REFERENDUM PETITION

To the Honorable Stephannie Cottle, City Recorder:

We, the undersigned citizens of Utah, respectfully order that O-2024-02 (Municipal Code Related to Regulation of Alcohol Sales) passed by the Highland City Council be referred to the voters for their approval or rejection at the regular/municipal general election to be held on November 5, 2024, or at another election, as allowed by Utah State Law.

Each signer says:

- I have personally signed this referendum petition;
- The date next to my signature correctly reflects the date that I actually signed the petition;
- I have personally reviewed the entire statement included with this packet;
- I am registered to vote in Utah; and
- My residence and post office address are written correctly after my name.

Proposition Information Pamphlet

Pursuant to Utah Code 20A-7-401.5 this proposition information pamphlet is being distributed in conjunction with a proposed referendum O-2024-02 (Municipal Code Related to Alcohol Sales) filed on January 23, 2024 with Highland City. The pamphlet includes the following:

1. A copy of the referendum application (pages 2-20)
2. An argument in favor of the referendum petition, provided by the Sponsors of the referendum (page 21)
3. An argument against the referendum petition, provided by a majority of the members of the Highland City Legislative body (page 22)
4. A copy of the Fiscal and Legal Impact statement provided by the Highland City Attorney and the Highland City Finance Officer (page 23)

REFERENDUM APPLICATION

To the Highland City Recorder:

We, the undersigned citizens and registered voters of Highland, Utah, respectfully apply to circulate a referendum petition, pursuant to Utah Code, Title 20A, Chapter 7, Section 602.

The decision being challenged is the local law for liquor sales in Highland (see approved motion and votes below, as well as the attached exhibits).

Whereas, on January 16, 2024, the Highland City Council approved changes to allow sale of liquor in Highland pursuant to Ordinance No: O-2024-02, this referendum petition is to allow the citizens to decide if such a significant change to our city ordinances and community standards is warranted, or even desired by a true voting majority. We believe that a majority of Highland residents do not desire liquor sales in Highland. We certify that we are not being compensated in any way to sponsor this referendum, nor will any persons gathering signatures.

O-2024-02 (MUNICIPAL CODE RELATED TO REGULATION OF ALCOHOL SALES)

Council Member Brittney P. Bills MOVED that the City Council adopt the Ordinance and proposed amendments to the municipal code related to alcohol sales, and allow full service restaurants, with the following changes and restrictions:

- *4 total license limit city-wide, and no more than 2 licenses issued per zone*
- *Limited service and full-service licenses are to be defined by current State Law, not future State Law*
- *Licenses permitted only within the city commercial center, consisting of commercial property within the C-1, CR, Towne Center Commercial Retail, and Apple Creek Planned Development Zoning districts*
- *No alcohol sales after 10:00pm*
- *No alcohol can be removed from the premises*
- *No manufacturing, distilling, or brewing of alcohol*
- *All other State restrictions and other restrictions described in the ordinance as of 1/16/2024 will apply*

Council Member Doug Cortney SECONDED the motion.

The vote was recorded as follows:

Council Member Brittney P. Bills	*Yes*
Council Member Ron Campbell	*Yes*
Council Member Doug Cortney	*Yes*
Council Member Kim Rodela	*No*
Council Member Scott L. Smith	*No*

The motion passed 3:2

Attachments:
Exhibit A: Signed and executed Ordinance O-2024-02
Exhibit B: Notarized Sponsor Acknowledgment Pages
Exhibit C: Notarized Sponsor Statements

Exhibit A

ORDINANCE NO: O-2024-02

AN ORDINANCE AMENDING CERTAIN PROVISIONS OF THE HIGHLAND CITY MUNICIPAL CODE RELATED TO COMMERCIAL REGULATION OF ALCOHOL SALES

WHEREAS, all due and proper notices of public hearings and public meetings on this Ordinance held before the Highland City Council (the "City Council") were given in the time, form, substance, and manner required by law; and

WHEREAS, the City Council held a public hearing on this Ordinance on August 1, 2023; and

WHEREAS, the City is authorized pursuant to the Utah Alcoholic Beverage Control Act, Title 32B of the Utah Code, including sections 32B-1-204 and 32B-7-201, to regulate the sale, offer for sale, furnishing, or consumption of alcoholic products and to tax, regulate, license, and/or prohibit the retail sale of beer; and

WHEREAS, the City Council desires to authorize and regulate certain on-premise retail sales of certain alcoholic beverages and to prohibit all other types or forms of on-premise or off-premise sales, distribution, offers for sale, or other commercial transactions of alcoholic beverages; and

WHEREAS, the City Council finds that it will be in interest of Highland City and its residents, and will provide for the general welfare, prosperity, and benefit of Highland residents, to adopt this Ordinance;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF HIGHLAND, UTAH, as follows:

Section 1. Highland City Municipal Code, Title 5, Chapter 12, is amended as follows:

Chapter 5.12 ALCOHOLIC BEVERAGES

5.12.010 Adoption Of Alcoholic Beverages Control Act
5.12.020 ~~Beer~~ Alcohol Sales Generally
5.12.030 Authorization of Specific Alcohol Sales
5.12.040 Alcohol Licenses
5.12.050 Enforcement; Penalty

5.12.010 Adoption Of Alcoholic Beverages Control Act

The "Alcoholic Beverages Control Act" as contained in Title 32~~A~~B, Utah Code Annotated 1953, as amended ~~through 1997~~, is adopted and incorporated as part of this code. Where a citation, information or complaint is issued pursuant to the Alcoholic Beverage Control Act~~under Title 32A, Utah Code Annotated, 1953, as amended through 1997, as adopted in this section~~, it shall be sufficient to use the section number of the Utah Code to designate the section number of the city code which has been violated. Those portions of the Alcoholic Beverages Control Act, as adopted herein, referring to or dealing with felony, or punishments associated with felonies, and those portions of the above-referenced Utah Code provisions which are adopted as part of revised ordinances of the city dealing with Class "A" misdemeanors which are not subject to enforcement by the city or such other matters as can

apply only to the State of Utah and cannot reasonably apply to the city, are specifically excepted and are not part of this code. To the greatest extent possible, those portions of the Alcoholic Beverage Control Act referring to or dealing with felonies or Class "A" misdemeanors, and punishments associated therewith, that are reasonably applicable to the city, shall be enforced by the city, provided that such provisions and punishments shall be deemed to be incorporated as and enforced by the city as Class "B" misdemeanors.

5.12.020 Alcohol~~Beer~~ Sales Generally

A. ~~Pursuant to Utah Code 32A-10-101(1)(a)~~ The city ~~does~~ prohibits the retail sale of alcoholic beverages and alcoholic products~~beer~~ for both on and off premises consumption, except as specifically authorized by this chapter.

B. Any permitted sale, service, storage, use, consumption, manufacturing, advertisement, or other commercial activity related to alcoholic beverages and alcoholic products shall comply with the Utah Alcoholic Beverage Control Act, this chapter, all applicable land use and zoning regulations, and all other applicable city, county, state, and federal laws, ordinances, and regulations.

C. It shall be unlawful for any person to sell or manufacture an alcoholic beverage or alcoholic product unless the person has obtained all state licenses and permits as required by the Utah Alcoholic Beverage Control Act and has obtained a Highland City business license authorizing the commercial sale or consumption of alcoholic beverages and alcoholic products.

5.12.030 Authorization of Specific Alcohol Sales

A. The following types of sales and consumption of alcoholic beverages and alcoholic products may be authorized, if restaurant uses are permitted within the applicable zone, the person or business obtains all required approvals, licenses, and consents, and the person or business complies with all other requirements of this chapter:

1. Type A alcohol business license: Authorizes restaurants to sell beer, heavy beer, and wine. Such sales, including service charges and mixes for an alcoholic product, shall not constitute more than 30% of the licensee's total gross revenues. Type A alcohol licenses shall require the licensee to comply with all requirements applicable to a "Limited-Service Restaurant" as defined and regulated by the Utah State Alcoholic Beverage Control Act, Utah Code Title 32B, Chapter 6, Part 3, and related state laws and regulations, in effect as of January 16, 2024, in addition to all requirements of this chapter.

2. Type B alcohol business license: Authorizes restaurants to sell beer, heavy beer, wine, and liquor. Such sales, including service charges and mixes for an alcoholic product, shall not constitute more than 30% of the licensee's total gross revenues. Type B alcohol licenses shall require the licensee to comply with all requirements applicable to a "Full-Service Restaurant" as defined and regulated by the Utah State Alcoholic Beverage Control Act, Utah Code Title 32B, Chapter 6, Part 2, and related state laws and regulations, in effect as of January 16, 2024, in addition to all requirements of this chapter.

B. The issuance of a Type A or Type B restaurant license pursuant to this section shall not constitute authorization for the brewing, distilling, fermenting, or other manufacturing or creation of any alcoholic product. All such manufacturing is prohibited.

C. The retail sale of beer and other alcoholic beverages and alcoholic products for off-premises consumption is prohibited. Notwithstanding section 32B-5-307 of the Utah Code, as amended, or any other provision of state law, no retail licensee authorized herein may sell beer or any other alcoholic beverage or alcoholic product for off-premises consumption, nor may they permit any patron to remove any alcoholic beverage or alcoholic product from the licensed premises.

D. All other types of licenses, businesses, and commercial activity related to the sale, service, storage, use, consumption, manufacturing, brewing, or advertisement of alcoholic beverages and alcoholic products is prohibited, including but not limited to other licenses, manufacturers, warehousers, wholesalers, and retailers defined by the Utah Alcoholic Beverage Control Act, Utah Code Title 32B.

5.12.040 Alcohol Licenses

A. A person seeking a business license authorizing the commercial sale and consumption of alcohol shall apply for such license and shall provide all information necessary or required by this chapter, other Highland City business license regulations, and the Utah Alcoholic Beverage Control Act, including:

1. A description of the type of license or approval sought;

2. Documentation of compliance with the distance, spacing, and license number regulations required by this chapter;

3. Documentation of compliance with all applicable land use and zoning regulations, including conditional use permits, site plan approvals, building permits, and other inspections and approvals.

4. A statement that the person or business has not had any type of license, approval, or permit issued by any local authority or the state related to alcohol revoked, and that the person or business has not been convicted of violating any city, county, state, or federal law, ordinance, or regulation related to alcohol within the last five (5) years;

5. A statement that no partner, managing agent, officer, director, principal, or stockholder who holds at least twenty percent (20%) of the total issued and outstanding stock of the business, was a partner or managing agent of any partnership, or is or was a managing agent, officer, director or a stockholder who holds or held at least twenty percent (20%) of the total issued and outstanding stock of any corporation or other business entity that had a license, approval, or permit issued by any local authority or the state related to alcohol revoked within the last five (5) years;

6. Proof of the state's issuance of all required licenses or permits under the Utah Alcoholic Beverage Control Act for the business. If the person cannot obtain the state-required license or permit without first obtaining a Highland City business license, the city may, if all other requirements of approval are met, issue a business license to such person authorizing the commercial sale or consumption of alcohol, conditioned on the person providing documentation of the person's obtaining all required state-issued licenses and permits within thirty (30) days after the issuance of the city business license. If the person does not timely submit such documentation, the city business license shall be revoked immediately upon written notice to the person, without need for a hearing on such revocation.

7. Proof of compliance with all distance and spacing regulations under the Utah Alcoholic Beverage Control Act and this Chapter.

B. A licensee shall not sell any alcoholic beverage or alcoholic product after 10:00 pm and shall comply with all other business hour regulations adopted by the city.

C. Highland City shall issue no more than four (4) business licenses or other approvals for the commercial sale or consumption of alcohol at any time.

D. Business licenses or other approvals for the commercial sale or consumption of alcohol shall be issued only to businesses within the city commercial center, consisting of commercially zoned property within the C-1, CR, Town Center Commercial Retail, and Apple Creek Planned Development zoning districts, provided that no more than two (2) total licenses related to alcohol shall be issued to businesses within the same zoning district.

E. City business licenses for the commercial sale or consumption of alcohol are not transferrable, have no monetary value, are separate from all assets of the business, may not be pledged as security for any loan, note, or agreement, are neither tangible nor intangible property of the license holder, and may not be sold, assigned, exchanged, bartered, given, or disposed of in any way, except by being revoked by the city or relinquished by the holder of the licensed.

F. Notwithstanding subsection E, a city business license for the commercial sale or consumption of alcohol may be re-issued by the city to a person or entity that obtains ownership of the business entity to which the original business license was issued, if such person or entity is operating the same type of business, at the same location, and seeks the same license type, all other requirements of this chapter related to licenses are satisfied by the new person or entity, the current holder of the licenses provides notice to the city in advance of the change of ownership, and the requirements of the Utah Alcoholic Beverage Control Act related to change of ownership are satisfied.

5.12.050 Enforcement; Penalty

A. The violation of any provision of this chapter constitutes a class "B" misdemeanor.

Each and every transaction made in violation of this chapter, and each and every day that a violation continues, shall be deemed separate violations.

B. Violations of this chapter may be enforced through any remedy available at law or equity, including civil penalties and injunctive relief. The election of a civil remedy or injunction shall not preclude the city from seeking any other remedy or imposing criminal penalties, and vice versa.

C. The violation of any provision of this chapter, the Utah Alcoholic Beverages Control Act, any applicable land use and zoning regulation, or any other applicable city, county, state, and federal law, ordinance, or regulation related to the sale, service, storage, use, consumption, or advertisement of alcoholic beverages and alcoholic products shall be grounds for revocation of all local consents, city business licenses, and city land use permits or other approvals related to alcohol or the place of business.

D. Any person convicted of any violation of any city, county, state, or federal law, ordinance, or regulation related to the sale, service, storage, use, consumption, manufacturing, or advertisement of alcoholic beverages and alcoholic products shall be precluded from applying for, and shall not be entitled to obtain, any local consents, city business licenses, and city land use permits or other city approvals related to alcohol, and such person may not be a partner, managing agent, officer, director, principal, or stockholder who holds at least twenty percent (20%) of the total issued and outstanding stock of a business that applies for or seeks a local consent, city business license, city land use permits, or other city approval related to alcohol.

Section 2. A license fee of $300 is imposed for alcohol licenses, which fee is to be added to the City's consolidated fee schedule.

Section 3. All ordinances or provisions thereof in conflict with this Ordinance are hereby repealed to the extent of such conflict.

Section 4. This Ordinance shall take effect immediately upon its adoption and publication, in accordance with law.

PASSED and ADOPTED this 16th day of January, 2024

HIGHLAND CITY, UTAH

Kurt Ostler
Highland City Mayor

ATTEST:

Stephannie B. Cottle
City Recorder



COUNCIL MEMBER	YES	NO
Brittney P. Bills	☑	☐
Ron Campbell	☑	☐
Doug Cortney	☑	☐
Kim Rodela	☐	☑
Scott L. Smith	☐	☑

Exhibit B

Print Name: Elizabeth Ann Rice Signature: Elizabeth Ann Rice

Address: 6241 W 9680N Highland, Utah Email: lizzibeth@comcast.net

State of Utah }

County of Utah }

On this 23rd day of January, 2024, before me Stephannie B. Cottle

a notary public, personally appeared Elizabeth Ann Rice, proved on the basis of satisfactory evidence to be the person whose name is subscribed to this document and acknowledged s/he executed the same.

STEPHANNIE B COTTLE
NOTARY PUBLIC · STATE OF UTAH
My Commission Expires January 10, 2027
COMMISSION NUMBER 728682

Notary Signature (seal)

Print Name: Teri Taylor Jerman Signature: Teri Jerman

Address: 5055 Old Oak Lane Highland UT 84003 Email: teri@pinevalley.net 801-372-9035

State of Utah }

County of Utah }

On this 23 day of January, 2024, before me Stephannie B. Cottle

a notary public, personally appeared Teri Taylor Jerman, proved on the basis of satisfactory evidence to be the person whose name is subscribed to this document and acknowledged s/he executed the same.

STEPHANNIE B COTTLE
NOTARY PUBLIC · STATE OF UTAH
My Commission Expires January 10, 2027
COMMISSION NUMBER 728682

Notary Signature (seal)

Print Name: Paul Cyril Gillespie

Signature: Paul Gillespie

Address: 10848 North 6000 West
Highland, Utah 84003

Email: paul.c.gillespie@gmail.com

State of Utah }

County of Utah }

On this 23 day of January, 2024, before me ~~Paul Cyril Gillespie~~ Stephannie B. Cottle a notary public, personally appeared Paul Cyril Gillespie, proved on the basis of satisfactory evidence to be the person whose name is subscribed to this document and acknowledged s/he executed the same.

STEPHANNIE B COTTLE
NOTARY PUBLIC - STATE OF UTAH
My Commission Expires January 10, 2027
COMMISSION NUMBER 728682

Notary Signature (seal)

Print Name: Natalie Ball

Signature: Natalie Ball

Address: 6037 W. Dry Creek Road

Email: nataliebal1@hotmail.com

State of Utah }

County of Utah }

On this 23 day of January, 2024, before me Stephannie B Cottle a notary public, personally appeared Natalie Ball, proved on the basis of satisfactory evidence to be the person whose name is subscribed to this document and acknowledged s/he executed the same.

STEPHANNIE B COTTLE
NOTARY PUBLIC - STATE OF UTAH
My Commission Expires January 10, 2027
COMMISSION NUMBER 728682

Notary Signature (seal)

Print Name: Diane Andersen Beck

Signature: Diane Andersen Beck

Address: 4571 W Killarney Dr. Highland UT 84003

Email: dianebeck01@outlook.com

State of Utah }

County of Utah }

On this 23 day of January, 2024, before me Stephannie B. Cottle

a notary public, personally appeared Diane Andersen Beck, proved on the basis of satisfactory evidence to be the person whose name is subscribed to this document and acknowledged s/he executed the same.

STEPHANNIE B COTTLE
NOTARY PUBLIC · STATE OF UTAH
My Commission Expires January 10, 2027
COMMISSION NUMBER 728682

Notary Signature

(seal)

Print Name: DAVID MILOY BECK

Signature: David Miloy Beck

Address: 4571 W. KILLARNEY DRIVE HIGHLAND, UTAH 84003

Email: DIANEBECK01@OUTLOOK.COM

State of Utah }

County of Utah }

On this 23 day of January, 2024 before me Stephannie B Cottle

a notary public, personally appeared David Miloy Beck, proved on the basis of satisfactory evidence to be the person whose name is subscribed to this document and acknowledged s/he executed the same.

STEPHANNIE B COTTLE
NOTARY PUBLIC · STATE OF UTAH
My Commission Expires January 10, 2027
COMMISSION NUMBER 728682

Notary Signature

(seal)

Exhibit C

Sponsor Statement

I, Elizabeth Ann Rice, affirm that I am a registered voter in Highland City, Utah, and that I am not being paid for my participation in this referendum.

Elizabeth Ann Rice
Sponsor's Signature

6291 W9680 N
Resident Address

Highland, Ut 84003
City, State, Zip

801-615-1241
Phone Number

lizzibeth@comcast.net
Email

Subscribed and affirmed before me this 23rd day of January 2024.

Notary Signature

STEPHANNIE B COTTLE
NOTARY PUBLIC - STATE OF UTAH
My Commission Expires January 10, 2027
COMMISSION NUMBER 728682

State of UT
County of UT

Sponsor Statement

I, Natalie Ball, affirm that I am a registered voter in Highland City, Utah, and that I am not being paid for my participation in this referendum.

Natalie Ball
Sponsor's Signature

6037 W. Dry Creek Rd
Resident Address

Highland, UT 84003
City, State, Zip

805-415-0618
Phone Number

natalieball@hotmail.com
Email

Subscribed and affirmed before me this 23 day of January 2024.

Notary Signature

STEPHANNIE B COTTLE
NOTARY PUBLIC · STATE OF UTAH
My Commission Expires January 10, 2027
COMMISSION NUMBER 728682

State of UT
County of UT

07

Sponsor Statement

I, Teri Taylor Terman, affirm that I am a registered voter in Highland City, Utah, and that I am not being paid for my participation in this referendum.

Teri Terman
Sponsor's Signature

5055 Old Oak Lane
Resident Address

Highland Utah 84003
City, State, Zip

801-372-9035
Phone Number

teri@pinevalley.net
Email

Subscribed and affirmed before me this 23 day of January 2024.

Notary Signature

STEPHANNIE B COTTLE
NOTARY PUBLIC · STATE OF UTAH
My Commission Expires January 10, 2027
COMMISSION NUMBER 728682

State of UT
County of UT

Sponsor Statement

I, Paul Cyril Gillespie, affirm that I am a registered voter in Highland City, Utah, and that I am not being paid for my participation in this referendum.

Paul C Gillespie
Sponsor's Signature

10848 North 6000 West
Resident Address

Highland, Utah 84003
City, State, Zip

801 529-6358
Phone Number

paul.c.gillespie@gmail.com
Email

Subscribed and affirmed before me this 23 day of January 2024.

Notary Signature

STEPHANNIE B COTTLE
NOTARY PUBLIC · STATE OF UTAH
My Commission Expires January 10, 2027
COMMISSION NUMBER 728682

Sponsor Statement

I, Diane Andersen Beck, affirm that I am a registered voter in Highland City, Utah, and that I am not being paid for my participation in this referendum.

Diane Andersen Beck
Sponsor's Signature

4571 W Killarney Dr.
Resident Address

Highland, UT 84003
City, State, Zip

801-763-0883
Phone Number

dianebeck01@outlook.com
Email

Subscribed and affirmed before me this 23 day of January 2024.

Notary Signature

STEPHANNIE B COTTLE
NOTARY PUBLIC - STATE OF UTAH
My Commission Expires January 10, 2027
COMMISSION NUMBER 728682

State of UT
County of UT

Sponsor Statement

I, DAVID MILOY BECK, affirm that I am a registered voter in Highland City, Utah, and that I am not being paid for my participation in this referendum.

David Miloy Beck
Sponsor's Signature

4571 W. KILLARNEY DRIVE
Resident Address

HIGHLAND, UTAH 84003
City, State, Zip

801-763-0883
Phone Number

DIANEBECK01@OUTLOOK.COM
Email

Subscribed and affirmed before me this 23 day of January 2024.

Notary Signature

STEPHANNIE B COTTLE
NOTARY PUBLIC · STATE OF UTAH
My Commission Expires January 10, 2027
COMMISSION NUMBER 728682

State of UT
County of UT

Argument Provided by the Sponsors of the Referendum

The sponsors of this referendum wish to allow the REGISTERED VOTERS of Highland City to be heard.

It is our position that the city survey that was mailed out to each home in Highland was not verified as having been completed by REGISTERED VOTERS in Highland City. We also believe that the claim of 99% accuracy from a survey that garnered participation from a number of (unverified) individuals equivalent to roughly 25% of the 12,000+ registered voters in Highland, is statistically impossible.

Furthermore, the survey was mailed with no return envelope or return address, and included instructions to take the survey online, which assumed that all residents would know how to use separate devices to complete the survey for each person in their household.

Furthermore, allowing a developer to pay a nominal fee to apply to change city ordinances and codes to benefit himself financially is WRONG. The developer mailing out a clever marketing piece to arrive at the same time as the city surveys, with no clarification from the city about who sent the leaflet, and what the developer stood to gain financially from a positive survey result, is ALSO WRONG.

We've been told that changing our ordinances to support liquor sales is for our benefit, because it would bring in more tax money. **Yet the city verified that any commercial development in Highland only entitles us to .5% more than we would get from the tax pool system already in place**, which we currently receive roughly 75% of our annual budget from. This means that a business revenue of $1M annually would result in an additional $5K in sales taxes for Highland. The developer himself admitted that while a Chick-fil-A could bring in approximately $12M in annual sales, his revenue projections for the restaurants that he is marketing leases to is about $3M to $4M annually, which only translates to approximately $15-20K annually.

We believe it is gravely irresponsible to bring liquor sales to Highland, not knowing the actual cost/benefit analysis, including the need for increased police and emergency services, since the development in question sits on one of the most accident-prone intersections in Highland.

Despite the developer's clever marketing by mail and on social media, this is, in fact, HIS PRIVATE PROPERTY, and not the community center that he has misled the public to believe. Since he has misrepresented his history and connection to our community, we really can't trust that his motives are for anything but profit.

We are asking registered voters to sign this petition to help us get the issue of liquor sales on the ballot. **Issues that reshape our community, and affect our quality of life, should be in the hands of the registered voters and taxpayers of Highland**. We have learned from experience that developers are rarely around to experience the very real consequences of their builds; **including traffic and congestion, criminal activity, and tax increases to cover the subsequent increased law enforcement and emergency services costs.**

Argument Provided by a Majority of the Members of the Highland City Legislative Body

Vote NO on the referendum

The strictly regulated sale of alcohol will bring higher-end restaurants to Highland, recognize the value of personal choice, and maintain local control. With the responsible limits we've placed on alcohol sales, this is a good compromise for Highland. We urge you to vote "no" on the referendum.

Background

In 2023, MNG Development submitted plans for a commercial development near CVS. They also requested to allow alcohol sales in their development. Recognizing the need for residents' input before making this decision, the City Council conducted a city-wide survey, invited public comment, and spent months considering all points of view. The survey showed a clear majority of respondents were in favor of allowing tightly controlled alcohol sales in Highland.

With the survey results in mind, the Council approved two ordinances, making changes (1) to the zoning code, removing all references to alcohol sales, and (2) to our municipal code, allowing controlled alcohol sales at restaurants in our core commercial zones.

Benefits to Highland

Higher-end restaurants

In 2008, after a significant amount of public input, Highland City published a General Plan with a vision for the city's future. In this plan, residents expressed that full-service restaurants were their number-one commercial priority for the city. Since then, community surveys have consistently shown the same strong desire for higher-end, sit-down restaurants in Highland. These restaurants typically offer curated menus that include alcohol options to complement their food offerings. Highland has been unable to draw these types of restaurants with the alcohol prohibition in place. Allowing strictly regulated alcohol sales will make it possible to include some of these restaurants in the new development and fulfill the residents' desire for more upscale dining options.

Personal choice

A recurring theme that emerged from public comment and the recent alcohol survey is that Highlanders highly value personal choice and individual responsibility. By allowing residents to choose whether or not to consume alcohol while dining at higher-end Highland restaurants, we honor this value. Allowing full-service restaurant licenses furthers this value of personal choice — for residents and for business owners.

Responsible Limits and Local Control

We carefully crafted Highland City policy so that we, as Highlanders, have local control over how alcohol is served in our community. Rather than simply referring to state code, we created Highland City code that we can adapt to our needs without having to be reactive to state policy. Under our new ordinances, the following restrictions must be followed, addressing safety and quality-of-life concerns.

* Alcohol sold only in core commercial zones; no sales in residential neighborhoods
* Only 4 alcohol licenses across the city
* No alcohol sales after 10 pm
* No purchase for off-premise use (at a gas station or grocery)
* No bars, taverns, or commercial brewing
* No alcohol sales to someone who appears impaired
* Strict adherence to Department of Alcoholic Beverage Control regulations

This is good for Highland. We urge you to vote "no" on the referendum.

Initial Fiscal and Legal Impact Statement of Repealing Highland City Ordinance 0-2024-02 (Municipal Code Related to Alcohol Sales)

The fiscal impact and the potential loss or gain of tax and/or fee revenues from repealing Ordinance O-2024-02 is unknown because it is unknown how many businesses would choose to operate (and how successfully) under this Ordinance or under the prior alcohol regulations. In addition, it is unknown whether, and how many, alcohol licenses would be granted for Highland businesses from the Utah Department of Alcoholic Beverage Services.

On average, 75% of Highland City's monthly sales tax distribution is a result of the city's population and 25% is from taxable sales made within the city. The city also receives an annual distribution of beer tax funds which are passed on to the Lone Peak Public Safety District to be used for alcohol related law enforcement and crime prevention. The tax is assessed on beer manufacturers and distributors and the distribution is calculated using population, alcohol related crime conviction statistics, and the number of alcohol licensed outlets within the city.

Repealing the Ordinance will not:

- materially increase or decrease taxes;
- result in the issuance of, or a change in the status of, bonds, notes, or other debt instruments;
- materially result in costs or savings to state and local governments;
- impact any person's vested property rights; or
- result in significant legal liability to Highland City.

Repealing the Ordinance will reinstate the city-wide alcohol regulations that were in effect prior to January 16, 2024. This would have the following effects:

- The city-wide prohibition on the sale of beer for both on and off premises consumption would be reinstated; and
- Other types of alcohol sales or alcohol manufacturing would no longer be prohibited city-wide. Alcohol sales may be permitted based on zone specific alcohol regulations.

Referendum Petition for O-2024-02 (Municipal Code Related to Regulation of Alcohol Sales)

For Office Use Only	Registered Voters Printed Name (must be legible to be counted)	Signature of Registered Voter	Date Signed
	Street Address, City, Zip Code	Email Address (optional, to receive additional information)	Birth Date or Age (optional)

By signing this petition, you are stating that you have read and understand the law that this petition seeks to overturn.

For Office Use Only	Registered Voters Printed Name (must be legible to be counted)	Signature of Registered Voter	Date Signed
	Street Address, City, Zip Code	Email Address (optional, to receive additional information)	Birth Date or Age (optional)

By signing this petition, you are stating that you have read and understand the law that this petition seeks to overturn.

For Office Use Only	Registered Voters Printed Name (must be legible to be counted)	Signature of Registered Voter	Date Signed
	Street Address, City, Zip Code	Email Address (optional, to receive additional information)	Birth Date or Age (optional)

By signing this petition, you are stating that you have read and understand the law that this petition seeks to overturn.

For Office Use Only	Registered Voters Printed Name (must be legible to be counted)	Signature of Registered Voter	Date Signed
	Street Address, City, Zip Code	Email Address (optional, to receive additional information)	Birth Date or Age (optional)

By signing this petition, you are stating that you have read and understand the law that this petition seeks to overturn.

Warning: "It is a class A misdemeanor for an individual to sign a referendum petition with a name other than the individual's own name, or to knowingly sign the individual's name more than once for the same referendum petition, or to sign a referendum petition when the individual knows that the individual is not a registered voter.

Birth date or age information is not required, but it may be used to verify your identity with voter registration records. If you choose not to provide it, your signature may not be verified as a valid signature if you change your address before petition signatures are verified or if the information you provide does not match your voter registration records.

VERIFICATION OF SIGNATURE COLLECTOR

State of Utah, County of Utah

I, _____, of _____, hereby state, under penalty of perjury, that: I am a resident of Utah and am at least 18 years old;

All the names that appear in this packet were signed by individuals who professed to be the individuals whose names appear in it, and each of the individuals signed the individual's name on it in my presence;

I did not knowingly make a misrepresentation of fact concerning the law this petition seeks to overturn;

I believe that each individual has printed and signed the individual's name and written the individual's post office address and residence correctly, that each signer has read and understands the law that the referendum seeks to overturn, and that each signer is registered to vote in Utah.

_____

(Name) (Residence Address) (Date)

Each individual who signed the packet wrote the correct date of signature next to the individual's name.

I have not paid or given anything of value to any individual who signed this referendum packet to encourage that individual to sign it.

_____

(Name) (Residence Address) (Date)