ORDINANCE NO. 11/15/2016 O-16

AN ORDINANCE AMENDING TITLE 5.10.030 OF THE MIDVALE CITY MUNICIPAL CODE; ALSO PROVIDING A SAVING CLAUSE AND AN EFFECTIVE DATE FOR THE ORDINANCE.

WHEREAS, pursuant to Section 10-6-12 Utah Code Annotated 1953 as amended, the City has authority to adopt the Midvale City Municipal Code; and

WHEREAS, the City Council of Midvale City, Utah, held a public meeting regarding the amendment of certain sections of Title 5 on November 15, 2016; and

WHEREAS, the City Council found the proposed amendments appropriate in furthering the goals and policies of the City of Midvale.

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

Section 1. The Municipal Code which sets forth the laws and policies within Midvale City, is hereby amended as follows:

See Attachment “A”

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

Section 3. This ordinance shall be effective upon date of first publication.

Signatures begin on next page
PASSED AND APPROVED this 15th day of November, 2016.

JoAnn B. Seghini, Mayor

ATTEST:

Rori L. Andreason
MMC
City Recorder

Date of first publication: Nov. 20, 2016
5.10.030 Licenses requiring local consent and licensing.

A. It is unlawful for any person, partnership or corporation to engage in the business of the sale, manufacture, wholesaling or warehousing of alcoholic beverages without first having obtained a license authorizing such activity. It is unlawful for any person, partnership or corporation to operate a business or conduct any activity, association or club which allows members, guests, visitors or other persons to purchase, possess or consume alcoholic beverages on the premises of a nonresidential facility without first having obtained a license authorizing such business or activity.

B. All licenses issued pursuant to this chapter shall comply with the Alcoholic Beverage Control Act of Utah (Section 32A-1-101 et seq. of the Utah Code), the regulations of the Utah Department of Alcoholic Beverage Control, and with the provisions of this chapter.

C. All licenses issued pursuant to this chapter shall be reviewed by and receive a positive recommendation from the planning division, fire department, police department, building division, and the Salt Lake Valley health department.

D. All licenses issued pursuant to this chapter shall comply with the distance requirements set forth by the Alcoholic Beverage Control Act of Utah (Section 32A-1-101 et seq. of the Utah Code). Due to the city's fourth class city status as set forth by state law, the Utah Alcoholic Beverage Control Commission may, after full investigation and determination that the distance requirements would result in peculiar and exceptional practical difficulties or exceptional and undue hardships in granting a license, following a public hearing, authorize a variance from the distance requirements to relieve the difficulties or hardships.

E. All licenses issued pursuant to this chapter shall at all times be conspicuously displayed to the public in the place to which it shall refer and for which it shall be issued.

F. The following retail licenses require local consent of Midvale City prior to submittal of an application to the Utah Alcoholic Beverage Control Commission:

   1. Package agency.

   2. Restaurant liquor. Restaurant liquor licenses grant the right to make available liquor, beer and wine to patrons of the restaurant. Sale of meals and food is the primary business purpose of the restaurant in accordance with Utah Alcoholic Beverage Control Commission rules and regulations.
3. Limited restaurant. Limited restaurant licenses grant the right to make available beer and wine to patrons of the restaurant. Sale of meals and food is the primary business purpose of the restaurant in accordance with Utah Alcoholic Beverage Control Commission rules and regulations.

4. On-premises banquet. On-premises banquet licenses grant the right of banquet facilities to make available alcoholic beverages to users of banqueting facilities. Sale of meals and food is the primary business purpose of the banqueting facility in accordance with Utah Alcoholic Beverage Control Commission rules and regulations.

5. Private club classes A, B, C, and D. Private club licenses of all classes grant the right to make available alcoholic beverages to patrons.

6. Special use permit. Special use permit licenses grant the right to purchase, store, sale, use, consume, or manufacture alcoholic products for limited purposes in accordance with the rules stated in the permit issued by the Utah Alcoholic Beverage Control Commission. The following persons or organizations are eligible for a special use permit: sacramental wine permit to a church or religious organization, industrial or manufacturing use permit to a person or organization engaged in an industrial or manufacturing pursuit; scientific or educational use permit to a person or organization engaged in a scientific or educational pursuit; health care facility use permit to a hospital or health care facility; and public service permit to an operator of an airline, railroad, or other public conveyance.

7. Single event permit. Single event permits are available to a bona fide corporation, church, political organization, or incorporated association or to a recognized subordinate lodge, chapter or other local unit thereof that is conducting a convention, civic, or community enterprise. The single event permit shall authorize local consent for the issuance of a single event permit by the Commission for a period not to exceed seventy-two hours. The same organization, corporation, church, or political organization, or subordinate lodge, chapter, or other local unit thereof may be issued local consent for a single event no more than twelve times in a calendar year. The proximity limitations identified in this section do not apply to single event permits.

8. On-premises beer retailer. On-premises beer retailer licenses grant the right to make available beer to patrons of the restaurant. Sale of meals and food is the primary business purpose of the restaurant in accordance with Utah Alcoholic Beverage Control Commission rules and regulations.

9. On-premises beer retailer—tavern. On-premises beer retailer—tavern licenses grant the right to make available beer to patrons.