

CHAPTER 20. BEER LICENSES

- 5-20-1. **Definitions.**
- 5-20-2. **Unlawful to engage in retail beer sales without a license.**
- 5-20-3. **Beer licenses classified.**
- 5-20-4. **Class "A" retailer license.**
- 5-20-5. **Class "B" restaurant license.**
- 5-20-6. **Class "C" tavern license.**
- 5-20-7. **Class "D" private facility license.**
- 5-20-8. **Class "E" public facility license.**
- 5-20-9. **Class "F" brewery license.**
- 5-20-10. **Combination B and C license.**
- 5-20-11. **Seasonal or event license.**
- 5-20-12. **Liquor license - General requirements.**
- 5-20-13. **Application for license - General requirements.**
- 5-20-14. **Referral to chief of police.**
- 5-20-15. **Grounds for denial.**
- 5-20-16. **Approval or denial of license - Appeals.**
- 5-20-17. **License renewals.**
- 5-20-18. **Transfer of license.**
- 5-20-19. **License fees.**
- 5-20-20. **Referral to Health and Community Development Departments**
- 5-20-21. **Class "C" tavern license restriction.**
- 5-20-22. **Expiration of license.**
- 5-20-23. **Display of licenses.**
- 5-20-24. **Periodic inspection of premises by police department.**
- 5-20-25. **License suspension - Appeals.**
- 5-20-26. **License revocation - Appeals.**
- 5-20-27. **Unlawful to sell beer or liquor without license**
- 5-20-27a. **Unlawful to sell beer or liquor to minors.**
- 5-20-27b. **Unlawful for minor to sell beer or liquor.**
- 5-20-27c. **Unlawful to fail to notify law enforcement of criminal activity.**
- 5-20-28. **Unlawful to allow consumption of liquor without license.**
- 5-20-29. **Unlawful to consume liquor at unlicensed establishment.**
- 5-20-30. **Unlawful to store liquor.**
- 5-20-31. **Minimum light and open view required in licensed premises.**
- 5-20-32. **Presence of minors in certain establishments prohibited.**
- 5-20-33. **Unlawful to permit minors in a class "C" establishment.**
- 5-20-34. **Presence of minors in lounge or bar areas.**
- 5-20-35. **Unlawful to permit intoxicated person on licensed premises.**
- 5-20-36. **Sale or disposition of beer between certain hours unlawful.**
- 5-20-37. **Sanctions.**

5-20-38. **Regulation of kegs and other large containers.**

5-20-1. **Definitions.**

The words and phrases used in this Chapter shall have the meanings given them by Section 32A-1-105, Utah Code Annotated, 1953, as amended 2001, unless a different meaning is clearly indicated from the context of the provision in question. (Ord. 2002-05, 04-03-02); (Ord. 85-01, 02-26-85)

5-20-2. **Unlawful to engage in retail beer sales without a license.**

It shall be unlawful for any person to engage in the business of the sale of beer at retail, in bottles, cans, or draft, within the corporate limits of Tooele City without first having procured a license from Tooele City for each place of sale. All licenses shall comply with the provisions of the Utah Alcoholic Beverage Control Act, implementing regulations, and this Chapter. A license granted pursuant to this Chapter shall not waive the licensee's obligation to comply with applicable state of Utah laws and regulations. (Ord. 2005-09, 05-18-2005); (Ord. 2002-05, 04-03-02); (Ord. 85-01, 02-26-85)

5-20-3. **Beer licenses classified.**

Licenses issued under the provisions of this Chapter shall be classified into the following types, which shall carry the privileges and responsibilities hereinafter set forth in this Chapter: Class "A", Class "B", Class "C", Class "D", Class "E", Class "F", and Seasonal or Event. (Ord. 2002-05, 04-03-02); (Ord. 85-01, 02-26-85)

5-20-4. **Class "A" retailer license.**

A Class "A" license shall entitle the licensee to sell beer at the establishment described in the license in original containers for consumption off the premises in accordance with the Liquor Control Act of Utah and this Chapter; provided, however, that it shall be unlawful for the licensee to sell or distribute beer in any container larger than two (2) liters. (Ord. 2002-05, 04-03-02); (Ord. 85-01, 02-26-85)

5-20-5. **Class "B" restaurant license.**

(1) A Class "B" license shall entitle the licensee to sell beer in the original containers at the establishment for consumption at the licensed establishment.

(2) Only bona fide restaurants, where a variety of hot food is prepared and cooked, and where complete meals are served to the general public in connection with indoor dining accommodations, shall be entitled to Class "B" licenses. All Class "B" licensees shall maintain records, including invoices, vouchers, and receipts, which shall disclose the gross dollar sales of food served for consumption on the licensed premises during each and every month of the year. In those

licensed establishments which are also licensed by the state of Utah to allow consumption of liquor on the premises, the sale of carbonated and noncarbonated soft drinks, soda water, water, and other mixers shall not constitute the sale of food within the meaning of this Chapter, and such licensees shall maintain a separate record which shall disclose the gross sales of such mixers during each and every month of the year. The licensee shall make all gross dollar sales records available for inspection and audit by the City within 48 hours of the City's written request to inspect and audit the records. Failure of a licensee to properly maintain or make available records of gross dollar sales for inspection and audit shall be cause for revocation of the Class "B" license. If an audit or inspection discloses that the sales of food served for consumption on any licensed premises hereunder are less than sixty percent (60%) of the gross dollar sales for any month, the licensee shall be required to submit to the City Recorder, within fifteen (15) days from the date of written notice mailed to the licensee of the results of the inspection and audit, a written plan detailing all corrective actions to be taken by the licensee to comply with the provisions of the Class "B" license. Failure to submit the plan in a timely and complete manner, or failure to adhere to the substance and timing of the plan, shall be grounds for license suspension.

(3) No person under the age of twenty-one (21) years shall serve beer under this license. (Ord. 2002-05, 04-03-02); (Ord. 85-01, 02-26-85)

5-20-6. Class "C" tavern license.

A Class "C" license shall entitle the licensee to sell beer on draft or in the original containers for consumption on or off the establishment premises. No person under the age of twenty-one (21) years shall sell or serve beer under this license. (Ord. 2002-05, 04-03-02); (Ord. 85-01, 02-26-85)

5-20-7. Class "D" private facility license.

A Class "D" license shall entitle the licensee to sell beer for consumption on the licensed premises of a privately-owned recreational facility, such as a bowling alley. No person under the age of twenty-one (21) years of age may serve beer under this license. All sales and deliveries under this license shall be made directly to the consumer. (Ord. 2002-05, 04-03-02); (Ord. 85-01, 02-26-85)

5-20-8. Class "E" public facility license.

A Class "E" license shall entitle the licensee to sell beer for consumption on publicly-owned recreational facilities, such as a municipal golf course; provided, however, that no such Class "E" license shall be issued unless the prospective licensee shall first obtain a concession contract from the public body owning the recreation facility involved. No person under the age of twenty-one (21) years of age may serve beer under this license. All sales and deliveries under this license shall

be made directly to the consumer. (Ord. 2002-05, 04-03-02); (Ord. 85-01, 02-26-85)

5-20-9. Class "F" brew pub license.

(1) A Class "F" license shall entitle the licensee that operates a brew pub or micro-brewery to sell beer in conjunction with the sale of food. No person under the age of twenty-one (21) years shall sell or serve beer under this license.

(2) Definitions.

(a) Brew pub. A restaurant-type establishment which also has a beer brewery, producing beer for sale and consumption on site or for retail carry-out sale in containers holding less than two (2) liters.

(b) Micro-brewery. A brew pub which markets beer wholesale in barrels (thirty-one (31) U.S. gallons each). (Ord. 2002-05, 04-03-02)

5-20-10. Combination B and C license.

A Combination B and C license shall entitle the licensee to sell beer pursuant to both Class B and Class C licenses, at the same establishment; provided, however, that the restaurant and tavern facilities are designed and separated according to state of Utah laws and regulations. The Class B licensed portion of the establishment shall comply with the Class B license requirements. The Class C licensed portion of the establishment shall comply with the Class C license requirements. A Combination B and C license may be approved in conjunction with a Class F brew pub license. (Ord. 2002-05, 04-03-02)

5-20-11. Seasonal or Event license.

A Seasonal or Event license shall apply to all limited-duration activities, promotions, and sporting events. This license is temporary in nature and shall be issued for a maximum of thirty (30) days. The licensee shall be entitled to sell beer on draft for consumption on or off the premises. The licensee may also sell beer in the original container; provided, however, that it shall be unlawful for the licensee to sell or distribute beer in any container larger than one-half gallon. No person under the age of twenty-one (21) years of age shall serve beer under this license. (Ord. 2002-05, 04-03-02); (Ord. 85-01, 02-26-85)

5-20-12. Liquor license.

Any license for liquor consumption license shall be obtained from the State of Utah. A liquor license shall entitle the licensee to permit customers, members, guests, visitors, or other persons to possess or consume liquor at the licensed establishment. No person under the age of twenty-one (21) years of age shall serve liquor under this license. (Ord. 2002-05, 04-03-02); (Ord. 85-01, 02-26-85)

5-20-13. Application for license; general requirements.

(1) Application for any license issued pursuant to

this Chapter shall be upon a form furnished by the City Recorder, signed under oath by the applicant, and addressed to the City Recorder.

(2) The applicant shall be either the majority owner of the establishment or the senior individual charged with operating the establishment.

(3) The following information shall be shown on or attached to the application form:

(a) Age of applicant; if the applicant is a business association, then the age of the senior individual charged with operation of the establishment;

(b) Citizenship of applicant; if the applicant is a business association, then the citizenship of the senior individual charged with operation of the establishment;

(c) Certified copy of applicant's criminal history, the certification being within thirty (30) days of submitting the completed application to the City Recorder; if the applicant is a business association, then the criminal history of the senior individual charged with operation of the establishment; and,

(d) Copies of other alcohol licenses issued to the applicant for the three (3) years previous to the date of application. If copies are unavailable, the applicant shall supply a complete list of said licenses, including the type of license, the licensed address, and licensing jurisdiction.

(e) Copies of all information provided to the state of Utah pursuant to state alcoholic beverage licensing requirements.

(f) The names of all owners, managers, officers, directors, or other persons with control over the operation of the establishment.

(g) If the applicant is a business association, copies of an enterprise's current articles of incorporation, by-laws, partnership agreement, and other documents governing the enterprise.

(h) Other information reasonably required by the City Recorder. (Ord. 2002-05, 04-03-02); (Ord. 99-02, 01-20-99); (Ord. 85-01, 02-26-85)

5-20-14. Referral to chief of police.

All applications filed in accordance with the provisions of this Chapter shall be referred to the Chief of Police for inspection. After inspection, the Police Chief shall return the application to the City Recorder, together with any recommendation regarding an application's approval, together with any supporting information or documentation. (Ord. 2005-09, 05-18-2005); (Ord. 2002-05, 04-03-02); (Ord. 99-02, 01-20-99)

5-20-15. Grounds for denial.

A license applied for pursuant to this Chapter shall be denied upon the occurrence of any one of the following grounds for denial:

(1) Conviction of any felony criminal offense, federal or of any state, within ten (10) years of the date of application;

(2) Conviction of any alcohol-related

misdemeanor criminal offense, federal or of any state, within five (5) years of the date of application;

(3) Conviction of any misdemeanor criminal offense involving moral turpitude within five (5) years of the date of application; a criminal offense involving moral turpitude shall include, but not be limited to, the following:

(a) sexual crimes, such as lewdness;

(b) theft crimes, such as retail theft; and,

(c) honesty crimes, such as providing false information to a peace officer;

(4) Knowingly providing false information on or with the license application, or to the City Recorder or Police Chief in reference to the license application;

(5) Proximity. The following proximity prohibitions shall apply to Class A, C, and Combination B & C licenses:

(a) The proposed establishment is located within six-hundred (600) feet of a public or private school, church, public library, public playground, or park, measured from the nearest entrance of the establishment by following the shortest route of ordinary pedestrian traffic to the nearest property boundary of the public or private school, church, public library, public playground, or park;

(b) The proposed establishment is within two-hundred (200) feet of a public or private school, church, public library, public playground, or park, measured in a straight line from the nearest entrance of the establishment to the nearest property boundary of the public or private school, church, public library, public playground, or park;

(6) Any violations of the terms of any alcohol license issued by another jurisdiction within two (2) years of the date of application;

(7) Any undisclosed violations of the terms of any alcohol license issued by another jurisdiction within five (5) years of the date of application; and,

(8) Any violation of the terms of any license issued pursuant to this Chapter within two (2) years of the date of application. If the violation resulted in a license revocation, the time period shall be three (3) years. (Ord. 2002-05, 04-03-02)

5-20-16. Approval or denial of license; appeal.

(1) A license shall be denied by the City Recorder upon a finding by a preponderance of the evidence of any one of the grounds listed in Section 5-20-15, herein.

(2) A license not approved within fifteen (15) days of return of the application by the Police Chief to the City Recorder shall be deemed denied.

(3) An applicant whose license has been denied may appeal to the City Council by filing with the City Recorder a request to address the City Council. The request need not be on a particular form, but must state the specific basis of the appeal. The City Council shall discuss the request in a public meeting. The City Council shall render a written decision to approve or

deny the license, stating the grounds for any denial, within fifteen (15) days of the public meeting. The City Recorder shall promptly forward a copy of the decision to the appellant at the address indicated on the license application.

(4) A license applicant whose application has been

denied pursuant to Section 5-20-15(4), herein, shall be ineligible to apply for another license for one (1) year from the date of denial. (Ord. 2005-09, 05-18-2005); (Ord. 2002-05, 04-03-02)

5-20-17. License renewals.

Application to renew any license issued pursuant to this Chapter shall be upon a renewal form furnished by the City Recorder, signed under oath by the applicant, and addressed to the City Recorder.

Renewal applications received after November 30 of each calendar year shall comply with the requirements of Section 5-20-13, herein. Any licensee whose license expires shall immediately close the licensed establishment. Failure to do so shall be a violation of this Chapter. (Ord. 2002-05, 04-03-02); (Ord. 85-01, 02-26-85)

5-20-18. Transfer of license.

A licenses issued pursuant to this Chapter shall not be transferred to a new location or licensee. (Ord. 2002-05, 04-03-02); (Ord. 85-01, 02-26-85)

5-20-19. License fees.

(1) License application fees shall be paid at the time of application, in amounts established by resolution of the City Council.

(2) Exemption from the payment of the above fees shall be pursuant to Section 5-1-7, above. (Ord. 2002-05, 04-03-02); (Ord. 87-24, 01-02-88); Ord. (85-01, 02-26-85)

5-20-20. Referral to health department.

(1) Prior to the issuance of a business license for the establishment premises, the City Recorder shall request inspection by the Health and Community Development Departments.

(2) Among other things, said Departments shall inspect the establishment and require compliance with health and safety provisions of all codes applicable in Tooele City.

(3) Any fees charged by said Departments shall be in addition to the licensing fees established herein. (Ord. 2002-05, 04-03-02); (Ord. 99-02, 01-20-99)

5-20-21. Class "C" tavern license restriction.

There shall be no more than two (2) establishments licensed with a Class "C" tavern license on any lineal block in Tooele City. A lineal block is hereby defined to be both sides of the street between the beginning and ending of any series of street numbers measured East,

West, North, or South, according to the present street numbering system of Tooele City, having a common number preceding the last two digits contained therein or, in the case the street numbers do not contain three (3) or more digits, the whole of such series of street numbers, as for example: from 0 to 99 West or from 200 to 299

South, and excluding all side streets which intersect any other major street at a point beginning and of a lineal block, as measured on said major street. No such designated establishment shall be allowed on side streets which are excluded from being lineal blocks in the preceding sentence. A corner establishment shall be included in the particular lineal block indicated by its street address. The provisions of this Section shall in no way affect the rights of present licensees to continue their operations, so long as their licenses remain in good standing, and to have their license renewed as provided by law until removed or terminated for any reason whatsoever. (Ord. 2002-05, 04-03-02); (Ord. 85-01, 02-26-85)

5-20-22. Expiration of license.

All licenses issued pursuant to the provisions of this Chapter shall expire on the 31st day of December of each year and shall be issued for one (1) year, except the following:

(1) Seasonal or Event Licenses. Seasonal or Event licenses shall be issued for a maximum of thirty (30) days.

(2) Licensee Ceases Operation.

(a) Any and all licenses issued pursuant to this Chapter shall expire if the licensee ceases to operate the licensed establishment.

(b) "Ceases to operate" for purposes of this Chapter shall include but not be limited to the following:

(i) Licensee sells the business including all assets;

(ii) The licensed establishment closes for business for 30 days or more, unless a building permit has been obtained from the City for construction at the licensed premises;

(iii) Licensee's lease has expired or been terminated at that location; and/or,

(iv) Licensee does not possess a valid current Tooele City business license to conduct business at that location. (Ord. 2002-05, 04-03-02); (Ord. 85-01, 02-26-85)

5-20-23. Display of licenses.

Each license issued pursuant to this Chapter shall be displayed at all times on the licensed premises in a place readily visible to the public. (Ord. 2002-05, 04-03-02); (Ord. 85-01, 02-26-85)

5-20-24. Periodic inspection of premises by police department.

As an express condition of license approval, each licensee agrees that the Police Department shall be permitted to have access to all establishments licensed pursuant to this Chapter. The Police Department shall make periodic inspections of said premises and report its findings to the City Recorder by way of a police inspection report. (Ord. 2002-05, 04-03-02); (Ord. 85-01, 02-26-85)

5-20-25. License Suspension.

(1) The occurrence of one or more of the following shall result in the suspension of a license issued pursuant to this Chapter:

(a) a second or subsequent violation of any of the provisions of this Chapter; or,

(b) failure to submit the plan required by Section 5-20-5, herein, in a timely and complete manner, or failure to adhere to the substance and timing of the plan.

(2) Upon the occurrence of a violation under Subsection (1), herein, the City Recorder shall cause to be mailed a Notice of Suspension. The notice shall state the following:

(a) the grounds upon which the license has been suspended;

(b) the length and commencement date of the suspension;

(c) the right to appeal the suspension to the City Council, in writing, within seven (7) days of the date of the Notice of Suspension;

(d) that the licensee may continue to serve and sell alcohol pursuant to the terms of the license and the provisions of this Chapter until the commencement of the suspension.

(3) An applicant whose license has been suspended may appeal to the City Council by filing with the City Recorder, within seven (7) calendar days of the date of the Notice of Suspension, a request to address the City Council. The request need not be on a particular form, but must state the basis of the appeal. The City Council shall discuss the request in a public meeting. The City Council shall render its decision whether to uphold or reverse the suspension during the public meeting, but may vote to delay its decision to the next regularly-scheduled public meeting. The City Recorder shall forward to the appellant a copy of public meeting minutes when they become available.

(4) A suspension shall become effective at 8:00 a.m. on the eighth day after the date of the Notice of Suspension.

(5) A suspension shall be tolled during the pendency of any appeal. (Ord. 2005-09, 05-18-2005); (Ord. 2002-05, 04-03-02)

5-20-26. License Revocation.

(1) The occurrence of one or more of the following shall result in a one-year revocation of a license issued pursuant to this Chapter:

(a) A fourth violation of the provisions of this Chapter;

(b) Failure to maintain, or to make available for inspection and audit, records of gross dollar sales, as required by Section 5-20-5, herein.

(c) Discovery that the license applicant knowingly provided false information on or with the license application or to the City Recorder or Police Chief in reference to the license application.

(2) Upon the occurrence of any of the above, the City Recorder shall cause to be mailed a Notice of Revocation. The notice shall state the following:

(a) the grounds upon which the license has been revoked;

(b) the length of the revocation;

(c) the right to appeal the revocation to the City Council, in writing, within seven (7) days of the date of the Notice of Revocation; and,

(d) that the licensee may continue to serve and sell alcohol pursuant to the terms of the license and the provision of this Chapter until the commencement of the revocation.

(3) An applicant whose license has been revoked may appeal to the City Council by filing with the City Recorder, within seven (7) calendar days of the date of the Notice of Revocation, a request to address the City Council. The request need not be on a particular form, but must state the basis of the appeal. The City Council shall discuss the request in a public meeting. The City Council shall render its decision whether to uphold or reverse the revocation during the public meeting, but may vote to delay its decision to the next regularly-scheduled public meeting. The City Recorder shall forward to the appellant a copy of public meeting minutes when they become available.

(4) A revocation shall become effective at 8:00on the eighth calendar day after the date of the Notice of Revocation.

(5) A revocation shall be tolled during the pendency of any appeal.

(6) Any licensee whose license is revoked shall be ineligible to re-apply for a license under this Chapter until the expiration of one (1) year from the date of the Notice of Revocation or City Council decision upholding the revocation. (Ord. 2005-09, 05-18-2005); (Ord. 2002-05, 04-03-02); (Ord. 85-01, 02-26-85)

5-20-27. Unlawful to sell beer or liquor without license.

It shall be unlawful for any person to sell beer or liquor on any premises without a license to do so, or in any period during which a license is suspended or revoked. (Ord. 2002-05, 04-03-02); (Ord. 85-01, 02-26-85)

5-20-27a. Unlawful to sell beer or liquor to minors.

It shall be unlawful for any person to sell beer or liquor to any person under the age of 21 years. (Ord. 2005-09, 05-18-2005)

5-20-27b. Unlawful for minor to sell beer or liquor.

It shall be unlawful for any owner, operator, manager or lessee, or any agent, partner, or associates of any establishment, to knowingly permit or allow any person under the age of 21 years to sell beer or liquor, except as otherwise permitted by State Law.

(Ord. 2005-09, 05-18-2005)

5-20-27c. Unlawful to fail to notify law enforcement of criminal activity.

It shall be unlawful for any owner, operator, manager, or lessee, or any agent, partner, or associates of any establishment, to fail to promptly notify law enforcement officials of criminal activity that said persons knew or should have known was occurring on the premises.

(Ord. 2005-09, 05-18-2005)

5-20-28. Unlawful to allow consumption of liquor without license.

It shall be unlawful for any owner, operator, manager, or lessee, or any agent, partner, or associate of any establishment to knowingly permit or allow customers, members, guests, or any other person to consume liquor as defined in this Title without first obtaining a license under this Chapter. (Ord. 2005-09, 05-18-2005); (Ord. 2002-05, 04-03-02); (Ord. 85-01, 02-26-85)

5-20-29. Unlawful to consume liquor at unlicensed establishment.

It shall be unlawful for any person to consume liquor in an unlicensed establishment that is subject to licensure under this Chapter or the laws of the State of Utah. (Ord. 2002-05, 04-03-02); (Ord. 85-01, 02-26-85)

5-20-30. Unlawful to store liquor.

It shall be unlawful for any person to store any liquor at an establishment licensed by this Chapter except at those establishments which are licensed as private clubs under Title 16 of the Utah State Code, or restaurants as provided for in Title 32 of the Utah State Code. (Ord. 2002-05, 04-03-02); (Ord. 85-01, 02-26-85)

5-20-31. Minimum light and open view required in licensed premises.

(1) It shall be unlawful for any person to own, operate, or manage any establishment licensed for the sale of beer without complying with the following lighting and view requirements:

(a) During business hours a minimum of one (1) candle power light measured at a level five (5) feet above the floor shall be maintained.

(b) No enclosed booths, blinds, or stalls shall be erected or maintained.

(c) 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. (Ord. 2002-05, 04-03-02); (Ord. 85-01,

02-26-85)

5-20-32. Presence of minors in certain establishments prohibited.

It shall be unlawful for any person under the age of twenty-one (21) years to enter or be at or about any establishment licensed as a Class "C" license for the sale of beer, or to drink beer or any intoxicating liquor in such licensed premises. (Ord. 2002-05, 04-03-02); (Ord. 85-01, 02-26-85)

5-20-33. Unlawful to permit minors in a class "C" establishment.

It shall be unlawful for any licensee of an establishment holding a Class "C" license for the sale of beer, or any operator, agent or employee of such licensee to permit any person under the age of twenty-one (21) years to remain in or about such licensed premises. As a requirement for entering in or remaining in any Class "C" premises, the business, its employee or agent may require the presentation of a valid picture identification which indicates the bearer's date of birth. (Ord. 2002-05, 04-03-02); (Ord. 85-01, 02-26-85)

5-20-34. Presence of minors in lounge or bar areas unlawful.

It shall be unlawful for any person under the age of twenty-one (21) to be in any lounge or bar area in premises licensed with a Seasonal license for the sale of beer or in or around any lounge or bar area in premises licensed with a liquor consumption license. (Ord. 2002-05, 04-03-02); (Ord. 85-01, 02-26-85)

5-20-35. Unlawful to permit intoxicated person on licensed premises.

It shall be unlawful for any person licensed to sell beer, or licensed for liquor consumption, or for any of his agents or employees, to serve beer or liquor to intoxicated persons or to allow intoxicated persons to remain in or about any licensed premises. (Ord. 2002-05, 04-03-02); (Ord. 85-01, 02-26-85)

5-20-36. Sale or disposition of beer between certain hours unlawful.

It shall be unlawful for any licensee or any employee, agent, or lessee thereof to sell, dispose of, give away or deliver any beer or to permit the consumption of beer or liquor on the licensed premises between the hours of one o'clock (1:00) a.m. and seven o'clock (7:00) a.m. of any day. It shall be unlawful for the holder of a Class "C" license or any employee or agent thereof to allow the public, excluding employees employed on that date, to enter in or remain on the premises between the hours of one o'clock (1:00) a.m. and seven o'clock (7:00) a.m. of any day. Provided, however, that on New Year's Day the sale and consumption of beer or liquor on licensed premises may be permitted until four o'clock (4:00) a.m. of said day as a limited exception to the foregoing requirement. (Ord.

2002-05, 04-03-02); (Ord. 85-01, 02-26-85)

5-20-37. Sanctions.

(1) A violation of any of the provisions herein by an employee or agent of the licensee or establishment shall be punished civilly as follows:

(a) First violation: \$100 fine;

(b) Second and subsequent violations which occur within a twenty-four (24) month period of the first violation:

(i) Second violation: \$200 fine;

(ii) Third violation: \$300 fine;

(iii) Fourth and subsequent violations: \$500 fine per violation.

(2) A violation of any of the provisions herein by any employee or agent of the licensee shall be deemed a violation by the licensee, and shall be punished civilly as follows:

(a) First violation: \$500 fine;

(b) Second or subsequent violations which occur within a twenty-four (24) month period of the first violation:

(i) Second violation: \$1,000 fine, plus a seven-day suspension of the establishment's license, unless the licensee can demonstrate that adequate training was provided to the offending individual;

(ii) Third violation: \$1,500 fine, plus a thirty-day suspension of the establishment's license, unless the licensee can demonstrate that adequate training was provided to the offending individual;

(iii) Fourth violation: license revocation.

(3) For purposes of determining the number of licensee violations, violations by any one employee or agent are cumulative with violations by any other employee or agent.

(4) Notice of violation shall be provided by the Police Department upon a citation form approved by the Chief of Police.

(5) A licensee may appeal the citation to the City Recorder, who shall uphold, modify, or reject the citation and the sanctions imposed.

(6) Nothing in this Chapter shall be deemed to exempt any person from further civil or criminal liability.

(Ord. 2005-09, 05-18-2005); (Ord. 2002-05, 04-03-02)

5-20-38. Regulation of kegs and other large containers.

The sale of beer in kegs and other large containers shall be pursuant to the provisions of the Utah Alcoholic Beverage Control Act (U.C.A. 32A-1-101 *et seq.*). (Ord. 2002-05, 04-03-02);