



ALCOHOL LICENSE APPLICATION
 1570 WEST 400 NORTH
 MARIOTT-SLATERVILLE CITY,
 UTAH 84404
 (801) 627-1919

DATE PAID:	_____
RECEIPT #:	_____
AMOUNT:	_____
REC. BY:	_____

Date:	Business Name:	Parent Company (if any):
Federal Tax ID #:	State Sales Tax #:	
Business Address:	LICENCE CLASS:	
City: State: Zip Code:	<input type="checkbox"/> Class "A" <input type="checkbox"/> Class "B" <input type="checkbox"/> Class "C" <input type="checkbox"/> Class "D" <input type="checkbox"/> Class "E"	
Business E-mail:	(Read regulations below for class information and limitations)	
Business Phone:		
Business Owner:		
Home Phone:	HEATH DEPARTMENT:	
Owner Date of Birth:	Weber/Morgan Heath Department Permit obtained:	
Owner Driver's License #: State:	YES <input type="checkbox"/> NO <input type="checkbox"/>	
Property Owner:		
Property Owner Address:	Office Use Only:	
City: State: Zip Code:		
Special Restrictions:		
<input type="checkbox"/> New Business <input type="checkbox"/> New Owner <input type="checkbox"/> New Location <input type="checkbox"/> Re-application		
Description of Business:		
Please list alcohol product suppliers:		
Length of time for which the applicant desires to engage in business in the city:		
<p>This is an application for a alcohol license. The actual license will be issued only when ALL requirements have been met under Chapter 5.22 of the Municipal Code and applicable state law. Inspections may be made by the city to verify the information in this application. All information must be accurately completed, or the issuance will be delayed. Issuance of a license does not relieve the applicant nor the property owner from his/her responsibility to comply with applicable zoning, health, building, or fire regulations. Alcohol licenses are issued in the name of the individual applicant/agent seeking the license. Licenses are non-transferable and non-redeemable. No refund upon revocation.</p>		

LICENSE REQUIREMENTS

In addition to the requirements of Marriott-Slaterville City, any applicant eligible for a liquor license must also apply and obtain the necessary state permit from the Utah Department of Alcoholic Beverage Control (DABC). DABC can be reached at 801-977-6800.

MARRIOTT-SLATERVILLE MUNICIPAL CODE CHAPTER 5.22
ALCOHOLIC BEVERAGE CONTROL

Definitions

The following definitions apply:

1. The definitions set forth in *Utah Code Annotated* §32A-1-105, 1953, as amended, or its successor statute, are adopted and incorporated herein by this reference.
2. "Alcoholic beverage" means both "beer" and "liquor" collective when referenced in this chapter.
3. "Alcoholic Beverage Control Act" means Title 32A of the *Utah Code Annotated*, or its successor statute.
4. "Enforcement officer" means the person designated by the Mayor to enforce this chapter or any law enforcement officer.
5. "Local authority" means Marriott-Slaterville City and includes any designated enforcement officer.

Licensing Requirements

6. License required. It is unlawful for any person to engage in the business of selling an alcoholic beverage within the city without first obtaining the licenses required by this chapter.
7. Administration. The city recorder shall administer this chapter under the direction of the city administrator.
8. Application for license. Any person seeking a license to sell an alcoholic beverage shall submit an application to the city recorder as provided for in this chapter which shall be accompanied by the appropriate fee required. The fee, less twenty-five dollars (\$25) for processing, shall be returned to the applicant if the application is denied.
9. Information required. All applications for a license to sell an alcoholic beverage shall be made in writing upon the form provided by the city recorder. The application shall state:
 - a. The name of the person desiring a license to sell an alcoholic beverage.
 - b. The name of the business.
 - c. The location where business is to be conducted.
 - d. The names of all partners holding more than a twenty percent (20%) interest in the business.
 - e. The class of license sought.
 - f. Other information specified on the application as determined by the city administrator, or any other information required by ordinance or statute.
10. Review and approval. An application that complies with this chapter shall be issued by the city recorder after review and approval by the mayor. An application that does not meet the requirements of this chapter shall be denied by the mayor. Applications for a license shall be presented to the city council for their review and comment.
11. License issued to owner. A license is issued to the owner or manager, not the business. In the event of change of owner or manager, a new license is required. A twenty five dollar (\$25.00) processing fee will be charged.
12. Nontransferable. Licenses issued under this chapter shall not be transferable and in the event that a license is revoked by the city, and the license fee paid by the licensee to the city shall be forfeited.
13. Renewal. A license issued under this chapter shall be renewed annually according the renewal schedule for all other business licenses as determined by the city recorder. The city may conduct an inspection regarding any license to assure compliance with applicable law. If any changes are discovered relating to a licensee, a class change may be required.
14. Display. License shall display in a conspicuous location any license issued by the city under this chapter, and any license issued by the state relating to the sale of any alcoholic beverage.
15. Time limit on operation. If a licensee fails to open or to conduct business within the city for a period of one (1) year after the issuance of the license, then the license issued under this chapter is void and a new application must be submitted and approved.

Inspection and Enforcement.

Every licensee, by accepting a license issued under the provisions of this chapter, irrevocably consents to allow the inspection and search of the licensed premises by any peace officer or enforcement officer for any alcoholic beverage or for any other goods illegally possessed or kept, or for any evidence of any alleged crime under investigation by law

enforcement. The licensee further consents to the seizure of any such alcoholic beverage or any goods or evidence on the property of the licensee, which may be found during such search.

Classification of Licenses

In accordance with *Utah Code Annotated* §32A-10-101, licenses to sell an alcoholic beverage issued hereunder shall be of the following five (5) classes and shall carry the following privileges:

1. Class "A" retail licenses issued hereunder shall entitle the licensee to sell beer on the premises licensed in original containers for consumption off the premises in accordance with the Utah Alcoholic Beverage Control Act and the ordinances of this municipality.
2. Class "B" retail licenses shall entitle the licensee to sell a patron a maximum of two (2) beers, not to exceed 16 ounces each in original containers, served on the premises for consumption by the patron on the premises in conjunction with the sale of food in accordance with the Alcoholic Beverage Control Act and the ordinances of this municipality.
3. Class "C" license shall entitle the licensee to sell draft beer for consumption on or off the premises and to sell beer in accordance with the Alcoholic Beverage Control Act and the ordinances of this municipality.
4. Class "D" retail or wholesale license shall entitle the licensee to sell an alcoholic beverage in accordance with the Alcoholic Beverage Control Act and the ordinances of this municipality.
5. Class "E" any temporary license of any class may be issued for a period of time not to exceed one year.

Classes Allowed and Prohibited – Fee Schedule

In accordance with Utah Code Annotated §32A-11-102(2)(b), in addition to any other business license fee, including any accrued late fees, which the business location may be required to pay, there is hereby imposed on a business (engaged in the sale or dispensing of any alcoholic beverage) the following annual license fees:

1. Class "A" License: \$250.00 for the initial license, and \$200.00 per renewal.
2. Class "B" License: \$300 for each license and renewal.
3. Class "C" Beer License: No Class "C" licenses are authorized in the city, except for "prior conforming businesses," as defined in Section 5.22.120 (F and G) hereafter: \$300 for each license and renewal.
4. Class "D" License: No Class "D" licenses are authorized in the city. \$300 for each license and renewal.
5. Class "E" Temporary License: No Class "E" or similar temporary-type licenses are authorized in the city. \$300 for each license and renewal.

Restrictions

The following restrictions apply to all licenses to sell alcoholic beverages:

1. It shall be unlawful for any person to sell an alcoholic beverage at any public dance or to any person intoxicated, or under the influence of any intoxicating beverage.
2. It is unlawful for any person to sell an alcoholic beverage at any sexually-oriented business, dance hall, or theater.
3. It shall be unlawful to sell an alcoholic beverage to any person under the age of 21, or allow a person under the age of 21 year to sell the same.
4. It shall be unlawful for any person to sell an alcoholic beverage except in the manner for which he has been so licensed pursuant to the provisions of this part.
5. It is unlawful for any licensee to sell an alcoholic beverage anywhere within the city, except upon or within the premises licensed for such sale.
6. It is unlawful to advertise the sale of an alcoholic beverage, except in full compliance with the Alcoholic Beverage Control Act and regulations duly made thereunder by the state.
7. It is unlawful for an applicant or licensee to violate the ordinances of the city or any terms of the license issued under this chapter.
8. It is unlawful for any licensee to give away or offer any free lunch or other food with or in connection with the sale of an alcoholic beverage.
9. It is unlawful for a licensee to sell or otherwise furnish a patron or other person with an alcoholic beverage during the hours from one o'clock (1:00) A.M. to six o'clock (6:00) A.M.
10. It is unlawful for a class "C", "D", and applicable "E" licensee to sell or otherwise furnish a patron or other

person with an alcoholic beverage to be consumed on the premises or to allow beer to remain on any portion of the premises between the hours of one o'clock (1:00) A.M. to ten o'clock (10:00) A.M.

11. It is unlawful for any licensee to purchase or acquire or allow to be kept upon the licensed premises any alcoholic beverage not lawfully acquired from a brewer or wholesaler licensed under the provisions of the Alcoholic Beverage Control Act.
12. It is unlawful for any licensee to allow any liquor, as defined in the Alcoholic Beverage Control Act, to be kept upon the licensed premises.
13. It is unlawful for any licensee to have, possess, store or display upon the licensed premises any gambling or gaming device or any lottery tickets, or to allow any such device or tickets to be brought upon the premises for any purpose.
14. It is unlawful for any serving area, door, or entryway to be locked or barricaded in any way so as to interfere with the free entrance to the licensed premises by any enforcement officer at any time while the premises is occupied or open to the public. However, licensee may maintain upon the premises a locked storeroom for the keeping of goods and supplies used in the business.
15. It is unlawful for any person commonly known as a "lookout" to be stationed or maintained to give warning of the approach of any enforcement officer.
16. It is unlawful to maintain or operate any device which is used or capable of being used to give warning to persons within such licensed premises of the approach of any enforcement officer.
17. It is unlawful for any licensee to fail to maintain full control of the conduct of the business upon the licensed premises or to fail to inform himself of the manner in which said business is conducted and of the activities of his employees in and about the licensed premises. The licensee shall be responsible under this chapter for all of the activities of his employees and hereunder, the licensee unconditionally guarantees to the city that neither he nor his employees will violate the terms of this chapter and for breach of such guarantee, the license may be revoked.
18. It is unlawful for any person to sell an alcoholic beverage after the revocation or suspension of any license issued to said person.
19. It is unlawful to operate a business where an alcoholic beverage is sold at retail for off-premise consumption within 500 feet of any public or private school, church, public library, public playground, or park.
20. It is unlawful operate a business where an alcoholic beverage is sold on publicly owned property.

Suspension and Revocation

Any enforcement officer may suspend or revoke a license issued under this chapter as follows:

1. Suspension. If a licensee has been issued a warning or citation for a violation of this chapter and a second violation occurs within a one (1) year period then the enforcement officer may suspend a license for up to 30 day. In lieu of a suspension the enforcement officer may issue a civil penalty not to exceed \$1,000.00 for a violation of this chapter.
2. Revocation. An enforcement officer may revoke a license issued under this chapter if a license has another violation of this chapter where a suspension has been made within a one year (1) period prior to the violation. Any revocation made under this chapter shall continue for a period of one (1) year after which an applicant may resubmit an application under this chapter.
3. Education requirement. An enforcement officer may issue a suspension to any licensee for a violation of *Utah Code Annotated* §32A-1-401, or follow the procedure in this section as set forth for any adjudicative proceeding or otherwise. In lieu of suspension and based upon the facts and circumstances, the enforcement officer may impose a fine of up to \$250 against any off-premise beer retailer for a violation of this part.
4. Operational requirements. It is cause for immediate revocation or suspension for a licensee who violates the operational requirements of *Utah Code Annotated* §§32A-4-106 and 32A-4-307, depending upon the severity of the violation(s).

Appeals

1. Time for written appeal. Any person may appeal a decision made under this chapter to the administrative hearing officer or appeal authority by filing a written appeal within ten (10) days of the decision.
2. Appeal authority. Unless otherwise designated by executive order or rule, the appeal authority shall consist of the city magistrate or administrative hearing officer.

3. The appeal authority shall:
 - a. Hear and decide all appeals under this chapter.
 - b. Act in a quasi-judicial manner and serve as the final arbiter of issues involving the interpretation or application of applicable law.
 - c. Exercise other powers and duties prescribed by law or assignment.
4. Appeal generally. No person may challenge in district court any decision of the municipality or its enforcement officer(s) until that person has complied with the appeal procedure of this chapter and has exhausted all administrative remedies. No adversely affected shall present a theory of relief in district court that was not first presented to the appeal authority. Adversely affected parties are precluded from pursuing duplicate or successive appeals before the appeal authority as a condition of the adversely affected party's duty to exhaust administrative remedies. The mayor may establish rules of procedure consistent with this chapter for the effective operation of the appeal authority.

Penalties

In addition to other remedies allowed by law or applicable civil penalties provided by ordinance or statute, each violation of this chapter is a class B misdemeanor.

ACKNOWLEDGMENT

I, _____, acknowledge that I have read the foregoing regulations and hereby agree to conduct business strictly in accordance with the Laws and Ordinances governing such business, and certify that all information provided in this application is true and correct.

Signature of Proposed Licensee

DATE: _____

COUNTY OF _____)
ss:
STATE OF _____)

Personally appeared before me on this ____ day of _____, 20 __, the above-named person who satisfactorily proved to be the person named herein and executed this document for the purposes contained herein.

NOTARY PUBLIC

Official Use Only:

DABC:	Health Dept:	Fire:	Planning:
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