

ORDINANCE NO. 1183

AN ORDINANCE OF THE DRAPER CITY COUNCIL AMENDING SECTIONS 6-4-030 AND 6-4-110 OF THE DRAPER CITY MUNICIPAL CODE REGARDING ALCOHOL BEVERAGE MANUFACTURING LICENSES AND CLUB LICENSES

WHEREAS Title 10-8-42 and Title 32B of the Utah Code authorizes municipalities to regulate the dispensing and sales of alcoholic beverages; and

WHEREAS the City Council desires to provide more opportunities for economic development in Draper City; and

WHEREAS the amendments to Section 6-4-030 will increase the number of manufacturing licenses by one;

WHEREAS the amendments to Section 6-4-110 will increase the number of equity club licenses by one;

WHEREAS the State of Utah has adopted strict regulations governing the manufacturing of alcohol and operation of clubs that protect the health, safety and welfare of residents;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF DRAPER CITY, STATE OF UTAH, AS FOLLOWS:

Section 1. Chapter 6-4 of the Draper City Municipal Code is hereby amended to read as shown in Exhibit "A" attached hereto and incorporated herein by reference.

Section 2. Severability. If any section, part, or provision of this Ordinance is held invalid, or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance, and all sections, parts, and provisions of this Ordinance shall be severable.

Section 3. Effective Date. This Ordinance shall become effective immediately upon its passage.

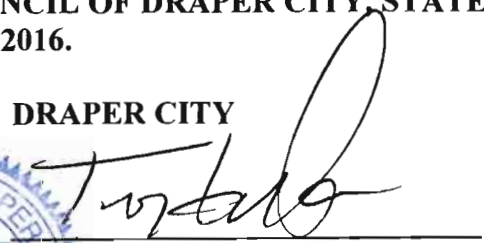
PASSED AND ADOPTED BY THE CITY COUNCIL OF DRAPER CITY, STATE OF UTAH, ON THIS 12th DAY OF JANUARY, 2016.

ATTEST:

DRAPER CITY



Rachelle Conner, MMC, City Recorder



Mayor Troy K. Walker

EXHIBIT A

COMPLETE PROPOSED TEXT AMENDMENT

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 **Alcoholic Beverage Control** 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 **Alcoholic Beverage Control** Commission.

(2) Applicants shall submit an application as per Sections 6-40-~~060-070~~ and 6-4-090(c). No more than ~~one~~ **two** Manufacturer Licenses 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 6-4-110 Club Licenses.

(a) There are four types of Clubs defined by ~~Title 32A~~ the **Alcoholic Beverage Control Act** 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 shall maintain at least 60% 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 One Fraternal or Equity Clubs are~~ allowed in Draper City.

Affidavit of Posting

SALT LAKE/UTAH COUNTY, STATE OF UTAH

I, the City Recorder of Draper City, by my signature below, certify that copies of **Ordinance No. 1183** for the **City of Draper**, which **Passed and Adopted by the City Council of Draper City, State of Utah on the 12th day of January, 2016**, was posted at the following places: Draper City Bulletin Board, Salt Lake County Library, Draper Crescent Senior Citizens Center, within the municipality.

Posted: January 14, 2016, through February 2, 2016

City Seal



A handwritten signature in blue ink, appearing to read "Rachelle Conner", is written over a light grey rectangular background.

Rachelle Conner, MMC
City Recorder
Draper City, State of Utah