

ORDINANCE NO. 2026-05

TOWN OF BOULDER, STATE OF UTAH

**AN ORDINANCE OF THE TOWN OF BOULDER AMENDING CHAPTER 111
OF TOWN CODE RELATING TO ALCOHOL**

WHEREAS, as previously directed by the Town Council, Town staff has prepared policy updates and amendments to Chapter 111 of Town Code; and

WHEREAS, the Town Council has held a public hearing and has determined that the proposed amendments will serve the public interest;

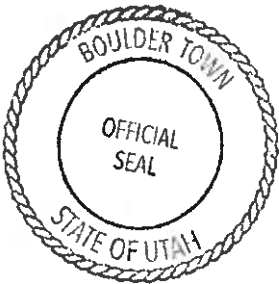
NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Boulder, Utah as follows:

1. **Amendment.** Chapter 111 of the Boulder Town Code is hereby amended to read in its entirety as set forth in Exhibit A, attached hereto and incorporated herein by reference.
2. **Severability.** If any section, part or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance, and all sections, parts and provisions of this Ordinance shall be severable.
3. **Effective Date.** This Ordinance shall take effect upon publication or posting or thirty (30) days after passage, whichever occurs first.

PASSED AND APPROVED this 1st day of September, 2026.

Boulder Town Council

By: Cheryl Cox, Mayor



Voting:

Lacy Allen	Yea <u>X</u>	Nay <u> </u>	Abstain <u> </u>	Absent <u> </u>
Josh Ellis	Yea <u>X</u>	Nay <u> </u>	Abstain <u> </u>	Absent <u> </u>
John Veranth	Yea <u>X</u>	Nay <u> </u>	Abstain <u> </u>	Absent <u> </u>
Tina Karlsson	Yea <u>X</u>	Nay <u> </u>	Abstain <u> </u>	Absent <u> </u>
Cheryl Cox	Yea <u>X</u>	Nay <u> </u>	Abstain <u> </u>	Absent <u> </u>

Attest: Elizabeth Julian, Town Clerk



DEPOSITED in the office of the Town Clerk this 4th day of September, 2026.

RECORDED this 4th day of September, 2026.

EXHIBIT A

CHAPTER 111: ALCOHOLIC BEVERAGES

Section

§ 111.01 Purpose and Authority.

§ 111.02 Definitions.

§ 111.03 License Required; Role of the Town.

§ 111.04 Local Consent Procedure.

§ 111.05 Finality of Decision.

§ 111.06 Penalties and Enforcement.

§ 111.01 Purpose and Authority.

A. The purpose of this ordinance is to acknowledge that the licensing, sale, storage, service, furnishing, and consumption of alcoholic products within the Town are regulated primarily by the State of Utah under Title 32B of Utah Code (the "Alcoholic Beverage Control Act"), and to establish the Town's procedures for providing local consent where required by state law.

The Town's role under this ordinance is limited to acting as the local authority for purposes of Title 32B by granting or denying local consent when required as part of the State's alcohol licensing process. Final authority to issue, deny, suspend, revoke, or renew state alcohol licenses remains with the Utah Department of Alcoholic Beverage Services and the Alcoholic Beverage Services Commission.

Nothing in this ordinance shall be construed to limit or impair the Town's authority to regulate the location, construction, occupancy, operation, or use of property or businesses through zoning, land use regulation, business licensing, building and fire codes, nuisance abatement, public safety regulations, or any other authority granted by federal, state, or local law.

The granting of local consent under this ordinance does not constitute, replace, or satisfy any separate approval, permit, license, land use authorization, or regulatory requirement otherwise required by the Town. Likewise, the issuance of a state alcohol license does not exempt any person or business from compliance with applicable municipal ordinances or authorize any use prohibited by local law.

§ 111.02 Definitions.

Unless otherwise expressly provided in this chapter, words and phrases used in this chapter shall have the meanings assigned to them in Title 32B, Utah Code, as amended.

As used in this chapter:

“Act” means Title 32B, Utah Code Annotated, the “Alcoholic Beverage Control Act,” as amended.

“Commission” means the Alcoholic Beverage Services Commission created in Section 32B-2-201 of Utah Code.

“Department” means the Utah Department of Alcoholic Beverage Services.

“Alcoholic product” and “alcoholic beverage” have the meanings assigned in the Act and include products containing at least 0.5% alcohol by volume.

“Local authority” means, for premises located within the incorporated town, the governing body of the Town.

“Local consent” means the written consent of the Town, acting as the local authority, that is required under Title 32B of Utah State Code as part of the State's alcohol licensing process

§ 111.03 License Required; Role of the Town.

A. State license required. State License Required. No person may manufacture, store, sell, offer for sale, furnish, or permit the consumption of an alcoholic product except as authorized by Title 32B and pursuant to a retail license or other authorization issued by the Utah Alcoholic Beverage Services Commission, when required by law.

B. When Title 32B requires local consent as part of an application for a state retail license, an applicant shall obtain the Town's written local consent before the application may be considered by the Commission. The Town's approval constitutes local consent only and does not authorize the sale, service, manufacture, storage, or distribution of alcoholic products unless and until the Commission issues the applicable state license.

C. No separate Town alcohol license. The Town does not issue a standalone Town alcohol license and does not guarantee state licensure. With respect to alcohol

licensing, the Town's role is limited to granting or denying local consent under this ordinance.

D. Other Municipal Approvals. Nothing in this chapter relieves any person from complying with any other applicable provision of the Boulder Town Code or other law, including requirements relating to zoning, land use, business licensing, building and fire codes, health and safety regulations, nuisance enforcement, or other lawful municipal authority. The issuance of local consent does not constitute approval under, or satisfy the requirements of, any other municipal ordinance, permit, or approval process.

§ 111.04 Local Consent Procedure.

A. Application for Local Consent. An applicant requesting local consent shall submit a written request to the Town Clerk or Recorder together with the information reasonably necessary for the Town Council to determine whether local consent should be granted. The Town may rely upon materials submitted as part of the applicant's state alcohol license application and shall not require duplicate submissions unless additional information is reasonably necessary to evaluate the request.

The application should identify:

1. the applicant and the proposed licensed premises;
2. the type of state alcohol license sought;
3. the proposed use of the premises;
4. the status of any applicable zoning, land use, business licensing, or other municipal approvals; and
5. any additional information reasonably requested by the Town that is relevant to the Town's local consent determination.

B. Public meeting requirement.

1. The Town Council is the "local authority" for premises located within the Town.
2. The Town Council shall consider any request for local consent in an open and public meeting held in compliance with the Utah Open and Public Meetings Act ("OPMA").

C. Agenda item.

1. An applicant seeking local consent shall ask to be placed on a regular or special

Town Council meeting agenda.

2. The Town Clerk or Recorder shall place the request on the next regular or special Town Council agenda that is reasonably practicable and complies with applicable notice.

C. Council review.

1. During the public meeting, the applicant (or the applicant's representative) may present the nature of the proposed business and the type of state alcohol license sought.

2. The Town Council may ask questions and request additional information reasonably necessary to determine whether local consent should be granted. In making its determination, the Town Council may consider whether the proposed use complies with applicable zoning, land use, business licensing, and other municipal requirements, together with any other factors that Title 32B authorizes the local authority to consider. The Town Council need not independently evaluate licensing qualifications or other matters committed by law to the Department or the Commission.

3. The Town Council shall then vote in the open meeting to either grant or deny local consent.

D. Form of local consent.

1. If the Town Council grants local consent, the Council's approval shall be recorded in the meeting minutes.

2. The Mayor, or another official designated by majority vote of the Town Council at that same meeting, is authorized to sign the written local consent form or letter for submission to the Department.

3. The Town's written local consent constitutes only the Town's approval for purposes of Title 32B. It does not authorize the sale, service, manufacture, storage, or distribution of alcoholic products unless and until the applicable state license has been issued.

E. Denial.

If the Town Council votes to deny local consent, the denial and the principal reasons supporting the decision shall be stated on the record during the public meeting and reflected in the meeting minutes. The reasons should be based upon applicable municipal regulations or other considerations authorized by Title 32B.

§ 111.05 Finality of Decision.

The Town Council's decision to grant or deny local consent shall constitute the Town's final action for purposes of this chapter. Nothing in this chapter limits the Town Council's authority to reconsider a prior action in accordance with its rules of procedure and applicable law.

§ 111.06 Penalties and Enforcement.

Nothing in this chapter limits the Town's authority to enforce the Boulder Town Code or other applicable law. Violations of applicable zoning, land use, business licensing, building, fire, nuisance, or other municipal regulations may be enforced through any remedy authorized by the Boulder Town Code or other applicable law.

Nothing in this chapter creates a separate municipal offense for violations of Title 32B or limits the authority of the Utah Department of Alcoholic Beverage Services, the Utah Alcoholic Beverage Services Commission, or any other governmental entity to enforce state law.

