise beer license.

(3) All private club on premise beer retailer licenses

expire twelve (12) months after the date of issue, provided that after January 1, 1991, if the licensee is also licensed by the State Commission for on premise liquor sale, the beer retailer license will expire the same day the State liquor license for the premises expires. The City license officer shall give credit toward the new license fee, prorated on a monthly basis, to the licensee for any unused portion of the existing license term as of January 1, 1991.

(4) Private club on premise beer retailer licenses may be issued in the name of an officer or director of the corporate applicant.

Section 19 - Operational Restrictions - Private Clubs

Each corporation or association granted a private club on-premise beer retailer license and its employees, officers, managing agent and members shall abide by the following conditions and requirements.

Failure to comply may result in a suspension or revocation of the license.

(1) A private club on premise beer retailer license and its employees, officers and managing agent may not sell or dispense or otherwise provide beer to any person on the premises, unless that person is a club member, guest or visitor properly on the premises, as defined and regulated in Section 32A-5-107, as amended, of the State Alcoholic Beverage Control Act.

(2) Beer may be sold in open containers in any size not exceeding two liters and on draft for consumption on the premises. (3) Minors may not be employed by any club inside any premises.

(4) An officer, director, managing agent, employee and any other person employed by or acting on behalf of any licensee, may not sell, deliver or furnish, or cause or permit to be sold, delivered or furnished, any beer to any:

- (a) minor;
- (b) person actually, apparently or obviously drunk;
- (c) known habitual drunkard; or,
- (d) known interdicted person.

(5) Beer may not be consumed on the premises of a private club on premise beer retailer, nor may licensed premises remain open for business:

- (a) after 1:00 a.m. and before 10:00 a.m.; and
- (b) on Sunday and any state or federal legal holiday after 12:00 midnight and before 12:00 noon.

(6) Beer may not be sold at discount prices on any date or at any time.

(7) Private club on premise beer retailers may not conduct any event or promotion intended or having the effect of encouraging the consumption of beer. Such events include, without limitation, "happy hour," "two for one" offers, and similar promotional events.

(8) A member, guest or visitor to a club may not carry from a club premises an open container used primarily for drinking purposes containing beer. (9) An employee of a licensee, while on duty, may not consume any alcoholic beverage or be under the influence of an alcoholic beverage.

Section 20 - Tavern On-Premise Beer Retailer

License (I) License Required

Before any tavern may sell or allow the consumption of beer on its premises in the City, it shall first obtain a tavern on premise beer retailer license from the City, as provided in this Ordinance.

(2) Application and Renewal - Fees - Duration

(a) Effective February 13, 1991, a person seeking a tavern on premise beer retailer license or renewal of the license shall file a written application with the City setting forth the information required in Section 32A-10-202, as amended, of the State Alcoholic Beverage Control Act. A copy of the person's application for an on premise beer license from the State may be submitted in lieu of a separate written application to the City.

(b) The application shall be accompanied by:

(i) a non-refundable \$20.00 application fee.

(ii) an initial license fee of \$50.00, if the person is not presently licensed as a beer retailer in the City.

(iii) an annual license fee of \$50.00, if the person is seeking renewal of an existing on premise beer license.

(3) All tavern on premise beer retailer licenses expire on the last day of June of each year.

Section 21 - Operational Restrictions - Taverns

Each person granted a tavern on premise beer retailer license and the employees and management personnel of the tavern on premise beer retailer licensee shall abide by the following conditions and requirements. Failure to comply may result in a suspension or revocation of the license.

(1) Tavern on premise beer retailer licensees may sell beer in open containers, in any size not exceeding two liters, and on draft, for consumption on the premises.

(2) A patron or guest may only make purchases in the tavern from a server designated by the licensee and trained in a

program approved by the State Department of Alcoholic Beverage Control.

(3) Beer may not be consumed on the premises of a tavern on premise beer retailer licensee after 1:00 a.m. and before 10:00 a.m., nor may a tavern remain open for business after 1:00 a.m. and before 10:00 a.m.

(4) Beer may not be sold, delivered or furnished to any: (a) minor; (b) person actually, apparently or obviously drunk; (c) known habitual drunkard; or, (d) known interdicted person.

(5) Beer purchased from a tavern on premise beer retailer may not be removed from the licensed premises.

(6) Minors may not be employed by-or be on the premises of a tavern.

(7) An employee of a licensee, while on duty, may not consume an alcoholic beverage or be under the influence of alcoholic beverages.

(8) Tavern premises shall be illuminated during business hours a minimum of one candle-power measured at a level five feet above the floor.

(9) Beer may not be sold at discount prices on any date or at any time.

(10) Tavern on premise beer retailers may not conduct any event or promotion intended or having the effect of encouraging the consumption of beer. Such events include, without limitation, "happy hour," "two for one" offers, and similar promotional events.

Section 22 - Number of Tavern Licenses Authorized - Legislative Finding

(1) The governing body of the City finds that taverns located in the City create a substantial law enforcement burden upon the City police department and that in recent years there has been a growing concern on the part of public officials and residents of the City regarding the number of taverns and their effect on the public health, safety and welfare of the residents of the City.

(2) The total number of taverns licensed by the City may not exceed two (2).

(3) If the number of previously issued tavern on premise

beer retailer licenses exceeds the restricted number:

(a) a tavern on premise beer retailer license issued prior to the effective date of this Ordinance shall be valid, and licensee may apply for renewal of the license, subject to the requirements of this Ordinance.

(b) if a tavern on premise beer retailer licensee sells a tavern business and the purchaser desires to conduct a tavern business on the premises, the purchaser may apply for a tavern on premise beer retailer license, notwithstanding the restriction on the number of such licenses in Subsection (2). The applicant shall be subject to all the licensing requirements of this Ordinance, and the fact that the person is acquiring an ongoing tavern business or has changed economic position anticipating the issuance of a license, shall not be relevant in the application and/or licensing process. The intent of the governing body is to avoid penalizing a tavern licensee who has operated a tavern lawfully in the City and desires to sell that business. It is not intended that the purchaser be presumptively entitled to a tavern on premise beer retailer license.

(c) Nothing in this subsection shall be construed to mean any tavern on premise beer retailer license is transferrable or has monetary value.

Section 23 - Single Event On-Premise Beer License (1) City's Power to Grant - Limitations

(a) The City may issue a single event on premise beer license to a bona fide incorporated association, corporation, church or political organization, or to a recognized subordinate lodge, chapter or other local unit thereof that is conducting a convention, civil or community enterprise.

(b) The single event permit shall authorize, for a period not to exceed 72 consecutive hours, the storage, sale, service and consumption of beer at an event at which the storage, sale, service or consumption of beer is otherwise prohibited by this Ordinance.

(c) The City may not issue more than two single event permits in anyone calendar year to the same association, corporation, church or political organization or subordinate lodge, chapter or other local unit thereof.

(d) The City may consider the proximity of any educational, religious or recreational facility, or any other relevant factor, in deciding whether to grant a single event permit.

(2) Application Requirements

(a) An applicant for a single event permit shall file a written application with the City in a form as the City shall prescribe. The application shall be accompanied by:

A single event license fee of \$10.00, which is refundable, if a permit is not granted;

(ii) A description of the times, dates, location, nature and purpose of the event, and a statement:

(iii) A description of the areas in which the applicant proposes beer be stored, sold or dispensed, and consumed.

(3) Operational Restrictions

(a) Beer may not be sold, served or consumed in any places other than as described in the license.

(b) Minors may not sell, serve, dispense or in any way handle any alcoholic beverage at the event.

(c) Beer may not be sold, served, delivered or furnished to any:

(i) minor;

(ii) person actually, apparently or obviously drunk;

(iii) known habitual drunkard; or,

(iv) known interdicted person.

(d) Public advertising of any event may not include reference to the availability of any alcoholic beverage at the event.

(e) Beer may not be sold, served or consumed after 1:00 a.m. and before 10:00 a.m. at the event. Pursuant to Section 32A-7-106(2)(i),UCA (1953), as amended, liquor may not be sold, served or consumed under a State-issued single event liquor license in the City after 1:00 a.m. and before 10:00 a.m.

(f) Attendees at the event may not bring any alcoholic beverage other than that furnished by the permittee onto the premises of the event.

Section 24 - Off-Premise Beer Retailer License Required

(1) License Required

Before any person may sell, offer to sell, or otherwise furnish or supply beer to the general public for off-premise consumption, an off-premise beer license must first be obtained from the City.

(2) Application and Renewal Requirements

(a) A person seeking an off-premise beer retailer license, including application for renewal of a license, if previously issued, shall file a written application in a form as provided by the City.

(b) The application shall be accompanied by:

(i) a non-refundable \$20.00 application fee.
(ii) an initial license fee of \$50.00, if the person is not presently licensed as a beer retailer in the City.

(iii) an annual license fee of \$50.00, if the person is seeking renewal of an existing off-premise beer license. (c) All off-premise beer retailer licenses expire twelve (12) months after the date of issue.

(3) Operational Restrictions - Off-Premise Beer Retailers (a) No alcoholic beverage may be consumed on the licensed premises.

(b) Beer may not be sold, provided or possessed for off-premise consumption in containers larger than two liters.

(c) A minor may not sell beer on the premises of an off-premise beer retailer except under the supervision of a person 21 years of age or older who is on the premises.

(d) Beer may not be sold or offered for sale after 1:00 a.m. and before 6:00 a.m.

(e) Beer may not be sold, delivered or furnished to any:

(i) minor;

(ii) person actually, apparently or obviously drunk;

(iii) known habitual drunkard; or,

(iv) known interdicted person.

(f) No person may bring any alcoholic beverage onto the premises for on premise consumption.

(g) If malt beverages or malt liquor are sold by a beer retailer for off-premise consumption, the beer retailer shall display a sign at the location on the premises where the malt beverages or malt liquor are sold stating:

"Malt beverages and malt liquor are alcoholic beverages." A violation of this subsection is an infraction.

(4) Distance from Church or School

(a) An off-premise beer retailer license may not be granted for premises located within two hundred (200) feet of any church or school.

The 200-foot requirement is measured by a straight line from the nearest entrance of the proposed licensed retailer to the nearest property boundary of the church or school. The City may, after giving full consideration to all the attending circumstances, following a public hearing in the City, reduce the proximity requirements in relation to a church, if the local governing body of the church in question gives its written approval.

Section 25 - Criminal Offenses

(1) General Provisions

Sections 32A-12-101 through 32A-12-103, Utah Code Annotated (1953), as amended, regarding the applicability of the Utah Criminal Code, special burdens of proof, inferences and presumptions, and criminal responsibility of conduct of another, shall govern the prosecution by the City of an offense defined in this Ordinance or in any proceeding brought to enforce this Ordinance.

(2) Violation of Ordinance a Misdemeanor

Any person who violates this Ordinance is guilty of a Class B Misdemeanor, unless otherwise provided in this Ordinance or by State law.

Passed, adopted

Castle Dale City this 13th day of February 1991.
and ordered posted by the City Council of
13th day of February 1991.

CASTLE DALE CITY,
a municipal corporation