

SUMMIT COUNTY, UTAH
ORDINANCE NO. 853
AN ORDINANCE REPEALING SUMMIT COUNTY CODE
TITLE 3, CHAPTER 2 "ALCOHOLIC BEVERAGES" AND ENACTING A NEW
TITLE 3, CHAPTER 2 "ALCOHOLIC BEVERAGES"

WHEREAS, the last time amendments were made to Summit County Code related to Alcoholic Beverages was in 2009; and

WHEREAS, the classifications of alcoholic beverage licenses in Summit County do not mirror the state-issued licenses found in the State of Utah's Alcoholic Beverage Control Act; and

WHEREAS, the County Council of Summit County ("the Council") desires to ensure consistency between the Alcoholic Beverage Control Act and Summit County Code and an overhaul of the existing Summit County Code is necessary to ensure such consistency; and

WHEREAS, the Council believes that these changes will provide both Summit County staff and the public a better level of predictability and ease in the way alcoholic beverage licenses are issued.

NOW THEREFORE, the Council of Summit, State of Utah, hereby ordains as follows:

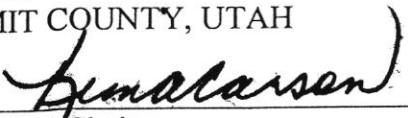
Section 1: The Council hereby repeals Summit County Ordinance No. 722, An Ordinance Amending Summit County Code Title 3, Chapter 2 Alcoholic Beverages dated July 15, 2009.

Section 2: The Council hereby enacts a new Title 3, Chapter 2 Alcoholic Beverages attached hereto as Exhibit A.

Section 3: This Ordinance shall take effect fifteen (15) days after the date of its publication.

APPROVED, ADOPTED, AND PASSED and ordered published by the Summit County Council, this 2nd day of December 2015.

SUMMIT COUNTY COUNCIL
SUMMIT COUNTY, UTAH



By Council Chair

ATTEST:



SUMMIT COUNTY CLERK

Date of Publication 12/5/15, 2015.



**TITLE 3 CHAPTER 2
ALCOHOLIC BEVERAGES**

3-2-1: PURPOSE AND POLICY:

It is the purpose of this chapter to normalize the regulation of alcoholic beverages by the county by: a) simplifying alcoholic beverage control regulations by not duplicating state regulations, b) limiting the county's regulatory interests to business licensing and to local consent as required by law; and c) place the primary responsibility for maintaining order and preventing breaches of the peace within establishments selling and serving alcoholic beverages on the owners and managers of those establishments.

3-2-2: DEFINITIONS:

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

B. In addition to definitions under Utah State Code:

OFF PREMISES BEER RETAILER: A business that is engaged, primarily or incidentally, in the retail sale of beer to a patron for consumption off the beer retailer's premises and is licensed in accordance with title 32B, Utah Code Annotated and this chapter.

3-2-3: RECOGNITION OF STATE LAW:

A. The sales and distribution of alcoholic beverages are regulated under state law as found in Title 32B of Utah Code Annotated. It is the intent of this chapter to regulate in those areas that state law specifically leaves to local control and also in areas of local concern not directly covered by state law.

B. The County adopts the State of Utah's Alcoholic Beverage Control Act, Title 32B, Utah Code Annotated, 1953, in its entirety, as amended from time to time. It is the responsibility of any applicant under this chapter to be in compliance with identified conditions and requirements of state law and this chapter prior to making application with the County. It is the obligation of each applicant under this chapter to stay in compliance with state law and this chapter regardless of changes to those laws. To the extent permitted by state law, the officers and administrators of the County shall enforce both the provisions of state law regulating alcoholic beverages as well as the provisions of this chapter.

3-2-4: LOCAL CONSENT FOR STATE LICENSE:

A. Prior to the Clerk's Office issuing an initial alcohol license/permit, an applicant must obtain local consent. The County may provide its consent for the following categories of state licenses:

- 1) Clubs (equity, fraternal, dining or social);
- 2) Restaurants (full service, limited service, beer-only);
- 3) On premises (recreational, banquet/catering, tavern)
- 4) Reception centers
- 5) Manufacturing (distillery, brewery, winery, brewery with on-premise consumption)
- 6) Package Agency
- 7) Special Use
- 8) Event permit (single event or temporary special event beer)
- 9) Liquor warehouse
- 10) Beer wholesaling
- 11) Any category of state license not otherwise listed herein

3-2-5: LOCAL CONSENT APPLICATION AND REQUIREMENTS

Local consent shall be conditioned upon any applicant satisfying the following criteria:

A. Qualifications: Local consent shall not be granted to any applicant that does not meet all of the following qualifications:

1. must be twenty-one (21) years of age or older;
2. must not have been convicted of:
 - a. a felony under federal or state law;
 - b. any crime concerning the sale, offer for sale, warehousing, manufacture, distribution, transportation, or adulteration of an alcoholic product;
 - c. a crime involving moral turpitude;
 - d. on two (2) or more occasions within the five (5) years before the day on which the license or permit is issued of driving under the influence of alcohol, drugs, or any combination of alcohol and drugs.
3. must not have had any type of beer or liquor license or permit revoked within the last three (3) years;
4. must comply with federal and state laws pertaining to the payment of taxes and contributions to unemployment and insurance funds.