

ORDINANCE 21-13

AN ORDINANCE AMENDING TITLE 3, CHAPTER 3.04, SECTIONS 3.04.030 AND 3.04.050 OF THE MORGAN CITY CODE BY CHANGING THE NUMBER OF ALCOHOL LICENSES PERMITTED WITHIN MORGAN CITY; PROVIDING FOR REPEALER; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Morgan City has been authorized by the State of Utah to determine the number of licenses that may be issued within the City for the dispensing of alcoholic beverages; and

WHEREAS, in evaluating the current number of these licenses, the growth of the City, and the demand for these services, the City Council has determined that the appropriate number of licenses should be governed by the number of licenses issued by the State Liquor Commission, subject to the separation requirement of State Law; and

WHEREAS, the City Council of Morgan City deems it to be in the best interest of the citizens of Morgan City to amend Sections 3.04.030 and 3.04.050 of the Morgan City Code to reflect the change to the number of licenses for dispensing alcoholic beverages within the respective categories.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF MORGAN, UTAH:

SECTION 1 **Repealer.** If any provisions of the Morgan City Code heretofore adopted are inconsistent herewith, they are hereby repealed.

SECTION 2. **Enactment.** Title 3, Chapter 3.04, Sections 3.04.030 and 3.04.050 of the Morgan City Code is hereby amended to read as follows:

3.04.030 **PRIVATE CLUBS**

. . .

- B. Number Limited; Distance to Existing Club: The number of these licenses shall be limited to the number issued by the Utah Liquor Commission, subject to the separation requirements and other provisions contained herein. ~~two (2) licensed private clubs or two (2) licensed beer retailer on premises establishments, or a combination thereof not to exceed two (2), within the corporate limits of the City. Further, n~~ No new private club licenses shall be located closer than six hundred feet (600') to an existing private club or beer retailer on premises licensee. The six hundred feet (600') shall be measured in a straight line between the nearest property lines of the subject properties.

. . . .

3.04.050 **BEER RETAILER LICENSES**

. . .

- ~~C. —~~ Number Limited: The location of these licensees shall be limited to ~~two (2) licensed beer retailer on premises establishments or two (2) licensed private clubs, or a combination thereof not to exceed two (2), within the corporate limits of the city.~~

- ~~D.~~ Distance Regulations; Exception:

1. Further, no new beer retailer on premises licensee shall be located closer than six hundred feet (600') to an existing beer retailer on premises licensee or private club. The six hundred feet (600') shall be measured in a straight line between the nearest property lines of the subject properties.
2. A beer retailer on/off premises may not be established within six hundred feet (600') of any public or private school, church, public library, public playground or park, measured from the nearest entrance of the on/off premises beer retailer by following the shortest route of either ordinary pedestrian traffic, or where applicable, vehicle travel along public thoroughfares, whichever is the closer.
3. A beer retailer licensed premises may not be established within two hundred feet (200') of any public or private school, church, public library, public playground or park measured in a straight line from the nearest entrance of the proposed outlet to the nearest property boundary of the above named.
4. The restrictions contained in subsections ~~DC~~2 and ~~DC~~3 of this section govern unless the city council finds after a full investigation, by the enforcement official, that compliance with the distance requirements would result in peculiar and exceptional practical difficulties or exception and undue hardships in the granting of a beer retailer license. Additional circumstances may be considered and include topography, existing permanent physical barriers, sight distance, land use issues, compatibility, travel distance, etc. In that event, the city council may, after giving full consideration to all the attending circumstances, following a public hearing, authorize a variance from the distance requirements to relieve the difficulties or hardships if the variance may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this chapter. If such a variance is granted, the city council may impose additional restrictions upon the licensee to ensure the purpose of the intended restrictions.

~~ED~~. Qualifications:

1. The city council may not grant a beer retailer license to an outlet whose proprietor has been convicted of:
 - a. A felony under federal or state laws.
 - b. Convicted of any violation of any federal or state law or local ordinance concerning the sale, manufacture, distribution, warehousing, adulteration or transportation of alcoholic beverages.
 - c. Driving under the influence of alcohol and/or drugs, or reckless driving, reduced from such a charge, within three (3) years prior to application.
 - d. Convicted of any crime involving moral turpitude.
2. In the case of any partnership or corporation, the offenses in subsection ~~ED~~1 of this section applies, if any partner, managing agent, officer, director or stockholder who holds at least twenty percent (20%) of the total issued and outstanding stock of an applicant corporation has been convicted of any offense as provided in this chapter.
3. If any such person is convicted of such an offense subsequent to the issuance of the license, the license shall be surrendered immediately. The licensee may request a hearing

on the matter, in writing and within ten (10) days of a conviction by a trial court. Any such hearing shall be pursuant to the provisions of the business license ordinance.

4. Retailers must sell and store beer in accordance with state law. On premises beer retailers may sell beer in open containers, in any size not exceeding two (2) liters, and on draft. Liquor may not be stored or sold on the premises.
5. Beer retailers can only sell beer during hours as stated below:
 - a. Off premises; between the hours of six o'clock (6:00) A.M. and one o'clock (1:00) A.M.
 - b. On Premises; between the hours of ten o'clock (10:00) A.M. and one o'clock (1:00) A.M.
6. ~~The enforcement official will conduct quarterly inspections of the on premises retailer and furnish a written report to the city council and the sheriff's office to ensure compliance.~~

FE. Application; Fee: A person seeking a beer retailer license under this chapter shall file a written application with the city, in a form prescribed by the licensing department. The beer retailer license fee and the nonrefundable application fee are as set forth in the current city fee schedule. (2003 Code)

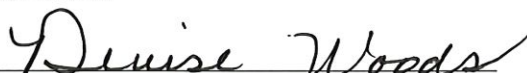
SECTION 3. Severability. If any section, subsection, sentence, clause, or phrase of this ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, said portion shall be severed and such declaration shall not affect the validity of the remainder of this ordinance.

SECTION 4. Effective Date. This ordinance shall go into effect at the expiration of the 20th day after publication or posting or the 30th day after final passage as noted below or whichever of said days is the most remote from the date of passage thereof.

PASSED AND ADOPTED by the City Council of Morgan, Utah, this 23rd day of November 2021.


RAY W. LITTLE, Mayor

ATTEST:


DENISE WOODS, City Recorder

CITY COUNCIL VOTE AS RECORDED:

	Aye	Nay	Excused
Councilmember London	<u>X</u>	—	—
Councilmember Wardell	<u>X</u>	—	—
Councilmember Turner	—	—	<u>X</u>
Councilmember Richins	<u>X</u>	—	—
Councilmember Alexander	<u>X</u>	—	—



(In the event of a tie vote of the Council):
Mayor Little — —