

**ORDINANCE #2020-05**  
**AN ORDINANCE REPEALING CITY OF MOAB MUNICIPAL CODE, CHAPTER**  
**5.20, ALCOHOLIC BEVERAGES AND AMENDING CHAPTER 3.50 REMOVING ALL**  
**FEES FOR ALCHOL LICENSES**

WHEREAS, the Moab, Utah (City) City Council ("Council") adopted the Moab Municipal Code ("Code") Title 5.20, Alcoholic Beverages in an effort to regulate the sale of Alcoholic Beverages; and,

WHEREAS, City Council adopted title 3.50 updating fees for alcohol licenses; and

WHEREAS, the Department of Alcoholic Beverage Control regulates and oversees all sales of Alcoholic Beverages within the state of Utah; and

WHEREAS, the Department of Alcoholic Beverage Control licenses all businesses seeking to sell Alcoholic Beverages and conducts background checks and enforces proximity locations for all sales outlets; and

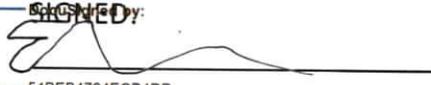
WHEREAS, the City has to review and grant or deny Local Consent for all business located within Moab City that are seeking licensure through the Department of Alcoholic Beverage Control; and,

WHEREAS, over time, City staff has recognized that state code regulating the licensing of Alcoholic Beverages has changed and has rendered the City's local licensing of sales of Alcoholic Beverages redundant; and,

WHEREAS, Council found that the elimination of these local Alcoholic Beverage licenses will increase licensing efficiency and lower costs for local businesses.

**NOW, THEREFORE**, the Moab City Council hereby ordains that Chapter 5.20, Alcoholic Beverages be repealed in its entirety and that the fees for Alcohol licenses be removed from chapter 3.50 and that the following amendments to the Moab Municipal Code are adopted as noted in Attachment A.

PASSED AND APPROVED by a majority of the Moab City Council. This ordinance shall take effect no later than twenty (20) days from the date of publication.

SIGNED:   
54BEB4724ECB4DD  
Emily S. Niehaus, Mayor

APRIL 14, 2020  
Date

ATTEST:  
  
Sommar Johnson, Recorder

APRIL 14, 2020  
Date

## Chapter 3.50

### 3.50.050 Business Licenses

	<u>Initial</u>	<u>Renewal</u>
General Business	\$99.00	\$26.00
Vendor	\$214.00	\$52.00
Vendor - Ice Cream Truck	\$222.00	\$52.00
Solicitor, Peddler, Merchant	\$111.00	\$52.00
Nightly Rentals, 3 units or less	\$116.00	\$26.00
Nightly Rental, more than 3 units	\$145.00	\$26.00
Home occupation	\$0	\$0
<b>Retail beer licenses</b>		
Bar Establishment	\$500.00	\$500.00
Beer Recreational	\$200.00	\$200.00
Hotel	\$500.00	\$500.00
Off-premise sales	\$90.00	\$90.00
Restaurant	\$200.00	\$200.00
Tavern	\$500.00	\$500.00

## Chapter 5.20

### ALCOHOLIC BEVERAGES<sup>1</sup>

Sections:

Article I.—Definitions

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5.20.030 — Beer.

5.20.031 — Beer retailer.

5.20.032 — Beer wholesaler.

5.20.035 — Community location.

5.20.040 — Licensed premises.

5.20.050 — Liquor.

5.20.060 — Nuisance.

5.20.070 — Place of business.

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5.20.080 — Restaurant.

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#### Article II. — Licenses and Local Consent

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5.20.120 — ~~Wholesale sale of beer.~~

5.20.130 — ~~Retail sale of alcoholic beverages.~~

5.20.140 — ~~Purchase of alcoholic beverages for resale.~~

5.20.150 — ~~Retail alcohol license classification and local consent—Generally.~~

5.20.200 — ~~Application—Generally.~~

5.20.210 — ~~Application—Police Department referral.~~

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5.20.250 — ~~Fees.~~

5.20.270 — ~~Refusal.~~

5.20.280 — ~~Revocation.~~

5.20.290 — ~~Suspension.~~

5.20.300 — ~~Sublease, transfer or assignment prohibited.~~

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5.20.350 — ~~Supplying to minors prohibited.~~

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5.20.370 — ~~Alcohol at City sponsored public events.~~

5.20.380 — ~~Nuisance prohibited.~~

5.20.410 — ~~Adulterated alcoholic beverage.~~

5.20.420 — ~~Consumption prohibited in unlicensed premises.~~

5.20.430 — ~~Supply to person whose license is suspended or revoked.~~

5.20.440 — ~~Supply to prohibited persons.~~

Prior legislation: Prior code Sections ~~3-1-1 through 3-1-11, 3-2-1 through 3-2-19, 3-3-1 through 3-3-23, 3-4-1 through 3-4-11 and Ords. [11-80](#), [84-04](#), [85-09](#), [87-03](#), [91-02](#), [94-14](#), [99-03](#), [99-09](#), [01-01](#), [03-05](#), [03-10](#), [10-10](#), [11-80](#), [12-12](#), [17-34](#) and [18-05](#).~~

## Article I. Definitions

### ~~5.20.010 — Scope.~~

~~The words and phrases used in this chapter shall have the meaning specified in the State of Utah Alcoholic Beverage Control Act unless a different meaning is clearly evident or specified. (Ord. 18-15 § 2, 2018)~~

### ~~5.20.020 — Alcoholic beverages.~~

~~“Alcoholic beverages” means and includes “beer” and “liquor” as they are defined herein. (Ord. 18-15 § 2, 2018)~~

### ~~5.20.030 — Beer.~~

~~“Beer,” “light beer,” “malt liquor,” or “malt beverages” means all products that contain at least one-half of one percent alcohol by volume, but not more than four percent alcohol by volume or three and two-tenths percent by weight, and are obtained by fermentation, infusion, or decoction of any malted grain. (Ord. 18-15 § 2, 2018)~~

### ~~5.20.031 — Beer retailer.~~

~~“Beer retailer” means any person engaged in the sale or distribution of beer to the consumer. (Ord. 18-15 § 2, 2018)~~

### ~~5.20.032 — Beer wholesaler.~~

~~“Beer wholesaler” means any person other than a brewer or retailer engaged in importation for sale or in the sale of beer in wholesale or jobbing quantities. (Ord. 18-15 § 2, 2018)~~

### ~~5.20.035 — Community location.~~

~~“Community location” means:~~

~~A. A public or private school;~~

~~B. A place of worship;~~

~~C. A public library;~~

~~D. A public playground; or~~

~~E. A public park. (Ord. 18-15 § 2, 2018)~~

#### ~~5.20.040 — Licensed premises.~~

~~“Licensed premises” means any room, house, building, structure or place occupied by any person licensed to sell or to allow the consumption of alcoholic beverages on such premises under this title. Multiple beer or liquor dispensing facilities located in one building and owned or leased by one licensed applicant shall be deemed to be only one licensed premises; provided, that each dispensing point must be designated and the appropriate fee(s) paid and the license prominently displayed at each dispensing point. (Ord. 18-15 § 2, 2018)~~

#### ~~5.20.050 — Liquor.~~

~~“Liquor” means alcohol, or any alcoholic, spirituous, fermented, malt or other liquid or a combination of liquids, a part of which is spirituous, or fermented, and all other drinks or drinkable liquids, containing at least one half of one percent alcohol by volume. “Liquor” includes wine and heavy beer, which is defined as beer that contains more than four percent of alcohol by volume. “Liquor” shall not include “beer” as defined in Section 5.20.030. (Ord. 18-15 § 2, 2018)~~

#### ~~5.20.060 — Nuisance.~~

~~“Nuisance” means any room, house, building, structure, place or licensed premises, where:~~

~~A. Alcoholic beverages are manufactured, sold, kept, bartered, stored, given away or used contrary to the Alcoholic Beverage Control Act or this chapter, or where persons resort for drinking alcoholic beverages contrary to the Alcoholic Beverage Control Act of Utah or this chapter; or~~

~~B. Intoxicated persons are permitted to loiter about, or profanity, indecent, immoral, loud or boisterous language or immoral or lewd conduct is permitted, or carried on; or~~

~~C. Persons under the age of twenty-one are permitted to purchase or drink alcoholic beverages; or~~

~~D. Laws or ordinances are violated by a licensee or its agents or patrons with the consent or knowledge of licensee upon such premises which tend to affect the public health, peace or morals; or~~

~~E. Any sign is displayed which is obnoxious, gaudy, blatant or offensive. (Ord. 18-15 § 2, 2018)~~

~~5.20.070 — Place of business.~~

~~A. "Place of business," as used in connection with the issuance of an alcoholic beverage sales license, shall be deemed to include cafes, restaurants, public dining rooms, cafeterias, taverns, cabarets and any other place where the general public is invited or admitted for business purposes, and shall also be deemed to include private clubs, corporations and associations operating under charter or otherwise wherein only members and their guests are invited. Occupied hotel and motel rooms that are not open to the public shall not be deemed to be places of business as herein defined.~~

~~B. A "place of business" shall not be defined to include City owned facilities, including parks, where such facility is used and occupied pursuant to a special event use license and alcoholic beverages are served in accordance with the license and all applicable City regulations, codes, and State statutes. (Ord. 18-15 § 2, 2018)~~

~~5.20.075 — Premises.~~

~~"Premises" means any building, enclosure, room, equipment or other designated areas used in connection with the sale, storage, service, manufacture, distribution or consumption of alcoholic products, unless otherwise defined in this chapter or in the rules adopted by the Alcoholic Beverage Control Commission. (Ord. 18-15 § 2, 2018)~~

~~5.20.080 — Restaurant.~~

~~"Restaurant" means any business establishment where a variety of foods are prepared and complete meals are served to the general public, located on a premises having adequate culinary fixtures for food preparation and dining accommodations, and that is engaged primarily in serving meals to the general public. (Ord. 18-15 § 2, 2018)~~

~~5.20.100 — Sell or offer for sale.~~

~~"Sell" or "offer for sale" means a transaction, exchange, or barter whereby, for consideration, an alcoholic product is either directly or indirectly transferred, solicited, ordered, delivered for value, or by a means or under a pretext is promised or obtained, whether done by a person as a principal, proprietor, agent, or as staff, unless otherwise defined in U.C.A. Title [32B](#), the Alcoholic Beverage Control Act. (Ord. 18-15 § 2, 2018)~~

## Article II. Licenses and Local Consent

### ~~5.20.115 — Alcoholic beverage sales regulated.~~

~~The City of Moab regulates the sales and commercial serving of alcoholic beverages in accordance with all applicable sections of Utah Code Annotated, Title 32B, unless a provision of this chapter specifies a distinct procedure or parameter. (Ord. 18-15 § 2, 2018)~~

### ~~5.20.120 — Wholesale sale of beer.~~

~~It is unlawful for any person to engage in the business of selling beer at wholesale within the limits of the City without first obtaining a license therefor from the Alcoholic Beverage Control Commission of Utah. (Ord. 18-15 § 2, 2018)~~

### ~~5.20.130 — Retail sale of alcoholic beverages.~~

~~It is unlawful for any person to engage in the business of retail sales of alcoholic beverages within the corporate limits of the City without first having procured a license from the Alcoholic Beverage Control Commission of Utah. A separate State license shall be required for each place of sale and the license itself shall identify the specific premises covered thereby and such license shall at all times be conspicuously displayed in the place to which it shall refer or for which it shall be issued. All licensees shall comply with the provisions of the Alcoholic Beverage Control Act of Utah and the regulations of the Alcoholic Beverage Control Commission and this chapter. (Ord. 18-15 § 2, 2018)~~

### ~~5.20.140 — Purchase of alcoholic beverages for resale.~~

~~It is unlawful for any licensee to purchase or acquire or to have or possess for the purpose of sale or distribution any alcoholic beverages except that which he or she shall have lawfully purchased from a brewer, wholesaler, or retail outlet licensed under the provisions of the Alcoholic Beverage Control Act of Utah. (Ord. 18-15 § 2, 2018)~~

~~5.20.150 — Retail alcohol license classification and local consent — Generally.~~

~~A. Any person who, at the time of applying for a business license, intends to operate a restaurant, bar, or special event where alcoholic beverages are sold for on-premises consumption shall disclose that information on the application under this title.~~

~~B. As provided by State statute, all potential licensees shall obtain written local consent from the City Manager before applying for an alcohol license from the State of Utah. Applicants subject to this section shall obtain and maintain a current valid alcoholic beverage license from the State of Utah, and shall comply with the procedures and standards contained in this title and in the Utah Alcoholic Beverage Control Act.~~

~~C. Retail licenses shall be classified in accordance with the categories enumerated in the Utah Alcoholic Beverage Control Act, and shall carry the privileges and responsibilities hereinafter set forth in this chapter and in Utah State law.~~

~~D. Nothing in this section or in this chapter shall be construed to supersede or waive any provision of the Utah Alcoholic Beverage Control Act, or to permit the distribution of alcoholic beverages other than as provided in the Utah Alcoholic Beverage Control Act.~~

~~E. Issuance of a business license under this title shall not constitute "local consent" as defined by U.C.A. Title 32B of the Utah Alcoholic Beverage Control Act unless the applicant discloses its intent to serve alcoholic beverages and the application is processed in accordance with this section. Business licensees who later wish to obtain an alcoholic beverage license shall obtain the necessary local consent and alcoholic beverage license, as provided by City Code and State law. (Ord. 18-15 § 2, 2018)~~

~~5.20.200 — Application — Generally.~~

~~All applications for local consent or licenses for renewal or reissuance of local consent or licenses and for transfer of local consent or licenses authorized by this chapter shall be verified and filed with the City Manager, who, after determination of local consent, shall file the same with the City Treasurer. The application shall state the applicant's name in full and must indicate compliance with the requirements specified in the Alcoholic Beverage Control Act. If the applicant is a copartnership, the names and addresses of all partners and, if a corporation, the names and addresses of all officers and directors must be stated. If the business is to be operated by a person other than the applicant, such operator must join in the application and file the same information required of an applicant. It shall be grounds for revocation of the local consent or license for any business required to be licensed by this chapter to be operated by any person who has not filed his or her operator's information at the time of renewal for the license, or, if operation is assumed during the license period, at least ten days prior to assuming operation of the business.~~

~~The application and operator's information must be subscribed by the applicant and operator who shall state under oath that the information contained therein is true.~~

~~The City shall adhere to the State of Utah's requirements regarding the proximity between community locations and establishments selling or serving alcohol as codified in U.C.A. 32B-1-202. (Ord. 18-15 § 2, 2018)~~

#### ~~5.20.210 — Application — Police Department referral.~~

~~The application for such local consent or license, together with such information and certificate as are required by the City Manager to be attached thereto, shall be referred to the City Chief of Police for inspection and report. The Chief of Police shall, as soon as possible after receiving such application, make a report to the City Manager relative to the granting or denying of such application. Upon receipt of the report, the City Manager shall act upon the application as it shall deem fair, just and proper in regard to granting or denying the same. (Ord. 18-15 § 2, 2018)~~

#### ~~5.20.220 — Application — Health Department referral.~~

~~All applications for local consent filed in accordance with this chapter shall be referred to the Health Department, who shall inspect the premises to be licensed to assure sanitary compliance with the laws of the State, the ordinances of the City and the rules and regulations of the Health Department. If the premises and all equipment used in the storage, distribution, or sale of alcohol 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 local consent. (Ord. 18-15 § 2, 2018)~~

#### ~~5.20.230 — Expiration.~~

~~If the grantee of local consent to sell or serve alcohol is no longer currently and actively operating a business to sell alcohol, such local consent shall expire within ninety days of the cessation of the grantee's alcohol sales. (Ord. 18-15 § 2, 2018)~~

#### ~~5.20.240 — Forfeiture.~~

~~If any licensee, licensed to do business under the provisions of this chapter, sells his or her place of business, together with the entire assets of the business, the local consent granted by the City shall expire and be forfeited. (Ord. 18-15 § 2, 2018)~~

~~5.20.250 — Fees.~~

~~Fees for applications for local consent shall be adopted by City Council. (Ord. 18-15 § 2, 2018)~~

~~5.20.270 — Refusal.~~

~~The City Manager may, with or without a hearing at its discretion, when in its opinion it is necessary for the protection of public peace or morals, refuse to grant any license or local consent applied for, at any time and in no such case need any cause be stated. (Ord. 18-15 § 2, 2018)~~

~~5.20.280 — Revocation.~~

~~Licenses or local consent may be suspended or revoked by the City Manager for the violation on the licensed premises of any provision of this chapter or of any other applicable ordinance or law relating to alcoholic beverages, or if the licensed premises is used for the commission of any illegal act or activity by any person, or if the person to whom the State license was issued no longer possesses the qualifications required by this chapter and the statutes of the State. The City reserves the right to revoke local consent at any time, even after an alcohol license has been granted by the State of Utah. Upon the revocation of local consent, such licensee must immediately cease selling or serving alcohol. (Ord. 18-15 § 2, 2018)~~

~~5.20.290 — Suspension.~~

~~All licenses or local consent issued pursuant to this chapter may be suspended by the City Manager without a prior hearing. Immediately following any suspension order issued without a prior hearing, notice shall be given such licensee, advising of the licensee's right to a prompt hearing, to be held within seventy-two hours of the suspension, and listing the cause or causes for such suspension. If a cause for the suspension is established at the hearing, the suspension order may be continued for up to one year in duration. However, no license or local consent shall be revoked or suspended beyond the initial hearing without first establishing cause thereof, nor shall any license be revoked without first giving the licensee an opportunity for a hearing on the causes specified for revocation. It is unlawful for any person to sell alcoholic beverages at licensed premises during the period of suspension of a license or local consent. (Ord. 18-15 § 2, 2018)~~

~~5.20.300 — Sublease, transfer or assignment prohibited.~~

~~No license or local consent may be transferred, assigned, or subleased in any manner, whether to another person or business entity, or to another location. Any violations of this section shall be grounds for Ordinance #2020-XX~~

~~revocation of the license or local consent, or refusal to renew or issue the license or local consent. Any fees paid by the licensee to the City for local consent or a license shall be forfeited to the City. (Ord. 18-15 § 2, 2018)~~

~~5.20.310 — Operation to conform with law.~~

~~The licensee shall be responsible for the operation of the business in conformance with City ordinances; and it shall be grounds for revocation of the license or local consent if a violation of such ordinance occurs through an act of a licensee, operator, employee, agent, or by a person who is allowed to perform for patrons of the licensee's business, whether or not such person is paid by the licensee for such performance. (Ord. 18-15 § 2, 2018)~~

~~5.20.325 — Violation—Penalty.~~

~~Any person who shall engage in the business of retail selling of alcoholic beverages within the corporate limits of the City without having an appropriate State license therefor, or whose license has been revoked, suspended or canceled, or who shall violate any of the terms, clauses or conditions of this chapter shall be guilty of a Class B misdemeanor. (Ord. 18-15 § 2, 2018)~~

~~Article III. General Regulations~~

~~5.20.340 — Sale to intoxicated person prohibited.~~

~~It is unlawful and constitutes an offense of strict liability for any person to sell an alcoholic beverage to any intoxicated person or to any person under the influence of a controlled substance. (Ord. 18-15 § 2, 2018)~~

~~5.20.345 — Unlawful to permit intoxicated persons on licensed premises.~~

~~It is unlawful and constitutes an offense of strict liability for any person licensed to sell alcoholic beverages or for any of his or her agents or employees to allow intoxicated persons to enter or remain in any licensed premises. (Ord. 18-15 § 2, 2018)~~

~~5.20.350 — Supplying to minors prohibited.~~

~~It is unlawful for alcoholic beverages to be given, sold or otherwise supplied to any person under the age of twenty-one 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 chapter and U.C.A. Title 32B. (Ord. 18-15 § 2, 2018)~~

~~5.20.355 — Possession of alcoholic beverages prohibited to minors—Exception.~~

~~It is unlawful and constitutes an offense of strict liability for any person under the age of twenty-one to purchase, accept or have in his or her possession an alcoholic beverage, including beer or intoxicating liquor; provided, however, that this section shall not apply to 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; provided further, that the provision of this section prohibiting possession of beer shall not apply to persons under twenty-one years of age who are bona fide employees in an off-premises beer retail establishment while in the discharge of their employment therein or thereabouts. (Ord. 18-15 § 2, 2018)~~

~~5.20.360 — Consumption of alcohol in public places.~~

~~A. No person shall consume, serve, or distribute alcoholic beverages in a public street, sidewalk, alley, building, park, or facility, except in conformity with the provisions of this section. Violation of this section is a strict liability offense punishable as a Class C misdemeanor.~~

~~B. No event sponsor or other person shall charge an admission fee or otherwise charge a price for alcoholic beverages served and consumed in any public place, except in conformity with the provisions of this section. Violation of this subsection is a strict liability offense and shall be punishable as a Class C misdemeanor.~~

~~C. *Common Requirements for Public Events Where Alcohol Is Served.* Persons who propose to hold public events where alcohol will be served at venues owned by the City of Moab must satisfy the following general requirements, in addition to those requirements specific to particular venues. The event sponsor shall comply with applicable laws governing the consumption and distribution of alcohol, and the sponsor must:~~

- ~~1.— Obtain the applicable State of Utah single event alcohol permit or temporary special event beer permit and comply with all permit terms;~~
- ~~2.— Obtain and comply with a City of Moab alcohol license, if applicable;~~

~~3. Obtain and comply with the applicable special event license pursuant to Title 4, which will be combined with the requirements under this section;~~

~~4. Show proof of liability insurance for event host liquor liability and naming the City of Moab as an additional insured; and~~

~~5. Pay the applicable rental fee, as established from time to time by Council resolution, and execute a public facility use agreement indemnifying and holding the City harmless from all liability associated with the serving and consumption of alcohol at the event.~~

~~D. *City Events.* The City may hold public events where alcohol is served, as otherwise provided under this section. Where the City holds a public event it may contract with a separate alcohol vendor, who shall procure the alcohol event licenses under subsections (C)(1) and (2) of this section, and the liability insurance as required by subsection (C)(4) of this section. The alcohol vendor may be the event sponsor for purposes of all alcohol-related compliance under this section. If the City holds the event it has discretion to waive or modify the other requirements of subsection (C) of this section.~~

~~E. *Public Events at Certain Parks.* The serving, consumption, and sale of alcoholic beverages at public events held at Swanny City Park, the Center Street Ballfields, Lions Park, or Old City Park may be permitted by administrative approval, unless approval is required under the Special Events Code or other City Code. Serving of alcohol shall be limited to the hours of twelve p.m. until nine p.m. during the event. Areas designated for the serving of alcoholic beverages must be located at least one hundred feet away from designated playgrounds, the skate park, the Moab Recreation and Aquatic Center, and similar facilities.~~

~~F. *Private Events at Certain Parks.* The serving, consumption, and sale of alcoholic beverages at private events held at Swanny City Park, the Center Street Ballfields, Lions Park, or Old City Park may be permitted by administrative approval, unless approval is required under the Special Events Code or other City Code. Serving of alcohol shall be limited to the hours of twelve p.m. until nine p.m. during the event. Areas designated for the serving of alcoholic beverages must be located at least one hundred feet away from designated playgrounds, the skate park, the Moab Recreation and Aquatic Center, and similar facilities.~~

~~G. *Events on Public Streets.* The serving, consumption, and sale of alcoholic beverages at public events held on a public street may be permitted by the City Council; provided, that the event sponsor obtains a special event license (Level II) pursuant to Title 4. Serving of alcohol shall be limited to the hours of twelve p.m. until nine p.m. during the event.~~

~~H. *Events at City Facilities.* The serving, consumption, and sale of alcoholic beverages at public events held at City facilities may be approved by the City Council.~~

~~1. City staff is authorized to approve privately hosted social gatherings at the Moab Arts and Recreation Center (MARC) where alcohol may be served. Sponsors of private events at the MARC must:~~

- a. ~~Pay the applicable rental fee, as established from time to time by Council resolution, and execute a public facility use agreement indemnifying and holding the City harmless from all liability associated with the serving and consumption of alcohol at the event;~~
- b. ~~Comply with applicable laws governing the consumption and distribution of alcohol;~~
- c. ~~All events at the MARC shall be concluded by eleven p.m. Serving of alcohol at private events shall be concluded no later than ten thirty p.m.~~

2. ~~City staff is authorized to approve privately hosted social gatherings at the Moab Recreation and Aquatic Center (MRAC) where alcohol may be served. Sponsors of private events at the MRAC must:~~

- a. ~~Pay the applicable rental fee, as established from time to time by Council resolution, and execute a public facility use agreement indemnifying and holding the City harmless from all liability associated with the serving and consumption of alcohol at the event;~~
- b. ~~Comply with applicable laws governing the consumption and distribution of alcohol;~~
- c. ~~All events at the MRAC shall be concluded by the normal business hours of the MRAC.~~

I. ~~Public Events at County Facilities. The serving, consumption, and sale of alcoholic beverages to the public at facilities owned by Grand County within the City may be permitted by the City provided each of the following conditions are met:~~

- 1. ~~The event sponsor obtains approval from Grand County;~~
- 2. ~~The event sponsor obtains the applicable State of Utah single event permit or temporary special event beer permit and abides by all terms and conditions of the State of Utah permit;~~
- 3. ~~The event sponsor obtains the applicable City of Moab alcohol licenses; and~~
- 4. ~~The event sponsor obtains the applicable special event license pursuant to Title 4.~~

J. ~~A "privately hosted social gathering" shall be defined as any social, recreational, or business event for which all or a portion of the MARC has been leased or licensed, in advance, and the event or function is limited in attendance to people who have been specifically designated, by invitation or otherwise, and their guests. Privately hosted social gatherings shall not in any case be defined to include any event to which the public is invited, whether by advertisement or otherwise, or events where an admission fee is charged.~~

K. ~~A "public" event shall be defined to mean any gathering which is open to all persons, which is advertised as open to the general public, or which is open to all persons who purchase admission.~~

L. ~~No City employee, agent, or volunteer shall consume alcoholic beverages at any gathering authorized pursuant to this section while on duty or acting in an official capacity on behalf of City. Any~~

City employee participating in the serving or distribution of alcoholic beverages must have the required certifications of the State of Utah, with a current copy filed with the City. Nothing in this subsection shall prohibit a City employee, agent, or volunteer from consuming or distributing alcoholic beverages at an event where such person is a guest or event participant.

1. City employees, agents, or volunteers are not deemed to be participating in the serving or distribution of alcoholic beverages where they perform other functions at an event held pursuant to subsection ~~(D)~~ of this section, City Events.

M. To be eligible for any license or permit pursuant to this chapter, an “event sponsor” shall be a natural person twenty-one years of age or older, except in the case of events held under subsection ~~(D)~~ of this section.

N. No person shall allow or permit the serving of alcoholic beverages to any person under twenty-one years of age. All persons involved in the serving or distribution of alcoholic beverages do so under the supervision and direction of the event sponsor, who shall be personally responsible for compliance with all applicable public facility use agreement, City Code, and State law provisions. Violation of this subsection is a strict liability offense and shall be punishable as a Class C misdemeanor.

O. The applicable decision maker for any event authorized under this section shall be authorized to attach such other and additional terms and conditions upon the use and occupancy of public facilities as may be deemed necessary and appropriate, depending upon the nature of the event planned. These additional terms may include, but shall not be limited to:

1. Special limitations as to hours of operation;
2. Limits on the occupancy or total numbers of guests;
3. Security requirements;
4. Parking limitations;
5. Limits on the areas to be occupied by the event; and
6. Any conditions reasonably related to the safety of event participants, and the safety and peace of the general public.

P. Any City enforcement officer may enter the premises of any event permitted under this section at any time to determine compliance with all applicable laws and conditions. Any law enforcement officer who reasonably believes that an event is out of compliance with applicable laws and conditions shall have the authority to curtail or terminate the event. (Ord. 19-25 (part), 2019; Ord. 18-15 § 2, 2018)

~~5.20.370 — Alcohol at City sponsored public events.~~

~~The City may hold public events where alcohol is served. Where the City does so, it shall contract with a separate alcohol vendor, who shall procure the necessary alcohol event license and the liability insurance as required by Title 4. The alcohol vendor shall be the event sponsor for purposes of all alcohol-related compliance under this section. If the City holds the event, it has discretion to waive or modify the other requirements of Title 4. (Ord. 18-15 § 2, 2018)~~

~~5.20.380 — Nuisance prohibited.~~

~~It is unlawful and constitutes an offense of strict liability for any person to keep or maintain a nuisance as the same is defined in this chapter. (Ord. 18-15 § 2, 2018)~~

~~5.20.410 — Adulterated alcoholic beverage.~~

~~It is unlawful for any person to mix or permit or cause to be mixed with any alcoholic beverage offered for sale, sold or supplied by him or her as a beverage any drug or any form of methylic alcohol or any crude, unrectified or impure form of ethylic alcohol or any other deleterious substance or liquid. (Ord. 18-15 § 2, 2018)~~

~~5.20.420 — Consumption prohibited in unlicensed premises.~~

~~It is unlawful for any person to consume liquor in an unlicensed place of business as provided herein. (Ord. 18-15 § 2, 2018)~~

~~5.20.430 — Supply to person whose license is suspended or revoked.~~

~~It is unlawful for any person to procure or supply or assist directly or indirectly in procuring or supplying liquor for or to any persons whose license is suspended, cancelled, or revoked. (Ord. 18-15 § 2, 2018)~~

~~5.20.440 — Supply to prohibited persons.~~

~~It is unlawful, except in the case of liquor supplied upon the prescription of a physician, or administered by a physician or dentist, or health care facility in accordance with State statute, for any person to procure for, sell, or give any alcohol to an insane or interdicted person, nor directly or indirectly assist in procuring or supplying any liquor to any such person. (Ord. 18-15 § 2, 2018)~~

† For State Alcoholic Beverage Act, see U.C.A. Title [32B](#).

**~~The Moab Municipal Code is current through Ordinance 20-01, passed January 14, 2020.~~**

Disclaimer: The City Recorder's Office has the official version of the Moab Municipal Code. Users should contact the City Recorder's Office for ordinances passed subsequent to the ordinance cited above.

[City Website: moabcity.org](http://moabcity.org)

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