

ORDINANCE NO 66-1

AN ORDINANCE PROVIDING FOR THE LICENSING, REGULATION AND SALE OF BEER CONTAINING NOT MORE THAN 3.2 PER CENTUM OF ALCOHOL BY WEIGHT AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF DAGGETT COUNTY, UTAH:

SECTION 1. It shall be unlawful for any person to engage in the business of a wholesaler or retailer of beer within the boundary of Daggett County without first making application for and obtaining a license from the County, for such business. Such application shall be in writing and shall show the following:

- a. The name and address of the person desiring a license. If applicant is a co-partnership, the name and address of the partners, and if a corporation, the names and addresses of all the officers and directors.
- b. The Class of license desired.
- c. The place and location where such business is to be carried on.
- d. Such other facts and information as may be required by ordinance, the statutes of the State of Utah or the County Commission.

Each application for a license shall be accompanied by the license fee required to be paid for the issuance of the license for the Class of license applied for.

SECTION 2. The word "beer" as used in this ordinance, means any beverage obtained by alcoholic fermentation of an infusion or decoction of barley, malt, hops and other ingredients in drinkable water and containing in excess of one-half of one per centum of alcohol by volume and not more than 3.2 per centum of alcohol by weight.

SECTION 3. Licenses issued hereunder shall be of the following kinds and shall have the following privileges:

Class "A" retail license entitles the licensee to sell beer in the original bottles or cans having the label of the maker thereon for consumption off the premises.

Class "B" retail license entitles the licensee to sell beer on draft and in original bottles or cans for consumption on or off the premises and to all the privileges granted to holders of a Class "A" retail license.

Class "C" retail license entitles the licensee to sell beer at special events held within Daggett County and shall be granted only upon application by the organization sponsoring such special event.

Wholesale license entitles the licensee to sell both bottled and keg beer to licensed retailers for resale, but shall not entitle the licensee to any of the other privileges of Class "A", Class "B" or Class "C" retail license.

SECTION 4. Applicant for a license and those licensed to engage in the business of a retailer or wholesaler of beer within Daggett County, shall comply with all State laws and the regulations of the Liquor Control Commission or Utah.

SECTION 5. Before a license is issued for the consumption of beer on the premises, the applicant must first show that the premises are in a sanitary condition and that he has complied with all regulations of the State Board of Health relating to the dispensing of beer.

SECTION 6. Any license issued pursuant to this ordinance shall be available only to the person, co-partnership or corporation specified therein and only for the premises described in said license, and shall not be transferable to any other person, co-partnership or corporation or any other premises.

SECTION 7. The license fees for the retailing or wholesaling of beer shall be as follows:

For Class "A" retail license, for one year or any part thereof, \$ 100.00.

For Class "B" retail license, for one year or any part thereof, \$ 100.00.

For Class "C" retail license for special events the fee shall be fixed at the time such license is granted by the Daggett County Commissioners.

For Wholesale license, for one year or any part thereof, \$ 10.00.

SECTION 8. No person shall sell, dispense, furnish or give beer to any person who appears to be intoxicated or under the influence of intoxicating liquor.

SECTION 9. It shall be unlawful for any person under the age of 21 years to buy, consume, accept, or have in his or her possession any beer, liquor, or alcoholic beverage.

SECTION 10. All licensed premises shall be subject to inspection by any Peace Officer of Daggett County, by any member of the Board of County Commissioners of Daggett County, by any Peace

Officer of the State of Utah, or the Daggett County Health Officer or State Board of Health, during the hours when the said premises are open for the transaction of business.

Each license shall be displayed in a conspicuous place on the premises at all times.

SECTION 11. It shall be unlawful for any person holding a Class "B" license, under the provisions of the Ordinance, or the agent, manager or representative of such licensee to permit or allow any person under the age of twenty-one (21) years to enter, visit, frequent or remain, in, or for any person under the age of twenty-one (21) years to enter, visit, frequent or remain in any room where beer is the main product being sold or dispensed under the provisions of this Ordinance.

SECTION 12. No Licensee holding a Class "B" license hereunder and operating an establishment where beer is the main product being sold shall knowingly employ, in connection with his business in any capacity whatever, any person under the age of twenty-one (21) years, or any person who has been convicted of a felony or who, since January 2, 1934, has been found guilty of the violation of any Law of the State of Utah or of any ordinance relating to the traffic in intoxicating liquor.

SECTION 13. No person shall sell, dispense, furnish or give beer to any person between the hours of 1:00 o'clock a.m., and 5:00 o'clock a.m. of any day.

SECTION 14. The Board of County Commissioners may, with, or without hearing, at its discretion, refuse to grant any beer license applied for and may revoke any beer license issued at any time if any applicant or licensee shall not possess or shall cease to possess all of the qualifications required by the Liquor Control Act of Utah or fails to comply with the Ordinances of Daggett County, or if, in the opinion of the Commission, such revocation is necessary for the protection of public health, peace or morals, and in no such case, need any cause be given. It shall be unlawful for any person to engage in the sell of beer after revocation of his license until he may again qualify as provided herein, to engage in the sale thereof.

SECTION 15. Any person who shall engage in the business of a wholesaler or retailer of beer within the boundaries of Daggett County without having appropriate license therefore from the Liquor Control Commission of Utah, or whose license, issued by the said Commission or by this County Commission, has been revoked, suspended or cancelled, shall be guilty of a misdemeanor and upon conviction shall be punished by fine not exceeding Two Hundred Ninety-Nine and no/100 (\$299.00) Dollars or by imprisonment in the county Jail for a term not exceeding six (6) months or by both such fine and imprisonment.

SECTION 16. Any person violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding Two Hundred Ninety-Nine and no/100 (\$299.00) Dollars, or by imprisonment in the County Jail for a term not exceeding six (6) months or by both such fine and imprisonment.

SECTION 17. In the opinion of the Board of Commissioners of Daggett County, it is necessary to the peace, health and safety of the inhabitants of Daggett County that this Ordinance become effective immediately.

This Ordinance shall take effect immediately after the expiration of fifteen (15) days after the date of its passage.

PASSED BY THE BOARD OF COUNTY COMMISSIONERS OF DAGGETT COUNTY THE 2ND DAY OF MARCH, A.D., 1966.

BOARD OF COUNTY COMMISSIONERS

/s/ J.D. Harper Aye

ATTEST:

/s/ Vernon Nelson Aye

/s/ Inez C. Erich  
County Clerk

/s/ Adrian K. Reynolds Aye