

CHAPTER 9-400. LICENSING AND REGULATING SPECIFIC BUSINESSES.

PART 9-410. INTOXICANTS.

9-411. LICENSE TO SELL BEER AT RETAIL.

- A. It shall be a class B misdemeanor for any person to engage in the business of selling light beer at retail, in bottles or draft, without first having procured a license therefor from the governing body and paid the license fee required by this part.
- B. It shall be a class B misdemeanor for any person to sell beer after the revocation of the license issued pursuant to this part.
- C. 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 Utah Liquor Control Act and the regulations of the Liquor Control Commission.

9-412. DEFINITIONS. The words and phrases used in this part shall have the meanings specified in the Utah Liquor Control Act unless a different meaning is clearly evident.

9-413. RETAIL LICENSES. Retail licenses issued hereunder shall be of the following three kinds and shall carry the following privileges and be known as class "A," class "B," class "C," and "seasonal licenses."

- A. Class "A" retail licenses shall entitle the licensee to sell beer on the premises licensed in original containers for consumption off the premises in accordance with the Utah Liquor Control Act and the ordinances of this municipality.
- B. Class "B" retail licenses shall entitle the licensee to sell beer in the original containers on the premises for consumption on or off the premises in accordance with the Utah Liquor Control Act and the ordinances of this municipality.
- C. Class "C" licenses for retail shall entitle the licensee to sell draft beer for consumption on or off the premises and to sell beer in accordance with the Utah Liquor Control Act and the ordinances of this municipality.
- D. "Seasonal licenses" of any class may be issued for a period of time not to exceed one year which period shall be determined by the governing body.

9-414. BEER LICENSE FEES. In addition to any other business license fee which any person or place of business may be required to pay, there is hereby imposed on the business location of every person engaged in the sale or dispensing of beer the following annual license fees:

Class "A" Beer License	\$ _____
Class "B" Beer License	\$ _____
Class "C" Beer License	\$ _____
Seasonal Beer License	\$ _____

For each 30-day period
or fraction thereof.

9-415. LICENSE FEES TO ACCOMPANY APPLICATION. Applications provided for in this part shall be accompanied by the fees provided in this part. The fee shall be returned to the applicant if the application is denied.

9-416. PURCHASE OF BEER FOR RESALE. It is a class B misdemeanor for any licensee to purchase or acquire or to have or possess for the purpose of sale or distribution any beer except that which he shall have lawfully purchased from a brewer or wholesaler licensed under the provisions of the Utah Liquor Control Act.

9-417. APPLICATION FOR LICENSE.

- A. All applications for licenses authorized by this part shall be verified and shall be filed with the recorder/clerk. The applications must state the applicant's name in full and that he understands and has read and complied with the requirements and possesses the qualifications specified in the Liquor Control Act and this part. If the applicant is a copartnership, the names and addresses of all partners, and if a corporation, the names and addresses of all officers and directors, must be stated.
- B. The application must be subscribed by the applicant who shall state under oath that the facts therein contained are true.

9-418. APPLICATIONS REFEREED TO CHIEF OF POLICE. All applications filed in accordance with the provisions of this part shall be referred to the chief of police for inspection and report. The chief of police shall when possible within 20 days after receiving such application make report to the governing body of the general reputation and character of the persons who habitually frequent such place; the nature and kind of business conducted at such place by the applicant or by any other person or by the applicant at any other place; whether the place is or has been conducted in a lawful, quiet and orderly manner; the nature and kind of entertainment, if any at such place; whether gambling is or has been permitted on the premises or by the applicant at any other place; and the proximity of such premises to any school or church. The chief of police shall also add to such report his recommendation as to whether or not the application should be granted.

9-419. RENEWALS. All applications for renewal licenses filed by the holders of existing licenses shall be filed with the recorder/clerk at least thirty days prior to the expiration date of the then issued license. Any person who fails to file such application within the time limit shall close his licensed premises on the expiration date of the then issued license and shall keep the premises closed for any and all business for the sale of beer until the date of his new license is issued by the governing body.

9-420. QUALIFICATIONS. No license shall be granted to any retailer to sell light beer within the municipality unless he shall be of good moral character, over the age of twenty-one years, and a citizen of the United States, or to any one who has been convicted of a felony or of any violation of any law of the state of Utah or provision of the ordinances of this municipality relating to intoxicating liquors, or of keeping a gambling or disorderly house, or who has pleaded guilty to or has forfeited his bail on a charge of having committed a felony or of having violated any such law or ordinance, or to any partnership, any member of which lacks any of the qualifications set forth in this section, or to any corporation, of which any director or officer lacks any such qualifications.

9-421. BOND REQUIRED. No license required by this part shall be granted by the governing body until the applicant shall have filed with the recorder/clerk a bond in a sum and as required by Section 32-4-4, Utah Code Annotated, 1953. The bond shall be made in favor of this municipality.

9-422. DEPARTMENT OF HEALTH PERMIT. No license under this part shall be issued until the applicant therefor shall have first procured from the department of health of the municipality a permit which shall show that the premises to be licensed are in a sanitary condition and that the equipment used in the storage, distribution or sale of light beer complies with all the health regulations of this municipality and the state of Utah.

9-423. TRANSFER OF LICENSE. Licenses issued pursuant to this part shall not be transferrable, and if revoked by the governing body, the fee paid by the licensee to the municipality for the license shall be forfeited to the municipality.

9-424. RESTRICTIONS.

- A. The licensee having a class "C" or seasonal license shall not permit the licensed premises where beer is sold to remain open to patrons between the hours of 12:00 o'clock p.m. and 6:00 o'clock a.m., except on the day following Friday and Saturday when the premises may remain open until 12:00 o'clock p.m. The licensee shall remove or cause to be removed from the licensed premises all patrons within 30 minutes following the closing time above stated.
- B. The number of class "C" licenses issued by the municipality shall not exceed one in any one license year, provided that this section shall not reduce the number of holders of licenses now issued by the municipality and that in the event this section affects the right of any person to continue in business by reason of the annexation of that person's property into the municipality, the governing body may authorize a class "C" or seasonal license to be issued to such person in addition to the number of licenses permitted by this section.
- C. No Class "C" or seasonal license shall be issued to any person to sell beer where the licensed premises would be located within 100 yards of a church or within 100 yards of a school.

9-425. SUNDAY SALES PROHIBITED. It shall be unlawful for any person having a license for the sale of beer to sell, barter, distribute, give away, exchange, dispense, or serve beer on the first day of the week commonly known as "Sunday."

9-426. INSPECTION.

- A. All licensed premises shall be subject to inspection by any officer, agent, or peace officer of the municipality or the liquor control commission, or the state board of health, and every licensee shall, at the request of the board of health furnish to it samples of beer which he shall have for sale.
- B. Any license granted pursuant to this part may be revoked on a finding by the governing body that the licensee has had ten days or more notice from the board of health that the licensee is violating one or more health ordinances, rules or regulations of this municipality or of the Utah Division of Health and has failed to comply with such health ordinance, rule or regulation.
- C. The governing body may direct the chief of police to close down any business licensed under this part where the board of health has determined that continued operation of the business presents an imminent danger to the health of the community or persons who may eat or drink at the business.