



MEMORANDUM TO MUNICIPAL COUNCIL

DATE: 7/2/2024
FROM: Aaron Smith, Neighborhood Improvement Manager
SUBJECT: Ordinance #24-13 (LMC 5.10 Alcoholic Beverages - Bar)

Summary of Amendment

During the extensive revisions of the LMC 5.10 Alcoholic Beverages earlier this year, the bar population limits were removed by accident. It was not the intention of staff to remove the limits, and it was not presented to City Council as the desire of the amendment to remove that portion of the code. The intention was to move the code section to the new Article II Local License Requirements. This amendment reinstates the code language as previously constituted and places it in Article II. The amendment will allow 1 bar license per 10,000 population.

5.10.220: Bar:

The division may grant consents to a state bar establishment license based on one per ten thousand (10,000) population.

Attachments

LMC 5.10 Alcoholic Beverages Amendment
Ordinance #24-013

**CITY OF LOGAN, UTAH
ORDINANCE NO. 24-13**

**AN ORDINANCE AMENDING SECTION 5.10 OF THE LOGAN MUNICIPAL CODE
REGULATING ALCOHOLIC BEVERAGES**

BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE CITY OF LOGAN, STATE OF UTAH AS FOLLOWS:

SECTION 1: That certain code chapter 5.10 entitled "Alcoholic Beverages" is amended as attached hereto as Exhibit A.

SECTION 2: This ordinance shall become effective upon publication.

PASSED BY THE LOGAN MUNICIPAL COUNCIL, STATE OF UTAH, _____
THIS DAY OF _____, 2024.

AYES:

NAYS:

ABSENT:

Amy Z. Anderson, Chair

ATTEST:

Teresa Harris, City Recorder

PRESENTATION TO MAYOR

The foregoing ordinance was presented by the Logan Municipal Council to the Mayor for approval or disapproval on the ____ day of _____, 2024.

Amy Z. Anderson, Chair

MAYOR'S APPROVAL OR DISAPPROVAL

The foregoing ordinance is hereby _____ this ____ day of _____,
2024.

Holly H. Daines, Mayor

EXHIBIT A

CHAPTER 5.10
ALCOHOLIC BEVERAGES

SECTION:

Article I. Administration

5.10.010: Application Of Chapter

5.10.020: Policy

5.10.030: Definitions

5.10.040: Licensee Compliance With Other Laws

5.10.050: License Required

5.10.060: Application And Renewal Requirements

5.10.070: Duties Of Division Before Granting Consents

5.10.080: Qualifications

5.10.090: Operational Restrictions

5.10.100: Enforcement

5.10.110: Appellate Process

5.10.120: Emergencies

Article II. Local License Requirements

5.10.200: License Types Not Specified

5.10.210: Live Entertainment

[5.10.220: Bar](#)

5.10.2320: Tavern

5.10.2430: Brew Restaurant

5.10.2540: Taproom

5.10.2650: Manufacturing

5.10.2760: Single Event Permit

ARTICLE I. ADMINISTRATION

5.10.010: APPLICATION OF CHAPTER:

The city adopts the state of Utah alcoholic beverage control act (UABC), in its entirety, as amended from time to time and supplemented by ordinance. It is the responsibility of any applicant for an alcoholic beverage license, consent or permit to be in compliance with identified conditions and requirements of state law and local ordinances prior to making application with the city for any license (including any license, consent or permit, as the specific licensing designation may be). It is the obligation of each applicant and licensee (including any licensee, consentee or permittee) to stay in compliance with state law and local ordinances regardless of changes to those laws and ordinances.

(Ord. 24-04, 2024: Ord. 14-75, 2014)

5.10.020: POLICY:

It has been and is the policy of the city to neither promote nor encourage the sale or consumption of alcoholic beverages, but to license, tax and regulate the sale or other distribution of alcoholic beverages and protect the public interest, including the rights of citizens who do not wish to be involved with alcoholic products.

(Ord. 24-04, 2024: Ord. 96-64 § 1, 1996)

5.10.030: DEFINITIONS:

By reference the city adopts all definitions contained in the UABC in its entirety and the changes to such, as amended from time to time, without further reference and supplemented by the more specific language as defined in the local ordinances, including:

ADMINISTRATOR OR BUSINESS LICENSE ADMINISTRATOR: The city of Logan business license administrator.

BAR ESTABLISHMENT LICENSE: Bar establishment license means one of the following types of licenses as defined by the UABC: a dining club license, equity license, fraternal license or bar license.

BREW RESTAURANT: A business licensed to manufacture and sell beer for primarily on premises consumption in connection with a restaurant. A brew restaurant is also licensed to brew beer in batch sizes that provide enough beer for primarily sale and consumption on site in connection with the restaurant and has any licenses subject to the applicable provisions of the DABS. The alcohol to food sales revenue ratio for a brew restaurant shall comply with the requirements UABC for a restaurant.

DABS: The Utah department of alcoholic beverage services.

DIVISION: The city of Logan business license division.

HOME BREW: Means and includes all beer manufactured by individuals and not by regular licensed brewers by process of malting, brewing or fermentation and which contains alcohol in one-half of one percent or more by weight.

LICENSE REVIEW AUTHORITIES: Any departmental or other state, county, or city authorities assigned by the business license administrator to review each application to ascertain code compliance, including, but not limited to: chief of the police department; chief of the fire department; community development department director for zoning, planning and building code compliance; and health officials at city, county and/or state levels, and their designees.

LOCAL CONSENT: Local business licensing authority to provide written consent to the Alcoholic Beverage Services Commission to issue an alcohol license. Application approval by the administrator is based on applicant or consentee compliance with all terms and conditions under this chapter. Such approval shall be communicated to the DABS for their license application/renewal review purposes.

POPULATION: Figures used shall be determined by the most recent U.S. decennial or special census or by any other population determination made by the United States government or the state or by calculating the number of residents of Logan using the municipal population estimate provided by the governor's office of planning and adding the number of residents on Utah State University property in the city of Logan boundaries.

TAPROOM: A business licensed to manufacture and sell beer for primarily on premises consumption in connection with a bar or tavern. A taproom is licensed to brew beer in batch sizes that provide enough beer for primarily sale and consumption on site in connection with the tavern and has any licenses subject to the applicable provisions of the DABS. A taproom shall not exceed five thousand (5,000) square feet gross floor area.

UABC: The state of Utah alcoholic beverage control act, in its entirety, as amended.

(Ord. 24-04, 2024: Ord. 14-75, 2014)

5.10.040: LICENSEE COMPLIANCE WITH OTHER LAWS:

A. Each licensee shall comply with all applicable federal, state, and local laws. Failure to do so may result in the suspension or revocation of the licensee's license, permit or consent.

B. If any person neglects, fails or refuses to pay the amount assessed for the license renewal when it becomes due and payable, a penalty of fifty dollars (\$50.00) and ten percent (10%) of the amount of such license shall be added to the original amount and the same shall be collected as other licenses are collected and payment thereof is enforced.

(Ord. 24-04, 2024: Ord. 96-64 § 1, 1996)

5.10.050: LICENSE REQUIRED:

A. It is unlawful for any person to engage in the business of the sale, manufacturing, packaging, single events, or warehousing of alcohol within the city without first having procured a license from the city as provided in this chapter. 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.

B. The division may issue local consent for businesses located in this city. State alcohol license issuance shall be determined by the DABS and shall entitle the consentee to only those privileges they may have by virtue of having been issued a state liquor license and shall thereafter exercise the privileges granted them under the UABC only as they are in harmony with the state license issued and with city code. A local consent to a state liquor license is required prior to the state's original and annual consideration for licensure. Such local consent will not be granted until the applicant has met all applicable city and state requirements.

C. A person may not sell or offer for sale any alcoholic beverage subject to alcohol licensure unless an alcohol license has been issued by the state following local consent. A separate consent is required for each place of business and for each premises having different ownership. A separate business license is required for each business name used.

D. The division may prescribe by policy, as consistent with state law, the general operational requirements of consentees relating to:

1. Physical facilities;
2. Other matters considered appropriate by the division as they are allowed by state law.

E. The division may grant consents to a state alcohol license when the applicant is in compliance with all applicable municipal code. Licenses will be issued based on state application approval and license availability.

(Ord. 24-04, 2024: Ord. 96-64 § 1, 1996)

5.10.060: APPLICATION AND RENEWAL REQUIREMENTS:

A. Each person seeking an alcohol license under this chapter shall file a written application with the division, in a form prescribed by the administrator. It shall be accompanied by:

1. A nonrefundable application fee (for a determination of all fees under this section, refer to the current alcoholic beverage application and license fee schedule approved by municipal council);
2. Any other documents and evidence the division may require by rule or policy to allow complete evaluation of the application.

B. Prior to operating under the authority of this chapter, each approved applicant must obtain and provide to the business license administrator proof of:

1. Respective state licensure immediately upon state approval (not more than one year from approval of the original local consent);

2. Respective federal licensure immediately upon federal approval.

C. All city alcohol licenses expire on December 31 of each year. Persons desiring to renew their license shall submit a renewal fee no later than December 31 of the year the license expires. Failure to meet the renewal requirements results in an automatic forfeiture of the license effective on the date the existing license expires. Renewal applications shall be in a form prescribed by the division and shall be accompanied by the license renewal fee.

D. If any alcohol license holder does not immediately notify the division of any change in the ownership of the entity holding the consent, or in the case of a Utah corporate owner of any change in the corporate officers or directors, the division may suspend or revoke that license.

(Ord. 24-04, 2024: Ord. 96-64 § 1, 1996)

5.10.070: DUTIES OF DIVISION BEFORE GRANTING CONSENTS:

Before any local consent may be granted or city alcohol license may be issued by the administrator, the division may conduct investigations and hold on site inspections of the premises by license review authorities as directed by the administrator for the purpose of gathering information and making recommendations to the administrator to aid in the determination regarding licensure. Reviews and inspections conducted by license review authorities include, but are not limited to:

A. Conformance with all appropriate building codes, as inspected and verified by the building inspection division of the community development department;

B. Police and criminal background check and clearance by the city police department;

C. Zoning and planning review by the community development department to address issues of locality, proximity, building design and conformance with relative code;

D. Fire department inspections of premises and determination of code compliance;

E. Reviews and inspections by various health officers, including city and state representatives making determinations regarding hazardous waste, solid waste, environmental health, pretreatment requirements, and other health issues which may be presented;

F. Division review for state and federal identification of business, including identification of the business ownership and entity structure, employer's withholding account number, federal employer identification number, state sales and use tax number, workers'

compensation insurance carrier policy number and expiration date, business name registration number, and Utah corporate identification number or limited liability company identification number (when applicable);

G. Division review for complete information on the application, including the provision of:

1. Authorized signature on the application and written evidence of said authority;
2. Appropriate application and license fees; and
3. Any other documentation considered necessary to render a determination.

(Ord. 24-04, 2024: Ord. 96-64 § 1, 1996)

5.10.080: QUALIFICATIONS:

If any person to whom an alcohol license has been issued under this chapter no longer possesses the qualifications required by this chapter and UABC for obtaining that license, the business license administrator may suspend or revoke that license.

(Ord. 24-04, 2024)

5.10.090: OPERATIONAL RESTRICTIONS:

Each entity issued an alcohol license shall conform to all the operational restrictions assigned by the UABC, including the following conditions:

A. Transfers will not be granted from one person, partnership or corporation to another person, partnership or corporation.

B. There shall be no transfer of an alcohol license from one location to another without prior written approval of the administrator. Transfers may be granted for a change of location within the city by the original licensee providing all qualifying conditions are met.

C. Each separate location must be separately licensed.

D. Each location with more than one type of operation, more than one business name, or more than one specific ownership must have a separate license and/or consent for each and must submit applications for licensure which includes diagrams depicting the boundaries of the premises for each as well as defining the distinctive operations.

E. It is unlawful to sell, serve, or give away alcoholic beverages except during the hours allowed by state law.

(Ord. 24-04, 2024)

5.10.100: ENFORCEMENT:

A. Any alcohol license issued pursuant to the provisions of this chapter by the administrator may be suspended or revoked for the violation by the licensee of any provisions in this chapter or any other applicable ordinance or law, failure to pay license fees, or falsification of application.

B. Violation of this section are subject to Administrative Enforcement provisions of the Land Development Code Chapter 17.60 and is a class B misdemeanor.

(Ord. 24-04, 2024)

5.10.110: APPELLATE PROCESS:

Appeal from any decision regarding alcohol license transfer, probation, conditional approval, denial, revocation, suspension or nonrenewal shall be pursuant to the appellate process identified in section 5.02.160 of this title.

(Ord. 24-04, 2024: Ord. 02-62 § 1, 2002: Ord. 96-64 § 1, 1996)

5.10.120: EMERGENCIES:

A. Upon the declaration of an emergency, as defined by Utah law, all alcohol beverage licenses are automatically suspended, which suspension may be lifted by the mayor at any time.

B. It is unlawful for the holder of any license issued under this chapter or the holder's agent, employee, manager or representative to sell or serve beer during the period of temporary suspension. Any violation hereof shall constitute a class B misdemeanor.

C. In addition, the business license administrator, after notice and hearing, may revoke or suspend any license issued under this chapter for any violation of this section.

(Ord. 24-04, 2024: Ord. 14-75, 2014: Ord. 96-64 § 1, 1996)

ARTICLE II. LOCAL LICENSE REQUIREMENTS

5.10.200: LICENSE TYPES NOT SPECIFIED:

UABC license types that are not specifically referenced in this section are allowed in the city subject to zoning, local license shall be required.

(Ord. 24-04, 2024)

5.10.210: LIVE ENTERTAINMENT:

Any duly licensed business establishments which sell alcoholic beverages for consumption on the premises which permit their patrons to dance or entertains their patrons with live performers who sing or dance shall obtain a cabaret license.

(Ord. 24-04, 2024)

5.10.220: Bar:

The division may grant consents to a state bar establishment license based on one per ten thousand (10,000) population. (Ord. 96-64 § 1, 1996; amd. Ord. 20-13, 6-16-2020)

5.10.2320: TAVERN:

A. The division may grant local consents to a tavern based on one per ten thousand (10,000) population.

(Ord. 24-04, 2024)

5.10.2430: BREW RESTAURANT:

A. A brew restaurant is licensed to brew beer in batch sizes that provide enough beer for primarily sale and consumption on site in connection with the restaurant and has any licenses subject to the applicable provisions of the DABS.

(Ord. 24-04, 2024)

5.10.2540: TAPROOM:

A. A taproom is licensed to manufacture and sell beer for primarily on premises consumption in connection with a bar or tavern. A taproom is licensed to brew beer in batch sizes that provide enough beer for primarily sale and consumption on site in connection with the bar or tavern and has any licenses subject to the applicable provisions of the DABS.

B. A taproom is subject to the bar or tavern population limits.

C. A taproom shall not exceed five thousand (5,000) square feet.

(Ord. 24-04, 2024)

5.10.2650: MANUFACTURING:

Manufacturing is permitted and subject to zoning. See Logan Municipal Code Title 17, Logan Land Development Code.

(Ord. 24-04, 2024)

5.10.2760: SINGLE EVENT PERMIT:

Entities seeking a Single Event Permit from the State shall also apply for a Special Event license from Logan City if applicable. A fifty dollars (\$50.00) administrative fee will be charged to process Single Event Local Consent applications that do not require a Special Event license from Logan City.

(Ord. 24-04, 2024)