ORDINANCE NO. 2014-xx

AN ORDINANCE OF IVINS CITY, UTAH, AMENDING CHAPTER 5.04 OF THE IVINS CITY CODE ENTITLED "ALCOHOLIC BEVERAGES"

WHEREAS, the Utah Legislature overhauled the Alcoholic Beverage Control Act in 2010 and continued to pass amendment thereto in each of the years following from 2011 through 2013; and

WHEREAS, in doing so, the State has mostly preempted local authority regarding the regulation of alcohol, with the exception of local authority consent on retail alcohol sales and some licensing authority regarding beer sales; and

WHEREAS, the Ivins City Council desires to update Chapter 5.04 of the Ivins City Code entitled "Alcoholic Beverages" to conform to the recent changes in State law;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF IVINS CITY, STATE OF UTAH:

SECTION 1. Chapter 5.04 of the Ivins City Code is hereby deleted in its entirety and amended to now read as follows:

CHAPTER 5.04

ALCOHOLIC BEVERAGES

PART 1

POLICY; LICENSE TYPES; AUTHORITY OF CITY TO REGULATE; ZONING

5.04.101 POLICY: It is the policy of Ivins City to permit the operation of establishments serving alcoholic beverages in a manner consistent with the provisions of Title 32B of the Utah Code, as amended from time to time, entitled "The Alcoholic Beverage and Control Act" (the "Act"). It is also the policy of Ivins City to place the primary responsibility for maintaining order and preventing breaches of the peace within establishments selling and serving alcoholic beverages on the owners and managers of those establishments. (Ord. 2014-14, 2014)

5.04.102 STATE STORE: This state license only requires the state to consult with the local authority and is only allowed in the following zoning districts: community commercial (C-1) and commercial with light manufacturing (CLM). (Ord. 2014-14, 2014)

5.04.103 LICENSES REQUIRING THE CITY'S CONSENT:

(1) Resort Licenses, including Resort Sublicenses. This license is only allowed in the resort commercial (RC) zoning district.

(2) Full-service Restaurant License. This license is only allowed in the following zoning districts: community commercial (C-1); neighborhood cmmercial (NC); resort commercial (RC); commercial professional and research (CPR); and resort mixed use (RMU).

(3) Limited-service Restaurant License. This license is only allowed in the following zoning districts: community commercial (C-1); neighborhood commercial (NC); resort commercial (RC); commercial professional and research (CPR); and resort mixed use (RMU).

(4) Club License. This license is only allowed in the following zoning districts: community commercial (C-1); and resort commercial (RC).

(5) Airport Lounge License. Ivins City has no airport nor is an airport a permitted or conditional use in the City. As a result, there is no zoning district in which this license is allowed.

(6) On-Premise Banquet License. This license is only allowed in the following zoning districts: community commercial (C-1); resort commercial (RC); and resort mixed use (RMU).

(7) On-Premise Beer Retailer License, including Taverns. This license is only allowed in the following zoning districts: community commercial (C-1); and resort commercial (RC).

(8) Reception Center License. This license is only allowed in the following zoning districts: community commercial (C-1); resort commercial (RC); and resort mixed use (RMU).

(9) Beer-only Restaurant License. This license is only allowed in the following zoning districts: community commercial (C-1); resort commercial (RC); commercial professional and research (CPR); and resort mixed use (RMU).

(10) Event Permits. This license is only allowed in the following zoning districts: community commercial (C-1); and resort commercial (RC).

(11) Special Use Permits. Zoning is limited to the site for the primary commercial or religious use as authorized by the City.

(12) Package Agencies. Zoning is only allowed in the commercial with light manufacturing (CLM) zoning district.

(13) Liquor Warehousing License. This license is only allowed in the commercial with light manufacturing (CLM) zoning district.

(14) Beer Warehousing License. This license is only allowed in the commercial with light manufacturing (CLM) zoning district.

(15) Manufacturing Licenses. This license is only allowed in the commercial with light manufacturing (CLM) zoning district. (Ord. 2014-14, 2014)

5.04.104 LICENSES ISSUED BY THE CITY:

(1) On-Premise Beer Retailer License, including Taverns. This license is only allowed in the following zoning districts: community commercial (C-1); and resort commercial (RC). (Does the City want to issue a duplicate license or is it sufficient to just process the Consent for the State license?)

(2) Off-Premise Beer Retailer License. This license is only allowed in the following zoning districts: community commercial (C-1); neighborhood commercial (NC); and resort commercial (RC).

(3) Temporary Beer Event Permit. This license is only allowed in the following zoning districts: community commercial (C-1); and resort commercial (RC). (Ord. 2014-14, 2014)