

ORDINANCE #25-23

AN ORDINANCE AMENDING THE SANDY CITY MUNICIPAL
CODE TITLE 15 “BUSINESS LICENSING”, CHAPTER 15-2
“ALCOHOLIC BEVERAGE REGULATIONS”.

WHEREAS, it is necessary to amend the Sandy City Municipal Code Title 15, “Business Licensing”, Chapter 15-2 “Alcoholic Beverage Regulations”; and

WHEREAS, Section 10-8-84, Utah Code Annotated, authorizes such amendment in order to protect the public health, safety and welfare of the City;

NOW, THEREFORE, BE IT ORDAINED by the City Council of Sandy City, State of Utah, as follows:

Section 1. Amendment. Title 15 is hereby amended as set forth in **Exhibit “A”** which is attached hereto and by this reference made a part hereof. All former ordinances or parts thereof conflicting or inconsistent with the provisions of this ordinance or of the Code hereby adopted are hereby repealed.

Section 2. Severable. If any part of this ordinance or the application thereof to any person or circumstances shall, for any reason, be adjudged by a court of competent jurisdiction to be unconstitutional or invalid, such judgement shall not affect, impair or invalidate the remainder of this ordinance or the application thereof to other persons and circumstances, but shall be confined in its operation to the section, subdivision, sentence or part of the section and the persons and circumstances directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the intent of the City Council that this section would have been adopted if such invalid section, provisions, subdivision, sentence or part of a section or application had not been included.

Section 3. Effective. This ordinance shall become effective up on publication of a summary thereof.

PASSED AND APPROVED this _____ day of _____, 2025.

Brooke D’Sousa, Sandy City Council Chair

ATTEST:

City Recorder

PRESENTED to the Mayor of Sandy City for her approval this _____ day of _____, 2025.

APPROVED this ____ day of _____, 2025.

Monica Zoltanski, Mayor

ATTEST:

City Recorder

PUBLISHED this ____ day of _____, 2025.

EXHIBIT “A”

CHAPTER 15-2. ALCOHOLIC BEVERAGE REGULATIONS¹

Sec. 15-2-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (1) *Alcohol* and *alcoholic beverage* means beer, wine, liquor, heavy beer and all other drinks that contain more than one-half of one percent of alcohol by volume and are suitable to use for beverage purposes.
- (2) *Alcoholic beverage establishment* is a general term that includes Licensed Premises and describes a location where the licensee has applied for one or more alcoholic beverage licenses, as provided in this title, and is also required to obtain one or more licenses by the Utah Department of Alcoholic Beverage Services.
- ~~(2)~~(3) *Alcohol Consumption Area* means a designated area for the sale and consumption of alcoholic beverages.
- ~~(3)~~(4) *Application* means a formal written request submitted to Sandy City, for the issuance of a Sandy City permit, license or Local Consent.
- ~~(7)~~(5) *Club Bar Establishment, social*, means a retail alcoholic beverage establishment that allows for the storage, sale, service, and consumption of alcoholic beverages on the premises of a bar (a social drinking establishment) ~~general purpose club, which includes a nightclub, in which a variety of food is available, and which operates under a social club~~ bar establishment license issued by the Utah Department of Alcoholic Beverage Control Services.
- ~~(5)~~(6) *Club Bar Establishment, equity*, means a ~~club~~ retail alcoholic beverage establishment that is owned by its members and run by a board of directors elected by the members, such as a country club, and which operates under an equity ~~club~~ bar establishment license issued by the Utah Department of Alcoholic Beverage Control Services.
- ~~(6)~~(7) *Club Bar Establishment, fraternal*, means a retail alcoholic beverage establishment, operated as a mutual benefit or patriotic association that is organized under a lodge system, and which operates under a fraternal club bar establishment license issued by the Utah Department of Alcoholic Beverage Control Services.
- ~~(4)~~(8) *Beer* means and includes beer, ale, porter, stout, lager, malt or malted beverage that contains at least one-half of one percent of alcohol by volume, but not more than ~~four~~ five percent of alcohol by volume ~~or 3.2 percent by weight~~. The term "beer" may or may not contain hops or other vegetable products. The term "beer" includes a product that contains alcohol in the percentages described in this definition and is referred to as beer, ale, porter, stout, lager, or a malt or malted beverage. The term "beer" does not include a flavored malt beverage.
- ~~(8)~~(9) *Flavored malt beverage*.

¹State law reference(s)—Alcoholic Beverage Control Act, U.C.A. 1953, § 32B-1-101 et seq.; sales to underage persons, U.C.A. 1953, §§ 32B-4-403, 32B-4-409.

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- a. The term "flavored malt beverage" means a beverage:
1. That contains at least one-half percent alcohol by volume;
 2. That 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 CFR 25.55;
 3. To which is added a flavor or other ingredient containing alcohol, except for a hop extract; and
 4. For which the producer is required to file a formula for approval with the Federal Alcohol and Tobacco Tax and Trade Bureau pursuant to 27 CFR 25.55; or
 5. That is not exempt under 27 CFR 25.55(f).
- b. Flavored malt beverage is considered liquor for purposes of this chapter.
- ~~(9)~~ **(10)** *Heavy beer* means a product that contains more than ~~four~~ **five** percent alcohol by volume ~~and greater than 3.2 percent by weight~~; and is obtained by fermentation, infusion, or decoction of malted grain. Heavy beer is considered liquor for the purposes of this chapter.
- ~~(10) *Hotel* means a building and its uses, as described in the Sandy City Land Development Code.~~
- (11) *Hotel license* consists of a general hotel license, which must include three or more sublicenses. One sublicense must include a restaurant or ~~dining club~~ **bar establishment** license, and one sublicense must include a banquet sublicense. Multiple locations for the licensed premises **to** operate within the hotel ~~and~~ are established by state statute and defined by the Utah Department of Alcoholic Beverage ~~Control~~ **Services**.
- (12) *Licensed premises* means any building, room, place, enclosure, or structure occupied by any person licensed to store, sell, serve or allow consumption of beer or liquor on such premises under this chapter, provided that in any multi-roomed establishment, an applicant for a restaurant alcohol license for on-premises storage, sale, service, or consumption of beer or liquor shall designate a portion of the building for these uses, which portion so specifically designated in the application and in the license issued pursuant thereto shall be the licensed premises.
- (13) *Licensee* means any persons holding any license referenced in this title in connection with the operation of a place of business. The term "licensee" shall also include any employee of the licensee.
- (14) *License Official* means the Business License Administrator or a designated agent of the Business License Administrator.
- (15) *Liquor*.
- a. Liquor:
1. Is alcohol; an alcoholic, spirituous, vinous, fermented, malt, or other liquid; a combination of liquids, a part of which is spirituous, vinous, or fermented; or other drink or drinkable liquid; and
 2. Contains at least one-half percent alcohol by volume and is suitable to use for beverage purposes.
- b. The term "liquor" includes heavy beer, wine, and a flavored malt beverage.
- c. The term "liquor" does not include beer.

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- (16) *Local Consent* means a written document provided by the License Official to the Utah Department of Alcoholic Beverage ~~Control~~ Services indicating the City's consent for the Utah Department of Alcoholic Beverage ~~Control~~ Services to issue a specific type of beer or liquor license.
- (17) *Manufacturing license* means a license issued to a winery, distillery, or brewery to distill, brew, rectify, mix, compound, process, ferment or otherwise make alcohol for personal use or for sale, transport export or distribution to others.
- (18) *Mayor* means the Mayor of Sandy City, Utah.
- (19) *Minor* means any person under the age of 21 years.
- (20) *Nuisance* means a licensed premise:
- Where three or more violations of Federal, State, County or City codes have occurred within the preceding 12-month period.
 - Where multiple, valid and verified complaints and violations have been filed regarding excessive noise, violence, violations of hours of operation, debris or garbage, disruption of the business operations of surrounding businesses or the disruptions of the peace and full use of the property of a homeowner.
- (21) *Off-premises beer retailer* means an establishment licensed to sell beer, with a maximum of five percent by volume, in original containers ~~(not to exceed two liters)~~ for consumption off the premises.
- (22) *On-premises banquet and catering license* allows the storage, sale, service, and consumption of liquor, wine, heavy beer, and beer for contracted banquet activities on the premises of a hotel, resort facility, sports center, performing arts facility, and arena, or convention center. An on-premises banquet and catering license also allows for room service in hotels and resorts. ~~Alcoholic beverages may be sold on any day from 10:00 a.m. until 1:00 a.m. as defined by the Utah Department of Alcoholic Beverage Control.~~
- (23) *On-premises beer retailer/recreational license* means a license that is required for the sale of beer at retail for on-premises consumption. At least 70 percent of the sales at the recreational facility must be food or may be from gross revenues directly related to the recreational amenity. On-premises beer retailer/recreational licenses are for establishments that are tied to a "recreational amenity," as defined by the Utah Department of Alcoholic Beverage ~~Control~~ Services.
- (24) *On-premises beer retailer/tavern license* means a license issued to an establishment where beer is sold for consumption to the general public on the premises in any size of open container not exceeding two liters or on draft and where the sale of beer exceeds the sale of food.
- (25) *Package agency* means a retail alcoholic beverage establishment under a contractual agreement with the State of Utah Department of Alcoholic Beverage ~~Control~~ Services, or by a person other than the State, who is authorized by the Utah Alcoholic Beverage ~~Control~~ Services Commission to sell packaged alcoholic beverages for consumption off the premises of the package agency.
- (26) *Place of business or establishment* includes cafes, restaurants, public dining rooms, cafeterias, taverns, performance venues and any other place where the general public is invited or admitted for business purposes, and shall be deemed to include dining, equity, fraternal or social clubs, and corporations and associations operating under charter or otherwise wherein only the members and their guests are invited. Occupied hotel and motel rooms that are not open to the public shall not be deemed to be places of business or establishments that are herein defined.
- (27) *Public place* means and refers to any of the following which are open to and generally used by the public: streets, roads, and alleys of incorporated cities and towns, state or county highways or roads; buildings and grounds used for school purposes; public dance halls and adjacent grounds; any place of

public resort or amusement; lobbies, halls and dining rooms; hotels; restaurants; theaters; stores; garages and service stations; any public conveyance and its depots and waiting rooms which are open to unrestricted use and access by the public; publicly-owned water parks or swimming pools, parks and playgrounds; and all other places which under this chapter have been declared to be a public place.

- (28) *Reception center* means a facility where a license is obtained for the storage, sale, service, and consumption of liquor, wine, heavy beer, and beer for banquet and event functions on the premises. The reception center must be at least 5,000 square feet and have culinary facilities on the premises or under the control of the center that are adequate ~~to prepare~~ for preparing full meals. Reception center's primary purpose must be leasing its facility to a third party for the third party's event and no more than 30 percent of annual gross receipts may be from the sale of alcohol, as established by the Utah Department of Alcoholic Beverage Services.
- (29) *Residence* means and includes any building or part of a building where a person resides, but shall not include any part of a building which is not actually and exclusively used as a private residence, nor any part of a hotel other than a private guest room, nor a club, or any part thereof, nor any place from which there is access to a club or hotel through a street or lane or other open and unobstructed means of access, nor any portion of a building used in part for business purposes unless such portion is separated from the part used for business purposes by a wall having no doors or other means of access opening into such part used for business purposes.
- (30) *Resort license establishment* means a resort building affiliated with a ski area that abuts the building, which building has at least 400,000 square feet, and 150 dwellings or lodging accommodations, of which 50 percent must be owned by a person other than the resort licensee, and which operates under a resort license issued by the Utah Department of Alcoholic Beverage ~~Control~~ Services.
- (31) *Restaurant*, for the purposes of this chapter, means a business location where the operations are primarily for the purposes of preparing and serving food for consumption on the premises, as described in the Land Use Code of Sandy City, and no more than 30 percent of annual gross receipts may be from the sale of alcohol, as established by the Utah Department of Alcoholic Beverage Services.
- a. ~~At which a variety of foods are prepared;~~
- b. ~~At which complete meals are served to the general public; and~~
- c. ~~That is engaged primarily in serving meals to the general public.~~
- (32) *Restaurant, beer only*, means a restaurant wherein beer, but not heavy beer, is stored, sold and served for consumption on the premises, in conjunction with an order of food that is prepared, sold and served at the restaurant to the general public. ~~Each restaurant must maintain at least 70 percent of its total restaurant business from the sale of food, as established by the Utah Department of Alcoholic Beverage Control.~~
- (33) *Restaurant, full service*, means a restaurant wherein alcoholic beverages are stored, sold and served for consumption on the premises, in conjunction with an order of food that is prepared, sold and served at the restaurant to the general public. Each full service restaurant may sell liquor, beer, heavy beer and wine. ~~must maintain at least 70 percent of its total restaurant business from the sale of food, as established by the Utah Department of Alcoholic Beverage Control.~~
- (34) *Restaurant, limited service*, means a restaurant wherein wine, heavy beer and beer is stored, sold and served for consumption on the premises, in conjunction with an order of food that is prepared, sold and served at the restaurant to the general public. ~~Each restaurant must maintain at least 70 percent of its total restaurant business from the sale of food, as established by the Utah Department of Alcoholic Beverage Control.~~
- (35) *Retailer* means any person engaged in the sale or distribution of alcohol to the consumer.

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- (36) *Sell, sales and to sell* mean any transaction or exchange whereby, for any consideration, an alcoholic beverage is either directly or indirectly transferred, solicited, ordered, delivered for value or by any means or under any 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 adopted by Sandy City or the State Alcoholic Beverage ~~Control~~ Services Commission.
- (37) *State store* means a facility for the sale of packaged liquor located on premises owned or leased by the State; and operated by a state employee. The term "State store" does not include: a package agency; a licensee; or a permittee.
- (38) *Temporary alcohol license* means a single event permit or a temporary beer permit as herein described, and as defined by the Utah Department of Alcoholic Beverage ~~Control~~ Services.
- (39) *Wholesaler* means any person other than a brewer or retailer engaged in the importation and storage of beer for sale, or the sale of beer directly to licensed beer retailers and holders of single event permits and temporary beer permits.
- (40) *Wine* means an alcoholic product obtained by the fermentation of the natural sugar content of fruits, plants, honey, milk, or other like substances, whether or not another ingredient is added.

(Revised Ords. 1978, § 5-2-1; Ord. No. 16-42, 1-26-2017)

State law reference(s)—Definitions, U.C.A. 1953, § 32B-1-102.

Sec. 15-2-2. Office Created, Personnel.

There is hereby created a license office within the Community Development Department, which office shall be under the charge of the License Official in accordance with the provisions of this chapter.

(Revised Ords. 1978, § 5-2-2; Ord. No. 16-42, 1-26-2017)

Sec. 15-2-3. License Official, Powers and Duties.

The License Official shall assess a fee for each type or classification of license in accordance with the provisions of this chapter and the applicable statutes of Utah and shall receive all license fees required herein to be paid. The assessment shall be based upon the rates established by resolution of the Sandy City Council. The License Official shall process the applications and receive all bonds as required under this chapter and determine compliance with all applicable ordinances and statutes before issuing a license or Local Consent, and shall review and notify any applicant of license, bond or Local Consent denial, suspension or revocation. The License Official shall also keep and maintain a suitable an index of licensees.

(Revised Ords. 1978, § 5-2-3; Ord. No. 16-42, 1-26-2017)

Sec. 15-2-4. Sales at Wholesale, License Required.

It is unlawful for any person to engage in the business of selling beer at wholesale within Sandy City without first obtaining a wholesale beer license from the Utah Department of Alcoholic Beverage ~~Control~~ Services and obtaining a business license from Sandy City.

(Revised Ords. 1978, § 5-2-4; Ord. No. 16-42, 1-26-2017)

State law reference(s)—Wholesale beer license, U.C.A. 1953, § 32B-13-101 et seq.

Sec. 15-2-5. Sales at Retail, License Required.

- (a) It is unlawful for any person to engage in the business of the sale of alcohol at retail within Sandy City without first procuring the appropriate license. A separate license shall be required for each place of sale, or place of business, or separate establishment, with the exception that a restaurant may combine an on-premise beer, limited service or full-service alcoholic beverage license application with an on-site beer manufacturing license application, if the operations are at the same location and under the same ownership. Separate Local Consent forms for each type of alcoholic beverage establishment are required.
- (b) It shall be unlawful for any person to operate any association, establishment, restaurant, club or similar business which allows customers, members, guests, visitors or other persons to sell, possess or consume alcohol ~~in~~ on the premises without first procuring the appropriate license therefor as provided in this chapter.
- (c) The license shall identify the specific premises covered thereby and shall at all times be conspicuously displayed in the place for which it is issued.
- (d) All licensees shall comply with the provisions of the Alcoholic Beverage Control Act (U.C.A. 1953, § 32B-1-101 et seq.) of Utah, and the regulations of the Alcoholic Beverage Control Services Commission and this chapter and all other applicable local, state and federal regulations.

(Revised Ords. 1978, § 5-2-5; Ord. No. 16-42, 1-26-2017)

Sec. 15-2-6. Licenses and Permits, Classification.

Licenses, Local Consent and permits issued under the provisions of this chapter shall be classified into the following types. Applicants are required to obtain a separate license and Local Consent (if required) for each license type. Establishments that hold any of the following licenses or permits shall comply with all provisions of the Utah State Code and this Code applicable to the license or permit type, including, but not limited to, hours of operation and limitations on minors:

License/Permit Name	Sandy City Description	State Code	Local Consent
Off-Premises Beer Retailer License	An off-premises beer retailer license shall entitle the licensee to sell beer in original containers (not to exceed two liters) for consumption off the premises.	U.C.A. 1953, title 32B, ch. 7 (U.C.A. 1953, § 32B-7-101 et seq.)	Yes
Beer-Only Restaurant License	A beer-only restaurant license shall entitle the licensee to sell beer for consumption on the premises of a licensed restaurant in open containers and on draft in any size (not to exceed two liters) capacity , in conjunction with an order of food.	U.C.A. 1953, title 32B, ch. 5 (U.C.A. 1953, § 32B-5-101 et seq.) U.C.A. 1953, title 32B, ch. 6, pt. 9 (U.C.A. 1953, § 32B-6-901 et seq.)	Yes
On-Premises Beer Tavern License	An on-premises beer tavern license shall entitle the licensee to sell beer for consumption on the licensed premises in open containers and on draft not exceeding two liters, where	U.C.A. 1953, title 32B, ch. 5 (U.C.A. 1953, § 32B-5-101 et seq.) U.C.A. 1953, title 32B, ch.	Yes

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(Supp. No. 17)

	the revenue from the sale of beer exceeds the revenue of the sale of food. On-premises beer tavern licenses are limited as accessory establishments or may be located within a shopping center. Minors are not permitted on the premises of a tavern.	6, pt. 7 (U.C.A. 1953, § 32B-6-701 et seq.)	
Manufacturing License	Manufacturing licenses include brewery, distillery, and winery licenses. A brewery license is required to manufacture, brew, store, transport, or export beer and heavy beer. A distillery license is required to manufacture, store, transport, import or export liquor. A winery license is required to manufacture, store, transport, import or export wines.	U.C.A. 1953, title 32B, ch. 5 (U.C.A. 1953, § 32B-5-101 et seq.) U.C.A. 1953, title 32B, ch. 11 (U.C.A. 1953, § 32B-11-101 et seq.)	Yes
On-Premises Recreational Beer Retailer License	An on-premises recreational beer retailer license is required for the sale of beer at retail for on-premises consumption for establishments that are tied to a "recreational amenity," as defined by the Utah Department of Alcoholic Beverage Control <u>Services</u> . At least 70 percent of the sales at the recreational facility must be food, or may be from gross revenues directly related to the recreational amenity.	U.C.A. 1953, title 32B, ch. 5 (U.C.A. 1953, § 32B-5-101 et seq.) U.C.A. 1953, title 32B, ch. 6, pt. 7 (U.C.A. 1953, § 32B-6-701 et seq.)	Yes
Resort License	Resort licenses are required for the storage, sale, service and consumption of alcoholic beverages on the premises of a resort building that has at least 150 dwelling or lodging accommodations, and the building must be at least 400,000 square feet. The resort building must be affiliated with a ski area that abuts the resort building premises.	U.C.A. 1953, title 32B, ch. 5 (U.C.A. 1953, § 32B-5-101 et seq.) U.C.A. 1953, title 32B, ch. 8 (U.C.A. 1953, § 32B-8-101 et seq.)	Yes
Full Service Restaurant License	Full service restaurant licenses are required for the storage, sale, service, and consumption of beer, <u>heavy beer</u> , <u>wine</u> and liquor on the premises of a restaurant that is engaged primarily in serving meals to the general public.	U.C.A. 1953, title 32B, ch. 5 (U.C.A. 1953, § 32B-5-101 et seq.) U.C.A. 1953, title 32B, ch.	Yes

		6, pt. 2 (U.C.A. 1953, § 32B-6-201 et seq.)	
Limited Service Restaurant License	Limited service restaurant licenses are required for the storage, sale, service, and consumption of wine, heavy beer, and beer on the premises of a restaurant that is engaged primarily in serving meals to the general public.	U.C.A. 1953, title 32B, ch. 5 (U.C.A. 1953, § 32B-5-101 et seq.) U.C.A. 1953, title 32B, ch. 6, pt. 3 (U.C.A. 1953, § 32B-6-401 et seq.)	Yes
Club Liquor Bar <u>Establishment</u> License	A club liquor bar establishment license is required for an equity club, a fraternal club, a dining club, or a social club. A social drinking establishment, an equity (such as a country club), or a fraternal (such as a mutual benefit or patriotic association that is organized under a lodge system)	U.C.A. 1953, title 32B, ch. 5 (U.C.A. 1953, § 32B-5-101 et seq.) U.C.A. 1953, title 32B, ch. 6, pt. 4 (U.C.A. 1953, § 32B-6-401 et seq.)	Yes
On-Premises Banquet and Catering License	An on-premises banquet and catering license is required for the storage, sale, service, and consumption of liquor, wine, heavy beer, or beer for contracted banquet activities on the premises of a hotel, resort facility, sports center, or convention center. It also allows for room service in hotels and resorts.	U.C.A. 1953, title 32B, ch. 5 (U.C.A. 1953, § 32B-5-101 et seq.) U.C.A. 1953, title 32B, ch. 6, pt. 6 (U.C.A. 1953, § 32B-6-.01 et seq.)	Yes
Package Agency	A retail establishment under a contractual agreement with the State of Utah Department of Alcoholic Beverage Control <u>Services</u> , or by a person other than the State, who is authorized by the Utah Alcoholic Beverage Control <u>Services</u> Commission to sell packaged alcoholic beverages for consumption off the premises of the package agency.	U.C.A. 1953, title 32B, ch. 2 (U.C.A. 1953, § 32B-2-101 et seq.)	Yes
Reception Center License	A reception center license is required for the storage, sale, service, and consumption of liquor, wine, heavy beer, and beer for banquet or event functions on the premises of a reception center which must be at least 5,000 square feet and have culinary facilities on the premises or under the control of the center that	U.C.A. 1953, title 32B, ch. 5 (U.C.A. 1953, § 32B-5-101 et seq.) U.C.A. 1953, title 32B, ch. 6, pt. 8 (U.C.A. 1953, § 32B-6-801 et seq.)	Yes

	are adequate to prepare full meals. Its primary purpose must be leasing its facility to third parties for the third parties' event.		
Single Event Permits	A single event permit allows the licensee to sell and allows the on-premises consumption of any alcohol (including beer) at a temporary event. The licenses are available to a bona fide partnership, corporation, limited liability company, church, political organization, or incorporated association or to a recognized subordinate lodge, chapter or other local unit thereof that is conducting a civic or community enterprise or convention. Multiple single event permits may be obtained per calendar year, limited to the number of events permitted by the Utah Department of Alcoholic Beverage Control Services .	U.C.A. 1953, title 32B, ch. 9, pt. 1 (U.C.A. 1953, § 32B-9-101 et seq.) U.C.A. 1953, title 32B, ch. 9, pt. 2 (U.C.A. 1953, § 32B-9-201 et seq.) U.C.A. 1953, title 32B, ch. 9, pt. 3 (U.C.A. 1953, § 32B-9-301 et seq.)	Yes
Temporary Beer Event Permits	Temporary beer event permits are required to sell beer for on-premises consumption at a temporary event. Multiple temporary beer event permits may be obtained per calendar year, limited to the number of events permitted by the Utah Department of Alcoholic Beverage Control Services .	U.C.A. 1953, title 32B, ch. 9, pt. 1 (U.C.A. 1953, § 32B-9-101 et seq.) U.C.A. 1953, title 32B, ch. 9, pt. 2 (U.C.A. 1953, § 32B-9-201 et seq.) U.C.A. 1953, title 32B, ch. 9, pt. 4 (U.C.A. 1953, § 32B-9-401 et seq.)	Yes
Hotel License	Available on a limited basis from the Utah Department of Alcoholic Beverage Control Services consisting of a general hotel license and three or more sublicenses. One sublicense must be a restaurant license and one must be an on-premises banquet license. Hotels with more than one club must apply for separate sublicenses and may not combine multiple clubs into one sublicense. Sublicenses include all the various restaurant licenses, taverns, club	U.C.A. 1953, title 32B, ch. 8b (U.C.A. 1953, § 32B-8b-101 et seq.)	Yes

	licenses and on-premises beer retailer. Licenses are subject to size and location restrictions as described by the Utah Department of Alcoholic Beverage Control <u>Services</u> .		
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(Revised Ords. 1978, § 5-2-6; Ord. No. 16-42, 1-26-2017)

Sec. 15-2-7. Single Event and Temporary Beer Event Permits.

- (a) A single event permit and corresponding Local Consent allows a qualifying organization to sell and allows the consumption of ~~all~~ beer, heavy beer, liquor or wine alcoholic beverages, for temporary time periods not to exceed those permitted by the Utah Department of Alcoholic Beverage Control Services.
- (b) A temporary beer event permit and corresponding Local Consent allows for the sale and consumption of beer and shall be valid for a period of time not to exceed 30 consecutive calendar days. A series of temporary beer event permits issued to the same person may not exceed ~~90 days in any one calendar year~~ the cumulative period permitted by the Utah Department of Alcoholic Beverage Services.
- (c) Alcoholic beverages shall be sold and consumed only in a designated Alcohol Consumption Area. At the discretion of the Community Development Director, the designated Alcohol Consumption Area may incorporate the event site or may be required to be separated from the event by a barrier, approved by the Community Development Director. The Community Development Director may prohibit minors from entering the Alcohol Consumption Area if the Community Development Director determines access would be detrimental to minors. The sale and consumption of alcoholic beverages shall be restricted to the immediate proximity of the event and only in designated areas.
- (d) Single event or temporary beer event ~~permits~~ licenses and corresponding Local Consent are issued only in conjunction with a community or private event, where a Sandy City ~~business license or~~ Temporary Use Permit, or a Special Event Permit and single event or temporary beer event permit application has been ~~obtained~~ approved.
- (e) A temporary beer event or single event permit requires alcoholic beverages to be sold in containers, or transferred to containers for consumption on the premises, and in containers that are visibly distinct from containers that contain non-alcoholic beverages.
- (f) All holders of a temporary beer event or single event permit must provide controlled access to the Alcohol Consumption Area. Plans for such access must be provided to the License Official at the time of application.
- (g) All holders of temporary beer event or single event permits must provide security personnel for the facility or location. The names of security personnel or security agencies must be provided to the Sandy City Police Department at the time of application.
- (h) ~~Each person seeking a temporary beer event or single event permit shall submit to the license official a cash deposit, payable to the City, in the amount of \$1,000.00, to assure compliance with the provisions of this section, including, but not limited to, the removal of all materials and the cleaning of the site within seven days after the expiration of the temporary beer or single event permit. In the event the licensee does not comply or remove the materials or clean the site, the City may do so, or cause the same to be done by other persons, and a portion or all of the deposit in the amount of the reasonable cost plus an administrative fee shall be retained by the City. If the cost plus the fee exceeds the deposit, Sandy City shall send an invoice to the applicant, and the applicant shall pay the invoiced amount.~~

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- ~~(h)~~(h) A temporary beer event or single event permit applicant shall abide by all applicable state and local laws, ordinances and regulations.
- ~~(i)~~(i) Applicants for a temporary beer or special event permit shall provide to the License Official at the time of application, the event title, location, licensing jurisdiction and dates of operation for other temporary alcohol permits issued for the applicant's preceding three events, whether the event occurred in Utah or in another state.
- (j) All completed applications and fees must be submitted to the License Official at least 15 working days prior to the event

(Revised Ords. 1978, § 5-2-7; Ord. No. 16-42, 1-26-2017)

State law reference(s)—Event Permit Act, U.C.A. 1953, § 32-9-101 et seq.

Sec. 15-2-8. License Application, Contents and Applicant Qualifications.

- (a) All applications for licenses, for renewal or re-issuance of licenses, requests for Local Consent and for transfer of licenses to new Sandy City locations authorized by this chapter shall be reviewed by and filed with the License Official and shall include the following items:
- (1) The name, current address and telephone number of the applicant.
 - (2) The age and date of birth of the applicant.
 - (3) Presentation of government issued picture identification for each applicant.
 - ~~(3)~~(4) The State Sales and Use Tax number License for the business.
 - ~~(4)~~(5) The citizenship and/or place of legal permanent residency of the applicant.
 - ~~(5)~~(6) All addresses of the applicant for the previous five years.
 - ~~(6)~~(7) All names, addresses of the licensing authorities of all similar businesses previously owned or operated by the applicant for the previous five years.
 - ~~(7)~~(8) The location of the premises to be licensed.
 - ~~(8)~~(9) A drawing or rendering indicating the area for alcohol sales, storage areas and consumption areas.
 - ~~(9)~~(10) A sworn statement signed by the applicant that all the facts included in the application are true.
 - ~~(10)~~(11) All licensed premises shall also comply with the provisions of this title.
 - ~~(11)~~(12) Any other information that the City may require.
- (b) If the applicant is a partnership, association, group, corporation, limited liability company, trust or other similar entity, the above information shall be provided with respect to each individual officer, partner, member and director having 20 percent or more ownership in the establishment or entity, and each individual officer, partner, member, owner and director having 20 percent or more ownership must be listed on the application form as an applicant. The application must be subscribed by the applicant, who shall state under oath that the facts therein contained are true.
- (c) If the licensed premises is to be operated or managed by a person other than the applicant, said operator and all managers must join in the application and file the same information required of an applicant.
- (d) If there are ~~any~~ partial changes made ~~in~~ to the names of the applicants and/or the operator and managers of the licensed premises, an update to the license application must be filed within 30 days of the change.

~~(e) No license or Local Consent as described in Section 15-2-6 shall be granted unless the applicant is of age 21 or over, not having been convicted of crime of moral turpitude, and, except in the case of a temporary beer event or single event permit, the applicant shall also be a citizen of the United States or a permanent resident of the United States (Alien or Permanent Residency registration card required).~~

~~(f)~~(e) The License Official shall submit copies of the application to the Planning Division, Building and Safety Division, Fire Department, Salt Lake Valley Health Department, Police Department and any other federal, state, or local agencies as deemed necessary to provide a recommendation as to whether a business license, alcoholic beverage license and Local Consent should or should not be issued.

~~(g)~~(f) All applicants who are beginning a new business or renewing a business license shall also comply with all applicable general business licensing requirements.

(Revised Ords. 1978, § 5-2-8; Ord. No. 16-42, 1-26-2017)

Sec. 15-2-9. Location Requirements.

(a) No license application, allowing on-premises consumption of alcohol shall be approved ~~or issued by the City~~ and no alcoholic beverage license, business license or Local Consent shall be issued by the City to any establishment that does not comply with the location and distance requirements set forth in the Utah Alcoholic Beverage Control Services Act and within prescribed zones as set forth in the Sandy City Land Development Code.

(b) No off-premises beer retailer license application shall ~~be issued to any establishment~~ be approved and no alcoholic beverage license, business license or Local Consent shall be issued by the City to any establishment that does not comply with the Sandy City Land Development Code.

(Revised Ords. 1978, § 5-2-9; Ord. No. 16-42, 1-26-2017)

Sec. 15-2-10. Expiration and Renewal.

(a) All business and alcoholic beverage licenses issued by the City for establishments operating in a Commercial Zone, with the exception of single event permits and temporary beer event permits, shall expire on December 31 each year.

(b) In the event that the renewal fees and all renewal documentation are not received at the office of the License Official or the Sandy City Treasurer's Office by 5:00 p.m. on December 31 (or the last business day of the year, whichever occurs first), the licensee must cease and desist all operations related to alcohol sales, and may not permit the consumption of alcohol on the premises until all outstanding fees, any applicable penalties and appropriate documentation is filed at the office of the License Official or the Sandy City Treasurer's Office and a new license is issued. Penalties shall be charged according to the fee schedule.

(c) Single event and temporary beer event permits shall indicate specific expiration dates and are not subject to annual renewal.

(d) Every license and Local Consent issued under this chapter, with the exception of single event and temporary beer event permits, granted to an establishment pursuant to the terms of this chapter, shall be renewed only if the applicant can affirmatively state that the qualifications and standards as previously set forth and upon which the original license was granted shall have been and shall be complied with continually.

(e) All licensed premises shall also comply with the provisions of this title.

(Revised Ords. 1978, § 5-2-10; Ord. No. 16-42, 1-26-2017; Ord. No. 23-04, § 1(Exh. A), 3-7-2023)

Sec. 15-2-11. Fees.

The amount of the fees required to obtain the licenses and identification cards set forth in this chapter shall be established by resolution of the City Council.

(Revised Ords. 1978, § 5-2-11; Ord. No. 16-42, 1-26-2017)

~~Sec. 15-2-12. Bonds.~~

~~(a) General.~~

- ~~(1) Every applicant for a license or Local Consent under this chapter shall post a cash bond in the amount of \$2,000.00, which is to remain in effect during the entire period alcohol is sold or consumed on the premises. The bond is in addition to all other licensing fees and bonds.~~
- ~~(2) The cash bond shall be forfeited in the event of a violation:~~
 - ~~a. By the licensee or an employee of the licensee;~~
 - ~~b. Related to the operation of the business for which the license was issued; and~~
 - ~~c. Of any laws or ordinances relating to any of the following: alcoholic beverages (except selling alcohol to a minor), controlled substances, gambling, committing or maintaining a nuisance, keeping a disorderly house, for grave offenses permitted on the licensed premises or if the license is revoked.~~
- ~~(3) After forfeiture of the \$2,000.00 cash bond, the licensee shall not sell or permit the consumption of alcohol on the premises until the City has received a new cash bond in the amount of \$5,000.00.~~
- ~~(4) The \$5,000.00 bond shall be forfeited according to Subsection (a)(2) of this section.~~
- ~~(5) After forfeiture of the \$5,000.00 bond, the licensee shall not sell or permit the consumption of alcohol on the premises until the City has received a new cash bond in the amount of \$10,000.00. The bond must be posted within ten days of the notice of forfeiture of the \$5,000.00 bond.~~
- ~~(6) The \$10,000.00 cash bond shall be forfeited in accordance with Subsection (a)(2) of this section, and the City License Official will make a determination if the business license, alcoholic beverage license or Local Consent should be suspended or revoked as described in Section 15-2-16.~~
- ~~(7) If the licensee is permitted to continue to operate an establishment to sell alcohol or allow the consumption of alcohol on the premises, after the suspension has expired or after reapplying for a license after a revocation, the licensee shall post a new \$10,000.00 cash bond, which is to remain in effect during the entire period alcohol is sold or consumed on the premises. Any additional violations will result in a revocation of Local Consent and may result in the revocation of the business license issued by Sandy City.~~
- ~~(8) The applicant may petition the City License Official for a reduction in the amount of the \$10,000.00 bond, after two years, if there are no further violations by the licensee or an employee of the licensee related to the business for which the license was issued. In no case will the amount of the bond be reduced to an amount less than \$2,000.00.~~
- ~~(9) After forfeiting a bond, and prior to posting a new bond, the licensee shall present to the City License Official a plan concerning the operational practices to be implemented. The plan must specifically address the violations for which the bond was forfeited.~~

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- ~~(10) Failure of the licensee to post the bond within ten days after delivery of notice requiring the new bond may result in the suspension or revocation of the City issued licenses, including, but not limited to, the business license and Local Consent.~~
- ~~(11) The forfeiture of three bonds posted pursuant to this section may result in the suspension or revocation of City issued license, including, but not limited to, the business license and Local Consent.~~
- ~~(12) All monies received by the City from the forfeitures of bonds shall be deposited in an account to be used for alcoholic beverage enforcement purposes.~~
- ~~(13) Forfeiture of bonds will be in addition to any penalties as may be prescribed by the State of Utah.~~
- ~~(b) *Selling beer to a minor.* In addition to the general cash bond required pursuant to this section, a separate cash bond shall be required if the licensee or any employee of the licensee violates any ordinance or law concerning the selling of beer to a minor.~~
- ~~(1) If any licensee herein or any employee of a licensee commits a violation of any ordinance or law concerning selling beer to a minor or comparable violation, the licensee, within ten days of receipt of written notice from the City, shall post a cash bond in the amount of \$1,000.00.~~
- ~~(2) The cash bond for selling beer to a minor shall be forfeited in the event of a violation:~~
- ~~a. By the licensee or the employee of the licensee;~~
- ~~b. Related to the operation of the business for which the license was issued;~~
- ~~c. Of any laws or ordinances relating to the selling of alcohol to a minor or comparable charge; and~~
- ~~d. Within two years of posting the bond.~~
- ~~(3) After forfeiture of the \$1,000.00 bond, the licensee shall, within ten days after delivery of written notice from the City, post a new cash bond in the amount of \$2,500.00.~~
- ~~(4) The \$2,500.00 bond shall be forfeited according to Subsection (b)(2) of this section. City issued licenses and Local Consent may be suspended for a period of ten to 30 days.~~
- ~~(5) Following the forfeiture of the \$2,500.00 bond, the licensee shall, within ten days after delivery of written notice from the City, post a new cash bond in the amount of \$5,000.00.~~
- ~~(6) The \$5,000.00 cash bond shall be forfeited according to Subsection (b)(2) of this section and the City issued licenses and Local Consent may be suspended or revoked in accordance with Section 15-2-16.~~
- ~~(7) After forfeiting a bond, and prior to posting a new bond, the licensee shall present to the City a plan concerning the operational practices to be implemented to avoid future violations of laws related to sales of alcoholic beverages to minors.~~
- ~~(8) If a licensee is required to post bonds for sale of alcohol to a minor or comparable violation, and if neither the licensee nor any employee of the licensee violates any ordinances or laws related to selling alcohol to a minor or comparable violation within two years following the posting of the bond, the most recently posted bond shall be returned to the licensee by the City upon receipt by the City of a written request and verification by the City that no such violations have occurred.~~
- ~~(9) Failure of the licensee to post the bonds within ten days after delivery of notice requiring the new bond may result in suspension or revocation of City issued licenses, including, but not limited to, the business license and Local Consent.~~
- ~~(10) The forfeiture of three bonds posted pursuant to this section may result in the suspension or revocation of City issued licenses, including, but not limited to, the business license and Local Consent.~~

~~(11) All monies received by the City from the forfeitures of bonds shall be deposited in an account to be used for alcoholic beverage enforcement purposes.~~

~~(12) Forfeiture of bonds for sale of alcohol to a minor or similar violation will be in addition to any penalties as may be prescribed by the State of Utah.~~

~~(Revised Ords. 1978, § 5-2-12; Ord. No. 16-42, 1-26-2017)~~

Sec. 15-2-13~~12~~. Transfer of License.

- (a) Licenses and Local Consent issued by the City pursuant to this chapter shall not be transferable to any other person or entity.
- (b) It shall be unlawful for any licensee to sell or transfer the business ownership, or otherwise cease operating the business, without notifying the License Official and surrendering the license.
- (c) If the persons named on the licensee's most recent application on file with the License Official remain the same, a license ~~or~~ and Local Consent issued pursuant to this chapter may be transferred to a new location upon approval of the License Official. The licensee shall submit all necessary applications, pay the transfer fee as adopted by resolution of the Sandy City Council, and all outstanding license fees. ~~All current bonds, violations, penalties and tenure for bonds will also be transferred to the new location without interruption.~~ The new location must be able to satisfy all land use ordinances, Utah Department of Alcoholic Beverage ~~Control~~ Services requirements, and all other business license application approval requirements.

(Revised Ords. 1978, § 5-2-13; Ord. No. 16-42, 1-26-2017)

Sec. 15-2-14~~13~~. Issuance or Denial of License.

An alcoholic beverage license, a business license or a Local Consent issued by the City under the provisions of this chapter shall not be considered or deemed a right and, if granted, shall inure to the benefit of the licensee only as a privilege temporarily granted. The City reserves the right to deny any application for a license or Local Consent described herein. If, on an application or a renewal for a license, the License Official finds that any applicant does not meet the requirements of or is disqualified under any section of this chapter, or if the License Official finds that the application is deficient in any way or any of the facts provided thereon are false or in question, the License Official shall deny the application.

(Revised Ords. 1978, § 5-2-14; Ord. No. 16-42, 1-26-2017)

Sec. 15-2-15~~14~~. Suspension and Revocation of License.

- (a) Basis. An alcoholic beverage license, business license or Local Consent ~~or bonds~~ may be suspended or revoked by the License Official for any of the following reasons:
 - (1) Violation on the licensed premises of any provision of this chapter;
 - (2) Violation of any other ordinance or laws related to alcoholic beverages;
 - (3) The licensee ~~does not now~~ no longer possesses the qualifications required by this chapter ~~and or~~ the statutes of the State of Utah;
 - (4) False or incomplete information given on an application;
 - (5) The licensee has obtained or aided another person in obtaining a license by fraud or deceit;
 - (6) The licensee has failed to pay real or personal property taxes, utility taxes or sales taxes;

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- (7) Any illegal activity by the licensee or any employees of the licensee of any City ordinance or state or federal statute, except minor traffic offenses, while on the premises or relating to the business;
 - (8) Failure to pay the license fee ~~or post bonds~~ when due;
 - (9) Violation of City ordinance or federal or state statute relating to the business, alcoholic beverage, consumption, entertainment or agency licenses and resulting from the conduct of such business or activity;
 - (10) The applicant has been convicted of or entered a plea of nolo contendere for:
 - a. Any felony involving controlled substances, alcohol, sex crimes, contributing to the delinquency of a minor or any violent felony or has completed serving a sentence for such felony (whichever is most recent) within five years; or
 - b. A misdemeanor involving controlled substances, alcohol, sex crimes or contributing to the delinquency of a minor within three years;
 - (11) Any conduct or act of the licensee or his employees or any act committed by them on the premises or any act by the patrons where such business is conducted tending to render such business or such premises where the same is conducted a public nuisance or a menace to the health, peace or general welfare of the City or its inhabitants;
 - (12) The licensee has refused to allow authorized representatives of the City to make an inspection or has interfered with such representatives while in the performance of their duty in making such inspection;
 - (13) The licensee ~~is not complying~~ **does not comply** with a requirement or condition set by the Planning Commission or Community Development Department, if applicable, under a conditional use permit, site plan review or other approval, if applicable, granting a variance or special exception; by the City Council; or by agreement; or
 - (14) Any other reason expressly provided for in this chapter.
- (b) The licensee shall be responsible for the operation of the business in conformity with the ordinances of the City and the laws of the state and it shall be grounds for suspension or revocation of the license or Local Consent if a violation occurs through an act of a licensee, operator, employee, agent, or person who is allowed to perform for patrons of the business, whether or not said person is paid by the licensee for said performance, or any person who violates said ordinances or laws with the consent or knowledge of the licensee or his agents or employees or operator of the business.

(Revised Ords. 1978, § 5-2-15; Ord. No. 16-42, 1-26-2017)

Sec. 15-2-16~~15~~. Denial, Suspension and Revocation of License; Applicant to be Heard.

- (a) *Notice of Denial Suspension or Revocation.* The License Official shall cause written notice to be given to the applicant or licensee ("respondent") of the License Official's recommendation of denial, suspension or revocation of **any** City-issued license **or** Local Consent ~~or bond forfeiture~~. The notice shall include:
- (1) The reason for the recommendation of denial, suspension, **or** revocation ~~or bond forfeiture~~; and
 - (2) The respondent's right to have a hearing concerning the License Official's determination. Written notice shall be given by personal service or by registered mail or by mail, postage prepaid, to the address given by the respondent on the most recent application or renewal of the license.
- (b) *Request for Hearing.* A hearing may be requested by the respondent by filing a written request for hearing with the Mayor's Office within ten working days of receipt of the notice of the recommendation for denial of any application, suspension or revocation of **any** City-issued license or Local Consent, ~~or bond forfeiture~~. The

written request for hearing shall include a statement of reasons why the license or Local Consent should not be denied, suspended or revoked, ~~or the bond should not be forfeited.~~

(c) *Hearing.*

- (1) The hearing shall be before the Mayor, or an Administrative Hearing Officer designated by the Mayor, and shall be at a time, place and day set by the Mayor, but not later than 20 working days after receipt of the written request for hearing.
- (2) At the hearing, the City shall present the reasons and evidence for the recommendation to deny, suspend, or revoke the alcoholic beverage license, business license or Local Consent ~~or forfeit the bond.~~
- (3) At the hearing, the respondent shall have the opportunity to be represented by counsel, present evidence and witnesses and cross examine any of the City's witnesses.
- (4) All witnesses shall be sworn to testify truthfully. Either party is entitled to confront, and cross examine any witnesses.
- (5) Any oral or documentary evidence may be received, but the Mayor or the designated Administrative Hearing Officer may exclude all privileged, irrelevant, immaterial or unduly repetitious evidence.
- (6) If the recommendation for denial, suspension or revocation is based on a finding by the Community Development Department, Fire Department, Health Department or Police Department that the business was or would be in violation of applicable ordinances or regulations, then this determination shall be conclusive and the final decision may be based only on whether the City acted properly in recommending denial, suspension or revocation of the alcoholic beverage license, the business license, or Local Consent ~~or bond forfeiture~~ because of said department's determination.
- (7) The Mayor or the designated Administrative Hearing Officer, after hearing and considering all the evidence, shall:
 - a. Deny, suspend or revoke ~~the a~~ license, or Local Consent, ~~or order the bond to be forfeited;~~
 - b. Approve or reinstate ~~the a~~ license or Local Consent with conditions; or
 - c. Approve or reinstate ~~the a~~ license or Local Consent without conditions.
- (8) The Mayor or the designated Administrative Hearing Officer shall issue a written decision within ten days after the hearing and send the same, by personal service or by registered mail, postage prepaid, to the respondent.
- (9) In a hearing regarding suspension of a license or Local Consent, if good cause for the suspension is established at the hearing, the suspension order may be continued for up to one year in duration.
- (10) In a hearing regarding revocation, if good cause for the revocation of the license or Local Consent is established, the respondent may not reapply for a new license or request Local Consent for a minimum of one year after the Hearing Officer's decision or final decision.
- (11) The decision of the Mayor or the designated Administrative Hearing Officer may be appealed by the respondent to the District Court within 30 calendar days from when the written decision is made.
- (12) If the respondent fails to file a request for a hearing within the prescribed date, the determination of the License Official shall be upheld and the denial, revocation, suspension or bond forfeiture shall be effective immediately.

(Revised Ords. 1978, § 5-2-16; Ord. No. 16-42, 1-26-2017)

Sec. 15-2-17~~16~~16. Application after Suspension or Revocation.

- (a) A suspension shall be for a period not exceeding one year.
 - (1) After the expiration of the suspension period, the license or Local Consent may be reinstated, if the licensee otherwise complies with all licensing requirements.
 - (2) If the license would have otherwise expired during the period of the suspension, the licensee will not be entitled to apply for a renewal license until after the period of suspension has expired and will be required to pay the full license fee.
 - (3) Utah Department of Alcoholic Beverage Control ~~Control~~ Services will be notified by the License Official of a suspension and the suspension period.
- (b) A revocation shall be for a period of no less than one year.
 - (1) Upon revocation of the license, the licensee shall forfeit to the City the following:
 - a. The remaining license fee paid;
 - b. ~~The bond posted to insure compliance with the law; and~~ The business license and alcoholic beverage license certificates issued by Sandy City
 - c. ~~Any bond posted as a result of sale of alcohol to a minor.~~
 - (2) A licensee shall not be entitled to reapply for a new license or request Local Consent during the period of revocation.
 - (3) Utah Department of Alcoholic Beverage Control ~~Control~~ Services will be notified by the License Official of the revocation and the revocation period.
- (c) If the licensed business is sold to a new party, not previously associated with the licensee who is under suspension or revocation, the new owner of the business may apply for and may be granted a new license under this chapter, notwithstanding the current revoked or suspended status of the former licensee.

(Revised Ords. 1978, § 5-2-17; Ord. No. 16-42, 1-26-2017)

Sec. 15-2-18~~17~~17. Wholesaler and Retailer, Conflict of Interest.

- (a) It is unlawful for any dealer, distributor, brewer or wholesaler to, either directly or indirectly, supply, give or pay for any furniture, furnishings or fixtures of a beer or liquor licensee, unless the dealer, distributor, brewer or wholesaler has ownership interest in the establishment holding the beer or liquor license.
- (b) It is unlawful for any dealer, distributor or brewer to advance funds, money, or pay for any license of a retailer or to be financially interested, either directly or indirectly, in the conduct or operation of the business of any beer or liquor licensee, unless the dealer, distributor, brewer or wholesaler has an ownership interest in the establishment holding the beer or liquor license.
- (c) Exceptions to this section are provided in the Tied House Prohibitions described in Title 32B of the Alcoholic Beverage Control Act.

(Revised Ords. 1978, § 5-2-18; Ord. No. 16-42, 1-26-2017)

Sec. 15-2-19~~18~~. Alcoholic Beverage Sales, Hours of Operation.

- (a) It is unlawful for any off-premises beer retailer to sell or dispose of beer to any person or patron on the licensed premises contrary to the hour of operation limits prescribed by the Sandy City Land Development Code, ~~and in no case shall a licensee or any employee of the licensed premises sell, dispose of or give away beer between the hours of 1:00 a.m. and 7:00 a.m.~~ and as described in the Utah Alcoholic Beverage Act. Where the hours of operation are in conflict between the Sandy City Land Development Code and the Utah Department of Alcoholic Beverage Services, the operators will abide by the more restrictive hours of operation.
- (b) It is unlawful for any other licensee as described in section of 15-2-6, or operator or any employee thereof, to sell, dispose of, give away or serve any alcoholic beverages to any person on the licensed premises contrary to the hour of operation limits prescribed by the Sandy City Land Development Code and the Utah Alcoholic Beverage Control. Where the hours of operation are in conflict between the Sandy City Land Development Code and the Utah Department of Alcoholic Beverage Services, the operators will abide by the more restrictive hours of operation. Act (U.C.A. 1953, § 32B-1-101 et seq.).
- (c) It is unlawful for any establishment required to be licensed to sell or permit the consumption of alcohol, which is also required to be licensed as a sexually oriented business, to allow patrons on the premises or to operate the premises in any manner between the hours of 1:00 a.m. and 8:00 a.m.

(Revised Ords. 1978, § 5-2-19)

State law reference(s)—Hours of operation of limited-service restaurant licensee, U.C.A. 1953, §§ 32B-6-305(6), 32B-6-305.2(6); hours of operation of full-service restaurant licensee, U.C.A. 1953, §§ 32B-6-205(6), 32B-6-205.2(6); hours of operation of beer-only restaurant licensee, U.C.A. 1953, §§ 32-6-905(6), 32B-6-905.1(6); hours of operation for on-premises beer retailer licensee, U.C.A. 1953, § 32B-6-706(5); hours of operation for on-premises banquet licensee, U.C.A. 1953, § 32B-6-605(8); hours of operation of bar establishment licensee, U.C.A. 1953, § 32B-6-406(4); hours of operation of reception center licensee, U.C.A. 1953, § 32B-6-805(8); hours of operation for resort spa sublicensee, U.C.A. 1953, § 32B-8-304(3); hours of operation of event permittee, U.C.A. 1953, § 32B-9-204(17).

Sec. 15-2-20~~19~~. Alcoholic Beverage Sales, Nuisances Prohibited.

It is unlawful for any person licensed under this chapter to keep or maintain a nuisance, as defined in this chapter.

(Revised Ords. 1978, § 5-2-20; Ord. No. 16-42, 1-26-2017)

Sec. 15-2-21~~20~~. Requirements for Employees and Entertainers.

- (a) *Identification Cards.* All employees in taverns or social club licensed premises who handle, dispense or serve alcoholic beverages, managers, all bouncers, doormen or other security-type employees and all entertainers, except contract entertainers, before engaging in the duties of their employment in or on the licensed premises, shall register with the City Police Department upon a form to be provided by the Department. They shall submit to finger printing and photographing by the Police Department.
 - (1) The Police Department shall provide each such person an identification card within a reasonable time, unless it finds one or more of the following:
 - a. The employee is under 21 years of age.

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- b. The employee is overdue in payment to the City of any taxes, fees, fines or penalties assessed against the applicant or imposed on the applicant in relation to alcoholic beverages, alcoholic beverage establishments or employees and entertainers therein.
 - c. The employee has failed to provide information reasonably necessary for investigation and issuance of the license or has falsely answered a material question or request for information as authorized by this chapter.
 - d. The employee has been convicted of a violation of a provision of this chapter within two years immediately preceding the application. Appeal of a conviction shall have no effect on the denial.
 - e. The premises in which the employee is to be employed does not have a current valid business and alcoholic beverage establishment license.
 - f. The fees established herein have not been paid.
 - g. The employee is in violation of or not in compliance with this chapter.
 - h. The employee has been convicted of or entered a plea of nolo contendere for any felony involving controlled substances, alcohol, sex crimes, contributing to the delinquency of a minor or any violent felony or has completed serving a sentence for such felony (whichever is most recent) within five years or a misdemeanor involving controlled substances, alcohol, sex crimes or contributing to the delinquency of a minor within three years.
- (2) Said identification card must be made available and presented upon demand by the License Official while the employee is functioning as an employee on the licensed premises. A person registered under this section, upon changing employment, shall notify the City Police Department in writing of that fact.
 - (3) Any person who is not issued an identification card may appeal to the Chief of Police, in writing, within 15 days from the date of denial. If, after review, the Chief of Police also denies the card or upholds the suspension or revocation, the applicant may then appeal to the Mayor in the manner set forth in this chapter.
 - (4) Unless revoked or suspended, each identification card issued pursuant hereto shall remain valid for a period of two years. Identification cards must be renewed by the employee after the expiration of two years from the date of issuance by following the same procedure as established herein.
- (b) *Training.* Every employee of an establishment engaging in the serving, selling or furnishing of alcoholic beverages for consumption on the premises must complete the Alcohol Training and Education Seminar, as required by state law.
 - (c) *Age.*
 - (1) In any off-premises beer retailer licensed under this chapter, all employees handling, selling or otherwise engaged in the retail sale of beer must be at least 18 years of age, and under the supervision of an employee of the establishment who is 21 years of age or older, and who is located on the licensed premises at all times, unless otherwise regulated by law.
 - (2) With the exception of those employees of licensed premises indicated in Subsection (c)(1) of this section, in all other licensed premises, all employees handling, selling, serving or otherwise engaged in the retail sale of alcohol must be at least 21 years of age.
 - (d) *Licensee Responsibility.* It is the duty of the licensee of any license issued pursuant to this chapter, to verify that any person employed or entertaining on their premises is in compliance with these requirements. Any licensee that permits a violation of this section, either personally or through his agents, employees, officers or assigns, shall be subject to suspension or revocation of his license.

(Revised Ords. 1978, § 5-2-22; Ord. No. 16-42, 1-26-2017)

Sec. 15-2-~~22~~21. Illegal Sale, Manufacturing, Storage, Etc., of Alcoholic Beverages.

It shall be unlawful for any person, except as provided by this chapter or Utah State statute, to knowingly have in his possession any alcoholic beverage, or to manufacture, sell, offer, import, carry, transport, advertise, distribute, give away, dispense or serve any alcoholic beverage.

(Revised Ords. 1978, § 5-2-23; Ord. No. 16-42, 1-26-2017)

Sec. 15-2-~~23~~22. Possession of Liquor.

It shall be unlawful, except as provided by this chapter or state statute, for any licensee to have or keep for sale or possess any liquor which has not been purchased from a State liquor store or package agency.

(Revised Ords. 1978, § 5-2-24; Ord. No. 16-42, 1-26-2017)

Sec. 15-2-~~24~~23. Taking Liquor Unlawfully.

It shall be unlawful, except as provided by City ordinance or state statute, for any person within the City, by himself, his clerk, employee, or agent, to attempt to purchase, directly or indirectly or upon any pretense or upon any device, to purchase or in consideration of the sale or transfer of any property, to take or accept any alcoholic beverage from any other person.

(Revised Ords. 1978, § 5-2-25; Ord. No. 16-42, 1-26-2017)

Sec. 15-2-~~25~~24. Adulterated Alcoholic Beverage.

It shall be unlawful for any person, for any purpose whatever, to mix or permit or cause to be mixed with any alcoholic beverage offered for sale, sold or supplied by him as a beverage, any controlled substance or any form of methyllic alcohol or any crude, unrectified or impure form of ethylic alcohol or any other deleterious substance or liquid.

(Revised Ords. 1978, § 5-2-26; Ord. No. 16-42, 1-26-2017)

Sec. 15-2-~~26~~25. Sale of Alcoholic Beverage to Intoxicated or Interdicted Persons.

- (a) It shall be unlawful for any person to sell, give or supply any alcoholic beverage or to permit any alcoholic beverage to be sold or supplied to any person under, or apparently under, the influence of an alcoholic beverage or interdicted from possessing or consuming alcoholic beverages.
- (b) It shall be unlawful for any person to:
 - (1) Permit drunkenness to take place in any herein licensed premises, by the owner, licensee or employee; or
 - (2) Permit or suffer any person apparently under the influence of an alcoholic beverage to consume any alcoholic beverage in any herein licensed premises, by the owner, licensee or employee.

(Revised Ords. 1978, § 5-2-27; Ord. No. 16-42, 1-26-2017)

Sec. 15-2-~~27~~26. Canvassing and Soliciting Prohibited.

It shall be unlawful for any person to canvass or solicit orders for alcoholic beverages by mail, telephone, or any other manner, and said person is hereby prohibited from engaging in said activities, except to the extent that such prohibition may be in conflict with the laws of the United States or the State of Utah.

(Revised Ords. 1978, § 5-2-28; Ord. No. 16-42, 1-26-2017)

Sec. 15-2-~~28~~27. Unlawful Importation and Transportation.

It shall be unlawful for any person to order or purchase or to ship or transport or cause to be transported into Sandy City or from one place to another within Sandy City any alcoholic beverages or to sell or furnish any alcoholic beverage to any person within Sandy City when such alcoholic beverage is intended by any person interested therein to be received, possessed, sold or in any manner used in violation of the law.

(Revised Ords. 1978, § 5-2-29; Ord. No. 16-42, 1-26-2017)

Sec. 15-2-~~29~~28. Aiding or Abetting.

It shall be unlawful for any person to aid, abet, counsel or procure any unlawful sale, unlawful purchase, unlawful gift or other unlawful disposition of alcoholic beverages, or to act as agent or representative of the seller in procuring or effecting unlawful sale or purchase of any alcoholic beverages. Nothing in this section shall be construed as prohibiting any person from purchasing alcoholic beverages contrary to the provisions of this chapter when acting as the agent of the authorities charged with the enforcement of this chapter in the detection and conviction of violators.

(Revised Ords. 1978, § 5-2-30; Ord. No. 16-42, 1-26-2017)

Sec. 15-2-~~30~~29. City Park Restrictions.

It is unlawful for any person to consume any beer or liquor upon the premises of any park owned or operated by Sandy City.

(Revised Ords. 1978, § 5-2-31; Ord. No. 16-42, 1-26-2017)

Sec. 15-2-~~31~~30. Consumption Prohibited in Unlicensed Premises.

It is unlawful for any person to consume any alcoholic beverage in any public place that has not been provided with the necessary licenses and permits as required by this chapter and the Utah Department of Alcoholic Beverage ~~Control~~ Services.

(Revised Ords. 1978, § 5-2-32; Ord. No. 16-42, 1-26-2017)

Sec. 15-2-~~32~~31. Premises—Inspection.

The Sandy City Police Department, local Code Enforcement Officials, Fire Department officials, Planning Department officials, Building and Safety Department officials and the License Official shall be permitted to have access to all premises licensed or applying for licenses under this chapter, and they shall make periodic inspections

of such premises and report their findings to the Mayor. Said inspections by local law enforcement agencies may be made with or without prior notice and in uniform or plain clothes.

(Revised Ords. 1978, § 5-2-33; Ord. No. 16-42, 1-26-2017)

Sec. 15-2-~~33~~32. Enforcement.

A violation of any provision of this chapter shall be a Class B misdemeanor.

(Revised Ords. 1978, § 5-2-34; Ord. No. 16-42, 1-26-2017)

EXHIBIT “B”

CHAPTER 15-2. ALCOHOLIC BEVERAGE REGULATIONS¹

Sec. 15-2-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (1) *Alcohol* and *alcoholic beverage* means beer, wine, liquor, heavy beer and all other drinks that contain more than one-half of one percent of alcohol by volume and are suitable to use for beverage purposes.
- (2) *Alcoholic beverage establishment* is a general term that includes Licensed Premises and describes a location where the licensee has applied for one or more alcoholic beverage licenses, as provided in this title, and is also required to obtain one or more licenses by the Utah Department of Alcoholic Beverage Services.
- (3) *Alcohol Consumption Area* means a designated area for the sale and consumption of alcoholic beverages.
- (4) *Application* means a formal written request submitted to Sandy City, for the issuance of a Sandy City permit, license or Local Consent.
- (5) *Bar Establishment*, is a retail alcoholic beverage establishment that allows for the storage, sale, service, and consumption of alcoholic beverages on the premises of a bar (a social drinking establishment), in which a variety of food is available, and which operates under a bar establishment license issued by the Utah Department of Alcoholic Beverage Services.
- (6) *Bar Establishment, equity*, means a retail alcoholic beverage establishment that is owned by its members and run by a board of directors elected by the members, such as a country club, and which operates under an equity bar establishment license issued by the Utah Department of Alcoholic Beverage Services.
- (7) *Bar Establishment, fraternal*, means a retail alcoholic beverage establishment, operated as a mutual benefit or patriotic association that is organized under a lodge system, and which operates under a fraternal bar establishment license issued by the Utah Department of Alcoholic Beverage Services.
- (8) *Beer* means and includes beer, ale, porter, stout, lager, malt or malted beverage that contains at least one-half of one percent of alcohol by volume, but not more than five percent of alcohol by volume. The term "beer" may or may not contain hops or other vegetable products. The term "beer" includes a product that contains alcohol in the percentages described in this definition and is referred to as beer, ale, porter, stout, lager, or a malt or malted beverage. The term "beer" does not include a flavored malt beverage.
- (9) *Flavored malt beverage*.
 - a. The term "flavored malt beverage" means a beverage:

¹State law reference(s)—Alcoholic Beverage Control Act, U.C.A. 1953, § 32B-1-101 et seq.; sales to underage persons, U.C.A. 1953, §§ 32B-4-403, 32B-4-409.

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1. That contains at least one-half percent alcohol by volume;
 2. That 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 CFR 25.55;
 3. To which is added a flavor or other ingredient containing alcohol, except for a hop extract; and
 4. For which the producer is required to file a formula for approval with the Federal Alcohol and Tobacco Tax and Trade Bureau pursuant to 27 CFR 25.55; or
 5. That is not exempt under 27 CFR 25.55(f).
- b. Flavored malt beverage is considered liquor for purposes of this chapter.
- (10) *Heavy beer* means a product that contains more than five percent alcohol by volume and is obtained by fermentation, infusion, or decoction of malted grain. Heavy beer is considered liquor for the purposes of this chapter.
- (11) *Hotel license* consists of a general hotel license, which must include three or more sublicenses. One sublicense must include a restaurant or bar establishment license, and one sublicense must include a banquet sublicense. Multiple locations for the licensed premises to operate within the hotel are established by state statute and defined by the Utah Department of Alcoholic Beverage Services.
- (12) *Licensed premises* means any building, room, place, enclosure, or structure occupied by any person licensed to store, sell, serve or allow consumption of beer or liquor on such premises under this chapter, provided that in any multi-roomed establishment, an applicant for a restaurant alcohol license for on-premises storage, sale, service, or consumption of beer or liquor shall designate a portion of the building for these uses, which portion so specifically designated in the application and in the license issued pursuant thereto shall be the licensed premises.
- (13) *Licensee* means any persons holding any license referenced in this title in connection with the operation of a place of business. The term "licensee" shall also include any employee of the licensee.
- (14) *License Official* means the Business License Administrator or a designated agent of the Business License Administrator.
- (15) *Liquor*.
- a. Liquor:
 1. Is alcohol; an alcoholic, spirituous, vinous, fermented, malt, or other liquid; a combination of liquids, a part of which is spirituous, vinous, or fermented; or other drink or drinkable liquid; and
 2. Contains at least one-half percent alcohol by volume and is suitable to use for beverage purposes.
 - b. The term "liquor" includes heavy beer, wine, and a flavored malt beverage.
 - c. The term "liquor" does not include beer.
- (16) *Local Consent* means a written document provided by the License Official to the Utah Department of Alcoholic Beverage [Services](#) indicating the City's consent for the Utah Department of Alcoholic Beverage [Services](#) to issue a specific type of beer or liquor license.
- (17) *Manufacturing license* means a license issued to a winery, distillery, or brewery to distill, brew, rectify, mix, compound, process, ferment or otherwise make alcohol for personal use or for sale, transport export or distribution to others.

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- (18) *Mayor* means the Mayor of Sandy City, Utah.
- (19) *Minor* means any person under the age of 21 years.
- (20) *Nuisance* means a licensed premise:
- a. Where three or more violations of Federal, State, County or City codes have occurred within the preceding 12-month period.
 - b. Where multiple, valid and verified complaints and violations have been filed regarding excessive noise, violence, violations of hours of operation, debris or garbage, disruption of the business operations of surrounding businesses or the disruptions of the peace and full use of the property of a homeowner.
- (21) *Off-premises beer retailer* means an establishment licensed to sell beer, with a maximum of five percent by volume, in original containers for consumption off the premises.
- (22) *On-premises banquet and catering license* allows the storage, sale, service, and consumption of liquor, wine, heavy beer, and beer for contracted banquet activities on the premises of a hotel, resort facility, sports center, performing arts facility, and arena, or convention center. An on-premises banquet and catering license also allows for room service in hotels and resorts.
- (23) *On-premises beer retailer/recreational license* means a license that is required for the sale of beer at retail for on-premises consumption. At least 70 percent of the sales at the recreational facility must be food or may be from gross revenues directly related to the recreational amenity. On-premises beer retailer/recreational licenses are for establishments that are tied to a "recreational amenity," as defined by the Utah Department of Alcoholic Beverage Services.
- (24) *On-premises beer retailer/tavern license* means a license issued to an establishment where beer is sold for consumption to the general public on the premises in any size of open container not exceeding two liters or on draft and where the sale of beer exceeds the sale of food.
- (25) *Package agency* means a retail alcoholic beverage establishment under a contractual agreement with the State of Utah Department of Alcoholic Beverage Services, or by a person other than the State, who is authorized by the Utah Alcoholic Beverage Services Commission to sell packaged alcoholic beverages for consumption off the premises of the package agency.
- (26) *Place of business or establishment* includes cafes, restaurants, public dining rooms, cafeterias, taverns, performance venues and any other place where the general public is invited or admitted for business purposes, and shall be deemed to include dining, equity, fraternal or social clubs, and corporations and associations operating under charter or otherwise wherein only the members and their guests are invited. Occupied hotel and motel rooms that are not open to the public shall not be deemed to be places of business or establishments that are herein defined.
- (27) *Public place* means and refers to any of the following which are open to and generally used by the public: streets, roads, and alleys of incorporated cities and towns, state or county highways or roads; buildings and grounds used for school purposes; public dance halls and adjacent grounds; any place of public resort or amusement; lobbies, halls and dining rooms; hotels; restaurants; theaters; stores; garages and service stations; any public conveyance and its depots and waiting rooms which are open to unrestricted use and access by the public; publicly-owned water parks or swimming pools, parks and playgrounds; and all other places which under this chapter have been declared to be a public place.
- (28) *Reception center* means a facility where a license is obtained for the storage, sale, service, and consumption of liquor, wine, heavy beer, and beer for banquet and event functions on the premises. The reception center must be at least 5,000 square feet and have culinary facilities on the premises or under the control of the center that are adequate for preparing full meals. Reception center's primary purpose must be leasing its facility to a third party for the third party's event and no more than 30

percent of annual gross receipts may be from the sale of alcohol, as established by the Utah Department of Alcoholic Beverage Services.

- (29) *Residence* means and includes any building or part of a building where a person resides, but shall not include any part of a building which is not actually and exclusively used as a private residence, nor any part of a hotel other than a private guest room, nor a club, or any part thereof, nor any place from which there is access to a club or hotel through a street or lane or other open and unobstructed means of access, nor any portion of a building used in part for business purposes unless such portion is separated from the part used for business purposes by a wall having no doors or other means of access opening into such part used for business purposes.
- (30) *Resort license establishment* means a resort building affiliated with a ski area that abuts the building, which building has at least 400,000 square feet, and 150 dwellings or lodging accommodations, of which 50 percent must be owned by a person other than the resort licensee, and which operates under a resort license issued by the Utah Department of Alcoholic Beverage Services.
- (31) *Restaurant*, for the purposes of this chapter, means a business location where the operations are primarily for the purposes of preparing and serving food for consumption on the premises, as described in the Land Use Code of Sandy City, and no more than 30 percent of annual gross receipts may be from the sale of alcohol, as established by the Utah Department of Alcoholic Beverage Services.
- (32) *Restaurant, beer only*, means a restaurant wherein beer, but not heavy beer, is stored, sold and served for consumption on the premises, in conjunction with an order of food that is prepared, sold and served at the restaurant to the general public
- (33) *Restaurant, full service*, means a restaurant wherein alcoholic beverages are stored, sold and served for consumption on the premises, in conjunction with an order of food that is prepared, sold and served at the restaurant to the general public. Each full service restaurant may sell liquor, beer, heavy beer and wine.
- (34) *Restaurant, limited service*, means a restaurant wherein wine, heavy beer and beer is stored, sold and served for consumption on the premises, in conjunction with an order of food that is prepared, sold and served at the restaurant to the general public.
- (35) *Retailer* means any person engaged in the sale or distribution of alcohol to the consumer.
- (36) *Sell, sales* and *to sell* mean any transaction or exchange whereby, for any consideration, an alcoholic beverage is either directly or indirectly transferred, solicited, ordered, delivered for value or by any means or under any 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 adopted by Sandy City or the State Alcoholic Beverage Services Commission.
- (37) *State store* means a facility for the sale of packaged liquor located on premises owned or leased by the State; and operated by a state employee. The term "State store" does not include: a package agency; a licensee; or a permittee.
- (38) *Temporary alcohol license* means a single event permit or a temporary beer permit as herein described, and as defined by the Utah Department of Alcoholic Beverage Services.
- (39) *Wholesaler* means any person other than a brewer or retailer engaged in the importation and storage of beer for sale, or the sale of beer directly to licensed beer retailers and holders of single event permits and temporary beer permits.
- (40) *Wine* means an alcoholic product obtained by the fermentation of the natural sugar content of fruits, plants, honey, milk, or other like substances, whether or not another ingredient is added.

(Revised Ords. 1978, § 5-2-1; Ord. No. 16-42, 1-26-2017)

State law reference(s)—Definitions, U.C.A. 1953, § 32B-1-102.

Sec. 15-2-2. Office Created, Personnel.

There is hereby created a license office within the Community Development Department, which office shall be under the charge of the License Official in accordance with the provisions of this chapter.

(Revised Ords. 1978, § 5-2-2; Ord. No. 16-42, 1-26-2017)

Sec. 15-2-3. License Official, Powers and Duties.

The License Official shall assess a fee for each type or classification of license in accordance with the provisions of this chapter and the applicable statutes of Utah and shall receive all license fees required herein to be paid. The assessment shall be based upon the rates established by resolution of the Sandy City Council. The License Official shall process the applications as required under this chapter and determine compliance with all applicable ordinances and statutes before issuing a license or Local Consent, and shall review and notify any applicant of license, or Local Consent denial, suspension or revocation. The License Official shall also keep and maintain an index of licensees.

(Revised Ords. 1978, § 5-2-3; Ord. No. 16-42, 1-26-2017)

Sec. 15-2-4. Sales at Wholesale, License Required.

It is unlawful for any person to engage in the business of selling beer at wholesale within Sandy City without first obtaining a wholesale beer license from the Utah Department of Alcoholic Beverage Services and obtaining a business license from Sandy City.

(Revised Ords. 1978, § 5-2-4; Ord. No. 16-42, 1-26-2017)

State law reference(s)—Wholesale beer license, U.C.A. 1953, § 32B-13-101 et seq.

Sec. 15-2-5. Sales at Retail, License Required.

- (a) It is unlawful for any person to engage in the business of the sale of alcohol at retail within Sandy City without first procuring the appropriate license. A separate license shall be required for each place of sale, or place of business, or separate establishment, with the exception that a restaurant may combine an on-premise beer, limited service or full-service alcoholic beverage license application with an on-site beer manufacturing license application, if the operations are at the same location and under the same ownership. Separate Local Consent forms for each type of alcoholic beverage establishment are required.
- (b) It shall be unlawful for any person to operate any association, establishment, restaurant, club or similar business which allows customers, members, guests, visitors or other persons to sell, possess or consume alcohol on the premises without first procuring the appropriate license therefor as provided in this chapter.
- (c) The license shall identify the specific premises covered thereby and shall at all times be conspicuously displayed in the place for which it is issued.
- (d) All licensees shall comply with the provisions of the Alcoholic Beverage Control Act (U.C.A. 1953, § 32B-1-101 et seq.) of Utah, and the regulations of the Alcoholic Beverage Services Commission and this chapter and all other applicable local, state and federal regulations.

(Revised Ords. 1978, § 5-2-5; Ord. No. 16-42, 1-26-2017)

Sec. 15-2-6. Licenses and Permits, Classification.

Licenses, Local Consent and permits issued under the provisions of this chapter shall be classified into the following types. Applicants are required to obtain a separate license and Local Consent (if required) for each license type. Establishments that hold any of the following licenses or permits shall comply with all provisions of the Utah State Code and this Code applicable to the license or permit type, including, but not limited to, hours of operation and limitations on minors:

License/Permit Name	Sandy City Description	Local Consent
Off-Premises Beer Retailer License	An off-premises beer retailer license shall entitle the licensee to sell beer in original containers (not to exceed two liters) for consumption off the premises.	Yes
Beer-Only Restaurant License	A beer-only restaurant license shall entitle the licensee to sell beer for consumption on the premises of a licensed restaurant in open containers and on draft in any size (not to exceed two liters), in conjunction with an order of food.	Yes
On-Premises Beer Tavern License	An on-premises beer tavern license shall entitle the licensee to sell beer for consumption on the licensed premises in open containers and on draft not exceeding two liters, where the revenue from the sale of beer exceeds the revenue of the sale of food.	Yes
Manufacturing License	Manufacturing licenses include brewery, distillery, and winery licenses. A brewery license is required to manufacture, brew, store, transport, or export beer and heavy beer. A distillery license is required to manufacture, store, transport, import or export liquor. A winery license is required to manufacture, store, transport, import or export wines.	Yes
On-Premises Recreational Beer Retailer License	An on-premises recreational beer retailer license is required for the sale of beer at retail for on-premises consumption for establishments that are tied to a "recreational amenity," as defined by the Utah Department of	Yes

	Alcoholic Beverage Services. At least 70 percent of the sales at the recreational facility must be food, or may be from gross revenues directly related to the recreational amenity.	
Resort License	Resort licenses are required for the storage, sale, service and consumption of alcoholic beverages on the premises of a resort building that has at least 150 dwelling or lodging accommodations, and the building must be at least 400,000 square feet. The resort building must be affiliated with a ski area that abuts the resort building premises.	Yes
Full Service Restaurant License	Full service restaurant licenses are required for the storage, sale, service, and consumption of beer, heavy beer, wine and liquor on the premises of a restaurant that is engaged primarily in serving meals to the general public.	Yes
Limited Service Restaurant License	Limited service restaurant licenses are required for the storage, sale, service, and consumption of wine, heavy beer, and beer on the premises of a restaurant that is engaged primarily in serving meals to the general public.	Yes
Bar Establishment License	A bar establishment license is required for a social drinking establishment, an equity (such as a country club), or a fraternal (such as a mutual benefit or patriotic association that is organized under a lodge system)	Yes
On-Premises Banquet and Catering License	An on-premises banquet and catering license is required for the storage, sale, service, and consumption of liquor, wine, heavy beer, or beer for contracted banquet activities on the premises of a hotel, resort facility, sports center, or convention center. It also allows for room service in hotels and resorts.	Yes
Package Agency	A retail establishment under a contractual agreement with the State of Utah Department of Alcoholic	Yes

	Beverage Services, or by a person other than the State, who is authorized by the Utah Alcoholic Beverage Services Commission to sell packaged alcoholic beverages for consumption off the premises of the package agency.	
Reception Center License	A reception center license is required for the storage, sale, service, and consumption of liquor, wine, heavy beer, and beer for banquet or event functions on the premises of a reception center which must be at least 5,000 square feet and have culinary facilities on the premises or under the control of the center that are adequate to prepare full meals. Its primary purpose must be leasing its facility to third parties for the third parties' event.	Yes
Single Event Permits	A single event permit allows the licensee to sell and allows the on-premises consumption of any alcohol (including beer) at a temporary event. The licenses are available to a bona fide partnership, corporation, limited liability company, church, political organization, or incorporated association or to a recognized subordinate lodge, chapter or other local unit thereof that is conducting a civic or community enterprise or convention. Multiple single event permits may be obtained per calendar year, limited to the number of events permitted by the Utah Department of Alcoholic Beverage Services.	Yes
Temporary Beer Event Permits	Temporary beer event permits are required to sell beer for on-premises consumption at a temporary event. Multiple temporary beer event permits may be obtained per calendar year, limited to the number of events permitted by the Utah Department of Alcoholic Beverage Services.	Yes

Hotel License	Available on a limited basis from the Utah Department of Alcoholic Beverage Services consisting of a general hotel license and three or more sublicenses. One sublicense must be a restaurant license and one must be an on-premises banquet license. Hotels with more than one club must apply for separate sublicenses and may not combine multiple clubs into one sublicense. Sublicenses include all the various restaurant licenses, taverns, club licenses and on-premises beer retailer. Licenses are subject to size and location restrictions as described by the Utah Department of Alcoholic Beverage Services.	Yes
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(Revised Ords. 1978, § 5-2-6; Ord. No. 16-42, 1-26-2017)

Sec. 15-2-7. Single Event and Temporary Beer Event Permits.

- (a) A single event permit and corresponding Local Consent allows a qualifying organization to sell and allows the consumption of beer, heavy beer, liquor or wine alcoholic beverages, for temporary time periods not to exceed those permitted by the Utah Department of Alcoholic Beverage Services.
- (b) A temporary beer event permit and corresponding Local Consent allows for the sale and consumption of beer and shall be valid for a period of time not to exceed 30 consecutive calendar days. A series of temporary beer event permits issued to the same person may not exceed the cumulative period permitted by the Utah Department of Alcoholic Beverage Services.
- (c) Alcoholic beverages shall be sold and consumed only in a designated Alcohol Consumption Area. At the discretion of the Community Development Director, the designated Alcohol Consumption Area may incorporate the event site or may be required to be separated from the event by a barrier, approved by the Community Development Director. The Community Development Director may prohibit minors from entering the Alcohol Consumption Area if the Community Development Director determines access would be detrimental to minors. The sale and consumption of alcoholic beverages shall be restricted to the immediate proximity of the event and only in designated areas.
- (d) Single event or temporary beer event licenses and corresponding Local Consent are issued only in conjunction with a community or private event, where a Sandy City Temporary Use Permit, or a Special Event Permit and single event or temporary beer event permit application has been approved.
- (e) A temporary beer event or single event permit requires alcoholic beverages to be sold in containers, or transferred to containers for consumption on the premises, and in containers that are visibly distinct from containers that contain non-alcoholic beverages.
- (f) All holders of a temporary beer event or single event permit must provide controlled access to the Alcohol Consumption Area. Plans for such access must be provided to the License Official at the time of application.

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- (g) All holders of temporary beer event or single event permits must provide security personnel for the facility or location. The names of security personnel or security agencies must be provided to the Sandy City Police Department at the time of application.
 - (h) A temporary beer event or single event permit applicant shall abide by all applicable state and local laws, ordinances and regulations.
 - (i) Applicants for a temporary beer or special event permit shall provide to the License Official at the time of application, the event title, location, licensing jurisdiction and dates of operation for other temporary alcohol permits issued for the applicant's preceding three events, whether the event occurred in Utah or in another state.
 - (j) All completed applications and fees must be submitted to the License Official at least 15 working days prior to the event

(Revised Ords. 1978, § 5-2-7; Ord. No. 16-42, 1-26-2017)

State law reference(s)—Event Permit Act, U.C.A. 1953, § 32-9-101 et seq.

Sec. 15-2-8. License Application, Contents and Applicant Qualifications.

- (a) All applications for licenses, for renewal or re-issuance of licenses, requests for Local Consent and for transfer of licenses to new Sandy City locations authorized by this chapter shall be reviewed by and filed with the License Official and shall include the following items:
 - (1) The name, current address and telephone number of the applicant.
 - (2) The age and date of birth of the applicant.
 - (3) Presentation of government issued picture identification for each applicant.
 - (4) The State Sales and Use Tax License for the business.
 - (5) The citizenship and/or place of legal permanent residency of the applicant.
 - (6) All addresses of the applicant for the previous five years.
 - (7) All names, addresses of the licensing authorities of all similar businesses previously owned or operated by the applicant for the previous five years.
 - (8) The location of the premises to be licensed.
 - (9) A drawing or rendering indicating the area for alcohol sales, storage areas and consumption areas.
 - (10) A sworn statement signed by the applicant that all the facts included in the application are true.
 - (11) All licensed premises shall also comply with the provisions of this title.
 - (12) Any other information that the City may require.
- (b) If the applicant is a partnership, association, group, corporation, limited liability company, trust or other similar entity, the above information shall be provided with respect to each individual officer, partner, member and director having 20 percent or more ownership in the establishment or entity, and each individual officer, partner, member, owner and director having 20 percent or more ownership must be listed on the application form as an applicant. The application must be subscribed by the applicant, who shall state under oath that the facts therein contained are true.
- (c) If the licensed premises is to be operated or managed by a person other than the applicant, said operator and all managers must join in the application and file the same information required of an applicant.

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- (d) If there are partial changes made to the names of the applicants and/or the operator and managers of the licensed premises, an update to the license application must be filed within 30 days of the change.
 - (e) The License Official shall submit copies of the application to the Planning Division, Building and Safety Division, Fire Department, Salt Lake Valley Health Department, Police Department and any other federal, state, or local agencies as deemed necessary to provide a recommendation as to whether a business license, alcoholic beverage license and Local Consent should or should not be issued.
 - (f) All applicants who are beginning a new business or renewing a business license shall also comply with all applicable general business licensing requirements.

(Revised Ords. 1978, § 5-2-8; Ord. No. 16-42, 1-26-2017)

Sec. 15-2-9. Location Requirements.

- (a) No license application, allowing on-premises consumption of alcohol shall be approved and no alcoholic beverage license, business license or Local Consent shall be issued by the City to any establishment that does not comply with the location and distance requirements set forth in the Utah Alcoholic Beverage Services Act and within prescribed zones as set forth in the Sandy City Land Development Code.
- (b) No off-premises beer retailer license application shall be approved and no alcoholic beverage license, business license or Local Consent shall be issued by the City to any establishment that does not comply with the Sandy City Land Development Code.

(Revised Ords. 1978, § 5-2-9; Ord. No. 16-42, 1-26-2017)

Sec. 15-2-10. Expiration and Renewal.

- (a) All business and alcoholic beverage licenses issued by the City for establishments operating in a Commercial Zone, with the exception of single event permits and temporary beer event permits, shall expire on December 31 each year.
- (b) In the event that the renewal fees and all renewal documentation are not received at the office of the License Official or the Sandy City Treasurer's Office by 5:00 p.m. on December 31 (or the last business day of the year, whichever occurs first), the licensee must cease and desist all operations related to alcohol sales, and may not permit the consumption of alcohol on the premises until all outstanding fees, any applicable penalties and appropriate documentation is filed at the office of the License Official or the Sandy City Treasurer's Office and a new license is issued. Penalties shall be charged according to the fee schedule.
- (c) Single event and temporary beer event permits shall indicate specific expiration dates and are not subject to annual renewal.
- (d) Every license and Local Consent issued under this chapter, with the exception of single event and temporary beer event permits, granted to an establishment pursuant to the terms of this chapter, shall be renewed only if the applicant can affirmatively state that the qualifications and standards as previously set forth and upon which the original license was granted shall have been and shall be complied with continually.
- (e) All licensed premises shall also comply with the provisions of this title.

(Revised Ords. 1978, § 5-2-10; Ord. No. 16-42, 1-26-2017; Ord. No. 23-04, § 1(Exh. A), 3-7-2023)

Sec. 15-2-11. Fees.

The amount of the fees required to obtain the licenses and identification cards set forth in this chapter shall be established by resolution of the City Council.

(Revised Ords. 1978, § 5-2-11; Ord. No. 16-42, 1-26-2017)

Sec. 15-2-12. Transfer of License.

- (a) Licenses and Local Consent issued by the City pursuant to this chapter shall not be transferable to any other person or entity.
- (b) It shall be unlawful for any licensee to sell or transfer the business ownership, or otherwise cease operating the business, without notifying the License Official and surrendering the license.
- (c) If the persons named on the licensee's most recent application on file with the License Official remain the same, a license and Local Consent issued pursuant to this chapter may be transferred to a new location upon approval of the License Official. The licensee shall submit all necessary applications, pay the transfer fee as adopted by resolution of the Sandy City Council, and all outstanding license fees. The new location must be able to satisfy all land use ordinances, Utah Department of Alcoholic Beverage Services requirements, and all other business license application approval requirements.

(Revised Ords. 1978, § 5-2-13; Ord. No. 16-42, 1-26-2017)

Sec. 15-2-13. Issuance or Denial of License.

An alcoholic beverage license, a business license or a Local Consent issued by the City under the provisions of this chapter shall not be considered or deemed a right and, if granted, shall inure to the benefit of the licensee only as a privilege temporarily granted. The City reserves the right to deny any application for a license or Local Consent described herein. If, on an application or a renewal for a license, the License Official finds that any applicant does not meet the requirements of or is disqualified under any section of this chapter, or if the License Official finds that the application is deficient in any way or any of the facts provided thereon are false or in question, the License Official shall deny the application.

(Revised Ords. 1978, § 5-2-14; Ord. No. 16-42, 1-26-2017)

Sec. 15-2-14. Suspension and Revocation of License.

- (a) Basis. An alcoholic beverage license, business license or Local Consent may be suspended or revoked by the License Official for any of the following reasons:
 - (1) Violation on the licensed premises of any provision of this chapter;
 - (2) Violation of any other ordinance or laws related to alcoholic beverages;
 - (3) The licensee no longer possesses the qualifications required by this chapter or the statutes of the State of Utah;
 - (4) False or incomplete information given on an application;
 - (5) The licensee has obtained or aided another person in obtaining a license by fraud or deceit;
 - (6) The licensee has failed to pay real or personal property taxes, utility taxes or sales taxes;

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- (7) Any illegal activity by the licensee or any employees of the licensee of any City ordinance or state or federal statute, except minor traffic offenses, while on the premises or relating to the business;
 - (8) Failure to pay the license fee when due;
 - (9) Violation of City ordinance or federal or state statute relating to the business, alcoholic beverage, consumption, entertainment or agency licenses and resulting from the conduct of such business or activity;
 - (10) The applicant has been convicted of or entered a plea of nolo contendere for:
 - a. Any felony involving controlled substances, alcohol, sex crimes, contributing to the delinquency of a minor or any violent felony or has completed serving a sentence for such felony (whichever is most recent) within five years; or
 - b. A misdemeanor involving controlled substances, alcohol, sex crimes or contributing to the delinquency of a minor within three years;
 - (11) Any conduct or act of the licensee or his employees or any act committed by them on the premises or any act by the patrons where such business is conducted tending to render such business or such premises where the same is conducted a public nuisance or a menace to the health, peace or general welfare of the City or its inhabitants;
 - (12) The licensee has refused to allow authorized representatives of the City to make an inspection or has interfered with such representatives while in the performance of their duty in making such inspection;
 - (13) The licensee does not comply with a requirement or condition set by the Planning Commission or Community Development Department, if applicable, under a conditional use permit, site plan review or other approval, if applicable, granting a variance or special exception; by the City Council; or by agreement; or
 - (14) Any other reason expressly provided for in this chapter.
- (b) The licensee shall be responsible for the operation of the business in conformity with the ordinances of the City and the laws of the state and it shall be grounds for suspension or revocation of the license or Local Consent if a violation occurs through an act of a licensee, operator, employee, agent, or person who is allowed to perform for patrons of the business, whether or not said person is paid by the licensee for said performance, or any person who violates said ordinances or laws with the consent or knowledge of the licensee or his agents or employees or operator of the business.

(Revised Ords. 1978, § 5-2-15; Ord. No. 16-42, 1-26-2017)

Sec. 15-2-15. Denial, Suspension and Revocation of License; Applicant to be Heard.

- (a) *Notice of Denial Suspension or Revocation.* The License Official shall cause written notice to be given to the applicant or licensee ("respondent") of the License Official's recommendation of denial, suspension or revocation of any City-issued license or Local Consent. The notice shall include:
- (1) The reason for the recommendation of denial, suspension, or revocation; and
 - (2) The respondent's right to have a hearing concerning the License Official's determination. Written notice shall be given by personal service or by registered mail or by mail, postage prepaid, to the address given by the respondent on the most recent application or renewal of the license.
- (b) *Request for Hearing.* A hearing may be requested by the respondent by filing a written request for hearing with the Mayor's Office within ten working days of receipt of the notice of the recommendation for denial of any application, suspension or revocation of any City-issued license or Local Consent. The written request for

hearing shall include a statement of reasons why the license or Local Consent should not be denied, suspended or revoked.

(c) *Hearing.*

- (1) The hearing shall be before the Mayor, or an Administrative Hearing Officer designated by the Mayor, and shall be at a time, place and day set by the Mayor, but not later than 20 working days after receipt of the written request for hearing.
- (2) At the hearing, the City shall present the reasons and evidence for the recommendation to deny, suspend, or revoke the alcoholic beverage license, business license or Local Consent.
- (3) At the hearing, the respondent shall have the opportunity to be represented by counsel, present evidence and witnesses and cross examine any of the City's witnesses.
- (4) All witnesses shall be sworn to testify truthfully. Either party is entitled to confront, and cross examine any witnesses.
- (5) Any oral or documentary evidence may be received, but the Mayor or the designated Administrative Hearing Officer may exclude all privileged, irrelevant, immaterial or unduly repetitious evidence.
- (6) If the recommendation for denial, suspension or revocation is based on a finding by the Community Development Department, Fire Department, Health Department or Police Department that the business was or would be in violation of applicable ordinances or regulations, then this determination shall be conclusive and the final decision may be based only on whether the City acted properly in recommending denial, suspension or revocation of the alcoholic beverage license, the business license, or Local Consent because of said department's determination.
- (7) The Mayor or the designated Administrative Hearing Officer, after hearing and considering all the evidence, shall:
 - a. Deny, suspend or revoke a license, or Local Consent;
 - b. Approve or reinstate a license or Local Consent with conditions; or
 - c. Approve or reinstate a license or Local Consent without conditions.
- (8) The Mayor or the designated Administrative Hearing Officer shall issue a written decision within ten days after the hearing and send the same, by personal service or by registered mail, postage prepaid, to the respondent.
- (9) In a hearing regarding suspension of a license or Local Consent, if good cause for the suspension is established at the hearing, the suspension order may be continued for up to one year in duration.
- (10) In a hearing regarding revocation, if good cause for the revocation of the license or Local Consent is established, the respondent may not reapply for a new license or request Local Consent for a minimum of one year after the Hearing Officer's decision or final decision.
- (11) The decision of the Mayor or the designated Administrative Hearing Officer may be appealed by the respondent to the District Court within 30 calendar days from when the written decision is made.
- (12) If the respondent fails to file a request for a hearing within the prescribed date, the determination of the License Official shall be upheld and the denial, revocation, suspension or bond forfeiture shall be effective immediately.

(Revised Ords. 1978, § 5-2-16; Ord. No. 16-42, 1-26-2017)

Sec. 15-2-16. Application after Suspension or Revocation.

- (a) A suspension shall be for a period not exceeding one year.
 - (1) After the expiration of the suspension period, the license or Local Consent may be reinstated, if the licensee otherwise complies with all licensing requirements.
 - (2) If the license would have otherwise expired during the period of the suspension, the licensee will not be entitled to apply for a renewal license until after the period of suspension has expired and will be required to pay the full license fee.
 - (3) Utah Department of Alcoholic Beverage Services will be notified by the License Official of a suspension and the suspension period.
- (b) A revocation shall be for a period of no less than one year.
 - (1) Upon revocation of the license, the licensee shall forfeit to the City the following:
 - a. The remaining license fee paid;
 - b. The business license and alcoholic beverage license certificates issued by Sandy City.
 - (2) A licensee shall not be entitled to reapply for a new license or request Local Consent during the period of revocation.
 - (3) Utah Department of Alcoholic Beverage Services will be notified by the License Official of the revocation and the revocation period.
- (c) If the licensed business is sold to a new party, not previously associated with the licensee who is under suspension or revocation, the new owner of the business may apply for and may be granted a new license under this chapter, notwithstanding the current revoked or suspended status of the former licensee.

(Revised Ords. 1978, § 5-2-17; Ord. No. 16-42, 1-26-2017)

Sec. 15-2-17. Wholesaler and Retailer, Conflict of Interest.

- (a) It is unlawful for any dealer, distributor, brewer or wholesaler to, either directly or indirectly, supply, give or pay for any furniture, furnishings or fixtures of a beer or liquor licensee, unless the dealer, distributor, brewer or wholesaler has ownership interest in the establishment holding the beer or liquor license.
- (b) It is unlawful for any dealer, distributor or brewer to advance funds, money, or pay for any license of a retailer or to be financially interested, either directly or indirectly, in the conduct or operation of the business of any beer or liquor licensee, unless the dealer, distributor, brewer or wholesaler has an ownership interest in the establishment holding the beer or liquor license.
- (c) Exceptions to this section are provided in the Tied House Prohibitions described in Title 32B of the Alcoholic Beverage Control Act.

(Revised Ords. 1978, § 5-2-18; Ord. No. 16-42, 1-26-2017)

Sec. 15-2-18. Alcoholic Beverage Sales, Hours of Operation.

- (a) It is unlawful for any off-premises beer retailer to sell or dispose of beer to any person or patron on the licensed premises contrary to the hour of operation limits prescribed by the Sandy City Land Development Code and as described in the Utah Alcoholic Beverage Act. Where the hours of operation are in conflict

between the Sandy City Land Development Code and the Utah Department of Alcoholic Beverage Services, the operators will abide by the more restrictive hours of operation.

- (b) It is unlawful for any other licensee as described in section of 15-2-6, or operator or any employee thereof, to sell, dispose of, give away or serve any alcoholic beverages to any person on the licensed premises contrary to the hour of operation limits prescribed by the Sandy City Land Development Code and the Utah Alcoholic Beverage Control. Where the hours of operation are in conflict between the Sandy City Land Development Code and the Utah Department of Alcoholic Beverage Services, the operators will abide by the more restrictive hours of operation. Act (U.C.A. 1953, § 32B-1-101 et seq.).
- (c) It is unlawful for any establishment required to be licensed to sell or permit the consumption of alcohol, which is also required to be licensed as a sexually oriented business, to allow patrons on the premises or to operate the premises in any manner between the hours of 1:00 a.m. and 8:00 a.m.

(Revised Ords. 1978, § 5-2-19)

State law reference(s)—Hours of operation of limited-service restaurant licensee, U.C.A. 1953, §§ 32B-6-305(6), 32B-6-305.2(6); hours of operation of full-service restaurant licensee, U.C.A. 1953, §§ 32B-6-205(6), 32B-6-205.2(6); hours of operation of beer-only restaurant licensee, U.C.A. 1953, §§ 32B-6-905(6), 32B-6-905.1(6); hours of operation for on-premises beer retailer licensee, U.C.A. 1953, § 32B-6-706(5); hours of operation for on-premises banquet licensee, U.C.A. 1953, § 32B-6-605(8); hours of operation of bar establishment licensee, U.C.A. 1953, § 32B-6-406(4); hours of operation of reception center licensee, U.C.A. 1953, § 32B-6-805(8); hours of operation for resort spa sublicensee, U.C.A. 1953, § 32B-8-304(3); hours of operation of event permittee, U.C.A. 1953, § 32B-9-204(17).

Sec. 15-2-19. Alcoholic Beverage Sales, Nuisances Prohibited.

It is unlawful for any person licensed under this chapter to keep or maintain a nuisance, as defined in this chapter.

(Revised Ords. 1978, § 5-2-20; Ord. No. 16-42, 1-26-2017)

Sec. 15-2-20. Requirements for Employees and Entertainers.

- (a) *Identification Cards.* All employees in taverns or social club licensed premises who handle, dispense or serve alcoholic beverages, managers, all bouncers, doormen or other security-type employees and all entertainers, except contract entertainers, before engaging in the duties of their employment in or on the licensed premises, shall register with the City Police Department upon a form to be provided by the Department. They shall submit to finger printing and photographing by the Police Department.
 - (1) The Police Department shall provide each such person an identification card within a reasonable time, unless it finds one or more of the following:
 - a. The employee is under 21 years of age.
 - b. The employee is overdue in payment to the City of any taxes, fees, fines or penalties assessed against the applicant or imposed on the applicant in relation to alcoholic beverages, alcoholic beverage establishments or employees and entertainers therein.
 - c. The employee has failed to provide information reasonably necessary for investigation and issuance of the license or has falsely answered a material question or request for information as authorized by this chapter.

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- d. The employee has been convicted of a violation of a provision of this chapter within two years immediately preceding the application. Appeal of a conviction shall have no effect on the denial.
 - e. The premises in which the employee is to be employed does not have a current valid business and alcoholic beverage establishment license.
 - f. The fees established herein have not been paid.
 - g. The employee is in violation of or not in compliance with this chapter.
 - h. The employee has been convicted of or entered a plea of nolo contendere for any felony involving controlled substances, alcohol, sex crimes, contributing to the delinquency of a minor or any violent felony or has completed serving a sentence for such felony (whichever is most recent) within five years or a misdemeanor involving controlled substances, alcohol, sex crimes or contributing to the delinquency of a minor within three years.
- (2) Said identification card must be made available and presented upon demand by the License Official while the employee is functioning as an employee on the licensed premises. A person registered under this section, upon changing employment, shall notify the City Police Department in writing of that fact.
 - (3) Any person who is not issued an identification card may appeal to the Chief of Police, in writing, within 15 days from the date of denial. If, after review, the Chief of Police also denies the card or upholds the suspension or revocation, the applicant may then appeal to the Mayor in the manner set forth in this chapter.
 - (4) Unless revoked or suspended, each identification card issued pursuant hereto shall remain valid for a period of two years. Identification cards must be renewed by the employee after the expiration of two years from the date of issuance by following the same procedure as established herein.
- (b) *Training.* Every employee of an establishment engaging in the serving, selling or furnishing of alcoholic beverages for consumption on the premises must complete the Alcohol Training and Education Seminar, as required by state law.
 - (c) *Age.*
 - (1) In any off-premises beer retailer licensed under this chapter, all employees handling, selling or otherwise engaged in the retail sale of beer must be at least 18 years of age, and under the supervision of an employee of the establishment who is 21 years of age or older, and who is located on the licensed premises at all times, unless otherwise regulated by law.
 - (2) With the exception of those employees of licensed premises indicated in Subsection (c)(1) of this section, in all other licensed premises, all employees handling, selling, serving or otherwise engaged in the retail sale of alcohol must be at least 21 years of age.
 - (d) *Licensee Responsibility.* It is the duty of the licensee of any license issued pursuant to this chapter, to verify that any person employed or entertaining on their premises is in compliance with these requirements. Any licensee that permits a violation of this section, either personally or through his agents, employees, officers or assigns, shall be subject to suspension or revocation of his license.

(Revised Ords. 1978, § 5-2-22; Ord. No. 16-42, 1-26-2017)

Sec. 15-2-21. Illegal Sale, Manufacturing, Storage, Etc., of Alcoholic Beverages.

It shall be unlawful for any person, except as provided by this chapter or Utah State statute, to knowingly have in his possession any alcoholic beverage, or to manufacture, sell, offer, import, carry, transport, advertise, distribute, give away, dispense or serve any alcoholic beverage.

(Revised Ords. 1978, § 5-2-23; Ord. No. 16-42, 1-26-2017)

Sec. 15-2-22. Possession of Liquor.

It shall be unlawful, except as provided by this chapter or state statute, for any licensee to have or keep for sale or possess any liquor which has not been purchased from a State liquor store or package agency.

(Revised Ords. 1978, § 5-2-24; Ord. No. 16-42, 1-26-2017)

Sec. 15-2-23. Taking Liquor Unlawfully.

It shall be unlawful, except as provided by City ordinance or state statute, for any person within the City, by himself, his clerk, employee, or agent, to attempt to purchase, directly or indirectly or upon any pretense or upon any device, to purchase or in consideration of the sale or transfer of any property, to take or accept any alcoholic beverage from any other person.

(Revised Ords. 1978, § 5-2-25; Ord. No. 16-42, 1-26-2017)

Sec. 15-2-24. Adulterated Alcoholic Beverage.

It shall be unlawful for any person, for any purpose whatever, to mix or permit or cause to be mixed with any alcoholic beverage offered for sale, sold or supplied by him as a beverage, any controlled substance or any form of methyllic alcohol or any crude, unrectified or impure form of ethylic alcohol or any other deleterious substance or liquid.

(Revised Ords. 1978, § 5-2-26; Ord. No. 16-42, 1-26-2017)

Sec. 15-2-25. Sale of Alcoholic Beverage to Intoxicated or Interdicted Persons.

- (a) It shall be unlawful for any person to sell, give or supply any alcoholic beverage or to permit any alcoholic beverage to be sold or supplied to any person under, or apparently under, the influence of an alcoholic beverage or interdicted from possessing or consuming alcoholic beverages.
- (b) It shall be unlawful for any person to:
 - (1) Permit drunkenness to take place in any herein licensed premises, by the owner, licensee or employee; or
 - (2) Permit or suffer any person apparently under the influence of an alcoholic beverage to consume any alcoholic beverage in any herein licensed premises, by the owner, licensee or employee.

(Revised Ords. 1978, § 5-2-27; Ord. No. 16-42, 1-26-2017)

Sec. 15-2-26. Canvassing and Soliciting Prohibited.

It shall be unlawful for any person to canvass or solicit orders for alcoholic beverages by mail, telephone, or any other manner, and said person is hereby prohibited from engaging in said activities, except to the extent that such prohibition may be in conflict with the laws of the United States or the State of Utah.

(Revised Ords. 1978, § 5-2-28; Ord. No. 16-42, 1-26-2017)

Sec. 15-2-27. Unlawful Importation and Transportation.

It shall be unlawful for any person to order or purchase or to ship or transport or cause to be transported into Sandy City or from one place to another within Sandy City any alcoholic beverages or to sell or furnish any alcoholic beverage to any person within Sandy City when such alcoholic beverage is intended by any person interested therein to be received, possessed, sold or in any manner used in violation of the law.

(Revised Ords. 1978, § 5-2-29; Ord. No. 16-42, 1-26-2017)

Sec. 15-2-28. Aiding or Abetting.

It shall be unlawful for any person to aid, abet, counsel or procure any unlawful sale, unlawful purchase, unlawful gift or other unlawful disposition of alcoholic beverages, or to act as agent or representative of the seller in procuring or effecting unlawful sale or purchase of any alcoholic beverages. Nothing in this section shall be construed as prohibiting any person from purchasing alcoholic beverages contrary to the provisions of this chapter when acting as the agent of the authorities charged with the enforcement of this chapter in the detection and conviction of violators.

(Revised Ords. 1978, § 5-2-30; Ord. No. 16-42, 1-26-2017)

Sec. 15-2-29. City Park Restrictions.

It is unlawful for any person to consume any beer or liquor upon the premises of any park owned or operated by Sandy City.

(Revised Ords. 1978, § 5-2-31; Ord. No. 16-42, 1-26-2017)

Sec. 15-2-30. Consumption Prohibited in Unlicensed Premises.

It is unlawful for any person to consume any alcoholic beverage in any public place that has not been provided with the necessary licenses and permits as required by this chapter and the Utah Department of Alcoholic Beverage Services.

(Revised Ords. 1978, § 5-2-32; Ord. No. 16-42, 1-26-2017)

Sec. 15-2-31. Premises—Inspection.

The Sandy City Police Department, local Code Enforcement Officials, Fire Department officials, Planning Department officials, Building and Safety Department officials and the License Official shall be permitted to have access to all premises licensed or applying for licenses under this chapter, and they shall make periodic inspections of such premises and report their findings to the Mayor. Said inspections by local law enforcement agencies may be made with or without prior notice and in uniform or plain clothes.

(Revised Ords. 1978, § 5-2-33; Ord. No. 16-42, 1-26-2017)

Sec. 15-2-32. Enforcement.

A violation of any provision of this chapter shall be a Class B misdemeanor.

(Revised Ords. 1978, § 5-2-34; Ord. No. 16-42, 1-26-2017)