ORDINANCE 29D

AN ORDINANCE AUTHORIZING THE ISSUANCE OF LICENSES FOR THE SALE OF ALCOHOLIC BEVERAGES

WHEREAS Ordinance 29A of the Boulder Town Ordinances identifies and describes four (4) kinds of retail licenses for the sale of alcohol within the town but prohibits the issuance of any "Class B" licenses which would authorize the licensee to sell beer on the premises for consumption on the premises in conjunction with the sale of food in accordance with the Utah Liquor Control Act aka the Utah Alcoholic Beverages Control Act (hereinafter "the Act") and the ordinances of Boulder Town; and

WHEREAS the Town Council allowed a question to be placed on the November 2001 general election ballot asking citizens if they favored amending the ordinances of Boulder Town to allow restaurants within Boulder Town to sell alcoholic beverages in restaurants; and

WHEREAS the majority of the voters in the election voted in favor of amending the ordinances to allow the sale of alcoholic beverages in restaurants; and

WHEREAS the Town Council desires to comply with the decision of the majority of the voters as represented by their votes on the question; and

WHEREAS in January 2002 the Town Council adopted Ordinance 29C which allowed the sale of beer for on-premises consumption in restaurants within the Town of Boulder; and

WHEREAS Ordinance 29C has undergone several revisions and the town desires to replace it with this ordinance; and

WHEREAS the Town Council believes it is in the best interests of the citizens of the Town that "Class B" beer licenses and liquor licenses be issued to both limited and full restaurants in accordance with law;

NOW THEREFORE BE IT ORDAINED BY THE BOULDER TOWN COUNCIL AS FOLLOWS:

1. Ordinance 29C, and all of its amendments, is hereby repealed and replaced by this Ordinance 29D.

2. Ordinance 29A is hereby amended to allow the issuance of a "Class B" retail licenses to sell beer for on-premises consumption to the owner of each restaurant within the Town of Boulder that applies for and satisfies the other requirements of Ordinance 29A.

3. A license to sell liquor for on-premises consumption is hereby authorized to be issued to the owner of each restaurant within the Town of Boulder that applies for and satisfies the other requirements of Ordinance 29A.

4. Each "Class B" license issued under this ordinance shall entitle the licensee to sell beer on the premises of the restaurant for consumption on the premises of the restaurant in conjunction with the sale of food in accordance with the Act and the ordinances of Boulder Town.

5. Each liquor license issued under this ordinance shall entitle the licensee to sell liquor on the premises of the restaurant for consumption on the premises of the restaurant in conjunction with the sale of food in accordance with the Act and the ordinances of Boulder Town.

6. The initial license fee for a "Class B" beer license is $50.00 and the annual renewal fee is $50.00.

7. The initial license fee for a liquor license is $50.00 and the annual renewal fee is $50.00.

8. The liquor licenses that may be issued under this Ordinance include limited restaurant licenses and full service restaurant licenses under Utah law.

9. All other provisions of Ordinance 29A that are not inconsistent with this ordinance remain in full force and effect.

10. This ordinance in no way amends the provisions governing the issuance of "Class A" beer licenses and the issuance of all "Class A" licenses will continue to be governed by the terms of Ordinance 29A and Ordinance 29B.

11. Nothing in this ordinance authorizes the issuance of "Class C" and "Seasonal licenses" for the sale of beer as described in Ordinance 29A.

12. Each Class B beer license under this ordinance must also obtain an on-premise beer retailer license from the Utah Alcoholic Beverages Control Commission and must comply with all other applicable requirements of the Act and other applicable law in order to sell beer within Boulder Town.

13. Each licensee of a liquor license under this ordinance must also obtain an on-premise liquor retailer license from the Utah Alcoholic Beverages Control Commission and must comply with all other applicable requirements of the Act and other applicable law in order to sell liquor within Boulder Town.

14. Authorization under this ordinance is on an annual basis. The town is at liberty to amend or repeal this ordinance and discontinue allowing alcohol licenses. There is no expectation of continued licensing beyond each annual period.

This ordinance shall become effective immediately.

The town clerk or recorder is hereby ordered, in accordance with the requirements of Section 10-3-711, Utah Code Annotated, 1953, as amended, to do as follows:

A. Cause a copy of this ordinance to be deposited in the office of the town recorder; and

B. Either:

(b1) Cause a short summary of this ordinance to be published for at least one publication in _____, a newspaper of general circulation within Boulder Town;

Or

(b2) Cause to be posted a complete copy of this ordinance in three (3) public places within Boulder Town.

APPROVED and **PASSED** this 4th day of September, 2014.

ATTEST:

Judith Davis

Judith Davis
Boulder Town Recorder

BOULDER TOWN

Bill Muse

Bill Muse, Mayor

	VOTE
Steve Cox, Councilman	Yes
Cindy Wilson, Councilwoman	Yes
Tom Jerome, Councilman	Yes
Gladys LeFevre, Councilwoman	Absent

ADOPTION OF ORDINANCE AFFIDAVIT

STATE OF UTAH)
: ss.
COUNTY OF ~~WAYNE~~ GARFIELD)

I, the undersigned, the duly qualified and acting City Recorder of Boulder Town, ~~Wayne~~ Garfield County, Utah, do hereby further certify, according to the records of said City Council in my official possession, and upon my own knowledge and belief, that I have fulfilled the requirements of Section 10-3-711, Utah Code Annotated, 1953, as amended, by:

[X] (a) Causing one (1) copy of this ordinance to be deposited in the office of the city recorder; and

Either

[ ] (b1) Causing a short summary of this ordinance to be published for at least one publication in _____, a newspaper of general circulation within Boulder Town;

Or

[X] (b2) Causing to be posted a complete copy of this ordinance in three (3) public places within Boulder Town.

IN WITNESS WHEREOF, I have hereunto subscribed my official signature and impressed hereon the official seal this 4th day of September, 2014.

Judith Davis
Judith Davis
Boulder Town Recorder