

Ordinance No. 10-21

**ORDINANCE AMENDING TITLE 4, LICENSING, OF THE  
MUNICIPAL CODE OF PARK CITY, UTAH  
FOR CONSISTENCY WITH UTAH ALCOHOL LAWS, ESTABLISHMENT OF  
OTHER ALCOHOL LICENSES, AND OTHER RELATED MATTERS**

WHEREAS, during the 2009 legislative session several changes were made to state alcohol laws and the Department of Alcoholic Beverage Control has enacted rules giving effect to those laws. No changes were made to the state alcohol laws in the 2010 legislative session; and

WHEREAS, the City Council of Park City, Utah deems it an important practice to amend the Municipal Code to consistently reflect current Utah State Code, and as a practical matter where appropriate, to expand the types of licenses offered by Park City, and to make housekeeping amendments where needed; and

WHEREAS, a public hearing was held on May 20, 2010 and the Council determined it in the best interest of the business community to adopt the proposed amendments;

NOW, THEREFORE, BE IT ORDAINED, that:

**SECTION 1. AMENDMENTS ADOPTED.** The following amendments to Section 4-1 and Sections 4-4 through 4-6.2, described as Exhibit A, are hereby adopted.

**SECTION 2. EFFECTIVE DATE.** This Ordinance shall become effective upon publication.

PASSED AND ADOPTED this 20<sup>th</sup> day of May, 2010.


PARK CITY MUNICIPAL CORPORATION

  
\_\_\_\_\_  
Mayor Dana Williams

Attest:

  
\_\_\_\_\_  
Janet M. Scott, City Recorder

Approved as to form:

  
\_\_\_\_\_  
Mark D. Harrington, City Attorney



## EXHIBIT A

### 4-1-1. DEFINITIONS.

All words and phrases used in this title shall have the following meanings unless a different meaning clearly appears from the context:

- 4-1-1.1 **ALCOHOLIC BEVERAGES**. Includes "beer" and "liquor" as they are defined herein.
- 4-1-1.2 **ARCADE**. A business dedicating at least eighty-five percent (85%) of its square footage to amusement games only, and not more than fifteen percent (15%) dedicated to concession and/or cashiering. No food preparation is allowed and alcoholic beverages may not be sold.
- 4-1-1.3 **BEDROOM**. Each room in a hotel, motel, lodge, timeshare project, condominium project, single family residence or other nightly lodging facility that is intended primarily for the temporary use of transient guests for sleeping purposes.
- 4-1-1.4 **BEER**. Any beverage containing not less than one-half of one percent (.5%) of alcohol by ~~weight~~ volume and obtained by the alcoholic fermentation of an infusion or decoction of any malted grain, or similar products. "Heavy beer" means beer containing more than three point two percent (3.2%) of alcohol by weight. "Light beer" means beer containing not more than 3.2% of alcohol by weight. "Beer" may or may not contain hops or other vegetable products. "Beer" includes ale, stout and porter. Beer does not include a flavored malt beverage.
- 4-1-1.5 **BEER LICENSE - SPECIAL EVENT TEMPORARY**. A license issued by the City to an individual or organization for a maximum period of time of thirty (30) days ~~seventy-two (72) consecutive hours~~ to sell beer at an event. Person's holding a special event temporary beer license issued by the City from a local authority are not also required to obtain a State Temporary Special Event Beer Permit, but are not required to obtain an on-premise beer license.
- 4-1-1.6 **BEER RETAILER**. Any business establishment engaged, primarily or incidentally, in the retail 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 Commission and Park City.
- 4-1-1.7 **BEER RETAILER - ON PREMISE**. Any beer retailer engaged, primarily or incidentally, in the sale or distribution of beer to public patrons for consumption on the retailer's premises. It includes taverns.
- 4-1-1.8 **BUSINESS**. A distinct and separate person or entity engaging in business, as those terms are defined herein. A business is distinguished from another business by separate state sales tax numbers or separate ownership.

4-1-1.9 **CHARITABLE ORGANIZATION.** "Charitable organization" means any recognized religious organization, or any social or welfare organization recognized and dedicated to the relief of the poor, care of the sick or elderly, or aid to victims of disaster, catastrophe, or personal tragedy.

4-1-1.10 **CLUB LICENSEE.** A Club licensee is a person licensed under Chapter 5, Club Licenses, of the Alcoholic Beverage Control Act.

4-1-1.101 **COMMERCIAL VEHICLES AND TRAILERS.** Businesses that utilize motor vehicles as their normal course of business, but do not transport people to, from and within Park City for a fee. Such businesses include but are not limited to delivery trucking, commercial hauling, snow removal services, u-haul or other cargo rental vehicles, concrete trucks and dump trucks.

4-1-1.142 **COMMISSION.** The State of Utah Alcoholic Beverage Control Commission.

4-1-1.123 **CONDUCTING BUSINESS.** For purposes of this Title the term "conducting business" shall include the sale or offering for sale of any goods or merchandise, or the offering or performing of any service for valuable consideration of any kind.

4-1-1.134 **CORPORATE SPONSOR.** Any business enterprise or combination of business enterprises which provide funding for any special event in the amount of fifty percent (50%) or more of the funds necessary to promote the event or account for fifty percent (50%) or more of the events operating expenditure budget.

4-1-1.15 **DABC.** The Utah Department of Alcoholic Beverage Control

4-1-1.146 **DESIGNEE.** A Park City staff member qualified to process liquor-related Applications and renewals.

4-1-1.157 **DIRECTOR.** The Administrative Services Director of Park City.

4-1-1.168 **DIVISION.** The Park City Business Licensing Division.

4-1-1.179 **EMPLOYEE BASED.** Businesses which lease or otherwise provided employees to other businesses or any person in return for consideration. Such businesses include but are not limited to employment agencies and security firms.

4-1-1.1820 **ENGAGING IN BUSINESS.** Includes all activities engaged in within the corporate limits of Park City carried on for the purpose of gain or economic profit, except that the acts of employees rendering service to employers shall not be included in the term business unless otherwise specifically prescribed. "Engaging in business" includes but is not limited to, the sale or rental of tangible personal or real property at

retail or wholesale, the manufacturing of goods or property and the rendering of personal services for others for a consideration by persons engaged in any profession, trade, craft, business, occupation, or other calling, except the rendering of personal services by an employee to his employer under any contract of personal employment.

4-1-1.1921 **FIREWORKS PERMIT**. A permit issued by the City Fire Marshal for aerial or concession fireworks, pursuant to the Uniform Fire Code.

4-1-1.202 **HOURLY UPHILL LIFT CAPACITY**. The aggregate number of persons that can be accommodated per hour by all of the ski lifts in a given ski resort operating at the maximum safe rate of operation.

4-1-1.243 **HOURLY USER CAPACITY**. The maximum number of persons that can be safely and reasonably accommodated per hour by an amusement park, golf course, athletic club, theater bowling alley, tennis club, racquetball club, swimming pool, and any other recreational, sports, or entertainment facility.

4-1-1.224 **LICENSEE**. Any person holding any beer or liquor license in connection with the operation of a place of business or private club. This term shall also include beer or liquor handling employee of the licensee. The licensee is responsible for the acts and omissions of its employees.

4-1-1.235 **LICENSED PREMISE**. Any room, building, structure, or place occupied by any person licensed to sell beer or to allow the consumption or storage of liquor on such premises under Chapter 4; provided that in any multi-roomed establishment, an applicant for an on-premise or off-premise beer license shall designate a room or portion of a building of such business for the consumption or the sale of beer, which portions shall be specifically designated in the application and, in the license issued pursuant thereto, shall be the licensed premises. Multiple dining facilities located in one building, owned or leased by one license applicant and subject to the same type of beer or liquor license shall not be deemed separate licensed premises, and shall not be required to obtain a separate license for each area.

4-1-1.246 **LICENSE FEE(S)**. Includes the administrative fee and service enhancement fee as defined by the Business License Fee Schedule.

4-1-1.257 **LIQUOR**. Includes alcohol, or any alcoholic, spirituous, vinous, fermented, malt or other liquid combination of liquids, a part of which is spirituous, vinous, or fermented, and all other drinks or drinkable liquids, containing more than one half one percent (.5%) of alcohol by volume; ~~and all mixtures, compounds or preparation, whether liquid or not, which contain more than one half of one percent (.05%) of alcohol by volume, and which are capable of human consumption~~ suitable for beverage purposes; except that the term "liquor" shall not include any beverage defined as beer, malt liquor or malted beverage that has an alcohol content of less than four percent (4%) alcohol by volume. and includes a flavored malt beverage. Liquor does not include a beverage defined as beer.

4-1-1.28 MANUFACTOR. Means to distill, brew, rectify, mix, compound, process, ferment, or otherwise make an alcoholic product for personal use or for sale or distribution to others.

4-1-1.26~~9~~<sup>9</sup> **MASTER FESTIVAL.** Any event held on public or private property in which the general public is invited with or without charge and which creates significant public impacts through any of the following:

- (A) the attraction of large crowds,
- (B) necessity for street closures on Main Street or any arterial street necessary for the safe and efficient flow of traffic in Park City,
- (C) use of public property,
- (D) use of City transportation services,
- (E) use of off-site parking facility, or
- (F) use of amplified music in or adjacent to a residential neighborhood.

4-1-1.27~~30~~<sup>30</sup> **MOBILE FOOD VENDOR.** Any motor vehicle from which consumable on-site food service is offered. Mobile food vendors are restricted to serving construction sites.

4-1-1.28~~31~~<sup>31</sup> **MONTHLY RENTAL FACILITY - UNDER MANAGEMENT.** Any place where rooms or units are rented or otherwise made available by a manager or management company for residential purposes on a monthly or longer time basis, but not including monthly or longer rental by the owner of the property without management.

4-1-1.29~~32~~<sup>32</sup> **NIGHTLY LODGING FACILITY.** Any place where or any portion is rented or otherwise made available to persons for transient lodging purposes for a period less than thirty (30) days including, without limitation, a hotel, motel, lodge, condominium project, single family residence or timeshare project.

4-1-1.30~~3~~<sup>3</sup> **NON-PROFIT CORPORATION.** A corporation, no part of the income of which, is distributable to its members, trustees or officers, or a non-profit cooperative association.

4-1-1.31~~4~~<sup>4</sup> **NUISANCE.** Any licensed premises where: alcoholic beverages are manufactured, sold, kept, bartered, stored, consumed, given away or used contrary to the Alcohol Beverage Control Act, the Utah Liquor Commission Rules and Regulations, or this Code; or intoxicated persons are permitted to loiter about, or profanity, indecent, immoral, loud or boisterous language or immoral, unruly, disorderly, lewd, obscene conduct is permitted, or carried on; or persons under the age of twenty-one (21) are

permitted to purchase or drink beer or liquor; or city, county, state or federal laws or ordinances are violated by the licensee or his agents or patrons with the consent or knowledge of licensee which tend to affect the public health, safety, peace, or morals; or patrons are throwing litter or other objects within the licensed premises or from the licensed premises in a manner which tends to affect the public safety or health; or patrons are permitted to remove opened containers of alcoholic beverages or glasses containing alcoholic beverages from the licensed premises to the public street or way; ~~or persons who are not members, or guest members of a private club or accompanied by members as their "visitors", as defined by State law, in any private club are permitted to remain in that club without obtaining a permanent or temporary membership.~~

4-1-1.32~~6~~<sup>5</sup> **OO, SKIER DAY.** A three (3) year average of the total number of lift tickets sold annually, including daily lift tickets, resident coupons, complimentary tickets, and an estimated average of season pass holders daily use. The three (3) year average shall be calculated by the Ski Resort and shall include the three most recent years of operation from November 1 through June 30. The City may audit the analysis and any business records relied upon for the analysis. The calculation shall be submitted to the Finance Department by October 15th of each year.

4-1-1.33~~6~~<sup>6</sup> **PEDDLER.** A person who carries goods or merchandise with him or her and sells or offers for sale those goods or merchandise on a door-to-door or transient basis rather than from a fixed location.

4-1-1.34~~7~~<sup>7</sup> **PERSON.** Any individual, receiver, assignee, trustee in bankruptcy, trust, estate, firm, partnership, joint venture, club, company, business trust, corporation, association, society or other group of individuals acting as a unit, whether mutual, cooperative, fraternal, non-profit, or otherwise.

4-1-1.35~~8~~<sup>8</sup> **PLACE OF BUSINESS.** Each separate location maintained or operated by the licensee within Park City from which business activity is conducted or transacted. A location shall be identified by street address or by building name if a street address has not been assigned. "Place of business" as used in connection with the issuance of beer and liquor licenses means cafes, restaurants, public dining rooms, cafeterias, taverns, cabarets, clubs, and any other place where the general public is invited or admitted for business purposes, including any patios, balconies, decks, or similar areas, and also means private clubs, corporations and associations operating under charter or otherwise wherein only the members, guest members and their visitors are invited. Occupied hotel and motel rooms that are not open to the public shall not be "places of business" as herein defined.

4-1-1.36 ~~——~~ **PRIVATE CLUB.** ~~A non-profit corporation operating as a social club, recreational, fraternal or athletic association, or kindred association organized primarily for the benefit of its stockholders or members and operating under authority of a license granted by the Alcohol Beverage Control Commission in accordance with U.C.A. Section 32A-5-101, et seq.~~

4-1-1.379 **RESTAURANT**. A place of business where a variety of hot food is prepared and cooked and complete meals are served to the general public in indoor dining accommodations, or in outdoor accommodation and is engaged primarily in serving meals to the general public.

4-1-1.40 **RESORT LICENSE**. A type of liquor and/or beer license available to a resort. A resort, for purposes of the Resort License definition, is a single building which physically touches the boundary of a ski area and has at least 150 dwelling or lodging units, the building itself is at least 400,000 square feet (excluding areas such as above ground surface parking) and where at least half of the units are owned by a person other than the resort licensee.

4-1-1.3841 **RETAILER**. Any person engaged in the sale or distribution of alcoholic beverages to the consumer.

4-1-1.3942 **ROUTE DELIVERY**. Any delivery made to customers of a business, which makes repeated door-to-door deliveries to the same households along designated routes with an established time interval in between delivery visits. The majority of such deliveries must be to fulfill orders previously made by the customer. However, nothing in Chapter 3 shall prevent orders from being taken from established customers and filled during such delivery visits. Such businesses will include, but not be limited to, dairies and sellers of bulk meats or produce.

4-1-1.403 **SELL OR TO SELL**. Any transaction, exchange, or barter whereby, for any consideration, an alcoholic beverage is either directly or indirectly transferred, solicited, ordered, delivered for value, or by any means or any pretexts promised or obtained, whether done by a person as a principal, proprietor, or as an agent, servant or employee unless otherwise defined in this title.

4-1-1.414 **SET-UP**. Glassware, ice, and/or mixer provided by a licensee to patrons who supply their own liquor.

4-1-1.425 **SKI RESORT**. A ski area, such as the Park City or Deer Valley Ski Areas, which is operated as a distinct and separate enterprise, and which shall be deemed to include, without limitation, the ski runs, ski lifts, and related facilities that are part of the ski area and primarily service the patrons of the ski area. The ski resort includes ski instruction, tours, first aid stations, parking garages, management and maintenance facilities, and workshops, but does not include food service, ski rentals, or retail sales of goods or merchandise, which are all deemed separate businesses even if owned by a resort operator.

4-1-1.436 **SOLICITED DELIVERY**. A delivery of previously ordered goods or services or the United States mail. Solicited delivery includes, but is not limited to, the delivery of newspapers or publications pursuant to a subscription, the United States mail, parcel delivery services, businesses engaging in route delivery or persons delivering

previously ordered goods or services on behalf of an established retailer of those goods or services.

4-1-1.447 **SOLICITOR**. A person who contacts individuals or the general public for the purpose of taking orders for goods or services, or encouraging attendance at sales presentations, lectures, seminars, or the like at which goods or services are promoted or offered for sale, whether the presentation is held within Park City or not, provided that the solicitor makes contact with the public at a location other than at the regular place of business at which the goods or services are actually sold or performed. For purposes of Chapter 3, the term "goods or services" shall include merchandise, produce, personal services, property services, investment opportunities, franchises, time intervals in the use of ownership or real property, and any other kind of tangible or intangible thing that is given in exchange for a valuable consideration.

4-1-1.458 **SPECIAL EVENT**. Any event, public or private, with either public or private venues, requiring City licensing beyond the scope of normal business and/or liquor regulations, as defined by this Code; or creates public impacts through any of the following:

- (A) The use of City personnel,
- (B) Impacts via disturbance to adjacent residents,
- (C) Traffic/parking,
- (D) Disruption of the normal routine of the community or affected neighborhood; or
- (E) Necessitates special event temporary beer or liquor licensing in conjunction with the public impacts. Neighborhood block parties or other events requiring street closure of any residential street that is not necessary for the safe and efficient flow of traffic in Park City for a duration of less than one (1) day shall be considered a Special Event.

4-1-1.469 **SPECIAL EVENTS MANAGER**. The Special Events Manager or his/her designee within the Department of Special Events and Facilities.

4-1-1.4750 **STREET CLOSURE**. The deliberate blockage of any public street or City owned parking facility to prohibit the flow of traffic or access of vehicles. Any non-construction street closure shall require a master festival or special event license.

4-1-1.4851 **SPONSOR**. A person, group, or business which has contracted to provide financial or logistical support to any special event or master festival. Such agreement may provide for advertising rights, product promotion, logo promotion, exclusivity of rights, products, or logos.

4-1-1.4952 **SQUARE FOOTAGE**. The aggregate number of square feet of area within a place of business that is used by a licensee in engaging in its business.



4-1-1.503 **UNIT.** Any separately rented portion of a hotel, motel, condominium, apartment building, single family residence, duplex, triplex, or other residential dwelling without limitation.

4-1-1.514 **UNSOLICITED DELIVERY.** The delivery of any unsolicited newspaper or publication, sample product or advertising material. Unsolicited newspapers or publications, sample products or advertising material shall include, but not be limited to, handbills describing or offering goods or services for sale, any goods or products that were not previously ordered by the home owner or occupant, any newspaper or publication delivered without a subscription by the owner or occupant, and any coupons or rebate offers for goods and services.

4-1-1.525 **VENUE.** The location or locations upon which a special event or master festival is held, as well as the ingress and egress route when included in the festival license.

4-1-1.536 **WHOLESALER.** Any person other than a licensed manufacturer engaged in importation for sale or in the sale of beer, malt liquor, or malted beverages in wholesale or jobbing quantities to retailers.

## CHAPTER 4 - BEER AND LIQUOR LICENSING

### 4- 4- 1. POLICY.

It is the policy of Park City Municipal Corporation to permit the operation of establishments serving beer and liquor in a manner consistent with the provisions of the Alcoholic Beverage Control Act and related provisions of State Law. It is also the policy of Park City Municipal Corporation to place the primary responsibility for maintaining order and preventing breaches of the peace within establishments selling and serving beer and liquor on the owners and managers of those establishments.

### 4- 4- 2. LICENSE APPLICATION.

Applications for new beer or liquor licenses shall be made in writing to the City Council or its designee upon a form furnished by the Finance Manager to be filed with the Finance Manager and include the information set forth in (A) through (E), below:

(A) Each application shall state the name, ~~street~~ address –~~street address and~~, mailing address, if different; age and citizenship of the applicant; and contain an indication as to whether the applicant meets the licensee qualifications set out in Section 4-4-3;

(B) A copy of the applicant's criminal history obtained from the Utah Bureau of Criminal Identification completed within three years of application;

(C) ~~¶~~ The street address of the business; whether the applicant has complied with requirements specified in the Alcoholic Beverage Control Act; ~~whether the applicant meets the licensee qualifications set out in Section 4-4-3 below;~~ the location of any other beer or liquor licenses held by the applicant; the name and Utah address for the business' agent for service of process; and any other reasonably pertinent information required by the Finance Manager or City Council.;

(D) The application must be subscribed by the applicant who shall state under oath that the facts therein contained are true.;

(E) If the applicant is a partnership, association ~~or~~ corporation, or limited liability company the applicant ~~same information~~ shall be included a copy of the articles of incorporation or the written partnership agreement; and the information set forth in (A) and (B) for each officer, partner, or director thereof.

*(Amended by Ord. No. 01-32)*

#### 4-4-2.5. LOCAL CONSENT

The issuance of a Park City beer or liquor license may constitute local consent for the purpose of any license issued by the state of Utah under the Alcoholic Beverage Control Act.

#### **4-4-3. LICENSEE QUALIFICATIONS.**

No beer or liquor license shall be granted to any individual, retailer, partnership, corporation, limited liability company, or association if any partner, director, or officer does not meet the qualifications for a license as set forth in (A) through (D), below:

(A) The licensee shall be over the age of twenty-one (21) years;

(B) No beer or liquor license shall be granted to anyone who has been convicted of or plead guilty to a felony within two (2) years of date of the application, or of misdemeanors involving alcohol or controlled substances during a period of one (1) year prior to the application;

(C) No beer or liquor license shall be granted to any person who has been convicted of any violation of any law or ordinance relating to the importation or sale of intoxicating liquors, or of keeping a gambling or disorderly establishment, or who has plead guilty to or forfeited his bail on a charge of having violated any such law or ordinance within the preceding three (3) years of the date of application; or

(D) Any person whose beer or liquor license was revoked pursuant to this Title is ineligible to reapply for a beer or liquor license until the expiration of three (3) years

from the date such license is revoked.

*(Amended by Ord. No. 01-32)*

**4- 4- 4. APPLICATION FEE.**

Each beer and liquor license application shall be accompanied by the regulatory license fee required by Section 4-5-2 or Section 4-4-6. If the license is denied, fifty percent (50%) of the license fee will be retained to pay the costs of processing the application.

**4- 4- 5. REFERRAL OF LICENSE APPLICATION TO CHIEF OF POLICE.**

All applications filed in accordance with this Chapter shall be referred to the Chief of Police for inspection and report. The Chief of Police shall, within ten (10) days after receiving such application, conduct an investigation of any criminal violations or charges against the applicant, or partners, officers, or director if the application is not an individual; the nature and kind of business to be conducted at such place by the applicant; the nature and kind of entertainment, if any, at such place; and the proximity of such premises to any school or church. The Chief of Police shall, upon completion of such investigation, submit his/her recommendation as to whether the license should be granted. In making his/her recommendation, the Chief of Police may refer to the character of other licensed premises owned in full or in part by the applicant. If recommending denial of a beer or liquor license application, the Chief of Police shall submit a detailed report of his/her investigation, record the recommendation on the application, and sign the application. If recommending approval of a beer or liquor license application, the Chief of Police shall record such recommendation on the application, sign the application, and may, at his/her sole discretion, submit a detailed report of the investigation.

*(Amended by Ord. No. 01-32)*

**4- 4- 6. REFERRAL OF APPLICATION TO BUILDING DEPARTMENT AND PLANNING DEPARTMENT.**

The Finance Manager shall refer the application to the Building and Planning Departments for review by the Building Official to ensure compliance with the applicable building codes, determination of the maximum number of occupants the premises may safely accommodate at one time given the location and number of emergency exits, and compliance with the Park City Land Management Code, Title 15.

*(Amended by Ord. No. 01-32)*

**4- 4- 7. REFERRAL OF LICENSE APPLICATION TO HEALTH DEPARTMENT.**

The Building Department may refer any application filed in accordance with this Chapter

to the County Health Department which may inspect all premises to be licensed to assure compliance with all laws and regulations of the State of Utah and the ordinances, rules, and regulations of Park City governing the sanitary preparation, storage, distribution, or sale of beer and food.

*(Amended by Ord. No. 01-32)*

**4- 4- 8. PERIODIC INSPECTION OF PREMISES BY CHIEF OF POLICE.**

The Chief of Police or his/her designee shall be permitted to have access to all premises licensed or applying for license under this Chapter, and may make periodic inspections of said premises and may report his/her findings to the City Council.

*(Amended by Ord. No. 01-32)*

**4- 4- 9. GROUNDS FOR LICENSE DENIAL.**

The City Council or its designee may deny a beer or liquor license if:

- (A) The license application does not contain all of the information required by Section 4-4-2;
- (B) The application fee is not paid;
- (C) The premises to be licensed do not comply with the applicable zoning regulations and building codes in force at the time of application;
- (D) The applicant does not meet the licensee qualifications set out in Section 4-4-3;
- (E) The applicant intentionally misrepresented or concealed information required by Section 4-4-2 in an application for the license;
- (F) The proposed premises do not meet all applicable health and building codes, and the applicant does not provide reasonable assurances that the premises will be brought into compliance upon approval of the license;
- (G) The applicant holds other licenses under this Title, which are not in good standing, or on which licensed premises the provisions of this Code and state laws are frequently violated; or
- (H) Applicant does not hold a current Park City business license.

*(Amended by Ord. No. 01-32)*

**4- 4-10. ISSUANCE OF LICENSE CERTIFICATE.**

All beer and liquor license certificates shall be signed by the City Manager and Finance

Manager, attested by the City Recorder under the seal of the City, and shall contain the following information:

- (A) The street address of the licensed premises and mailing address if different;
- (B) A detailed description of the portion of the building designated as the licensed premises;
- (C) The maximum occupancy of the licensed premises;
- (D) The beer or liquor license classification;
- (E) The name of the person to whom such certificate has been issued and the name of a local contact person;
- (F) The name of the business;
- (G) The term of the license, including commencement and expiration dates; and
- (H) That the license is subject to revocation by the City for violation of this Title or the Alcoholic Beverage Control Act.

*(Amended by Ord. No. 01-32)*

#### **4- 4-11. CITY LICENSE PERIOD.**

The license certificate shall be valid through December 31 of the year of issuance, unless revoked or suspended under this Title or unless the licensee's required State license is suspended, revoked or denied.

#### **4- 4-12. CITY RENEWAL PROCEDURE.**

On or before December 1 of each year, the City shall send via first class mail, notice to each beer, restaurant liquor or ~~private eClub liquor~~ licensee within the City that the regulatory license fee required by Section 4-5-2 or 4-6-6 is due by December 31<sup>st</sup>. Upon receipt of the regulatory license fee and finding that renewal is proper pursuant to the criteria set forth herein at Subsections (A) through (E), the City Council or its designee shall issue a license certificate valid through December 31<sup>st</sup> of the next licensing year.

Upon notification by the Police Department, the licensee must close the licensed premises on the expiration date of the license and keep the premises closed for the consumption or storage of beer or liquor until the date his renewal license is issued by the City Council or its designee. In the absence of such notice, pending action on license renewals, the license is deemed extended provided a renewal application was filed on or before December 31 of the year in which the prior license was issued. The Finance Manager shall prepare a list or lists of all licenses to be renewed, and the City Council or its designee may approve all renewals on that list or lists.

Licenses shall be renewed unless the Council or its designee shall find that:

- (A) The licensee has attempted to transfer or assign the license to others in violation of this Title;
- (B) The licensee no longer holds the qualifications required of licensee under the provisions of Section 4-4-3 of this Title;
- (C) The premises have been remodeled or changed in a manner that eliminates required exits, creates closed booths or stalls;
- (D) The licensee or his employees or agents have been convicted of or plead guilty to more than five (5) violations of this Title or state liquor control statutes relative to the conduct of the licensed premises in a single calendar year preceding the renewal, not including violation by patrons; or
- (E) Licensee does not hold a current valid Park City business license or has not been exempted under Chapter 2 of this Title.

In the event the Council or its designee finds any of the foregoing conditions (A) through (E) to exist with respect to a license renewal application, the Council or its designee may waive the violations and grant a renewal license, grant a probationary renewal for a fixed period of time less than one year, or deny the application for renewal. When deemed appropriate, the Council may hold hearings on specific license renewal applications prior to granting the renewal license.

*(Amended by Ord. No. 01-32)*

#### **4- 4-13. LICENSES NON-TRANSFERABLE.**

No license issued under this Chapter is transferable from the original licensee to any other person, partnership, corporation or other entity. Each year, as a part of the renewal process, the licensee shall indicate the board of directors, or all partners, and if there are any changes from the previous year, the license shall be reviewed as a new application to the extent of the changes in ownership.

*(Amended by Ord. No. 01-32)*

#### **4- 4-14. TRAINING REQUIREMENTS FOR THE EMPLOYEES OF BEER AND LIQUOR LICENSE PREMISES.**

No person shall be granted a new beer or liquor license, unless that person shall show by certificate(s) granted by the ~~Utah Department of Alcoholic Beverage Control~~ DABC or by adequate proof of the existence of such certificate(s), that each employee of the business engaging in the serving, selling or furnishing of such alcohol on the premises has completed the Alcohol Training and Education Seminar, as required in U.C.A.

Section ~~62A-8-103.5~~ 62A-15-401.

Every new employee of a licensee who is required to complete this seminar shall complete the seminar within ~~six (6) months~~ thirty (30) days of commencing employment. Violation of this Section will result in revocation of the license granted unless the licensee provides to the Finance Manager proof of compliance within ~~two (2) months~~ thirty (30) days of the time that licensee is first notified that such violation occurred.

*(Amended by Ord. No. 01-32)*

#### **4- 4-15. EMERGENCY SUSPENSIONS BY POLICE.**

Licenses under this Chapter may be suspended by the Chief of Police or his/her designee without prior hearing provided that there is probable cause to believe that violations of this Chapter or state law are occurring, and the conditions are such that the public health and safety are endangered. Such temporary suspension shall occur only if the management or the licensee fails to remedy the situation within fifteen (15) minutes of notification by the Chief of Police or his/her designee that a suspension will occur if the conditions complained of are not remedied in a manner that eliminates the immediate danger to public health and safety. No emergency suspension by the Chief of Police or his/her designee shall extend beyond the ordinary close of business on the day on which the suspension was given.

*(Amended by Ord. No. 01-32)*

#### **4- 4-16. OFFENSES OF LICENSEE.**

It shall be unlawful for the holder of any license issued under this Chapter or any employee or agent of the holder to cause or permit to be caused on his or her premise any of the following acts:

(A) **SALE DURING REVOCATIONS.** To sell any beer or liquor during any period of a license revocation or suspension.

(B) **FAILURE TO DISPLAY LICENSE.** To fail to have the license issued under this Chapter on display in the licensed premises.

(C) **EXCESS HOURS OF OPERATION.** Beer may not be sold or offered for sale by any on-premise Beer retailer after 1:00 a.m. and before 10:00 a.m.

(1) Liquor may not be sold or offered for sale at a duly licensed restaurant during the following days or hours:

(a) ~~on the day of any regular general election, regular primary election, or statewide special election until after the polls are closed; and~~

(b~~a~~) on any other day after 12 midnight and before 12 noon.

(2) Liquor may not be sold or offered ~~for sale at a private club~~ by a Club licensee during the following days or hours:

(a) ~~on the day of any regular general election, regular primary election, or statewide special election until after the polls are closed;~~

(b) ~~on Sunday and any state or federal legal holiday after 12 midnight and before 12 noon; and~~

(ea) all other days after 1:00 a.m. and before 10:00 a.m.

Holders of off-premise beer licenses may sell beer for consumption off the premises at any time of day.

(D) **MINORS ON THE PREMISES.** To permit a minor to be in or enter into a licensed premises which holds an on-premise tavern beer license. There shall be no restriction on the admission of minors being in or remaining in any of the following licensed premises:

- (1) Off-Premise Beer License
- (2) On-Premise Beer License, except taverns
- (3) Restaurant Liquor Licenses
- (4) Temporary Licenses of these classifications

It shall not be a violation of this Chapter for minors to enter ~~be in a licensed club premises licensed as private clubs~~, provided, however, that minors must be accompanied by a parent or guardian, and shall be only within an area of the licensed premises designated as food service area. It shall be unlawful for ~~the holder of any private club license~~ Club licensee to permit minors to be within the license premises when not accompanied by a parent or guardian, or to permit minors to remain in or about the liquor service portion of the premises. Licensees may prohibit minors from entering the premises at all at their discretion by posting a sign at the entrance that states that minors are not permitted inside.

Except as otherwise provided herein, it shall not be a violation of this Chapter to permit minors to work in any licensed premises, regardless of license classification, provided that minors shall not work in any capacity that involves handling, selling, or serving alcoholic beverages. It shall be unlawful to permit minor employees to sell, serve, or handle alcoholic beverages. Minors may not work on or otherwise be on the premises of an On-Premise Retail Tavern.

(E) **SALE OR SERVICE TO MINORS.** To furnish or sell, directly or indirectly,



through its agents or employees, an alcoholic beverage to persons under the age of twenty-one (21) years, or to permit patrons within the licensed premises to provide alcoholic beverages to persons under the age of twenty-one (21) years on the licensed premises.

(F) **NUISANCE**. To keep or permit a nuisance on the premises as defined by Section 4-1-1 of this Title.

(G) **UNTAXED LIQUOR**. To possess or sell on the licensed premises any liquor which ~~does not bear proper stamps and labels indicating it was not~~ purchased from a Utah State Liquor Store or a package agency of that store, except as provided by State law.

(H) **ADULTERATED ALCOHOLIC BEVERAGES**. To possess or sell on the licensed premises any adulterated, impure, diluted, or misbranded liquor.

(I) **FAILURE TO CONTROL NOISE**. To permit or provide either live or recorded amplified music without first having closed all exterior doors and windows of the licensed premises to control noise. Doors may be opened to provide ingress and egress, but shall not be blocked in the open position to provide ventilation. Doors shall be equipped with automatic closing devices to keep them in the closed position except to permit ingress and egress of patrons.

(J) **OUTDOOR SPEAKERS**. To permit or cause to exist any loud speaker or sound amplification equipment on any outdoor balcony deck, patio, or garden associated with the licensed premises other than speaker systems or sound amplification equipment in conjunction with approved outdoor dining.

(K) **EXCESS HOURS OUTSIDE**. To sell or service alcoholic beverages or to permit patrons to remain on any outdoor balcony, deck, patio, or garden associated with the licensed premises after the hour of 10 p.m. except licensed premises may permit patrons to ingress and egress through a closed door to such an area until 12 a.m. provided that food and alcohol are neither sold nor allowed to be consumed or carried out to the area.

(L) **GAMBLING**. To permit, cause, participate, or allow any gambling or gaming, as defined by the laws of the state of Utah within any licensed premises.

(M) **CONTROLLED SUBSTANCES**. To permit or tolerate, or participate in the use, sale, or possession of any unlawful controlled substance within the licensed premises.

(N) **OVERLOADING**. To permit or tolerate the licensed premises to be occupied by more person than the assigned occupancy load for the building assigned by the Building Official under the Uniform Building Code.

(O) **LICENSE VIOLATION**. To permit the consumption of alcohol on any

premises licensed with an off-premise beer license, or to open any container for consumption on the premises by the holder of any off-premise beer license or his agents or employees; or to permit, cause, or tolerate on the licensed premises the sale, use, consumption, or possession of alcoholic beverages in a manner that is in violation of the limits imposed by the license granted.

(P) **SERVICE OF INTOXICATED PERSONS.** To sell or serve alcoholic beverages to a person who is obviously intoxicated, or to permit an obviously intoxicated person to remain in or about the premises.

(Q) **OPERATING WITHOUT REQUIRED STATE LICENSES.** To continue to sell, serve or store alcoholic beverages on a licensed premise after the state license required under the Alcoholic Beverage Control Act has been denied, suspended or revoked.

*(Amended by Ord. Nos. 01-32; 06-62; 07-38)*

#### **4- 4-17. OFFENSES BY PATRONS.**

It shall be unlawful for any person within a licensed premise under this Chapter, whether as a guest, patron, invitee, supplier, or in any other capacity other than as an employee of the license holder or as the licensee to commit or perform any of the following within the licensed premises:

(A) To enter or remain in any licensed premises holding an on-premise tavern license while under the age of twenty-one (21) years.

(B) To enter or remain in any premises licensed as a private club while under the age of twenty-one (21) years, except when accompanied by a parent or guardian or as a non-alcoholic handling employee of the licensee.

(C) To be in or around the portion of any licensed premise holding a private club license which is designated or functioning as a liquor selling portion of the premises, rather than the area primarily designed and intended for the sale of food when under the age of twenty-one (21) years.

(D) To furnish directly or indirectly alcoholic beverages to any persons under the age of twenty-one (21) years, or to possess or consume alcoholic beverages while under the age of twenty-one (21) years.

~~(E) To enter or remain about a licensed private club without being a member of that club a guest member of that club or an invitee of a member of that licensed club.~~

~~(E)~~ To enter or remain in any licensed premises after being ordered to leave the premises by the licensee or the agent or employees of the licensee.

(gF) To enter or remain in any licensed premises while intoxicated.

**4- 4-18. CITATIONS/ VIOLATIONS.**

The commission of any act or offense listed in Section 4-4-16 or 4-4-17 above shall be a Class "B" misdemeanor, except violations of Section 4-4-16(E) and (Q) shall be Class A misdemeanors. Both the license holder or his employee or agent, and the patron of the licensed premises may be charged from the same incident, as the offenses of the licensee and the offenses of the patron are separate offenses. The licensee shall be civilly responsible for all violations permitted or caused by the agent or employee of the licensee and the criminal acts of the employees or agents committed on the premises in the course of employment shall be deemed the acts of the licensee for purposes of revocation, suspension, or non-renewal by the City

**4- 4-19. WHOLESALE AND RETAILER NOT TO HAVE COMMON INTERESTS.**

It shall be unlawful for any dealer, brewer or wholesaler to either directly or indirectly supply, give or pay for any furniture, furnishings or fixtures of a retailer, and it shall be unlawful for any dealer or brewer to advance funds, money or pay for any license of a retailer or to be financially interested either directly or indirectly in the conduct, operation, or ownership of any premises with a beer license, "private club" liquor license or "seasonal" license for any of these license classes.

**4- 4-20. BUILDING REQUIREMENTS.**

It shall be unlawful for any person who obtains a liquor or beer license after the adoption of this Chapter to own, operate or manage any premises licensed for the retail sale or consumption of beer or liquor without complying with the following lighting and view requirements:

(A) During business hours, adequate lighting shall be maintained in all areas of the licensed premises to allow safe movement within the licensed premises, visibility for business activity, and visibility of all areas of the licensed premises from a point within the licensed premises at or near the main public entrance.

(B) A clear, unobstructed view of all areas of the licensed premises shall be available at all times from a point within the licensed premises at or near the main entrance.

Persons who have obtained beer or liquor licenses from the City before adoption of this Chapter and who annually renew their licenses with the City shall not be required to comply with the requirements of this section.

**4- 4-21. CLOSED STALLS AND BOOTHS PROHIBITED.**

It shall be unlawful for any closed booths or stalls to exist on premises licensed for the

retail sale or consumption of beer or liquor. This provision shall not prevent the use and operation of private dining or conference rooms as a part of the licensed premises.

#### **4- 4-22. OCCUPANCY LOAD.**

On any premises licensed after the date of this Chapter, the Building Official shall determine the maximum safe occupancy load of the building, as provided in the Uniform Building Code, and it shall be unlawful and a Class "B" misdemeanor for any license with an assigned occupancy load to permit more than that number of persons to be within the licensed premises. Once an occupancy limit is assigned, the limit shall be posted with the license in a prominent place within the licensed premises. This provision shall not apply to premises licensed as off-premise beer licenses.

#### **4- 4-23. APPLICABILITY.**

The provisions of this Chapter shall apply to all licensed premises and all licensees who are issued either a new license or a renewal of an existing license after the date of this Chapter. Amendments to this Chapter may be made from time to time, and all licenses or renewals issued hereunder are subject to amendments as they become effective, except that amendments which address structural requirements of any licensed premises existing at the time of the amendment shall not apply to existing structures until such time as the license is transferred, forfeited, or allowed to expire. As existing structures are sold, remodeled, or re-licensed, but not on renewal of existing licenses, however, full compliance will be required prior to the issuance of a new license, new class of license, or license to a new licensee at that location.

### **CHAPTER 5 - BEER LICENSES DESCRIBED**

#### **4- 5- 1. BEER LICENSE REQUIRED.**

It shall be unlawful for any person to engage in the business of the sale of beer at retail or wholesale within the City without first procuring a beer license as required by this Chapter. In addition to the City license, a State beer license shall be required for all sales of beer for on-premise consumption or for purchase or sale of beer in a container exceeding two liters. A separate license shall be required for each place of retail sale, for each separate premise, except that separate licenses are not required for each retail beer dispensing outlet located in the same building or on the same resort premise owned or operated by the same applicant. No beer license may be transferred, assigned or subleased in any manner. Licenses are invalidated by transfer or attempted transfer. All licensees shall comply with the provisions of the Alcoholic Beverage Control Act, and this Title. No Beer License shall be issued for any ~~Private Club~~ or ~~Bar~~ in the HCB District or HRC District that is regulated as a Storefront Property pursuant to LMC Chapter 15-15 unless the general public may join the club, either as an annual member or a temporary visitor, and the cost of that annual membership or temporary visitor card is not more than \$50.00.

(Amended by Ord. Nos. 07-28; 07-69)

#### 4-5-2. REGULATORY BEER LICENSE FEE.

The regulatory liquor license fee shall be set by resolution for all beer licenses. The regulatory license fees shall be used by the City to defray, in part, the costs of alcohol related enforcement and responding to alcohol related offenses within Park City. This fee may be waived by the City Council or its designee for special event temporary licenses issued to persons participating in community sponsored events, or in events sponsored by or for the benefit of non-profit, civic, religious, or charitable organizations.

#### 4-5-3. RETAIL BEER LICENSE CATEGORIES.

Retail beer licenses issued under the provisions of this Chapter shall be classified and carry the privileges and responsibilities hereinafter set forth in this Chapter:

(A) **OFF-PREMISE BEER LICENSE.** An off-premise retail license shall entitle the licensee to sell bottled or canned beer on the licensed premises in accordance with the Alcoholic Beverage Control Act and the ordinances of Park City.

(1) Beer may not be sold, provided, or possessed for off-premise consumption in containers larger than two (2) liters.

(2) A minor may not sell beer for off-premises consumption except under the supervision of a person twenty-one (21) years of age or older who is on the premises.

(3) ~~If malt beverages or malt liquor is sold, the licensee shall display a sign at the location on the premises where malt liquor or malt beverages is sold stating "Malt beverages and malt liquors are alcoholic beverages". A violation of this subsection is an infraction.~~ A beer retailer shall display beer sold by the retailer in an area that is visibly separate and distinct from the area where nonalcoholic beverages are displayed except that nonalcoholic beer may be displayed with alcoholic beer.

(4) The beer retailer shall post a sign that reads, "These beverages contain alcohol. Please read the label carefully."

~~(4)~~(5) No consumption of beer or alcoholic beverage shall be permitted on the premises of an off-premise licensee.

(B) **ON-PREMISE RETAIL BEER LICENSE.** ~~As of January 1, 1991,~~ ~~a~~Any establishment desiring to sell beer at retail for on-premise consumption shall first obtain a Park City on-premise retail beer license and a State on-premise retail beer license as required under U.C.A. Section 32A-10-201. An on-premise retail beer license shall entitle the licensee to sell beer at retail in bottles, cans or at draft for consumption on the

premises.

All State-issued on-premise beer retail licenses expire on the last day of February of each year. Accordingly applicants must submit a renewal application to the ~~Department of Alcoholic Beverage Control~~ DABC no later than January 31st of each year. City beer licenses shall expire on December 31st of each year and the licensee must submit a renewal application to the City prior to December 15th. All licensees must notify the City immediately if the State license is denied or revoked for any reason. On-premise licensees must provide the City with proof of State licensure by March 1 of each year or be subject to cancellation, revocation or termination of the City's license issued hereunder.

On-premise beer retail license holders 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 of any on-premise retail beer licensee. Beer sold in sealed containers smaller than two (2) liters by the on-premise Licensee may be removed from the premises.

There are two types of licenses to be issued under this Section:

- (1) **ON-PREMISE RETAIL TAVERN LICENSE.** An on-premise retail tavern license shall be required for all premises where the primary or main business is that of selling beer for consumption on the licensed premises. An on-premise retail tavern license shall entitle the licensee to sell bottled, canned, or draft beer for consumption on the licensed premises. No person under the age of twenty-one (21) years shall be employed or otherwise be on the premises licensed as an on-premise retail tavern.
  - (2) **ON-PREMISE RETAIL BEER LICENSE - ALL OTHERS.** An on-premise retail beer license restaurant shall entitle the licensee to sell beer at retail in bottles, cans or draft for consumption on the premises in conjunction with restaurant food service. No person under the age of twenty-one (21) years shall serve or sell beer under this license.
- (C) **SPECIAL EVENT TEMPORARY BEER LICENSES.** A special event temporary beer license shall carry the privileges of either an on-premise or off-premise license. A special event temporary beer license shall authorize the storage, sale, service and consumption of beer in conjunction with a master festival, special event, convention, civic or community event and pursuant to the Utah Alcoholic Beverage Control Act, Alcoholic Beverage Control Commission rules and regulations, and the ordinance of Park City. No person under the age of twenty-one (21) shall sell or serve beer under this license. Special event temporary beer licenses shall be valid only if the licensee has been granted a temporary special event beer permit by the Utah Alcoholic Beverage Control Commission pursuant to U.C.A. Sections 32A-10-301 to 306, as amended, for the same master festival, special event, or other convention, civic or community event. Special event temporary beer licenses must provide the City with proof of State licensure not less than ten (10) business days prior to the master festival, special event, or other convention,

civic or community event for which the City license has been issued. All licensees must notify the City immediately if their State license is denied, revoked, or suspended for any reason. A temporary beer license shall authorize the storage, sale, service and consumption of beer for a period not to exceed thirty (30) days. No person, individual, or association shall in any one (1) calendar year be licensed for more than a total of ninety (90) days.

A special event temporary beer license may authorize multiple sales outlets on different properties under one special event temporary beer license.

(D) ~~PRIVATE CLUB BEER LICENSE~~ BEER CLUB LICENSE. A private Beer Club beer licensee shall carry the privileges of a tavern beer license provided that the sale of beer shall be to club members, guest members and their visitors only and each such license shall be issued only to bona fide clubs which are organized, incorporated, bonded, regulated, and operated in compliance with the provisions of the Utah Nonprofit Corporation and Cooperative Association Act, the Alcoholic Beverage Control Act, and the Utah Alcoholic Beverage Control Commission Rules and Regulations.

*(Amended by Ord. Nos. 04-19; 08-14)*

## **CHAPTER 6 - LIQUOR LICENSE DESCRIBED**

### **4- 6- 1. LIQUOR LICENSE REQUIRED.**

No person shall operate a place of business, which allows customers, members, guests, visitors, or other persons to possess, consume, or store liquor on the premises of the place of business without a liquor license issued by the City. A separate license shall be required for each place of business. No liquor license may be transferred, assigned, or subleased in any manner. All licensees shall comply with the provisions of the Alcoholic Beverage Control Act, Utah Alcoholic Beverage Control Commission rules and regulations, and this Chapter. No Liquor License shall be issued for any Private Club, Bar or Restaurant in the HCB District or HRC District that is regulated as a Storefront Property pursuant to LMC Chapter 15-15, as described in Sections 4-6-2 and 4-6-3 unless the general public may join the club, either as an annual member or a temporary visitor, and the cost of that annual membership or temporary visitor card is not more than \$50.00.

*(Amended by Ord. Nos. 07-28; 07-69)*

### **4- 6- 2. RESTAURANT LIQUOR LICENSE.**

A restaurant liquor license shall only be issued to persons licensed by the Utah Alcoholic Beverage Control Commission under U.C.A. Section 32A-4-101 to 1076, as amended. A "restaurant" liquor license shall entitle the licensee to provide liquor to patrons for consumption on the premise. Only bona fide restaurants shall be entitled to a restaurant

liquor license. Patrons must intend to order food, which is prepared, sold, and served on the premises, in accordance with the Alcoholic Beverage Control Act and Utah Alcoholic Beverage Control Commission rules and regulations and the ordinances of Park City. Liquor is to be provided only in conjunction with a meal, and it shall be unlawful to serve or sell liquor except with a meal. No person under the age of twenty-one (21) years shall serve or sell liquor under this license. All liquor must be purchased in the restaurant from a server designated and trained by the licensee. Any alcoholic beverages under this license must be consumed at the patron or guest's table. A restaurant liquor license shall not entitle the storage of liquor on the licensed premises, except as designated on the application.

~~A restaurant liquor license holder may not sell or provide any primary liquor except in one ounce quantities dispensed through a calibrated metered dispensing system approved by the Commission.~~

A restaurant liquor licensee may sell or provide a primary spirituous liquor only in a quantity not to exceed 1.5 ounces per beverage dispensed through a calibrated metered dispensing system approved by the Commission, except that:

(A) A spirituous liquor need not be dispensed through a calibrated metered dispensing system if used as a secondary flavoring ingredient in a beverage subject to the following restrictions:

(1) the secondary ingredient may be dispensed only in conjunction with the purchase of a primary spirituous liquor;

(B) spirituous liquor need not be dispensed through a calibrated metered dispensing system if used as a flavoring on a dessert; and in the preparation of a flaming food dish, drink, or dessert;

(C) A restaurant patron may have no more than 2.5 ounces of spirituous liquor at a time; and a restaurant patron may have no more than one spirituous liquor drink at a time before the patron.

All holders of restaurant liquor licenses shall maintain records which shall disclose the gross sales of liquor and the gross sales of food served and any other items sold for consumption on or off the premises. Such sales shall be shown separately. Each licensee shall retain all invoices, vouchers, sales slips, receipts, and other records of beer and other commodity purchases from all suppliers. Such records shall be available for inspection and audit by the Director or his or her designee at any time following the close of the semi-annual period and for one (1) year thereafter, or as required by State regulations. Failure to properly maintain such records for such inspection and audit shall be cause for revocation of the restaurant liquor license.

Each restaurant liquor licensee shall maintain at least seventy percent (70%) of its total restaurant business from the sale of food, which does not include mix for alcoholic beverages or service charges. If any audit or inspection discloses that the sales of food on



the licensed premises are below seventy percent (70%) of the gross dollar volume of business for any semi-annual period, the restaurant liquor license shall immediately be suspended and shall not be reinstated until the licensee is able to prove to the satisfaction of the City Council or its designee that in the future, the sales of food on the licensed premises will not fall below seventy percent (70%) of the gross dollar volume of business.

All Park City issued restaurant liquor licenses shall expire on December 31st of each year thereafter. All State-issued restaurant liquor licenses expire on October 31st of each year. All licensees must notify the City immediately if the State liquor license is denied, suspended or revoked for any reason. Restaurant liquor license applicants must provide the City with proof of State licensure by December 1st of each year or be subject to cancellation, revocation or termination of the City's license issued hereunder. All renewal applications must attach a copy of a valid State license.

#### **4- 6- 3. PRIVATE CLUB LIQUOR CLUB LICENSE.**

A ~~private club liquor~~ liquor club licensee shall be entitled ~~the licensee~~ to serve, sell, and store liquor, pursuant to Utah Alcoholic Beverage Control Commission rules and regulations, and to the ~~the~~ ordinances of Park City. No person under the age of twenty-one (21) years shall serve or sell liquor ~~under this license~~. ~~All sales under a private club license shall be to bona fide members of the licensed club, guest members or their visitors accompanied by members or guest members, and not to the general public.~~ All State-issued ~~private club~~ licenses shall expire December 31st of each year. All State-issued ~~private club~~ liquor licenses expire on June 30 of each year. All licensees must notify the City immediately if the State-issued ~~private club~~ liquor license is denied, suspended or revoked for any reason. ~~Private e~~Club liquor license applicants must provide the City with proof of the State licensure by July 1st of each year or be subject to cancellation, revocation or termination of the City's license issued hereunder. All renewal applications must attach a copy of a valid State license.

#### **4- 6- 4. SEASONAL LIQUOR LICENSE.**

A seasonal liquor license shall carry the privileges of a restaurant liquor license for a period of less than one (1) year to be determined by the City Council or its designee. No person under the age of twenty-one (21) years shall sell or serve liquor under this license.

#### **4- 6- 5. SPECIAL EVENT LIQUOR LICENSE.**

A special event liquor license shall authorize for a period not to exceed one-hundred and twenty (120) consecutive hours or five (5) consecutive days the storage, sale, service and consumption of liquor at an event sponsored by a bona fide association, corporation, church or political organization or a recognized lodge, chapter or other local unit that is conducting a convention, civic or community enterprise. The City may not issue more than four (4) special event liquor licenses in any one (1) calendar year to the same association, church, or political organization, chapter, lodge or unit thereof, if any special

event liquor license issued in any one (1) calendar year to said association, church, or political organization, chapter, lodge or unit thereof exceeds seventy-two (72) hours. If no special event liquor license exceeding seventy-two (72) hours has been granted to said association, church, or political organization, chapter, lodge, or unit thereof in any one (1) calendar year, the City may issue up to twelve (12) single event liquor licenses provided that all such licenses in the calendar year are seventy-two (72) hours or fewer.

A special event liquor license may authorize multiple sales outlets on different properties under one special event liquor license.

*(Amended by Ord. Nos. 04-19; 08-14)*

#### **4- 6- 6            REGULATORY LIQUOR LICENSE FEE.**

The regulatory liquor license fee shall be set by resolution for all liquor licenses. The regulatory license fees shall be used by the City to defray, in part, the costs of alcohol related enforcement and responding to alcohol related offenses within Park City. This fee may be waived by the City Council or its designee for temporary licenses issued to persons participating in community sponsored events, or in events sponsored by or for the benefit of non-profit, civic, religious, or charitable organizations. This fee may be waived by the City Council or its designee for special event temporary licenses issued to persons participating in community sponsored events, or in events sponsored by or for the benefit of non-profit, civic, religious, or charitable organizations.

### **CHAPTER 6.1 – RESORT LICENSE DESCRIBED**

#### **4- 6.1- 1.        RESORT LICENSE REQUIRED.**

No person shall operate as a Resort Licensee unless licensed under the Resort License Act Utah Code Ann. § 32A-4a-101 et seq and this Chapter.

#### **4- 6.1- 2.        RESORT LICENSE.**

A Resort License shall only be issued to persons capable of being licensed by the DABC under U.C.A. Section 32A-4a-101 to 205, as amended. A Resort License shall entitle the licensee to store, sell, allow service and allow consumption of alcoholic beverages within the terms of said license. Only bona fide resorts shall be entitled to a Resort License. No person under the age of twenty-one (21) years shall serve or sell liquor under this license.

In order to qualify for a Resort License the applicant must propose four or more resort sub-licensees. It is the Resort Licensee's responsibility to ensure that each resort sub-licensee operates in accordance with the restrictions placed on that type of operation.

All Park City issued Resort Licenses shall expire on December 31st of each year thereafter. All State-issued Resort Licenses expire on October 31st of each year. All

licensees must notify the City immediately if the State Resort License is denied, suspended or revoked for any reason. Resort License applicants must provide the City with proof of State licensure by December 1st of each year or be subject to cancellation, revocation or termination of the City's license issued hereunder. All renewal applications must attach a copy of a valid State license.

#### **4- 6.1- 3. RESORT SUB-LICENSE.**

A resort sub-license may only exist under a Resort License. In order to qualify as a resort sub-licensee the sub-licensee must be located in the same building as all other sub-licensees that fall under the Resort License. A resort sub-license may be either a restaurant sublicense, a limited restaurant sublicense, an on-premise banquet sublicense, a resort spa sublicense, a club sublicense, or an on-premise beer retailer sublicense.

#### **4-6.1-4. RESORT LICENSE APPLICATION**

In addition to the requirements in 4-4-2, the applicant shall include each resort sub-license proposed under the Resort License and shall designate each resort sub-license as either a restaurant sublicense, a limited restaurant sublicense, an on-premise banquet sublicense, a resort spa sublicense, a club sublicense, or an on-premise beer retailer sublicense. Such designation shall determine the rules applicable to the Sub-Licensee consistent with Utah Code Ann. § 32A-4a-401. If a Resort Sub-License is removed or a new resort sub-license is proposed a revised Resort License Application must be submitted.

#### **4- 6.1- 5 RESORT LICENSE FEE.**

The regulatory license fee shall be set by resolution for Resort Licenses. The regulatory license fees shall be used by the City to defray, in part, the costs of alcohol related enforcement and responding to alcohol related offenses within Park City.

### **CHAPTER 6.2 – MANUFACTURING LICENSE DESCRIBED**

#### **4- 6.2- 1. MANUFACTURING LICENSE REQUIRED.**

No person shall operate as a Manufacturing licensee unless licensed under Chapter 8 of Title 32A of the Utah Code and this Chapter.

#### **4- 6.2- 2. MANUFACTURING LICENSE.**

A Manufacturing license shall only be issued to persons capable of being licensed by the DABC under Chapter 8 of Title 32A of the Utah Code, as amended. A Manufacturing License shall authorize a Licensee to conduct business as either a winery, distillery, or a brewery.

All Park City issued Manufacturing licenses shall expire on December 31st of each year thereafter. All State-issued Manufacturing licenses expire on October 31st of each year.

All licensees must notify the City immediately if the State Manufacturing license is denied, suspended or revoked for any reason. Manufacturing license applicants must provide the City with proof of State licensure by December 1st of each year or be subject to cancellation, revocation or termination of the City's license issued hereunder. All renewal applications must attach a copy of a valid State license.

#### **4-6.2-3. MANUFACTURING LICENSE—WINE**

A wine Manufacturing license allows the licensee to import, manufacture, store, transport, or export wines; sell wines at wholesale to the DABC and to out-of-state customers; purchase liquor for fortifying wine, if the DABC is notified of the purchase and date of delivery; and warehouse on its premises liquor that has been manufactured or purchased for manufacturing purposes.

A winery Manufacturing licensee may operate on its manufacturing premises a retail facility allowing consumption of samples of wine as long as food is also available.

#### **4-6.2-4. MANUFACTURING LICENSE—LIQUOR**

A liquor Manufacturing license allows the to import, manufacture, store, transport, or export liquor; sell liquor to the DABC and to out-of-state customers; purchase alcoholic products for blending and manufacturing purposes if the DABC is notified of the purchase and the date of delivery; and warehouse on its premises alcoholic products which it manufactures or purchases for manufacturing purposes.

A liquor Manufacturing licensee may not allow consumption of alcoholic beverages on its premises, except that employees and bona fide wholesale or retail purchasers may consume free of charge samples.

#### **4-6.2-5 MANUFACTURING LICENSE—BEER**

A beer Manufacturing license allows the licensee to manufacture, brew, store, transport, or export beer, heavy beer, and flavored malt beverages; sell heavy beer and a flavored malt beverage to the DABC, a military installation, an out-of-state customer, a licensed wholesaler; and as otherwise authorized by the DABC or Utah Code.

A beer Manufacturing licensee may operate on its manufacturing premises a retail facility allowing consumption on premises of beer in bottles or draft as long as food is also available.

#### **4-6.2-6. MANUFACTURING LICENSE APPLICATION**

In addition to the requirements in 4-4-2, the applicant shall state the type of Manufacturing license—Winery, Distillery, or Brewery—the applicant is applying for. Each Manufacturing license shall only authorize a single Winery, Distillery, or Brewery

operation.

**4- 6.2- 7      MANUFACTURING LICENSE FEE.**

The regulatory license fee shall be set by resolution for Resort licenses. The regulatory license fees shall be used by the City to defray, in part, the costs of alcohol related enforcement and responding to alcohol related offenses within Park City.