

**CITY OF MOAB
ORDINANCE #2012-12**

**AN ORDINANCE AMENDING MOAB MUNICIPAL CODE SECTIONS 5.09.010, 5.20.660 and
12.20.040 PERTAINING TO THE SERVING, SALE AND CONSUMPTION OF ALCOHOL IN PARKS,
PUBLIC BUILDINGS AND OTHER PUBLIC PLACES**

Ordinance #2012-12 was adopted at a Regular City Council Meeting held on July 31, 2012 at the Moab City Council Chambers, 217 East Center Street Moab, Utah 84532. A complete copy of Ordinance #2012-12 is available online at: www.moabcity.org or at the City of Moab Recorder's Office at 217 East Center Street Moab, Utah 84532.

/s/ Rachel E. Stenta
City Recorder/Assistant City Manager

Published in the Times Independent on August 23, 2012.

ORDINANCE NO. 2012-12

AN ORDINANCE AMENDING MOAB MUNICIPAL CODE SECTIONS 5.09.010, 5.20.660 and 12.20.040 PERTAINING TO THE SERVING, SALE AND CONSUMPTION OF ALCOHOL IN PARKS, PUBLIC BUILDINGS AND OTHER PUBLIC PLACES

WHEREAS, the Moab Municipal Code addresses the issue of the serving, sale and consumption of alcohol in public places in section 5.09.010 and 12.20.040; and

WHEREAS, the Moab Municipal Code addresses the issue of required licensing for special events in Section 5.09.010; and

WHEREAS, the Moab City Council has determined that it is appropriate to permit the serving, sale and consumption of alcohol in additional public locations, subject to certain conditions and requirements;

NOW, THEREFORE, WE, THE GOVERNING BODY OF THE CITY OF MOAB do hereby ordain the Moab Municipal Code to be amended as follows:

Moab Municipal Code Section 5.20.660 shall be amended to read as follows:

5.20.660 Consumption of alcohol in public places.

- A. No person shall consume, serve, or distribute alcoholic beverages in a public street, sidewalk, alley, building, park, or facility, except in conformity with the provisions of this section. Violation of this subsection is a strict liability offense punishable as a Class C misdemeanor.
- B. No event sponsor or other person shall charge an admission fee or otherwise charge a price for alcoholic beverages served and consumed in any public place, except in conformity with the provisions of this section. Violation of this subsection is a strict liability offense and shall be punishable as a Class C misdemeanor.
- C. The serving and consumption of alcoholic beverages may be permitted at the Moab Arts and Recreation Center at privately hosted social gatherings not open to the public, provided each of the following requirements are met:
 - 1. The event sponsor executes an alcohol event use license with Moab Arts and Recreation Center staff and agrees to indemnify and hold the city harmless from all liability associated with the serving or consumption of alcoholic beverages at the facility.
 - 2. The event sponsor pays the rental fee for use of the facility, as established

- from time to time by council resolution.
3. The sponsor complies with all license and rental terms and policies, city regulations and code provisions, and state laws concerning the consumption and distribution of alcohol.
 4. Alcohol Events at the MARC shall conclude by 11:00 PM
- D. The serving, consumption and sale of alcoholic beverages may be permitted by the City Council at Swanny City Park and the Center Street Ballfield provided each of the following requirements are met:
1. The event sponsor obtains a State of Utah Single Event Alcohol Permit or Temporary Special Event Beer Permit and abides by all terms and conditions of the State of Utah Permit.
 2. The event sponsor obtains any applicable City of Moab alcohol licenses.
 3. The event sponsor obtains a City of Moab Special Event Business License that provides detailed information about the event.
 4. The event sponsor obtains a City of Moab Park Use Permit for Swanny Park that provides detailed information about the use of the park.
 5. The event sponsor obtains a Park Alcohol Permit.
 6. Permitted Alcohol Events at Swanny City Park and the Center Street Ballpark shall limit the serving of alcohol to the hours of 10:00 a.m. until 7:00 p.m.
 7. Areas designated for the serving of alcoholic beverages shall be located at least 100 feet away from designated playgrounds, the Skatepark and the Moab Recreation and Aquatic Center.
- E. The serving, consumption and sale of alcoholic beverages may be permitted by the City Council on a public street provided each of the following requirements are met:
1. The event sponsor obtains a State of Utah Single Event Alcohol Permit or Temporary Special Event Beer Permit and abides by all terms and conditions of the Permit.
 2. The event sponsor obtains any applicable City of Moab alcohol licenses.
 3. The event sponsor obtains a City of Moab Special Event Business License that provides detailed information about the event.
 4. The event sponsor obtains permission from the Moab City Council to temporarily close the street in question to regular vehicular traffic.
 5. Permitted Alcohol Events on City streets shall limit the serving of alcohol to the hours of 10:00 a.m. until 9:00 p.m.
- F. The serving, consumption and sale of alcoholic beverage may be permitted by the City Council at the Moab Arts and Recreation Center provided each of the following requirements are met:

1. The event sponsor obtains a State of Utah Single Event Alcohol Permit or Temporary Special Event Beer Permit and abides by all terms and conditions of the State of Utah Permit.
 2. The event sponsor obtains any applicable City of Moab alcohol licenses.
 3. The event sponsor obtains a City of Moab Special Event Business License that provides detailed information about the event.
 4. The event sponsor executes an alcohol event use license with Moab Arts and Recreation Center staff and agrees to indemnify and hold the city harmless from all liability associated with the serving or consumption of alcoholic beverages at the facility;
 5. The event sponsor pays the rental fee for use of the facility, as established from time to time by council resolution; and
 6. The event sponsor complies with all license and rental terms and policies, city regulations and code provisions, and state laws concerning the consumption and distribution of alcohol.
 7. Alcohol Events at the MARC shall conclude by 11:00 PM.
- G. The serving, consumption and sale of alcoholic beverages at county-owned facilities within city limits may be permitted by the City Council provided each of the following conditions are met:
1. The event sponsor obtains approval from Grand County.
 2. The event sponsor obtains a State of Utah Single Event Permit or Temporary Special Event Beer Permit and abides by all terms and conditions of the State of Utah Permit.
 3. The event sponsor obtains any applicable City of Moab alcohol licenses.
 4. The event sponsor obtains a City of Moab Special Event Business License that provides detailed information about the event.
- H. The serving and consumption of alcohol at privately-hosted social gathering not open to the public may be permitted at county-owned facilities provided each of the following conditions are met:
1. The event sponsor obtains approval from Grand County and follows all applicable policies and procedures.
- I. A "privately hosted social gathering" shall be defined as any social, recreational, or business event for which all or a portion of the Moab Arts and Recreation Center or Grand County facility has been leased or licensed, in advance, and the event or function is limited in attendance to people who have been specifically designated, by invitation or otherwise, and their guests. Privately hosted social gatherings shall not in any case be defined to include any event to which the public is invited, whether by advertisement or otherwise, or events where an admission fee is charged.

- J. No city employee, agent, or volunteer shall consume alcoholic beverages or participate in the serving or distribution of alcoholic beverages at any gathering authorized pursuant to this chapter while on duty or acting in an official capacity on behalf of city. Nothing in this subsection shall prohibit a city employee, agent, or volunteer from consuming or distributing alcoholic beverages at an event where such person is a guest or event participant.
- K. To be eligible for any license or permit pursuant to this chapter, an "event sponsor" shall be a natural person twenty-one years of age or older.
- L. No person shall allow or permit the serving of alcoholic beverages to any person under twenty-one years of age. All persons involved in the serving or distribution of alcoholic beverages do so under the supervision and direction of the event sponsor, who shall be personally responsible for compliance with all applicable license, city code, and state law provisions. Violation of this subsection is a strict liability offense and shall be punishable as a Class C misdemeanor.
- M. The City Manager shall be authorized to promulgate such other and additional terms and conditions upon the use and occupancy of the facilities as may be deemed necessary and appropriate, depending upon the nature of the event planned. These additional terms may include, but shall not be limited to:
 - 1. Limitations as to hours of operation;
 - 2. Limits on the occupancy or total numbers of guests;
 - 3. Security requirements;
 - 4. Parking limitations; and
 - 5. Any conditions reasonable related to the safety of event participants and the safety and peace of the general public.
- N. Any city enforcement officer may enter the premises of any event permitted under this section at any time to determine compliance with all applicable laws and conditions. Any law enforcement officer who deems that an event is out of compliance with applicable laws and conditions shall have the authority to curtail the event.

Moab Municipal Code Section 5.09.010 D and E shall be amended to read as follows:

- D. With the exception of events that entail the serving, consumption and sale of alcoholic beverages, performing arts events held at established performing arts venues, including the Grand County High School Auditorium, the Moab Arts and Recreation Center, Star Hall, and the Grand Center shall not be considered special business events, provided

that the sponsoring entity follows all other licensing requirement of this chapter. All events that entail the serving, consumption and sale of alcoholic beverages must meet with requirements of Moab Municipal Code Section 5.20.660 regarding the consumption of alcohol in public places.

- E. Performing arts events held at established performing art venues, including the Grand County High School Auditorium, the Moab Arts and Recreation Center, Star Hall and the Grand Center shall not be considered special events.

Moab Municipal Code Section 12.20.040 shall be amended to read as follows:

12.20.040 Consumption or possession of alcoholic beverage prohibited.

Except as provided for in Chapter 5.20.660, it is unlawful for any person to consume alcoholic beverages within any public park of the City.

DATED this 31st day of July, 2012.

SIGNED:

David L. Sakrison
Mayor

ATTEST:

Rachel E. Stenta
City Recorder