

ORDINANCE NO. 2015-12

AN ORDINANCE AMENDING THE SECTION OF THE VINEYARD TOWN CODE REGARDING THE LICENSING OF BUSINESSES ENGAGED IN THE RETAIL SALE OF ALCOHOLIC BEVERAGES

WHEREAS, the Town of Vineyard has determined that there is some language in the Town Code regarding the retail sale of alcoholic beverages that needs to be updated, clarified and conformed to meet the provisions of the Town's Zoning Ordinance; and

NOW THEREFORE BE IT ORDAINED by the mayor and Town council of the Town of Vineyard, as follows:

1. Chapter 9-400 of the Vineyard Town Code shall be amended to delete those words and phrases shown below in cross outs and to include the new language shown below that is underlined.

CHAPTER 9-400. LICENSING AND REGULATING SPECIFIC BUSINESSES.

PART 9-410. INTOXICANTS.

9-411. LICENSE TO SELL BEER OR LIQUOR AT RETAIL.

- A. It shall be a class B misdemeanor for any person to engage in the business of selling beer or liquor at retail, in original containers or draft, without first having procured a license therefore from the governing body and paid the license fee required by this part.
- B. It shall be a class B misdemeanor for any person to sell beer or liquor after the revocation of the license issued pursuant to this part.
- C. A separate license shall be required for each place of sale and the license shall at all times be conspicuously displayed in the place to which it shall refer or for which it shall be issued. All licensees shall comply with the Utah Alcoholic Beverage Control Act and the regulations of the Alcoholic Beverage Control Commission.

9-412. DEFINITIONS. The words and phrases used in this part shall have the meanings specified in the Utah Alcoholic Beverage Control Act unless a different meaning is clearly evident.

9-413. RETAIL LICENSES. Retail licenses issued hereunder shall be of the following kinds and shall carry the following privileges and be known as class "A", class "B", class "C", "D" Temporary licenses class "E", class "A liquor license for private clubs", class "B liquor license for restaurants" and class C liquor temporary event license."

- A. Class "A" retail beer licenses issued hereunder shall entitle the licensee to sell beer on the premises licensed in original containers for consumption off the premises in accordance with the Utah Alcoholic Beverage Control Act and the

ordinances of this town.

- B. Class "B" retail beer licenses shall entitle the licensee to sell beer in the original containers on the premises for consumption on or off the premises in accordance with the Utah Alcoholic Beverage Control Act and the ordinances of this town.
- C. Class "C" retail beer licenses shall entitle the licensee to sell draft beer for consumption on the premises and to sell beer in accordance with the Utah Alcoholic Beverage Control Act and the ordinances of this town.
- D. Class "D" Temporary beer licenses of any class be issued for a period of time not to exceed one year which period shall be determined by the governing body.
- E. Class "E Private Club beer license". Shall entitle the licensee to sell beer for consumption on the premises of a private club licensed for the sale of liquor by the State of Utah pursuant to Utah Code 32B-6-401 et seq.
- F. Class "A Liquor License for Private Clubs" This license shall permit the sale of liquor in a private club licensed for such sale by the State of Utah pursuant to Utah Code 32B-6-401 et seq. and licensed by the Town pursuant to Utah Code 11-10-1.
- G. Class "B Liquor License for Restaurants." This license shall permit the sale of liquor in a restaurant licensed for such sale by the State of Utah pursuant to Utah Code 32B-6-1 or 2 and licensed by the Town pursuant to Utah Code 11-10-1.
- H. Class "C Temporary Liquor License." This license shall permit the sale of liquor at a single temporary event and location when licensed for such sale by the State of Utah pursuant to Utah Code 32B-303 and licensed by the Town pursuant to Utah Code 11-10-1.

9-414. ALCOHOL LICENSE FEES. In addition to any other business license fee which any person or place of business may be required to pay, the Town Council shall from time to time enact by a fee for an annual beer or liquor license. This fee shall be listed in the current fee schedule except that pursuant to Utah Code 11-10-3 the license fee for a Class A, B or C liquor license shall not exceed \$300.00.

9-415. LICENSE FEES TO ACCOMPANY APPLICATION. Applications provided for in this part shall be accompanied by the fees provided in this part. The fee shall be returned to the applicant if the application is denied.

9-416. PURCHASE OF BEER OR LIQUOR FOR RESALE. It is a class B misdemeanor for any licensee to purchase or acquire or to have or possess for the purpose of sale or distribution any beer or liquor except that which he shall have lawfully purchased from the State of Utah, a brewer or wholesaler licensed under the provisions of the Utah Alcoholic Beverage Control Act.

9-417. APPLICATION FOR LICENSE.

- A. All applications for licenses authorized by this part shall be verified and shall be

filed with the Town Clerk. The applications must state the applicant's name in full and that he understands and has read and complied with the requirements and possesses the qualifications specified in the Alcoholic Beverage Control Act and this part. If the applicant is a co partnership, the names and addresses of all partners, and if a corporation, the names and addresses of all officers and directors must be stated.

- B. Application must be subscribed by the applicant who shall state under oath that the facts therein contained are true.

9-418. APPLICATIONS REFERRED TO CHIEF OF POLICE. All applications filed in accordance with the provisions of this part shall be referred to the chief of police for inspection and report. The chief of police shall when possible within 2 weeks after receiving such application make report to the governing body of the general reputation and character of the persons who habitually frequent such place; the nature and kind of business conducted at such place by the applicant or by any other person or by the applicant at any other place; whether the place is or has been conducted in a lawful, quiet and orderly manner; the nature and kind of entertainment, if any at such place; whether gambling is or has been permitted on the premises or by the applicant at any other place; and the proximity of such premises to any school or church. The chief of police shall also add to such report his recommendation as to whether or not the application should be granted.

9-419. RENEWALS. All applications for renewal licenses filed by the holders of existing licenses shall be filed with the Town Clerk at least thirty days prior to the expiration date of the then issued license. Any person who fails to file such application with the time limit shall close his licensed premises on the expiration date of the then issued license and shall keep the premises closed for any and all business for the sale of beer or liquor until the date of his new license is issued by the governing body.

9-420. QUALIFICATION. No license shall be granted to any retailer to sell beer or liquor within the town unless he shall be of good moral character, over the age of twenty-one years, and a citizen of the United States, or to anyone who has been convicted of a felony or of any violation of any law of the state of Utah or provision of the ordinances of this town relating to intoxicating liquors, or of keeping a gambling or disorderly house, or who has pleaded guilty to or has forfeited his bail on a charge of having committed a felony or of having violated any such law or ordinance, or to any partnership, any member of which lacks any of the qualifications set forth in this section, or to any corporation, of which any director or officer lacks any such qualifications.

9-421. BOND REQUIRED. No license under this part shall be granted by the governing body until the applicant shall have filed with the Town Clerk a bond and insurance in the sum and as required by Section 32B-6-705 Utah Code Annotated 1953 the bond shall be made in favor of this town.

9-422. DEPARTMENT OF HEALTH PERMIT. No license under this part shall be issued until the applicant therefore shall have first procured from the department of health of the town a permit which shall show that the premises to be licensed are in a sanitary condition and that the equipment used in the storage, distribution or sale of beer or liquor complies with all the health regulations of this town and the state of Utah.

9-423. TRANSFER OF LICENSE. Licenses issued pursuant to this part shall not be transferrable, and if revoked by the governing body, the fee paid by the licensee to the town for the license shall be forfeited to the town.

9-424. RESTRICTIONS.

- A. It is unlawful for any person to sell beer or liquor at any public dance or to any person intoxicated, or under the influence of any intoxicating beverage.
- B. No license shall be granted to sell beer or liquor in any dance hall, theater, or within 600 feet of a public or private school, church, library, public playground or public park, as measured from the nearest entrance of the licensed premises by following the shortest route of ordinary pedestrian travel to the property boundary of the public or private school, church, library, public playground or public park; or within 200 feet of a public or private school, church, library, public playground or public park, measured in a straight line from the nearest entrance of the licensed premises to the nearest property boundary of the public or private school, church, library, public playground or public park unless granted a variance pursuant to Utah Code 32B-1-202..
- C. It shall be unlawful to sell beer or liquor to any person under the age of 21, or to sell beer or liquor for consumption on the premises unless so licensed..
- D. It shall be unlawful for a holder of a license that allows the on premise consumption of beer to sell or otherwise furnish or dispose of beer, or allow it to be drunk or consumed on the premises or to allow beer out of original containers to remain in the licensed premises, whether or not open to the public, after the closing hour or 1:00 a.m. and before 10:00 a.m. of any day..
- E. Any person having a Class "B", "C", "D" or "E" beer license, or his agents or employees, shall remove or cause to be removed from the licensed premises all patrons, customers or individuals not employed on the premises by the time above stated in section D.
- F. It shall be unlawful for any person having a Class "B", "C" or "E" beer license or for his agents or employees to permit any patron, customer or individual not employed on the premises to remain on such premises after the closing time above provided; provided however, no licensed premises may employ more than two persons on the premises after the closing hour without the permission of the chief of police or mayor.
- G. Licensed premises shall be kept brightly illuminated at all times while it is occupied or open for business, and no booth or kind of stall shall be maintained unless all tables, chairs and occupants are kept open to full view from the main floor and the entrance of such licensed premises. It shall be unlawful to advertise the sale of beer or liquor except under such regulations as are made by the Alcoholic Beverage Control Commission of Utah, provided that a simple designation of the fact beer or liquor is sold under Town license may be placed in or upon the window or front of the licensed premises.
- H. It shall be unlawful for any person to sell beer or liquor except in the manner for

which he has been so licensed pursuant to the provisions of this part.

I. It shall be unlawful to keep or maintain a nuisance as defined in this part.

9-425. Reserved.

9-426. INSPECTION.

- A. All licensed premises shall be subject to inspection by any officer, agent, or peace officer of the town or the Alcoholic Beverage control commission, or the state board of health, and every licensee shall, at the request of the board of health furnish to it samples of beer which he shall have for sale.
- B. Any license granted pursuant to this part may be revoked on a finding by the governing body that the licensee has had ten days or more notice from the board of health that the licensee is violating one or more health ordinance, rule or regulation.
- C. The governing body may direct the chief of police to close down any business licensed under this part where the board of health has determined that continued operation of the business presents an imminent danger to the health of the community or persons who may eat or drink at the business.

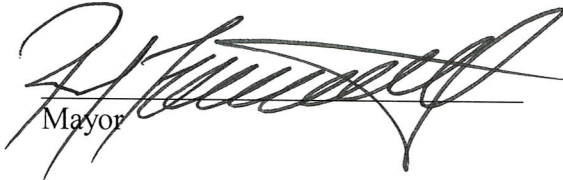
9-427. REVOCATION OR SUSPENSION.

- A. The governing body may, after a hearing, revoke or suspend any license on a finding that the licensee or his officers, agents or employees have violated any provision of this part or any ordinance of this town whether now or hereafter enacted which in any way is related to the operation of the business or the safety of the public.
- B. A hearing may be requested by any person:
 - 1. That is denied or refused a license by any officer, agent or employee of this town.
 - 2. Whose license is revoked, restricted, qualified, or limited from that for which it was first issued.
- C. The request for hearing must be made in writing to the mayor or Town Clerk and made within 30 days following the date notice denying, refusing, revoking, qualifying, or restricting the license is mailed by the town to the applicant or license holder at his address as it appears on the application or license.
- D. Following receipt of a request for hearing, the governing body shall inform the person requesting a hearing of the time and place the hearing is to be held. At the hearing, the aggrieved party shall have the right to hear and examine any witnesses the town may produce to support its decision and to present his own evidence in support of his contention. The governing body shall, within ten days following the conclusion of the hearing, in writing, inform the person who requested the hearing of the decision of the Town council.

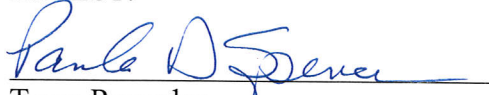
E. This part shall not be constructed so as to afford any aggrieved party more than one hearing before the Town Council nor shall the hearing provided in this part apply to any criminal complaint or proceeding.

2. This ordinance shall take effect upon posting in accordance with state law.

PASSED this 26th day of August, 2015.


Mayor

ATTEST:


Town Recorder

