

**PUBLIC NOTICE**

Notice is Hereby Given that the Tooele City Council will meet in a Business Meeting on Wednesday, March 15, 2023, at the hour of 7:00 p.m. The meeting will be held at 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". If you are attending electronically and would like to submit a comment for the public comment period or for a public hearing item, please email [cmpubliccomment@tooelecity.org](mailto:cmpubliccomment@tooelecity.org) anytime up until the start of the meeting. Emails will be read at the designated points in the meeting.*

**AGENDA**

1. **Pledge of Allegiance**
2. **Roll Call**
3. **National Vietnam War Veterans Day Proclamation 2023**  
*Presented by Debbie Winn, Mayor*
4. **Mayor's Community Recognition Award**  
*Presented by Debbie Winn, Mayor*
5. **Public Comment Period**
6. **Public Hearing & Motion on Ordinance 2023-11** An Ordinance of Tooele City Reassigning the Land Use Designation for Approximately 0.39 Acres of Property Located at 60 South Main Street From Community Commercial (CC) to Mixed Use (MU)  
*Presented by Jim Bolser, Community Development Director*
7. **Ordinance 2023-08** An Ordinance of Tooele City Amending Tooele City Code Chapter 5-20 Regarding Alcohol Licensing  
*Presented by Roger Baker, City Attorney*
8. **Resolution 2023-19** A Resolution of the Tooele City Council Authorizing Payment of a Fee-in-Lieu of Water Rights Conveyance for Microtel Moda Hotel Project  
*Presented by Jared Stewart, Economic Development Director*
9. **Ordinance 2023-12** An Ordinance of the Tooele City Council Providing for the Distribution of P.A.R. Tax Revenues.  
*Presented by Michelle Pitt, City Recorder*
10. **Invoices & Purchase Orders**  
*Presented by Michelle Pitt, City Recorder*
11. **Minutes**
12. **Adjourn**

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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](mailto:michellep@tooelecity.org), Prior to the Meeting.



# Proclamation

## NATIONAL VIETNAM WAR VETERANS DAY

**WHEREAS**, the United States of America was heavily involved in the two-decade long war that took place in Vietnam from 1955 to 1975; and

**WHEREAS**, millions of American men and women served in various capacities throughout the duration of the war, exhibiting unparalleled courage, patriotism, and devotion to service; and

**WHEREAS**, the commemoration of the Vietnam War pays tribute to the altruism and sacrifice demonstrated by Vietnam War veterans while on duty, as well as the industriousness and innovation they demonstrated upon their return; and

**WHEREAS**, we in Tooele city come together to offer our respects to the incredible veterans who left their homes in this great City and State to serve their fellow countrymen, and furthermore, express, our sincerest gratitude especially to those who reside in Tooele City today; and

**WHEREAS**, on March 29, 1973, the United States Armed Forces completed the withdrawal of combat troops from Vietnam; and

**WHEREAS**, March 29th has been designated as the annual observance of Vietnam War Veterans Day and provides the opportunity to recognize, honor, and thank our Vietnam Veterans;

**NOW, THEREFORE**, I, Debra E. Winn, Mayor of Tooele City, do hereby designate March 29, 2023 as

## VIETNAM WAR VETERANS DAY

**ADOPTED** on this the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ in Tooele City, Utah.

\_\_\_\_\_  
Debra E. Winn  
Tooele City Mayor

## TOOELE CITY CORPORATION

### ORDINANCE 2023 - 11

#### **AN ORDINANCE OF TOOELE CITY REASSIGNING THE LAND USE DESIGNATION FOR APPROXIMATELY 0.39 ACRES OF PROPERTY LOCATED AT 60 SOUTH MAIN STREET FROM COMMUNITY COMMERCIAL (CC) TO MIXED USE (MU).**

WHEREAS, Utah Code §10-9a-401, *et seq.*, requires and provides for the adoption of a “comprehensive, long-range plan” (hereinafter the “General Plan”) by each Utah city and town, which General Plan contemplates and provides direction for (a) “present and future needs of the community” and (b) “growth and development of all or any part of the land within the municipality”; and,

WHEREAS, the Tooele City General Plan includes various elements, including water, sewer, transportation, and land use. The Tooele City Council adopted the Land Use Element of the Tooele City General Plan, after duly-noticed public hearings, by Ordinance 2020-47, on December 16, 2020, by a vote of 5-0; and,

WHEREAS, the Land Use Element (hereinafter the “Land Use Plan”) of the General Plan establishes Tooele City’s general land use policies, which have been adopted by Ordinance 2020-47 as a Tooele City ordinance, and which set forth appropriate Use Designations for land in Tooele City (e.g., residential, commercial, industrial, open space); and,

WHEREAS, the Land Use Plan reflects the findings of Tooele City’s elected officials regarding the appropriate range, placement, and configuration of land uses within the City, which findings are based in part upon the recommendations of land use and planning professionals, Planning Commission recommendations, public comment, and other relevant considerations; and,

WHEREAS, Utah Code §10-9a-501, *et seq.*, provides for the enactment of “land use [i.e., zoning] ordinances and a zoning map” that constitute a portion of the City’s regulations (hereinafter “Zoning”) for land use and development, establishing order and standards under which land may be developed in Tooele City; and,

WHEREAS, a fundamental purpose of the Land Use Plan is to guide and inform the recommendations of the Planning Commission and the decisions of the City Council about the Zoning designations assigned to land within the City (e.g., R1-10 residential, neighborhood commercial (NC), light industrial (LI)); and,

WHEREAS, the City received an Amendment Petition for Land Use Map amendment for .39 acres of property located at 60 South Main Street on February 1, 2023, requesting that the Subject Property be reassigned from the Community Commercial Land Use designation to the Mixed Use Land Use designation (see Amendment Petition and map attached as Exhibit A, and Staff Report attached as Exhibit B); and,

WHEREAS, the Subject Property is owned by Holly Jones and is currently

designated as Community Commercial in the Land Use Element of the General Plan; and,

WHEREAS, the Community Commercial land use designation includes the GC General Commercial and NC Neighborhood Commercial Zoning districts; and,

WHEREAS, the Mixed Use land use designation includes the MU-G Mixed Use General and the MU-B Mixed Broadway zoning districts; and,

WHEREAS, on March 8, 2023, the Planning Commission convened a duly noticed public hearing, accepted written and verbal comment, and voted to forward its recommendation to the City Council (see Planning Commission minutes attached as Exhibit C); and,

WHEREAS, on March 15, 2023, the City Council convened a duly-noticed public hearing:

NOW, THEREFORE, BE IT ORDAINED BY THE TOOELE CITY COUNCIL that:

1. this Ordinance and the Land Use Map amendment proposed therein is in the best interest of the City in that it will create additional opportunities for employment of City residents and provide additional opportunities for housing in the City's downtown area and residential facilities for treatment and housing of the disabled; and,
2. the Land Use map is hereby amended reassigning the Land Use designation to Mixed Use for approximately 0.39 acres of property located at 60 South Main Street, according to the map attached as Exhibit A and staff report attached as Exhibit B.

This Ordinance is necessary for the immediate preservation of the peace, health, safety, or welfare of Tooele City and shall become effective immediately 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 \_\_\_\_\_, 20\_\_.

TOOELE CITY COUNCIL

(For)

(Against)

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ABSTAINING: \_\_\_\_\_

MAYOR OF TOOELE CITY

(Approved)

(Disapproved)

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ATTEST:

\_\_\_\_\_  
Michelle Pitt, City Recorder

S E A L

Approved as to Form: \_\_\_\_\_  
Roger Baker, Tooele City Attorney

## Exhibit A

# Petition and Mapping Pertinent to Zoning Map Amendment

# Zoning, General Plan, & Master Plan Map Amendment Application

Community Development Department  
90 North Main Street, Tooele, UT 84074  
(435) 843-2132 Fax (435) 843-2139  
[www.tooelecity.org](http://www.tooelecity.org)



*Notice:* The applicant must submit copies of the map amendment proposal to be reviewed by the City in accordance with the terms of the Tooele City Code. Once plans for a map amendment proposal are submitted, the plans are subject to compliance reviews by the various city departments and may be returned to the applicant for revision if the plans are found to be inconsistent with the requirements of the City Code and all other applicable City ordinances. All submitted map amendment proposals shall be reviewed in accordance with the Tooele City Code. Submission of a map amendment proposal in no way guarantees placement of the application on any particular agenda of any City reviewing body. It is **strongly** advised that all applications be submitted well in advance of any anticipated deadlines.

Project Information					
Date of Submission: 2/1/2023		Current Map Designation: Community Commercial		Proposed Map Designation: Mixed Use	
Project Name: The Beacon House				Parcel #(s): 02-028-0-0010	
Project Address: 60 South Main St. Tooele, Utah 84074				Acres: 0.39	
Proposed for Amendment: <input checked="" type="checkbox"/> Ordinance <input type="checkbox"/> General Plan <input type="checkbox"/> Master Plan: <u>Land Use Map / Zoning Map</u>					
Brief Project Summary: After the City Council Work Meeting Feb, 1 2023, The Text Amendment Proposal to include Residential Treatment Facilities under Conditional use Permits in the Land Use in the GC area would best be addressed as a spot zoning in the Downtown Area as not to affect the entire GC zoning area. As the comments from the Council and Mayor that the downtown area once had living quarters above the commercial spaces and they would like to see that area with mixed use zoning.					
Property Owner(s): Holly Jones			Applicant(s): Holly Jones		
Address: PO 443			Address: PO 443		
City: Grantsville	State: UT	Zip: 84029	City: Grantsville	State: UT	Zip: 84029
Phone: 435-840-2602			Phone: 435-840-2602		
Contact Person: Holly Jones			Address: PO 443		
Phone: 435-840-2602			City: Grantsville	State: UT	Zip: 84029
Cellular: 435-840-2602	Fax:		Email: hollyjoneshomes@gmail.com		

\*The application you are submitting will become a public record pursuant to the provisions of the Utah State Government Records Access and Management Act (GRAMA). You are asked to furnish the information on this form for the purpose of identification and to expedite the processing of your request. This information will be used only so far as necessary for completing the transaction. If you decide not to supply the requested information, you should be aware that your application may take a longer time or may be impossible to complete. If you are an "at-risk government employee" as defined in *Utah Code Ann.* § 63-2-302.5, please inform the city employee accepting this information. Tooele City does not currently share your private, controlled or protected information with any other person or government entity.

### Note to Applicant:

Zoning and map designations are made by ordinance. Any change of zoning or map designation is an amendment the ordinance establishing that map for which the procedures are established by city and state law. Since the procedures must be followed precisely, the time for amending the map may vary from as little as 2½ months to 6 months or more depending on the size and complexity of the application and the timing.

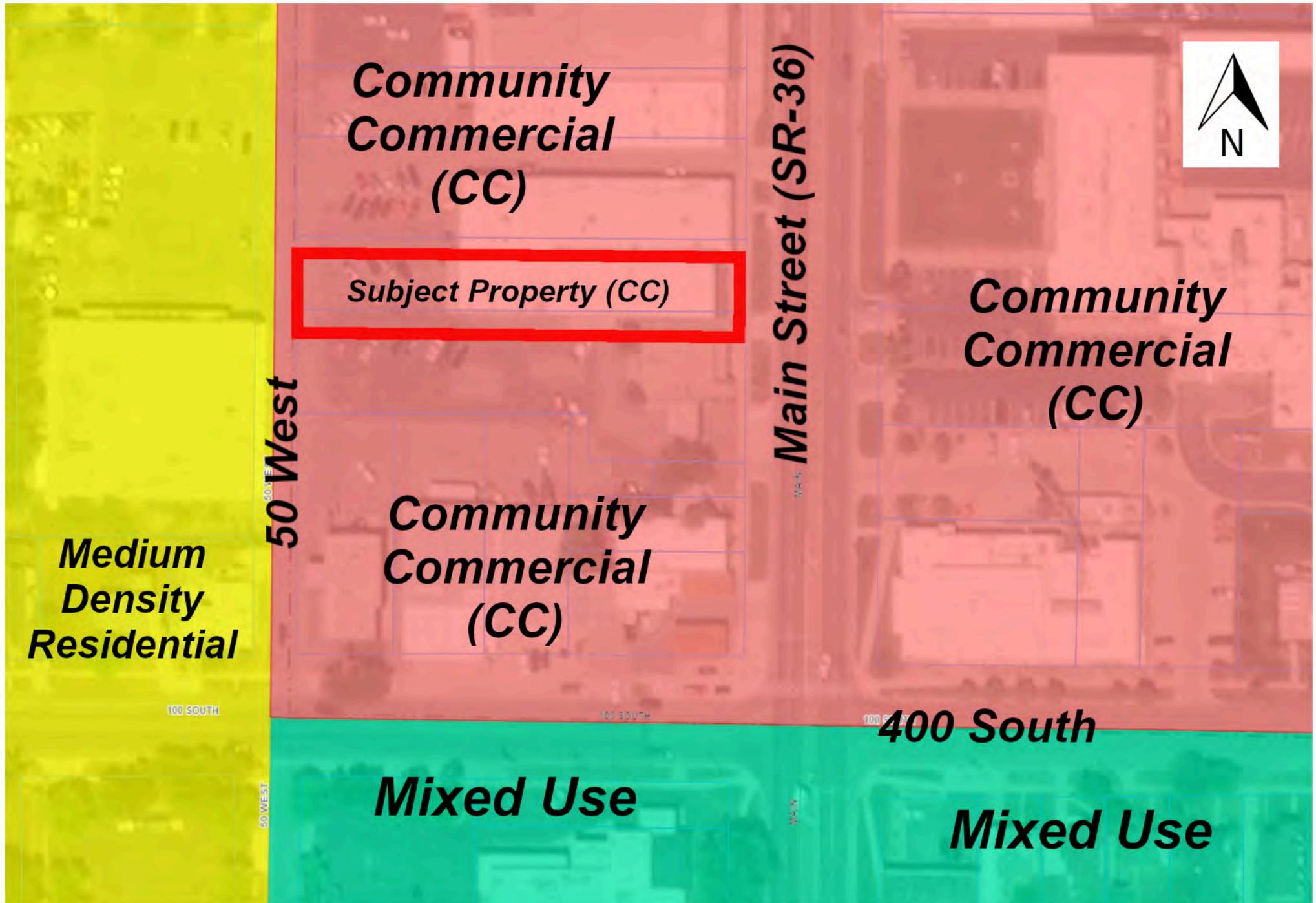
For Office Use Only			
Received By:	Date Received:	Fees:	App. #:

# Beacon House LUMA



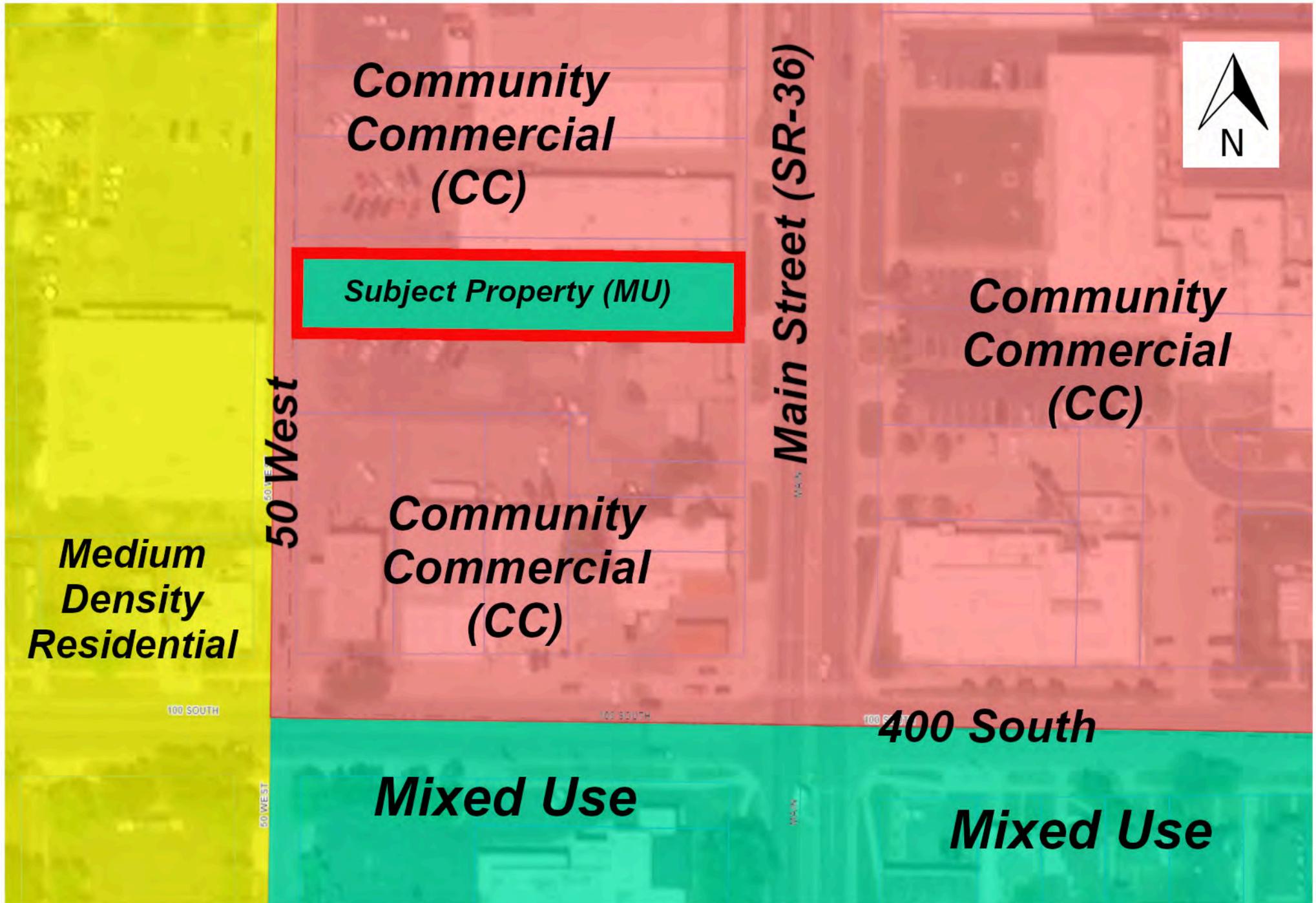
***Aerial View***

# Beacon House LUMA



**Current Land Use**

# Beacon House LUMA



**Proposed Land Use**

Exhibit B

Staff Report

**STAFF REPORT**

February 16, 2023

**To:** Tooele City Planning Commission  
Business Date: March 8, 2023

**From:** Planning Division  
Community Development Department

**Prepared By:** Andrew Aagard, City Planner / Zoning Administrator

**Re: The Beacon House – Land Use Map Amendment Request**

Application No.: P23-57  
Applicant: Holly Jones  
Project Location: 60 South Main Street  
Zoning: GC General Commercial Zone  
Acreage: .39 Acres (Approximately 16,988 ft<sup>2</sup>)  
Request: Request for approval of a Land Use Map Amendment to re-assign the current land use designation from Community Commercial (CC) to the Mixed Use (MU) land use designation.

**BACKGROUND**

This application is a request for approval of a Land Use Map Amendment for approximately .39 acres located at 60 South Main Street. The property is currently zoned GC General Commercial. The applicant is requesting that a Land Use Map Amendment to the Mixed Use (MU) designation be approved to facilitate a change in zoning on the property to the MU-G Mixed Use General zoning district in order to make way for the conversion of the upper floors of the existing building into a Residential Treatment Facility for addiction recovery and other similar types of disabilities.

**ANALYSIS**

*General Plan and Zoning.* The Land Use Map of the General Plan calls for the Community Commercial land use designation for the subject property. The property has been assigned the GC General Commercial zoning classification. The GC General Commercial zoning designation is identified by the General Plan as a preferred zoning classification for the Community Commercial land use designation. It should be noted that the subject property is entirely surrounded by properties currently zoned GC General Commercial and designated Community Commercial on the Land Use Map of the Tooele City General Plan. Mapping pertinent to the subject request can be found in Exhibit “A” to this report.

The Land Use Map is a guiding document indicating the City’s desires as to what type of land uses the City would like to see occur on a given property. By City law any and all changes to the zoning map must be in compliance with the City’s Land Use Map of the Tooele City General Plan. Currently the Land Use Map designates the property as Community Commercial (CC). The CC designation encourages or requires two commercial zones, the GC General Commercial zoning district and the NC Neighborhood Commercial zoning district. The property is currently zoned GC General Commercial and is in compliance with the current Land Use Map designation. The General Commercial zone is just that, commercial, and it is a zone that is oriented to local types of commercial uses such as retail centers, professional office centers, medical offices, food services, personal services and so forth. Residential uses are not permitted in the zoning district except in limited circumstances such as a care taker

apartments attached to a hotel use as well a few others.

The property also currently has an overlay attached to it known as the Downtown Overlay. The Tooele City Downtown Overlay District (DO) is formulated to encourage and provide opportunities for various retail, service and other uses within the existing Main Street “downtown” area of the City. This area is generally characterized and recognized by two story buildings constructed to the front property line. It is the goal of the Downtown Overlay to recognize the existing development pattern of the area and allow for the strengthening of the character, vitality and amenities of the Downtown area through specific downtown site planning and building standards and requirements. The Downtown Overlay District (DO) allows and requires the establishment of uses that work to reinforce the existing Main Street through special standards for building location, parking, uses, signage and other considerations. Please note that the Downtown Overlay does not have any bearing on the uses permitted in the zoning district. Uses are determined by the GC General Commercial zoning district, not by the overlay itself.

The applicant has a structure at the address listed in this report and wishes to operate a health care provider and counseling service on the ground floor. Such uses are permitted in the GC Zoning District. The applicant also wishes to establish a residential treatment facility in the upper floors of the building with the intent of having individuals requiring treatment for various addictions and ailments living in the facility and receiving treatment from qualified providers. Such a use is not currently permissible in the GC General Commercial zone but is permissible in the MU-G Mixed Use General zoning district with a Conditional Use Permit. As the property is currently zoned the applicant cannot operate such a business at the property.

In order to facilitate this use in the building the applicant needs to change the zoning of the property to MU-G Mixed Use General but before the zoning can be considered the land use designation must be changed to Mixed Use (MU). The MU land use designation requires or supports the MU-G Mixed use General zoning district and the MU-B Mixed Use Broadway zoning district.

The differences between the GC zoning district and the MU-G zoning district are stark. The GC zone is oriented almost exclusively to commercial services. The MU-G zoning district does permit a wide variety of commercial uses similar to those permissible in the GC zoning district, though, not all uses permitted in the GC zone are permitted in the MU-G zone. Nearly all commercial uses in the MU-G zone require a Conditional Use Permit where most in the GC zone are permitted uses. The most significant difference between the two zones is the MU-G zone also permits all forms of residential. The MU-G zone permits single-family, two-family and multi-family residential uses where the GC zoning district does not. Therefore, it must be emphasized that if this Land Use Map Amendment is approved and the subsequent Zoning Map Amendment is approved all uses permissible in the MU-G zoning district would now be permissible on the subject property. The applicant is intent on using the building for a residential treatment facility, but, the applicant also has the right to change the plans, sell the property or convert to a different use permissible in the MU-G zone.

The question of spot zoning may come to the Commission’s minds as, if the zoning is ultimately change, the property would be single parcel of Mixed Use surrounded by a sea of Community Commercial. Yes, this is a spot zone. However, spot zoning is not illegal and, contrary to popular belief, spot zoning is a valuable tool that City’s have to limit uses to some areas and permit other uses in other areas that need them or that can benefit from them. Don’t look at the spot zone as a problem but try to see it as a tool in your tool belts for molding certain areas of a City to specific land use types.

*Criteria For Approval.* The criteria for review and potential approval of a Land Use Map Amendment request is found in Section 7-1A-3 of the Tooele City Code. This section depicts the standard of review for such requests as:

- (1) In considering a proposed amendment to the Tooele City General Plan, the applicant shall identify, and the City Staff, Planning Commission, and City Council may consider, the following factors, among others:
  - (a) The effect of the proposed amendment on the character of the surrounding area;
  - (b) Consistency with the General Plan Land Use Map and the goals and policies of the General Plan and its separate elements;
  - (c) Consistency and compatibility with the existing uses of adjacent and nearby properties;
  - (d) Consistency and compatibility with the possible future uses of adjoining and nearby properties as identified by the General Plan;
  - (e) The suitability of the properties for the uses requested viz. a viz. the suitability of the properties for the uses identified by the General Plan; and
  - (f) The overall community benefit of the proposed amendment.

## **REVIEWS**

*Planning Division Review.* The Tooele City Planning Division has completed their review of the Land Use Map Amendment submission and has not issued any comments beyond those already included in the staff report above.

*Engineering and Public Works Review.* The Tooele City Engineering and Public Works Divisions do not typically review Land Use Map amendments and as such have not issued any comments regarding the proposed changes. This is entirely a legislative matter concerning the use of an existing structure.

*Tooele City Fire Department Review.* The Tooele City Fire Department does not typically review Land Use Map amendments and as such has not issued any comments regarding the proposed changes. This is entirely a legislative matter concerning the use of an existing structure.

*Noticing.* The applicant has expressed their desire to amend the Land Use Map designation for the subject property and do so in a manner which is compliant with the City Code. As such, notice has been properly issued in the manner outlined in the City and State Codes.

## **STAFF RECOMMENDATION**

Staff recommends the Planning Commission carefully weigh this request for a Land Use Map Amendment according to the appropriate tenets of the Utah State Code and the Tooele City Code, particularly Section 7-1A-7(1) and render a decision in the best interest of the community with any conditions deemed appropriate and based on specific findings to address the necessary criteria for making such decisions.

Potential topics for findings that the Commission should consider in rendering a decision:

1. The effect of the proposed application on the character of the surrounding area.
2. The degree to which the proposed application is consistent with the intent, goals, and objectives of any applicable master plan.
3. The degree to which the proposed application is consistent with the intent, goals, and objectives of the Tooele City General Plan.
4. The degree to which the proposed application is consistent with the requirements and provisions of the Tooele City Code.
5. The suitability of the properties for the uses proposed.

6. The degree to which the proposed application will or will not be deleterious to the health, safety, and general welfare of the general public or the residents of adjacent properties.
7. The degree to which the proposed application conforms to the general aesthetic and physical development of the area.
8. Whether a change in the uses allowed for the affected properties will unduly affect the uses or proposed uses for adjoining and nearby properties.
9. The overall community benefit of the proposed amendment.
10. Whether or not public services in the area are adequate to support the subject development.
11. Other findings the Commission deems appropriate to base their decision upon for the proposed application.

### **MODEL MOTIONS**

Sample Motion for a Positive Recommendation – “I move we forward a positive recommendation to the City Council for the The Beacon House Land Use Map Amendment request by Holly Jones, to re-assign the Land Use designation of the subject property to Mixed Use, application number P23-57, based on the findings listed in the Staff Report dated February 16, 2023:”

1. List any additional findings and conditions...

Sample Motion for a Negative Recommendation – “I move we forward a negative recommendation to the City Council for the The Beacon House Land Use Map Amendment request by Holly Jones, to re-assign the Land Use designation of the subject property to Mixed Use, application number P23-57, based on the following findings:”

1. List findings...

**EXHIBIT A**

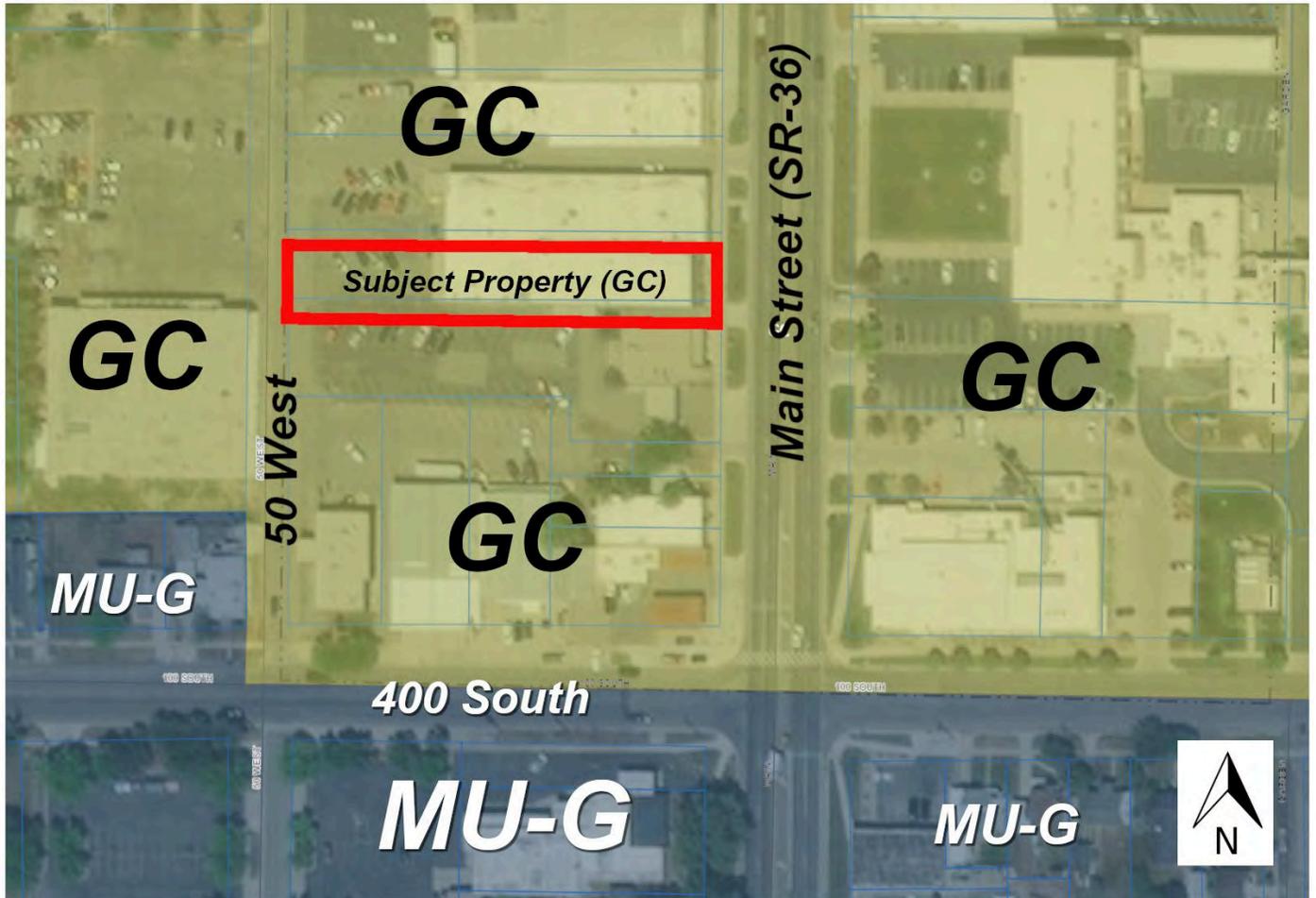
**MAPPING PERTINENT TO THE THE BEACON HOUSE LAND USE MAP  
AMENDMENT**

***Beacon House LUMA***



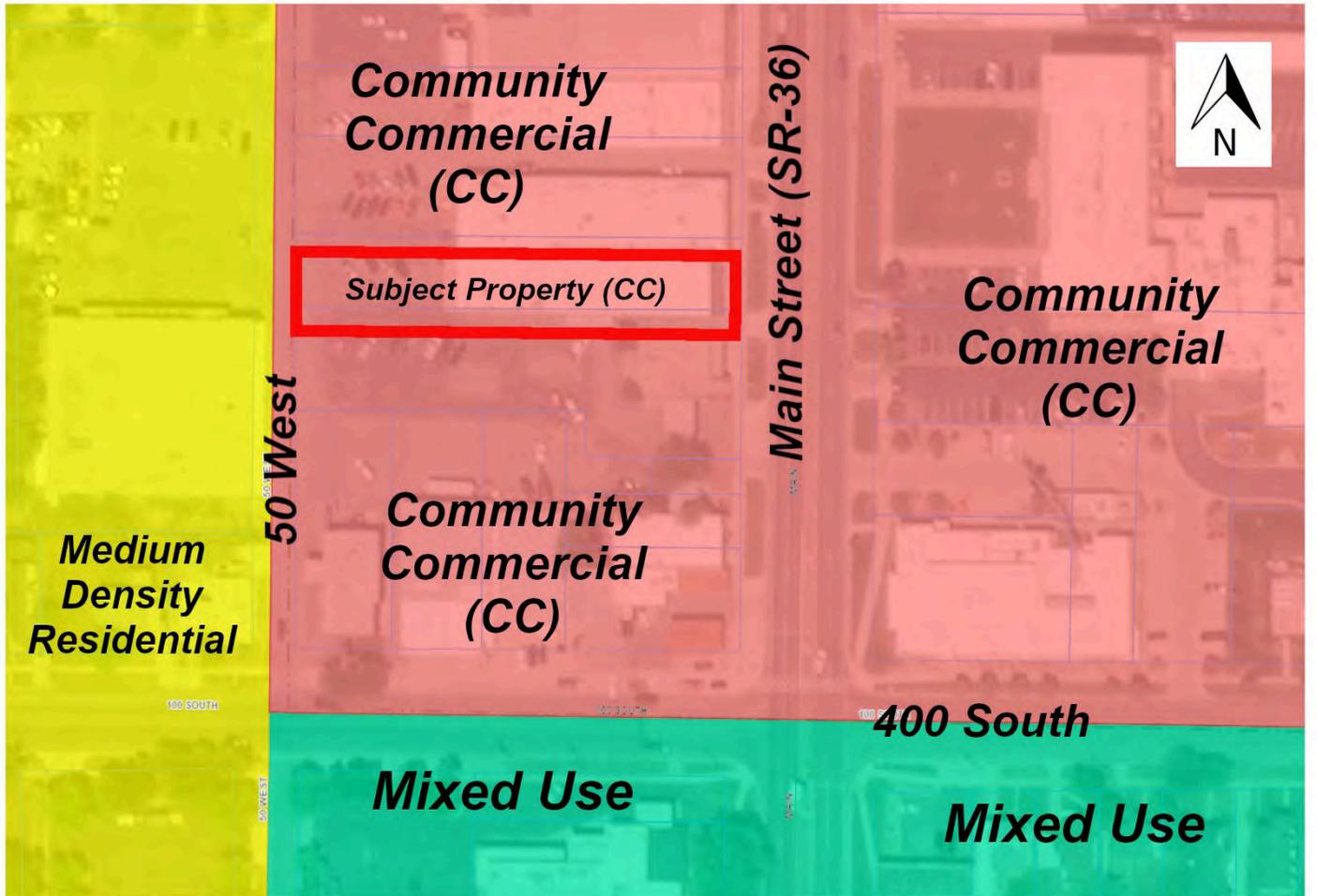
***Aerial View***

# Beacon House LUMA



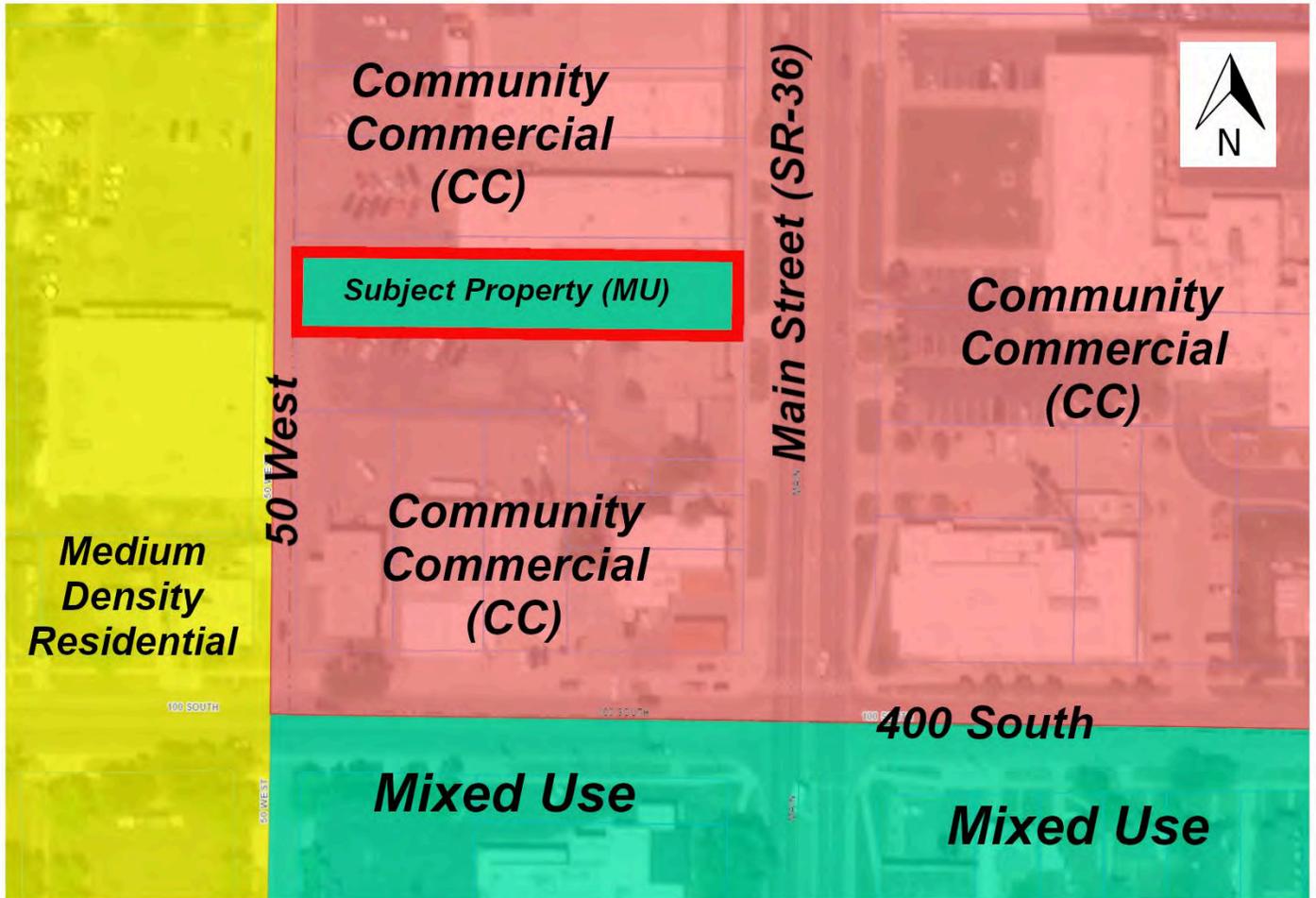
**Current Zoning**

# Beacon House LUMA



**Current Land Use**

# Beacon House LUMA



**Proposed Land Use**

**EXHIBIT B**

**APPLICANT SUBMITTED INFORMATION**

# Zoning, General Plan, & Master Plan Map Amendment Application

Community Development Department  
90 North Main Street, Tooele, UT 84074  
(435) 843-2132 Fax (435) 843-2139  
[www.tooelecity.org](http://www.tooelecity.org)



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Project Information					
Date of Submission: 2/1/2023		Current Map Designation: Community Commercial		Proposed Map Designation: Mixed Use	
Project Name: The Beacon House				Parcel #(s): 02-028-0-0010	
Project Address: 60 South Main St. Tooele, Utah 84074				Acres: 0.39	
Proposed for Amendment: <input checked="" type="checkbox"/> Ordinance <input type="checkbox"/> General Plan <input type="checkbox"/> Master Plan: <u>Land Use Map / Zoning Map</u>					
Brief Project Summary: After the City Council Work Meeting Feb, 1 2023, The Text Amendment Proposal to include Residential Treatment Facilities under Conditional use Permits in the Land Use in the GC area would best be addressed as a spot zoning in the Downtown Area as not to affect the entire GC zoning area. As the comments from the Council and Mayor that the downtown area once had living quarters above the commercial spaces and they would like to see that area with mixed use zoning.					
Property Owner(s): Holly Jones			Applicant(s): Holly Jones		
Address: PO 443			Address: PO 443		
City: Grantsville	State: UT	Zip: 84029	City: Grantsville	State: UT	Zip: 84029
Phone: 435-840-2602			Phone: 435-840-2602		
Contact Person: Holly Jones			Address: PO 443		
Phone: 435-840-2602			City: Grantsville	State: UT	Zip: 84029
Cellular: 435-840-2602	Fax:		Email: hollyjoneshomes@gmail.com		

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For Office Use Only			
Received By:	Date Received:	Fees:	App. #:

## Exhibit C

### Planning Commission Minutes

## **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 100 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 relating to 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 City Administration recommends that the current Class C Tavern density restriction be repealed in favor of regulation through land use and zoning provisions; and,

WHEREAS, the proposed amendments, shown in Exhibit B (redline) and Exhibit C (clean), necessitate amendments to other 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 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, and the efficient use of City resources:

NOW, THEREFORE, BE IT ORDAINED BY THE TOOEELE CITY COUNCIL that Tooele City Code Chapters 5-1 and 5-20 are 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)

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\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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\_\_\_\_\_  
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\_\_\_\_\_  
\_\_\_\_\_

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

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### 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 31<sup>st</sup> 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. ~~ALCOHOL 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. ~~Repealed.~~
- 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.~~
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- 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, or a special event permit under Chapter 8-20, and a license or permit from the State of Utah under UCA Title 32B, each 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 under this Chapter 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 hHealth dDepartment.**

A person or entity licensed under this Chapter shall comply with all applicable State of Utah and County of Tooele 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. (Repealed)**

~~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. (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)

**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.~~  
(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**

## Exhibit C

TCC Chapter 5-20  
(Proposed – clean)

**CHAPTER 20. ALCOHOL 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 license restriction.** Repealed.
- 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, or a special event permit under Chapter 8-20, and a license or permit from the State of Utah under UCA Title 32B, each 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 under this Chapter 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 State of Utah and County of Tooele 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 license restriction.** (Repealed)

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

**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. Public Dance Licenses. Repealed.
- Chapter 6. Home Occupations.
- Chapter 7. Agricultural Vendors; Itinerant or Transient Merchants; Solicitors. Repealed.
- Chapter 7a. Agricultural Vendors; Itinerant or Transient Merchants; Solicitors.
- Chapter 8. Mechanical Devices. Repealed.
- Chapter 9. Vending Machines. Repealed.
- Chapter 10. Pawnbrokers. Repealed.
- Chapter 11. Private Police or Detective. Repealed.
- Chapter 12. Collectors of Garbage and Waste Materials. Repealed.
- Chapter 13. Agricultural Vendors. Repealed.
- Chapter 14. Solicitors. Repealed.
- Chapter 15. Secondhand and Junk Dealers. Repealed.
- 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. Mobile Telephone Service Revenue Act. Repealed.
- Chapter 18c. Telecommunication Service Providers Tax.
- Chapter 19. Franchise to Mountain States Telephone and Telegraph Company.
- Chapter 20. Alcohol 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 proration.
- 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. **Additional application requirements. 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 **City personnel 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

**5-1-23. License transfers.**

Upon the written consent of the Business Licensing Specialist endorsed thereon, licenses issued pursuant to the provisions of this Title may be transferred from one place of business to another provided that the licensee remains the same. A transfer fee of ten dollars (\$10.00) 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. Additional application requirements. Applications for special licenses.**

~~(1) Other chapters of this Title may require additional license application criteria and information. 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 defined in subsection (1)(a) above, a regular license to engage in business 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 City personnel.**

The business license specialist and 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 police officers shall have authority and exercise the power:

(1) 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) 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.

## TOOELE CITY CORPORATION

### RESOLUTION 2023-19

#### **A RESOLUTION OF THE TOOELE CITY COUNCIL AUTHORIZING PAYMENT OF A FEE-IN-LIEU OF WATER RIGHTS CONVEYANCE FOR THE MICROTEL MODA HOTEL PROJECT.**

WHEREAS, Tooele City Code Chapter 7-26 governs the exaction by Tooele City of water rights as a condition of land use approval (see also UCA 10-9a-508); and,

WHEREAS, TCC Section 7-26-2(2) empowers the City Council to adopt a legislative policy allowing for the payment of a fee in lieu of water rights conveyance: “Fee-in-lieu. Pursuant to established City Council policy, in lieu of actual conveyance of water rights pursuant to this Chapter, certain development applicants may pay to the City an amount per acre-foot for access to water rights controlled by the City in a quantity necessary to satisfy the anticipated future water needs of the proposed development to be served and supplied by the City water system”; and,

WHEREAS, on May 18, 2022, the City Council approved Resolution 2022-29, adopting an updated fee-in-lieu of water rights conveyance policy referred to in TCC 7-26-2(2), with an effective date of June 1, 2022 (with the original policy being adopted in 2007) (see the June 1 policy attached as Exhibit B); and,

WHEREAS, the June 1 policy encourages the consideration of at least the following factors in considering requests to pay the fee-in-lieu:

- The number of acre-feet of water rights requested.
- The availability of City-owned water rights and corresponding water sources.
- The number of jobs the development is anticipated to create, together with the nature of the jobs (e.g., full-time) and job compensation (e.g., wage levels, benefits).
- The amount of sales tax the development is anticipated to generate.
- The amount of property tax the development is anticipated to generate.
- The anticipated environmental, social, and community impacts of the development.

WHEREAS, the City Council retains sole and exclusive legislative discretion in deciding to allow the payment of the fee-in-lieu; and,

WHEREAS, Tooele City received from Leo Mantas representing the World Links Group and Microtel Moda Hotel (“the Project”) a letter dated February 17, 2023, requesting the allocation of 8.00 acre-feet of City-owned municipal water rights to the

Project, or, in other words, requesting to pay the fee-in-lieu rather than convey water rights (see the letter attached as Exhibit A; and,

WHEREAS, the Project will consist of construction of a four story, 93 room hotel; and,

WHEREAS, the Project proposal addresses the policy considerations identified above and in the June 1 policy in the following ways:

- The Project requests 8.00 acre-feet of water.
- The creation of an estimated 15 jobs, with a mix of management level, full time, and part time employees.
- The generation of new sales tax and transient room tax from hotel room reservations.
- A mixture of long-term stay accommodations and traditional short-term units.
- An emphasis on water fixtures and landscaping that conserve water.

NOW, THEREFORE, BE IT RESOLVED BY THE TOOELE CITY COUNCIL that, in light of the legislative policies and considerations discussed above, the City Council hereby authorizes the payment of the fee-in-lieu of water rights for the Project, for up to 8.00 acre-feet of municipal water rights, for the fee amount established in the June 1 policy of \$35,000 per acre-foot.

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

IN WITNESS WHEREOF, this Resolution is passed by the Tooele City Council this \_\_\_\_ day of \_\_\_\_\_, 2023.

TOOELE CITY COUNCIL

(For)

(Against)

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ABSTAINING: \_\_\_\_\_

TOOELE CITY MAYOR

(Approved)

(Disapproved)

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ATTEST:

\_\_\_\_\_  
Michelle Y. Pitt, City Recorder

S E A L

Approved as to Form: \_\_\_\_\_  
Roger Evans Baker, Tooele City Attorney

## Exhibit A

February 17, 2023, Letter  
Microtel Moda Hotel



February 17, 2023

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

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

Dear Mayor Wynn:

Our company World Links Groups, is currently working with your planning and zoning department to secure a building permit to build the firstt Microtel Moda hotel of it's 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 sincerely like to collaborate with you, the city council, and key citizens groups to enhance the retail and residential (multi family) growth possibilities and create pockets for people to live, work and socialize.

I am aware of the Tooele water shortage problems you are currently experiencing. Our hotel project hotel will be installing the latest high-tech water hardware and software designed to lower all types of water usage. Including a hot water "on demand" system,, eco-friendly toilets (dual flush), shower and sink heads. The landscaping will be designed for "water saving xeriscape/drought tolerant" plants. No sodded grass involved.

It has come to my attention, that on September 21, 2022 a John Potter (Applicant) asked AND was granted 20-acre feet of water at \$15,000 per acre ft. of which 10-acre ft. would be used for a similar hotel to ours. Given our commitment to reducing water usage in our hotel, WLG would like to aquire 8 acre ft. of water at \$15,000 per acre ft., via a payment in lieu of conveyance..

Our hotel staff will work closely with public and private officials to create activities that will attract visitors and new businesses. We hope to create 5 to 15 new jobs , increase the property tax base and provide a good revenue stream for Tooele City.

Please feel free to contact me dirtectly for questions or additional information yopu might need.

Respectfully submitted for you review

## Exhibit B

June 1, 2022, Fee-in-lieu Policy

## City Council Policy

RE: Payment In Lieu Of Water Rights Conveyance under Tooele City Code §7-26-3(2).

Effective Date: June 1, 2022

Tooele City Code Chapter 7-26 requires the conveyance of water rights as a condition of approval of all land use applications. Section 7-26-3(2) states the following:

Fee-in-lieu. Pursuant to established City Council policy, in lieu of actual conveyance of water rights pursuant to this Chapter, certain development applicants may pay to the City an amount per acre-foot for access to water rights controlled by the City in a quantity necessary to satisfy the anticipated future water needs of the proposed development to be served and supplied by the City water system.

This City Council Policy is established pursuant to the authority embodied in §7-26-3(2).

Residential Development. Beginning on the Effective Date, Tooele City will allow owners of existing parcels of record that are not part of a recorded subdivision, and owners of single lots subdivided from those existing parcels through two-lot subdivisions (e.g., a lot split), to pay a fee (the "Fee") per parcel or lot in lieu of the residential water right requirement established in TCC §7-26-2(1). The item for which the Fee is paid shall be known for purposes of this Policy as a Water Rights Credit or Credit.

Credits will be available on a first-come first-served basis. The Fee shall be paid in full prior to building permit issuance. Should a building permit for which the Fee was paid expire under the terms of the permit, the City will refund the Fee, minus a \$100 administrative service charge. An owner who previously paid the Fee and received a Fee refund due to an expired building permit may submit a new building permit application and pay the Fee on a first-come first-served basis behind others who paid the Fee and whose building permits remain valid.

Non-residential Development. Beginning on the Effective Date, Tooele City will allow owners of non-residential developments to pay the Fee if the development is determined by the City to need less than 20 acre-feet of municipal water rights. Additional Credits may be made available, upon recommendation of the Public Works Director and with written approval of the Mayor, after full consideration of the following criteria in relation to the amount of water used:

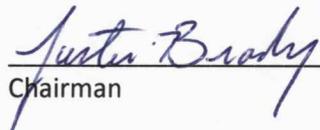
- The number of jobs the development is anticipated to create, together with the nature of the jobs (e.g., full-time) and job compensation (e.g., wage levels, benefits).
- The amount of sales tax the development is anticipated to generate.
- The amount of property tax the development is anticipated to generate.
- The anticipated environmental and social impacts of the development.

Credits will be available on a first-come first-served basis. The Fee shall be paid in full prior to building permit issuance. Should a building permit for which the Fee was paid expire under the terms of the permit, the City will refund the Fee, minus a \$100 administrative service charge. An owner who previously paid the Fee and received a Fee refund due to an expired building permit may submit a new building

permit application and pay the Fee on a first-come first-served basis behind others who paid the Fee and whose building permits remain valid.

General.

1. The Fee shall be established at \$35,000 per Credit, each Credit being the equivalent of 1.0 acre-foot of municipal water rights.
2. Credits sold pursuant to this Policy shall not exceed a total of 50 acre-feet of municipal water rights in any calendar year without the approval of the City Council.
3. Upon payment of the Fee, the City will indicate such payment on the approved building permit.
4. This Policy shall supersede any prior oral or written policies or practices on the subject of this Policy.
5. Revenues derived from the sale of Credits shall be utilized for the protection of existing water rights and/or the purchase of additional water rights, except that the City Council may authorize the use of such revenues for other Tooele City water-related projects and/or needs upon a finding of good cause.
6. The sale of Water Rights Credits under this Policy is subject to the availability of corresponding water rights, in the sole discretion of Tooele City.

  
Chairman

## TOOELE CITY CORPORATION

### ORDINANCE 2023-12

#### **AN ORDINANCE OF THE TOOELE CITY COUNCIL IMPOSING THE PAR TAX AND PROVIDING FOR THE DISTRIBUTION OF PAR TAX REVENUES.**

WHEREAS, on November 8, 2022, Tooele City electors voted to renew the 0.01% Tooele City Parks, Arts, and Recreation (PAR) sales tax authorized by U.C.A. §59-12-1402, following the City's compliance with the requirements of the same section, with 6,396 votes (69%) in favor and 2,892 votes (31%) against (see the PAR Tax election results attached as Exhibit A, and Resolution 2022-08 attached as Exhibit B); and,

WHEREAS, UCA §59-12-1402(2) requires the Tooele City Council to impose the PAR Tax by majority vote prior to collection; and,

WHEREAS, U.C.A. §59-12-1403 requires Tooele City to provide, by ordinance, for the distribution of the PAR tax revenues received by the Utah Tax Commission; and,

WHEREAS, the Tooele City Council has established through prior policy enactments (*reference* Resolutions 2003-07, 2004-09, 2012-07, 2022-08) that the PAR tax is in the best interest of Tooele City and its constituents; and,

WHEREAS, the PAR Tax revenues which began to be collected on April 1, 2023 following the 2022 general election authorization will continue to be collected for a period of ten years, through March 31, 2033; and,

WHEREAS, U.C.A. §59-12-1402(5)(b) provides that the enactment of the PAR tax shall become effective on the first day of a calendar quarter and after a 90-day period beginning on the date the Utah Tax Commission receives due notice from the City:

NOW, THEREFORE, BE IT ORDAINED BY THE TOOELE CITY COUNCIL that:

1. This Ordinance shall constitute the notice to the Utah Tax Commission required under U.C.A. §59-12-1402(5)(b); and,
2. The PAR tax reauthorized by the November 8, 2022, general election is hereby imposed, and shall become effective on April 1, 2023, and continue through March 31, 2033; and,
3. Distribution of the entire amount of the revenues generated by the PAR tax shall be made to Tooele City Corporation, a charter city, municipal corporation, and political subdivision of the State of Utah; and,
4. The City Administration is hereby directed to mail a copy of this Ordinance, when signed, to the Utah Tax Commission.

This Ordinance is necessary for the immediate preservation of the peace, health, safety, or welfare of Tooele City 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)

\_\_\_\_\_

\_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Michelle Y. Pitt, City Recorder

S E A L

Approved as to Form:

\_\_\_\_\_  
Roger Evans Baker, City Attorney

## Exhibit A

### 2022 General PAR Tax Election Results

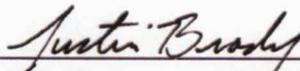
**2022 General Election  
Post-Canvass Report, Tooele City**

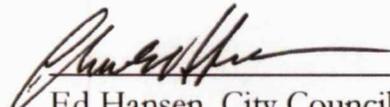
Prepared by Tracy Shaw, Tooele County Clerk  
as of November 15, 2022

As required by State code, the following is the Post-Canvass Report of the 2022 General Election:

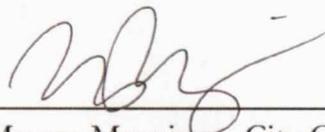
1. Ballots counted (Tooele City only): 9,524  
Please see the attached results summaries for an outline of the ballots counted, the names of all candidates that appeared on the ballot, and the results from each voting precinct.
2. Ballots rejected (Election-wide): 448  
Signature did not match the voter record, action taken by voter to cure & counted: 145  
Signature did not match the voter record, no action taken by voter to cure: 303  
Ballots arriving after the deadlines outlined in State code: 33
3. Election Affidavit

We, the Board of Canvassers, declare the 2022 General Election certified:

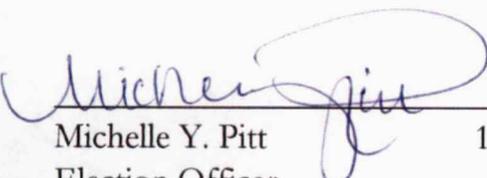
  
Justin Brady, City Council Chair 11/16/2022

  
Ed Hansen, City Council 11/16/2022

\_\_\_\_\_  
Dave McCall, City Council 11/16/2022

  
Maresa Manzione, City Council 11/16/2022

  
Tony Graf, City Council 11/16/2022

  
Michelle Y. Pitt 11/16/2022  
Election Officer

STATISTICS

	TOTAL
Registered Voters - Total	17,166
Ballots Cast - Total	9,524
Voter Turnout - Total	55.48%

Tooele City, UT  
Proposition #6 - PAR Tax Question Summary  
November 8, 2022 - General Election

UNOFFICIAL RESULTS

Election Summary

Proposition #6 - Tooele City Question 1

Vote For 1

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	TOTAL	VOTE %
YES	6,396	68.87%
NO	2,891	31.13%
Total Votes Cast	9,287	100.00%

Tooele City, UT  
Proposition #6 - PAR Tax Question Precinct Results  
November 8, 2022 - General Election

UNOFFICIAL RESULTS

Precinct Summary

TC01

**STATISTICS**

	TOTAL
Registered Voters - Total	733
Ballots Cast - Total	450
Voter Turnout - Total	61.39%

Proposition #6 - Tooele City Question 1

Vote For 1

	TOTAL	VOTE %
YES	310	69.82%
NO	134	30.18%
Total Votes Cast	444	100.00%

Tooele City, UT  
Proposition #6 - PAR Tax Question Precinct Results  
November 8, 2022 - General Election

UNOFFICIAL RESULTS

Precinct Summary

TC02

STATISTICS

	TOTAL
Registered Voters - Total	578
Ballots Cast - Total	362
Voter Turnout - Total	62.63%

Proposition #6 - Tooele City Question 1

Vote For 1

	TOTAL	VOTE %
YES	247	69.58%
NO	108	30.42%
Total Votes Cast	355	100.00%

Tooele City, UT  
Proposition #6 - PAR Tax Question Precinct Results  
November 8, 2022 - General Election

UNOFFICIAL RESULTS

Precinct Summary

TC03:1

**STATISTICS**

	TOTAL
Registered Voters - Total	915
Ballots Cast - Total	609
Voter Turnout - Total	66.56%

Proposition #6 - Tooele City Question 1

Vote For 1

	TOTAL	VOTE %
YES	417	71.16%
NO	169	28.84%
Total Votes Cast	586	100.00%

Tooele City, UT  
Proposition #6 - PAR Tax Question Precinct Results  
November 8, 2022 - General Election

UNOFFICIAL RESULTS

Precinct Summary

TC04

**STATISTICS**

	TOTAL
Registered Voters - Total	791
Ballots Cast - Total	517
Voter Turnout - Total	65.36%

Proposition #6 - Tooele City Question 1

Vote For 1

	TOTAL	VOTE %
YES	346	69.20%
NO	154	30.80%
Total Votes Cast	500	100.00%

Tooele City, UT  
Proposition #6 - PAR Tax Question Precinct Results  
November 8, 2022 - General Election

UNOFFICIAL RESULTS

Precinct Summary

TC05

STATISTICS

	TOTAL
Registered Voters - Total	826
Ballots Cast - Total	414
Voter Turnout - Total	50.12%

Proposition #6 - Tooele City Question 1

Vote For 1

	TOTAL	VOTE %
YES	278	68.81%
NO	126	31.19%
Total Votes Cast	404	100.00%

Tooele City, UT  
Proposition #6 - PAR Tax Question Precinct Results  
November 8, 2022 - General Election

UNOFFICIAL RESULTS

Precinct Summary

TC06

STATISTICS

	TOTAL
Registered Voters - Total	839
Ballots Cast - Total	388
Voter Turnout - Total	46.25%

Proposition #6 - Tooele City Question 1

Vote For 1

	TOTAL	VOTE %
YES	247	65.52%
NO	130	34.48%
Total Votes Cast	377	100.00%

Tooele City, UT  
Proposition #6 - PAR Tax Question Precinct Results  
November 8, 2022 - General Election

UNOFFICIAL RESULTS

Precinct Summary

TC07

STATISTICS

	TOTAL
Registered Voters - Total	671
Ballots Cast - Total	345
Voter Turnout - Total	51.42%

Proposition #6 - Tooele City Question 1  
Vote For 1

	TOTAL	VOTE %
YES	217	65.36%
NO	115	34.64%
Total Votes Cast	332	100.00%

Tooele City, UT  
Proposition #6 - PAR Tax Question Precinct Results  
November 8, 2022 - General Election

UNOFFICIAL RESULTS

Precinct Summary

TC08

STATISTICS

	TOTAL
Registered Voters - Total	653
Ballots Cast - Total	356
Voter Turnout - Total	54.52%

Proposition #6 - Tooele City Question 1

Vote For 1

	TOTAL	VOTE %
YES	239	68.09%
NO	112	31.91%
Total Votes Cast	351	100.00%

Tooele City, UT  
Proposition #6 - PAR Tax Question Precinct Results  
November 8, 2022 - General Election

UNOFFICIAL RESULTS

Precinct Summary

TC09

**STATISTICS**

	TOTAL
Registered Voters - Total	737
Ballots Cast - Total	431
Voter Turnout - Total	58.48%

Proposition #6 - Tooele City Question 1  
Vote For 1

	TOTAL	VOTE %
YES	289	69.30%
NO	128	30.70%
Total Votes Cast	417	100.00%

Tooele City, UT  
Proposition #6 - PAR Tax Question Precinct Results  
November 8, 2022 - General Election

UNOFFICIAL RESULTS

Precinct Summary

TC10

STATISTICS

	TOTAL
Registered Voters - Total	724
Ballots Cast - Total	377
Voter Turnout - Total	52.07%

Proposition #6 - Tooele City Question 1

Vote For 1

	TOTAL	VOTE %
YES	246	67.21%
NO	120	32.79%
Total Votes Cast	366	100.00%

Tooele City, UT  
Proposition #6 - PAR Tax Question Precinct Results  
November 8, 2022 - General Election

UNOFFICIAL RESULTS

Precinct Summary

TC11

**STATISTICS**

	TOTAL
Registered Voters - Total	789
Ballots Cast - Total	436
Voter Turnout - Total	55.26%

Proposition #6 - Tooele City Question 1  
Vote For 1

	TOTAL	VOTE %
YES	296	69.48%
NO	130	30.52%
Total Votes Cast	426	100.00%

Tooele City, UT  
Proposition #6 - PAR Tax Question Precinct Results  
November 8, 2022 - General Election

UNOFFICIAL RESULTS

Precinct Summary

TC12

**STATISTICS**

	TOTAL
Registered Voters - Total	693
Ballots Cast - Total	413
Voter Turnout - Total	59.60%

Proposition #6 - Tooele City Question 1  
Vote For 1

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	TOTAL	VOTE %
YES	274	68.16%
NO	128	31.84%
Total Votes Cast	402	100.00%

Tooele City, UT  
Proposition #6 - PAR Tax Question Precinct Results  
November 8, 2022 - General Election

UNOFFICIAL RESULTS

Precinct Summary

TC13

**STATISTICS**

	TOTAL
Registered Voters - Total	714
Ballots Cast - Total	358
Voter Turnout - Total	50.14%

Proposition #6 - Tooele City Question 1  
Vote For 1

	TOTAL	VOTE %
YES	235	66.95%
NO	116	33.05%
Total Votes Cast	351	100.00%

Tooele City, UT  
Proposition #6 - PAR Tax Question Precinct Results  
November 8, 2022 - General Election

UNOFFICIAL RESULTS

Precinct Summary

TC14

STATISTICS

	TOTAL
Registered Voters - Total	782
Ballots Cast - Total	394
Voter Turnout - Total	50.38%

Proposition #6 - Tooele City Question 1  
Vote For 1

	TOTAL	VOTE %
YES	284	73.20%
NO	104	26.80%
Total Votes Cast	388	100.00%

Tooele City, UT  
Proposition #6 - PAR Tax Question Precinct Results  
November 8, 2022 - General Election

UNOFFICIAL RESULTS

Precinct Summary

TC15

**STATISTICS**

	TOTAL
Registered Voters - Total	893
Ballots Cast - Total	460
Voter Turnout - Total	51.51%

Proposition #6 - Tooele City Question 1  
Vote For 1

	TOTAL	VOTE %
YES	317	70.29%
NO	134	29.71%
Total Votes Cast	451	100.00%

Tooele City, UT  
Proposition #6 - PAR Tax Question Precinct Results  
November 8, 2022 - General Election

UNOFFICIAL RESULTS

Precinct Summary

TC16

STATISTICS

	TOTAL
Registered Voters - Total	722
Ballots Cast - Total	426
Voter Turnout - Total	59.00%

Proposition #6 - Tooele City Question 1  
Vote For 1

	TOTAL	VOTE %
YES	281	67.06%
NO	138	32.94%
Total Votes Cast	419	100.00%

Tooele City, UT  
Proposition #6 - PAR Tax Question Precinct Results  
November 8, 2022 - General Election

UNOFFICIAL RESULTS

Precinct Summary

TC17

**STATISTICS**

	TOTAL
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Registered Voters - Total 820

Ballots Cast - Total 388

Voter Turnout - Total 47.32%

Proposition #6 - Tooele City Question 1

Vote For 1

	TOTAL	VOTE %
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YES 281 74.14%

NO 98 25.86%

Total Votes Cast 379 100.00%

Tooele City, UT  
Proposition #6 - PAR Tax Question Precinct Results  
November 8, 2022 - General Election

UNOFFICIAL RESULTS

Precinct Summary

TC18

STATISTICS

	TOTAL
Registered Voters - Total	855
Ballots Cast - Total	463
Voter Turnout - Total	54.15%

Proposition #6 - Tooele City Question 1

Vote For 1

	TOTAL	VOTE %
YES	299	66.44%
NO	151	33.56%
Total Votes Cast	450	100.00%

Tooele City, UT  
Proposition #6 - PAR Tax Question Precinct Results  
November 8, 2022 - General Election

UNOFFICIAL RESULTS

Precinct Summary

TC19

STATISTICS

	TOTAL
Registered Voters - Total	782
Ballots Cast - Total	415
Voter Turnout - Total	53.07%

Proposition #6 - Tooele City Question 1

Vote For 1

	TOTAL	VOTE %
YES	267	65.76%
NO	139	34.24%
Total Votes Cast	406	100.00%

Tooele City, UT  
Proposition #6 - PAR Tax Question Precinct Results  
November 8, 2022 - General Election

UNOFFICIAL RESULTS

Precinct Summary

TC20

STATISTICS

	TOTAL
Registered Voters - Total	911
Ballots Cast - Total	537
Voter Turnout - Total	58.95%

Proposition #6 - Tooele City Question 1

Vote For 1

	TOTAL	VOTE %
YES	344	66.03%
NO	177	33.97%
Total Votes Cast	521	100.00%

Tooele City, UT  
Proposition #6 - PAR Tax Question Precinct Results  
November 8, 2022 - General Election

UNOFFICIAL RESULTS

Precinct Summary

TC21

**STATISTICS**

	TOTAL
Registered Voters - Total	930
Ballots Cast - Total	530
Voter Turnout - Total	56.99%

Proposition #6 - Tooele City Question 1  
Vote For 1

	TOTAL	VOTE %
YES	371	71.76%
NO	146	28.24%
Total Votes Cast	517	100.00%

Tooele City, UT  
Proposition #6 - PAR Tax Question Precinct Results  
November 8, 2022 - General Election

UNOFFICIAL RESULTS

Precinct Summary

TC22

STATISTICS

	TOTAL
Registered Voters - Total	808
Ballots Cast - Total	455
Voter Turnout - Total	56.31%

Proposition #6 - Tooele City Question 1  
Vote For 1

	TOTAL	VOTE %
YES	311	69.89%
NO	134	30.11%
Total Votes Cast	445	100.00%



TRACY SHAW – TOOELE COUNTY CLERK  
 47 South Main Street, Tooele, Utah 84074  
[tracy.shaw@tooeleco.org](mailto:tracy.shaw@tooeleco.org)  
 435-843-3140 / Fax 882-7317

## Election Canvass Affidavit – Tooele City

STATE OF UTAH )

: ss

COUNTY OF TOOELE )

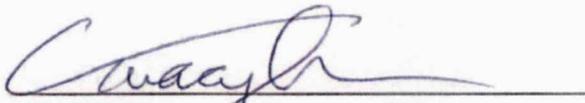
I, Tracy Shaw, being sworn as the Election Officer of Tooele County, do hereby state the following:

The attached results from the 2022 General Election are true and correct to the best of my knowledge;

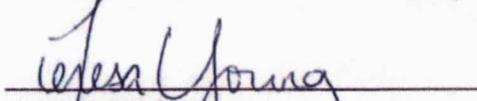
The 2022 General Election was conducted in compliance with the rules and regulations for ballot security as outlined by the Lieutenant Governor’s Office;

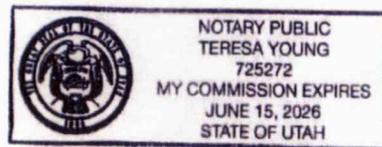
Election equipment has been maintained in accordance with state statute and EAC certification;

And the Clerk’s office maintains the voter registration database in accordance with federal and state laws and rules.

  
 Tracy Shaw  
 Tooele County Clerk

SUBSCRIBED AND SWORN to before me by Tracy Shaw, on this 14 day of November, 2022.

  
 Notary Public Signature



My Commission Expires:  
June 15, 2026

## Exhibit B

Resolution 2022-08

**TOOELE CITY CORPORATION**

**RESOLUTION 2022-08**

**A RESOLUTION OF THE TOOELE CITY COUNCIL ANNOUNCING ITS INTENT TO RENEW THE CURRENT TAX FOR PARKS, ARTS, AND RECREATION (PAR TAX) AND TO PLACE BEFORE TOOELE CITY VOTERS AN OPINION QUESTION ABOUT A 1/10TH OF 1% SALES TAX TO FUND CULTURAL AND RECREATIONAL ORGANIZATIONS AND FACILITIES IN TOOELE CITY.**

WHEREAS, UCA Chapter 59-12 Part 14 authorizes and regulates the municipal collection and expenditure of a Parks, Arts, and Recreation (PAR) sales tax; and,

WHEREAS, authorized by the 2004 general election, Tooele City collected a 1/10<sup>th</sup> of 1% sales tax (the "PAR Tax") from April 1, 2005, to March 31, 2013, to fund recreational facilities and the ongoing operations of cultural organizations (reference Tooele City Resolutions 2003-07 and 2004-09 and Ordinance 2004-24); and,

WHEREAS, authorized by the 2012 general election, Tooele City has continued and will continue to collect PAR tax from April 1, 2013, to March 31, 2023 (reference Tooele City Resolutions 2012-07 and Ordinance 2012-38); and,

WHEREAS, renewing the PAR Tax requires following the same process as when first implementing the tax, the procedures for which are found in UCA §59-12-1402; and,

WHEREAS, to avoid interruptions in PAR Tax revenues and the operations and facilities funded by the PAR Tax, it is necessary to seek reauthorization of the PAR Tax during the 2022 general election; and,

WHEREAS, counties have the ability to preempt city PAR Tax elections in favor of county PAR Tax elections, or can allow cities to proceed with city elections, by announcing an intent not to submit the opinion question to county voters; and,

WHEREAS, following notice to Tooele County of Tooele City's desire and intent to renew the PAR Tax, Tooele County approved Resolution 2022-03, announcing its intent to not implement a county-wide PAR Tax, thus allowing Tooele City to pursue renewing the PAR Tax (see County Resolution 2022-03 attached as Exhibit A); and,

WHEREAS, the renewed PAR Tax is expected to generate about \$500,000 annually for the construction and maintenance of cultural, park, and recreation facilities and the operations of cultural and arts-related organizations in Tooele City; and,

WHEREAS, to a Tooele City resident that spends \$1,000 per month in sales-tax-eligible goods, the tax would be \$1 per month, or \$12 per year; and,

WHEREAS, this Resolution constitutes the Tooele City legislative body's decision

to submit an opinion question to the residents of Tooele City regarding the reauthorization of the PAR Tax, as required by Utah Code §59-12-1402(1)(a), during the 2022 general election; and,

WHEREAS, following a successful Tooele City election, implementation of the tax will require an ordinance imposing the PAR Tax and providing for distribution of PAR Tax revenues, as governed by Utah Code §59-12-1403 and §59-12-704; and,

WHEREAS, examples of successful past PAR Tax projects include the following:

- Pickleball courts and lights
- City Park restroom facility
- Oquirrh Hills Golf Course pavilion
- Elton Park automated irrigation
- Elton Park walking path completion
- Parkers Park playground
- Linear Park playground
- Glen Eagles Park playground
- Rancho Park playground
- Dow James Building athletic floor replacement
- Youth Center heating and air conditioning upgrade
- Youth Center floor replacement
- Fridays on Vine

WHEREAS, with 18 years of experience using PAR tax revenues for authorized purposes, Tooele City finds the PAR Tax to be highly beneficial to the public interest:

NOW, THEREFORE, THE TOOEELE CITY COUNCIL RESOLVES that:

1. Tooele City intends to submit an opinion question to the residents of Tooele City so that each resident registered voter has the opportunity to express an opinion on the continued imposition of a local sales tax of 1/10th of 1% on sales within Tooele City to fund cultural, park, and recreational facilities and cultural and art-related organizations and events (as more fully described and defined in UCA §59-12-702); and,
2. The Tooele City Council hereby finds that collecting the PAR Tax is necessary, is a legitimate government interest, and serves the best interest of Tooele City and its residents; and,
3. The Tooele City Council hereby finds that the notice provisions contained in UCA §59-12-1402 have been satisfied, and that Tooele County does not intend to submit the same opinion question to county voters (see Exhibit A); and,
4. The Tooele City Administration is hereby directed to place the PAR Tax opinion question on the ballot for the 2022 November general election in compliance with the Utah Code; and,

5. The specific ballot language shall be consistent with the contents and intent of this Resolution 2022-08 and of the Utah Code, including UCA §59-12-1402(b); and,

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

IN WITNESS WHEREOF, this Resolution is passed by the Tooele City Council this 2nd day of March, 2022.

TOOELE CITY COUNCIL

(For)

(Against)

W. King

\_\_\_\_\_

Tom G. J.

\_\_\_\_\_

Justin Brady

\_\_\_\_\_

Alan M.

\_\_\_\_\_

D. McCall

\_\_\_\_\_

ABSTAINING: \_\_\_\_\_

MAYOR OF TOOELE CITY

(Approved)

(Disapproved)

Debra E. White

\_\_\_\_\_

ATTEST:

Michelle Y. Pitt  
Michelle Y. Pitt, City Recorder



Approved as to Form:

Roger Evans Baker  
Roger Evans Baker, Tooele City Attorney

**Exhibit A**

**Tooele County Resolution 2022-03**

**TOOELE COUNTY  
RESOLUTION 2022-03**

**A RESOLUTION DECLARING THAT THE TOOELE COUNTY  
COUNCIL DOES NOT INTEND TO IMPOSE A COUNTY OPTION  
FUNDING TAX FOR BOTANICAL, CULTURAL, RECREATIONAL,  
AND ZOOLOGICAL ORGANIZATIONS OR FACILITIES**

**WHEREAS**, Utah Code Title 59, Chapter 12, Part 7 allows the Tooele County Council to submit an opinion question to Tooele County residents regarding the imposition of a 0.1% tax on certain transactions to fund botanical, cultural, recreational, and zoological organizations or facilities; and

**WHEREAS**, Utah Code Title 59, Chapter 12, Part 14 allows the Tooele City Council to submit an opinion question to Tooele City residents regarding the imposition of a 0.1% tax on certain transactions to fund botanical, cultural, recreational, and zoological organizations or facilities; and

**WHEREAS**, before Tooele City may submit the opinion question to Tooele City residents, Tooele City must first submit to the Tooele County Council a written notice of the intent to submit the opinion question to city residents and receive from the Tooele County Council a written resolution stating that the Tooele County Council is not seeking to impose a tax under Title 59, Chapter 12, Part 7; and

**WHEREAS**, on January 3, 2022, Tooele City submitted the required written notice to the Tooele County Council; and

**WHEREAS**, the Tooele County Council is not seeking to impose a tax under Title 59, Chapter 12, Part 7;

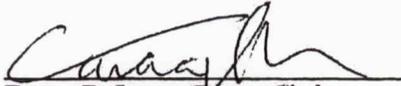
Tooele County  
Res. 2022-03

NOW, THEREFORE, BE IT RESOLVED BY THE TOOELE COUNTY COUNCIL that the Tooele County Council is not seeking to impose a tax under Utah Code Title 59, Chapter 12, Part 7.

**EFFECTIVE DATE:** This resolution shall take effect immediately upon passage.

**DATED** this 18<sup>th</sup> day of January, 2022.

**ATTEST:**

  
TRACY D. SHAW, County Clerk

**TOOELE COUNTY COUNCIL:**

  
JARED S. HAMNER, Council Chair



Council Member Hamner voted aye  
Council Member Hoffmann voted aye  
Council Member Thomas voted aye  
Council Member Tripp voted aye  
Council Member Wardle voted aye

**APPROVED AS TO FORM:**

  
COLIN R. WINCHESTER  
Deputy Tooele County Attorney

**Tooele City Council and the Tooele City Redevelopment Agency  
Work Meeting Minutes**

**Date:** Wednesday, March 1, 2023

**Time:** 5:30 p.m.

**Place:** Tooele City Hall, Council Chambers  
90 North Main Street, Tooele, Utah

**City Council Members Present:**

Justin Brady

Maresa Manzione

David McCall

Tony Graf

Ed Hansen

**City Employees Present:**

Mayor Debbie Winn

Jim Bolser, Community Development Director

Adrian Day, Police Department Chief

Roger Baker, City Attorney

Michelle Pitt, City Recorder

Holly Potter, Deputy City Recorder

Jared Stewart, Economic Development Director

Minutes prepared by Katherin Yei

**1. Open City Council Meeting**

Chairman Brady called the meeting to order at 5:30 p.m.

**2. Roll Call**

Justin Brady, Present

Maresa Manzione, Present

David McCall, Present

Tony Graf, Present via phone

Ed Hansen, Present

**3. Mayor's Report**

Mayor Winn reported on the following:

The City has not received the amount of snow from the most recent storm in over thirty years. She shared her appreciation of staff working long hours and the emergency crews. The community is asked to take preparations for potential flooding. The 170<sup>th</sup> celebration was a success with over 860 puzzles sold so far.

**4. Council Member's Report**

The Council Members reported on the events they attended during the week.

## **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*

Mr. Baker presented an amendment of Tooele City Code Chapter 5-20 in regards to Alcohol Licensing. There have been some challenges with the City regulating licenses for businesses selling alcohol. The State regulates alcohol licensing closely. Staff would like to focus their resources on other needs within the City. Currently, any business that would like a license in Tooele is referred through the Police Department. They investigate for reasons a license should be denied. Staff would like to revise and address the following parts of the City code: How intensively they regulate alcohol in Tooele; the role of the Police Department; the number of feet an establishment needs to be from another; and allowing the State to take care of the licensing.

The Council asked the following:

Does the State put any responsibility on the City?

Does the brewery count as this type of licensing?

What would a restaurant that serves alcohol be considered?

Can they be selective on an area versus a zone?

Is beer and hard alcohol different licensing?

Mr. Baker addressed the Council. The state does define the distance required between licensed businesses and measurements. If the Council agrees, they will bring the provisions back. Currently, the verbiage in the code allows no more than two establishments on lineal block. The state does not limit how many there can be. With clarification on lineal versus linear, they will allow the market and planning principles to contribute to how it plays out. In the general business licensing code, it highlights specialty licensing. They are proposing to simplify and eliminate specialty licensing.

Mr. Bolser addressed the Council. Every February and March the state code is updated and changed with the legislative session. A Class C tavern license does not just mean a bar, but includes restaurants that have a bar. Mr. Bolser added clarification and visuals to linear versus lineal. Sharing examples, they may want to see density of certain businesses and may not want to restrict large developing areas. A zone can cover quite a bit. Everywhere there is a zone, there is a boundary to that zone; with the potential to have a business next door. Mixed Uses would be the zones that could potentially have a bar next to or below a home. The state does not regulate location, just proximity.

Chief Day addressed the police role in allowing these licenses. The police do not need to determine or regulate which business should get a license. If there are matters that the police need to get involved, they will step in.

The Council would like to see the code less restrictive, allowing the state to regulate.

**B. Payment of a Fee-in-Lieu of Water Rights Conveyance Request for Microtel Moda Hotel**  
*Presented by Jared Stewart, Economic Development Director*

Mr. Stewart presented a payment of a Fee-in-Lieu of Water Rights Conveyance Request for Microtel Moda Hotel. It is a first hotel of its type in Utah. This hotel project would be off of 2400 North on the East side. They are requesting 8 feet-acre water. They will have zeroscape on the property. The applicant is requesting the City sell the water rights at the previous policy amount of \$15000. They are hoping to create 5-15 new jobs with lots of sales tax.

The Council asked the following questions:  
Does this hotel of a long-term option?

The Council is in favor of the fee-in-lieu at the current policy amount.

Mr. Baker addressed the Council. If the water is not sold at the current policy amount, the City Council would be in violation of its own policy.

**6. Closed Meeting - Litigation, Property Acquisition, and/or Personnel**

There is no closed meeting.

**7. Adjourn**

**Chairman Brady adjourned the meeting at 6:36 p.m.**

*The content of the minutes is not intended, nor are they submitted, as a verbatim transcription of the meeting. These minutes are a brief overview of what occurred at the meeting.*

Approved this \_\_\_\_ day of March, 2023

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Justin Brady, City Council Chair

## Tooele City Council Business Meeting Minutes

**Date:** Wednesday, March 1, 2023

**Time:** 7:00 p.m.

**Place:** Tooele City Hall, Council Chambers  
90 North Main Street, Tooele, Utah

### **City Council Members Present:**

Ed Hansen  
Justin Brady  
Maresa Manzione  
Tony Graf  
Dave McCall

### **City Employees Present:**

Mayor Debbie Winn  
Jim Bolser, Community Development Director  
Adrian Day, Police Department Chief  
Roger Baker, City Attorney  
Michelle Pitt, City Recorder  
Holly Potter, Deputy City Recorder  
Darwin Cook, Parks and Recreation Director  
Jared Stewart, Economic Development Director  
Geoff Allred, Streets Supervisor

Minutes prepared by Katherin Yei

Chairman Brady called the meeting to order at 7:06 p.m.

### **1. Pledge of Allegiance**

The Pledge of Allegiance was led by Chairman Brady.

### **2. Roll Call**

Tony Graf, Present  
Ed Hansen, Present  
Justin Brady, Present  
Maresa Manzione, Present  
Dave McCall, Present

### **3. Mayor's Youth Recognition Award**

*Presented by Debbie Winn, Mayor*

Mayor Winn and Chief Day presented the Youth Recognition Award to the following:

Ky Ned  
Kora Skofin

#### **4. Public Comment Period**

The public hearing was opened. No one came forward. The public hearing was closed

#### **5. Resolution 2023-16 A Resolution of the Tooele City Council Approving an Agreement with Jones & DeMille Engineering for the 1000 North and 100 East Intersection Signal Project**

*Presented by Geoff Allred, Streets Supervisor*

Mr. Allred presented an agreement with Jones & DeMille Engineering for the 1000 North and 100 East Intersection signal project. This design will look at adding additional lanes. Administration feels with the amount of traffic and the fire station a traffic light is warranted. The contract amount is \$31,150. The contract time is 6 months with the design being done within 6-8 weeks. They will be working with UDOT to extend the lanes.

**Council Member Manzione motioned to approve Resolution 2023-16 A Resolution of the Tooele City Council Approving an Agreement with Jones & DeMille Engineering for the 1000 North and 100 East Intersection Signal Project.** Council Member Hansen seconded the motion. The vote was as follows: Council Member Hansen, "Aye," Council Member Graf, "Aye," Council Member Brady, "Aye," Council Member Manzione, "Aye," Council Member McCall, "Aye." The motion passed.

#### **6. Resolution 2023-17 A Resolution of the Tooele City Council Authorizing Payment of a Fee-in-Lieu of Water Rights Conveyance for All West Utah / Inc.**

*Presented by Jared Stewart, Economic Development Director*

Mr. Stewart presented a payment fee-in-lieu of water rights conveyance for All West Utah/Inc. Recently the Council approved a franchise agreement with All West Utah. They will be purchasing a 1-acre lot to build a customer service building. They are requesting up to 1 acre-foot of water.

Mr. Baker addressed the Council. The two-year stipulation is added for developers looking to bringing buyers in. For individual businesses, they are not putting the timing restriction on it.

**Council Member Graf motioned to approve Resolution 2023-17 A Resolution of the Tooele City Council Authorizing Payment of a Fee-in-Lieu of Water Rights Conveyance for All West Utah / Inc.** Council Member McCall seconded the motion. The vote was as follows: Council Member Hansen, "Aye," Council Member Graf, "Aye," Council Member Brady, "Aye," Council Member Manzione, "Aye," Council Member McCall, "Aye." The motion passed.

#### **7. Ordinance 2023-10 An Ordinance of Tooele City Amending Tooele City Code Section 2-7-1 Regarding Historical Preservation Commission Membership**

*Presented by Jared Stewart, Economic Development Director*

Mr. Stewart presented amendment to City Code 2-7-1 regarding historic preservation commission memberships. It states there is a max of five. There is interest and benefit of having more than five members. The change will allow 5 or more member to serve on the historic preservation commission. The next meeting is in April to review the Historic District of Downtown Tooele.

**Council Member Hansen motioned to approve Ordinance 2023-10 An Ordinance of Tooele City Amending Tooele City Code Section 2-7-1 Regarding Historical Preservation Commission Membership.** Council Member Manzione seconded the motion. The vote was as follows: Council Member Hansen, "Aye," Council Member Graf, "Aye," Council Member Brady, "Aye," Council Member Manzione, "Aye," Council Member McCall, "Aye." The motion passed.

### **8. Invoices & Purchase Orders**

Ms. Pitt presented the following invoices:

Richmond American for 382 LF of precast fence for the Berra Well in the amount of \$30,679.

**Council Member Manzione motioned to approve the invoices.** Council Member McCall seconded the motion. The vote was as follows: Council Member Hansen, "Aye," Council Member Graf, "Aye," Council Member Brady, "Aye," Council Member Manzione, "Aye," Council Member McCall, "Aye." The motion passed.

### **9. Minutes**

There are no changes to the minutes.

**Chairman McCall motioned to approve Minutes.** Council Member Hansen seconded the motion. The vote was as follows: Council Member Hansen, "Aye," Council Member Graf, "Aye," Council Member Brady, "Aye," Council Member Manzione, "Aye." The motion passed.

### **10. Adjourn**

Chairman Brady adjourned the meeting at 7:28pm.

*The content of the minutes is not intended, nor are they submitted, as a verbatim transcription of the meeting. These minutes are a brief overview of what occurred at the meeting.*

Approved this \_\_\_ day of March, 2023

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Justin Brady, City Council Chair

DRAFT