

### OPTION 3

#### MB LICENSE NEEDS ADDITIONAL CLUB LICENSE OR ON-PREMISE BEER RETAILER (TAVERN) LICENSE

##### 5.08.470 Class “M” manufacturing license.

- A. A manufacturing license shall entitle the licensee to manufacture alcohol within the City for commercial purposes, consistent with the provisions of State Code.
- B. Unless otherwise prohibited by law, a licensed manufacturer:
1. is permitted to allow on-duty staff to consume its product on its premise without charge as part of the manufacturing process;
  2. may provide bona fide samples of its product on its premise to those who may lawfully consume alcohol, in conformance with state law;
  3. may sell merchandise associated with the licensee, unless otherwise prohibited by law; and
  4. in the case of a brewery:
    - a. may sell beer for off-premise consumption, if the premise applies for and receives a Class A license. The sales percentage requirements of the Class A license do not apply to a brewery.
- C. If a manufacturer which will operate a brewery under state law desires to provide retail sales of beer for on-premises consumption in connection with its manufacturing license beyond the sampling provisions of subsection (B), then the licensee must apply for and receive a class B, class C, or microbrewery (MB) license with the City, as well as all applicable state licenses and permits;
- D. If a licensee applies for a Class B, C or MB license, it must meet all requirements associated with that license, including proximity restrictions, and comply with state and local regulations which apply to the license.
- E. This section may not be used to increase the total number of Class B, C, or MB licenses available in the City, as provided in section 5.08.410.

**5.08.480 Class “MB” microbrewery license.**

- A. A microbrewery (“MB”) license shall entitle the licensee to serve alcohol for on-premise consumption, in accordance with Utah law;
- B. The licensee may only operate if it has obtained an On-premise Beer Retailer (Tavern) or Club license from the State of Utah;
- C. A consent for an MB licensee applicant’s state license is subject to the following conditions:
  - 1. The licensed premises must be equipped with at least a five (5) barrel brewhouse which regularly produce beer;
  - 2. Food must be available during opening hours;
  - 3. The building associated with on-premises consumption shall have fenestration through vision glass, doors or active outdoor spaces along 30% of the building side that fronts any abutting public right-of-way, private street or rapid transit line. Alternative approaches to this requirement may only be granted by the Community and Economic Development Director in cases in which building architecture or the site prohibits meeting this condition; and
  - 4. Specific hours. An MB licensee may not sell, offer for sale, or furnish beer at its licensed premise for on-premises consumption between the hours of 10:00 p.m. and 9:59 a.m., except on Friday and Saturday nights, during which alcohol may be sold or furnished until 11:59 p.m. This section does not restrict the licensee’s obligation to remain open while patrons finish consuming previously provided beer.
- D. An MB licensee which substantially fails to honor these conditions shall have their consent and business license revoked.
- E. An MB license permits the licensee to engage in activities provided under the class M license.