

Alta Town Council



Staff Report

To: Town Council
From: Molly Austin, Deputy Town Clerk
Re: Liquor License Ordinance Update
Date Written:

Liquor License Ordinance

During the Business License renewal process last fall, we became aware that the language in Title 3 (Business and License Regulations), Chapter 2 (Alcoholic Beverages) of our Town Code is outdated and inaccurate. We are proposing the attached ordinance update to resolve the following:

1. Our current ordinance only references “beer” and is not inclusive of all “alcoholic beverages.” The only time the word alcohol is used is when referring to the Alcoholic Beverage Control Act and/or Commission. The suggested amendments would replace “beer” with “alcoholic beverages” throughout the ordinance to be more inclusive of all types of liquor licenses and services.
2. It appears as if at some point in the past, the Town started issuing “On-Premise Banquet Licenses” to accommodate the evolving needs of business in Alta. However, our Town Code was never amended to include such a license type, so we cannot currently require businesses to obtain such a license that are engaging in banquet-style events. In the proposed revision, we have added this license type. Additionally, we reviewed the other license types outlined in the ordinance and have updated some of the language to be more in-line with what is currently used by the Utah Department of Alcoholic Beverage Services (for example, a “private club” has been amended to “bar establishment”).
3. Lastly, we are proposing to omit several sections of the ordinance that refer to processes of applying for a license that are not current or accurate, as well as referring to the fee schedule for the current license fees.

Please note, the proposed changes in our local ordinance will not have any effect on the process that businesses must go through to obtain licensing at the State level. We will still require that a liquor license be issued by the Utah DABS before issuing a Town license of the same name.

During this process we have also identified some broader deficiencies with our Business License Ordinance as a whole. At this time, however, we felt it was most appropriate and reasonable to focus on Chapter 2. We will continue to evaluate the remainder of the ordinance and anticipate bringing another proposed amendment before the Council.

TOWN OF ALTA

ORDINANCE # 2024-O-5

AN ORDINANCE AMENDING TITLE 3, CHAPTERS 1 AND 2 “ALCOHOLIC BEVERAGES” TO CONFORM WITH STATE LIQUOR LICENSE CLASSIFICATIONS

WHEREAS, Utah statutes and Town of Alta (“Town”) ordinances regulate the storage, sale, and consumption of alcoholic beverages.

WHEREAS, Utah statutes classifying licenses involving the storage, sale and consumption of alcoholic beverages have changed since the Town last amended its alcoholic beverage ordinance;

WHEREAS, the Town wishes to amend its alcoholic beverage ordinance to be consistent with and match the classification of alcoholic beverage licenses and to use terms and language consistent with the state statutes.

NOW THEREFORE, BE IT ORDAINED by the Alta Town Council of, Utah that:

Section I: Title 3, Chapters 1 and 2 are hereby amended as indicated in the attached redline Exhibit 1.

Section II: Effective Date. This Ordinance shall become effective ~~upon~~ 30 days after publication.

PASSED AND APPROVED by the Town of Alta Town Council, Utah, this ____ day of _____, 2024.

By: TOWN OF ALTA

Mayor, Roger Bourke

Attest:

Jen Clancy, Town Clerk

Ordinance/summary published on Utah state noticing website on _____.

Effective date of Ordinance: _____.

Vote:

Mayor Bourke _____

Councilmember Anctil _____

Councilmember Byrne _____

Councilmember Morgan _____

EXHIBIT 1

CHAPTER 1 – BUSINESS LICENSE PROVISIONS

3-1-12: JOINT LICENSE:

Whenever any person is engaged in two (2) or more businesses at the same location within the town, such person shall not be required to obtain separate licenses for conducting each of such business, but shall be issued one license which shall be computed at the highest license fee applicable to any of the businesses being conducted at such location. The sale of beer-alcoholic beverages or any other product or service requiring an additional license shall be subject to such additional licensing requirement. Where two (2) or more persons conduct separate businesses at the same location, each such person shall obtain a license for such business and pay the required license fee for such business.

CHAPTER 2 – ALCOHOLIC BEVERAGES

3-2-1: DEFINITIONS:

The words and phrases used in this chapter shall have the meanings specified in the Utah alcoholic beverage control act, unless a different meaning is clearly evident. (1980 Code § 9-412)

3-2-2: LICENSE REQUIRED:

A. It shall be unlawful for any person to operate a business which allows customers, members, guests, visitors or other persons to purchase, consume, or store alcoholic beverages on the premises of the business without ~~engage in the business of selling beer at retail, in bottles or draft, without~~ first having procured a license therefor from the town and paid the license fee required by this chapter.

B. It shall be unlawful for any person to sell beer-alcoholic beverages after the revocation of the license issued pursuant to this chapter.

~~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 state alcoholic beverage control act and the regulations of the alcoholic beverage control commission.~~

C. A separate liquor license issued by the Town shall be required and conspicuously displayed for each separate Place of Business as well as for each type of alcoholic beverage service or sale (if multiple occur within one Place of Business) in accordance with the provisions

of the Alcoholic Beverage Control Act and this Title. No liquor license may be transferred, assigned, or subleased in any manner.

3-2-3: CLASSIFICATIONS OF LICENSES:

Retail Business licenses issued hereunder this chapter shall match the classification and type issued under the Utah Alcoholic Beverage Control Act or successor statute as closely as possible given local context:

~~be of the following kinds and shall carry the following privileges~~ and be known as: a) the on-premises beer retailer license; b) the restaurant liquor license; c) the private club bar establishment liquor license; ~~d) seasonal license; and de)~~ the retail off-premises beer retailer consumption license, and e) the on-premise banquet license.

A. On-Premises Beer Retailer License: The on-premises beer retailer license shall entitle the licensee to sell beer in accordance with the provisions of state law governing its license of same name, which is adopted herein by reference, and with other relevant ordinances of the town.

B. Restaurant Liquor License: The restaurant liquor license shall entitle the licensee to sell beer alcoholic beverages in accordance with the provisions of state law governing its license of same name, which is adopted herein by reference, and with other relevant ordinances of the town.

C. ~~Private Club Bar Establishment~~ Liquor License: The private club bar establishment liquor license shall entitle the licensee to sell beer alcoholic beverages in accordance with the provisions of state law governing its license of same name, which is adopted herein by reference, and with other relevant ordinances of the town.

~~D. Seasonal License: The seasonal license of any of the above licenses may be issued for a period of time not to exceed one year, which period shall be determined by the mayor, also in conformity with state law and other relevant town ordinances.~~

~~DE. Retail-Off-Premises Consumption Beer Retailer~~ -License: The off-premise beer retailer retail off premises consumption license shall entitle the licensee to sell beer in closed containers for consumption off of the premises of the licensee. The town imposes no restriction as to the hours during which beer may be sold under this license nor as to the days on which beer may be sold; however, the licensee shall conform to all laws and regulations of the state applicable to retail off premises sales of beer in containers, including minimum ages for employees who sell beer.

EF. On-Premise Banquet License: The on-premise banquet license shall entitle the licensee to the storage, sale, service, and consumption of alcoholic beverages for banquet activities on the premises of a hotel, resort facility, sports center, or convention center in accordance with the state law governing it's license of the same name, which is adopted herein by reference, and with other relevant ordinances of the town.

~~FG.~~ Single Event Permit:

3-2-4: APPLICATION FOR LICENSE:

A. Requirements:

1. All applications for licenses authorized by this chapter shall be verified and shall be filed with the town clerk. The application must state the applicant's name in full and that they understands and has read and complied with the requirements and possesses the qualifications specified in the alcoholic beverage control act and this chapter. ~~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.~~

2. The application must be subscribed by the applicant, who shall ~~state under oath that attest~~ the facts therein contained are true. (1980 Code § 9-417)

B. Fee To Accompany Application: Applications provided for in this chapter shall be accompanied by the fees in the fee schedule ~~fees provided in this chapter~~. The fee shall be returned to the applicant if the application is denied. (1980 Code § 9-415)

~~C. Referral To Town Marshal: All applications filed in accordance with the provisions of this chapter shall be referred to the town marshal for inspection and report. The town marshal shall, when possible, within fourteen (14) days after receiving such application, make report to the town council 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 persons, or by the applicant at any other place: 1) whether the place is or has been conducted in a lawful, quiet and orderly manner; 2) the nature and kind of entertainment, if any, at such place; 3) whether gambling is or has been permitted on the premises or by the applicant at any other place; and 4) the proximity of such premises to any school or church. The town marshal shall also add to such report his recommendation as to whether or not the application should be granted. (1980 Code § 4-418)~~

3-2-5: QUALIFICATIONS OF LICENSEE:

No license shall be granted to any retailer, ~~to sell beer or to any,~~ business, brewer, or wholesaler, to sell alcoholic beverages unless ~~he the license applicant~~ shall be of good moral character, over the age of twenty one (21) years, and a citizen of the United States. No license shall be granted, ~~or~~ to anyone who has been convicted of a felony or of any violation of any law of the state or provision of the ordinances of the town 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 chapter or to any corporation of which lacks any of such qualifications.

3-2-6: FEE FOR LICENSE:

~~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 alcoholic beverages annual license fees in such amounts as established by resolution of the town council.~~

~~3-2-7: BOND REQUIRED:~~

~~No license required by this chapter shall be granted by the town council until the applicant shall have filed with the town clerk a bond in a sum and as required by Utah Code Annotated Title 32B Alcoholic Beverage Control Act section 32A-10-205. The bond shall be made in favor of the town.~~

3-2-~~67~~8: DEPARTMENT OF HEALTH PERMIT:

No license under this chapter shall be issued until the applicant therefor shall have first procured from the department of health a permit which shall show that the premises to be licensed is in a sanitary condition and that the equipment used in the storage, distribution or sale of beer alcoholic beverages complies with all the health regulations of the town, the county and of the state.

3-2-~~78~~: TRANSFER OF LICENSE:

Licenses issued pursuant to this chapter shall not be transferable, and if revoked by the town council, the fee paid by the licensee to the town for the license shall be forfeited to the town. (1980 Code § 9-423)

3-2-~~89~~10: INSPECTION OF PREMISES:

A. Authority: All licensed premises shall be subject to inspection by any officer, agent or peace officer of the town or the Utah Department of Alcoholic Beverage Services alcoholic beverage control commission, or the state board of health, and every licensee shall, at the request of the state board of health, furnish to it samples of beer alcoholic beverages which ~~he~~ it shall have for sale.

B. Revocation: Any license granted pursuant to this chapter may be revoked on a finding by the ~~town council~~ town manager that the licensee has had ten (10) days' or more notice from the state board of health that the licensee is violating one or more health ordinances, rules or regulations of the town or of the state division of health and has failed to comply with such health ordinance, rule or regulation.

C. Close Of Business: The ~~town council~~ town manger may direct the town marshal to close down any business licensed under this chapter where the state 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.

3-2-~~910~~1: LAWFUL PURCHASE:

It shall be unlawful for any licensee to purchase or acquire or to have or possess for the purpose of sale or distribution, any ~~beer alcoholic beverage~~ except that which ~~he-it~~ shall have lawfully purchased from a brewer or wholesaler licensed under the provisions of the Utah alcoholic beverage control act.

3-2-102: RENEWAL OF LICENSE:

All applications for renewal licenses filed by the holders of existing licenses shall be filed with the town clerk at least thirty (30) days prior to the expiration date of ~~the then issued the~~ license. Any person who fails to file such application within the time limit shall close ~~the 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 alcoholic beverages~~ until the date ~~the his~~ new license is issued by the town ~~council clerk~~. (1980 Code § 9-419)

3-2-1123: REVOCATION OR SUSPENSION OF LICENSE:

A. Authority: The town council may, after a hearing, ~~revoke or suspend~~ uphold an action on any ~~beer alcoholic beverage~~ license on a finding by ~~it-it~~ that the licensee or ~~his-its~~ officers, agents or employees have violated any provision of this chapter or any ordinance of the town, whether now or hereafter enacted, which in any way relates to the operation of the business or the safety of the public.

B. Hearing: A hearing may be ~~required~~ requested by any person:

1. That is denied or refused a ~~beer alcoholic beverage~~ license by any officer, agent or employee of the town.

2. Whose ~~beer alcoholic beverage~~ license is revoked, ~~suspended~~ suspended, restricted, qualified or limited from that for which it was first issued.

C. Request For Hearing: The request for hearing must be made in writing to the mayor or town clerk and made within thirty (30) days following the date notice denying, suspending, refusing, removing, qualifying, restricting or revoking the ~~beer alcoholic beverage~~ license is mailed by the town to the applicant or license holder at ~~his-the~~ address as it appears on the application or license.

D. Time And Place; Witnesses; Decision: Following receipt of a request for hearing, the town council shall inform the person requesting a hearing of the time and place the hearing is to be held. At the hearing, the aggrieved party shall have the right to hear and examine any witnesses the town may produce to support its decision and to present ~~his-its~~ own evidence in support of its contention. The town council shall, within ten (10) days following the conclusion of the hearing, in writing, inform the person who requested the hearing of the decision of the town council.

E. Limitations Of Hearing: This section shall not be construed so as to afford any aggrieved party more than one hearing before the town council, nor shall the hearing provided in this section apply to any criminal complaint or proceeding.

3-2-~~123~~4: PENALTY:

Any person violating any provision of this chapter shall be guilty of a class B misdemeanor and, upon conviction, subject to penalty as provided in section [1-4-1](#) of this code. (2010 Code)

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