

# **Alcohol License**

## **Application Packet**



**Syracuse City  
Community Development Department  
Business Licensing  
1979 West 1900 South  
Syracuse, UT 84075**

**Updated 02/11/09**



**Syracuse City Community Development  
Business Licensing  
Alcohol License Application**  
1979 West 1900 South, Syracuse, UT 84075  
Phone: (801) 614-9657 FAX: (801) 614-9657  
[www.syracuseut.com](http://www.syracuseut.com)

| Business Location Information   |                             |                          |
|---|-----------------------------|--------------------------|
| Business Name:  |                             |                          |
| Business Address:   |                             |                          |
| Business Mailing Address:   |                             |                          |
| City:   | State:                      | ZIP:                     |
| Business Owner Contact Information  |                             |                          |
| Business Owner(s):  |                             |                          |
| Business Owner Home Address:  |                             |                          |
| Business Owner City:  | State:                      | ZIP:                     |
| Social Security No.:  | Date of Birth (MM/DD/YYYY): | Driver's License #:      |
| Alternate Contact Information   |                             |                          |
| Alternate Contact Name:   |                             | Alternate Contact Phone: |
| <b>NOTE: For a partnership or corporation, please list same information as above for all partners, principal officers, and directors on separate sheets and attach.</b> |                             |                          |

| License Type:   |  |
|---|--|
| <input type="checkbox"/> Class "A" License (Off-site consumption) | <input type="checkbox"/> Class "B" License (On-site consumption) |

**Applicant to read and check each box to acknowledge all requirements:**

- Applicant shall furnish a scaled floor plan of the business clearly indicating areas of the business where alcohol will be consumed and where alcohol will be sold, kept and stored.
- Alcohol Licenses expire on December 31 of each year. Renewal Forms and Fees are due on or before December 31. Failure to meet the renewal requirements shall result in automatic forfeiture of the license effective on the date the existing license expires.
- Upon annual renewal, any restaurant business licensee with a Class "B" License shall be required at the time of renewal to submit a certified financial statement for the calendar year prior to the application date for renewal. This statement shall clearly identify:
  - (a) gross receipts for all alcohol sales for the licensee's restaurant business for the prior year; and
  - (b) gross receipts for all food sales for the licensee's restaurant business for the prior calendar year.



**Syracuse City Community Development  
Business Licensing  
Alcohol License Application**

*I have read and understand the conditions, requirements, and restrictions as outlined in this application and in the Syracuse City Ordinance relative to Alcohol Beverage Regulations. I understand that all employees who sell beer or directly supervise the sale of beer must complete the statewide alcohol training and education as required by current Utah State Code and be certified within thirty (30) days of the date they are hired. I understand that I must abide by all the current laws and regulations of the Utah Beverage Control Act and all current Syracuse City Ordinances relative to Alcohol Beverage Regulations.*

**Business Owner Signature:**

**Date:**

X \_\_\_\_\_

\_\_\_\_\_

State of Utah )

) ss.

County of Davis)

On this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_, personally appeared before me, \_\_\_\_\_ the signer of the above instrument who duly acknowledged to me that he/she executed the same.

\_\_\_\_\_

Notary Public

| FOR OFFICIAL USE ONLY      |                             |           |
|----------------------------|-----------------------------|-----------|
| Application Date Received: | Received by:                | Fee Paid: |
| Police Clearance Date:     | City Council Approval Date: |           |

# TITLE V- BUSINESS REGULATIONS

## CHAPTER 2

### ALCOHOLIC BEVERAGE REGULATIONS

- 5-2-1: Definitions
- 5-2-2: License to Sell Alcoholic Beverages at Retail
- 5-2-3: License Types and Privileges
- 5-2-4: Other Alcoholic Beverages and Liquor Sales
- 5-2-5: Alcoholic Beverages Must be Purchased from Licensed Brewer or Wholesaler
- 5-2-6: Application
- 5-2-7: Qualifications of Licensee
- 5-2-8: Board of Health
- 5-2-9: License Not Transferable
- 5-2-10: Display of License
- 5-2-11: Fees
- 5-2-12: Renewal
- 5-2-13: Restrictions
- 5-2-14: Unlawful for Minors to Obtain or Consume Alcoholic Beverages
- 5-2-15: Licensee Penalties
- 5-2-16: Right to a Hearing
- 5-2-17: Inspection

5-2-1: **DEFINITIONS.** The following words and phrases used in this Chapter shall have the following meaning unless a different meaning clearly appears in the context. All words used herein that are not defined in this Chapter 2, shall have the meaning as defined in *Utah Code Ann.* § 32A-1-105.

ALCOHOLIC BEVERAGES means and includes "beer" and "liquor" as the terms are defined herein.

COMMUNITY LOCATION means:

- (a) a public or private school;
- (b) a church;
- (c) a public library;
- (d) a public playground; or
- (e) a public park.

BEER means a product that contains at least 0.5% of alcohol by volume, but not more than 4% of alcohol by volume or 3.2% by weight and is obtained by fermentation, infusion, or decoction of malted grain. Beer may or may not contain hops or other vegetable products. Beer includes a product that alcohol in the percentages described above and is referred to as:

- (a) beer;
- (b) ale;

- (c) porter;
- (d) stout;
- (e) lager; or
- (f) a malt or malted beverage.

On or after October 1, 2008, "beer" does not include a flavored malt beverage.

LIQUOR means and includes alcohol or an alcoholic, spirituous, vinous, fermented, malt, or other liquid or combination of liquids, a part of which is spirituous, vinous, or fermented, and or a drink, or drinkable liquid that contains at least 0.5% alcohol by volume and is suitable to use for beverage purposes. On or after October 1, 2008, "liquor" includes a flavored malt beverage. Liquor does not include a beverage defined as a beer.

A PREMISE means a building, enclosure, room or equipment used connection with the sale, storage, service, manufacture, distribution, or consumption of an alcoholic product, unless otherwise defined in this title or in the rules adopted by the Utah Department of Alcoholic Beverage Control Commission.

RESTAURANT means a business establishment:

- (a) where a variety of foods is prepared and complete meals are served to the general public;
- (b) located on a premise having adequate culinary fixtures for food preparation and dining accommodations; and
- (c) that is engaged primarily in serving meals to the general public. (Ord. 06-26)

RETAILER means a person, firm, corporation, or business establishment that is engaged primarily or incidentally, in the retail sale of an alcoholic beverage to a consumer or to the public for consumption off the establishment's premises. (Ord. 06-26)

SELL, SALE or TO SELL means a transaction, exchange, or barter whereby, for [any] consideration, an alcoholic beverage is either directly or indirectly transferred, solicited, ordered, delivered for value, or by a means or under a pretext is promised or obtained, whether done by a person as a principal, proprietor, or as an agent, servant, or employee, unless otherwise defined in this title or the rules made by the Utah Department of Alcoholic Beverage Control Commission.

WHOLESALER means a person engaged in the importation for sale or in the sale of beer in wholesale or jobbing quantities, or to one or more retailers.

**5-2-2:**

**LICENSE TO SELL ALCOHOLIC BEVERAGES AT RETAIL.** It shall be unlawful for any person, retailer or restaurant to engage in the business of the sale of alcoholic beverages at retail, in bottles, or other original containers, within the corporate limits of Syracuse City, without first having procured a license therefore from the City Council as hereinafter provided. No license shall be issued to any retailer permitting the sale of alcoholic beverages within six-hundred (600) feet of any community location. The six-hundred (600) feet shall be measured from the nearest public entrance of the proposed place of sale to the nearest property boundary of the community location. No license shall be issued to any restaurant permitting the sale of alcoholic beverages within six-hundred (600) feet of any community location. The six-hundred (600) feet shall be measured from the nearest entrance of the restaurant by following the shortest route of either ordinary pedestrian traffic, or where applicable, vehicular travel along public thoroughfares, whichever is the closer, to the proposed boundary of the community location. In addition to the foregoing, No license shall be issued to any restaurant permitting the sale of alcoholic beverages within two-hundred (200) feet of any community location, measured in a straight line from the nearest public entrance of the proposed restaurant to the nearest property boundary of the above named.

A separate license shall be required for each place of sale. All licensees shall comply with the Alcoholic Beverages Control Act of Utah and the regulations of the Alcoholic Beverages Control Commission, and every license shall recite that it was granted subject to revocation as hereinafter provided. (Ord-02-07) (Ord. 06-26)

**5-2-3: LICENSE TYPES AND PRIVILEGES.** It shall be unlawful and shall constitute an offense of strict liability to sell alcoholic beverages without a license; therefore, the following licenses for retail and restaurant sales of beer and alcohol shall be required:

- A. License Types.
  - 1. Class "A" License. A Class "A" license shall entitle the licensee to sell beer on the premises described in the license in original containers for consumption off the premises, in accordance with the Alcoholic Beverage Control Act of Utah and this code; however, it shall be unlawful for the licensee to sell or distribute beer in any container larger than two liters.
  - 2. Class "B" License. A Class "B" license shall entitle the licensee to sell liquor and beer for consumption on the premises of a restaurant described in the license, in accordance with the Alcoholic Beverage Control Act of Utah and this code. Before any restaurant may sell or allow the consumption of beer or liquor on its premises, it shall first obtain a Class "B" liquor license from Syracuse City. Only licensed bona fide restaurants, where a variety of hot food is prepared and cooked and complete meals are served to the general public in connection with indoor dining accommodations, and at which food sales constitute at least sixty (60) percent of the gross money receipts of the licensee's restaurant business, shall be entitled to a Class "B" Liquor license. If the restaurant serves only beer it shall still be subject to Utah State and City regulations regarding restaurant liquor licenses. Syracuse City may issue Class "B" liquor licenses for the purpose of establishing restaurant liquor outlets at places and in numbers it considers proper for the storage, sale and consumption of liquor on premises operated as public indoor dining restaurants.
- B. It is unlawful for any licensee, owner, operator, manager or any other person in charge of or employed by a restaurant holding a Class "B" license to:
  - 1. Sell alcoholic beverages, if such establishment is licensed for such, other than in conjunction with the purchase of food menu items; or
  - 2. Hire or allow or permit any person less than twenty one (21) years of age to serve alcoholic beverages for consumption on the premises; or
  - 3. Sell or supply any alcoholic beverage or to permit alcoholic beverages to be sold or supplied to any person under or apparently under the influence of alcohol.
- C. All alcoholic beverages for off premise consumption shall be displayed or stored in the area of the retail outlet most distant from the public entrance to the building and shall not be placed where it cannot be viewed or otherwise be monitored by the retailers employees or personnel.
- D. Advertising for alcoholic beverages or the sale thereof shall be confined to the inside of the retail outlet and shall only be placed adjacent to or in connection with the storage or display of the same. (Ord 05-10) (Ord. 06-26)

**5-2-4: OTHER ALCOHOLIC BEVERAGES AND LIQUOR SALES.** Syracuse City shall not consent to the grant of the following licenses within the City:

- A. Package agencies under *Utah Code Ann.* §32A-3-102.
- B. Airport lounge liquor licenses under *Utah Code Ann.* §32A-4-202.
- C. Private club liquor licenses under *Utah Code Ann.* §32A-5-102.
- D. Special use permits under *Utah Code Ann.* §32A-6-102.
- E. Public service permits under *Utah Code Ann.* §32A-6-201.
- F. Industrial or manufacturing use permits under *Utah Code Ann.* §32A-6-301.
- G. Single event permits under *Utah Code Ann.* §32A-7-102.

- H. Alcoholic beverage manufacturing licenses under *Utah Code Ann.* §32A-8-102.
- I. Warehousing licenses under *Utah Code Ann.* §32A-9-102.
- J. Alcoholic beverage wholesaling licenses under *Utah Code Ann.* §32A-1-102. (Ord-02-07) (Ord. 06-26)

**5-2-5: ALCOHOLIC BEVERAGES MUST BE PURCHASED FROM LICENSED BREWER OR WHOLESALER.**

- A. It shall be unlawful for any licensee to purchase, acquire, or possess for the purpose of sale, or to sell any alcoholic beverage except that which he or she shall have lawfully purchased from a brewer or wholesaler licensed under the requirements of the Utah Alcoholic Beverages Act, *Utah Code Ann.* §32A-1-101 *et seq.* Violation of this subsection is a Class B misdemeanor.
- B. All purchases of alcoholic beverages made by any retailer from a licensed wholesaler shall be from that wholesaler who is authorized by the Alcoholic Beverages Commission to sell alcoholic beverages in the geographical area in which the retailer is located, unless an alternate wholesaler is authorized by the commission to sell to the retailer as provided in *Utah Code Ann.* §32A-11-101 *et seq.* Violation of this subsection is a Class B misdemeanor. (Ord-02-07)

**5-2-6: APPLICATION.** Applicants for all license types described in Section 5-2-3 shall submit a properly completed Business License Application form and the appropriate licensing fee to the Community Development Department. Applicants must furnish information establishing that the licensee bears a good moral character and is a fit and proper person to be granted a license. The application shall be forwarded to the Chief of Police, who shall endorse thereon whether the applicant has committed one (1) or more of the disqualifying acts described below in City Code Section 5-2-7 of this Chapter. In determining whether any such disqualifying act has been committed, a criminal history check of the applicant shall be completed, including a Utah criminal history check. A material error or omission in the information given on the application form may be the basis for disapproving an application. If the endorsement of the Chief of Police does not show the commission of a disqualifying act, and the issuance of the requested license is otherwise consistent with applicable law, the application shall be forwarded to the City Council for consideration. If the endorsement of the Chief of Police shows the commission of a disqualifying act, or if the issuance of the requested license would otherwise violate applicable law, the licensing clerk shall disapprove the application and the license shall not be issued.

The Chief of Police shall also make report to the City Council of the following:

- A. the general reputation and character of the persons who habitually frequent the place of business;
- B. the nature and kind of business conducted at such place by the applicant or by any other person, or by the applicant at any other place;
- C. whether alcoholic beverages are or have been served or permitted to be consumed in said place, or by said applicant at any other place;
- D. whether said business is, or has been conducted in a lawful, quiet and orderly manner;
- E. the nature and kind of entertainment, if any, at said place;
- F. whether gambling or dancing is or has been permitted upon the premises or by the applicant at any other place; and
- G. the proximity of the premises to any church, public or private school, public library, public playground, public building, or park. The Chief of Police shall add to his report his recommendation as to granting or denying the application.

Upon receipt of the Chief of Police's report, the City Council shall act upon the application as it shall deem necessary to protect the public health, safety, welfare and morals of the City. (Ord. 02-07) (Ord. 06-26)

**5-2-7: QUALIFICATIONS OF LICENSEE.** No license shall be granted to any person or business to sell alcoholic beverages at retail unless he or she shall be of good moral character and is over the age of twenty-one years. No license shall be issued to anyone who has been convicted of, pled guilty to, or failed to contest any felony or the violation of any law or ordinance relating to intoxicating liquors, including but not limited to:

- A. Driving under the influence of alcohol,
- B. Alcohol-related reckless driving,
- C. Keeping a gambling or disorderly house, or
- D. Conviction of or a plea of guilty to, or performing the acts constituting, any felony or misdemeanor relating to the sale of an alcoholic beverage.
  - 1. No license shall be issued to an applicant if the owner, manager or any employee has pleaded guilty to or performed the acts constituting any felony or misdemeanor relating to the sale of an alcoholic beverage within the previous 12 months.
- E. Any other law involving moral turpitude. No license shall be issued to any partnership if any partner lacks any of the qualifications set forth in this Section. No license shall be issued to any corporation in which any director or officer lacks any such qualifications. No license shall be issued to a limited liability company in which the manager of or any member lacks any such qualifications. (Ord-02-07) (Ord. 06-26).

**5-2-8: BOARD OF HEALTH.** No license shall be issued until the applicant therefore shall have procured, when necessary under City or County ordinances, from the County Board of Health, a permit for the sale of alcoholic beverages. The permit shall name the premises to be licensed and shall state that they are in sanitary condition and that the equipment used in the storage or distribution of sale of the alcoholic beverages complies with all health regulations of the City, of the Davis County Health Department and of the State of Utah. (Ord-02-07) (Ord. 06-26)

**5-2-9: LICENSE NOT TRANSFERABLE.** Any license issued under the provisions of this Chapter shall not be transferable. (Ord-02-07)

**5-2-10: DISPLAY OF LICENSE.** On premises beer retailer licenses issued by the City shall be conspicuously displayed in the licensed premises. (Ord. 06-26)

**5-2-11: FEES.** The fees stated in this section shall accompany applications provided for in this Chapter. The fees shall be deposited in the City Treasury if the license is granted, and returned to the applicant if denied.

All licenses provided for herein shall be issued for a term of one year; except that all licenses issued on or subsequent to January 1st of any year shall expire at midnight on the 31st day of December of that year, and the license fees required for the interim license shall be the full fee herein provided for a yearly license.

All fees set forth in this section will be established and may be changed by resolution of the City Council. (Ord-02-07)

**5-2-12: RENEWAL.** All licenses provided for herein shall be issued for a term of one year; except that all licenses issued on or subsequent to January 1st of any year shall expire at midnight on the 31st day of December of that year. Applicants shall be required to submit all appropriate business license applications and fees to be considered for the renewal of a business license and/or a Class "A" or Class "B" license to sell beer or liquor.

Any business licensee with a Class "B" License, that is also a restaurant business, shall be required at the time of renewal to submit a certified financial statement for the calendar year prior to the application date for renewal. This statement shall clearly identify:

- (a) gross receipts for all alcohol sales for the licensee's restaurant business for the prior year; and

(b) gross receipts for all food sales for the licensee's restaurant business for the prior calendar year.

**5-2-13: RESTRICTIONS.**

- A. It shall be unlawful to sell alcoholic beverages to any person under the age of twenty-one (21) years or to any person who is intoxicated or under the influence of any intoxicating beverage.
- B. It shall be unlawful to advertise the sale of alcoholic beverages except under such regulations as are made by the Alcoholic Beverage Control Commission of Utah.
- C. It shall be unlawful to sell alcoholic beverages between the hours of 1:00 a.m. and 6:00 a.m.
- D. It shall be unlawful for any person to consume alcoholic beverages in any public park, public school, public playground or public building or at any activity or event sponsored by the City or to sell alcoholic beverages at any activity or event sponsored by the City. (Ord-02-07)

**5-2-14: UNLAWFUL FOR MINORS TO OBTAIN OR CONSUME ALCOHOLIC BEVERAGES.** It shall be unlawful for any person under the age of 21 to purchase or obtain alcoholic beverages from a retailer or from licensed premises or consume alcoholic beverages on or about any licensed premises, or to enter upon, remain in or loiter about any licensed premises where alcoholic beverages are sold. (Ord. 02-07)

**5-2-15: LICENSEE PENALTIES.** The City Council may, after a hearing, at its discretion, when in its opinion it is necessary to protect the public health, peace, safety, welfare and morals of the City, subject the licensee to the following penalties:

- (1) Upon a first violation of this Chapter the licensee shall be issued a written warning.
- (2) Upon any violation of this Chapter which occurs within twelve (12) months of a prior violation, the licensee shall pay a civil fine of five-hundred dollars (\$500.00).
- (3) Upon any violation of this Chapter which occurs within twelve (12) months of two (2) prior violations, the licensee shall pay a civil fine of seven-hundred-fifty dollars (\$750.00) and the licensee shall have its license to sell beer suspended for a period of three (3) consecutive days, on a Thursday through Saturday. Additionally, the licensee shall be placed on probation for a period of one (1) year. Any violation of this Chapter by the licensee during the period of probation shall result in the revocation of the licensee's license to sell beer. The licensee shall not be eligible to reapply for a new license for at least six (6) months from the date of revocation.
- (4) Failure to pay any fine imposed for a violation of any provision of this Chapter within thirty (30) days of the imposition of such fine shall be grounds for revocation of the licensee's license to sell beer. The City Council shall also revoke any license issued if the licensee shall cease to possess all of the qualifications required by Section 5-2-7 or if the licensee fails to comply with the provisions of these Ordinances or with the rules, regulations and orders of the County Health Department relating to health matters. Upon revocation of a license by the Council, the fee paid by the licensee to the City shall be forfeited to the City. (Ord-02-07) (Ord. 06-26)

**5-2-16: RIGHT TO A HEARING.** The licensee shall have the right to request an administrative enforcement hearing to contest the existence of any violation of this Chapter, or the imposition of any penalty under this Chapter by appeal to the City Council. Notice of the hearing shall be given to the licensee at least 5 business days prior to the hearing, and the licensee shall have an opportunity to present evidence and call witnesses at the hearing. (Ord. 06-26)

**5-2-17: INSPECTION.** All licensed premises shall be subject to inspection by any officer, agent, or peace officer of the City, or the Alcoholic Control Commission of the State Board of Health, and every licensee shall, at the request of the County Board of Health, furnish to it samples of alcoholic beverages which licensee shall have for sale. (Ord-02-07)