

**AN ORDINANCE OF THE SOUTH SALT LAKE CITY COUNCIL  
AMENDING SECTIONS 5.08.010, 5.08.020, 5.08.080, 5.08.410, 5.08.440, 5.08.450, 5.08.480,  
AND REPEALING ARTICLE II, SECTIONS 5.08.200 THROUGH 5.08.230 OF THE  
CITY OF SOUTH SALT LAKE MUNICIPAL CODE REGARDING  
ALCOHOLIC BEVERAGES**

WHEREAS, certain sections of the City's Alcoholic Beverages code in Chapter 5.08 should be amended to provide a friendlier tone to alcohol establishments, to treat such establishments on even ground with other businesses, and to remove outdated provisions;

THEREFORE, BE IT ORDAINED by the City Council of the City of South Salt Lake that the following provisions of Chapter 5.08 are hereby amended as follows:

**Section 1. Section Amended.** Section 5.08.010 is hereby amended to read:

**5.08.010 - Purpose.**

Pursuant to its police power, it is the purpose of the city of South Salt Lake to regulate the sales and distribution of alcoholic beverages within the corporate limits of the city as permitted by state law and the 21st Amendment to the United States Constitution. ~~The city finds that the sales and consumption of alcohol creates adverse secondary effects, including public drunkenness, increased violence and crime, impaired judgment in social interactions, injury and death to persons and loss of property.~~ The city finds that limiting and regulating the sale and distribution of alcohol helps mitigate its possible harmful secondary effects. ~~Because patrons must travel to and from businesses for which sales of alcoholic beverages for consumption on the premises is the primary source of revenue, and because it is highly probable that these patrons will drink alcohol while at the business, the city finds that these types of businesses create greater adverse secondary effects.~~ The city also finds that responsible business owners and patrons who follow regulations reduce ~~these~~ secondary effects.

**Section 2. Section Amended.** Section 5.08.020 – Definitions is hereby amended to read:

**5.08.020 - Definitions.**

As used in this chapter:

A. The definition of each term which is defined in Utah Code Title 32B, Alcoholic Beverage Control Act, as amended, is hereby adopted into this chapter, except to the extent modified by this chapter.

B. In addition to definitions under Utah State Code:

*Ordinance Amending Sections 5.08.010, 5.08.020, 5.08.080, 5.08.410, 5.08.440, 5.08.450, and 5.08.480, and Repealing Article II, Sections 5.08.200 through 5.08.230 regarding Alcoholic Beverages*

"Beer retailer" means any business establishment engaged, primarily or incidentally, in the sale or distribution of beer to public patrons, whether for consumption on or off the establishment's premises, and that is licensed to sell beer by the city.

"City" means South Salt Lake City Corporation.

"Conviction" includes pleas of guilty, no contest, nolo contendere, or any other plea whereby punishment may be imposed upon the defendant, and also includes a plea which is held in abeyance, regardless of whether it was ultimately dismissed. For purposes of pleas in abeyance, the period of release from supervision is the date on which the charge was dismissed.

"Crime involving moral turpitude" means a crime which has an element of fraud, theft, or intent to harm another individual or property, or an attempt to commit a crime involving those elements.

~~"Five barrel brewhouse" means a system in which fermentation is designed to occur in a vessel or vat with a capacity of at least five barrels, where one barrel equals thirty one (31) gallons.~~

"On-premises licensee" means any licensee holding a Class B, Class C, or MB license.

"Person" means any individual, partnership, firm, corporation, association, business trust or other form of business enterprise, including a receiver or trustee, and the plural as well as the singular number, unless the intent to give a more limited meaning is disclosed by the context.

"Public portion of premises" refers to the zone around the exterior of the premises where the activities of patrons collide with the activities of the greater public. It means all outdoor portions of the property upon which the premises is located, including parking areas, it includes the public sidewalks and streets immediately adjacent to the premises and extends to parking areas off the premises, whether on public property or private property of another, used by patrons of the establishment based either upon agreement or custom.

"School" means all schools, public or private and includes nursery schools, infant day care centers, preschools, institutions of higher learning, and trade or technical schools.

**Section 3. Section Amended.** Section 5.08.080 – Change or transfer in ownership, is hereby amended to read:

**5.08.080 - Change or transfer in ownership.**

A. ~~Except as provided in this section, a~~ Alcohol licenses ~~are non-transferrable~~ may be transferred upon approval from the City. The licensee shall notify the city of the licensee's intention to sell the business, and inform the city whether it will be seeking transferal of the license in accordance with this section. Failure to notify the city and seek approval shall result in the lapse of the licensee's license. Unless a license transfer is approved, a new application for a license or consent shall be required at that time by the new owner. The application of the new owner shall be processed in order of priority as determined by the new owner's position on the license/consent waiting list described in [Section 5.08.090](#).

B. For the purposes of this chapter, change in ownership shall occur as follows:

1. For a sole proprietorship: when the proprietor sells or transfers the business to any other individual, group or entity;
2. For a partnership: when there is a change in the controlling percentage of the partnership, as compared to the partnership which existed at the time of the initial application;
3. For a corporation: when there is a change in any officer or director, or a change in any individual or entity holding twenty (20) percent or more of the shares of stock from the time when the license and consent were initially granted;
4. For a limited liability company (LLC): when there is a change in manager or a change in any individual or entity owning twenty (20) percent or more of the company from the time when the license and consent were initially granted.

C. Notwithstanding subsection (A), the community and economic development department may approve a transfer of a license and consent, upon receipt of a license transfer fee, in the following circumstances:

1. The new licensee will seek an immediate reduction in the type of license from a class C or MB license to a class B license;
2. The new licensee has:

- i. Secured a newly constructed premises located within a redevelopment area in the city which complies with the proximity restrictions in this chapter; and
  - ii. Agrees to either renovate or demolish the license's existing location within six months of moving the business to the new location; or
3. The new licensee agrees to upgrade the existing location to the following standards:

~~i. Installing windows across fifty (50) percent of the premises which face the street, unless the business is otherwise prohibited from doing so by Chapter 5.56 of this code or a licensed engineer certifies that such an installation would render the building structurally unsound;~~ ii. Installing pedestrian lighting in all parking areas and abutting sidewalks;

~~iii.i.~~ Upgrading landscaping to code standards in effect on the date of the transfer;

~~iv.iii.~~ Renovating the facility so that it is compliant with accessibility provisions of the building code in effect on the date of transfer; and

~~v. Installation of architectural features at least every twenty five (25) feet on the structure's facade;~~

~~vi. Installation and maintenance of security cameras and a security system which retains recordings for at least forty eight (48) hours, recording parking lots, entrances, and rooms in which the public are invited to congregate, and which shall be made available for distribution to the city during the system's retention period; and~~ vii.iv. Renovating the facility so that it is compliant with all fire safety codes in effect on the date of transfer.

4. The new licensee agrees to upgrade the existing location by completing or ensuring the facility satisfies two of the following standards:

- i. Installing windows across fifty (50) percent of the premises which face the street, unless the business is otherwise prohibited from doing so by Chapter 5.56 of this code or a licensed engineer certifies that such an installation would render the building structurally unsound;

- ii. Installing architectural features at least every twenty-five (25) feet on the structure's facade;
- iii. Installing and maintaining security cameras and a security system which retains recordings for at least forty-eight (48) hours, recording parking lots, entrances, and rooms in which the public are invited to congregate, and which shall be made available for distribution to law enforcement during the system's retention period; or
- iv. Renovating the complete interior of the facility where the public are invited to congregate to present a clean, new, attractive appearance.

45. The failure of a new licensee to complete the conditions listed in this section shall result in the revocation of the alcohol license and consent issued by the city.

56. The recipient of the transferred license does not need to be placed on the waiting list described in Section 5.08.090 in order for the transfer to take place.

D. Nothing in this section shall establish any additional property interests or rights in a license or consent issued by the city.

**Section 4. Sections Repealed.** Article II, which includes Sections 5.08.200, 5.08.210, 5.08.220, and 5.08.230, is hereby repealed.

## **Article II. – Work Permits**

### **5.08.200 – Work permit.**

~~Every person who works in an establishment regulated by this chapter which sells alcoholic beverages for on-premises consumption, whether an owner, salaried employee or private contractor, shall obtain a work permit from the city. The employee shall be in possession of the work permit at all times while inside the premises of the licensed business, or it shall be on file at the premises. It shall be the responsibility of both the person and the business to assure that all workers have a current work permit. A separate work permit for each business shall be required for persons working for more than one business within the city or more than one type of business that requires a work permit within the same premises.~~

### **5.08.210 – Work permit application.**

~~Prior to commencing work within an establishment licensed by the city to sell beer for consumption on the premises, every worker, whether an owner, employee, private contractor, etc., shall comply with the following:~~

~~A. Each person seeking a work permit to serve alcohol or supervise those who serve alcohol shall file a written application with the city, in a form prescribed by the city. It shall be accompanied by:~~

~~1. A nonrefundable fee in the amount as set forth in the consolidated fee schedule;~~

~~2.a. If the person has been a resident of Utah for at least five years, a criminal history report acquired from the Utah Bureau of Criminal Information; or~~

~~b. If the person has not been a resident of Utah for at least five years, a criminal history report acquired from the United States Federal Bureau of Investigations;~~

~~3. Two identification cards with satisfactory proof of age. One proof of identification must be a picture identification card issued by the state of Utah;~~

~~4. The signature of the employer(s) for which the person intends to work; and~~

~~5. Proof of completion of alcohol servers training, from a training program which has been approved by the state of Utah.~~

~~B. All other employees of a licensee shall obtain a work permit, but are not required to comply with the provisions of subsection (A) of this section.~~

~~C. All work permit numbers obtained under the provisions of this chapter are to be registered by the employer's personnel or payroll section and kept as a part of the record of the employee.~~

~~D. The person designated by each establishment as the agent responsible for hiring and/or checking employees under the provisions of this chapter shall examine each employee's or prospective employee's permit for the purpose of determining the validity of the permit for use in the particular establishment concerned. If the prospective employee's permit is found to be invalid as described above, he will be issued a new signed application form which must be completed and presented along with his work permit to the city for validation, prior to commencing employment.~~

~~E. In the event the original work permit is lost or destroyed, an additional fee as set forth in the consolidated fee schedule shall be charged for the duplication of the permit.~~

~~F. When a subsequent work permit is issued to an individual who already has a current city work permit(s) for a different business, the subsequent permit(s) shall expire on the same date as any previously issued permit(s).~~

~~G. Work cards shall contain a photograph of the applicant, taken by the city at the time of application.~~

~~5.08.220 – Work permit qualifications.~~

~~A. The city shall not grant to or maintain a work permit for any person who will serve alcohol or supervise those who serve alcohol, if that person has been convicted of:~~

~~1. A felony or any crime involving moral turpitude under any federal or state law, unless that person has been released from custody or supervision for longer than five years;~~

~~2. Any violation of any federal or state law or local ordinance concerning the sale, manufacture, distribution, warehousing, adulteration, or transportation of alcoholic beverages, regardless of the date of conviction or release; or~~

~~3. On two or more occasions within five years before the day on which the work permit application is made, any offense listed in subsection 41-6a-502(2)(a) of the Utah Code.~~

~~B. Any person granted a work permit by the city, and any business for whom the person works, shall notify the city within ten days if any worker shall be convicted of any offense referred to in subsection (A) of this section.~~

~~C. The city shall immediately revoke a work permit if it discovers that any person holding a work permit was not qualified to be granted a permit at the time the permit was issued.~~

~~5.08.230 – Work permit suspension and revocation.~~

~~A. Work permits are subject to suspension under the following conditions:~~

~~1. During the course of employment with a business licensed under this chapter, for any act or failure to act that would be a violation of state law regulating alcoholic beverages or this chapter except those specified in subsection (B) of this section which are subject to immediate revocation.~~

~~B. Work permits are subject to immediate revocation under the following conditions:~~

~~1. After determining that a person's application form contains false information;~~

~~2. Upon receiving evidence that any person holding an alcohol server or supervisor work permit has been convicted of a crime listed in Section 5.08.220(A), or has been convicted of a second offense listed in section 41-~~

~~6a-502(2)(a) of the Utah Code, within five years of an offense listed in that section;~~

~~3. Upon evidence being presented that any person holding a valid work permit has procured, attempted to procure or agreed to procure or attempted to procure for any person:~~

~~a. Another person for the purpose of prostitution; or~~

~~b. A controlled substance as defined by state law;~~

~~4. Upon receiving evidence that the person provided alcohol to a minor or an interdicted person;~~

~~5. For a second act or failure to act by a permittee that would be a violation of state law regulating alcoholic beverages or this chapter occurring within twenty-four (24) months of the first such act or failure to act.~~

~~C. Any person whose permit has been denied, suspended or revoked by the city has the right to appeal the decision pursuant to Chapter 2.22, Administrative Hearings, of this code. The administrative law judge does not have authority to waive any of the requirements of this chapter.~~

**Section 5. Section Amended.** Section 5.08.410 – City’s power to grant licenses—Limitations, is hereby amended to read:

**5.08.410 - City's power to grant licenses—Limitations.**

A. The city may issue beer retailer licenses to businesses located within its corporate limits, and may regulate the sale, service, distribution and consumption of alcoholic beverages for each type of license provided by this chapter in conformance with state law and city code.

B. The type of licenses issued under this chapter are known as:

1. Class "A";
2. Class "B";
3. Class "C";
4. Class "M"; and
5. Class "MB".

C. A person may not retail beer unless a beer retailer license has been issued by the city and the state. Unless otherwise provided by state law, a separate license 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. One business name may be used for each premises and the most



appropriate city alcoholic beverage license may be applied for on behalf of each premises. The applicant shall not misrepresent either the boundaries of the premises, the ownership of the business operation, the type of business conducted nor the business name(s) used.

D. The city may prescribe by policy, directive, or rule, consistent with this chapter, the general operational requirements of licensees relating to:

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

E. Notwithstanding any other provision of this chapter, the city may grant licenses to beer retailers with the following limitations:

1. Class "A" licenses shall be limited to one per four hundred (400) population.
2. Class "B" licenses shall be limited to one per eight hundred (800) population.
3. Class "C" licenses shall be limited to one per three thousand (3,000) population.
  - a. Three additional Class C licenses are available for exclusive use in master planned redevelopment project areas, and are not eligible to be transferred to another location within the city until ten years after the date of initial licensure. License transfers after that date are subject to the requirements of [Section 5.08.080](#).
  - b. The city council may approve additional licenses in master-planned redevelopment project areas, subject to the same restriction against transfer in subsection (E)(3) of this section.
4. Class "MB" licenses shall ~~be limited to one per ten thousand (10,000) population~~ not be limited in number.

F. If the total number of beer retailer licenses in effect in any category on the date of passage of this chapter equals or exceeds the limitation of subsection (E) of this section:

1. A license that is in effect on the date of passage:

- a. Is not invalidated by subsection (E) of this section; and
  - b. May be renewed in accordance with this chapter; and
2. The city may not grant a new beer retailer license in any category until such time as the total number of beer retailer licenses granted in the same category under this chapter are less than the limitations of subsection (E) of this section.
- G. For purposes of this section, population shall be determined by:
- 1. The most recent United States decennial or special census; or
  - 2. Any other population determination made by the United States or state governments.

**Section 6. Section Amended.** Section 5.08.440 – Class “A” off-premises license, is hereby amended to read:

**5.08.440 - Class "A" off-premises license.**

A. Class A off-premises license shall entitle the licensee to sell beer, and if the licensee is a licensed packaging agency through the state of Utah, to sell alcoholic beverages, on the licensed premises in original containers for consumption off the premises in accordance with state and local law.

B. Class A licenses shall be granted only to:

- 1. Those applicants whose business enterprise at the proposed location is one which would typically be classified as primarily a grocery store, convenience store or fueling station, and which sells a variety of food items and other items typically found in such a business; or
- 2. Packaging agencies.

C. 1. Alcoholic beverage sales shall not exceed fifty (50) percent of the total revenue at the licensed premises for any Class A licensee. If the gross sales of the business enterprise during any quarter of a calendar year develop so that the primary revenue resource becomes alcoholic beverages, the Class A license shall be automatically suspended until the appropriate revenue basis is regained. Should the city be required to take action on more than one such noncompliance within a three-year period, the Class A license shall be revoked for a period of not less than one year.

2. ~~The off-premises licensee shall report to the city the gross revenue from alcoholic beverage sales and gross revenue from all other sales for any quarter of the licensee's fiscal year and may be audited to determine compliance at any point.~~3. Packaging agencies are not subject to the provisions of this subsection (C).

D. Class A licensees must comply with state law related to signage which warns customers of the penalty consequent to the sale or distribution of alcoholic beverages to persons under twenty-one (21) years of age.

**Section 7. Section Amended.** Section 5.08.450 – Class “B” on-premises license, is hereby amended to read:

**5.08.450 - Class "B" on-premises license.**

A. A Class B on-premises license shall entitle the licensee to: (1) sell alcohol for consumption on the retailer's premises, and (2) to the extent permitted by state law, to sell sealed containers of beer for off-premises consumption.

B. Class B on-premises licenses may be granted for holders of the following state licenses:

1. Full-service restaurant;
2. Limited-service restaurant;
3. Beer-only restaurant;
4. On-premises banquet;
5. Dining club;
6. On-premises recreational; and
7. Manufacturing.

C. Alcohol sales may not exceed thirty (30) percent of total sales. If the gross sales of the business enterprise during any quarter of a calendar year develop so that the primary revenue resource becomes alcohol, the Class B license shall be automatically suspended until the appropriate revenue basis is regained. Should the city be required to take action on more than one such noncompliance within a three-year period, the Class B license shall be revoked for a period of not less than

one year. ~~The Class B licensee may be required to report to the city the gross revenue from beer sales and gross revenue from all other sales for any quarter of the licensee's fiscal year and may be audited to determine compliance at any point.~~

D. ~~Live entertainment is allowed only if the licensee obtains the appropriate license pursuant to this code and complies with all pertinent ordinances.~~ E. Licensees shall post a clearly visible sign at the licensed premises warning of the dangers of driving under the influence of alcohol.

**Section 8. Section Amended.** Section 5.08.480 – Class “MB” microbrewery license, is hereby amended to read:

**5.08.480 - Class "MB" microbrewery license.**

A. A microbrewery ("MB") license shall entitle the licensee to serve alcohol for on-premises consumption, in accordance with Utah law.

B. The licensee may only serve alcohol for on-premises consumption if it has obtained an on-premises beer retailer (tavern) or club license from the state of Utah.

C. A consent for an MB licensee applicant's state license under subsection (B) is subject to the following conditions:

~~1. The licensed premises must be equipped with at least a five barrel brewhouse which regularly produce beer;~~<sup>21.</sup> Food must be available during opening hours; and

~~32.~~ The building associated with on-premises consumption shall have fenestration through vision glass, doors or active outdoor spaces along thirty (30) percent 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.

D. An MB licensee which substantially fails to honor these conditions shall have its consent and business license revoked.

E. An MB license permits the licensee to engage in activities authorized by a Class M license.

*Ordinance Amending Sections 5.08.010, 5.08.020, 5.08.080, 5.08.410, 5.08.440, 5.08.450, and 5.08.480, and Repealing Article II, Sections 5.08.200 through 5.08.230 regarding Alcoholic Beverages*

**Section 9. Repealer.** Ordinances in conflict herewith are hereby repealed. This ordinance will take effect upon execution by the Mayor or after fifteen days from transmission to the office of the Mayor if neither approved nor disapproved by the Mayor.

(signatures appear on separate page)

*Ordinance Amending Sections 5.08.010, 5.08.020, 5.08.080, 5.08.410, 5.08.440, 5.08.450, and 5.08.480, and Repealing Article II, Sections 5.08.200 through 5.08.230 regarding Alcoholic Beverages*

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

BY THE CITY COUNCIL:

\_\_\_\_\_  
Ben Pender, Council Chair

ATTEST:

\_\_\_\_\_  
Craig D. Burton, City Recorder

City Council Vote as Recorded:

Beverly \_\_\_\_\_  
Kindred \_\_\_\_\_  
Mila \_\_\_\_\_  
Pender \_\_\_\_\_  
Rapp \_\_\_\_\_  
Siwik \_\_\_\_\_  
McConnell \_\_\_\_\_

Transmitted to the Mayor's office on this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Craig D. Burton, City Recorder

MAYOR'S ACTION: \_\_\_\_\_

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Cherie Wood, Mayor

ATTEST:

\_\_\_\_\_  
Craig D. Burton, City Recorder

*Ordinance Amending Sections 5.08.010, 5.08.020, 5.08.080, 5.08.410, 5.08.440, 5.08.450, and 5.08.480, and Repealing Article II, Sections 5.08.200 through 5.08.230 regarding Alcoholic Beverages*