

## **AMENDED ORDINANCE 29C**

### **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 beer 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 sale of liquor as defined in the Act has previously not been allowed within the boundaries 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 the Town Council in response to its citizens is also willing to allow the sale of liquor for on-premises consumption within the Town of Boulder; and

WHEREAS the Town Council nevertheless believes it is in the best interests of the citizens of the Town that “Class B” beer licenses and liquor licenses be issued on a temporary trial basis and that the citizens of Boulder Town have the opportunity to vote in the November 2005 election whether to continue the issuance of such licenses;

NOW THEREFORE IT IS HEREBY ORDAINED AS FOLLOWS:

1. Ordinance 29C is hereby superceded by this Amended Ordinance 29C.
2. Ordinance 29A is hereby amended to allow the temporary issuance of a “Class B” retail license 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. No license issued under this ordinance will be effective after December 31, 2005, and this ordinance will expire by its terms on December 31, 2005, unless action to amend this ordinance is taken by the Boulder Town Council prior to that date.

9. This issue of whether to amend this ordinance to allow issuance of alcoholic beverage licenses to continue will be submitted to the voters of Boulder Town in November, 2005.

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

11. 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.

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

13. Each Class B beer licensee 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 in order to sell beer within Boulder Town.

14. 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 in order to sell liquor within Boulder Town.

This ordinance shall take effect upon passage.

DATED this 6 day of March, 2002.

By:

Keith Gailey  
Mayor

Attest:

Judith Davis  
Town Clerk