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71 **6.14.061. Class "E" Beer License.**

72 (1) No beer may be sold or dispensed to the public on or within any publicly owned
73 convention facilities, publicly owned recreation facilities, or any privately owned sports arenas
74 designed to accommodate more than five thousand (5,000) persons, except by the holder of a
75 Class "E" retail license for such premises or by an operator, manager, food service licensee or
76 employee of such holder. For the purpose of this chapter, "premises" shall not include separately
77 licensed businesses operating within such facilities which businesses may be subject to other
78 beer and/or alcoholic beverage control requirements.

79 (2) A Class "E" beer license shall entitle the licensee to sell beer for consumption on
80 publicly owned convention facilities, publicly owned recreation facilities or on privately owned
81 sports arenas designed to accommodate more than five thousand (5,000) persons; provided
82 however that no such Class "E" license shall be issued for the sale of beer for consumption of
83 said facilities unless the prospective licensee shall first obtain a concession contract from the
84 public body owning the facility. Under this section no beer shall be dispensed or allowed in
85 original containers, but must first be emptied into suitable temporary containers; and no person
86 under the age of twenty-one (21) years of age may sell or serve beer. With the exception of
87 privately leased suites within the facility all sales and deliveries under this section shall be made
88 directly to the consumer.

89 (3) All beer or other alcoholic beverages dispensed within the facility shall be dispensed
90 only by the license holder or its operator, manager, food service licensee or employee. No beer
91 or other alcoholic beverage sold under this license shall be removed from inside the facility
92 except by the license holder or its operator, manager, food service licensee or employee
93 operating in the course of business.

94 (4) It is unlawful for a Class "E" licensee to sell or dispense beer in original containers or
95 to store or allow storage of beer or other alcoholic beverages in privately leased suites of the

96 premises unless such dispensing facilities are securely locked and access to the contents is
97 restricted by the licensee to persons twenty-one (21) years of age or older who have duly rented
98 such private suites in which such dispensing facility is located.

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102 **6.14.090. Beer License - Disqualifications.**

103 (1) No ~~e~~Class "A" or Class "B" beer license shall be issued to an applicant if within the
104 pervious twelve (12) months ~~either~~ the owner, manager or any employee has been convicted of,
105 plead guilty or no contest to (including pleas held in abeyance by the court), or performed the
106 acts constituting, any criminal offense ~~committed one (1) or more of the following disqualifying~~
107 ~~acts:-~~

108 ~~(a) Conviction of or pleading guilty to or performing the acts constituting, within the previous 12~~
109 ~~months, any felony or misdemeanor relating to the sale of an alcoholic beverage.~~

110 (2) No class "B" beer license shall be issued to an applicant if either the owner, manager
111 or any employee has committed one (1) or more of the following disqualifying acts:-

112 ~~(a) Conviction of or pleading guilty to or performing the acts constituting, within the previous 12~~
113 ~~months, any felony or misdemeanor relating to the sale of an alcoholic beverage.-~~

114 (3) Except as provided in paragraph (b), No eClass "C" or Class "E" beer license shall be
115 issued to an applicant if either the owner, manager or any employee has ~~committed one (1) or~~
116 ~~more of the following disqualifying acts:~~

117 (a) Been convicted ~~ion~~ of, ~~or pleading guilty~~ or no contest to (including pleas
118 held in abeyance by the court), or performeding the acts constituting: assault, aggravated
119 assault, battery, mayhem, murder, manslaughter, kidnapping, aggravated kidnapping,
120 rape, forcible sodomy, aggravated sexual assault, arson, robbery, burglary, ~~or~~ any other
121 offense involving the use of force or violence against a person, ~~Also,~~ prostitution,
122 gambling, giving a false report to a police officer, the sale, delivery or transportation of
123 an alcoholic beverage, the unlawful possession or use of controlled substances, or any act
124 of moral turpitude.

125 (b) Provided, however, if the conviction of the subject person is for a
126 misdemeanor and not a felony, or if the actions of the applicant would be considered a
127 misdemeanor and not a felony in the event of criminal proceedings, only convictions or
128 actions occurring within the three (3) years immediately preceding the application shall
129 be considered disqualifying. (Am 1984-54, Am 1987-46, Am 1988-53)

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131 **6.14.100. Procedure to Obtain License.**

132 Applicants for a beer license shall submit a properly completed application form and the
133 appropriate licensing fee to the business license department. The application shall be forwarded
134 to the Chief of Police, who shall endorse thereon whether the applicant has committed one (1) or
135 more of the disqualifying acts described above in this Chapter. In determining whether any such
136 disqualifying act has been committed, a criminal history check of the applicant shall be
137 completed on all applicants for Class "C" and Class "E" licenses and may, in the Chief of
138 Police's discretion, be completed on applicants for Class "A" or Class "B" licenses. ~~including a~~
139 ~~Utah criminal history check.~~ A material error or omission in the information given on the
140 application form may be the basis for disapproving an application, and no application
141 disapproved for such reason shall be reconsidered for six (6) months. If the endorsement of the
142 Chief of Police does not show the commission of a disqualifying act, and the issuance of the
143 requested license is otherwise consistent with applicable law, the licensing clerk shall approve

144 the application and a license shall be issued. If the endorsement of the Chief of Police shows the
145 commission of a disqualifying act, or if the issuance of the requested license would otherwise
146 violate applicable law, the licensing clerk shall disapprove the application and a license shall not
147 be issued. Any person, including the applicant, may, within thirty (30) days of final action,
148 request a hearing, pursuant to the provisions of Chapter 3.06, Provo City Code, to review the
149 granting or disapproval of a license. (Am 1999-24)

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153 **6.14.140. Regulations.**

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157 (8) No manager or employee shall, in the licensed premises, violate any provision of this
158 Chapter, commit any criminal act, or knowingly (objective standard) cause a person to, or permit
159 another to, commit a criminal act.

160 (9) Any violation by any person, within licensed premises, of Chapter 9.11, Provo City
161 Code ("Lewdness, Profanity, Nudity, Obscenity and Pornography") and Chapter 9.12, Provo City
162 Code ("Unlawful Sex Acts") is prohibited.

163 (10) Days and Hours of Sale:

164 (a) No Class "A" license holder or any employee or agent of a Class "A" license
165 holder shall sell or offer for sale beer between the hours of 1 a.m. and 7 a.m. of the same
166 day.

167 (b) No Class "B", Class "C", ~~or~~ Class "D" or Class "E" license holder or any
168 employee or agent of a Class "B", Class "C" ~~or~~ Class "D" or Class "E" license holder
169 shall sell or offer for sale beer between the hours of 1 a. m. and 10 a.m. of the same day.
170 Notwithstanding the foregoing, a tavern licensed under this Chapter shall remain open for
171 one (1) hour after the tavern ceases the sale and service of alcoholic beverages during
172 which time a patron of the tavern may finish consuming a single serving of beer not
173 exceeding twenty-six (26) ounces.

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176 **6.14.150. Required Class "A" Beer Handler's Permit.**

177 (1) A licensee involved in the transaction of retail beer sales for off-premise consumption
178 (Class "A" retail sales) shall require any and all employees involved in the transaction of retail
179 beer sales to obtain a Beer Handler's Permit ~~from the Utah County Health Department~~. All
180 employees of a licensee involved in the transaction of retail beer sales shall be required to
181 possess and wear a Beer Handler's Permit while on duty. This permit shall be worn in a
182 conspicuous place such that the permit shall be clearly visible to any person.

183 (2) New employees of a licensee shall obtain a Beer Handler's Permit as set forth in
184 Sections 3-2-19 and 3-2-20, Utah County Code, within thirty (30) days of hire. During this thirty
185 (30) day period, the employee may sell alcoholic beverages in accordance with the State
186 Alcoholic Beverage Control Act, the regulations of the Alcoholic Beverage Control
187 Commission, and the provisions of this Chapter.

188 (3)A licensee shall inform the Utah County Health Department of any employee
189 possessing a Beer Handler's Permit whose employment is terminated for conduct that would be
190 punishable under statutes or ordinances regulating alcoholic beverages. Licensees shall permit
191 law enforcement officers and Utah County Health Department employees to conduct random

192 Beer Handler's Permit compliance checks on the licensee's premises. (Enacted 2004-28)

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194 **6.14.160. Beer Handler's Permit Holder Penalties.**

195 (1) A violation of this Chapter or of any law involving the sale of an alcoholic beverage
196 is a Class B misdemeanor unless otherwise stated in applicable law. Additionally, an employee
197 possessing a Beer Handler's Permit who is convicted of violating any law involving the sale of
198 an alcoholic beverage is not only subject to the penalties associated with a Class B misdemeanor,
199 but ~~shall~~ may incur a suspension of the employee's Beer Handler's permit in accordance with
200 applicable laws, as follows:

201 ~~(a) 1st Violation—Automatic suspension of the employee's Beer Handler's Permit for a period of~~
202 ~~one (1) year.~~

203 ~~(b) 2nd Violation—Automatic suspension of the employee's Beer Handler's Permit for a period of~~
204 ~~one (1) year.~~

205 ~~(c) Any subsequent Violation—Automatic suspension of the employee's Beer Handler's Permit~~
206 ~~for a period of three (3) years.~~

207 ~~(2) A licensee shall report any known violations committed by a permit holder involving the sale~~
208 ~~of an alcoholic beverage to the Utah County Health Department within thirty (30) days. (Enacted~~
209 ~~2004-28)~~

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212 PART II:

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214 A. If a provision of this Ordinance 2012-__ conflicts with a provision of a previously adopted
215 ordinance concerning the same title, chapter, and/or section number amended herein, the
216 provision in this ordinance shall prevail.

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218 B. This ordinance and its various sections, clauses and paragraphs are hereby declared to be
219 severable. If any part, sentence, clause or phrase is adjudged to be unconstitutional or invalid, the
220 remainder of the ordinance shall not be affected thereby.

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222 C. The Municipal Council hereby directs that the official copy of the Provo City Code be
223 updated to reflect the provisions enacted by this ordinance.

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225 D. This ordinance shall take effect immediately after being posted or published as required
226 by law.

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228 END OF ORDINANCE.