

TROPIC TOWN ORDINANCE NO. 1999-

AN ORDINANCE ENACTING REGULATIONS CONCERNING ALCOHOLIC BEVERAGES, ENACTING REGULATIONS CONCERNING PRIVATE CLUBS AND ASSOCIATIONS, LIQUOR CONSUMPTION AND SALE OF BEER, IN TROPIC TOWN, GARFIELD COUNTY, STATE OF UTAH.

WHEREAS, the mayor and town council of Tropic Town, Garfield County, State of Utah, believe it is in the best interest of the citizens of Tropic Town to enact reasonable regulations, allowed pursuant to the Utah Alcoholic Beverage Control Act, to become effective in the corporate limits of Tropic Town, Garfield County, State of Utah.

NOW THEREFORE, BE IT ORDAINED by the Town Council of Tropic Town, Garfield County, State of Utah, as follows:

Section 1: PRIVATE CLUBS AND ASSOCIATIONS:

- A. **Private Club or Association Defined:** "Private club or association" as used in this section shall be defined as any social club, recreational or athletic or kindred association, whether incorporated or not, which maintains club rooms, regular meeting rooms or facilities within town limits and restricts such facilities and activities to a clientele or group other than the general public.

- B. **License-required:** It is unlawful for any private club to operate within Tropic Town, Garfield County, State of Utah, without first obtaining a license in accordance with this section.

- C. **License-application-issuance conditions:**
 - 1. Each applicant for a license under this chapter shall at the time of such application and each time the license is renewed, file with the clerk of Tropic Town, a statement, upon a form furnished by the Town of Tropic, signed under oath by the applicant and addressed to the mayor. The statement shall identify the applicant as a natural person, partnership, corporation or association, its location and general purpose, and it shall also contain the following information on the individual owner, and the applicant's manager if such applicant is a natural person applying for a license to operate as a sole proprietorship, and on each officer, director, partner, associate and manager if such applicant is a partnership, corporation or association:
 - a. The date and place of the applicant's birth;
 - b. A statement as to national citizenship and place of residence;
 - c. A list of three persons residing in Tropic Town who can attest to the applicant's honesty, good reputation and good moral character;

TROPIC TOWN ORDINANCE NO. 1999-

Alcoholic Beverages

Page 2

- d. The date, offense and jurisdiction of the applicant's conviction for each and every felony or misdemeanor involving moral turpitude;
 - e. Whether or not the applicant has ever been denied a license to sell or otherwise dispense beer or liquor by any federal, state, county, city or other local governmental entity, and all pertinent information relating thereto including the dates and jurisdictions involved.
2. Within 10 days after the removal, replacement or addition of any officer, director, partner, associate and/or manager in the corporation, partnership or association licensed under this section, a new statement shall be filed with the town clerk, signed under oath by the licensee and the new officer, director, partner, associate and/or manager, if any. The statement shall note any organization change and contain the same information on each new officer, director, partner, associate and/or manager, as required in the original application statement.
 3. Each licensee, if a natural person operating as a sole proprietorship, his or her manager, and every officer, director, partner, associate and/or manager of a partnership, corporation or association seeking to be licensed under this section must be over the age of 21 years, of good reputation and standing in the community, and a citizen of the United States of America.
 4. No license held under this section shall be given to any applicant or held by any partnership, corporation, association or person when such applicant or any officer, director, manager, partner or associate of any partnership, corporation or association licensed under this section has been convicted of any felony or misdemeanor involving moral turpitude or who fails to meet any of the other requirements of this chapter. Failure to fully comply with all or any of the said requirements shall be grounds for denial of said license or revocation or suspension of any license issued prior thereto.

D. Private Club Licenses - Issuance Conditions:

1. A private club license shall be issued to all private clubs, which have complied with all of the following requirements:
 - a. Registered with the Secretary of State as a non-profit corporation; and
 - b. Secured a State Locker Club License from the State Liquor Control Commission; and

TROPIC TOWN ORDINANCE NO. 1999-

Alcoholic Beverages

Page 3

- C. Maintain food service and full restaurant kitchen facilities and permit the sale and consumption of beer (whether packaged, draft or sold in other containers) and intoxicating liquors on the premises.

- E. **Application -- Investigation:** All applications filed in accordance with the provisions of this section shall be referred to the Tropic Town Planning Commission for investigation, inspection and report. The planning commission shall, within 10 days after receiving such application, forward a report to the mayor showing the results of its investigation of the parties and references listed on the application, and the proximity of the proposed license to any church or school.

- F. **Application - Health Department Duties:** All applications filed in accordance with this section shall be referred to the Southwest Utah Department of Health, which shall inspect all premises owned and operated by the club to insure sanitary compliance with the laws of the State of Utah, the ordinances of Tropic Town, and the rules and regulations of the health department.

- G. **License - Fee Schedule:** Applications provided for in this section shall be accompanied by the fees hereinafter provided, which fees shall be deposited in the town treasury and returned to the applicant if the license is denied:
 - 1. For initial application and issuance of a private club license, \$550.00 for the first year of operation or any part thereof, plus any other city licenses required under the Tropic Town Ordinances; and
 - 2. For renewal of a private club license, \$400.00 per year or any part thereof, plus any other city licenses required under Tropic Town Ordinances.

- H. **License - Suspension or Revocation Conditions:** Licenses may be suspended or revoked by the mayor for violation of any provisions of this section or any other applicable ordinance or law regarding alcoholic beverages. The mayor or his or her designee shall conduct a public hearing prior to revocation upon not less than 10 days notice to the club by serving notice of the hearing upon any officer or director thereof or by posting such notice upon the licensed premises.

- I. **Compliance with Health Regulations:** It is unlawful for any non-profit club to operate without complying strictly with the health ordinances and regulations of Tropic Town as set forth in Tropic Town ordinances.

- J. **Compliance with Fire Regulations:** It is unlawful for any non-profit club to operate without complying strictly with any fire code adopted by Tropic Town, as set forth in Tropic Town ordinances relating to fire.
- K. **Li2htina of Premises - Enclosed Booths:**
1. It is unlawful for any club to maintain any premises or facilities without complying with the following lighting and view requirements:
 - a. During business hours, a minimum of five candle power light, measured of five feet above the floor shall be maintained.
 - b. No enclosed booths, blinds or stalls shall be erected or maintained in an area where food or drink is served.
- L. **Private Club - Membership Restrictions:** No person shall frequent the premises of any private club required to be licensed under the provisions of this section unless said person holds a membership in such private club or is an actual guest of such member.
- M. **Beer or Liquor - Sale, Supply and Service:** It is unlawful for the club acting through its employees or managing director, holding a private club license, or any employee, member, guest, club officer or director to:
1. Have in his or her possession beer or intoxicating liquor contrary to state statutes or ordinances of Tropic Town;
 2. Sell beer or intoxicating liquor in violation of state statute;
 3. Supply beer or intoxicating liquor to any person under the age of 21 years;
 4. Engage in, or conduct on the premises any unlawful activity, or permit the use of the premises for any unlawful purpose. For purposes of this section, the term "bar facilities" means the area in which the alcoholic beverages are mixed or prepared by employees of the club and the area in which such alcoholic beverages may be consumed other than with prepared meals;
 5. Supply beer or liquor to an intoxicated person;
 6.
 - a. Serve beer on or at the premises or any facilities after 1:00 a.m. and before 10: 00 a.m. on any day; or
 - b. Serve liquor on or at the premises or facilities during the following days or hours:
 - i. On the day of any state or national election, until after the polls are closed;
 - ii. On Sunday and any state or federal legal holiday after 12 midnight and before 12 noon;

TROPIC TOWN ORDINANCE NO. 1999-

Alcoholic Beverages

Page 5

- iii. On all other days after 1:00 a.m. and before 10:00 a.m., or
- C. Permit any person to possess or consume beer or liquor on or at the premises or facilities between the hours of 2:00 a.m. and 10:00 a.m. of any day.
- N. **Beer or Liquor Consumption:** It is unlawful for any customer, guest or any other person to possess or consume beer or liquor on premises licensed by this chapter between the hours of 2:00 a.m. and 10:00 a.m. on any day.
- O. **Violation of Section Provisions Prohibited:** It is unlawful for the licensed club or any member, guest, employee, agent, manager, director or officer to violate any provision of this section.

Section 2: LIQUOR CONSUMPTION LICENSE

- A. **Permitting consumption of liquor without license** prohibited: It is unlawful for any owner, operator, manager or lessee, or any agent, partner, associate or employee of such owner, operator, manager or lessee of any place of business knowingly to permit or allow customers, members, guests or any other person to consume liquor, without first obtaining a license under this Section.
- B. **License-application:** Application for a liquor consumption license shall be upon a form furnished by the city, signed under oath by the applicant, and addressed to the mayor. The form shall require information showing the applicant's age, citizenship, moral character and reputation and conviction of a felony or misdemeanor involving moral turpitude, if any. If the applicant is a partnership or association or a corporation, the same information shall be obtained on all corporate officers. Each licensee must be over the age of 21 years, and of good moral character. No license shall be granted to any applicant who has been convicted of a felony or misdemeanor involving moral turpitude. If any applicant is a partnership, association or corporation, each partner, association member or corporate director or corporate officer shall meet all of the foregoing qualifications.
- C. **License-fee:** For initial application and issuance of a liquor consumption license, the fee shall \$155.00 for the first year of operation, or any part thereof. For renewal of a liquor consumption license, the fee shall be \$125.00 per year, or any part thereof. Said fees shall be deposited in the town treasury if the license is granted and returned to the applicant if the license is denied.

TROPIC TOWN ORDINANCE NO. 1999-

Alcoholic Beverages

Page 6

- D. **Investigation of** applicants: The Tropic Town Planning Commission shall examine all applications for licenses under this Section. Following such examination, the recommendations of the Planning Commission shall be made in writing to the mayor, who shall be the licensing authority.
- E. **Premises=periodic inspection required:** Tropic Town shall be permitted access to all premises licensed or applying for license under this Section, at all times when the premises is open for business, and shall make periodic inspections of said premises. Except for emergency situations or where consent has been obtained, entrance upon the non-public portions of commercial property must be pursuant to search warrant.
- F. **License-displyg required:** Each license issued pursuant to this Section shall be displayed at all times on the licensed premises in a place readily visible to the public.
- G. **License-expiratio** d@a : All licenses issued under this Section shall be issued for one year.
- H. **License-suspension and revocation conditions:**
1. Licenses may be suspended or revoked by the mayor for violation, on the licensed premises, of any provision of this title, or of any other applicable ordinance or law relating to alcoholic beverages, or if the person to whom the license was issued no longer possesses the qualifications required by this Section and the statutes of the State of Utah.
 2. All licenses issued pursuant to this Section may be suspended by the mayor without a prior hearing. Immediately following any suspension order issued without a prior hearing, notice shall be given such licensee, advising him of his or her right to a prompt hearing, and listing the cause or causes for such suspension. If cause for the suspension is established at the hearing, the suspension order may be continued for up to one year. However, no license shall be revoked or suspended beyond the initial hearing without first establishing cause therefore, nor shall any license be revoked without first giving the licensee an opportunity for a hearing on the causes specified for revocation.

3. It is unlawful for any licensee to permit any person to possess or consume liquor on the licensed premises during the period of suspension or after the revocation of any license.

TROPIC TOWN ORDINANCE NO. 1999-

Alcoholic Beverages

Page 7

1. **Premises-light and open space requirements:**

I It is unlawful for any person to own, operate or manage any premises licensed pursuant to this Section without complying with the following lighting and view requirements:

- a. During business hours, a minimum of one candlepower light, measured at a level five feet above the floor shall be maintained.
- b. No enclosed booths, blinds or stalls shall be erected or maintained.
- c. There shall be clear and unobstructed access to all portions of the interior where patrons are permitted or served.

J. Entertainers and entertainment restrictions:

The operational restrictions, conditions and requirements governing on-premise beer retailer licensees and the employees and management personnel of on-premise beer retailer licensees, contained in Utah Code Annotated Section 32A-10-206, are adopted by this reference as though fully set forth herein, and failure to comply may result in suspension or revocation of the license or other disciplinary action taken against individual employees or management personnel.

Section 3: **SALE OF BEER**

- A. **Beer defined:** "Beer" means any beverage containing not less than one-half of one percent of alcohol by weight and obtained by the alcoholic fermentation of an infusion or decoction of any malted grain, or similar products, and which contains not more than three and two-tenths percent of alcohol by weight and may or may not contain hops or other vegetable products, and includes ale, stout, or porter.
- B. **Licensed premises:** "Licensed premises" means any room, house, building, structure or place occupied by any person licensed to sell beer or to allow the consumption of liquor on such premises under this title.
- C. **Restaurant:** "Restaurant," as used in connection with the issuance of Class B retail license means premises where a variety of hot food is prepared and served for consumption on the premises.

- D. **Retailer:** "Retailer" means any person engaged in the sale or distribution of beer to the consumer.

TROPIC TOWN ORDINANCE NO. 1999-

Alcoholic Beverages

Page 8

E. **License requirements - Retail sales:**

- I. It is unlawful for any person to engage in the business of the sale of beer at retail, in bottles, cans or draft, within the corporate limits of Tropic Town without first having procured a license therefor from the mayor or the mayor's designee, as hereinafter provided.
2. A separate license shall be required for each place of sale, and the license shall identify the specific premises covered thereby. Such license shall at all times be conspicuously displayed in the place to which it shall refer or for which it shall be issued.
3. All licensees shall comply with the provisions of the State Liquor Control Act, or its successor, and the regulations of the Liquor Control Commission and this section.

F. **Retail license classifications:** Retail licenses issued under the provisions of this section shall be classified into the following types, which shall carry the privileges and responsibilities hereinafter set forth in this section:

- I. Class A:
2. Class B.

G. **Class A licenses:**

- I. A Class A retail license shall entitle the licensee to sell beer on the premises described in such license in original containers for consumption off the premises, in accordance with the Alcoholic Beverage Control Act of Utah; provided, however, that it is unlawful for the licensee to sell or distribute beer in any container larger than a half-gallon.
2. It is unlawful for a licensee of a Class A retail license at a hotel to sell beer in original containers from multiple beer dispensing facilities located in separate rooms of the hotel unless such dispensing facilities are securely locked and access to the contents of such facilities is restricted by the licensee to hotel patrons twenty-one years of age or older who have duly rented such hotel room in which such dispensing facility is located. For purposes of this section, the consumption of beer in a hotel room duly rented by such patron shall be deemed consumed off the premises of the hotel.

TROPIC TOWN ORDINANCE NO. 1999-

Alcoholic Beverages

Page 9

H. Class B licenses:

- I. A Class B retail license shall entitle the licensee to sell beer in the original containers on the premises.
2. Only 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 which food sales constitute at least sixty percent of the gross dollar values of licensee's business shall be entitled to Class B licenses.
3. The holders of Class B licenses shall maintain records, which shall disclose the gross sales of beer and the gross sales of food served for consumption on the licensed premises during each and every month of the year. In those licensed premises, which are also licensed to allow consumption of liquor on the premises. The sales of carbonated and non-carbonated soft drinks, soda water, water and other mixers shall not constitute the sales of food within the meaning of this chapter, and such licensee shall maintain a separate record which shall disclose the gross sales of such drinks during each and every month of the year. The foregoing sales shall be shown separately in the records, and each licensee shall retain all invoices, vouchers, sales slips, receipts and other records of purchases of beer, soft drinks and food from his or her suppliers. Such records and supporting data shall be available for inspection and audit by the city license supervisor or the city auditor at any time following the end of each month and for eighteen months thereafter.

Failure of a licensee to properly maintain or submit the records for inspection and audit shall be cause for suspension or revocation of his or her Class B license.

4. If any audit or inspection discloses that the sales of food served for consumption on any licensed premises under this chapter are less than sixty percent of the gross dollar volume of business for any month, the Class B license of such licensee may be suspended by the mayor or his or her designee, after the licensee has been afforded notice and a hearing regarding such license.
5. It is unlawful for any person under the age of 21 years to sell or serve beer or liquor under this license.

- 6. It is unlawful for any licensee, operator, manager or any other person in charge of a restaurant holding a Class B retail license to:
 - a. Sell food for consumption on the premises in an amount which constitutes less than 60 percent of the restaurant's gross dollar volume of business during any monthly period; or
 - b. Sell beer or liquor if such establishment is licensed for such, other than in conjunction with the purchase of food menu items; or
 - c. Advertise the sale of beer or liquor other than within the menu or by word of mouth; or
 - d. Hire or allow or permit any person under 21 years of age to serve beer or liquor for consumption on the premises.

1. **Fees:**

1. Applications provided for in this section shall be accompanied by the fees provided in this section, which fees shall be deposited in the city treasury if the license is granted, and returned to the applicant if denied:

- a. For initial application and renewal of Class A retail licenses, the fee is to be assessed, according to the annual gross receipts of the store applying for license according to the following schedule:

Gross Receipts	License Fee
Under \$250,000.00	\$ 60.00
\$250,000.00 to \$500,000.00	120.00
Over \$500,000.00	240.00

- b. For initial application and issuance of a Class B retail license, the fee is two hundred forty (\$240.00) dollars for the first year of operation or any part thereof;
- c. For renewal of a Class B retail license, the fee is \$150.00 per year or any part thereof-

2. Holders of Class A licenses shall maintain records which shall disclose the gross sale of beer during each and every year. Such records shall be available for inspection and audit by the city license office at any time following the end of each year and for 18 months thereafter.

J. **Location restrictions:**

I . The permissible locations of establishments licensed with either a Class A

beer license, or a Class B beer license, or any combination thereof, shall be determined by geographical proximity to churches and schools as prescribed by Utah State law, and by proximity to other licensed establishments, based upon the following criteria:

- a. District A. There shall be no more than two establishments located on any lineal block. A "lineal block" means both sides of a major street between two intersecting major streets. For the purposes of this section, a comer establishment having abutting front footage on two major streets shall be included in the lineal block in which the establishment has the greatest number of front footage abutting the major street, or if such abutting footage is equal, then the address originally filed with the city shall determine in which lineal block the establishment shall be located.
- b. District B. There shall be no more than one licensed establishment within a 660-foot radius of another licensed establishment.
- c. District C. There shall be no more than one licensed establishment within two thousand feet of any other licensed establishment.

2. Notwithstanding any of the provisions of subsection I of this section, all such establishments must be located within commercial districts.

K. **Applications - Review by Planning Commission:** All applications filed in accordance with the provisions of this chapter shall be referred to the planning commission for inspection and report. The planning commission shall, within ten days after receiving such application, make report to the mayor or the mayor's designee of the general reputation and character of the persons who habitually frequent such place; 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; whether such place is or has been conducted in a lawful, quiet and orderly manner; the nature and kind of entertainment, if any, at such place, whether gambling is or has been permitted on the premises or by the applicant at any other place; and the proximity of such premises to any school or church. The planning commission, shall also add to such report its recommendation as to whether or not the application should be granted.

L. **Application - Review by health** department: All applications filed in accordance with this section shall be referred to the Southwest Utah Health Department which shall inspect all premises to be licensed to assure sanitary

compliance with the laws of the state, the ordinances of Tropic Town, and the rules and regulations of the health department. If the premises and all equipment used in the storage, distribution or sale of beer fulfill all such sanitary requirements, the health department shall issue a permit to the licensee a copy of which shall be attached to the application for license.

M. Renewal procedures - Forfeiture conditions:

- I.** All applications to renew licenses shall be filed by the holders of existing licenses with the Tropic Town Office at least 30 days prior to the expiration date of the then-issued license. The renewal applications shall state whether or not the business is presently operating and, if not, the date when it ceased daily operation, together with such other information as the town office shall reasonably require to verify or determine the state of such business. Any person who fails to file such application within the time limit shall close such person's licensed premises on the expiration date of the then-issued license, and shall keep the premises closed for the sale of beer until the date a new license is issued by order of the mayor or his/her designee.
2. The foregoing notwithstanding, a licensee has the right to renew such license annually until revoked for cause or until the license is no longer currently and actively used to operate a business authorized by such license; provided, however, that the license may be renewed after termination of the authorized business activity during a licensing period for one additional year, if he or she makes application within 45 days after the expiration date of the license, and if the applicant certifies under oath that (1) such applicant is not holding the license for speculative reasons, and (2) such applicant is actively seeking a purchaser for his or her business premises and assets as above provided, or is actively seeking a new business location for which he or she will seek a transfer of such license as provided by law.
3. No license renewal may be granted beyond one year of inactive status, as above provided; if not renewed within the 45-day period, the license shall expire.

N. Sublease, transfer or assignment prohibited: No license may be transferred, assigned or subleased in any manner. Any violations of this section shall be grounds of revocation of the license or refusal to renew license.

TROPIC TOWN ORDINANCE NO. 1999-

Alcoholic Beverages

Page 13

0. **Expiration** date: All licenses issued pursuant to the provisions of this title shall expire on the 30th day of June of each year and shall be issued for one year, except seasonal licenses which shall be issued for a period of less than a year as may be determined by the mayor or his/her designee.
- P. **Conformance with city law required:** The licensee shall be responsible for the operation of the business in accordance with the ordinances of Tropic Town, and the laws of the State of Utah, and it shall be grounds for revocation of the license if a violation of such ordinances or laws occurs through an act of a licensee, operator, employer, agent or person who is allowed to perform for patrons of the licensee's business, whether or not such person is paid by the licensee for the performance, or any person who violates such ordinances with the consent or knowledge of licensee or his or her agents or employees or operator of the business.

Suspension and revocation

- I. **Suspended or Revoked by the Mayor:** Following IO days notice and a hearing, licenses may be suspended or revoked by the mayor for:
 - a. The violation on the licensed premises of any provision of this title, whether an infraction or a misdemeanor, or of any other applicable ordinance or law relating to alcoholic beverages;
 - b. If the licensed premises is used for the commission of any illegal act or activity by any person; or
 - C. If the person to whom the license was issued no longer possesses the qualifications required by this title and the statutes of the state.
- R. **Beer sales - License required - Unlawful activities.**
 - I. It is unlawful and shall constitute an offense of strict liability for any person to sell beer or to permit the consumption of beer in any premises unless such premises are licensed for such sale or consumption.
 2. It is unlawful and shall constitute an offense of strict liability for any licensee to violate the terms of his or her license, and it is unlawful and shall constitute an offense of strict liability for any person, unless such person shall be so licensed, to sell bottled, canned or draft beer to be consumed on the premises.
- s . **Premises - Light and open space requirements.** It is unlawful and shall

constitute an offense of strict liability for any person to own or operate any premises licensed for the sale of beer without complying with the following lighting and view requirements:

- I. During business hours, a minimum of one candlepower light, measured at a level of five feet above the floor, shall be maintained.
2. No enclosed booths, blinds or stalls shall be erected or maintained.
3. There shall be a clear and unobstructed access to all portions of the interior where patrons are permitted or served.

T. **Hours of Operation:**

1. It is unlawful and shall constitute an offense or strict liability for any holder of a license under this section, or any employee thereof to sell, dispose, give away or deliver beer, on the licensed premises between the hours of one a.m. and ten a.m. It is unlawful and shall constitute an offense of strict liability for any licensee of a Class A license, or any employee thereof, to sell, dispose, or give away, or deliver beer between the hours of one a.m. and seven a.m.
2. It is unlawful and shall constitute an offense of strict liability for any holder of a license under this section, or any employee thereof, to permit the possession or consumption of beer on the licensed premises between the hours of 2:00 a.m. and 10:00 a.m.
3. It is unlawful for any customer, guest or any other person to possess or consume beer on premises licensed under this title between the hours of 2:00 a.m. and 10:00 a.m.

U. **Entertainers and entertainment limitations:** The operational restrictions, conditions and requirements governing on-premise beer retailer licensees and the employees and management personnel of on-premise beer retailer licensees, contained in Utah Code Annotated Section 3 2A- 1 0-206, are adopted by this reference as though fully set forth herein, and failure to comply may result in suspension or revocation of the license or other disciplinary action taken against individual employees or management personnel.

V. **Intoxicated persons prohibited on premises:** It is unlawful and shall constitute an offense of strict liability for any person licensed to sell beer, or for any of such person's agents or employees to allow intoxicated persons to remain in or about any licensed premises.

W. **Sales to intoxicated Persons Prohibited:** It is unlawful and shall constitute an

offense of strict liability for any person to sell beer to any intoxicated person, or to any person under the influence of any intoxicating beverage.

X. Minors - Presence in or around lounge or bar areas prohibited:

- I.** It is unlawful and shall constitute an offense of strict liability for any person under the age of 21 years to:
 2. Enter or be in or around any lounge or bar area in premises licensed for the sale of beer; or
 3. Be in or around any lounge or bar area of premises licensed with a liquor consumption license.
 4. Any person violating any provision of this section shall be deemed guilty of an infraction.

Y. Minors - Purchase or possession of alcoholic beverages:

- 1.** It is unlawful and shall constitute an offense involving strict liability for any person under the age of 21 years of age to purchase, accept, consume or have in his or her possession an alcoholic beverage, including beer or intoxicating liquor, provided, however, that this section shall not apply to:
 - a. The acceptance of alcoholic beverages by such person for medicinal purposes supplied only by the parent or guardian of such person, or the administering of such alcoholic beverage by a physician in accordance with the law; or
 - b. Persons under 21 years of age who are bona fide employees in Class A licensed premises, while in the discharge of their employment therein or thereabouts.
2. Any person violating any provision of this section shall be deemed guilty of a Class B misdemeanor.

Z. Sales to minors prohibited: It is unlawful and shall constitute an offense of strict liability to sell beer to any person under the age of 21 years.

AA. Nuisances prohibited: It is unlawful and shall constitute an offense of strict liability for any person to keep or maintain a nuisance.

Section 4: GENERAL LIQUOR REGULATIONS:

A. Hours for liquor consumption:

TROPIC TOWN ORDINANCE NO. 1999-

Alcoholic Beverages

Page 16

1. It is unlawful for any licensee, operator or employee of a licensee under this Ordinance, to sell, dispose, give away or deliver liquor on premises licensed under this Ordinance, between the hours of 1:00 a.m. and 10:00 a.m.
 2. It is unlawful for any licensee, operator or employee of a licensee under this Ordinance, to permit the possession or consumption of liquor on a premises licensed under the terms of this Ordinance, between the hours of 2:00 a.m., and 10:00 a.m.
 3. It is unlawful for any customer, guest or any other person to possess or consume liquor on premises licensed under this Ordinance between the hours of 2:00 a.m. and 10:00 a.m.
- B. **Possession of liquor-limitations:** It is unlawful, except as provided by state statute, for any person to have or to keep for sale or possession, any liquor which has not been purchased from the state liquor store or package agency, in accordance with State statute.
- C. **Taking- or accepting liquor prohibited, when:** It is unlawful, except as provided by state statute, for any person within this state, by himself, herself, or his/her clerk, employee or agent, to attempt to purchase, or directly or indirectly or upon any pretense or upon any device, to purchase or in consideration of the sale or transfer of any property, or for any other consideration, or at the time of the transfer of any property, to take or accept any alcoholic beverage from any other person.
- D. **Supplying- liquor when permit ended:** It is unlawful, except in the case of liquor administered by a physician or dentist or sold upon a valid prescription, in accordance with state statute, for any person to procure or supply or assist directly or indirectly in procuring or supplying liquor for or to any person whose permit is suspended or has been canceled.
- E. **Selling or Supplying alcoholic beverages to intoxicated persons:** It is unlawful for any person to 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 liquor.
- F. **Permitting drunkenness:** It is unlawful for any person to:
1. Permit drunkenness to take place in any house or on any premises of which such person is the owner, tenant or occupant; or

TROPIC TOWN ORDINANCE NO. 1999-

Alcoholic Beverages

Page 17

2. Permit or suffer any person apparently under the influence of liquor to consume any liquor in any house or on any premises of which the first-named person is owner, tenant or occupant; or
3. Give any liquor to any person apparently under the influence of liquor.

G. **Supplying- alcoholic beverages to minors:** It is unlawful for alcoholic beverages to be given, sold or otherwise supplied to any person under the age of 21 years; but this shall not apply to the supplying of liquor to such person for medicinal purposes only by the parent or guardian of such person, or to the administering of liquor to such person by a physician, in accordance with the provisions of this Ordinance.

Section 5: GENERAL REPEALER:

Any Tropic Town Ordinance, which conflicts with the intent of this Ordinance is hereby expressly repealed.

Section 6: EFFECTIVE DATE:

The Mayor and Town Council of Tropic Town, Garfield County, State of Utah, find that it is in the interest of public safety and welfare of the residents of Tropic Town, Garfield County, State of Utah, for this Ordinance to take effect immediately. Therefore, this Ordinance shall be effective immediately upon passage and publication in accordance with Utah State law.

DATED this 10th day of November, 1999.

TROPIC TOWN

A. JEAN SEILER, Mayor

ATTEST:

Marie H. Niemann, Tropic Town Clerk