Chapter 6-4 ALCOHOLIC BEVERAGE LICENSES

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Section 6-4-010 Authority. Draper City may prohibit, except as provided by law, any person from knowingly possessing any intoxicating alcoholic beverages, and the manufacture, sale, keeping or storing for sale, offering or exposing for sale, importing, carrying, transporting, advertising, distributing, giving away, exchanging, dispensing or serving of intoxicating alcoholic beverages. The authority for this Chapter is derived from Section 10-8-42 of the Utah Code and the Alcoholic Beverage Control Act of the Utah Code.

Section 6-4-020 Definitions. All words and phrases used in this Chapter shall have the following meanings, unless a different meaning clearly appears from the context:

(a) "Alcoholic Beverage" means beer, wine, and liquor as the terms are defined in this section.

(b) "Beer," or “malt liquor” means a product that contains at least .5% alcohol by volume, but not more than four percent of alcohol by volume or 3.2% by weight, and is obtained by fermentation, infusion, or decoction of any malted grain. Such products may or may not contain hops or other vegetable products. “Beer” includes products referred to as light beer or malt liquor.

(c) "Brewer" means any person or facility engaged in manufacturing beer, heavy beer, or flavored malt beverage.

(d) "Church" means a building set apart for the purpose of worship, in which religious services are held with which clergy is associated and which is tax exempt under the laws of this State.

(e) "City" means Draper City.

(f) “Club” means a dining, equity, fraternal, or social club as defined in the Alcoholic Beverage Control Act of the Utah Code.

(g) "Commission" means the State of Utah Alcoholic Beverage Control Commission.

(h) “Dining Club License” means a license which allows the sale, storage, service and consumption of alcoholic beverages on the premises that; has a full menu that offers full meals including appetizers, main courses, and desserts; maintain at least 50% of their club business from the gross sale of food; have a portion of the premises used for a dining area, and adequate culinary facilities to serve full meals. Dining clubs are open to the public but the club licensee may choose to restrict access to only those who are on a list or pay a fee.

(i) “Equity Club License” means a license which allows the sale, storage, service and consumption of alcoholic beverages on the premises that; only allows members or guests of a member to be admitted to or use the premises; owns, maintains, or operates a substantial recreational facility in conjunction with a club house such as a golf course or a tennis facility; and have bylaws or house rules as regarding membership as defined in the Alcoholic Beverage Control Act of the Utah Code.

(j) “Flavored malt beverage” means a beverage that contains at least .5% alcohol by volume, is treated by processing, filtration, or another method of manufacture that is not generally recognized as a traditional process in the production of a beer as described in 27 C.F.R. Sec. 25.55 and to which is added a flavor or other ingredient containing alcohol, except for a hop extract; and for which the producer is required to file a formula for approval with United States Alcohol and Tobacco Trade and Tax Bureau pursuant to 27 C.F.R. Sec. 25.55.

(k) “Fraternal Club License” means a license which allows the sale, storage, service and consumption of alcoholic beverages on the premises where only members or guests of a member are allowed to be admitted to use the premises; the club is organized and operated solely for a social, recreational, patriotic, or fraternal purpose; the club has no capital stock; meets the governing requirements outlined in the Alcoholic Beverage Control Act of the Utah Code; and the clubs exists solely for:

(1) the benefit of its members and their beneficiaries; and

(2) a lawful social, intellectual, educational, charitable, benevolent, moral, fraternal, patriotic, or religious purpose for the benefit of its members or the public, carried on through voluntary activity of its members in their local lodges.

(l) “Full-service Hotel” means a hotel that offers full availability of requisite standardized industry amenities which are not limited to, but including the following: on-premise restaurant, room service, business center, concierge, fitness center, banquet halls, various room type selection such as suites.

(m) “Full-Service Restaurant License” means a license that allows for the storage, sale, service, and consumption of alcoholic beverages on the premises of a restaurant that is primarily engaged in serving meals to the general public, where patrons may only purchase alcoholic beverages in conjunction with an order of food that is prepared, sold and served at the restaurant, and where the restaurant maintains at least 70% of its total restaurant business from the gross sale of food.

(n) “Heavy Beer” means a product that contains more than 4% alcohol by volume and is obtained by fermentation, infusion, or decoction of malted grain.

(o) "Licensee" means a person granted an Off-Premise, On-Premise, Non-Tavern Beer, Full-Service Restaurant, Limited-Service Restaurant, Manufacturer, Club, or Single-Event license in connection with the operation of a place of business in the City. This term shall also include any employee of the licensee.

(p) "Licensed Premises" means a room, house, building, structure or place occupied by any person licensed to sell alcoholic beverages on any premises under this Chapter; provided, that in any multi-roomed establishment, an applicant for a Full-Service Restaurant, Limited-Service Restaurant, Club, Manufacturer, or On-Premise, Non-Tavern Beer License shall designate a room or portion of the building of such business for the sale of alcoholic beverages, which portion so specifically designated in the application and in the license issued pursuant thereto shall be the licensed premises. Multiple dining facilities located in one building and owned or leased by one licensed applicant shall be deemed to be only one licensed premise.

(q) “Limited-Service Restaurant” means a restaurant that is issued a liquor license which allows for the storage, sale, service, and consumption of wine, beer and heavy beer on the premises where the business is engaged in primarily serving meals to the general public, where patrons may only purchase wine, beer, and heavy beer in conjunction with an order of food that is prepared, sold and served at the restaurant, and where the restaurant maintains at least 70% of its total restaurant business from the sale of food.

(r) "Liquor" means alcohol, or an alcoholic, spirituous, vinous, fermented, malt, flavored malt beverage, or other liquid, or combination of liquids, a part of which is spirituous, vinous, or fermented, and all other drinks, or drinkable liquids that contains at least .5% alcohol by volume and is suitable to use for beverage purposes. "Liquor" does not include any beverage defined as beer.

(s) “Manufacture” 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.

(t) “Manufacturer License” means a license granted under the Alcoholic Beverage Control Act of the Utah Code which includes a brewer, winery or distillery.

(u) “On-Premise, Non-Tavern Beer” means any non-tavern establishment that sells beer only to patrons for consumption on the premises such as a restaurant, bowling center, or golf course food or beverage facility.

(v) "Park" means a piece of public, private or neighborhood ground that is set apart for the use of the public, whether developed or undeveloped, and that is usually, or may be, planted with trees, lawns, or other shrubbery. The park may include facilities for sport, entertainment, dancing, recreation, or swimming, or a park may be planned for such future use of any and all other facilities. A park may consist solely of a single purpose facility, either actual or proposed, such as an equestrian park, open air theater, or playground. For purposes of this Chapter, a golf course is not a park.

(w) "Person" means an individual, partnership, firm, corporation, limited liability company, association, business trust, or other form of business enterprise, including a receiver or trustee, and the

plural as well as the singular number, unless the intent to give a more limited meaning is disclosed by the context.

(x) "Playground" means a public, private or neighborhood area which may or may not include play equipment where children go for physical activity or to play.

(y) "Restaurant" means a business establishment where a variety of foods are prepared and complete meals are served to the general public, located on premises having adequate culinary fixtures for food preparation and dining accommodations that is engaged primarily in serving meals to the general public; where customers are seated at tables, servers take food orders and serve food at tables without prepayment, and without service windows or primarily providing takeout orders picked up at a counter.

(x) "Retailer" means a person engaged in the sale or distribution of an alcoholic beverage to a consumer.

(AA) "School" means a building used primarily for the general education of minors. "School" does not include a nursery school, an infant day care center, or a trade or a technical school.

(BB) "Sell," "sale," or "to sell" means a transaction, exchange, or barter whereby, for consideration, an alcoholic beverage is either directly or indirectly transferred, solicited, ordered, delivered for value, or by means or under pretext is promised or obtained, whether done by a person as a principal, proprietor, or as an agent, servant, or employee, unless otherwise defined in this chapter or the rules made by the Commission.

(CC) "Single-Event" means a convention, civic, or community enterprise conducted by a bona fide corporation, church, political organization, or association or a recognized subordinate lodge, chapter, or other local unit thereof.

(DD) “Social Club License” means a license which allows the sale, storage, service and consumption of alcoholic beverages on the premises and include any other club that does not qualify as an equity, fraternal or dining club, such as a social drinking club that does less than 50% of its business from the sale of food.

(EE) "State Store" means a facility for the sale of package liquor located on premises owned or leased by the State and operated by a State employee. "State store" does not apply to a licensee, permittee, or package agencies.

(FF) "Tavern" means a business establishment that is engaged primarily in the retail sale of beer to a public patron for consumption on the establishment’s premises. "Tavern" includes beer bar, parlor, lounge, cabaret, and night club if the revenue from the sale of beer exceeds the revenue of the sale of food, although food need not be sold in the establishment.

(GG) "Trail" means a linear corridor of property which is planned as part of the Parks and Trails Master Plan or recognized as a City facility by the Parks and Trails Master Plan, although not classified as a park, and maintained by the City for the purpose of recreation and alternate transportation as a part of the transportation system, thus not designed or intended for use by unaccompanied small children. A trail is not a park for purposes of this chapter.

(HH) “Wine” means an alcoholic beverage obtained by the fermentation of the natural sugar content of fruits, plants, honey, or milk, or other like substance, whether or not another ingredient is added.

Section 6-4-030 General Restrictions.

(a) Manufacturer/Brewer. A person may not manufacture any alcoholic beverage unless an alcoholic beverage manufacturing license has been issued by the Commission. A separate license is required for each place of manufacture, storage, and sale of alcoholic beverages. Whether independent or associated with a restaurant, a brewer or other form of manufacturing requires local consent from the City Council.

(1) Before any manufacturer or brewer licensee may manufacture any alcoholic beverage, it shall obtain:

(i) local consent for a Manufacture license from the City; and
(ii) a Manufacture license from the Commission.

(2) Applicants shall submit an application as per Section 6-40-060. No more than one Manufacturer License shall be issued within Draper City.

(3) Manufacturer Licensee shall comply with all provisions and operational regulations for a Manufacturer as established by the Alcoholic Beverage Control Act.

(4) Violation of this subsection is a class B misdemeanor.

(b) Single-Event. Before any sponsor of a single event may sell or allow the consumption of alcohol on its premises, it shall first obtain a Single-Event License from the Commission and Local Consent from the City Council.

(c) Advertising. It shall be unlawful to advertise the sale of alcoholic beverages in violation of the Utah Alcoholic Beverage Control Act. Permitted signage shall comply with requirements contained in Chapter 9-26 of the Draper City Municipal Code.

Section 6-4-040 License to Sell Alcoholic Beverages at Retail.

(a) It shall be a class B misdemeanor for any person to sell alcohol without first having procured a license from the City and the license fee, including all regulatory fees, as set forth in the City’s Consolidated Fee Schedule.

(b) It shall be a class B misdemeanor for any person to sell alcohol after the revocation of the license issued pursuant to this chapter.

(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. It shall be unlawful for any licensee to violate any of the terms of the license.

(d) All Licensees shall comply with this Chapter, the Utah Alcoholic Beverage Control Act and the regulations of the Commission.

Section 6-4-050 Retail Licenses - Classification.

(a) Retail licenses issued under the provisions of this Chapter shall be classified under the following types which shall carry the privileges and responsibilities set forth in this Chapter: Off-Premise, Full-Service Restaurant, Limited-Service Restaurant, Club, On-Premise, Non-Tavern Beer, and Single-Event.

(b) All licenses of each type shall be numbered numerically commencing with the number one.

Section 6-4-060 License Applications.

(a) A person seeking an On-Premise, Non-Tavern Beer, Full-Service Restaurant, Limited-Service Restaurant, Club, or Single-Event license to sell alcoholic beverages for consumption on the premises shall provide a written application on forms provided by the City. The application shall be accompanied by:

(1) the license fee as set forth in the City's Consolidated Fee Schedule;

(2) an approved site plan or conditional use permit or a copy of the applicant's business license. It shall be a prerequisite to issuance of an On-Premise, Non-Tavern Beer, Full-Service Restaurant, Limited-Service Restaurant, Club, or Single-Event License that the applicant has received either site plan or conditional use approval or has been granted a business license;

(3) evidence of proximity to any school, church, public library, playground or park;

(4) a floor plan of the premises, including consumption areas and an area where the applicant proposes to keep, store and sell alcoholic beverages;

(5) a signed consent form stating that the premises will permit any authorized representative of the Commission, City, City Police Department or County Health Department unrestricted right to enter the premises;

(6) a copy of the DRAM shop insurance coverage established by the Alcoholic Beverage Control Act of the Utah Code;

(7) a copy of a cash, corporate or surety bond in the penal amount established by the Alcoholic Beverage Control Act of the Utah Code payable to the Department of Alcoholic Beverage Control; and

(8) any other information the City may require to accurately evaluate the merits of the application.

Section 6-4-070 Processing of Applications; Local Consent.

(a) Each application for an Off-Premise, On-Premise, Non-Tavern Beer, Full-Service Restaurant, Limited-Service Restaurant, Club, Manufacturer, or Single-Event license shall be referred to the Business License Official. Upon receiving the application and the accompanying information, the Business License Official shall submit the request to appropriate City departments for their review and comment. The request shall be reviewed by the City Council at a regularly scheduled meeting not more than 45 days after a complete application is received. The Council shall take public comment on the request. After review of the request and accompanying information, the Council shall vote on whether to grant its consent for the issuance of the license. Notwithstanding the foregoing, an application for a Single-Event License in conjunction with a regularly-conducted festival or event which, in previous years, received Single-Event License approval from the City, may be approved by the Community Development Director upon a showing of past compliance with the ordinances, rules and regulations of the City and that the application meets current ordinances, rules and regulations.

(b) An On-Premise, Non-Tavern Beer, Full-Service Restaurant, Limited-Service Restaurant, or Club license shall not be granted to a business located within 600 feet of any public or private school, church, public library, playground or park as measured from the nearest entrance of the outlet by following the shortest route of ordinary pedestrian travel to the property boundary of the public or private school, church, public library, public playground or park.

(c) An On-Premise, Non-Tavern Beer, Full-Service Restaurant, Limited-Service Restaurant, or Club license shall not be granted to any applicant for any location situated within 200 feet of any public or private school, church, public library, public playground, or park, measured in a straight line from the nearest entrance of the proposed outlet to the nearest property boundary of the public or private school, church, public library, public playground, or park.

(d) The restrictions contained in Subsection (b) govern unless the City Council determines that compliance with the distance requirements would result in peculiar and exceptional practical difficulties or exceptional and undue hardships in the granting of a license. In that event the City Council, may, after giving full consideration of all attending circumstances and after compliance with public notice and public hearing requirements as specified in Subsection (e) authorize a variance from the distance requirements to relieve the difficulties or hardships, if the variance may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this Chapter.

(e) On-Premise, Non-Tavern Beer, Full-Service Restaurant, Limited-Service Restaurant, Club, or Single-Event license applicants wishing to request from the City Council a variance from the proximity distance requirement in Subsection (b) shall comply with the following:

(1) Payment of Fee. Any applicant desiring a variance for which a special public hearing is required shall pay a fee set by resolution of the City Council before the hearing shall be set or advertised.

(2) Advertising. Notice of a public hearing shall be published once a week for three consecutive weeks in a newspaper of general circulation. The advertisement shall state the date, time, location and reason for the public hearing.

(3) Notice to property owners. Letters of notice of public hearing shall be mailed at least ten days in advance of the public hearing to all persons owning property within 600 feet of the applicant's premises.

(4) Petition. The applicant shall circulate a petition to each person owning property within 600 feet of the applicant's business premises. Such petition shall allow the affected property owners to indicate opposition or lack of opposition to such a license being granted.

(5) Public Hearing. After satisfying the fee and notice requirements, the City Council shall hold a public hearing to consider the granting of a variance from the distance requirements.

(f) Each person granted a license and the employees, management and personnel of the licensee shall abide by the conditions and requirements provided in the Alcoholic Beverage Control Act of the Utah Code.

(g) In deciding whether to grant or deny a license, the City may also consider the proximity of any educational, religious, and recreational facility, or any other relevant factor in reaching a decision on a proposed location.

(h) There shall be no limitation on the number of Local Consents granted by Draper City.

Section 6-4-080 General Operational Restrictions.

(a) Each person granted an On-Premise, Non-Tavern Beer, Full-Service Restaurant, Limited-Service Restaurant, Club, or Single-Event License and their employees, management and personnel shall abide by the following conditions and requirements. Failure to comply may result in suspension or revocation of the license or other disciplinary action taken against individual employees or management personnel.

(1) An On-Premise, Non-Tavern Beer, Full-Service Restaurant, and Limited-Service Restaurant License shall entitle the licensee to sell alcoholic beverages only with the purchase of food, on the premises described therein, in containers allowed under the Alcoholic Beverage Control Act of the Utah Code. Only bona fide restaurants shall be entitled to Full-Service, Limited-Service Restaurant, On-Premise, Non-Tavern Beer or Dining Club Licenses.

(2) A Club or Single-Event License shall entitle the licensee to sell alcoholic beverages on the premises described therein, for consumption on the licensed premises.

(3) No person under the age of 21 years shall sell or serve alcoholic beverages under a Full-Service or Limited-Service Restaurant License.

(4) Alcoholic beverages purchased from a restaurant shall not be removed from the restaurant premises except as allowed in accordance with the Alcoholic Beverage Control Act of the Utah Code.

(5) A person shall not bring onto the premises of an On-Premise, Non-Tavern Beer, Full-Service Restaurant, Limited-Service Restaurant, Special-Event or Club any liquor or beer, for

on-premise consumption. A person may bring bottled wine onto the premises of a Full-Service Restaurant, Limited-Service Restaurant or Dining Club provided the wine is delivered to a server upon entering the premises. Officers, managers, employees or agents shall not allow a person to bring onto the licensee premises liquor or beer for on-premise consumption or allow consumption of any such liquor or beverage on its premises. If any licensee or any of its officers, managers, employees or agents violates this subsection the City may immediately suspend or revoke the license.

(6) An employee of a licensee, while on duty, shall not consume an alcoholic beverage or be under the influence of alcoholic beverages.

(7) Each licensee shall display in a prominent place on the premises:

(i) the license issued by the City and the license issued by the Commission; and

(ii) a sign in large letters stating: "WARNING, THE CONSUMPTION OF ALCOHOLIC BEVERAGES PURCHASED IN THIS ESTABLISHMENT MAY BE HAZARDOUS TO YOUR HEALTH AND THE SAFETY OF OTHERS."

(8) There shall be no transfer of a license from one location to another.

(9) There shall be no transfer of a license from one entity to another without approval by the City Council, except that the Community Development Director may grant a request to transfer an On-Premise, Non-Tavern Beer, Full-Service Restaurant, Limited-Service Restaurant, or Club license from a current licensee to a proposed licensee who will operate at the same location, so long as the following conditions are met:

(i) the type of alcoholic beverage to be sold is not changed;

(ii) the on-site management staff has not changed;

(iii) there have been no citations for alcohol related offenses issued to either the current licensee or the proposed licensee within the last two years; and

(iv) the proposed licensee's application complies in all respects with all other provisions of this Chapter.

(10) Monetary Value of License.

(i) A person having been granted an On-Premise, Non-Tavern Beer, Full-Service Restaurant, Limited-Service Restaurant, Special-Event or Club License shall not sell, exchange, barter, give or attempt in any way to dispose of the license whether for monetary gain or not.

(ii) An On-Premise, Non-Tavern Beer, Full-Service Restaurant, Limited-Service Restaurant, Special-Event or Club License has no monetary value for the purpose

of any type of disposition.

(11) A person's willingness to serve alcoholic beverages or beer shall not be made a condition of employment as a server with a restaurant that has a Full-Service Restaurant, Limited-Service Restaurant, On-Premise, Non-Tavern Beer or Dining Club license.

Section 6-4-090 Off-Premise Licenses.

(a) An Off-Premise retail license shall entitle the licensee to sell beer on the premises described therein in original containers of a size established in the Alcohol Beverage Control Act of the Utah Code.

(b) It shall be unlawful for an Off-Premise licensee to permit the consumption of beer on any Off-Premise licensed premises.

(c) A person seeking an Off-Premise License to sell beer shall provide a written application on forms provided by the City. The application shall be accompanied by:

(1) the fee for an Off-Premise license as set forth in the City's Consolidated Fee Schedule;

(2) an approved site plan or conditional use permit or a copy of the applicant's business license, it being a prerequisite to issuance of an Off-Premise license that the applicant has received either site plan or conditional use approval or has been granted a business license;

(3) evidence of proximity to any school, church, public library, playground or park;

(4) a floor plan of the business, including where the applicant proposes to keep, store and sell beer; and

(5) any other information the City may require to accurately evaluate the merits of the application.

(d) No Off-Premise license shall be issued to any person where the premises would be located within 300 feet of a school, church, public library, public playground or park as measured from the nearest entrance of the outlet by following the shortest route of either ordinary pedestrian travel to the property boundary of a public or private school, church, public library, public playground or park.

(e) An Off-Premise licensee may sell beer beginning at the hour of 7:00 a.m. and ending at the hour of 1:00 a.m.

(f) Beer may not be sold, delivered, or furnished to any:

(1) minor;

(2) person actually, apparently, or obviously under the influence of any intoxicating

beverage or controlled substance;

(3) known habitual drunkard; or

(4) known interdicted person.

(g) Provisions of this Chapter prohibiting possession of beer by minors shall not apply to persons under 21 years of age who are bona fide employees in Off-Premise licensed premises while under the supervision of a person 21 years of age or older who is on the premises.

(h) It shall be unlawful for any person licensed to sell beer or for any of his agents or employees to allow intoxicated persons to remain in or about any licensed premises.

(i) Holders of Off-Premise licenses shall maintain records which shall disclose the gross sale of beer during each and every year. Such records shall be available for inspection and audit as established by the Alcoholic Beverage Control Act of the Utah Code. Failure of a licensee to properly maintain the required records or failure to submit such records for inspection and audit shall be cause for suspension or revocation of an Off-Premise license.

(j) Each Off-Premise licensee shall limit beer sales to no more than 20% of its total business.

(k) An Off-Premise licensee shall make every reasonable effort to limit the potential for theft of beer from licensed premises. A clear, unobstructed view of all portions of the interior shall be available at all times from a point within the licensed premises at or near the main public entrance. A beer inventory shrinkage record shall be kept by the licensee and made available at any time upon request to the Chief of Police or Community Development Director for inspection or audit. Failure of a licensee to properly maintain the alcoholic beverage inventory shrinkage or failure to submit such records for inspection and audit shall be a class B misdemeanor and shall be cause for suspension or revocation of an Off-Premise License.

(l) There shall be no transfer of an Off-Premise license from one location to another.

(m) There shall be no transfer of an Off-Premise license from one entity to another without approval by the City Council, except that the Community Development Director may grant a request to transfer an Off-Premise license from a current licensee to a proposed licensee who will operate at the same location provided:

(1) the type of alcoholic beverage to be sold is not changed;

(2) the on-site management staff has not changed;

(3) there have been no citations for alcohol related offenses issued to either the current licensee or the proposed licensee within the last two years; and

(4) the proposed licensee's application complies in all respects with all other provisions of this chapter.

(n) Monetary Value of License.

(1) A person having been granted an Off-Premise License shall not sell, exchange, barter, give or attempt in any way to dispose of the license whether for monetary gain or not.

(2) An Off-Premise beer license has no monetary value for the purpose of any type of disposition.

(o) Each Off-Premise Beer licensee shall comply with the provisions of the EASY law and operational provisions established by the Alcoholic Beverage Control Act

(p) The total number of Off-Premise licenses in the City shall not exceed one 1 per each 1,000 population of the City, based on the latest population estimate provided by the City Manager and determined by the average household size and number of residential units in the City.

Section 6-4-100 Full-Service Restaurant and Limited-Service Restaurant Licenses.

(a) Before any Full-Service Restaurant or Limited-Service Restaurant may sell alcoholic beverages at retail for on-premise consumption, it shall obtain:

(1) a Full-Service Restaurant license from the City for the purpose of selling alcoholic beverages as defined in this Chapter; or

(2) a Limited-Service Restaurant license from the City for the purpose of selling beer, heavy beer, and wine as defined in this Chapter; and

(3) a Full-Service Restaurant or Limited-Service Restaurant retailer license from the Commission.

(b) A person seeking a Full-Service or Limited-Service Restaurant license to sell alcoholic beverages for consumption on the premises shall provide a written application on forms provided by the City as outlined in Section 6-4-060 of this Title.

(c) A Full-Service or Limited-Service Restaurant licensee may sell beer in accordance with the Alcoholic Beverage Control Act of the Utah Code.

(d) All holders of a Full-Service or Limited-Service Restaurant license shall maintain records which shall disclose the gross sales of alcoholic beverages and the gross sales of food served and any other items sold for consumption on or off the premises as defined in the Alcoholic Beverage Control Act of the Utah Code. Alcoholic beverages sales shall not exceed more than 30% of the gross dollar volume sales for any semi-annual period.

(e) Restriction on Licenses. There shall be no limitation on the number of Full-Service or Limited-Service Restaurant Licenses granted by Draper City.

Section 6-4-110 Club Licenses.

(a) There are four types of Clubs defined by Title 32A of the Utah Code:

(1) Dining Clubs;
(2) Social Clubs;
(3) Equity Clubs; and
(4) Fraternal Clubs.

(b) Before any Club may sell alcoholic beverages at retail for on-premise consumption, it shall obtain:

(1) a Club license from the City; and

(2) a Club license from the Commission.

(c) A person seeking a Club License to sell alcoholic beverages for consumption on the premises shall provide a written application on forms provided by the City as outlined in Section 6-4-060 of this Title.

(d) A Social Club or Dining Club licensee may sell alcoholic beverages in accordance with the Alcoholic Beverage Control Act of the Utah Code.

(e) A Club License shall entitle the licensee to sell alcoholic beverages on the premises described therein, in containers allowed under the Alcoholic Beverage Control Act of the Utah Code, for consumption on the permitted premises.

(f) All Club Licensees shall make food available at all times when alcoholic beverages are sold, served or consumed. All holders of a Club license shall maintain records which shall disclose the gross sales of alcoholic beverages and the gross sales of food served and any other items sold for consumption on or off the premises as defined in the Alcoholic Beverage Control Act of the Utah Code. Dining Club licensees' alcoholic beverage sales shall maintain at least 50% of their club business from the gross sale of food.

(g) Restriction on Licenses. There shall be no more than two Social Club Licenses allowed in Draper City in those zones as designated in Table 9-11-1 of Chapter 9-11 of the Draper City Municipal Code, one of which must be located within a full-service hotel and the other of which must be located in the Draper Peaks CSD Zone. There shall be four Dining Club Licenses allowed in Draper City in those zones as designated in Table 9-11-1 of Chapter 9-11 of the Draper City Municipal Code. No Fraternal or Equity Clubs are allowed in Draper City.

Section 6-4-120 On-Premise, Non-Tavern Beer License.

(a) There are two types of on-premise beer licenses defined by the Alcoholic Beverage Control Act of the Utah Code:

(1) On-Premise, Non-Tavern Beer which include restaurants, cafes, bowling center or

golf course food and beverage facilities; and

(2) Taverns, which include beer bars, parlors, lounges, cabarets, or nightclubs. No Tavern licenses shall be issued within Draper City.

(b) Before any establishment may sell beer at retail for on-premise consumption, it shall obtain:

(1) an On-Premise, Non-Tavern Beer license from the City ; and

(2) an On-Premise, Non-Tavern beer retailer license from the Commission.

(c) A person seeking an On-Premise, Non-Tavern Beer license to sell beer for consumption on the premises shall provide a written application on forms provided by the City as outlined in Section 6-4-060 of this Title.

(d) Hours of Sale. An On-Premise, Non-Tavern Beer licensee may sell beer in accordance with the Alcoholic Beverage Control Ac of the Utah Code.

(e) An On-Premise, Non-Tavern Beer license shall entitle the licensee to sell beer on the premises described therein, in containers of a size not to exceed two liters capacity, for consumption on the licensed premises. Only bona fide restaurants, cafes, bowling center or golf course food and beverage facilities, shall be entitled to On-Premise, Non-Tavern Beer licenses.

(f) The total number of On-Premise, Non-Tavern Beer licenses in the City shall not exceed one per each 4,000 population of the City, based on the latest population estimate provided by the City Manager as determined by the average household size and number of residential units in the City.

Section 6-4-130 Single-Event License.

(a) Before any operator, participant or sponsor of a single event may sell beer or alcohol at retail for on-premise consumption at the event, a Single-Event License shall be obtained from the City. A Single-Event License May also include a Temporary Special Event beer license.

(b) An applicant seeking a Single-Event License to sell beer or alcohol for consumption on the premises of a single event shall provide a written application on forms provided by the City. The application shall be accompanied by:

(1) the fee for a Single-Event License as set forth in the City's Consolidated Fee Schedule and evidence of necessary regulatory approvals to conduct the single event;

(2) evidence of proximity to any school, church, public library, playground or park, however, the proximity requirements of Section 6-4-070 of this Title do not apply to a Single-Event License as per the Alcoholic Beverage Control Act of the Utah Code;

(3) a site plan of the location of the single event, including clear depiction of consumption areas and areas where the applicant proposes to keep, store and sell alcoholic beverages;

(4) a statement of the purpose of the association, corporation, church or political organization or its local lodge, chapter, or other local unit;

(5) a signed consent form stating that authorized representatives of the City, including any City law enforcement agency, will have unrestricted right to enter the premises during the event;

(6) proper verification evidencing that the person signing the application is authorized to act on behalf of the association, corporation, church or political organization conducting the single event; and

(7) any other information the City may require to accurately evaluate the merits of the application.

(c) No person under the age of 21 years shall sell or serve alcoholic beverages under a Single-Event License.

(d) A Single-Event License shall not authorize the storage, sale or consumption of alcoholic beverages at an event for any period exceeding 72 hours.

(e) Qualifying organizations may apply for up to four licenses per calendar year for a time period that does not exceed 120 consecutive hours for each license, or up to 12 licenses per calendar year for a time period that does not exceed 72 consecutive hours for each license.

(f) A Special-Event licensee may sell alcoholic beverages in accordance with the Alcoholic Beverage control Act of the Utah Code.

Section 6-4-140 Renewal of Existing Licenses.

(a) All applications for renewal of licenses shall be filed with the license official at least 30 days prior to the expiration of the then issued license. Any person who fails to file within the time limit set forth herein shall, on the date of expiration of the license, forthwith cease all sales of alcoholic beverages on the licensed premises and shall make no sale of alcoholic beverages until the date a new license is issued by order of the City Council.

(b) Upon receipt of an application for renewal of an alcoholic beverage license, the license official shall obtain a report from appropriate agencies regarding the applicant's compliance with any applicable restrictions relating to operation of the licensed premises and local or state laws relating to the sale or supply of alcohol. In the event the report demonstrates there have been any instances of non-compliance in the preceding year, the renewal application shall be scheduled for a hearing before the City Council at its next regularly scheduled business meeting. Within 14 days of the hearing, the City Council shall render a decision regarding the license application.

Section 6-4-150 Renewal Information Required. Applications for renewal of licenses issued under this Chapter shall be accompanied by a statement setting forth the gross sales of beer by the licensed establishment during the preceding year and the total gross revenues from all sources of sales during the same year. Renewal applications which are not accompanied by the required statement shall be deemed incomplete and shall not be processed until the statement is supplied. The requirements of this Section shall be in addition to any requirements relating to the keeping of records set forth within this Chapter.

Section 6-4-160 Fees. Renewal Applications for licenses under this Chapter shall be accompanied by the City business license fee and the complete regulatory fees established by the City's Consolidated Fee Schedule as amended.

Section 6-4-170 Expiration and Renewal.

(a) Licenses issued pursuant to the provisions of this Chapter shall expire as follows:

(1) Off-Premise licenses expire one year from the date of issuance;
(2) Full-Service and Limited-Service Restaurant licenses expire on October 31;
(3) Club licenses expire on June 30;
(4) On-Premise, Non-Tavern Beer licenses expire on the last day of February; and
(5) All other on premise consumption on January 31.

(b) Licenses shall be issued for one year from the date of expiration shown in subsection (a). To implement the expiration date of existing licenses, the initial license renewal for licenses existing on the effective date of this Chapter shall be prorated to the next expiration date. In the event renewal fees are not received at the office of the license official within 45 days after the due date each year, the licensee must reapply for the applicable retail license and pay a penalty of 25% of the regulatory fees due as part of the re-issuance fee, in addition to the applicable regulatory license fees. In the event the renewal fees are not received at the office of the license official within 75 days of each year when due, the licensee must reapply for the applicable retail license and pay a penalty of 100% of the fee due as part of the re-issuance fee, in addition to the applicable regulatory license fees. Failure to meet the renewal requirements shall result in an automatic forfeiture of the license effective on the date the existing license expires.

(c) If any licensee sells the place of business, the existing license shall be canceled. The purchaser of the business may apply for a license to sell alcoholic beverages in accordance with the procedures and requirements of this Chapter. If any licensee does not immediately notify the City of any change in ownership of the business, the City shall revoke that license.

Section 6-4-180 Penalties for Violations by a Licensed Establishment.

(a) Any license issued pursuant to this Chapter may be suspended or revoked for the violation by the licensee or the licensee's agent or employee of any provision of this Chapter or any other applicable ordinance or law relating to the possession, consumption, storage or sale of alcoholic beverages. If any person to whom a license has been issued under this Chapter no longer possesses the qualifications required by this Chapter for obtaining that license, the City may revoke or suspend that license.

(b) In addition to the suspension or revocation of licenses, the City may bring criminal charges or seek any other civil remedy available to the City for the violation of any provision of this Chapter.

(c) Violations of this Chapter by a licensee or any employee or agent of a licensee which occur within any 24-month period may be punished as follows:

(1) Upon a first violation of this Chapter the licensee shall be issued a warning.

(2) Upon any violation of this Chapter which occurs within 24 months of a prior violation, the licensee shall pay a civil fine of $250.

(3) Upon any violation of this Chapter which occurs within 24 months of two prior violations, the licensee shall pay a civil fine of $500 and the licensee shall have its license suspended for a period of three consecutive days concurrent with any suspension imposed by the State.

(4) Upon any violation of this Chapter which occurs within 24 months of three prior violations, the licensee shall pay a civil fine of $500 and the licensee shall have its license suspended for a period of 30 consecutive days concurrent with any suspension imposed by the State. In addition, the licensee shall be placed on probation for a period of one year. Any violation of this Chapter by the licensee or any employee of the licensee during the period of probation shall result in the revocation of the licensee's license. The licensee shall not be eligible to reapply for a new license for at least six months from the date of revocation.

(d) Failure to pay any fine imposed for a violation of any provision of this Chapter within 30 days of the imposition of such fine shall be grounds for revocation of the license.

Title 6 Chapter 4 Code Amendments

6-4-060 amended	per Ordinance No. 585	05/18/2004
6-4-160 amended	per Ordinance No. 585	05/18/2004
6-4 amended	per Ordinance No. 590	02/15/2005
6-4-070 amended	per Ordinance No. 721	09/26/2006
6-4-080 amended	per Ordinance No. 721	09/26/2006
6-4-160 amended	per Ordinance No. 741	01/23/2007
6-4-080 amended	per Ordinance No. 786	10/09/2007
6-4-160 amended	per Ordinance No. 786	10/09/2007
6-4 amended	per Ordinance No. 855	09/02/2008
6-4 repealed and reenacted	per Ordinance No. 927	01/19/2010
6-4 amended	per Ordinance No. 933	03/16/2010
6-4 amended	per Ordinance No. 959	01/04/2011