



City Council Staff Report

Subject: Liquor License Amendments
Author: Rebecca Gillis and Shelley Hatch
Department: Finance Department
Date: June 6, 2013
Type of Item: Legislative

Summary Recommendations:

Hold a public hearing and consider amending the municipal code as proposed in the attached ordinances. The attached ordinances amend Sections 4-4-1 thru 4-6-6 of the Municipal Code. The amendments clarify Park City's Special Event liquor licensing process, allow the Finance Department to simplify the liquor licensing application process, and provide clarity and ensure internal consistency within the Municipal Code. Retain Council authority to legislatively approve temporary licenses during the Sundance Film Festival.

Topic/Description:

Amending the Municipal Code for Beer and Liquor licenses and updating Park City Liquor License application to comport with those changes.

Background:

Throughout the years, Municipal Code sections 4-4-1 thru 4-6-6 were amended to ensure the Municipal Code remained consistent with changes made to State alcoholic beverage control laws. The changes made over the years have made the Municipal Beer and Liquor Licensing ordinances hard to read and hard to understand. The last changes made to the Municipal Code occurred on May 20, 2010.

On December 20, 2012 the City Council held a Work Session to discuss amending the liquor licensing provisions in the Park City Municipal Code in preparation for Sundance 2014. The proposed changes were divided into two sections. The first section, Section A, proposed changes to clean-up the Code and proposed changes to the Temporary Special Event Permitting process to parallel the requirements in the State Code. The second section, Section B, proposed a broader policy change in which the City Council retain final approval of all Special Event Liquor Licenses during the Sundance Film Festival and continue to delegate authority to give local consent regarding all other liquor licenses to the Business License Clerk. After review, the City Council decided to revisit Section B at a later date, but instructed staff to move forward with Section A.

In addition, following the Work Session, the Police requested the following additional changes:

- Stricter criminal background restrictions on applicants (see point 1(C) below); and
- The ability to reject applications where an applicant's previous conduct indicates future violations of liquor laws are likely (see point 5 below).

On February 28, 2013, Staff moved forward with Section A as directed and amendments were submitted to the City Council for consideration and a public hearing. At public hearing, business owners and the HPCA expressed concern that they had not received adequate notice of the proposed changes and requested that the matter be continued to allow an opportunity for Staff to meet with interested individuals. In response to these concerns, City Council continued the matter and gave Staff direction to do outreach with the concerned business owners and the HPCA.

On March 19, 2013, Staff met with bar/restaurant owners and the HPCA to discuss their concerns regarding the proposed amendments. The representative from the restaurant association was planning on attending but could not make it at the last minute. The primary concerns voiced by those present at the meeting related to increased authority granted to the Police Chief's to deny licenses and the new code section proposed by Police addressing denial, suspension, and revocation of liquor licenses.

At the March 19th meeting, the HPCA and bar/restaurant owners also discussed the amendments proposed in Section B of the December 20, 2012 work session. After the March 19 meeting the HPCA and bar/restaurant owners expressed support of all the amendments proposed on December 20, 2012 and February 28, 2013 with the following adjustments below. Staff extended an invitation to meet again with the same group to go over the final draft of this report and the final version of the amendments. Only the HPCA president, Alison Butz, met with the City and expressed general support for the changes.

4-4-3. License Qualifications

Business owners expressed concerns that the stricter criminal history considerations requested by the Police would have a negative impact on business. After discussion, Staff and business owners came to the consensus that Park City's criminal history considerations should mirror the state code. Accordingly, this section has been changed to reflect the stricter criminal history considerations set forth in Utah Code Ann. § 32B-1-304.

4-4-5. Referral of License Application to Chief of Police

Business owners expressed concerns that the proposed changes were vague and therefore granted the Police Chief too much discretion in denying liquor licenses. Accordingly, this section was amended to provide a more precise framework regarding what factors the Chief of Police may consider when recommending a liquor licensing application be denied. This section was also amended to reflect specific discretionary authority granted to municipalities under state liquor laws.

4-4-9. Grounds for License Denial, Suspension, or Revocation

Business owners expressed concern that this section granted the City too much authority to deny, suspend, or revoke a liquor license. Accordingly, this section has been amended to mirror the grounds for denial, suspension, and/or revocation set forth under State liquor laws.

Analysis:

A. General Liquor License Code Amendments

Staff has reviewed the current Municipal Beer and Liquor Licensing ordinances and recommends that changes to the existing ordinance be made. The proposed changes to the Municipal Code fall into the following categories:

1. Delineate a new process for reviewing applications for Special Event Temporary Beer Licenses and Special Event Liquor Licenses. Under the current Municipal Code applicants for Special Event Temporary Beer Licenses and Special Event Liquor Licenses must comply with the same requirements as applicants for full beer or liquor licenses. The Department of Alcoholic Beverage Control (DABC) has less restrictive requirements for Single Event Permits as compared to regular licenses. The existing Municipal Code treats Special Event Temporary Beer and Liquor licenses the same as regular liquor licenses under our code which is stricter than even the DABC requires. Accordingly, the proposed changes (Exhibit A) would:
 - A. *Replace the current Special Event Temporary Beer Licenses and Special Event Liquor Licenses with a single Special Event Alcoholic Beverage License.* The privileges granted under this new license will be dependent upon the type of license an applicant secures at the state level.
 - B. *Replace the current procedure that requires applicants to obtain a Utah criminal background check for all officers, board of directors, and partners.* Instead, Staff feels it more appropriate to mirror the State's policy and have applicants sign a statement under oath attesting to their criminal background.
 - C. *Make the Criminal Background requirements stricter.* Restrict liquor licenses for individuals who have had a felony within the past five (5) years, as opposed to the previous two (2) years. Restrict liquor licenses for individuals who have had a violation of any law or ordinance relating to the importation or sale of intoxicating liquors, or of keeping a gambling or disorderly establishment, or who have plead guilty to or forfeited bail on a charge of having violated any such law to five (5) years instead of the previous three (3) years. Restrict liquor licenses for anyone with a misdemeanor(s) involving alcohol or controlled substances during a period of two (2) years instead of the previous one (1) year. This amendment mirrors the State Code.
 - D. *Clarify that a license can be revoked immediately if the licensee isn't in compliance.*
 - E. *Only bona fide corporations will be permitted to apply for a license.* A bona fide corporation is one that has been in existence for at least one year prior to application. This amendment mirrors the State Code.
 - F. *Prohibit all Special Event Alcoholic Beverage License holders from holding an event unless they secure liquor liability insurance or a liquor liability insurance rider.* In reviewing this added provision, Staff contacted two agencies in Utah and one in Colorado and reviewed statutory liability limitations determined that at the \$1/2M insurance coverage level, hosted service (giving away

alcohol for no charge) coverage is available without additional fees. Selling alcohol requires an additional fee based on number of event attendees. The rider could cost anywhere from \$100.00 to over \$1000.00 depending on the event.

G. *Require all servers to be TIP certified.*

2. Modifying the construction and the order of Municipal Code sections 4-4-1 thru 4-6-6.
 - A. Staff felt the construction and order of Municipal Code sections 4-4-1 through 4-6-6 is cumbersome and fails to account for important variations between temporary and regular alcoholic beverage licenses. Proposed changes address this by establishing separate chapters for General licensing policies (chapter 4), Special Event Alcoholic Beverage Licenses (chapter 4A), Beer Licenses (Chapter 5), and Liquor Licenses (Chapter 6); reorganizing portions of the code; and proposing new sections.
 - B. Chapter 4 General licensing policies describes general licensing policies in Park City applicable to all beer and liquor licenses.
 - C. Chapter 4A Special Event Alcoholic Beverage Licenses details the changes described above and would replace current references to Special Event Temporary Beer Licenses and Special Event Liquor Licenses to a single Special Event Alcoholic Beverage License. This section also provides for situations in which individuals are required to obtain a license from Park City but not from the state.
 - D. Chapter 5 Beer Licenses continues to detail Park City's beer licenses. For organizational purposes the application process for beer licenses has been moved from Chapter 4 into this section and modified as necessary to pertain only to beer licenses.
 - E. Chapter 6 Liquor Licenses continues to detail Park City's liquor licenses. For organizational purposes the application process for liquor licenses has been moved from Chapter 4 into this section and modified as necessary to pertain only to liquor licenses.
 - F. Where applicable, the phrase "this Chapter" would be replaced with "this Title" to ensure that unchanged code provisions remain applicable under the new organization.
3. Change the assigned department or designee charged with administering or having authority under the Code to reflect more accurately who actually has those responsibilities.
4. Clarify that all applications may take up to 10 working days to process. Before an application can be approved or denied it must be reviewed by the Police, Planning, and Building Departments. This interdepartmental review takes time and staff feels it would be helpful to give applicants a clear understanding of how long it may take to process an application so applicants may plan accordingly.
5. Modifying Municipal Code section 4-4-5 to grant the Police a greater ability to deny liquor licenses for applicants that have shown through previous conduct

that they are unlikely to comply with the provisions of the liquor license and/or state and local liquor laws.

6. Modifying the text as necessary to correct grammatical errors and to reflect gender neutrality.

In addition to the proposed changes to the Municipal Code, for informational purposes, Staff has provided a revised application for the Special Event Alcoholic Beverage License. (Exhibit B). This application reflects the proposed changes, is easier to read and understand, and more closely resembles the DABC application for Single Event Permits.

B. Sundance Special Event Liquor License Process for Council Approval.

Staff and the City Attorney continue to recommend, as discussed during the December 20, 2012 work session, that for temporary licenses effective during the Sundance Film Festival, the Council retract the delegated authority giving local consent on behalf of the City from the Business License Clerk. Local consent from the City is required for any liquor license approved by the DABC. Currently, Council has delegated that authority to the Business License Clerk who grants that consent as long as the requirements of our local liquor license are met, including review by the Police Department.

The proposed change would mean that by the final regularly scheduled Council meeting in December of each year preceding the festival the Council will approve/deny all temporary special event liquor licenses. This schedule is consistent with the regular DABC process which requires applicants to apply by the 10th of the month a month prior to the event. Thus, for 2014, applicants will have to submit their application with the DABC by December 10, 2013, for the festival starting on January 16, 2014. In July of last year, the DABC started allowing for special/emergency meetings up to one week prior to the event. However, all those going through the normal process are required to have their applications in by the 10th of the month before the event. Similar to the state DABC process, staff has included language to allow for a special/emergency meeting. Staff however, recommends a bright line deadline, a higher fee and cap on the number of late applications (first in time to be filed) at 12. Applications, to be ready for the last meeting in December, would have to be submitted at a minimum 10-14 days prior to the meeting. The deadline for the January meeting would be the first Friday (January 3rd), however only the first 12 complete applications will be heard. No further exceptions will be made.

This requirement of Council review would allow the City to monitor issuance of the licenses collectively, with the benefit of more time to allow staff's review of individual applications. Staff is not recommending any additional limitations on the scope or number of licenses issued. However, long term, this process would proactively position the Council to better address issues related to adverse impacts or carrying capacity issues related to the licensed activity and volume, as well as coordinate with the DABC hearing as necessary. It also allows service departments, event staff and public safety to obtain a more adequate picture of the total public service demands for the festival in

a timeframe that provides for service level and cost adjustments. As a benefit to applicants, it provides them greater advance time to address issues that may otherwise delay or result in denial of their event. From a level playing field perspective, the deadline is also closer to the supplemental plan approval and informal application deadline agreement the City has required of Sundance and its sponsors for the actual MFL activities. That deadline is typically early December. Also, it puts applicants who have to get DABC approval on the same timeline as those who don't need DABC approval, but require a City license. Since the activities associated with special event alcoholic beverage licenses often directly impact transportation, public safety and other service levels, it is only logical the City should be processing all the applications during the same timeframe, rather than in a reactive manner that can stress already allocated resources, and therefore put the public and service standards at risk.

Staff discussed this proposed amendment with the HPCA and restaurant/bar owners in March and they expressed support of the change in timing. At the recent meeting with the HPCA, Ms. Butz indicated that one HPCA member suggested having Council delegate the local consent to staff up until the last meeting in December and then retaining the ability to hear special meetings after that point. For the reasons stated above, Staff does not recommend following that suggestion.

Department Review:

The City Manager, Legal Department, Sustainability Department, Police Department, and Finance Department reviewed this report.

Alternatives:

A. Approve:

The recommended action would enact the changes to the City's Municipal Code as shown in the attached documents. **This is staff's recommendation.**

B. Deny:

Council could deny the request to move forward with the amendments to Municipal Code 4-4-1 thru 4-6-6.

C. Modify:

Council could direct Staff to modify or add amendments to the current ordinance. Any significant changes to the ordinance would require staff to return at a future Council meeting with an amended ordinance incorporating the Council's changes.

D. Continue the Item:

Council could ask for this ordinance change to be continued for further discussion. Council should provide additional policy clarity and describe what additional information the Council would like to move forward.

E. Do Nothing:

Council could do nothing on this request. Staff does not recommend this alternative.

Significant Impacts:

	World Class Multi-Seasonal Resort Destination (Economic Impact)	Preserving & Enhancing the Natural Environment (Environmental Impact)	An Inclusive Community of Diverse Economic & Cultural Opportunities (Social Equity Impact)	Responsive, Cutting-Edge & Effective Government
Which Desired Outcomes might the Recommended Action Impact?	<ul style="list-style-type: none"> + Unique and diverse businesses + Balance between tourism and local quality of life + Varied and extensive event offerings ~ Internationally recognized & respected brand 	<ul style="list-style-type: none"> ~ Reduced municipal, business and community carbon footprints 	<ul style="list-style-type: none"> + Shared use of Main Street by locals and visitors + Vibrant arts and culture offerings + Shared use of Main Street by locals and visitors ~ Primarily locally owned businesses 	<ul style="list-style-type: none"> + Fiscally and legally sound + Engaged and informed citizenry + Streamlined and flexible operating processes + Ease of access to desired information for citizens and visitors
Assessment of Overall Impact on Council Priority (Quality of Life Impact)	Very Positive 	Neutral 	Positive 	Very Positive 
Comments:				

The primary impacts of the proposed changes will be to applicants for special event alcoholic beverage licenses. The proposed changes will mirror the State requirements (DABC) for special event temporary license.

Consequences of not taking the recommended action:

If no action is taken at this time the current ordinance will remain hard to follow and understand. Moreover, applicants for single events will continue to be required to submit to application requirements more suited to applications for full licenses and well above what the State requires of temporary licensees.

Recommendation:

Hold a public hearing and consider amending the municipal code as proposed in the attached ordinances. The attached ordinances amend Sections 4-4-1 thru 4-6-6 of the Municipal Code. The amendments clarify Park City's Special Event liquor licensing process, allow the Finance Department to simplify the liquor licensing application process, and provide clarity and ensure internal consistency within the Municipal Code. Retain Council authority to legislatively approve temporary licenses during the Sundance Film Festival.

Exhibits:

Exhibit A – Draft Ordinance

Exhibit B – Updated liquor license application based upon proposed amendments
Exhibit C - Minutes December 20, 2012
Exhibit D – Minutes February 28, 2013

Ordinance No. 13-

AN ORDINANCE ADOPTING TITLE 4, CHAPTER 4A – SPECIAL EVENT TEMPORARY ALCOHOLIC BEVERAGE LICENSES DESCRIBED IN THE MUNICIPAL CODE OF PARK CITY AND AMENDING TITLE 4, CHAPTER 4, BEER AND LIQUOR LICENSING; TITLE 4, CHAPTER 5, BEER LICENSES DESCRIBED; TITLE 4, CHAPTER 6, LIQUOR LICENSE DESCRIBED OF THE MUNICIPAL CODE OF PARK CITY

WHEREAS, there is a need to clarify Park City’s special event temporary alcoholic beverage licensing process; and

WHEREAS, the Finance Department wishes to simplify the liquor licensing application process; and

WHEREAS, the Park City’s temporary special event liquor license was more cumbersome than the State Code; and

WHEREAS, in order to be more effective, the Criminal Background requirements preventing those who have committed felonies or other criminal activity are increased; and

WHEREAS, Police need greater ability to deny liquor licenses for applicants that have shown through previous conduct that they are unlikely to comply with the provisions of the liquor license and/or state and local liquor laws; and

WHEREAS, before an application can be approved or denied it must be reviewed interdepartmentally, therefore, all applications may take up to 10 business days to process; and,

WHEREAS, insurance shall be required for all special event temporary alcoholic beverage licenses and all servers shall be TIP certified; and

WHEREAS, in order to be consistent with the DABC process and allow the City to monitor issuance of the licenses collectively, with the benefit of more time to allow staff review of individual applications for temporary licenses effective during the Sundance Film Festival, Council will not delegate its authority to give local consent; and

WHEREAS, these amendments and adoption provide clarity and ensure internal consistency within the Municipal Code and consistency with the State Code.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PARK CITY, UTAH THAT:

Section I. Amendment. Title 4, Chapter 4, Beer and Liquor Licensing; Title 4, Chapter 5 Beer Licenses Described; and Title 4, Chapter 6, Liquor Licenses Described of the Municipal Code are amended to read as outlined in Exhibit A.

Section II. Adoption. Title 4, Chapter 4A, Special Event Temporary Alcoholic Beverage Licenses is adopted and reads as outlined in Exhibit A.

Section III. Effective Date. This Ordinance shall become effective upon publication.

PASSED AND ADOPTED this 6th day of June, 2013.

PARK CITY MUNICIPAL CORPORATION

Mayor Dana Williams

Attest:

Janet M. Scott, City Recorder

Approved as to form:

Mark D. Harrington, City Attorney

CHAPTER 4 - BEER AND LIQUOR LICENSING

4-4-1. POLICY.

It is the policy of Park City Municipal Corporation to permit the operation of establishments serving beer and liquor in a manner consistent with the provisions of the Alcoholic Beverage Control Act and related provisions of State Law. It is also the policy of Park City Municipal Corporation to place the primary responsibility for maintaining order and preventing breaches of the peace within establishments selling and serving beer and liquor on the owners and managers of those establishments.

~~4-4-2. LICENSE APPLICATION:~~

~~Applications for new beer or liquor licenses shall be made in writing to the City Council or its designee upon a form furnished by the Finance Manager to be filed with the Finance Manager and include the information set forth in (A) through (E) below:~~

~~Each application shall state the name, street address, mailing address, age and citizenship of the applicant; and contain an indication as to whether the applicant meets the Licensee qualifications set out in Section 4-4-3;~~

~~A copy of the applicant's criminal history obtained from the Utah Bureau of Criminal Identification completed within three years of application;~~

~~The Street address of the business; whether the applicant has complied with requirements specified in the Alcoholic Beverage Control Act; the location of any other beer or liquor licenses held by the applicant; the name and Utah address for the business' agent for service of process; and any other reasonably pertinent information required by the Finance Manager or City Council;~~

~~The application must be subscribed by the applicant who shall state under oath that the facts therein contained are true; and~~

~~If the applicant is a partnership, association, corporation, or limited liability company the applicant shall include a copy of the articles of incorporation or the written partnership agreement; and the information set forth in (A) and (B) for each officer, partner, or director.~~

~~(Amended by Ord. Nos. 01-32, 10-21)~~

~~4-4A-2. LOCAL CONSENT:~~

~~(A) The issuance of a Park City beer or liquor license may pursuant to Section 4-4-10 below shall constitute local consent for the purpose of any license issued by the state of Utah under the Alcoholic Beverage Control Act.~~

~~(B) Retained Council Authority:~~

~~(i) all Special Event Temporary Alcoholic Beverage Licenses effective during the~~

applicable Sundance Film Festival annual Master Festival License period shall require City Council approval no later than the last regularly scheduled meeting in the preceding month of December.

(ii) An Emergency Meeting may be held by Council to hear no more than twelve (12) applications for late applications. All applications must be complete and submitted no later than the first Friday in January to be heard no later than the second Thursday in January. No more than the first twelve complete applications to be submitted will be heard. A higher fee, pursuant to the fee schedule, will be required due to the expedited nature of the emergency meeting.

(Amended by Ord. No. 10-21)

4-4-2.1. DEFINITION OF APPLICANT OR LICENSEE

Throughout this Title, the term “applicant” or “licensee” shall include the individual, or any partner, managing agent, manager, officer, director, stockholder holding at least 20% of the total issued and outstanding stock of a corporation, or member who owns at least 20% of the limited liability company applying for or being granted a license under this Title.

4-4-3.-. LICENSEE QUALIFICATIONS.

No beer or liquor license shall be granted to any individual, ~~retailer,~~ partnership, corporation, limited liability company, or association if ~~the applicant any partner, director, or officer~~ does not meet the qualifications for a license as set forth in (A) through (~~D~~ E), below:

(A) ~~Must be~~ The licensee shall be over the age of twenty-one (21) years of age or older;

(B) ~~No beer or liquor license shall be granted to anyone who has been~~ Must not have been convicted of:

~~1) or plead guilty to a felony under federal or state law; within two (2) years of date of the application~~

~~2) a violation of a federal law, state law, or local ordinance concerning the sale, offer for sale, warehousing, manufacture, distribution, transportation, or adulteration of an alcoholic product;~~

~~3) a crime involving moral turpitude; or~~

~~4) on two (2) or more occasions within the five (5) years before the day on which the license is issued, driving under the influence of alcohol, drugs, or the combined influence of alcohol and drugs; or of misdemeanors involving alcohol or controlled substances during a period of one (1) year prior to the application;~~

~~(C) No beer or liquor license shall be granted to any person who has been convicted of any violation of any law or ordinance relating to the importation or sale of intoxicating liquors, or of keeping a gambling or disorderly establishment, or who has plead guilty to or forfeited his bail~~

~~on a charge of having violated any such law or ordinance within the preceding three (3) years of the date of application; or~~

~~(DC)– Must not have had any type of Any person whose beer or liquor license was revoked pursuant to this Title is ineligible to reapply for a beer or liquor license until the expiration of within the last three (3) years from the date such license is revoked;~~

~~(D) Must comply with federal and state laws pertaining to the payment of taxes and contributions to unemployment and insurance funds; and~~

~~(E) Must meet all other state requirements for the applicable license.~~

(Amended by Ord. Nos. 01-32, 01-21)

4-4-4.- APPLICATION FEE.

Each beer and liquor license application shall be accompanied by the regulatory license fee required by ~~Section 4-5-2 or Section 4-4-6~~ this Title.– If the license is denied, fifty percent (50%) of the license fee will be retained to pay the costs of processing the application.

4-4-5.- REFERRAL OF LICENSE APPLICATION TO CHIEF OF POLICE.

All applications filed in accordance with this ~~Chapter Title~~ shall be referred to the Chief of Police or designee for inspection and report.– The ~~Chief of~~ Police shall, within ten (10) business days after receiving such application, conduct an investigation. ~~of In conducting an investigation and making a recommendation, the Chief of Police or designee may base a decision upon factors such as:~~

- (A) whether the applicant meets the licensee qualifications under this Title or State Code;
- (B) any criminal violations or charges against the applicant where the criminal violation at issue would make an applicant ineligible for a license under state statute or this Title;
- (C) compliance with state alcoholic beverage laws and this Title;
- (D) the nature and kind of business to be conducted at such place by the applicant;
- (E) the nature and kind of entertainment that will occur on the premises if licensed, if any, at such place;
- (F) policies and safety protections the applicant has in place to restrict minors from accessing the portion or portions of a premises where alcoholic beverages are sold;
- (G) policies and safety protections the applicant has in place to prevent minors from gaining access to and/or consuming alcoholic beverages;
- (H) and the proximity of such the premises to any community location, school, or church.

~~–The Chief of Police or designee shall, upon completion of such investigation, submit his/her recommendation as to whether the license should be granted. –In making his/her recommendation, the Chief of Police may refer to the character of other licensed premises owned in full or in part by the applicant.–If recommending denial of a special event temporary alcoholic beverage, beer or liquor license application, the Chief of Police or designee shall submit a detailed report of his/her investigation, record the recommendation on the application, and sign the application.–If recommending approval of a beer or liquor license application, the Chief of Police or designee shall record such recommendation on the application, sign the application, and may, at his/her sole discretion, submit a detailed report of the investigation.~~

(Amended by Ord. No. 01-32)

4- 4- 6. REFERRAL OF APPLICATION TO BUILDING DEPARTMENT AND PLANNING DEPARTMENT.

The Finance Manager or designee shall refer the application to the Building and Planning Departments for review by the Building Official to ensure compliance with the applicable building codes; determination of the maximum number of occupants the premises may safely accommodate at one time, given the location and number of emergency exits; and compliance with the Park City Land Management Code, Title 15. The Building and Planning Departments shall, within ten (10) businesses days after receiving such application, submit to the Finance Manager or designee a recommendation to approve or deny the application.

(Amended by Ord. No. 01-32)

4- 4- 7. REFERRAL OF LICENSE APPLICATION TO HEALTH DEPARTMENT.

The Building Department may refer any application filed in accordance with this ~~Chapter Title~~ to the County Health Department which may inspect all premises to be licensed to assure compliance with all laws and regulations of the State of Utah and the ordinances, rules, and regulations of Park City governing the sanitary preparation, storage, distribution, or sale of beer and food.

(Amended by Ord. No. 01-32)

4- 4- 8. ~~–~~ PERIODIC INSPECTION OF PREMISES BY CHIEF OF POLICE.

The Chief of Police or ~~his/her~~ designee shall be permitted to have access to all premises licensed or applying for license under this ~~Chapter Title~~, and may make periodic inspections of said premises and may report his/her findings to the ~~City Council~~ Finance Manager or designee.

(Amended by Ord. No. 01-32)

4- 4- 9. GROUNDS FOR LICENSE DENIAL SUSPENSION, OR REVOCATION.

(1) ~~The City Council or its designee may~~ shall deny a ~~beer or liquor~~ license application under this Title if:

(A) The license application does not contain all of the information required by this Title Section 4-4-2;

(B) The application fee is not paid;

(C) ~~—~~The premises to be licensed do not comply with the applicable zoning regulations and building codes in force at the time of application;

(D) The applicant does not meet the licensee qualifications set out in Section 4-4-3, elsewhere in this Title or in the state code;

(E) The applicant intentionally misrepresented or concealed information required by ~~Section 4-4-2~~this Title in an application for the license;

(F) The proposed premises do not meet all applicable health and building codes, and the applicant does not provide reasonable assurances that the premises will be brought into compliance upon approval of the license;

(G) ~~—~~The applicant holds other licenses under this Title, which are not in good standing, or upon which licensed premises the provisions of this Code and state laws are frequently violated; or

(H) Applicant does not hold a current Park City business license.

(2) The City may suspend, revoke, or not renew a license under this Title if:

(A) The licensee fails to meet the licensee qualifications in Section 4-4-3, or the license could be denied for any of the reasons listed in Subsection (1) above.

(B) The licensee no longer possesses the qualifications required by state and local laws;

(C) The licensee violates state or local alcoholic beverage laws or regulations;

(D) The licensee does not pay an application fee, license cost, or fine;

(E) The licensee fails to maintain a Park City business license;

(F) The licensee fails to notify the City of a change in ownership

(i) For a corporation, this includes changes related to corporate officers, directors of the retail licensee, or shareholders holding at least 20% of the total issued or outstanding stock of the corporation;

(ii) For a limited liability company, this includes changes related to managers of the limited liability company or members owning at least 20% of the limited liability company;

(G) If any of the following fails to complete an alcohol training and education seminar (TIPS);

(i) ~~for~~ Any manager, supervisor that oversees the furnishing of alcoholic products, or any individual who serves an alcoholic product to a patron for consumption on the licensed premises where the license is a retail license,

(ii) Any supervisor who supervises the sale of beer, or individual who sells beer to a patron for consumption off the premises where the license is an off-premise beer retailer-;

~~(B)~~(H) The licensee is an off-premise beer retailer license and the licensee is on probation for multiple violations involving the sale of alcoholic beverages to minors, and the licensee or his/her staff are involved in any violation during the probationary period;

(I) The licensee violates a state alcoholic beverage law, Utah Department of Alcoholic Beverage Control rule, or local ordinance.

(3) Emergency Suspension by Police is applicable for violation of any of the provisions listed above pursuant to Section 4-4-15.

(Amended by Ord. No. 01-32)

4- 4- 10. ISSUANCE OF LICENSE CERTIFICATE.

All beer and liquor license certificates shall be signed by the City Manager and Finance Manager, attested by the City Recorder under the seal of the City, and shall contain the following information:

(A) The street address of the licensed premises and mailing address if different;

~~(B)-~~ A detailed description of the portion of the building designated as the licensed premises;

(C) The maximum occupancy of the licensed premises;

~~(D)-~~ The beer or liquor license classification;

(E) The name of the person to whom such certificate has been issued and the name of a local contact person;

- (F)– The name of the business;
- (G) The term of the license, including commencement and expiration dates; and
- (H)– That the license is subject to revocation by the City for violation of this Title or the Alcoholic Beverage Control Act.

(Amended by Ord. No. 01-32)

4- 4-11.– CITY LICENSE PERIOD.

Unless otherwise provided under this Title, tThe license certificate shall be valid through December 31 of the year of issuance, unless revoked or suspended under this Title or unless the licensee's required State license is suspended, revoked or denied.

4- 4-12.– CITY RENEWAL PROCEDURE.

On or before December 1 of each year, the City shall send via first class mail, notice to each beer, restaurant liquor or Club Licensee within the City that the regulatory license fee required by ~~Section 4-5-2 or 4-6-6~~this Title is due by December 31st.– Upon receipt of the regulatory license fee and finding that renewal is proper pursuant to the criteria in this Title and set forth herein at Subsections (A) through (E), the ~~City Council~~Finance Manager or ~~its~~ designee shall issue a license certificate valid through December 31st of the next licensing year.

Upon notification by the Police Department, the licensee must close the licensed premises on the expiration date of the license and keep the premises closed for the consumption or storage of beer or liquor until the date his/her renewal license is issued by the ~~City Council~~Finance Manager or ~~its~~ designee.– In the absence of such notice, pending action on license renewals, the license is deemed extended provided a renewal application was filed on or before December 31 of the year in which the prior license was issued.– The Finance Manager or designee shall prepare a list or lists of all licenses to be renewed, and the ~~City Council~~Finance Manager or ~~its~~ designee may approve all renewals on that list or lists.

Licenses shall be renewed unless the ~~Council~~Finance Manager or ~~its~~ designee shall find ~~that~~:

- (A) The licensee has attempted to transfer or assign the license to others in violation of this Title;
- (B) The licensee no longer holds the qualifications required of licensee under the provisions of Section 4-4-3 of this Title;
- (C) The premises have been remodeled or changed in a manner that eliminates required exits, creates closed booths or stalls;
- (D)– The licensee or his/her employees or agents have been convicted of or plead guilty to

more than five (5) violations of this Title or state liquor control statutes relative to the conduct of the licensed premises in a single calendar year preceding the renewal, not including violation by patrons; or

(E) Licensee does not hold a current valid Park City business license ~~or has not been exempted under Chapter 2 of this Title.~~

In the event the ~~Council~~ Finance Manager or ~~its~~ designee finds any of the foregoing conditions (A) through (E) to exist with respect to a license renewal application, the ~~Council~~ Finance Manager or ~~its~~ designee may waive the violations and grant a renewal license, grant a probationary renewal for a fixed period of time less than one year, or deny the application for renewal. ~~When deemed appropriate, the Council may hold hearings on specific license renewal applications prior to granting the renewal license.~~

(Amended by Ord. Nos. 01-32, 10-21)

4- 4-13. LICENSES NON-TRANSFERABLE.

No license issued under this ~~Chapter~~ Title is transferable from the original licensee to any other person, partnership, corporation or other entity. ~~Each year, as a part of the renewal process, the licensee shall indicate the board of directors, or all partners, and if there are any changes from the previous year, the license shall be reviewed as a new application to the extent of the changes in ownership.~~

(Amended by Ord. No. 01-32)

4- 4-14. TRAINING REQUIREMENTS FOR THE EMPLOYEES OF BEER AND LIQUOR LICENSE PREMISES.

No ~~person-applicant~~ shall be granted a special event temporary alcoholic beverage, new beer or liquor license, unless that person-applicant shall show by certificate(s) granted by the DABC or by adequate proof of the existence of such certificate(s), that each employee of the business engaging in the serving, selling or furnishing of such alcohol on the premises has completed the Alcohol Training and Education Seminar, as required in U.C.A. Section 62A-15-401.

Every new employee of a licensee who is required to complete this seminar shall complete the seminar within thirty (30) days of commencing employment. ~~Violation of this Section will result in revocation of the license granted unless the licensee provides to the Finance Manager or designee proof of compliance within thirty (30) days of the time that licensee is first notified that such violation occurred.~~

(Amended by Ord. Nos. 01-32, 10-21)

4- 4-15. EMERGENCY SUSPENSIONS BY POLICE.

Licenses under this ~~Chapter~~ Title may be suspended by the Chief of Police or ~~his/her~~ designee

without prior hearing provided ~~that~~ there is probable cause to believe ~~that~~ violations of this ~~Chapter-Title~~ or state law are occurring, and the conditions are such that the public health and safety are endangered. Such temporary suspension shall occur only if the management or the licensee fails to remedy the situation within fifteen (15) minutes of notification by the Chief of Police or ~~his/her~~ designee that a suspension will occur if the conditions complained of are not remedied in a manner that eliminates the immediate danger to public health and safety. ~~—~~ No emergency suspension by the Chief of Police or ~~his/her~~ designee shall extend beyond the ordinary close of business on the day on which the suspension was given.

(Amended by Ord. No. 01-32)

4- 4-16. ~~—~~ OFFENSES OF LICENSEE.

It shall be unlawful for the holder of any license issued under this ~~Chapter-Title~~ or any employee or agent of the holder to cause or permit to be caused on his or her premise any of the following acts:

(A) **SALE DURING REVOCATIONS** ~~—~~ To sell any beer or liquor during any period of a license revocation or suspension.

(B) ~~—~~ **FAILURE TO DISPLAY LICENSE** ~~—~~ To fail to have the license issued under this ~~Chapter-Title~~ on display in the licensed premises.

(C) **EXCESS HOURS OF OPERATION** ~~—~~ Beer may not be sold or offered for sale by any on-premise Beer retailer after 1:00 a.m. and before 10:00 a.m.

(1) Liquor may not be sold or offered for sale at a duly licensed restaurant during the following days or hours:

(a) on any day after 12 midnight and before 12 noon.

(2) Liquor may not be sold or offered by a Club Licensee ~~—~~ during the following days or hours:

(a) all days after 1:00 a.m. and before 10:00 a.m.

Holders of off-premise beer licenses may sell beer for consumption off the premises at any time of day.

(D) **MINORS ON THE PREMISES** ~~—~~ To permit a minor to be in or enter into a licensed premises which holds an on-premise tavern beer license. ~~—~~ There shall be no restriction on the admission of minors being in or remaining in any of the following licensed premises:

(1) Off-Premise Beer License

(2) On-Premise Beer License, except taverns

(3) Restaurant Liquor Licenses

(4) Temporary Licenses of these classifications

It shall not be a violation of this ~~Chapter Title~~ for minors to enter a licensed club, provided, however, that minors must be accompanied by a parent or guardian, and shall be only within an area of the licensed premises designated as food service area. ~~It shall be unlawful for any Club Licensee to permit minors to be within the license premises when not accompanied by a parent or guardian, or to permit minors to remain in or about the liquor service portion of the premises. Licensees may prohibit minors from entering the premises at all at their discretion by posting a sign at the entrance that states that minors are not permitted inside.~~

Except as otherwise provided herein, it shall not be a violation of this ~~Chapter Title~~ to permit minors to work in any licensed premises, regardless of license classification, provided that minors shall not work in any capacity that involves handling, selling, or serving alcoholic beverages. ~~It shall be unlawful to permit minor employees to sell, serve, or handle alcoholic beverages. Minors may not work on or otherwise be on the premises of an On-Premise Retail Tavern.~~

(E) **SALE OR SERVICE TO MINORS.** ~~To furnish or sell, directly or indirectly, through its agents or employees, an alcoholic beverage to persons under the age of twenty-one (21) years, or to permit patrons within the licensed premises to provide alcoholic beverages to persons under the age of twenty-one (21) years on the licensed premises.~~

(F) **NUISANCE.** ~~To keep or permit a nuisance on the premises as defined by ~~Section 4-1-1~~ of this Title.~~

(G) ~~**UNTAXED LIQUOR.** To possess or sell on the licensed premises any liquor which was not purchased from a Utah State Liquor Store or a package agency of that store, except as provided by State law.~~

(H) **ADULTERATED ALCOHOLIC BEVERAGES.** ~~To possess or sell on the licensed premises any adulterated, impure, diluted, or misbranded liquor.~~

(I) **FAILURE TO CONTROL NOISE.** ~~To permit or provide either live or recorded amplified music without first having closed all exterior doors and windows of the licensed premises to control noise. Doors may be opened to provide ingress and egress, but shall not be blocked in the open position to provide ventilation. Doors shall be equipped with automatic closing devices to keep them in the closed position except to permit ingress and egress of patrons.~~

(J) **OUTDOOR SPEAKERS.** ~~To permit or cause to exist any loud speaker or sound amplification equipment on any outdoor balcony deck, patio, or garden associated with the licensed premises other than speaker systems or sound amplification equipment in conjunction with approved outdoor dining.~~

(K) ~~**EXCESS HOURS OUTSIDE.** To sell or service alcoholic beverages or to permit~~

patrons to remain on any outdoor balcony, deck, patio, or garden associated with the licensed premises after the hour of 10 p.m. except licensed premises may permit patrons to ingress and egress through a closed door to such an area until 12 a.m. provided that food and alcohol are neither sold nor allowed to be consumed or carried out to the area.

(L) **GAMBLING.**—To permit, cause, participate, or allow any gambling or gaming, as defined by the laws of the state of Utah within any licensed premises.

(M)— **CONTROLLED SUBSTANCES.**—To permit or tolerate, or participate in the use, sale, or possession of any unlawful controlled substance within the licensed premises.

(N) **OVERLOADING.**—To permit or tolerate the licensed premises to be occupied by more person than the assigned occupancy load for the building assigned by the Building Official or Fire Marshall under the Uniform-applicable Building and Fire Code regulations.

(O) **LICENSE VIOLATION.**—To permit the consumption of alcohol on any premises licensed with an off-premise beer license, or to open any container for consumption on the premises by the holder of any off-premise beer license or his/her agents or employees; or to permit, cause, or tolerate on the licensed premises the sale, use, consumption, or possession of alcoholic beverages in a manner that is in violation of the limits imposed by the license granted.

(P)— **SERVICE OF INTOXICATED PERSONS.**—To sell or serve alcoholic beverages to a person who is obviously intoxicated, or to permit an obviously intoxicated person to remain in or about the premises.

(Q) **OPERATING WITHOUT REQUIRED STATE LICENSES.**—To continue to sell, serve or store alcoholic beverages on a licensed premise after the state license required under the Alcoholic Beverage Control Act has been denied, suspended or revoked.

(Amended by Ord. Nos. 01-32; 06-62; 07-38; 10-21)

4- 4-17.— OFFENSES BY PATRONS.

It shall be unlawful for any person within a licensed premise under this ChapterTitle, whether as a guest, patron, invitee, supplier, or in any other capacity other than as an employee of the license holder or as the licensee to commit or perform any of the following within the licensed premises:

(A)— To enter or remain in any licensed premises holding an on-premise tavern license while under the age of twenty-one (21) years.

(B) To enter or remain in any premises licensed as a private club while under the age of twenty-one (21) years, except when accompanied by a parent or guardian or as a non-alcoholic handling employee of the licensee.

(C) To be in or around the portion of any licensed premise holding a private club license

which is designated or functioning as a liquor selling portion of the premises, rather than the area primarily designed and intended for the sale of food when under the age of twenty-one (21) years.

(D)– To furnish directly or indirectly alcoholic beverages to any persons under the age of twenty-one (21) years, or to possess or consume alcoholic beverages while under the age of twenty-one (21) years.

(E)– To enter or remain in any licensed premises after being ordered to leave the premises by the licensee or the agent or employees of the licensee.

(F) To enter or remain in any licensed premises while intoxicated.

(Amended by Ord. No. 10-21)

4- 4-18. CITATIONS/ VIOLATIONS.

The commission of any act or offense listed in Section 4-4-16 or 4-4-17 above shall be a Class “B” misdemeanor, except violations of Section 4-4-16(E) and (Q) shall be Class A misdemeanors.– Both the license holder ~~and/or his-an~~ employee or agent, and the patron of the licensed premises may be charged from the same incident, as the offenses of the licensee and the offenses of the patron are separate offenses.– The licensee shall be civilly responsible for all violations permitted or caused by the agent or employee of the licensee and the criminal acts of the employees or agents committed on the premises in the course of employment shall be deemed the acts of the licensee for purposes of revocation, suspension, or non-renewal by the City

4- 4-19.– WHOLESALE AND RETAILER NOT TO HAVE COMMON INTERESTS.

It shall be unlawful for any dealer, brewer or wholesaler to either directly or indirectly supply, give or pay for any furniture, furnishings or fixtures of a retailer, and it shall be unlawful for any dealer or brewer to advance funds, money or pay for any license of a retailer or to be financially interested either directly or indirectly in the conduct, operation, or ownership of any premises with a beer license, "club" liquor license or "seasonal" license for any of these license classes.

(Amended by Ord. No. 20-21)

4- 4-20.– BUILDING REQUIREMENTS.

It shall be unlawful for any person who obtains a liquor or beer license after the adoption of this ~~Chapter-Title~~ to own, operate or manage any premises licensed for the retail sale or consumption of beer or liquor without complying with the following lighting and view requirements:

(A)– During business hours, adequate lighting shall be maintained in all areas of the licensed premises to allow safe movement within the licensed premises, visibility for business activity,

and visibility of all areas of the licensed premises from a point within the licensed premises at or near the main public entrance.

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

Persons who have obtained beer or liquor licenses from the City before adoption of this ~~Chapter~~ Title and who annually renew their licenses with the City shall not be required to comply with the requirements of this section.

4- 4-21.-. CLOSED STALLS AND BOOTHS PROHIBITED.

It shall be unlawful for any closed booths or stalls to exist on premises licensed for the retail sale or consumption of beer or liquor.- This provision shall not prevent the use and operation of private dining or conference rooms as a part of the licensed premises.

4- 4-22.-. OCCUPANCY LOAD.

On any premises licensed after the date of this ~~Chapter~~ Title, the Building Official shall determine the maximum safe occupancy load of the building, as provided in the Uniform International Building Code, and it shall be unlawful and a Class "B" misdemeanor for any license with an assigned occupancy load to permit more than that number of persons to be within the licensed premises.- Once an occupancy limit is assigned, the limit shall be posted with the license in a prominent place within the licensed premises.- This provision shall not apply to premises licensed as off-premise beer licenses.

4- 4-23.-. APPLICABILITY.

The provisions of this ~~Chapter~~ Title shall apply to all licensed premises and all licensees who are issued either a new license or a renewal of an existing license after the date of this ~~Chapter~~ Title. Amendments to this ~~Chapter~~ Title may be made from time to time, and all licenses or renewals issued hereunder are subject to amendments as they become effective, except that amendments which address structural requirements of any licensed premises existing at the time of the amendment shall not apply to existing structures until such time as the license is transferred, forfeited, or allowed to expire.- As existing structures are sold, remodeled, or re-licensed, but not on renewal of existing licenses, however, full compliance will be required prior to the issuance of a new license, new class of license, or license to a new licensee at that location.

4- 4- 24. APPEALS OF LICENSE DENIAL OR REVOCATION.

Denial or revocation of a license under this Title may be appealed within five (5) days to the City Manager by written notice of appeal. The notice of appeal shall be filed with the City Recorder. The City Manager may consider the appeal based upon the written submissions. However, for good cause shown, the City Manager may also hear oral evidence and argument. The City Manager shall consider the matter using an error of law standard of review.

CHAPTER 4A – SPECIAL EVENT TEMPORARY ALCOHOLIC BEVERAGE LICENSES DESCRIBED

4- 4A- 1. SPECIAL EVENT TEMPORARY ALCOHOLIC BEVERAGE LICENSE REQUIRED.

It shall be unlawful for any person to sell beer or liquor at any event within the City without first procuring a Special Event Temporary Alcoholic Beverage License as required by this Title. No alcoholic beverages may be served at any event(s) at which natural person(s) or entities (including, but not limited to corporations, partnerships, unincorporated associations or joint ventures) will be engaging in business unless a Special Event Temporary Alcoholic Beverage License is secured prior to the event.– A City issued Special Event Temporary Alcoholic Beverage License is required if Engaging In Business at an event, even if a State Department of Alcoholic Beverage Control (DABC) license is not required.

In addition to the City license, a State Temporary Beer Event Permit or Single Event Permit shall be required for all sales of beer or liquor at any event. No license may be transferred, assigned or subleased in any manner. Licenses are invalidated by transfer or attempted transfer. All licensees shall comply with the provisions of the Alcoholic Beverage Control Act and this Title.

4- 4A- 2. LICENSE APPLICATION.

Applications for a Special Event Temporary Alcoholic Beverage License shall be made on behalf of a bona fide association, corporation, church or political organization or a recognized lodge, chapter or other local unit, in writing, to the Finance Manager or designee and include the information set forth in (A) through (G) below:

- (A) Each application shall list the street address of the business; whether the applicant has complied with requirements specified in the Alcoholic Beverage Control Act; the location of any other beer or liquor licenses held by the applicant; the name and Utah address for the business' local agent for service of process; and any other information required by the Finance Manager or designee;
- (B) The name, street address, mailing address, date of birth, and driver's license of the party responsible for completing the application and supervising the event at which the license will be used;
- (C) A statement detailing applicant's criminal history and certified and signed by the applicant;
- (D) The application must be subscribed by the applicant who shall state under oath that the facts contained therein are true;
- (E) A certificate of existence and a copy of the articles of incorporation, the written partnership agreement, or other applicable documentation showing entity has been in existence for at least one (1) calendar year prior to the date of application;

- (F) The name, contact information, and/or any other information needed by the City to verify each officer, partner, or director meets the requirements set forth in the statutes of Utah and this Title; and
- (G) Affirmation indicating each officer, partner, or director meets the Licensee qualifications set forth in the statutes of Utah and this Title;

Applications may take up to ten (10) business days to process. As provided by this Title, applicants may not store, sell, serve or otherwise facilitate the consumption of alcoholic beverages by others until applicant has procured a license as required by this Title and, if required a State issued license.

4- 4A- 3. REGULATORY SPECIAL EVENT TEMPORARY ALCOHOLIC BEVERAGE LICENSE FEE.

The regulatory liquor license fee shall be set by resolution for all Special Event Temporary Beer Licenses and Special Event Liquor Licenses. The regulatory license fees shall be used by the City to defray, in part, the costs of alcohol related enforcement and responding to alcohol related offenses within Park City. This fee may be waived by the Finance Manager or designee for special event temporary licenses issued to persons participating in community sponsored events, or in events sponsored by or for the benefit of non-profit, civic, religious, or charitable organizations.

4- 4A- 4. SPECIAL EVENT TEMPORARY ALCOHOLIC BEVERAGE LICENSE.

- (1) A Special Event Temporary Alcoholic Beverage License shall grant a bona fide association, corporation, church or political organization or a recognized lodge, chapter or other local unit that is conducting a convention, civic or community enterprise the privilege to store, sell, service and consume alcoholic beverages in accordance with (i) an applicant's State liquor license or (ii) in case of Business activity where a State liquor license is not required, as outlined below.
- (2) The privileges granted by this license shall be limited by the type of temporary license or permit the applicant obtains from the State as follows:
 - (A) Where an applicant obtains a State Temporary Beer Event Permit, this license shall carry the privileges and responsibilities granted State Temporary Beer Event Permit holders and shall authorize the storage, sale, service and consumption of beer for a period not to exceed thirty (30) days. A State Temporary Beer Event Permit may authorize multiple sales outlets on different properties under one State Temporary Beer Event Permit. No person, individual, or association shall in any one (1) calendar year operate under a Special Event Temporary Alcoholic Beverage License for more than a total of ninety (90) days; or
 - (B) Where an applicant obtains a State Single Event Permit this license shall carry the privileges and responsibilities granted State Single Event Permit holders and shall

authorize for a period not to exceed one-hundred and twenty (120) consecutive hours or five (5) consecutive days the storage, sale, service and consumption of liquor. In any one (1) calendar year an applicant may obtain up to twelve (12) licenses provided that all such licenses in the calendar year are for seventy-two (72) hours or fewer. If any license issued to an applicant within one (1) calendar year exceeds seventy-two (72) hours, applicant may obtain no more than four (4) special event liquor licenses for that one (1) calendar year.

(3) Special Event Temporary Alcoholic Beverage Licensees must provide the Finance Manager or designee with proof of State licensure if required not less than ten (10) business days prior to the event for which the City license has been issued. Unless otherwise provided for in this Title, Special Event Temporary Alcoholic Beverage Licenses shall be valid only if a licensee has received a State liquor license from the Utah Alcoholic Beverage Control Commission for the same event. All licensees must notify the Finance Manager or designee immediately if their State license is denied, revoked, or suspended for any reason. In the event an applicant is not required to obtain a State Temporary Beer Event Permit or State Single Event Permit, the privileges granted by a Special Event Temporary Alcoholic Beverage License shall be contingent upon the type of alcoholic beverages to be served at the event as established by the Special Event Temporary Alcoholic Beverage License application. Applicants serving only beer at an event shall receive the privileges and shall be subject to the limitations described in (2)(A) above. Applicants serving any liquor at an event shall receive the privileges and shall be subject to the limitations described in (2)-(B) above.

(4) Subject to the limitations set forth in (2)-(A) and (B), a Special Event Temporary Alcoholic Beverage License shall authorize the storage, sale, service and consumption of alcoholic beverages in conjunction with a master festival, special event, convention, civic or community event and pursuant to the Utah Alcoholic Beverage Control Act, Alcoholic Beverage Control Commission rules and regulations, and the ordinances of Park City.

(5) No person under the age of twenty-one (21) shall sell or serve alcohol under a Special Event Temporary Alcoholic Beverage License.

4- 4A- 5. INSURANCE REQUIREMENTS.

No Special Event Temporary Alcoholic Beverage Event may take place until the applicant presents the Finance Manager or designee proof of liquor liability insurance coverage in the amount of one million dollars (\$1,000,000) per occurrence and two million dollars (\$2,000,000) aggregate or more as may be required by the Finance Manager or designee based on factors such as the nature, size and location of an event.

CHAPTER 5 - BEER LICENSES DESCRIBED

4- 5- 1.- BEER LICENSE REQUIRED.

It shall be unlawful for any person to engage in the business of the sale of beer at retail or wholesale within the City without first procuring a beer license as required by this ~~Chapter~~ Title. In addition to the City license, a State beer license shall be required for all sales of beer for on-premise consumption or for purchase or sale of beer in a container exceeding two liters.- A separate license shall be required for each place of retail sale, for each separate premise, except that separate licenses are not required for each retail beer dispensing outlet located in the same building or on the same resort premise owned or operated by the same applicant.- No beer license may be transferred, assigned or subleased in any manner.- Licenses are invalidated by transfer or attempted transfer. All licensees shall comply with the provisions of the Alcoholic Beverage Control Act, and this Title. No Beer License shall be issued for any club or bar in the HCB District or HRC District that is regulated as a Storefront Property pursuant to LMC Chapter 15-15 unless the general public may join the club, either as an annual member or a temporary visitor, and the cost of that annual membership or temporary visitor card is not more than \$50.00.

(Amended by Ord. Nos. 07-28; 07-69; 10-21)

4- 5- 2. LICENSE APPLICATION.

Applications for new beer licenses shall be made in writing to the Finance Manager or designee and include the information set forth in (A) through (E) below:

- (A) Each application shall state the name, street address, mailing address, age and citizenship of the applicant; and contain an indication as to whether the applicant meets the Licensee qualifications set out in this Title;
- (B) The applicant's criminal history obtained from the Utah Bureau of Criminal Identification completed within three years of application;
- (C) The Street address of the business; whether the applicant has complied with requirements specified in the Alcoholic Beverage Control Act; the location of any other beer or liquor licenses held by the applicant; the name and Utah address for the business' agent for service of process; and any other reasonably pertinent information required by the Finance Manager or designee;
- (D) The application must be subscribed by the applicant who shall state under oath that the facts therein contained are true; and
- (E) If the applicant is a partnership, association, corporation, or limited liability company the applicant shall include a certificate of existence, copy of the articles of incorporation or the written partnership agreement; and the information set forth in (A) and (B) for each officer, partner, or director.

4- 5- ~~23~~.- REGULATORY BEER LICENSE FEE.

The regulatory liquor license fee shall be set by resolution for all beer licenses.- The regulatory license fees shall be used by the City to defray, in part, the costs of alcohol related enforcement and responding to alcohol related offenses within Park City.- This fee may be waived by the ~~City Council~~ **Finance Manager** or ~~its~~ designee for special event temporary licenses issued to persons participating in community sponsored events, or in events sponsored by or for the benefit of non-profit, civic, religious, or charitable organizations.

4- 5- ~~43~~.- RETAIL BEER LICENSE CATEGORIES.

Retail beer licenses issued under the provisions of this ~~Chapter~~ **Title** shall be classified and carry the privileges and responsibilities hereinafter set forth in this ~~Chapter~~ **Title**:

(A) **OFF-PREMISE BEER LICENSE**. An off-premise retail license shall entitle the licensee to sell bottled or canned beer on the licensed premises in accordance with the Alcoholic Beverage Control Act and the ordinances of Park City.

(1) Beer may not be sold, provided, or possessed for off-premise consumption in containers larger than two (2) liters.

(2) A minor may not sell beer for off-premises consumption except under the supervision of a person twenty-one (21) years of age or older who is on the premises.

(3)- A beer retailer shall display beer sold by the retailer in an area that is visibly separate and distinct from the area where nonalcoholic beverages are displayed except that nonalcoholic beer may be displayed with alcoholic beer.

(4)- The beer retailer shall post a sign that reads, "These beverages contain alcohol. Please read the label carefully."

(5) No consumption of beer or alcoholic beverage shall be permitted on the premises of an off-premise licensee.

(B) **ON-PREMISE RETAIL BEER LICENSE**. Any establishment desiring to sell beer at retail for on-premise consumption shall first obtain a Park City on-premise retail beer license and a State on-premise retail beer license as required under U.C.A. Section 32A-10-201.- An on-premise retail beer license shall entitle the licensee to sell beer at retail in bottles, cans or at draft for consumption on the premises.

All State-issued on-premise beer retail licenses expire on the last day of February of each year. Accordingly, applicants must submit a renewal application to the DABC no later than January 31st of each year.- City beer licenses shall expire on December 31st of each year and the licensee must submit a renewal application to the City prior to December 15th.- All licensees must notify the City immediately if the State license is denied or revoked for any reason.- On-

premise licensees must provide the City with proof of State licensure by March 1 of each year or be subject to cancellation, revocation or termination of the City's license issued hereunder.

On-premise beer retail license holders may sell beer in open containers, in any size not exceeding two (2) liters, and on draft. ~~– Liquor may not be stored or sold on the premises of any on-premise retail beer licensee. – Beer sold in sealed containers smaller than two (2) liters by the on-premise Licensee may be removed from the premises.~~

There are two types of licenses to be issued under this Section:

(1) **ON-PREMISE RETAIL TAVERN LICENSE.** ~~– An on-premise retail tavern license shall be required for all premises where the primary or main business is that of selling beer for consumption on the licensed premises. – An on-premise retail tavern license shall entitle the licensee to sell bottled, canned, or draft beer for consumption on the licensed premises. – No person under the age of twenty-one (21) years shall be employed or otherwise be on the premises licensed as an on-premise retail tavern.~~

(2) **ON-PREMISE RETAIL BEER LICENSE - ALL OTHERS.** An on-premise retail beer license restaurant shall entitle the licensee to sell beer at retail in bottles, cans or draft for consumption on the premises in conjunction with restaurant food service. ~~– No person under the age of twenty-one (21) years shall serve or sell beer under this license.~~

~~(C) **SPECIAL EVENT TEMPORARY BEER LICENSES.** A special event temporary beer license shall carry the privileges of either an on-premise or off-premise license. A special event temporary beer license shall authorize the storage, sale, service and consumption of beer in conjunction with a master festival, special event, convention, civic or community event and pursuant to the Utah Alcoholic Beverage Control Act, Alcoholic Beverage Control Commission rules and regulations, and the ordinance of Park City. No person under the age of twenty-one (21) shall sell or serve beer under this license. Special event temporary beer licenses shall be valid only if the licensee has been granted a temporary special event beer permit by the Utah Alcoholic Beverage Control Commission pursuant to U.C.A. Sections 32A-10-301 to 306, as amended, for the same master festival, special event, or other convention, civic or community event. Special event temporary beer licenses must provide the City with proof of State licensure not less than ten (10) business days prior to the master festival, special event, or other convention, civic or community event for which the City license has been issued. All licensees must notify the City immediately if their State license is denied, revoked, or suspended for any reason. A temporary beer license shall authorize the storage, sale, service and consumption of beer for a period not to exceed thirty (30) days. No person, individual, or association shall in any one (1) calendar year be licensed for more than a total of ninety (90) days.~~

~~A special event temporary beer license may authorize multiple sales outlets on different properties under one special event temporary beer license.~~

~~(CD) **BEER CLUB LICENSE.** – A Beer club Licensee shall carry the privileges of a tavern beer license provided that such license shall be issued only to bona fide clubs which are organized, incorporated, bonded, regulated, and operated in compliance with the Alcoholic~~

Beverage Control Act, and the Utah Alcoholic Beverage Control Commission Rules and Regulations.

(Amended by Ord. Nos. 04-19; 08-14; 10-21)

CHAPTER 6 - LIQUOR LICENSE DESCRIBED

4-6-1. LIQUOR LICENSE REQUIRED.

No person shall operate a place of business, which allows customers, members, guests, visitors, or other persons to possess, consume, or store liquor on the premises of the place of business without a liquor license issued by the City. A separate license shall be required for each place of business. No liquor license may be transferred, assigned, or subleased in any manner. All licensees shall comply with the provisions of the Alcoholic Beverage Control Act, Utah Alcoholic Beverage Control Commission rules and regulations, and this ~~Chapter~~ Title. No Liquor License shall be issued for any club, bar or restaurant in the HCB District or HRC District that is regulated as a Storefront Property pursuant to LMC Chapter 15-15, as described in Sections 4-6-2 and 4-6-3 unless the general public may join the club, either as an annual member or a temporary visitor, and the cost of that annual membership or temporary visitor card is not more than \$50.00.

(Amended by Ord. Nos. 07-28; 07-6; 10-21)

4-6-2. LICENSE APPLICATION.

Applications for a new liquor license shall be made in writing to the Financial Manager or designee and include the information set forth in (A) through (E) below:

- (A) Each application shall state the name, street address, mailing address, age and citizenship of the applicant; and contain an indication as to whether the applicant meets the licensee qualifications set out in this Title;
- (B) The applicant's criminal history obtained from the Utah Bureau of Criminal Identification completed within three years of application;
- (C) The Street address of the business; whether the applicant has complied with requirements specified in the Alcoholic Beverage Control Act; the location of any other beer or liquor licenses held by the applicant; the name and Utah address for the business' agent for service of process; and any other reasonably pertinent information required by the Finance Manager or designee;
- (D) The application must be subscribed by the applicant who shall state under oath that the facts therein contained are true; and
- (E) If the applicant is a partnership, association, corporation, or limited liability company the

applicant shall include a certificate of existence, a copy of the articles of incorporation or the written partnership agreement; and the information set forth in (A) and (B) for each officer, partner, or director.

(Amended by Ord. Nos. 01-32, 10-21)

4-6-3. REGULATORY LIQUOR LICENSE FEE.

The regulatory liquor license fee shall be set by resolution for all liquor licenses. The regulatory license fees shall be used by the City to defray, in part, the costs of alcohol related enforcement and responding to alcohol related offenses within Park City. This fee may be waived by the Finance Manager or designee for temporary licenses issued to persons participating in community sponsored events, or in events sponsored by or for the benefit of non-profit, civic, religious, or charitable organizations. This fee may be waived by the Finance Manager or designee for special event temporary licenses issued to persons participating in community sponsored events, or in events sponsored by or for the benefit of non-profit, civic, religious, or charitable organizations.

4-6-~~42~~. RESTAURANT LIQUOR LICENSE.

A restaurant liquor license shall only be issued to persons licensed by the Utah Alcoholic Beverage Control Commission under U.C.A. Section 32A-4-101 to 106, as amended.—A "restaurant" liquor license shall entitle the licensee to provide liquor to patrons for consumption on the premise.—Only bona fide restaurants shall be entitled to a restaurant liquor license. Patrons must intend to order food, which is prepared, sold, and served on the premises, in accordance with the Alcoholic Beverage Control Act and Utah Alcoholic Beverage Control Commission rules and regulations and the ordinances of Park City.—Liquor is to be provided only in conjunction with a meal, and it shall be unlawful to serve or sell liquor except with a meal.—No person under the age of twenty-one (21) years shall serve or sell liquor under this license.—All liquor must be purchased in the restaurant from a server designated and trained by the licensee.—Any alcoholic beverages under this license must be consumed at the patron or guest's table.—A restaurant liquor license shall not entitle the storage of liquor on the licensed premises, except as designated on the application.

A restaurant liquor licensee may sell or provide a primary spirituous liquor only in a quantity not to exceed 1.5 ounces per beverage dispensed through a calibrated metered dispensing system approved by the Commission, except that:

(A) A spirituous liquor need not be dispensed through a calibrated metered dispensing system if used as a secondary flavoring ingredient in a beverage subject to the following restrictions:

(1) the secondary ingredient may be dispensed only in conjunction with the purchase of a primary spirituous liquor.

(B) Spirituous liquor need not be dispensed through a calibrated metered dispensing system if used as a flavoring on a dessert; and in the preparation of a flaming food dish, drink, or dessert;

(C) A restaurant patron may have no more than 2.5 ounces of spirituous liquor at a time; and a restaurant patron may have no more than one spirituous liquor drink at a time before the patron.

All holders of restaurant liquor licenses shall maintain records which shall disclose the gross sales of liquor and the gross sales of food served and any other items sold for consumption on or off the premises. ~~Such sales shall be shown separately.~~ Each licensee shall retain all invoices, vouchers, sales slips, receipts, and other records of beer and other commodity purchases from all suppliers. ~~Such records shall be available for inspection and audit by the Director of Finance Manager or his or her~~ designee at any time following the close of the semi-annual period and for one (1) year thereafter, or as required by State regulations. ~~Failure to properly maintain such records for such inspection and audit shall be cause for revocation of the restaurant liquor license.~~

Each restaurant liquor licensee shall maintain at least seventy percent (70%) of its total restaurant business from the sale of food, which does not include mix for alcoholic beverages or service charges. ~~If any audit or inspection discloses that the sales of food on the licensed premises are below seventy percent (70%) of the gross dollar volume of business for any semi-annual period, the restaurant liquor license shall immediately be suspended and shall not be reinstated until the licensee is able to prove to the satisfaction of the City Council Finance Manager or its~~ designee that in the future, the sales of food on the licensed premises will not fall below seventy percent (70%) of the gross dollar volume of business.

All Park City issued restaurant liquor licenses shall expire on December 31st of each year thereafter. ~~All State-issued restaurant liquor licenses expire on October 31st of each year.~~ All licensees must notify the City immediately if the State liquor license is denied, suspended or revoked for any reason. ~~Restaurant liquor license applicants must provide the City with proof of State licensure by December 1st of each year or be subject to cancellation, revocation or termination of the City's license issued hereunder.~~ All renewal applications must attach a copy of a valid State license.

(Amended by Ord. No. 10-21)

4-6-~~53~~. PRIVATE CLUB LIQUOR LICENSE.

A liquor club Licensee shall be entitled to serve, sell, and store liquor, pursuant to Utah Alcoholic Beverage Control Commission rules and regulations, and the ordinances of Park City. No person under the age of twenty-one (21) years shall serve or sell liquor. ~~All State-issued club licenses shall expire December 31st of each year.~~ All State-issued club liquor licenses expire on June 30 of each year. ~~All licensees must notify the City immediately if the State-issued club liquor license is denied, suspended or revoked for any reason.~~ Club liquor license applicants must provide the ~~City Finance Manager or designee~~ with proof of the State licensure by July 1st of each year or be subject to cancellation, revocation or termination of the City's license issued hereunder. ~~All renewal applications must attach a copy of a valid State license.~~

(Amended by Ord. Nos. 10-21)

4-6-64.- SEASONAL LIQUOR LICENSE.

A seasonal liquor license shall carry the privileges of a restaurant liquor license for a period of less than one (1) year to be determined by the ~~City Council~~ Finance Manager or its designee. No person under the age of twenty-one (21) years shall sell or serve liquor under this license.

~~4-6-5. SPECIAL EVENT LIQUOR LICENSE.~~

~~A special event liquor license shall authorize for a period not to exceed one hundred and twenty (120) consecutive hours or five (5) consecutive days the storage, sale, service and consumption of liquor at an event sponsored by a bona fide association, corporation, church or political organization or a recognized lodge, chapter or other local unit that is conducting a convention, civic or community enterprise. The City may not issue more than four (4) special event liquor licenses in any one (1) calendar year to the same association, church, or political organization, chapter, lodge or unit thereof, if any special event liquor license issued in any one (1) calendar year to said association, church, or political organization, chapter, lodge or unit thereof exceeds seventy two (72) hours. If no special event liquor license exceeding seventy two (72) hours has been granted to said association, church, or political organization, chapter, lodge, or unit thereof in any one (1) calendar year, the City may issue up to twelve (12) single event liquor licenses provided that all such licenses in the calendar year are seventy two (72) hours or fewer.~~

~~A special event liquor license may authorize multiple sales outlets on different properties under one special event liquor license.~~

~~(Amended by Ord. Nos. 04-19; 08-14; 10-21)~~

~~4-6-6 REGULATORY LIQUOR LICENSE FEE.~~

~~The regulatory liquor license fee shall be set by resolution for all liquor licenses. The regulatory license fees shall be used by the City to defray, in part, the costs of alcohol related enforcement and responding to alcohol related offenses within Park City. This fee may be waived by the City Council or its designee for temporary licenses issued to persons participating in community sponsored events, or in events sponsored by or for the benefit of non profit, civic, religious, or charitable organizations. This fee may be waived by the City Council or its designee for special event temporary licenses issued to persons participating in community sponsored events, or in events sponsored by or for the benefit of non profit, civic, religious, or charitable organizations.~~

2. **Liquor Liability Insurance Information.**

Insurance Company Name and Address: _____

Policy Number: _____ Effective Date: _____

Attach insurance certificate for insurance with a minimum amount of \$1 million per occurrence, \$2 million aggregate.

3. **Responsible Party.** Please list the name of the person responsible for completing, signing, and submitting this application.

Name: _____ Date of Birth: _____

Mailing Address: _____, _____, _____
(Street Address) (City) (State) (Zip Code)

Phone number: _____ Fax: _____

E-mail: _____

Driver's License Number: _____ Issuing State: _____

4. **Local Agent.** Please list the name and Utah mailing address of a local agent authorized to receive service of process.

Name: _____

Utah Mailing Address: _____, _____, UT _____
(Street Address) (City) (Zip Code)

Phone number: _____ Fax: _____

E-mail: _____

5. **Event Information.**

Name of event: _____

Location of event: _____ Unit # _____

Years at this location: _____ Date(s) and hours of event: _____

Description of event: _____

Type of alcohol being served: _____

Number of people at event: _____

Admission policy (Admission Charge; Guest List, etc.): _____

6. Liquor License Information.

Please list existing or prior beer or liquor licenses held (include special events licenses): _____

Have you or anyone claiming ownership or directorship had any beer or liquor licenses revoked by a government agency within the past 3 years? YES NO

7. Criminal History. Please list all criminal offenses, other than minor traffic offenses, of which you or any officers, partners, managers, managing agents, directors, stockholders who hold at least 20% of the total issued and outstanding stock of an applicant corporation, members who own at least 20% of an applicant limited liability company, and any person employed in a supervisory or managerial capacity have ever been convicted (also include any pending criminal charges). If none, the undersigned applicant attests that the above persons have not been convicted of any disqualifying criminal offense (attach additional page if necessary).

Name	Criminal Offense	Date of Conviction

By signing below, the above listed Responsible Party attests that:

- The Responsible Party is authorized to act on behalf of the applicant;
- The Responsible Party is responsible to ensure that all actions taken under a license derived from this application comply with state and local laws;
- The Responsible Party may be held liable for any actions taken under a license derived from this application, including, but not limited to, any criminal or civil penalties arising from the misuse of a liquor license or the violation of state and/or local liquor laws;
- The Responsible Party’s acceptance of responsibility, including liability for any criminal or civil penalties stemming from the violation of state and/or local liquor laws, is separate from and in no way limits the duties and liabilities held by directors, officers, managers, or other agents of the above named organization to ensure compliance with state and local liquor laws;
- No one under the age of 21 is a partner or managing agent of the applicant partnership; a managing agent, officer, director, or stockholder who holds at least 20% of the total issued and outstanding stock of the applicant; or a manager or member who owns at least 20% of the applicant limited liability company;
- The Applicant and all officers, partners, and/or directors meet the Licensee qualifications set forth under the Utah Code Annotated and the Park City Municipal Code;

- No person in the alcoholic beverage industry (winery, brewery, distillery, importer, supplier, wholesaler, bottler, or warehouse) holds a partial interest in the ownership of the retail business or in the real or personal property owned, occupied, or used by the applicant in the conduct of the applicant's business.
- No gambling or any other violation of law or ordinance will be allowed on the premises serviced by the single event permittee;
- The applicant does not and will not discriminate against persons on the basis of race, color, sex, religion, ancestry, or national origin at the event;
- He/she has read and abides by the provisions of the relevant parts of Utah Code 32B-9 & 32B-15, all Rules of the Commission and directives of the Department of Alcoholic Beverage Control; and understands that failure to comply with these provisions, including any ongoing eligibility requirements, may result in immediate suspension and/or revocation of the license;
- The applicant gives consent that authorized representatives of the commission, department, or any law enforcement officers will have unrestricted right to enter the premises during the event;
- Responsible Party authorizes the Local Agent listed in this application to accept service of process; and,
- The Responsible Party attests under penalty of perjury that the information contained in this application is true and correct.

Dated this _____ day of _____, _____.

State of _____

County of _____

Subscribed & sworn to before me this _____

day of _____, _____.

Responsible Party's Signature

Notary Public

SEAL:

Name/Title

He stated that he intentionally avoided addressing the cost of a project manager in his staff report. A typical project manager can range anywhere from \$95/hour to \$150/hour depending upon his or her position in the company. Engineers in a support role as part of a project team range from \$95 to \$150 and specialized civil engineers can run as high as \$230. He felt that the project manager would be needed an average of 20 hours a week and maybe 35 hours a week on the front end.

Cindy Matsumoto asked for clarification about a statement in his staff report, "*The consulting fees will be recovered through defining our ownership and financial roles by property disposition and also through effective project management roles with reduced construction costs*". Mr. Weidenhamer explained that this person will use a value engineering process. The City used an independent construction manager for the MARC resulting in construction savings. Dick Peek pointed out that the project manager for the renovation of the Museum was paid \$100 an hour.

Mr. Weidenhamer emphasized the value of someone with experience in Park City. Andy Beerman asked if hiring someone in-house was considered because there are so many upcoming projects including the downtown area. Jonathan Weidenhamer felt that the City may not be able to offer an adequate salary to a person of that the skill-set. Diane Foster interjected that creation of the position would occur outside the budget process which is not preferred. Jonathan Weidenhamer explained that project management would be tied to a capital project. A full-time employee cannot be paid out of a capital budget or out of the RDA. Mr. Beerman asked if it is anticipated to hire project managers for other projects. Jon Weidenhamer felt projects like Main Street and the Library can be handled with current staff. Alex Butwinski believed that a contract also offers more flexibility. Ms. Foster pointed out the importance of gaining efficiencies and using staff as public information officers. Dick Peek suggested that the RFP be written so that there is an ability to handle additional projects. The Mayor felt these should be done one at a time and Ms. Foster explained that a large number of projects are anticipated in the Lower Park Avenue RDA. Staff will cover Main Street and the Library and there is not a lot more on the horizon. The City Council was supportive of proceeding to contract with a project manager.

5. Liquor License Amendments and Amendments for Sundance Film Festival Special Event Liquor Licenses effective 2014. Mark Harrington pointed out that the staff report outlines two different types of amendments that staff is recommending regarding general liquor licensing amendments and licensing specific Sundance Film Festival temporary events starting in 2014. Section A of the report outlines a number of administrative clean-up items and a few substantive changes in terms of general licensing. The effective date is February 1 because the City is already in the middle of licensing for the bulk of Sundance this year and almost through the process for renewals for 2013 for general licensing. This schedule will provide a sufficient notice period for Sundance 2014.

He referred to Section B in the staff report. The City Council had asked staff to look at a broad spectrum of things and some are on-going. The broader policy discussions deal with the ease of temporary licensing, swapping out premises, carrying capacity, and broader impacts to the community and events. There was a request to increase the lead in time for all licenses and make everyone come in at the end of December or early January to stop the crunch that happens in the last ten days and during the Festival. Mark Harrington continued to explain that staff was also looking at the ability to regulate additional business activity both in the downtown core and residential areas.

In looking at the long term, staff came up with an interim first step recommendation in terms of addressing the temporary liquor licenses. He felt one reason is pragmatic in terms of making the City's regulations more consistent with the state process. The DABC primarily requires most licensees make the December meeting but there is an administrative exception period. The cohesiveness between the City's and the state's processes will greatly aid both the lead time problem and the ability for both agencies to better coordinate in terms of analyzing the magnitude of all of the licenses in the community. For example, over half of the temporary liquor licenses are currently issued during or within the ten day period as opposed to the front end and this would shift over 50% to the front end. He continued to explain that because these temporary licenses cover many activities at the same premise, the convention sale and business swap out licenses will also be done a little bit earlier in order for the liquor license to go forward.

Mr. Harrington commented that it is helpful to be able to measure the impacts of special events in advance and for this reason, staff believes this is a good first step. He encouraged proactively issuing liquor licenses in a more cohesive manner with the state process, providing staff more time to analyze and coordinate applications. In response to a question from Liza Simpson, Mr. Harrington explained that staff is still working through an exception process which will likely parallel the state's practice. Licensing with the City could be at risk if there are any problems with the state. The City will look to do something and January 10 may be the hard cut-off. The DABC currently has a pretty flexible policy. There is no hardship component but an enhanced fee if a special meeting is required and an administrative process with a subcommittee.

Andy Beerman asked why Council would approve Sundance licenses, which seems to encumber the process as opposed to the City Manager. Mark Harrington explained that the power starts with the Council which is currently delegated. From a scheduling perspective, it enables the City more time by retaining it at the Council level because if it is delegated to staff, it is a little harder in terms of the state regulations on processing permits what limitations we can have at the staff level or how many days in advance we can require some of that information. By retaining the Council authority, it can be tied to Council's schedule providing a concrete objective reason why the City has to have the information in advance. Without that, there is a risk of meddling with the soft dates and the burden shifts to the Police and Business Licensing Departments.

Dick Peek understood that current liquor license holders, like restaurants and bars, wouldn't have to go through this process. Mark Harrington confirmed and clarified that this would only be applicable for temporary applications, not a regular business license. Mr. Peek felt this would create a robust market for existing license holders to lease their properties but Mr. Harrington disagreed. He would be surprised if there is a direct impact on a reduction of permits issued but it may be attractive in a last minute situation.

Shelly Hatch explained that the change is distinguishing between a regular and a single event license. At this time, there is no distinct process. Ms. Matsumoto felt that some of this is being driven by the number of temporary license applications in January. Alex Butwinski stated that he is still struggling with the time line and Mark Harrington explained that anything submitted within ten days of the event is at risk because the City needs a minimum of ten days to process. Last minute developments associated with Sundance were discussed. Andy Beerman commented that Sundance will not have the ability to make last minute changes. Mark Harrington explained that the City will have the ability to do some things beyond the last meeting in December as the state does but that is not fully defined. There may be some flexibility up to the January 10th date.

Andy Beerman asked staff about workload and the typical turn-around. Ms. Hatch explained that some are permanent liquor licenses and about 50 are single event liquor licenses. The office gets backlogged. Staff tries to accommodate applicants but she doesn't know how much more can be handled especially when inspections are needed. Liza Simpson pointed out that at the same time, business licensing staff is handling taxis. She is very much in favor of the City setting a schedule aligned with the DABC and ramifications with being late. Shelley Hatch stated that staff is already busy and a part-time person is hired in the Finance Department to help out at the front desk during this time.

Mark Harrington stated that staff is charting how this will work with the DABC process and making sure our dates align including the exception process. The Park City Council is the only city council in the state that delegates liquor license approvals to the licensing staff. He asked that delegation be pulled back for the purposes of this ten day period. Every state license requires a local consent. Alex Butwinski commented on providing people with enough notice on procedures and Mark Harrington stated that the *Rules of the Road* have been circulated this year and an early outreach on the change on occupancy. The Mayor invited public input.

Alison Butz, HPCA, thanked Mr. Harrington for speaking at a board meeting. The most important thing is being proactive for 2014. She referred to the discussion last year and this is the first opportunity to begin addressing these issues again. The HPCA notified all of its members about the change in over-crowding. She asked that this be put back on the table with all of the business licenses because the unintended consequences are unknown. She requested that all issues be opened up again all at once so some outreach can be done with the merchants.

Mike Sweeney, property owner, stated that the staff is doing a good job of trying to move forward into the future. He is permitting 20 sites on Main Street. Sundance does not permit each individual site but permits its locations where its activities are held. Of the 22 or so, 19 are only holding licenses with the City and not pulling any DABC permits. The way the ordinance is being structured will have some repercussions on how establishments can conduct business and be competitive. The Sundance Film Festival is extremely important to Park City but it is a different world from 15 years ago. There is tough competition in the world film business and it is going to impact Park City if we're not competitive and make it so difficult for people to try to do business here in town. His biggest concern is the ability to be competitive and the County has a competitive advantage. The HPCA is correct in asking for time to sit back and educate everybody and to really understand this process. Mr. Sweeney stated that deals do not happen until the last minute but the liquor license is essentially used to be able to throw a private party which the Liquor Commission does not govern. If we are matching the state's process, we wouldn't be worried about the private party aspect of the liquor law.

Shelley Hatch asked Mr. Sweeney about the problem of not getting a liquor license for The Yard. He stated that he is not having a problem with it because he is not permitting it. He is the facilitator and manager of The Yard and is helping Sundance out. There was going to be a bar there but now there isn't. The Mayor noted that he is still trying to figure out what Mr. Sweeney is asking for or explaining. He understood that there are a number of licenses that don't go through the DABC. Mr. Sweeney clarified his point to be that putting those people on the schedule for the DABC is unnecessary. The DABC does not require a permit for a private party where the alcohol is given away and most of the activities on Main Street fall in that category. The City should update its liquor license ordinance and the Police Department should be notified but the Building and Planning Departments don't need to worry about it. There needs to be some thorough thought on this so Park City remains competitive in the market place.

Mark Harrington asked Mr. Sweeney if an additional two or three weeks would hinder the market place, particularly for someone that would likely stand to benefit from sending someone here in December to do the grunt work. Mr. Sweeney noted that the way the money flows in making all of these activities possible for corporations is based on budgets and time schedules. Mr. Harrington argued that they are always going to apply at the last minute. When Sundance was moved back, they had the same problems initially because sponsors like to do things that way. Mike Sweeney stated that the real world works a little differently than that and these corporations are not doling out the money until the last minute. If the cut-off date is the end of December, the City will lose business and make it tougher for people to compete. The Mayor understood that the drop dead date is not being changed. Shelley Hatch felt it will get applications in sooner at the front end so the City can be more proactive. Mark Harrington clarified that there will be a new application deadline with this scenario. The Mayor stated that he is not sure that it is the City's obligation to make sure that someone who did not bother to get things done months ahead of time and decides he

wants to do something 24 hours before the Festival starts, be accommodated. He doesn't understand why this proposal is considered anti-business; it is being proposed a year out.

Cindy Matsumoto felt it is the nature of the beast and feared that the venues in Park City might be hurt with a deadline. Andy Beerman agreed and pointed out the large number of licenses pulled at the last minute. Sundance is a scramble and it may be difficult to retrain people. We're either going to lose a lot of business or there's going to be a ton of pressure put on the exceptions which is not really a goal. He continued to state that more importantly a year ago November, he was on the other side of the dais, talking about business licenses not liquor licenses, and it was agreed to get the business community and Sundance together and come up with a reasonable way to handle this. That has not been done and it is still incumbent upon us to do that before moving forward.

Alex Butwinski felt that having a clear time frame is beneficial and corporations have these types of events budgeted. Just because they are entertainment people doesn't mean they can't make up their minds. They are in business the same as anyone else and a dead line should work. No one wants to be at Kimball Junction during Sundance. Dick Peek suggested that licensing taxis be moved. Mr. Harrington stated that taxi renewals alone are not contributing to the backlog; the taxis, convention/sales licenses and the temporary licenses for Sundance are the three categories that are really impacting the window of time. Mr. Peek asked if those can be moved to a different cycle. Mr. Harrington responded no; those three are all essentially affected by Sundance. Instead of moving to a different time of year, the smallest segment of those three, temporary liquor licenses, is being shifted back a couple of weeks. Staff feels this is the least impactful and a way to better plan with the state. The Mayor pointed out that there is still another year to get information out to people.

Liza Simpson commented that she would like a better understanding of just how many licenses would fall under the exception provision and how many are private parties. She is sensitive about the larger venues and agreed with Mr. Butwinski's comments. The HPCA should remain involved. The Mayor questioned using the same dead line for applications not requiring DABC approval. Shelley Hatch explained that the Police Department is called to private parties and without a license, no one is accountable. Mark Harrington added that the City does not know to what degree either further additional enforcement or regulations are going to make processes more closely aligned. The DABC exemption was written for true private events and not a commercial activity. The Sundance private parties are more of a hybrid with huge numbers and impacts and to treat them the same seems fair.

Liza Simpson asked if the first Council meeting in January would work rather than the last meeting in December. Mark Harrington explained that it might not work because the DABC deadline has passed, if applicable. She asked if there is a way to regulate based on size. The City Attorney spoke about evolving attendance. Andy Beerman

stated that he is okay with mirroring the DABC processes but questioned why it needs to come before Council because it seems like there is more flexibility with staff approval. Scheduling action at a Council meeting adds another week for the applicant. He asked if Part A is inclusive of the date changes. Mr. Harrington suggested that if discussion is delayed on Part B, to move forward with Part A. Cindy Matsumoto read language on bona fide businesses which must be in business for one year and asked about non-profits. Polly McLean explained that the wording mirrors state code and applies to both non-profits and for-profits.

The Mayor summarized consensus to be to move ahead with Part A and discuss Part B at a later date.

6. Capital Budget Check-In and Capital Spending Philosophy. Nate Rockwood pointed out that the purpose of this work session is to discuss current project allocations, the funding philosophy of bonding versus pay as you go, and operating impacts. During the CIP process several projects were scored but because the funding was so significant, staff offered funding strategies which lead to the resort cities sales tax increase. He displayed a table which summarizes the four big projects over a ten year period. It was always the plan that before the funding came in that needed adjustments be made. The current plan was approved and the first five years were put in the CIP. A combination of cash and debt will be used to fund these projects in different years and staff tried to match those up with when the phasing of the projects would occur. Open space was front-loaded as much as possible. He stated that originally Council talked about allowing flexibility which was lost to a certain extent when it was decided to expedite OTIS as more bonding would be necessary. Of the projects identified here, about 75% of those would be funded with debt and 25% with cash. The big change would be for open space and right now staff is recommending not to bond for open space until the open space is identified. Open space pending commitments include the Gillmor Toll Canyon property and about \$1.5 million would be needed this year to pay the first installment and \$2.5 in 2015. The \$1.5 was not budgeted in 2013 and staff is asking Council in order to pay that, a bond should be issued in the next three to four months to cover that cost. Issuing a bond opens up the possibility to bond for a little bit more to start some of the projects, most notably Main Street. If Council is comfortable with going forward with a bond, staff would like to return after Visioning to review a plan showing schedules for the Main Street projects, open space, and maybe some OTIS.

He stated that in 2014, OTIS Phase A is \$1.8 million for the Empire Avenue reconstruction. During the budget process, the projects were bundled together but Council wanted to move forward earlier with Empire. That money was pulled from the General Fund balance with an understanding that additional money that would be transferred to the Capital Fund after the year ended instead would be kept in the General Fund to help bump the fund balance back to 18%. It turned out that the amount was about \$1 million and rather than \$1.8 million, probably about \$700,000 would be needed to get the General Fund back to the 18%. Mr. Rockwood asked if that

2. Consideration of an Ordinance approving the Park Avenue Subdivision Plat located at 1492 Park Avenue, Park City, Utah – Planner Anya Grahn explained that the applicant is requesting a one lot subdivision. While reviewing the HDDR, it was found that the property was a metes and bounds parcel and never platted. The Planning Department has been working very closely with the applicant on the renovation of the non-historic building on the site. Staff has been working with them to create an at-risk building permit and issued a demolition permit for some roofing material. The Building Department has asked that additional walls come down and be rebuilt. It is a non-complying building because it does not meet setback requirements on the north or west sides. The applicants have been very proactive in working with the 7-11 to obtain encroachment and snow-shed agreements. Condition of Approval No. 8 asks for a ten foot easement from Sullivan Road for snow storage but staff doesn't believe that will be necessary and is suggesting it be removed but to retain the Park Avenue snow storage portion.

The Mayor Pro Tem opened the public hearing and with no input, closed the hearing. Liza Simpson, "I move that we approve the Ordinance for the Park Avenue Subdivision according to the Findings of Fact, Conclusions of Law, and Conditions of Approval with a modification to Condition of Approval No. 8 eliminating the last three words in that condition". Andy Beerman seconded. Motion unanimously carried.

3. Consideration of an Ordinance adopting Title 4, Chapter A – Special Event Temporary Alcoholic Beverage Licenses described in the Municipal Code of Park City and amendment Title 4, Chapter 4, Beer and Liquor Licensing; Title 4, Chapter 5, Beer Licenses described; Title 4, Chapter 6, Liquor License Described, of the Municipal Code of Park City – Shelley Hatch explained that on December 20, 2012 the City Council held a work session to consider amending the liquor license provisions in the Municipal Code. The proposal is divided into two sections. Section A cleans up the Code and the provision for temporary single event permits parallels state code. Section B provides that the Council review all Sundance special event liquor license applications. In December, the Council decided to revise Section B at a later time but instructed staff to move forward with Section A.

Staff recommends eliminating the current procedure requiring all organizations to obtain a criminal background check for officers, board of directors, and partners. It is suggested that applicants sign under oath attesting to their criminal backgrounds. The license can be revoked immediately if the license is not in compliance. A bonafide corporation will be permitted to apply for a single event temporary alcohol beverage license. It may take up to ten working days for a license to be processed. Staff recommends that Council consider amending the Ordinance as suggested.

Cindy Matsumoto felt the criminal background check component is confusing. Ms. McLean explained that filling out the application will be easier. Currently the City requires fingerprints from applicants for all single event liquor licenses. Applicants have to go to Utah BCI to get fingerprinted which is more restrictive to what the DABC

requires. In that sense, the City is relaxing its requirements and trusting people more. The City is less stringent than the state when somebody is denied based on their criminal background.

Ms. McLean spoke about all cities following state liquor laws but Park City is unique in that there are circumstances where a state liquor license is not required because the event falls under the private party exception but the City requires a local liquor license because many hosts are conducting business or promoting an item. In those cases, the City is requiring our own liquor license and criteria.

Andy Beerman asked for clarification of the processing time if the Building and Police Departments are part of the review. Shelley Hatch indicated that the applications go to the departments first and it could take up to ten days for the Finance Department to process. Mr. Beerman suggested clarifying the language because it sounds like the whole process takes ten days which is misleading.

Liza Simpson addressed denying liquor licenses based on prior experiences. Captain Rick Ryan explained that the Department keeps a log of complaints of promoters where there is fraud or damage to locations in town. Ms. McLean pointed out that Section 4-5 actually lists factors that would be considered. Andy Beerman referred to Section 4-6-3, regulatory liquor license fee, and asked if it is a new fee. Shelley Hatch advised that there has been no fee change and the cost has been \$100 per license. Ms. McLean explained that the intent was to separate the liquor license fee from other business licensing fees. Ms. Simpson referred to Section 4-4-17(f) commenting that being intoxicated in a bar is illegal.

Alex Butwinski opened the public hearing.

Alison Buts, HPCA, stated that members were unaware that this issue was coming back to Council and there are concerns from licensed establishments that some of these changes may impact them. She asked that the matter be continued so there is an opportunity for the group to meet with staff to make sure businesses are not negatively impacted.

Mike Sweeney, property and business owner, stated that he spent 30 hours reviewing the document and has about 35 comments on its content. There are unintended consequences with this Ordinance which he doesn't feel the Council understands. This covers not only temporary licenses but all licenses. Now the Planning, Building, and Police Departments have the ability to shut down a business or a private party. A person could hold DABC licenses but be prohibited from conducting business in Park City. We are spending millions of dollars to attract people to conduct business here and the way this is currently drafted, he can't have any kind of party at The Yard without obtaining a convention and sales license and a liquor license for every party even if it is a private party. The definition of conducting business is too broad. Now non-profits need a City liquor license to hold a fund-raiser. Mr. Sweeney elaborated on the

hardships this Ordinance will cause him and feels this was not the intent of the Ordinance. There are holes in the language. He suggested forming a committee comprised of business people to review the draft.

Jesse Shetler, owner of three liquor licenses and soon to be five, relayed that many business owners just found out about this amendment today. He would like to see this matter tabled in order to give them another opportunity to review it. There are some things he has seen in the Ordinance that concerns him and he would like them addressed. The City has been great to work with in obtaining business and liquor licenses and he is worried about making serving liquor more difficult. He thinks Park City has been very successful *in not having the Utah liquor laws get the best of us*. He would hate to see that go the other way. It was clarified that this amendment only addresses temporary licenses.

Mike Sweeney interjected that the Ordinance includes amendments to general liquor license provisions and Mr. Shetler asked if all licenses are affected. Polly Samuels McLean explained the reason all of Title 4 is included is because of the restructure of the titles and chapters so that it reads better and these are minor housekeeping changes. The intent of the Ordinance is to make it easier for people to obtain temporary liquor licenses and part of the reason staff brought this to Council was in response to business community concerns, like the requirement for fingerprinting. Instead of submitting a criminal background check, applicants are asked to sign an affidavit. This is really an attempt to simplify things and nothing other than that has changed. The things that Mr. Sweeney brought up are already in the Code.

Jesse Shetler expressed that there might be an impact on general licenses and it may be of little concern to owners but there should be more discussion. He felt there was no proper notification. The noticing may have been legal but there should be more time spent on this.

With no further comments, Alex Butwinski closed the public hearing. Cindy Matsumoto stated that she has no problem with continuing this but emphasized that the intent was to make the process easier for temporary liquor licenses. She expressed confusion about licensing non-profits. Mark Harrington clarified that if it is truly a private party as defined by the state and there is no other business being conducted at the event, a liquor license is not required. Most fund-raising is considered conducting business and if there is a direct charge for the dinner and the free provision of alcohol, for example, he believes the state requires a license. The grey area are the Sundance sponsor houses, for example, where there is free alcohol but there also may be a free massage room or the party-pack hand-out. The state won't typically require the premise to get licensed but the City does and that is the biggest difference.

Shelley Hatch stated that there is no fee for non-profits to obtain a liquor license and the main reason a license is required is to have critical contact information for the Police Department with regard to identifying the responsible party. A non-profit can obtain 12

temporary liquor licenses a year for 72 hours per event. Mark Harrington clarified that this provision is in the existing Code.

With regard to notice, Ms. McLean stated that she notified Alison Butz on Tuesday but she didn't respond. She then sent her something yesterday. Except for the background check and the insurance requirement, all of the changes were reviewed by Council in December so this draft has been around for a while. She apologized for any miscommunication but staff did not receive any feedback about this proposal being problematic.

Andy Beerman stated that the clear intent is to clean things up but when changes involve businesses, special events and liquor licenses, it is important to meet with the stakeholders. Staff often says they are going to talk to them ahead of time before coming to Council and it seems like we're still not doing that. He felt that we can reach out to representatives from the Chamber, the Restaurant Association and the HPCA and give them some time to work on it because the process would go a lot smoother.

Liza Simpson, "I move that we move this item to the first meeting in April". Andy Beerman seconded. Motion unanimously carried. She noted that this has been on the master calendar since January and Mark Harrington added that staff believed these amendments were non-controversial and underestimated the interest in these changes. Liza Simpson amended her motion, "to give direction to staff to do some outreach with the concerned business owners and the HPCA". Andy Beerman seconded. Motion unanimously carried.

4. Consideration of an amendment to the contract for state lobbying services with Legislative Executive Consulting, LLC for an additional \$80,000 for the 2013 legislative session, in a form approved by the City Attorney – Diane Foster explained that it has come to staff's attention that there is an opportunity for potential funding for infrastructure improvements related to economic development. Staff believes that if two additional individuals are hired for the balance of the year that the City has a reasonable chance of obtaining funding.

Andy Beerman asked the logic of using the Risk Management Fund as the funding source. She indicated that the Budget Team recommended this fund because it had available funds. Mr. Beerman asked if the fund will be reimbursed at some point from other sources. Mark Harrington cautioned on using this fund in too many instances because it is the City's self-insurance fund although he was aware of this recommendation. It is not a discretionary fund. Ms. Foster explained that there were RDA funds available but the Budget Department was not comfortable with that choice.

Liza Simpson, "I move that we amend the contract for state lobbying service with Legislative Executive Consulting, LLC for an additional \$80,000 for the 2013 legislative session, in a form approved by the City Attorney". Andy Beerman seconded. Motion unanimously carried.

PARK CITY REDEVELOPMENT AGENCY DRAFT
SUMMIT COUNTY, UTAH
JANUARY 10, 2013

I ROLL CALL

Chairman Dana Williams called the regular meeting of the City Council to order at approximately 6:40 p.m. at the Marsac Municipal Building on Thursday, January 10, 2013. Members in attendance were Dana Williams, Andy Beerman, Alex Butwinski, Cindy Matsumoto, Dick Peek, and Liza Simpson. Staff present was Diane Foster, Interim City Manager and Tom Daley, Deputy City Attorney.

II PUBLIC INPUT

None.

III MINUTES OF MEETING OF NOVEMBER 29, 2012

Liza Simpson, "I move we approve the Redevelopment Agency minutes for November 29, 2012". Alex Butwinski seconded. Motion unanimously carried.

IV CONSENT AGENDA

Resolution establishing a regular meeting date, time, and location for 2012 meetings and appointing officers of the Board of Directors of the Park City Redevelopment Agency – Andy Beerman, "I move we approve the Consent Agenda". Liza Simpson seconded. Motion unanimously carried.

V ADJOURNMENT

With no further business, the regular meeting of the RDA was adjourned.

The meeting for which these minutes were prepared was noticed by posting at least 24 hours in advance and by delivery to the news media two days prior to the meeting.

Prepared by Janet M. Scott, Secretary