

Ordinance No. 023-3

January 4, 2023

### Rich County Ordinance Regarding Beer and Liquor Regulation

Whereas, the State of Utah regulates businesses selling alcohol; and

Whereas, the Utah Alcohol Beverage Control Act, Title 32B, Chapter 1, allows counties to require a local license for alcohol sales consumed on premise; and

Whereas, Utah Code § 11-10-1 states that “a person may not operate an association, a restaurant, a bar, or a business similar to a business operated under a bar establishment license, or other similar business that allows a person to possess or consume an alcoholic product on the premises of the association, restaurant, bar, or similar business premises without a business license;” and

Whereas, requiring a local license for such sales is in the best interest of the communities of Rich County.

Therefore, the County Legislative Body of Rich County, Utah ordains as follows:

#### Section 1. Definitions.

This ordinance adopts all relevant definitions from the state code, including the following:

“Alcoholic beverage” means beer or liquor.

“Beer” means a product that contains at least .5% of alcohol by volume and no more than 5% of alcohol by volume or 4% by weight and that is obtained by fermentation, infusion, or decoction of malt, or a malt substitute.

“Liquor” means a liquid that is alcohol, an alcoholic, spirituous, vinuous, fermented, malt, or other liquid, a combination of liquids a part of which is spirituous, vinuous, or fermented, or other drinkable liquid that contains at least .5% alcohol by volume and is suitable to use for beverage purposes.

#### Section 2. County license required for the sale of alcoholic beverages to be consumed on premise.

- (1) It is unlawful for any person to engage in the business of the sale of alcoholic beverages to be consumed on premise in un-incorporated Rich County without first obtaining a specific license therefor. The license shall

identify the specific premises covered thereby and shall at all times be conspicuously displayed on the premises for which the license was granted.

- (2) A separate license shall be required for each place of sale.
- (3) All licenses are conditioned on the licensee's compliance with the conditions set for the license and on the licensee's compliance with state law.

### **Section 3. Application process.**

- (1) All applications shall be in writing and be filed with the Rich County Clerk addressed to the Rich County Board of Commissioners.
- (2) The application shall contain the applicant's name and contact information and date of birth. If the applicant is a business entity, the applicant must include this information for each member, partner, or officer.
- (3) The application shall clearly explain the applicant's request and proposal for engaging in the business of the sale of alcoholic beverages to be consumed on premise.
- (4) The County Clerk shall refer all applications to the Sheriff for inspection and report. The sheriff shall within ten (10) days after receiving the application make a report to the Board of County Commissioners of the general reputation and character of the persons who habitually frequent such place; the nature and kind of business conducted at such place or by the applicant at any other place; whether said place is or has been conducted in a lawful, quiet, and orderly manner; the nature and kind of entertainment, if any, at such place; and the proximity of such premises to any school or church. The Sheriff shall also add a recommendation as to whether the application should be granted.
- (5) The application shall include a license of fee of \$250.00, which shall be refunded if the application is not approved. The fee for a temporary license issued for a period of under 90 days is \$150.

### **Section 4. Renewal of license.**

Any license granted under this ordinance shall expire one (1) year after it is granted, unless the license was expressly issued for a shorter period of time. A licensee requesting renewal shall file an application with the County Clerk in the same manner as applying for an original license.

**Section 5. Periodic inspection by Sheriff.**

The Sheriff shall be permitted to have access to all premises licensed or applying for a license under this ordinance and may make periodic inspections of said premises and report his findings to the Board of County Commissioners.

**Section 6. Nuisance declared.**

Violation of Section 2 (above) is declared to be a public nuisance allowing injunctive relief.

**Section 7. Suspension or revocation of license.**

A license issued under this ordinance may be suspended or revoked for the violation of the terms of the license or the violation of Utah state law governing the sale of alcohol.

**Section 8. Penalty.**

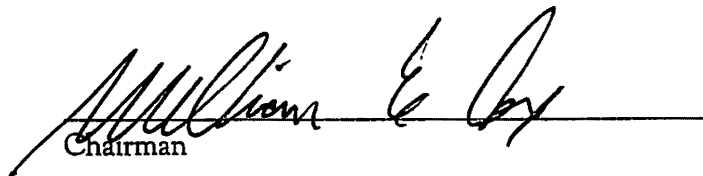
Violation of the terms of this ordinance is a class-B misdemeanor.

**Section 9. Repeal of prior ordinance and effective date.**

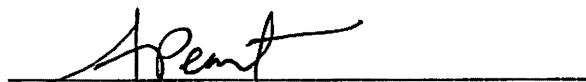
The County's prior Beer Licensing and Regulation Ordinance (10-82) is repealed and replaced. This ordinance shall become effective fifteen days after posting.

APPROVED and ADOPTED this 4<sup>th</sup> day of January, 2023.

BOARD OF RICH COUNTY COMMISSIONERS

  
Chairman

ATTEST:

  
Rich County Clerk

Commissioner Bill Cox voted yes

Commissioner Sim Weston voted yes

Commissioner Jonathan Lee voted yes