

PUBLIC NOTICE

Notice is Hereby Given that the Tooele City Council and the Redevelopment Agency (RDA) of Tooele City will meet in a Work Meeting, on Wednesday, March 1, 2023, at 5:30 p.m. The Meeting will be Held in the Tooele City Hall Council Chambers, Located at 90 North Main Street, Tooele, Utah.

We encourage you to join the City Council meeting electronically by visiting the **Tooele City YouTube Channel**, at <https://www.youtube.com/@tooelecity> or by going to YouTube.com and searching "Tooele City Channel".

AGENDA

1. **Open City Council Meeting**
2. **Roll Call**
3. **Mayor's Report**
4. **Council Members' Report**
5. **Discussion Items**
 - a. **Ordinance 2023-08** An Ordinance of Tooele City Amending Tooele City Code Chapter 5-20 Regarding Alcohol Licensing
Presented by Roger Baker, City Attorney
 - b. **Payment of a Fee-in-Lieu of Water Rights Conveyance Request for Microtel Moda Hotel**
Presented by Jared Stewart, Economic Development Director
6. **Closed Meeting**
~ Litigation, Property Acquisition, and/or Personnel
7. **Adjourn**

Michelle Y. Pitt, Tooele City Recorder

Pursuant to The Americans With Disabilities Act, Individuals Needing Special Accommodations Should Notify Michelle Y. Pitt, Tooele City Recorder, At 435-843-2111 Or Michellep@Tooelecity.Org, Prior To The Meeting.

TOOELE CITY CORPORATION

ORDINANCE 2023-08

AN ORDINANCE OF TOOELE CITY AMENDING TOOELE CITY CODE CHAPTER 5-20 REGARDING ALCOHOL LICENSING.

WHEREAS, Utah Constitution, Article XI, Section 5 directly confers upon Utah's charter cities, including Tooele City, "the authority to exercise all powers relating to municipal affairs, and to adopt and enforce within its limits, local police, sanitary and similar regulations not in conflict with the general law"; and,

WHEREAS, Utah Code Section 10-8-84 enables Tooele City to "pass all ordinances and rules, and make all regulations . . . as are necessary and proper to provide for the safety and preserve the health, and promote the prosperity, improve the morals, peace and good order, comfort, and convenience of the city and its inhabitants, and for the protection of property in the city"; and,

WHEREAS, since at least 1985 Tooele City has regulated the licensing of alcohol sales establishments through the provisions of Tooele City Code Chapter 5-20, and has regulated alcohol licensing in a similar manner since at least 1967 (see the current Chapter 5-20 attached as Exhibit A, and the 1967 Chapter 5-8 attached as Exhibit E); and,

WHEREAS, Chapter 5-20 is comprehensive, containing license application requirements, background check responsibilities, license denial criteria, different classes of license, revocation procedures, police authority, unlawful conduct, penalties, appeal provisions, and many other provisions; and,

WHEREAS, the State of Utah has enacted UCA Chapter 32B, the Alcohol Beverage Control Act, which contains detailed regulations regarding the multitudinous aspects of alcohol sales and licensing, occupying more than 300 pages of the unannotated Utah Code; and,

WHEREAS, the State's comprehensive and rigorous regulation of alcohol sales renders much of Chapter 5-20 moot, shifts City responsibilities to the state (e.g., background checks), and creates conflicts with obsolete and aging City Code provisions, giving rise to a need to update the City's alcohol sales licensing provisions; and,

WHEREAS, the City Administration recommends that the vast majority of existing City alcohol licensing regulations in Chapter 5-20 be repealed in favor of State of Utah regulations and enforcement, which render the City's regulations preempted, conflicting, unnecessary, or moot in nearly every instance; and,

WHEREAS, the City Administration recommends that some limited provisions remain in Chapter 5-20, including provisions cross-referencing Chapter 5-1 (general

business license regulations) and UCA Title 32B, the Alcohol Beverage Control Act, a provision identifying the number of taverns which may locate in one city block, and provisions regarding police and staff inspection and enforcement authority; and,

WHEREAS, the proposed amendments, shown in Exhibit B (redline) and Exhibit C (clean), necessitate amendments to other currently cross-referenced City Code sections in Chapter 5-1, which amendments are shown in Exhibit D; and,

WHEREAS, the proposed amendments will reduce the unnecessary expenditure of City staff resources, including redundant Tooele City Police Department background checks and Community Development Department licensing investigations, and eliminate conflicts with state enforcement procedures; and,

WHEREAS, the City Administration believes the proposed amendments are in the best interest of Tooele City, including the health, safety, and welfare of its residents and businesses:

NOW, THEREFORE, BE IT ORDAINED BY THE TOOEELE CITY COUNCIL that Tooele City Code Chapter 5-20 is hereby amended as shown in the attached Exhibits B, C, and D.

This Ordinance is necessary for the immediate preservation of the peace, health, safety, and welfare of Tooele City and its residents and businesses and shall become effective upon passage, without further publication, by authority of the Tooele City Charter.

IN WITNESS WHEREOF, this Ordinance is passed by the Tooele City Council this ____ day of _____, 2023.

TOOELE CITY COUNCIL

(For)

(Against)

ABSTAINING: _____

MAYOR OF TOOELE CITY

(Approved)

(Disapproved)

(If the mayor approves this ordinance, the City Council passes this ordinance with the Mayor's approval. If the Mayor disapproves this ordinance, the City Council passes the ordinance over the Mayor's disapproval by a super-majority vote (at least 4). If the Mayor neither approves nor disapproves of this ordinance by signature, this ordinance becomes effective without the Mayor's approval or disapproval. UCA 10-3-704(11).)

ATTEST:

Michelle Y. Pitt, City Recorder

S E A L

Approved as to Form: _____
Roger Evans Baker, City Attorney

Exhibit A

TCC Chapter 5-20
(current)

CHAPTER 20. BEER LICENSES

- 5-20-1. **Definitions.**
- 5-20-2. **Unlawful to engage in retail beer sales without a license.**
- 5-20-3. **Beer licenses classified.**
- 5-20-4. **Class A retailer license.**
- 5-20-5. **Class B restaurant license.**
- 5-20-6. **Class C tavern license.**
- 5-20-7. **Class D private facility license.**
- 5-20-8. **Class E public facility license.**
- 5-20-9. **Class F brewery license.**
- 5-20-10. **Combination B and C license.**
- 5-20-11. **Seasonal or event license.**
- 5-20-12. **Liquor license - General requirements.**
- 5-20-13. **Application for license - General requirements.**
- 5-20-14. **Referral to police department.**
- 5-20-15. **Grounds for denial.**
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- 5-20-21. **Class C tavern license restriction.**
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- 5-20-27. **Unlawful to sell beer or liquor without license**
- 5-20-27a. **Unlawful to sell beer or liquor to minors.**
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- 5-20-27c. **Unlawful to fail to notify law enforcement of criminal activity.**
- 5-20-28. **Unlawful to allow consumption of liquor without license.**
- 5-20-29. **Unlawful to consume liquor at unlicensed establishment.**
- 5-20-30. **Unlawful to store liquor.**
- 5-20-31. **Minimum light and open view required in licensed premises.**
- 5-20-32. **Presence of minors in certain establishments prohibited.**
- 5-20-33. **Unlawful to permit minors in a class C establishment.**
- 5-20-34. **Presence of minors in lounge or bar areas.**
- 5-20-35. **Unlawful to permit intoxicated person on licensed premises.**
- 5-20-36. **Sale or disposition of beer between certain hours unlawful.**
- 5-20-37. **Sanctions.**
- 5-20-38. **Regulation of kegs and other large containers.**

5-20-1. Definitions.

The words and phrases used in this Chapter shall have the meanings given them by Utah Code §32B-1-102, as amended unless a different meaning is clearly indicated from the context of the provision in question. (Ord. 2017-16, 05-17-2017) (Ord. 2002-05, 04-03-2002) (Ord. 1985-01, 02-26-1985)

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

It shall be unlawful for any person to engage in the business of the sale of beer at retail, in bottles, cans, or draft, within the corporate limits of Tooele City without first having procured a license from Tooele City for each place of sale. All licenses shall comply with the provisions of the Utah Alcoholic Beverage Control Act, implementing regulations, and this Chapter. A license granted pursuant to this Chapter shall not waive the licensee's obligation to comply with applicable state of Utah laws and regulations. (Ord. 2005-09, 05-18-2005) (Ord. 2002-05, 04-03-2002) (Ord. 1985-01, 02-26-1985)

5-20-3. Beer licenses classified.

Licenses issued under the provisions of this Chapter shall be classified into the following types, which shall carry the privileges and responsibilities hereinafter set forth in this Chapter: Class A, Class B, Class C, Class D, Class E, Class F, and Seasonal or Event. (Ord. 2017-16, 05-17-2017) (Ord. 2002-05, 04-03-2002) (Ord. 1985-01, 02-26-1985)

5-20-4. Class A retailer license.

A Class A license shall entitle the licensee to sell beer at the establishment described in the license in original containers for consumption off the premises in accordance with the Utah Alcoholic Beverage Control Act and this Chapter; provided, however, that it shall be unlawful for the licensee to sell or distribute beer in any container larger than 2 liters. (Ord. 2017-16, 05-17-2017) (Ord. 2002-05, 04-03-2002) (Ord. 1985-01, 02-26-1985)

5-20-5. Class B restaurant license.

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

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

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

(3) No person under the age of 21 years shall serve beer under this license.

(Ord. 2019-26, 11-20-2019) (Ord. 2017-16, 05-17-2017) (Ord. 2002-05, 04-03-2002) (Ord. 1985-01, 02-26-1985)

5-20-6. Class C tavern license.

A Class C license shall entitle the licensee to sell beer on draft or in the original containers for consumption on or off the establishment premises. No person under the age of 21 years shall sell or serve beer under this license. (Ord. 2017-16, 05-17-2017) (Ord. 2002-05, 04-03-2002) (Ord. 85-01, 02-26-1985)

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

A Class D license shall entitle the licensee to sell beer for consumption on the licensed premises of a privately-owned recreational facility, such as a bowling alley. No person under the age of 21 years of age may serve beer under this license. All sales and deliveries under this license shall be made directly to the consumer. (Ord. 2017-16, 05-17-2017) (Ord. 2002-05, 04-03-2002) (Ord. 1985-01, 02-26-1985)

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

A Class E license shall entitle the licensee to sell beer for consumption on publicly-owned recreational facilities, such as a municipal golf course; provided, however, that no such Class E license shall be issued unless the prospective licensee shall first obtain a concession contract from the public body owning the recreation facility involved. No person under the age of 21 years of age may serve beer under this license. All sales and deliveries under this license shall be made directly to the consumer. (Ord. 2017-16, 05-17-2017) (Ord. 2002-05, 04-03-2002)

(Ord. 1985-01, 02-26-1985)

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

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

(2) Definitions.

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

(b) Micro-brewery. A brew pub which markets beer wholesale in barrels (31 U.S. gallons each). (Ord. 2017-16, 05-17-2017) (Ord. 2002-05, 04-03-2002)

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

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

5-20-11. Seasonal or Event license.

A Seasonal or Event license shall apply to all limited-duration activities, promotions, and sporting events. This license is temporary in nature and shall be issued for a maximum of 30 days. The licensee shall be entitled to sell beer on draft for consumption on or off the premises. The licensee may also sell beer in the original container; provided, however, that it shall be unlawful for the licensee to sell or distribute beer in any container larger than one-half gallon. No person under the age of 21 years of age shall serve beer under this license. (Ord. 2017-16, 05-17-2017) (Ord. 2002-05, 04-03-2002) (Ord. 1985-01, 02-26-1985)

(Ord. 2017-16, 05-17-2017) (Ord. 2002-05, 04-03-2002) (Ord. 1985-01, 02-26-1985)

5-20-12. Liquor license.

Any license for liquor consumption license shall be obtained from the State of Utah. A liquor license shall entitle the licensee to permit customers, members, guests, visitors, or other persons to possess or consume liquor at the licensed establishment. No person under the age of 21 years of age shall serve liquor under this license. (Ord. 2017-16, 05-17-2017) (Ord. 2002-05, 04-03-2002) (Ord. 1985-01, 02-26-1985)

(Ord. 2017-16, 05-17-2017) (Ord. 2002-05, 04-03-2002) (Ord. 1985-01, 02-26-1985)

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

(1) Application for any license issued pursuant to this Chapter shall be upon a form furnished by the

Department, signed under oath by the applicant.

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

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

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

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

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

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

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

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

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

(h) Other information reasonably required by the Department.

(Ord. 2019-26, 11-20-2019) (Ord. 2017-16, 05-17-2017) (Ord. 2002-05, 04-03-2002) (Ord. 1999-02, 01-20-1999) (Ord. 1985-01, 02-26-1985)

5-20-14. Referral to police department.

All applications filed in accordance with the provisions of this Chapter shall be referred to the Police Department for inspection. After inspection, the Police Department shall return the application to the Department, together with any recommendation regarding an application's approval, together with any supporting information or documentation.

(Ord. 2019-26, 11-20-2019) (Ord. 2005-09, 05-18-2005) (Ord. 2002-05, 04-03-2002) (Ord. 1999-02, 01-20-1999)

5-20-15. Grounds for denial.

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

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

(2) Conviction of any alcohol-related misdemeanor

criminal offense, federal or of any state, within 5 years of the date of application;

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

(a) sexual crimes, such as lewdness;

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

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

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

(5) Proximity. The proximity restrictions contained in Utah Code §32B-1-202, as amended, shall apply to establishments licensed pursuant to this Chapter. A Combination B and C license establishment and a Class F license brew pub establishment shall be considered restaurants for purposes of proximity;

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

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

(8) Any violation of the terms of any license issued pursuant to this Chapter within 2 years of the date of application. If the violation resulted in a license revocation, the time period shall be 3 years.

(Ord. 2019-26, 11-20-2019) (Ord. 2017-16, 05-17-2017) (Ord. 2002-05, 04-03-2002)

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

(1) A license shall be denied by the Business License Specialist, in consultation with the Director, upon a finding by a preponderance of the evidence of any one of the grounds listed in Section 5-20-15, herein.

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

(3) (a) An applicant whose license has been denied may appeal in writing to the Director within ten days after the denial. The appeal need not be on a particular form, but must state the specific basis of the appeal. The Director shall promptly issue a written decision.

(b) An applicant whose appeal has been denied by the Director may appeal to the Administrative Hearing Officer, pursuant to Chapter 1-28, by filing with the City Recorder a written appeal within ten days after the Director's denial.

(4) A license applicant whose application has been denied pursuant to Section 5-20-15(4), herein, shall be ineligible to apply for another license for 1 year from the date of denial.

(Ord. 2019-26, 11-20-2019) (Ord. 2017-16, 05-17-2017) (Ord. 2005-09, 05-18-2005) (Ord. 2002-05, 04-03-2002)

5-20-17. License renewals.

(1) Application to renew any license issued pursuant to this Chapter shall be upon a renewal form furnished by the Department, signed under oath by the applicant.

(2) Renewal applications received after November 30 of each calendar year shall comply with the requirements of Section 5-20-13, herein. Any licensee whose license expires shall immediately close the licensed establishment. Failure to do so shall be a violation of this Chapter.

(Ord. 2019-26, 11-20-2019) (Ord. 2002-05, 04-03-2002) (Ord. 1985-01, 02-26-1985)

5-20-18. Transfer of license.

A licenses issued pursuant to this Chapter shall not be transferred to a new location or licensee.

(Ord. 2002-05, 04-03-2002) (Ord. 1985-01, 02-26-1985)

5-20-19. License fees.

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

(2) Exemption from the payment of the above fees shall be pursuant to Section 5-1-7, above.

(Ord. 2002-05, 04-03-2002) (Ord. 1987-24, 01-02-1988) Ord. (1985-01, 02-26-1985)

5-20-20. Referral to health department.

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

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

(3) Any fees charged by said Departments shall be in addition to the licensing fees established herein.

(Ord. 2019-26, 11-20-2019) (Ord. 2002-05, 04-03-2002) (Ord. 1999-02, 01-20-1999)

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

There shall be no more than 2 establishments licensed with a Class C tavern license on any lineal block in Tooele City. A lineal block is hereby defined to be both sides of the street between the beginning and ending of any series of street numbers measured East, West, North, or South, according to the present street numbering system of Tooele City, having a common number preceding the last two digits contained therein or, in the case the street numbers do not contain 3 or more digits, the whole of such series of street numbers, as for example: from 0 to 99 West or from 200 to 299 South, and excluding all side streets which intersect any other major street at a point beginning and of a lineal block, as measured on said major street. No such designated establishment shall be allowed on side streets which are excluded from being lineal blocks in the preceding sentence. A corner establishment shall be included in the particular lineal

block indicated by its street address. The provisions of this Section shall in no way affect the rights of present licensees to continue their operations, so long as their licenses remain in good standing, and to have their license renewed as provided by law until removed or terminated for any reason whatsoever.

(Ord. 2017-16, 05-17-2017) (Ord. 2002-05, 04-03-2002) (Ord. 1985-01, 02-26-1985)

5-20-22. Expiration of license.

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

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

(2) Licensee Ceases Operation.

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

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

(i) Licensee sells the business including all assets;

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

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

(iv) Licensee does not possess a valid current Tooele City business license to conduct business at that location.

(Ord. 2017-16, 05-17-2017) (Ord. 2002-05, 04-03-2002) (Ord. 1985-01, 02-26-1985)

5-20-23. Display of licenses.

Each license issued pursuant to this Chapter shall be displayed at all times on the licensed premises in a place readily visible to the public.

(Ord. 2002-05, 04-03-2002) (Ord. 1985-01, 02-26-1985)

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

As an express condition of license approval, each licensee agrees that the Police Department shall be permitted to have access to all establishments licensed pursuant to this Chapter. The Police Department shall make periodic inspections of said premises and report its findings to the Department by way of a police inspection report.

(Ord. 2019-26, 11-20-2019) (Ord. 2002-05, 04-03-2002) (Ord. 1985-01, 02-26-1985)

5-20-25. License Suspension.

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

(a) a second or subsequent violation of any of

the provisions of this Chapter; or,

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

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

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

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

(c) the right to appeal the suspension;;

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

(3) (a) An applicant whose license has been suspended may appeal in writing to the Director within ten days after the date of the Notice of Suspension. The appeal need not be on a particular form, but must state the specific basis of the appeal. The Director shall promptly issue a written decision.

(b) An applicant whose appeal has been denied by the Director may appeal to the Administrative Hearing Officer, pursuant to Chapter 1-28, by filing with the City Recorder a written appeal within ten days after the Director's denial.

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

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

(Ord. 2019-26, 11-20-2019) (Ord. 2005-09, 05-18-2005) (Ord. 2002-05, 04-03-2002)

5-20-26. License Revocation.

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

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

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

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

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

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

(b) the length of the revocation;

(c) the right to appeal the revocation; and,

(d) that the licensee may continue to serve and

sell alcohol pursuant to the terms of the license and the provision of this Chapter until the commencement of the revocation.

(3) (a) An applicant whose license has been revoked may appeal in writing to the Director within ten days after the date of the Notice of Revocation. The appeal need not be on a particular form, but must state the specific basis of the appeal. The Director shall promptly issue a written decision.

(b) An applicant whose appeal has been denied by the Director may appeal to the Administrative Hearing Officer, pursuant to Chapter 1-28, by filing with the City Recorder a written appeal within ten days after the Director's denial.

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

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

(6) Any licensee whose license is revoked shall be ineligible to re-apply for a license under this Chapter until the expiration of 1 year from the date of the Notice of Revocation or City Council decision upholding the revocation.

(Ord. 2019-26, 11-20-2019) (Ord. 2017-16, 05-17-2017) (Ord. 2005-09, 05-18-2005) (Ord. 2002-05, 04-03-2002) (Ord. 1985-01, 02-26-1985)

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

It shall be unlawful for any person to sell beer or liquor on any premises without a license to do so, or in any period during which a license is suspended or revoked.

(Ord. 2002-05, 04-03-2002) (Ord. 1985-01, 02-26-1985)

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

It shall be unlawful for any person to sell beer or liquor to any person under the age of 21 years.

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

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

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

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

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

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

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

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

It shall be unlawful for any owner, operator, manager, or lessee, or any agent, partner, or associate of any establishment to knowingly permit or allow customers, members, guests, or any other person to consume liquor as defined in this Title without first obtaining a license under this Chapter.

(Ord. 2005-09, 05-18-2005) (Ord. 2002-05, 04-03-2002) (Ord. 1985-01, 02-26-1985)

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

It shall be unlawful for any person to consume liquor in an unlicensed establishment that is subject to licensure under this Chapter or the laws of the State of Utah.

(Ord. 2002-05, 04-03-2002) (Ord. 1985-01, 02-26-1985)

5-20-30. Unlawful to store liquor.

It shall be unlawful for any person to store any liquor at an establishment licensed by this Chapter except at those establishments which are licensed as private clubs under Title 16 of the Utah State Code, or restaurants as provided for in Title 32 of the Utah State Code.

(Ord. 2002-05, 04-03-2002) (Ord. 1985-01, 02-26-1985)

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

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

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

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

(c) A clear, unobstructed view of all portions of the interior shall be available at all times from a point within the licensed premises at or near the main public entrance.

(Ord. 2017-16, 05-17-2017) (Ord. 2002-05, 04-03-2002) (Ord. 1985-01, 02-26-1985)

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

It shall be unlawful for any person under the age of 21 years to enter or be at or about any establishment licensed as a Class C license for the sale of beer, or to drink beer or any intoxicating liquor in such licensed premises.

(Ord. 2017-16, 05-17-2017) (Ord. 2002-05, 04-03-2002) (Ord. 1985-01, 02-26-1985)

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

It shall be unlawful for any licensee of an establishment holding a Class C license for the sale of

beer, or any operator, agent or employee of such licensee to permit any person under the age of 21 years to remain in or about such licensed premises. As a requirement for entering in or remaining in any Class C premises, the business, its employee or agent may require the presentation of a valid picture identification which indicates the bearer's date of birth.

(Ord. 2017-16, 05-17-2017) (Ord. 2002-05, 04-03-2002) (Ord. 1985-01, 02-26-1985)

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

It shall be unlawful for any person under the age of 21 to be in any lounge or bar area in premises licensed with a Seasonal license for the sale of beer or in or around any lounge or bar area in premises licensed with a liquor consumption license.

(Ord. 2017-16, 05-17-2017) (Ord. 2002-05, 04-03-2002) (Ord. 1985-01, 02-26-1985)

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

It shall be unlawful for any person licensed to sell beer, or licensed for liquor consumption, or for any of his agents or employees, to serve beer or liquor to intoxicated persons or to allow intoxicated persons to remain in or about any licensed premises.

(Ord. 2002-05, 04-03-2002) (Ord. 1985-01, 02-26-1985)

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

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

(Ord. 2017-16, 05-17-2017) (Ord. 2002-05, 04-03-2002) (Ord. 1985-01, 02-26-1985)

5-20-37. Sanctions.

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

(a) First violation: \$100 fine;

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

(i) Second violation: \$200 fine;

(ii) Third violation: \$300 fine;

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

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

(a) First violation: \$500 fine;

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

(i) Second violation: \$1,000 fine, plus a 7-day suspension of the establishment's license, unless the licensee can demonstrate that adequate training was provided to the offending individual;

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

(iii) Fourth violation: license revocation.

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

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

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

(6) A licensee may appeal the decision of the Director to the Administrative Hearing Officer under Chapter 1-28.

(7) Nothing in this Chapter shall be deemed to exempt any person from further civil or criminal liability. (Ord. 2019-26, 11-20-2019) (Ord. 2017-16, 05-17-2017) (Ord. 2005-09, 05-18-2005) (Ord. 2002-05, 04-03-2002)

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

The sale of beer in kegs and other large containers shall be pursuant to the provisions of the Utah Alcoholic Beverage Control Act (U.C.A. Title 32B, as amended). (Ord. 2017-16, 05-17-2017) (Ord. 2002-05, 04-03-2002)

Exhibit B

TCC Chapter 5-20
(Proposed – redline)

CHAPTER 20. BEER LICENSES

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

person on licensed premises. ~~Repealed.~~

- 5-20-36. Sale or disposition of beer between certain hours unlawful. ~~Repealed.~~
- 5-20-37. Sanctions. ~~Repealed.~~
- 5-20-38. Regulation of kegs and other large containers. ~~Repealed.~~

5-20-1. Definitions.

The words and phrases used in this Chapter shall have the meanings given them by Utah Code §32B-1-102, as amended ~~unless a different meaning is clearly indicated from the context of the provision in question.~~ (Ord. 2017-16, 05-17-2017) (Ord. 2002-05, 04-03-2002) (Ord. 1985-01, 02-26-1985)

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

It shall be unlawful for any person to engage in the business of the sale of beer, wine, liquor, or other regulated alcoholic beverage ~~at retail, in bottles, cans, or draft, within the corporate limits of in~~ Tooele City without first having procured a business license from Tooele City under Chapter 5-1, and a license from the State of Utah under UCA Title 32B, as applicable, for each place of sale. ~~All licenses shall comply with the provisions of the Utah Alcoholic Beverage Control Act, implementing regulations, and this Chapter. A license granted pursuant to this Chapter shall not waive the licensee's obligation to comply with applicable state of Utah laws and regulations.~~ (Ord. 2005-09, 05-18-2005) (Ord. 2002-05, 04-03-2002) (Ord. 1985-01, 02-26-1985)

5-20-3. Beer licenses classified. (Repealed)

~~Licenses issued under the provisions of this Chapter shall be classified into the following types, which shall carry the privileges and responsibilities hereinafter set forth in this Chapter: Class A, Class B, Class C, Class D, Class E, Class F, and Seasonal or Event.~~ (Ord. 2017-16, 05-17-2017) (Ord. 2002-05, 04-03-2002) (Ord. 1985-01, 02-26-1985)

5-20-4. Class A retailer license. (Repealed)

~~A Class A license shall entitle the licensee to sell beer at the establishment described in the license in original containers for consumption off the premises in accordance with the Utah Alcoholic Beverage Control Act and this Chapter, provided, however, that it shall be unlawful for the licensee to sell or distribute beer in any container larger than 2 liters.~~ (Ord. 2017-16, 05-17-2017) (Ord. 2002-05, 04-03-2002) (Ord. 1985-01, 02-26-1985)

5-20-5. Class B restaurant license. (Repealed)

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

~~consumption at the licensed establishment.~~

~~(2) Only bona fide restaurants, where a variety of hot food is prepared and cooked, and where complete meals are served to the general public in connection with indoor dining accommodations, shall be entitled to Class B licenses. All Class B licensees shall maintain records, including invoices, vouchers, and receipts, which shall disclose the gross dollar sales of food served for consumption on the licensed premises during each and every month of the year. In those licensed establishments which are also licensed by the state of Utah to allow consumption of liquor on the premises, the sale of carbonated and noncarbonated soft drinks, soda water, water, and other mixers shall not constitute the sale of food within the meaning of this Chapter, and such licensees shall maintain a separate record which shall disclose the gross sales of such mixers during each and every month of the year. The licensee shall make all gross dollar sales records available for inspection and audit by the City within 48 hours of the City's written request to inspect and audit the records. Failure of a licensee to properly maintain or make available records of gross dollar sales for inspection and audit shall be cause for revocation of the Class B license. If an audit or inspection discloses that the sales of food served for consumption on any licensed premises hereunder are less than 60% of the gross dollar sales for any month, the licensee shall be required to submit to the Department, within 15 days from the date of written notice mailed to the licensee of the results of the inspection and audit, a written plan detailing all corrective actions to be taken by the licensee to comply with the provisions of the Class B license. Failure to submit the plan in a timely and complete manner, or failure to adhere to the substance and timing of the plan, shall be grounds for license suspension.~~

~~(3) No person under the age of 21 years shall serve beer under this license.~~

~~(Ord. 2019-26, 11-20-2019) (Ord. 2017-16, 05-17-2017)
(Ord. 2002-05, 04-03-2002) (Ord. 1985-01, 02-26-1985)~~

5-20-6. Class C tavern license. (Repealed)

~~A Class C license shall entitle the licensee to sell beer on draft or in the original containers for consumption on or off the establishment premises. No person under the age of 21 years shall sell or serve beer under this license.~~

~~(Ord. 2017-16, 05-17-2017) (Ord. 2002-05, 04-03-2002)
(Ord. 85-01, 02-26-1985)~~

5-20-7. Class D private facility license. (Repealed)

~~A Class D license shall entitle the licensee to sell beer for consumption on the licensed premises of a privately-owned recreational facility, such as a bowling alley. No person under the age of 21 years of age may serve beer under this license. All sales and deliveries under this license shall be made directly to the consumer.~~

~~(Ord. 2017-16, 05-17-2017) (Ord. 2002-05, 04-03-2002)
(Ord. 1985-01, 02-26-1985)~~

5-20-8. Class E public facility license. (Repealed)

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

~~(Ord. 2017-16, 05-17-2017) (Ord. 2002-05, 04-03-2002)
(Ord. 1985-01, 02-26-1985)~~

5-20-9. Class F brew pub license. (Repealed)

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

~~(2) Definitions:~~

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

~~(b) Micro-brewery. A brew pub which markets beer wholesale in barrels (31 U.S. gallons each).~~

~~(Ord. 2017-16, 05-17-2017) (Ord. 2002-05, 04-03-2002)~~

5-20-10. Combination B and C license. (Repealed)

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

~~(Ord. 2002-05, 04-03-2002)~~

5-20-11. Seasonal or Special Event permit license.

~~A person or entity obtaining a Tooele City special event permit shall be required to obtain a Tooele City business license only as required by Chapter 8-16. Seasonal or Event license shall apply to all limited-duration activities, promotions, and sporting events. This license is temporary in nature and shall be issued for a maximum of 30 days. The licensee shall be entitled to sell beer on draft for consumption on or off the premises. The licensee may also sell beer in the original container; provided, however, that it shall be unlawful for the licensee to sell or distribute beer in any container larger than one-half gallon. No person under the age of 21 years of age shall serve beer under this license.~~

~~(Ord. 2017-16, 05-17-2017) (Ord. 2002-05, 04-03-2002)
(Ord. 1985-01, 02-26-1985)~~

5-20-12. Liquor license. (Repealed)

~~Any license for liquor consumption license shall be obtained from the State of Utah. A liquor license shall entitle the licensee to permit customers, members, guests, visitors, or other persons to possess or consume liquor at the licensed establishment. No person under the age of 21 years of age shall serve liquor under this license.~~

~~(Ord. 2017-16, 05-17-2017) (Ord. 2002-05, 04-03-2002) (Ord. 1985-01, 02-26-1985)~~

5-20-13. Application for license; general requirements. (Repealed)

~~(1) Application for any license issued pursuant to this Chapter shall be upon a form furnished by the Department, signed under oath by the applicant.~~

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

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

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

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

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

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

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

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

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

~~(h) Other information reasonably required by the Department.~~

~~(Ord. 2019-26, 11-20-2019) (Ord. 2017-16, 05-17-2017) (Ord. 2002-05, 04-03-2002) (Ord. 1999-02, 01-20-1999) (Ord. 1985-01, 02-26-1985)~~

5-20-14. Referral to police department. (Repealed)

~~All applications filed in accordance with the provisions of this Chapter shall be referred to the Police Department for inspection. After inspection, the Police~~

~~Department shall return the application to the Department, together with any recommendation regarding an application's approval, together with any supporting information or documentation.~~

~~(Ord. 2019-26, 11-20-2019) (Ord. 2005-09, 05-18-2005) (Ord. 2002-05, 04-03-2002) (Ord. 1999-02, 01-20-1999)~~

5-20-15. Grounds for denial. (Repealed)

~~A license applied for pursuant to this Chapter shall be denied upon the occurrence of any one of the following grounds for denial: (1) Conviction of any felony criminal offense, federal or of any state, within 10 years of the date of application;~~

~~(2) Conviction of any alcohol-related misdemeanor criminal offense, federal or of any state, within 5 years of the date of application;~~

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

~~(a) sexual crimes, such as lewdness;~~

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

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

~~(4) Knowingly providing false information on or with the license application, or to the Department or Police Department in reference to the license application;~~

~~(5) Proximity. The proximity restrictions contained in Utah Code §32B-1-202, as amended, shall apply to establishments licensed pursuant to this Chapter. A Combination B and C license establishment and a Class F license brew pub establishment shall be considered restaurants for purposes of proximity;~~

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

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

~~(8) Any violation of the terms of any license issued pursuant to this Chapter within 2 years of the date of application. If the violation resulted in a license revocation, the time period shall be 3 years.~~

~~(Ord. 2019-26, 11-20-2019) (Ord. 2017-16, 05-17-2017) (Ord. 2002-05, 04-03-2002)~~

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

~~(1) A license shall be denied by the Business License Specialist, in consultation with the Director, upon a finding by a preponderance of the evidence of any one of the grounds listed in Section 5-20-15, herein.~~

~~(2) A license not approved within 15 days of return of the application by the Police Department to the Department shall be deemed denied.~~

~~(3) (a) An applicant whose license has been denied may appeal in writing to the Director within ten days after the denial. The appeal need not be on a particular form,~~

~~but must state the specific basis of the appeal. The Director shall promptly issue a written decision.~~

~~(b) An applicant whose appeal has been denied by the Director may appeal to the Administrative Hearing Officer, pursuant to Chapter 1-28, by filing with the City Recorder a written appeal within ten days after the Director's denial.~~

~~(4) A license applicant whose application has been denied pursuant to Section 5-20-15(4), herein, shall be ineligible to apply for another license for 1 year from the date of denial.~~

~~(Ord. 2019-26, 11-20-2019) (Ord. 2017-16, 05-17-2017)
(Ord. 2005-09, 05-18-2005) (Ord. 2002-05, 04-03-2002)~~

5-20-17. License renewals. (Repealed)

~~(1) Application to renew any license issued pursuant to this Chapter shall be upon a renewal form furnished by the Department, signed under oath by the applicant.~~

~~(2) Renewal applications received after November 30 of each calendar year shall comply with the requirements of Section 5-20-13, herein. Any licensee whose license expires shall immediately close the licensed establishment. Failure to do so shall be a violation of this Chapter.~~

~~(Ord. 2019-26, 11-20-2019) (Ord. 2002-05, 04-03-2002)
(Ord. 1985-01, 02-26-1985)~~

5-20-18. Transfer of license. (Repealed)

~~A licenses issued pursuant to this Chapter shall not be transferred to a new location or licensee.~~

~~(Ord. 2002-05, 04-03-2002) (Ord. 1985-01, 02-26-1985)~~

5-20-19. License fees. (Repealed)

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

~~(2) Exemption from the payment of the above fees shall be pursuant to Section 5-1-7, above.~~

~~(Ord. 2002-05, 04-03-2002) (Ord. 1987-24, 01-02-1988)
Ord. (1985-01, 02-26-1985)~~

5-20-20. Referral to Health Department.

A person or entity licensed under this Chapter shall comply with all applicable Health Department regulations.~~(1) Prior to the issuance of a business license for the establishment premises, the Department shall request inspection by the Health and Community Development Departments.~~

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

~~(3) Any fees charged by said Departments shall be in addition to the licensing fees established herein.~~

~~(Ord. 2019-26, 11-20-2019) (Ord. 2002-05, 04-03-2002)
(Ord. 1999-02, 01-20-1999)~~

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

(1) A Class C tavern is an establishment that sells beer on draft or in the original containers for consumption on or off the establishment premises.

~~(2) There shall be no more than 2 establishments licensed with a Class C tavern license on any lineal block in Tooele City. A lineal block is illustrated in Figure 5-20-21 hereby defined to be both sides of the street between the beginning and ending of any series of street numbers measured East, West, North, or South, according to the present street numbering system of Tooele City, having a common number preceding the last two digits contained therein or, in the case the street numbers do not contain 3 or more digits, the whole of such series of street numbers, as for example: from 0 to 99 West or from 200 to 299 South, and excluding all side streets which intersect any other major street at a point beginning and of a lineal block, as measured on said major street. No such designated establishment shall be allowed on side streets which are excluded from being lineal blocks in the preceding sentence. A corner establishment shall be included in the particular lineal block indicated by its street address. The provisions of this Section shall in no way affect the rights of present licensees to continue their operations, so long as their licenses remain in good standing, and to have their license renewed as provided by law until removed or terminated for any reason whatsoever.~~

~~(Ord. 2017-16, 05-17-2017) (Ord. 2002-05, 04-03-2002)
(Ord. 1985-01, 02-26-1985)~~

[Insert Figure 5-20-21.]

5-20-22. Expiration of license. (Repealed)

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

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

~~(2) Licensee Ceases Operation:~~

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

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

~~(i) Licensee sells the business including all assets;~~

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

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

~~(iv) Licensee does not possess a valid current Tooele City business license to conduct business at that location.~~

~~(Ord. 2017-16, 05-17-2017) (Ord. 2002-05, 04-03-2002)
(Ord. 1985-01, 02-26-1985)~~

5-20-23. Display of licenses. (Repealed)

~~Each license issued pursuant to this Chapter shall be displayed at all times on the licensed premises in a place readily visible to the public.~~

~~(Ord. 2002-05, 04-03-2002) (Ord. 1985-01, 02-26-1985)~~

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

As an express condition of City business license approval, each licensee under this Chapter agrees that the Police Department shall be permitted to have access to all establishments licensed pursuant to this Chapter, during the establishment's advertized or otherwise commonly understood hours of operation. ~~The Police Department shall make periodic inspections of said premises and report its findings to the Department by way of a police inspection report.~~

~~(Ord. 2019-26, 11-20-2019) (Ord. 2002-05, 04-03-2002) (Ord. 1985-01, 02-26-1985)~~

5-20-25. License Suspension. (Repealed)

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

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

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

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

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

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

~~(c) the right to appeal the suspension;;~~

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

~~(3) (a) An applicant whose license has been suspended may appeal in writing to the Director within ten days after the date of the Notice of Suspension. The appeal need not be on a particular form, but must state the specific basis of the appeal. The Director shall promptly issue a written decision.~~

~~(b) An applicant whose appeal has been denied by the Director may appeal to the Administrative Hearing Officer, pursuant to Chapter 1-28, by filing with the City Recorder a written appeal within ten days after the Director's denial.~~

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

~~(5) A suspension shall be tolled during the pendency~~

~~of any appeal.~~

~~(Ord. 2019-26, 11-20-2019) (Ord. 2005-09, 05-18-2005) (Ord. 2002-05, 04-03-2002)~~

5-20-26. License Revocation. (Repealed)

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

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

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

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

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

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

~~(b) the length of the revocation;~~

~~(c) the right to appeal the revocation; and,~~

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

~~(3) (a) An applicant whose license has been revoked may appeal in writing to the Director within ten days after the date of the Notice of Revocation. The appeal need not be on a particular form, but must state the specific basis of the appeal. The Director shall promptly issue a written decision.~~

~~(b) An applicant whose appeal has been denied by the Director may appeal to the Administrative Hearing Officer, pursuant to Chapter 1-28, by filing with the City Recorder a written appeal within ten days after the Director's denial.~~

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

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

~~(6) Any licensee whose license is revoked shall be ineligible to re-apply for a license under this Chapter until the expiration of 1 year from the date of the Notice of Revocation or City Council decision upholding the revocation.~~

~~(Ord. 2019-26, 11-20-2019) (Ord. 2017-16, 05-17-2017) (Ord. 2005-09, 05-18-2005) (Ord. 2002-05, 04-03-2002) (Ord. 1985-01, 02-26-1985)~~

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

~~It shall be unlawful for any person to sell beer or liquor on any premises without a license to do so, or in~~

~~any period during which a license is suspended or revoked.~~

~~(Ord. 2002-05, 04-03-2002) (Ord. 1985-01, 02-26-1985)~~

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

~~It shall be unlawful for any person to sell beer or liquor to any person under the age of 21 years.~~

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

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

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

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

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

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

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

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

~~It shall be unlawful for any owner, operator, manager, or lessee, or any agent, partner, or associate of any establishment to knowingly permit or allow customers, members, guests, or any other person to consume liquor as defined in this Title without first obtaining a license under this Chapter.~~

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

~~(Ord. 1985-01, 02-26-1985)~~

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

~~It shall be unlawful for any person to consume liquor in an unlicensed establishment that is subject to licensure under this Chapter or the laws of the State of Utah.~~

~~(Ord. 2002-05, 04-03-2002) (Ord. 1985-01, 02-26-1985)~~

5-20-30. Unlawful to store liquor. (Repealed)

~~It shall be unlawful for any person to store any liquor at an establishment licensed by this Chapter except at those establishments which are licensed as private clubs under Title 16 of the Utah State Code, or restaurants as provided for in Title 32 of the Utah State Code.~~

~~(Ord. 2002-05, 04-03-2002) (Ord. 1985-01, 02-26-1985)~~

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

~~(1) It shall be unlawful for any person to own, operate, or manage any establishment licensed for the sale~~

~~of beer without complying with the following lighting and view requirements:~~

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

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

~~(c) A clear, unobstructed view of all portions of the interior shall be available at all times from a point within the licensed premises at or near the main public entrance.~~

~~(Ord. 2017-16, 05-17-2017) (Ord. 2002-05, 04-03-2002)~~

~~(Ord. 1985-01, 02-26-1985)~~

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

~~It shall be unlawful for any person under the age of 21 years to enter or be at or about any establishment licensed as a Class C license for the sale of beer, or to drink beer or any intoxicating liquor in such licensed premises.~~

~~(Ord. 2017-16, 05-17-2017) (Ord. 2002-05, 04-03-2002)~~

~~(Ord. 1985-01, 02-26-1985)~~

5-20-33. Unlawful to permit minors in a Class C establishment. (Repealed)

~~It shall be unlawful for any licensee of an establishment holding a Class C license for the sale of beer, or any operator, agent or employee of such licensee to permit any person under the age of 21 years to remain in or about such licensed premises. As a requirement for entering in or remaining in any Class C premises, the business, its employee or agent may require the presentation of a valid picture identification which indicates the bearer's date of birth.~~

~~(Ord. 2017-16, 05-17-2017) (Ord. 2002-05, 04-03-2002)~~

~~(Ord. 1985-01, 02-26-1985)~~

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

~~It shall be unlawful for any person under the age of 21 to be in any lounge or bar area in premises licensed with a Seasonal license for the sale of beer or in or around any lounge or bar area in premises licensed with a liquor consumption license.~~

~~(Ord. 2017-16, 05-17-2017) (Ord. 2002-05, 04-03-2002)~~

~~(Ord. 1985-01, 02-26-1985)~~

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

~~It shall be unlawful for any person licensed to sell beer, or licensed for liquor consumption, or for any of his agents or employees, to serve beer or liquor to intoxicated persons or to allow intoxicated persons to remain in or about any licensed premises.~~

~~(Ord. 2002-05, 04-03-2002) (Ord. 1985-01, 02-26-1985)~~

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

~~It shall be unlawful for any licensee or any employee, agent, or lessee thereof to sell, dispose of, give away or deliver any beer or to permit the consumption of beer or liquor on the licensed premises between the hours of 1:00 a.m. and 7:00 a.m. of any day. It shall be unlawful for the holder of a Class C license or any employee or agent thereof to allow the public, excluding employees employed on that date, to enter in or remain on the premises between the hours of 1:00 a.m. and 7:00 a.m. of any day. Provided, however, that on New Year's Day the sale and consumption of beer or liquor on licensed premises may be permitted until 4:00 a.m. of said day as a limited exception to the foregoing requirement.~~
(Ord. 2017-16, 05-17-2017) (Ord. 2002-05, 04-03-2002)
(Ord. 1985-01, 02-26-1985)

(Ord. 2019-26, 11-20-2019) (Ord. 2017-16, 05-17-2017)
(Ord. 2005-09, 05-18-2005) (Ord. 2002-05, 04-03-2002)

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

~~The sale of beer in kegs and other large containers shall be pursuant to the provisions of the Utah Alcoholic Beverage Control Act (U.C.A. Title 32B, as amended).~~
(Ord. 2017-16, 05-17-2017) (Ord. 2002-05, 04-03-2002)

5-20-37. Sanctions. (Repealed)

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

- ~~(a) First violation: \$100 fine;~~
- ~~(b) Second and subsequent violations which occur within a 24 month period of the first violation:~~
 - ~~(i) Second violation: \$200 fine;~~
 - ~~(ii) Third violation: \$300 fine;~~
 - ~~(iii) Fourth and subsequent violations: \$500 fine per violation.~~

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

- ~~(a) First violation: \$500 fine;~~
- ~~(b) Second or subsequent violations which occur within a 24 month period of the first violation:~~
 - ~~(i) Second violation: \$1,000 fine, plus a 7-day suspension of the establishment's license, unless the licensee can demonstrate that adequate training was provided to the offending individual;~~
 - ~~(ii) Third violation: \$1,500 fine, plus a thirty-day suspension of the establishment's license, unless the licensee can demonstrate that adequate training was provided to the offending individual;~~
 - ~~(iii) Fourth violation: license revocation.~~

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

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

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

~~(6) A licensee may appeal the decision of the Director to the Administrative Hearing Officer under Chapter 1-28.~~

~~(7) Nothing in this Chapter shall be deemed to exempt any person from further civil or criminal liability.~~

Exhibit C

TCC Chapter 5-20
(Proposed – clean)

CHAPTER 20. BEER LICENSES

- 5-20-1. Definitions.**
- 5-20-2. Unlawful to engage in alcohol sales without a license.**
- 5-20-3. Beer licenses classified.** Repealed.
- 5-20-4. Class A retailer license.** Repealed.
- 5-20-5. Class B restaurant license.** Repealed.
- 5-20-6. Class C tavern license.** Repealed.
- 5-20-7. Class D private facility license.** Repealed.
- 5-20-8. Class E public facility license.** Repealed.
- 5-20-9. Class F brewery license.** Repealed.
- 5-20-10. Combination B and C license.** Repealed.
- 5-20-11. Special event permit.**
- 5-20-12. Liquor license - General requirements.** Repealed.
- 5-20-13. Application for license - General requirements.** Repealed.
- 5-20-14. Referral to police department.** Repealed.
- 5-20-15. Grounds for denial.** Repealed.
- 5-20-16. Approval or denial of license - Appeals.** Repealed.
- 5-20-17. License renewals.** Repealed.
- 5-20-18. Transfer of license.** Repealed.
- 5-20-19. License fees.** Repealed.
- 5-20-20. Health Department.**
- 5-20-21. Class C tavern restriction.**
- 5-20-22. Expiration of license.** Repealed.
- 5-20-23. Display of licenses.** Repealed.
- 5-20-24. Inspection of business premises by police department.**
- 5-20-25. License suspension - Appeals.** Repealed.
- 5-20-26. License revocation - Appeals.** Repealed.
- 5-20-27. Unlawful to sell beer or liquor without license.** Repealed.
- 5-20-27a. Unlawful to sell beer or liquor to minors.** Repealed.
- 5-20-27b. Unlawful for minor to sell beer or liquor.** Repealed.
- 5-20-27c. Unlawful to fail to notify law enforcement of criminal activity.** Repealed.
- 5-20-28. Unlawful to allow consumption of liquor without license.** Repealed.
- 5-20-29. Unlawful to consume liquor at unlicensed establishment.** Repealed.
- 5-20-30. Unlawful to store liquor.** Repealed.
- 5-20-31. Minimum light and open view required in licensed premises.** Repealed.
- 5-20-32. Presence of minors in certain establishments prohibited.** Repealed.
- 5-20-33. Unlawful to permit minors in a class C establishment.** Repealed.
- 5-20-34. Presence of minors in lounge or bar areas.** Repealed.
- 5-20-35. Unlawful to permit intoxicated person on licensed premises.**
- Repealed.
- 5-20-36. Sale or disposition of beer between certain hours unlawful.** Repealed.
- 5-20-37. Sanctions.** Repealed.
- 5-20-38. Regulation of kegs and other large containers.** Repealed.
- 5-20-1. Definitions.**
- The words and phrases used in this Chapter shall have the meanings given them by Utah Code §32B-1-102, as amended.
(Ord. 2017-16, 05-17-2017) (Ord. 2002-05, 04-03-2002)
(Ord. 1985-01, 02-26-1985)
- 5-20-2. Unlawful to engage in alcohol sales without a license.**
- It shall be unlawful for any person to engage in the business of the sale of beer, wine, liquor, or other regulated alcoholic beverage in Tooele City without first having procured a business license from Tooele City under Chapter 5-1, and a license from the State of Utah under UCA Title 32B, as applicable, for each place of sale.
(Ord. 2005-09, 05-18-2005) (Ord. 2002-05, 04-03-2002)
(Ord. 1985-01, 02-26-1985)
- 5-20-3. Beer licenses classified.** (Repealed)
(Ord. 2017-16, 05-17-2017) (Ord. 2002-05, 04-03-2002)
(Ord. 1985-01, 02-26-1985)
- 5-20-4. Class A retailer license.** (Repealed)
(Ord. 2017-16, 05-17-2017) (Ord. 2002-05, 04-03-2002)
(Ord. 1985-01, 02-26-1985)
- 5-20-5. Class B restaurant license.** (Repealed)
(Ord. 2019-26, 11-20-2019) (Ord. 2017-16, 05-17-2017)
(Ord. 2002-05, 04-03-2002) (Ord. 1985-01, 02-26-1985)
- 5-20-6. Class C tavern license.** (Repealed)
(Ord. 2017-16, 05-17-2017) (Ord. 2002-05, 04-03-2002)
(Ord. 85-01, 02-26-1985)
- 5-20-7. Class D private facility license.** (Repealed)
(Ord. 2017-16, 05-17-2017) (Ord. 2002-05, 04-03-2002)
(Ord. 1985-01, 02-26-1985)
- 5-20-8. Class E public facility license.** (Repealed)
(Ord. 2017-16, 05-17-2017) (Ord. 2002-05, 04-03-2002)
(Ord. 1985-01, 02-26-1985)
- 5-20-9. Class F brew pub license.** (Repealed)
(Ord. 2017-16, 05-17-2017) (Ord. 2002-05, 04-03-2002)
- 5-20-10. Combination B and C license.** (Repealed)
(Ord. 2002-05, 04-03-2002)

5-20-11. Special Event permit.

A person or entity obtaining a Tooele City special event permit shall be required to obtain a Tooele City business license only as required by Chapter 8-16.(Ord. 2017-16, 05-17-2017) (Ord. 2002-05, 04-03-2002) (Ord. 1985-01, 02-26-1985)

5-20-12. Liquor license. (Repealed)

(Ord. 2017-16, 05-17-2017) (Ord. 2002-05, 04-03-2002) (Ord. 1985-01, 02-26-1985)

5-20-13. Application for license; general requirements. (Repealed)

(Ord. 2019-26, 11-20-2019) (Ord. 2017-16, 05-17-2017) (Ord. 2002-05, 04-03-2002) (Ord. 1999-02, 01-20-1999) (Ord. 1985-01, 02-26-1985)

5-20-14. Referral to police department. (Repealed)

(Ord. 2019-26, 11-20-2019) (Ord. 2005-09, 05-18-2005) (Ord. 2002-05, 04-03-2002) (Ord. 1999-02, 01-20-1999)

5-20-15. Grounds for denial. (Repealed)

(Ord. 2019-26, 11-20-2019) (Ord. 2017-16, 05-17-2017) (Ord. 2002-05, 04-03-2002)

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

(Ord. 2019-26, 11-20-2019) (Ord. 2017-16, 05-17-2017) (Ord. 2005-09, 05-18-2005) (Ord. 2002-05, 04-03-2002)

5-20-17. License renewals. (Repealed)

(Ord. 2019-26, 11-20-2019) (Ord. 2002-05, 04-03-2002) (Ord. 1985-01, 02-26-1985)

5-20-18. Transfer of license. (Repealed)

(Ord. 2002-05, 04-03-2002) (Ord. 1985-01, 02-26-1985)

5-20-19. License fees. (Repealed)

(Ord. 2002-05, 04-03-2002) (Ord. 1987-24, 01-02-1988) (Ord. 1985-01, 02-26-1985)

5-20-20. Health Department.

A person or entity licensed under this Chapter shall comply with all applicable Health Department regulations. (Ord. 2019-26, 11-20-2019) (Ord. 2002-05, 04-03-2002) (Ord. 1999-02, 01-20-1999)

5-20-21. Class C tavern restriction.

(1) A Class C tavern is an establishment that sells beer on draft or in the original containers for consumption on or off the establishment premises.

(2) There shall be no more than 2 establishments licensed with a Class C tavern license on any lineal block in Tooele City. A lineal block is illustrated in Figure 5-20-21.

(Ord. 2017-16, 05-17-2017) (Ord. 2002-05, 04-03-2002) (Ord. 1985-01, 02-26-1985)

[Insert Figure 5-20-21.]

5-20-22. Expiration of license. (Repealed)

(Ord. 2017-16, 05-17-2017) (Ord. 2002-05, 04-03-2002) (Ord. 1985-01, 02-26-1985)

5-20-23. Display of licenses. (Repealed)

(Ord. 2002-05, 04-03-2002) (Ord. 1985-01, 02-26-1985)

5-20-24. Inspection of business premises by police department.

As an express condition of City business license approval, each licensee under this Chapter agrees that the Police Department shall be permitted to have access to all establishments licensed pursuant to this Chapter, during the establishment’s advertized or otherwise commonly understood hours of operation.

(Ord. 2019-26, 11-20-2019) (Ord. 2002-05, 04-03-2002) (Ord. 1985-01, 02-26-1985)

5-20-25. License Suspension. (Repealed)

(Ord. 2019-26, 11-20-2019) (Ord. 2005-09, 05-18-2005) (Ord. 2002-05, 04-03-2002)

5-20-26. License Revocation. (Repealed)

(Ord. 2019-26, 11-20-2019) (Ord. 2017-16, 05-17-2017) (Ord. 2005-09, 05-18-2005) (Ord. 2002-05, 04-03-2002) (Ord. 1985-01, 02-26-1985)

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

(Ord. 2002-05, 04-03-2002) (Ord. 1985-01, 02-26-1985)

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

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

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

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

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

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

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

(Ord. 2005-09, 05-18-2005) (Ord. 2002-05, 04-03-2002) (Ord. 1985-01, 02-26-1985)

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

(Ord. 2002-05, 04-03-2002) (Ord. 1985-01, 02-26-1985)

5-20-30. Unlawful to store liquor. (Repealed)

(Ord. 2002-05, 04-03-2002) (Ord. 1985-01, 02-26-1985)

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

licensed premises. (Repealed)
(Ord. 2017-16, 05-17-2017) (Ord. 2002-05, 04-03-2002)
(Ord. 1985-01, 02-26-1985)

5-20-32. Presence of minors in certain establishments prohibited. (Repealed)
(Ord. 2017-16, 05-17-2017) (Ord. 2002-05, 04-03-2002)
(Ord. 1985-01, 02-26-1985)

5-20-33. Unlawful to permit minors in a Class C establishment. (Repealed)
(Ord. 2017-16, 05-17-2017) (Ord. 2002-05, 04-03-2002)
(Ord. 1985-01, 02-26-1985)

5-20-34. Presence of minors in lounge or bar areas unlawful. (Repealed)
(Ord. 2017-16, 05-17-2017) (Ord. 2002-05, 04-03-2002)
(Ord. 1985-01, 02-26-1985)

5-20-35. Unlawful to permit intoxicated person on licensed premises. (Repealed)
(Ord. 2002-05, 04-03-2002) (Ord. 1985-01, 02-26-1985)

5-20-36. Sale or disposition of beer between certain hours unlawful. (Repealed)
(Ord. 2017-16, 05-17-2017) (Ord. 2002-05, 04-03-2002)
(Ord. 1985-01, 02-26-1985)

5-20-37. Sanctions. (Repealed)
(Ord. 2019-26, 11-20-2019) (Ord. 2017-16, 05-17-2017)
(Ord. 2005-09, 05-18-2005) (Ord. 2002-05, 04-03-2002)

5-20-38. Regulation of kegs and other large containers. (Repealed)
(Ord. 2017-16, 05-17-2017) (Ord. 2002-05, 04-03-2002)

Exhibit D

TCC Chapter 5-1
(Proposed – redline)

TITLE 5. BUSINESS REGULATION TITLE OF TOOELE CITY

- Chapter 1. General Provisions.
- Chapter 2. Auctions and Auctioneers.
- Chapter 3. Closing Sale.
- Chapter 4. Christmas Tree Sales.
- Chapter 5. Repealed. (Ord. 2012-31, 12-05-2012).
- Chapter 6. Home Occupations.
- Chapter 7. Repealed. (Ord. 2007-17, 06-20-2007).
- Chapter 7a. Agricultural Vendors; Itenerant or Transient Merchants; Solicitors.
- Chapter 8. Repealed. (Ord. 2012-28, 12-05-2012).
- Chapter 9. Repealed. (Ord. 2012-29, 12-05-2012).
- Chapter 10. Repealed.
- Chapter 11. Private Police or Detective.
- Chapter 12. Repealed. (Ord. 2012-30, 12-05-2012).
- Chapter 13. Repealed. (Ord. 94-04, 02-15-1994).
- Chapter 14. Repealed. (Ord. 94-04, 02-15-1994).
- Chapter 15. Secondhand and Junk Dealers.
- Chapter 16. Park Concessions.
- Chapter 17. Uniform Local Sales and Use Tax Ordinance.
- Chapter 18. Utility License Tax.
- Chapter 18a. Municipal Energy and Use Tax.
- Chapter 18b. Repealed. (Ord. 2004-08, 06-16-2004).
- Chapter 18c. Telecommunication Service Providers Tax.
- Chapter 19. Franchise to Mountain States Telephone and Telegraph Company.
- Chapter 20. Beer Licenses.
- Chapter 21. Towing Companies.
- Chapter 22. Ice Cream Trucks.
- Chapter 23. Sexually Oriented Businesses.
- Chapter 24. Telecommunications Rights-of-Way.
- Chapter 25. Transient Room Tax.
- Chapter 26. Mobile Food Businesses.
- Chapter 27. Wireless Communication Services.

CHAPTER 1. GENERAL PROVISIONS

- 5-1-1. Purpose.
- 5-1-2. Definitions.
- 5-1-3. Unlawful to operate without license. Repealed.
- 5-1-4. Responsibility for obtaining license.
- 5-1-5. Separate license required for each branch.
- 5-1-6. Duty to display license.
- 5-1-7. Exemptions.
- 5-1-8. Inspections for City code compliance - Notice of noncompliance - License revocation - Complaints.

- 5-1-9. Preparation, issuance, and listing of licenses.
- 5-1-10. License fees.
- 5-1-11. License additional to all regulatory licenses.
- 5-1-12. Revenue Tax on business in competition with public utilities. Repealed.
- 5-1-13. Revenue Measure. Repealed.
- 5-1-14. Fee payments and prorations.
- 5-1-15. Renewal billing procedure.
- 5-1-16. Fee Adjustment to avoid burdening interstate commerce. Repealed.
- 5-1-17. Exemption of insurance companies. Repealed.
- 5-1-18. Time periods.
- 5-1-19. Mistakes in fee calculations.
- 5-1-20. Deviations prohibited.
- 5-1-21. Fee for duplicate license.
- 5-1-22. Refunds.
- 5-1-23. License transfers.
- 5-1-24. Applications for special licenses.
- 5-1-25. Particular occupations. Repealed.
- 5-1-26. Bonding. Repealed.
- 5-1-27. Designation of agent for service of process. Repealed.
- 5-1-28. Revocation.
- 5-1-29. Appeal of preliminary revocation determination.
- 5-1-30. Doing business after license denied or revoked. Repealed.
- 5-1-31. Licensing after denial or revocation. Repealed.
- 5-1-32. Powers and duties of police.
- 5-1-33. Violations and penalties.
- 5-1-34. Effect of conviction - Prosecution not barred.
- 5-1-35. Separability clause.

5-1-1. Purpose.

Pursuant to powers granted by the State of Utah as set forth in various provisions of the Utah Code Annotated, 1953, as amended, the City of Tooele, Utah, intends by this Title (1) to regulate and license businesses and occupations within its corporate limits, (2) to protect the safety and welfare of business patrons, owners, and employees, and (3) to maintain a current index of licensed businesses and occupations for economic development and other public purposes. (Ord. 2009-16, 03-17-2010) (Ord. 1998-09, 05-06-1998) (Ord. 1983-22, 12-07-1983)

5-1-2. Definitions.

For the purposes of this Title, the following words

shall be paid for each such transfer. There shall be no transfers of licenses from one person to another or from one business to another.
(Ord. 2019-26, 11-20-2019) (Ord. 2009-16, 03-17-2010) (Ord. 1983-22, 12-07-1983)

5-1-24. Applications for special licenses.

(1) Applications shall be required and special licenses issued pursuant to the provisions of other articles of this Title for the following activities or occupations, among others:

- (a) Activities:
 - (i) ~~Sale of beer;~~
 - (ii) ~~Operation of a public dance;~~
 - (iii) Operation of an auction house;
 - (iv) ~~Operation of amusement devices;~~
 - (v) Sale of Christmas trees.
- (b) Occupations:
 - (i) Auctioneer;
 - (ii) Itinerant or transient merchant;
 - (iii) ~~Pawnbroker;~~
 - (iv) ~~Private police or detective;~~
 - (v) ~~Garbage collector;~~
 - (vi) Home occupations as defined by section 7-2-19, Tooele City Code;
 - (vii) Agricultural vendor;
 - (viii) Solicitor.

(2) For the activities and occupations listed defined in subsection (1)(a) above, a special license shall be issued in conjunction with the a regular Tooele City business license to engage in business. Where a person is engaged in the activities and occupations listed in subsection (1) above, and presents a general business license issued by another jurisdiction, the person shall nonetheless apply for a special Tooele City business license to engage in business for those activities and occupations of the kind required by this Title will also be required in addition to the respective above special licenses.

(Ord. 2009-16, 03-17-2010) (Ord. 1987-24, 01-02-1988) (Ord. 1983-22, 12-07-1983)

5-1-25. Particular occupations. Repealed.
(Ord. 2009-16, 03-17-2010)

5-1-26. Bonding. Repealed.
(Ord. 2009-16, 03-17-2010)

5-1-27. Designation of agent for service of process.

(1) Each licensed business shall be registered with the State of Utah Department of Commerce, Division of Corporations, or successor division.

(2) The owner listed on the business license application shall be considered the agent for service of process or notice given pursuant to this Chapter.
(Ord. 2013-07, 04-17-2013) (Ord. 2009-16, 03-17-2010) (Ord. 1983-22, 12-07-1983)

5-1-28. Revocation.

(1) The issuance of a license under this Title 5 grants a revocable property interest and privilege to engage in business. The licensee agrees, as a condition of license issuance, to operate the licensed business or activity in conformity with the ordinances of the City and all other applicable laws.

(2) Any license issued pursuant to the provisions of this Title may be revoked for one year by the Director for any of the following reasons:

- (a) the violation by the licensee of any provisions in this Title;
- (b) failure to pay when due any license fee, tax, charge, or penalty provided for in State statute or City ordinance;
- (c) falsification of the license application or supporting documentation provided with the license application;
- (d) any fraud or misrepresentation of a material fact in the procurement of the license;
- (e) noncompliance with building, fire, or health codes;
- (f) any conduct at the licensed premises tending to render the licensed premises, business, or activity a private or public nuisance as defined in this Code, or a menace to the health, peace, or general welfare of the City or its inhabitants;
- (g) using or possessing for use a false weight or measure or any other device for falsely determining or recording any quantity or quality;
- (h) selling, or offering or exposing for sale, commodities that vary from the standard of composition or quality prescribed by any statute that provides criminal penalties for:
 - (i) deviation from standards set by any statute;
 - (ii) deviation from standards set by established commercial usage; or,
 - (iii) deviation from legal requirements for truthfulness or disclosure in labeling as required by any statute;
- (i) activities, under the guise of conducting a business, that are fraudulent, deceptive, or constituting a violation of City ordinance or other law;
- (j) failure of the licensee to retain the legal qualifications necessary for the license;
- (k) violation of the zoning ordinances governing the licensed business or activity, including parking ordinance requirements;
- (l) conviction of a felony or any crime of moral turpitude on or related to the licensed business or activity after the issuance of a license;
- (m) refusal to allow City officers or employees to make inspection of the licensed premises during the hours of 8 a.m. to 5 p.m. Monday through Friday;
- (n) selling, or offering or exposing for sale, to minors any harmful material, sexually oriented material,

or sexual paraphernalia, as defined in Section 11-1-10 of this Code;

(o) violation of any of the terms or conditions of a conditional use permit; and,

(p) any violation of City ordinance or other law relating to the licensed business or activity.

(3) An action or omission constituting grounds for revocation under this Section by an agent, employee, officer, operator, owner, or patron of the licensee or the licensed business or activity shall constitute the action or omission of the licensee.

(4) Notification of the Director's preliminary determination to revoke a business license shall be mailed by the Department by certified U.S. mail to the licensed business at the mailing address identified on the business license application.

(5) Notification of business license revocation shall be mailed by the Department by certified U.S. mail to the licensed business:

(a) if no timely appeal of the preliminary revocation determination was filed, at the mailing address identified on the business license application; or,

(b) if a timely appeal of the preliminary revocation determination was filed, and the determination was sustained by the Administrative Hearing Officer, at the address identified on the appeal. (Ord. 2019-26, 11-20-2019) (Ord. 2014-01, 01-15-2014) (Ord. 2013-07, 04-17-2013) (Ord. 2012-13, 04-18-2012) (Ord. 2009-16, 03-17-2010) (Ord. 1987-24, 01-02-1988) (Ord. 1983-22, 12-07-1983)

5-1-29. Appeal of preliminary revocation determination.

Appeals of actions taken or decisions made under this Chapter shall be to the Administrative Hearing Officer.

(Ord. 2014-01, 01-15-2014) (Ord. 2013-07, 04-17-2013) (Ord. 2009-16, 03-17-2010) (Ord. 1983-22, 12-07-1983)

5-1-30. Doing business after license denied or revoked.

Repealed.
(Ord. 2009-16, 03-17-2010)

5-1-31. Licensing after denial or revocation.

Repealed.
(Ord. 2009-16, 03-17-2010)

5-1-32. Powers and duties of police.

The business license specialist and ~~A~~all police officers of the City are hereby appointed inspectors of licenses and, in addition to their several duties ~~as police officers~~, are authorized empowered and required in the performance of their duties to examine all business places to see that such licenses are ~~in fact~~ valid and that they are posted in a conspicuous place within the place

of business or otherwise displayed as required. The business license specialist and all ~~P~~police officers shall have authority and exercise the power:

~~(1) T~~to enter, free of charge, during a business' regular business hours, any place of business for which a license is required, and to demand the exhibition of a current license by any person engaged or employed in the conduct of such business. All police officers shall have authority

~~(2) T~~to issue citations and make arrests for the violation of any provisions of this Title. (Ord. 2009-16, 03-17-2010) (Ord. 1983-22, 12-07-1983)

5-1-33. Violations and penalties.

(1) It shall be a violation of this Chapter for any person to do any of the following within the City:

(a) engage in business without first procuring a license;

(b) engage in business when a license for the business has been revoked, and the revocation appeal period has expired or an appeal has resulted in the revocation being affirmed;

(c) engage in business when a license has become inactive through the non-payment of applicable license fees and accrued penalties; and,

(d) fail to display the license at the licensed place of business, or, if there is no fixed place of business, fail to carry the license while engaging in business.

(2) Any person violating any of the provisions of this Title shall be guilty of a class B misdemeanor and shall, upon conviction therefor, be punished by a fine in a sum not to exceed one thousand dollars (\$1,000.00) or by imprisonment for not more than ninety (90) days or by both such fine and imprisonment.

(Ord. 2009-16, 03-17-2010) (Ord. 1998-09, 05-06-1998) (Ord. 1983-22, 12-07-1983)

5-1-34. Effect of conviction - Prosecution not barred.

The conviction and punishment of any person for engaging in business without a license shall not excuse or exempt such person from the payment of any license fees due or unpaid at the time of such conviction; and nothing herein shall prevent a criminal prosecution for any violation of the provisions of this Title.

(Ord. 2009-16, 03-17-2010) (Ord. 1983-22, 12-07-1983)

5-1-35. Separability clause.

If any subsection, sentence, clause, phrase or portion of this Title, including but not limited to any exemption, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Title. The City

Exhibit E

TCC Chapter 5-8 (1967)

CHAPTER 8
LIQUOR

SECTION:

- 5-8- 1: License to Sell Light Beer at Retail
- 5-8- 2: Definitions
- 5-8- 3: Purchase of Beer for Resale
- 5-8- 4: License Expiration Date
- 5-8- 5: Application for License
- 5-8- 6: Applications to be Referred to Police Chief
- 5-8- 7: Licenses Not Transferable
- 5-8- 8: Application and Fee
- 5-8- 9: Public Dance
- 5-8-10: Sale to Minors Prohibited
- 5-8-11: Minors
- 5-8-12: Time Beer May Not Be Sold
- 5-8-13: Advertising
- 5-8-14: Nuisance
- 5-8-15: Inspection of Premises
- 5-8-16: Employees
- 5-8-17: Condition of Premises
- 5-8-18: Refusal and Revocation of License
- 5-8-19: Sale of Alcoholic Beverages
- 5-8-20: Liquors in Public Places
- 5-8-21: Revocation of Licenses

5-8-1: LICENSE TO SELL LIGHT BEER AT RETAIL: It shall be unlawful for any person to engage in the business of the sale of light beer at retail in bottles or draft without first having procured a license therefor as hereinafter provided. A separate license shall be required for each place of sale and the license shall at all times be conspicuously displayed in the place to which it shall refer or for which it shall be issued. All licenses shall comply with the provisions of the Liquor Control Commission of Utah and the provisions of this Code. (32-4-17) 53

5-8-2: DEFINITIONS: The words and phrases used in this Chapter shall have the meanings specified in the State Liquor Control Act unless a different meaning is clearly evident.

Nuisances: Any room, house, building, structure or other place or licensed premises where:

- (A) Alcoholic beverages are manufactured, sold, kept, bartered, stored, given away or used, or where persons resort for drinking alcoholic beverages contrary to the Liquor Control Act of the State of Utah or this Code, or where
- (B) Beer is sold, dispensed, or consumed between the hours of one o'clock (1:00) A.M. and seven o'clock (7:00) A.M., or where
- (C) Minors are permitted to purchase or drink beer or to loiter about or are employed thereon, or where
- (D) Laws or the provisions of this Code are violated by licensees, agents, or patrons with the consent or knowledge of licensees upon such premises which tend to affect the public health, peace or morals are hereby declared to be nuisances. (32-4-1) 53

5-8-3: PURCHASE OF BEER FOR RESALE: It shall be unlawful for any licensee to purchase or acquire or to have or possess for the purpose of sale or distribution any beer except that which he shall have lawfully purchased from a brewer or wholesaler licensed under the provisions of the Liquor Control Act.

5-8-4: LICENSE EXPIRATION DATE: All licenses shall expire on the 30th day of June of each year unless sooner cancelled and the fees for such licenses when applied for and issued on or after October 1st but prior to January 1st shall be three fourths (3/4) the annual fee; on or after January 1st but prior to April 1st shall be one fourth (1/4) of the annual fee; provided seasonal licenses may be issued for any number of days as may be determined by the Council.

5-8-5: APPLICATION FOR LICENSE: All applications for license, authorized by this Chapter shall be verified and shall be filed with the Recorder and such applications must state the applicant's name in full and that he has complied with the requirements and possesses the qualifications specified in the Liquor Control Act and this Code and if the applicant is a co-partnership the names and addresses of all the partners must be stated and if a corporation, the names and addresses of all its officers and directors must be stated. All applications by individuals must be subscribed by them who must state under oath that the facts stated therein are true. Applications by co-partnerships must be subscribed and sworn to the effect above stated by all of the members thereof, and applications by a corporation must be subscribed and sworn to the effect above stated by the president or vice-president and the secretary thereof.

In addition to the foregoing, the application shall contain a certificate of at least five (5) resident free-holders of the voting district in which the license is to be effective to the effect that each of the persons aforesaid personally knows the applicant and that in his opinion the applicant is a fit and proper person to be granted a license. In case of a copartnership, the foregoing certificate shall be made to cover each of the members and in case of a corporation to cover all of the officers and directors. No application shall be accepted or filed by the Recorder unless the statements therein and the certificate when required substantially conforms to the foregoing provisions. Applicants must furnish such other information as the Mayor or Council may require.

5-8-6: **APPLICATIONS TO BE REFERRED TO POLICE CHIEF:** The application for such license together with such information and certificate as is required by the Council to be attached thereto shall be referred to the Police Chief for inspection and report. The said Police Chief shall within five (5) days after receiving such application make a report to the Council relative to the granting of such license and he shall add thereto his recommendation as to the granting or denying of said application. Upon receipt of the said report, the Council shall act upon the application as it shall deem fair, just and proper in regard to granting or denying the same.

5-8-7: **LICENSES NOT TRANSFERABLE:** Licenses issued under this Chapter shall not be transferable and upon revocation thereof by the Council the fee paid shall be forfeited to the City.

5-8-8: **APPLICATION AND FEE:** Applications provided for in this Chapter shall be accompanied by the fees hereinafter provided by resolution of the Council, which fee shall be deposited in the City Treasury if the license is granted and returned to the applicant if denied.

5-8-9: **PUBLIC DANCE:** No person shall sell beer at any public dance or to any person intoxicated or under, or apparently under the influence of any intoxicating beverage. No license shall be granted to sell beer in any theater; or in the proximity of any church or school and the Council shall determine in each case what shall constitute proximity.

5-8-10: **SALE TO MINORS PROHIBITED:** It shall be unlawful to give, sell, or otherwise supply beer or intoxicating liquor to any person under the age of twenty-one (21) years.

5-8-11: **MINORS:** It shall be unlawful for any person under the age of twenty-one (21) years to purchase, accept or have in his or her possession any alcoholic beverage, including beer or intoxicating liquor; provided, however, that this Section shall not apply to the acceptance of alcoholic beverages by such person for medicinal purposes supplied only by the parent or guardian of such person or to the administering of such alcoholic beverages by a physician in accordance with the law; provided,

further, that the provisions of this Section prohibiting possession of beer shall not apply to persons under twenty one (21) years of age who are bona fide employees of a business duly licensed to sell beer for consumption off the premises while in the discharge of their employment therein or thereabouts. (Ord. 65-4; 1965)

5-8-12: **TIME BEER MAY NOT BE SOLD:** It shall be unlawful to permit beer to be consumed on any licensed premises between the hours of one o'clock (1:00) A.M. and seven o'clock (7:00) A.M.

5-8-13: **ADVERTISING:** It shall be unlawful to advertise the sale of beer except under such regulation as is made by the Liquor Control Commission of Utah; and provided that a simple designation of the fact that beer is sold under City license may be placed in or upon the window or front of the licensed premises.

5-8-14: **NUISANCE:** It shall be unlawful for any premises to violate terms of the license issued and it shall be unlawful to keep or maintain a nuisance as it is defined by this Chapter.

5-8-15: **INSPECTION OF PREMISES:** All licensed premises shall be subject to inspection by any Police Officer or by the Mayor or any member of the Council or any officer or agent of the Liquor Control Commission or of the State or City Health Department and every licensee shall at the request of the Board of Health furnish to it samples of beer which said licensee shall have for sale.

5-8-16: **EMPLOYEES:** No licensee hereunder shall knowingly employ in connection with his business in any capacity whatsoever any person who has been convicted of a felony or who since January 2, 1934, has been found guilty of the violation of any law of the State of Utah or of any ordinance of the City relating to the traffic of intoxicating liquor or beer.

5-8-17: **CONDITION OF PREMISES:** Licensed premises shall be kept brightly illuminated at all times that it is occupied or open for business and no booth, blind or stall shall be maintained unless all tables, chairs and occupants, if any, therein are kept open to full view from the main floor of such licensed premises.

5-8-18: REFUSAL AND REVOCATION OF LICENSE: The Council may with or without a hearing at its discretion, when in their opinion it is necessary for the protection of public peace or morals, refuse to grant any license applied for and may revoke any license at any time and in no such case need any cause be stated. No license shall be issued and any license issued shall be revoked if the applicant or licensee shall not possess or shall cease to possess all the qualifications required by the Liquor Control Commission and by the provisions of this Code or State Statutes, or rules, regulations and orders of the Board of Health relating to health matters.

5-8-19: SALE OF ALCOHOLIC BEVERAGES: Except as provided in the Liquor Control Act of the State of Utah, it shall be unlawful for any person, by himself, his clerk, employee or agent to manufacture, to expose, or keep for sale, or directly or indirectly or upon any pretense, or upon any device, to sell or offer to sell any alcohol or alcoholic beverage.

5-8-20: LIQUORS IN PUBLIC PLACES: It shall be unlawful for any person to in any alley or street, public place, store, restaurant, hotel lobby or parlor, or in or upon any passenger coach, or upon any other vehicle commonly used for the transportation of passengers, or in or about any depot, platform, waiting station, or room, or at any public gathering, drink any intoxicating liquors of any kind, or to be drunk or intoxicated, upon the streets or public places.

5-8-21: REVOCATION OF LICENSES: If any keeper of a hotel, boarding house, pool room, billiard room, bowling alley, store, drug store or other place requiring any license or any employee within his knowledge, consent, connivance or acquiescence, shall keep, store, dispense or use, contrary to the provisions of this Chapter, any liquors, in addition to the penalties prescribed for the violations of this Chapter, the license of such place shall be revoked for one year for the first offense, and for the second offense no such license shall be granted at the same place or to the person convicted for a period of two (2) years; provided, that where the place is run under a lease by a person or persons other than the true owner of the building, nothing shall operate to prohibit the issuance of a license to a new lessee who was not in any way connected as an employee or otherwise with the former business conducted therein at the time of the revocation of the license.



February 17, 2023

Tooele City
Office of Mayor
90 North Main Street
Tooele, Utah 84074

RE: *Request to buy Tooele City Water Certificates for:
Microtel Moda Hotel (located on a two-acre plot; south of the building located at 2318 North
470 East. Please see attached hotel schematic and additional information.*

Dear Mayor Winn:

Our company World Links Groups, is currently working with your Planning and Zoning department to secure a building permit to build the first Microtel Moda hotel of its kind in Utah.

As we discussed, this hotel commercial project will be one of many development projects we intend to build in Tooele City. We would like to collaborate with you, the city council, and key citizens groups to enhance growth for the commercial retail, residential (multifamily) and mixed-use development possibilities and create unique pockets for people to live, work, shop and socialize.

I am aware of the Tooele water shortage problems you are currently experiencing. Our design team has focused on water-conservation as a top-priority operational challenge for our hotel project will be installing the latest high-tech water fixtures, hardware and IT software programming designed to lower all types of water usage. Including a hot water “on demand” system, eco-friendly toilets (dual flush), shower heads and sink heads. The landscaping will be designed for “water saving xeriscape/drought tolerant” plants. No sodded grass involved.

It also has come to my attention, that on September 21, 2022, John Potter (Applicant) asked for AND was granted water certificates for 20-acre feet of water at \$15,000 per acre ft.; of which 10-acre ft. would be used for a comparable size hotel to that of ours.

Given our steadfast commitment to reducing water usage in our hotel, WLG is requesting an acquisition of water certificates from Tooele City, of 8-acre ft. of water at \$15,000 per acre ft., via a payment in lieu of conveyance.

Our hotel team will work closely with many public and private-entity officials to create and promote community activities that will attract visitors and new businesses. We hope to create 5 to 15 new jobs, increase the localized real-estate property valuations, sales tax base, and hospitality tax model for Tooele City. Please feel free to contact me directly for questions or additional information you might need.

Respectfully submitted for you review,

Leo Mantas
Owner / General Manager
WLG World Links Group, LLC