

## ORDINANCE NO. 2024 - 20

### AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SOUTH JORDAN, UTAH, AMENDING CITY CODE SECTIONS 5.12.020, 5.12.040, AND 5.12.050 TO CREATE A SOUTH JORDAN PACKAGE AGENCY LICENSE.

**WHEREAS**, Utah Code §11-10-1 (3) gives the City authority to issue business licenses to businesses that operate a restaurant, bar, or similar business that allow a person to hold, store, possess, or consume an alcoholic product on the premises, and

**WHEREAS**, Currently South Jordan City Code does not allow or authorize package agency licenses; and

**WHEREAS**, The City now desires to amend City Code to more closely align with Utah State Code provisions which do allow a package agency license; and

**WHEREAS**, Amending the City Code to allow package agency license will grant the City local control to issue and revoke package agency licenses as appropriate; and

**WHEREAS**, The City Council finds that amending the City Code as outlined below is necessary to promote order and convenience for the City and its inhabitants.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SOUTH JORDAN, UTAH:**

**SECTION 1. Amendment.** The South Jordan City Municipal Code is hereby amended as shown on Attachment A. The three changes occurring under this ordinance are:

First, adding to Section 5.12.020: Definitions, the following “SOUTH JORDAN PACKAGE AGENCY LICENSE: This license permits a retail liquor location with a package agency agreement with the Utah Department of Alcoholic Beverage Services to sell, offer for sale, or furnish liquor in sealed containers from premises other than those owned or leased by the state. This license requires local consent.”

Second, adding a new subsection to 5.12.040: Licenses, and renumbering the remaining sections after the added section “8. South Jordan Package Agency License: Applicable provisions of the Utah Alcoholic Beverage Control Act pertaining to a package agency as set forth at Utah Code Annotated section 32B-2-602 et seq., as currently adopted and as hereinafter amended are adopted as the South Jordan Package Agency regulations.”

Third, updating Section 5.12.050: Application Process, to include the following underlined words in Subsection B. 6. “If the applicant is an on premises beer retailer or a package agency, a signed consent form stating that if granted a license, the licensee will permit any authorized representative of the UABCC, City, Police Department or Health Department unrestricted right to enter the licensee's premises.

**SECTION 2. Severability.** If any section, part or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance and all sections, parts, provisions and words of this Ordinance shall be severable.

**SECTION 3. Effective Date.** This Ordinance shall become effective immediately upon publication or posting as required by law.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF SOUTH JORDAN, UTAH, ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024 BY THE FOLLOWING VOTE:**

	YES	NO	ABSTAIN	ABSENT
Patrick Harris	_____	_____	_____	_____
Kathie Johnson	_____	_____	_____	_____
Donald Shelton	_____	_____	_____	_____
Tamara Zander	_____	_____	_____	_____
Jason McGuire	_____	_____	_____	_____

Mayor: \_\_\_\_\_  
Dawn R. Ramsey

Attest: \_\_\_\_\_  
Anna Crookston, City Recorder

Approved as to form:

  
Office of the City Attorney

## ATTACHMENT A

### **5.12.020: DEFINITIONS**

For purposes of this chapter definitions found in the Utah Alcoholic Beverage Control Act, Utah Code Annotated Title 32B, as amended are hereby adopted except for those defined in this section. Words defined below are either not present in the Utah Code or more restrictive, and will also be binding within the City.

CITY: South Jordan City.

PUBLICLY OWNED RECREATION FACILITY: Any building or permanent structure owned or leased by the State, a county, city or other local political jurisdiction that is used primarily for recreational activities.

SOUTH JORDAN BAR LICENSE: This license may be granted only to businesses that held a South Jordan dining club license as of March 28, 2017 and allows the sale, storage, service, and consumption of alcoholic beverages by the bar on its premises.

SOUTH JORDAN BEER ONLY RESTAURANT LICENSE: This license permits a restaurant to store, sell and allow consumption of only beer on its premises within the City, but not liquor, spirituous liquor, flavored malt beverage, wine, or heavy beer.

SOUTH JORDAN FULL SERVICE RESTAURANT LICENSE: This license permits the licensee to store, sell, and allow consumption of any alcoholic beverage on its premises within the City.

SOUTH JORDAN LIMITED SERVICE RESTAURANT LICENSE: This license permits a restaurant to store, sell and allow consumption of only wine, heavy beer, and beer on its premises within the City, but not liquor, spirituous liquor or flavored malt beverage.

SOUTH JORDAN OFF PREMISES BEER RETAILER LICENSE: This license permits the licensee to sell beer on its premises in original containers for consumption off the premises in accordance with law.

SOUTH JORDAN ON PREMISES BANQUET LICENSE: This license permits the storage, sale, service, and consumption of liquor, wine, heavy beer, and beer for contracted banquet activities on the premises of a hotel, resort facility, sports center, or convention center. It also allows for room service in hotels and resorts. Alcoholic beverages may be sold on any day from ten o'clock (10:00) A.M. until one o'clock (1:00) A.M.

SOUTH JORDAN ON PREMISES BEER RETAILER LICENSE: This license permits a business establishment to sell beer (not liquor) to public patrons for consumption on the

premises. These establishments must be a recreational amenity, but not taverns. This license requires local consent.

SOUTH JORDAN PACKAGE AGENCY LICENSE: This license permits a retail liquor location with a package agency agreement with the Utah Department of Alcoholic Beverage Services to sell, offer for sale, or furnish liquor in sealed containers from premises other than those owned or leased by the state. This license requires local consent.

SOUTH JORDAN SINGLE EVENT PERMIT: Single event permits are available for a group that wants to sell liquor, wine, beer, or heavy beer at a temporary event not to exceed one hundred twenty (120) hours. These are available to a bona fide partnership, corporation, limited liability company, church, political organization, or incorporated association or to a recognized subordinate lodge, chapter or other local unit thereof that is conducting a civic or community enterprise or convention. The organization must have been in existence as a bona fide organization for at least one year prior to the date of application.

The permit allows for cash bars and the sale of alcoholic beverages to the general public, or to the organization's own invited guests for the duration of the event. The permit may only be issued for zones where regular licenses are permitted.

SOUTH JORDAN SPECIAL USE PERMIT: Special use permits are issued for the purchase, sale, storage, use, consumption, or manufacture of alcoholic products in limited types and quantities, and for limited purposes. The following types of permits are considered special use permits: religious wine permits issued to religious organizations, industrial or manufacturing use permits issued to persons or organizations involved in industrial or manufacturing pursuits, scientific or educational use permits issued to persons or organizations involved in scientific or educational pursuits, healthcare facility use permits issued to hospitals or healthcare facilities, and public service permits issued to operators of airlines, railroads, or other public conveyances.

SOUTH JORDAN TEMPORARY BEER EVENT PERMIT: Temporary event permits for the sale of beer for on premises consumption at a temporary event that does not last longer than thirty (30) days.

#### **5.12.040: LICENSES**

- A. Each Place Of Sale, License Required: A separate license shall be required for each place of sale. Each licensee shall display in a prominent place in their business the license issued by South Jordan City. The applicable alcoholic beverage license (including fees) required is in addition to the general business license that shall be required.
- B. Transfer Of License: There shall be no transfer of any type of South Jordan City license from one location to another.

- C. Monetary Value Of License: South Jordan City alcoholic beverage licenses have no monetary value for the purpose of any type of disposition. A person, having been granted a South Jordan City license, may not sell, exchange, barter, give or attempt in any way to dispose of the license whether for monetary gain or not.
- D. Utah Alcoholic Beverage Control Act: Applicable provisions of the Utah Alcoholic Beverage Control Act set forth at Utah Code Annotated section 32B-1-101 et seq., as currently adopted and as hereinafter amended are adopted as the alcoholic beverage licenses of the City.
- E. Enumerated: The following licenses shall be issued under the provisions of this chapter and shall be subject to the operational restrictions of the applicable Alcoholic Beverage Control Act sections and the limitations noted below:
  - 1. South Jordan Beer Only Restaurant License: Applicable provisions of the Utah Alcoholic Beverage Control Act pertaining to off premises beer retailer licenses as set forth at Utah Code Annotated section 32B-6-901 et seq., as currently adopted and as hereinafter amended are adopted as the South Jordan beer only restaurant license.
  - 2. South Jordan Bar License:
    - a. Applicable provisions of the Utah Alcoholic Beverage Control Act pertaining to bar licenses as set forth at Utah Code Annotated section 32B-6-401 et seq., as currently adopted and as hereinafter amended are adopted as the South Jordan bar license.
    - b. Bar licenses are transferable as to owner but not location.
  - 3. South Jordan Full Service Restaurant License: Applicable provisions of the Utah Alcoholic Beverage Control Act pertaining to restaurant licenses as set forth at Utah Code Annotated section 32B-6-201 et seq., as currently adopted and as hereinafter amended are adopted as the South Jordan full service restaurant license. This license includes a specific location authorized by the UABCC under a master full service restaurant license.
  - 4. South Jordan Limited Service Restaurant License: Applicable provisions of the Utah Alcoholic Beverage Control Act pertaining to limited restaurant licenses as set forth at Utah Code Annotated section 32B-6-301 et seq., as currently adopted and as hereinafter amended are adopted as the South Jordan limited service restaurant license. This license includes a specific location authorized by the UABCC under a master limited service restaurant license.
  - 5. South Jordan Off Premises Beer Retailer License: Applicable provisions of the Utah Alcoholic Beverage Control Act pertaining to off premises beer retailer licenses as set forth at Utah Code Annotated section 32B-7-101 et seq., as currently adopted and as hereinafter amended are adopted as the South Jordan off premises beer retailer license with the following exceptions:
    - a. Location Restrictions: A South Jordan off premises beer retailer license will not be issued to any person where the premises would be located within three hundred feet (300') of a community location as measured from the nearest entrance of the outlet by following the shortest route of

either ordinary pedestrian traffic, or where applicable, vehicular travel along public thoroughfares, whichever is the closer, to the property boundary of a public or private school, church, public library, public playground or park. The premises of a South Jordan off premises beer retailer licensee may not be established within one hundred feet (100') of any community location, measured in a straight line from the nearest entrance of the proposed outlet to the nearest property boundary of the public or private school, church, public library, public playground or park.

- b. Hours: A South Jordan off premises beer retailer licensee may only sell beer between the hours of seven o'clock (7:00) A.M. and one o'clock (1:00) A.M.
6. South Jordan On Premises Banquet License: Applicable provisions of the Utah Alcoholic Beverage Control Act pertaining to on premises banquet licenses as set forth at Utah Code Annotated section 32B-6-601 et seq., as currently adopted and as hereinafter amended are adopted as the South Jordan on premises banquet license.
7. South Jordan On Premises Beer Retailer License: Applicable provisions of the Utah Alcoholic Beverage Control Act pertaining to on premises beer retailer licenses as set forth at Utah Code Annotated section 32B-6-701 et seq., as currently adopted and as hereinafter amended are adopted as the South Jordan on premises beer retailer license. Note: South Jordan City does not permit taverns within the City even though they are permissible under the referenced section of the UABCA.
8. South Jordan Package Agency License: Applicable provisions of the Utah Alcoholic Beverage Control Act pertaining to a package agency as set forth at Utah Code Annotated section 32B-2-602 et seq., as currently adopted and as hereinafter amended are adopted as the South Jordan Package Agency regulations.
- ~~8.~~9. South Jordan Single Event Permit: Applicable provisions of the Utah Alcoholic Beverage Control Act pertaining to single event permits as set forth at Utah Code Annotated section 32B-9-301 et seq., as currently adopted and as hereinafter amended are adopted as the South Jordan single event permit.
- ~~9.~~10. South Jordan Special Use Permit: Applicable provisions of the Utah Alcoholic Beverage Control Act pertaining to special use permits as set forth at Utah Code Annotated section 32B-10-101 et seq., as currently adopted, and as hereinafter amended are adopted as the South Jordan special use permit.
- ~~10.~~11. South Jordan Temporary Beer Event Permit: Applicable provisions of the Utah Alcoholic Beverage Control Act pertaining to temporary beer event permits as set forth at Utah Code Annotated section 32B-9-401 as currently adopted and as hereinafter amended are adopted as the South Jordan temporary beer event permit.

## **5.12.050: APPLICATION PROCESS**

- A. Application Forms: All applications for alcoholic beverage control licenses, for renewal or reissuance of licenses and for transfer of licenses authorized by this chapter shall be made on forms provided by the City and shall conform to this chapter and the applicable State Statutes.
- B. Complete Application: A person seeking a license to sell alcoholic beverages within South Jordan City must submit a complete application. A complete application shall include the correct completed form accompanied by:
  - 1. The complete license fee;
  - 2. A copy of the applicant's business license;
  - 3. Evidence of proximity to any community location (i.e., school, church, public library, playground, park);
  - 4. A floor plan of the business, including where the applicant proposes to keep, store and sell liquor;
  - 5. Evidence that the business is carrying dramshop insurance coverage, if required by State law, of at least the State required minimums;
  - 6. If the applicant is an on premises beer retailer or a package agency, a signed consent form stating that if granted a license, the licensee will permit any authorized representative of the UABCC, City, Police Department or Health Department unrestricted right to enter the licensee's premises.
  - 7. Any other information the City may require to accurately evaluate the merits of the application.
- C. Copartnership: If the entity requesting a license is a copartnership, the names and addresses of all partners must be stated on the application.
- D. Corporation: If the entity requesting a license is a corporation, the names and addresses of all officers and directors must be stated on the application.
- E. Circulate To City Departments: The City, upon receipt of a complete application for a license to be issued under the provisions of this chapter, shall circulate it to appropriate City departments who will investigate and make recommendations to the City's business licensing official.