

## **SECTION 2: ALCOHOL RELATED BUSINESSES**

### **2.1 Licensing of businesses serving or selling alcoholic beverages**

- (1) This section applies to all businesses that are subject to state regulation pursuant to the Alcoholic Beverage Control Act, title 32B Utah Code Annotated.
- (2) No business that is regulated under the Alcoholic Beverage Control Act shall receive a license from the City unless it is in full compliance with the regulations of Title 32B of the Utah Code Annotated.
- (3) All portions of the Alcoholic Beverage Control Act relevant to Bear River City are hereby incorporated into this section as part of the Bear River City Business License Ordinance.
- (4) Any business which violates the provisions of Title 32B of the Utah Code shall be subject to having its license revoked.
- (5) If any business regulated under this part does not immediately notify the City of any change in ownership of the beer or alcohol retailer, or in the case of a Utah corporate owner of any change in the officers or directors, the City Council may suspend or revoke that license.

### **2.2 Beer Licenses**

- (1) Business owners seeking to sell beer in retail establishments shall apply for a beer license under this section. License fees for beer licenses shall be set in the Bear River City Fee Schedule. Beer licenses shall be classified into separate classifications set forth under separate sections of this part below.
- (2) Applications for a beer license must be accompanied by proof of state licensing and current record of completing an alcohol training and education seminar.
- (3) The City may not grant a retail beer license to a person or to a business whose proprietor has been convicted of:
  - (a) A felony under any federal or state law;
  - (b) Any violation of any federal or state law or local ordinance concerning the sale, manufacture, distribution, warehousing, adulteration, or transportation of alcoholic beverages, or;
  - (c) Of any crime involving moral turpitude.
- (4) In the case of a partnership or corporation, the requirements under subsection 2.2(3) apply if any partner, managing agent, or officer, director, or stockholder who holds at least 20 percent of the total issued and outstanding stock of an applicant corporation has been convicted of any offenses as provided in sub-section 2.2(3) above.

### **2.3 Class A Beer License**

The Class A beer license shall grant to the holder thereof the right to sell beer in original containers for consumption off the premises for the duration of the license so long as the holder of the license complies with applicable ordinances and state statute.

### **2.4 Class B Beer License**

(1) The holder of a Class B beer license shall be authorized to sell beer at retail in the original containers for consumption on the premises. Class B beer licenses shall only be issued to restaurants holding a qualified business license within Bear River City. In addition, only bona fide restaurants shall have the right to apply for a Class B beer license.

(2) All Class B beer licenses shall maintain a record, which details the gross amounts of beer sold, gross amounts of food served, and any other items sold for consumption on or off the premises for each semi-annual period of each year. Such records shall be made available for inspection or audit by the City at any time following the close of the semi-annual period, and for 18 months hereafter. Failure to properly maintain such records of inspection and audit shall be cause for termination of the Class B License.

(3) If an audit or inspection of such records indicates that the sales of beer on the licensed premises are in excess of 40 percent of the gross dollar of business for any semi-annual period, the Class B license shall be immediately suspended and shall not be reinstated until the licensee is able to prove to the satisfaction of the City Council that in the future the sale of beer on the licensed premises shall not exceed 40 percent of the gross dollar volume of the business.

### **2.5 Class C Beer License**

A Class C beer license shall authorize the holder thereof to sell beer under any circumstances allowed under a Class A and a Class B beer license. In addition, a Class C beer license holder shall be authorized to sell beer on tap for consumption on the premises.

### **2.6 Beer Licensee who does not hold vested right in license**

The holder of a beer license has the right to hold that license only for the duration of the license or until it is determined that the holder of the license has violated a relevant portion of Bear River City Ordinances or Utah Statute, at which point the City Council may revoke his or her license. All persons seeking a license to sell beer must reapply for a beer license at the end of each year.

## **2.7 Location Limitation of Certain Licenses**

- (1) It shall be unlawful to have more than two businesses with a Class B or Class C beer license, or any combination thereof, located on any lineal block. A lineal block is defined as both sides of a street between intersecting streets.
- (2) It shall be unlawful for any holder of a Class B beer license or Class C beer license to be on any frontage other than the frontage for State Highway 13.